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HISTORY
OF
THE UNITED STATES

FROM THE FOUNDATION OF VIRGINIA TO THE
RECONSTRUCTION OF THE UNION,

By PERCY GREG,

AUTHOR OF 'ACROSS THE ZODIAC,' 'SANGUELAC,' ETC.

IN TWO VOLUMES.

VOL. I. -II

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W. J. P.

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'Repent'st thou not,' said Michael, 'of some past
Exaggeration, something which may doom
Thyself if false, as him if true? Thou wast
Too bitter—is it not so?—in thy gloom
Of passion.' 'Passion!' cried the phantom dim.
'I loved my country, and I hated him.
What I have written, I have written ; let
The rest be on his head or mine.'

BYRON, *Vision of Judgment.*

PREFACE.

AN impartial historian is naturally rare. He must realise vividly, yet feel coldly; his interest in the great drama of human passion must be equally passionless and profound; he must live in the conflicts of the Past, yet take no side therein. Even the colourless austerity of Thucydides, the concentrated terseness of Tacitus, fail to stand the test of modern criticism. Our own favourite classics—Gibbon and Alison, Motley, Macaulay, and Carlyle—are those who infuse into the Past most of the breath, life, and movement of modern party spirit. Grote and Froude present, in the new light of their own warm partisanships, periods heretofore painted and regarded from an opposite standpoint. If ever that plea may avail a former advocate, reviewing from the Bench of History a cause he once argued at the bar of politics, it should surely vindicate an effort to treat candidly and truthfully a theme of which the sympathisers with success have enjoyed a virtual monopoly; especially when addressing a generation which knows the lion's part almost exclusively from the art of somewhat over-exultant conquerors.

This book, then, is presented distinctly as a History of the United States, not a political apology or impeachment. I know of no work which gives, within reasonable compass, a clear, complete, fairly-candid account of the leading facts and most eventful periods of American history—the history of a national life almost as interesting as that of Athens, a growth as marvellous as that of Rome. A knowledge of that history is surely an essential element of English education. There is, in this respect, a want felt by many well-informed and thoughtful Englishmen; a void in our literature whose existence few will question, however imperfect and unsatisfactory they may pronounce this attempt to fill it.

The Revolution, the Constitution, and the Civil War are the three central events of American history. They supply its main connecting threads, the developments, political and dramatic, to which the conscious efforts and unconscious progress of years lead up. Whatever is not connected therewith, however striking or interesting in itself, is episodical—if the terminology of poetry and fiction may be applied to history. Throughout the main narrative I have endeavoured to keep its bearing upon these critical points before the reader. Episodes such as the story of Mormonism I have treated briefly and separately, endeavouring, nevertheless, to record every-

thing which those for whom a work like this is intended would desire to know and expect to find therein. I am fully aware that both the general views and many of the particular statements of this work will excite surprise, so vague and incorrect is the current notion, or what I might call the received tradition, of American history. But the most startling of these statements will be found fully avouched by the most partial American authorities. Throughout the First and Second Books I desire it to be understood that my version of facts agrees with Bancroft's and Palfrey's. Where it does not I have invariably given my authority. In relating facts discreditable to Revolutionary statesmen, Generals, and soldiers, I have intentionally and even closely followed American writers. Of my comments and deductions the reader must judge. I hope that I have furnished him with sufficient materials for an independent judgment, so far as space and scope allowed. I have given, in general, not the authorities on which I have most relied, but those most accessible, and above all those which, as the reluctant admissions of hostile witnesses, are finally conclusive.

In the Second Volume I have had to deal much more largely with matters of bitter controversy. I may be thought to have treated some received authorities with little respect; but the more carefully I have examined the works in question, the less reliance have I been inclined to place upon their unsupported assertions.

I began the re-study, in both Northern and Southern works of the highest authority, of the period which falls within my personal recollection, with the full expectation that I should have to modify many severe censures, to contradict many grave charges, to doubt the evidence, if not the truth, of many statements of fact confidently accepted at the time. To my no little surprise, the contrary has been the case. My original views have been confirmed, not merely by direct and decisive proof, but by the manifest evasions or studied silence of the actors most deeply implicated, and of their most ardent apologists; by their inability to contradict charges long since published in detail, on such authority and such evidence as renders silence equivalent to confession. I am giving no common *prima facie* advantage to hostile critics. I would only ask them, before seizing upon this admission, to re-examine, in the light of fuller knowledge and calmer feelings, the evidence I have laid before them, and yet more the works that contain so much more direct and indirect evidence than it is possible to cite.

I have spoken with intentional but carefully-weighed severity of the recklessness of certain controversial histories and military biographies. In so doing, I have consciously invited as severe a trial of my own work. The moral responsibility of the historian seems to me as grave as that of the judge. If the dead cannot feel, they appealed while living to the tribunal of history, and would have anticipated its censure with hardly less pain than a sentence which could be executed upon their persons. Bearing in mind what I have felt and said of the one-sided and often demonstrably false judgments on men I revere, which brilliant writers have transmitted

to a posterity which I fear will never take the trouble to reverse them, I have taken pains to pass none of the justice whereof I was not fully and scrupulously satisfied. The guilt of the historian who pronounces such judgments in heedlessness, passion, or hatred, is too commonly underrated. The guilt of perverting or suppressing facts which affect personal character or conduct is, I think, strictly parallel to that of similar misrepresentation in a Court of Justice. The historian who so offends bears false witness against his neighbour; and it makes no difference that the latter has already been called to answer before a Tribunal which false witness cannot affect. Some shade of similar guilt attaches, perhaps, to the critic who, without careful examination of the evidence, brings a charge of false witness against an historian known to have given years of study to his subject.

INTRODUCTION

BY

GENERAL WADE HAMPTON.

THE author of the present work in his preface uses the following language: "An impartial historian is naturally rare. He must realise vividly, yet feel coldly; his interest in the great drama of human passion must be equally passionless and profound; he must live in the conflicts of the Past, yet take no side therein. Even the colourless austerity of Thucydides, the concentrated terseness of Tacitus, fail to stand the test of modern criticism. Our own favorite classics—Gibbon and Alison, Motley, Macaulay and Carlyle—are those who infuse into the Past most of the breath, life, and movement of modern party spirit. Grote and Froude present in the new light of their own warm partisanship, periods heretofore painted and regarded from an opposite standpoint. If ever that plea may avail a former advocate, reviewing from the Bench of History a cause he once argued at the bar of politics, it should surely vindicate an effort to treat candidly and truthfully a theme of which the sympathisers with success have enjoyed a virtual monopoly; especially when addressing a generation which knows the lion's part almost exclusively from the art of somewhat over-exultant conquerors." This extract gives the key-note of Percy Greg's History of the United States, and it shows in what an impartial and conscientious spirit he approached his work; and the reader will find, though he may not always concur in the statements and conclusions of the author, that the latter presents his facts and his deductions with wonderful clearness and strength, and with absolute judicial fairness. While we may not in all cases concur with his conclusions, we cannot fail to admit the force with which he states them, and the fairness with which he gives the authorities on which they are based.

Messrs. West, Johnston & Co., the American publishers of this remarkable work, have conferred a benefit on the reading public of this country by placing it within the reach of all thoughtful students of American History who desire to learn the truth unobscured by sectionalism or partisanship. We have in these volumes the unbiassed and impartial judgment of a distinguished English writer, on what he designates as "The three cen-

tral events of American history—the Revolution, the Constitution, and the Civil War.” Each subject is treated in a masterly manner, and with a knowledge surprising in a foreign author.

To the Southern people the book is of inestimable value, for it contains not only a vindication of the South, but it bears noble testimony to the devotion, the patriotism and the heroism of its citizens. We of the South have been derelict in not presenting to the world our version of the causes which led to the Civil War, and our story of that war, and it is fortunate for us that a disinterested foreign writer of established reputation has come to our rescue, vindicating alike our cause and our conduct as this work of Greg has done, fully and conclusively. But one other book, written by an English author, has done equal justice to the South, and that was by the Marquis of Lothian, a gallant Crimean officer, the title of which, if I remember aright, was “The Southern Confederacy.” This was issued during the war, and the brave officer who wrote it, while bidding the South God-speed, reproached England bitterly for allowing us to be crushed. He, too, dwelt on the sublime heroism of our soldiery; and the gratitude of our people to the publishers of the present work would be enhanced if they would reproduce the volume just mentioned.

Every true man in the South who followed the Starry Cross in its brief but glorious career; every one who feels a pride in the achievements of our Southland in the past, or who wishes to see our people vindicated, should read Greg’s History of the United States. The story of the South has hitherto been told by unfriendly and often by unscrupulous writers; in the present work ample, though tardy, justice has been done to her sons. The intrinsic merit of the book will commend it to all readers who honestly seek the truth, while the charm of its author’s style will make its perusal a pleasure.

WADE HAMPTON.

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HISTORY

OF

THE UNITED STATES.

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The Modern Era—Enlargement of the World—The Indies—Columbian Geography—The Way to India and Cathay—The North-West Passage—The Quest for Gold—Newfoundland and the Fisheries—Fur Trade—Canada and the Jesuits.

If a line can be drawn between mediæval and modern times, it should fall athwart the latter half of the fifteenth century. That epoch, at least, is marked as the close of an elder, the beginning of a later period; as a watershed between divergent currents of thought and action, defined by the decay of old, the development of new dominant influences, by a new turn given to the tide of civilisation, such as can nowhere be found separating what we are accustomed to call ancient from modern history. The decline of the Roman Empire was the work of a millennium. It began at latest with the Antonines; it was not complete till their last successor died in defence of Constantinople. The continuous story of England, from the first English settlement in Britain, belongs in its entirety to modern history; but the contemporaries of Cerdic and Hengist belong to the age, if not to the century, of Constantine and Julian. Modern history in the East may begin with Mahomet, but the successors of the Prophet encountered the legions and the eagles that had vanquished Hannibal and confronted Sapor. The Empire endured throughout the Middle Ages, and links the age of the Tudors to that of the Ptolemies. The chronological unity of Christendom, the continuity of European history, was broken at no previous point as, to contemporary consciousness, it was

broken when the bounds of the known universe were suddenly and indefinitely enlarged; when a world tenfold greater than the Empire of the Cæsars was divided by a decree of the Roman pontiff between two princes who owed or owned no allegiance to the Roman Emperor.

The traffic of Venice and Genoa, the travels of Mandeville and Marco Polo, had made known to Europe the existence of vast frozen wastes in the north-east, of indefinite deserts roamed by nomad tribes beyond the Euphrates, of great empires, huge and wealthy cities, lands of spice and jewels in south-eastern seas, even as the successors of Alexander and Augustus knew of realms beyond the Indus and the Caspian; but these dim regions of legend and conjecture lay on the outskirts of creation. The multitude had heard of them, if at all, as the contemporaries of Homer and Herodotus heard of the Ethiopians and the Hyperboreans, as children once heard of a fairy land within the earth or beyond the sky; and peopled them, in childlike credulity, with giants and monsters. Great princes and wealthy nobles, nay, the great merchants who derived their wealth from a monopoly of traffic with them through the nearer East, knew them only by their products; by pearls and nutmegs, by shawls and silks. A few Venetian and Genoese factors had seen the camels laden with their treasures; had met in the marts of the Levant the Arab traders, whose caravans had crossed the intervening deserts, who had purchased in the cities of India not only the wondrous products of Indian skill and patience, but the silk brought from lands yet more indefinitely remote—who had perchance laden their beasts on the shores of the Red Sea with the produce of Java and Ceylon. Here and there a single traveller had ventured to share the hazards and hardships of the caravans, to pass the boundaries of that Mediterranean microcosm which had been for three thousand years, to Florentine and Norman as to Greek, Roman, and Carthaginian, the World; had traversed the trackless and measureless wilds, had visited the tents of nomad tribes, the courts of barbaric conquerors and civilised empires.

But till 1450 the ambition of princes, the enterprise of traders, the daring of adventurers had been confined within the olden limits. The merchant princes of Italy were satisfied with the vast profits of the Levantine trade, and showed no disposition to seek new and direct channels, to the peril of their existing monopoly. The seamanship of Western and Northern Europe had declined since the days of the Scandinavian Vikings, who, in the tenth and eleventh centuries, had defied the storms, fogs, and icebergs of the sub-Arctic Ocean, had dominated the Baltic, the North Sea, and Irish Channel. Their boldest successors trembled before the lesser perils of Mediterranean navigation, and, terrified

by the wilder storms and loftier billows of the Atlantic, hardly ventured out of sight of shore, save to cross those narrow seas of the dominion whereof the hardiest mariners of England were wont to boast, as of a supreme achievement of national strength and professional daring.

Several concurrent causes contributed to a sudden and signal development of maritime adventure towards the close of the fifteenth century. Much was due, no doubt, to individuals. Recent philosophy has pressed beyond reason a narrow and repulsive theory of progress; an historic fatalism which minimises the scope of human will and individual genius, which ascribes everything to the hour and nothing to the man. The fourth century B. C. was ripe for the Hellenisation of Asia; but without Philip Hellenas might never have been united under a military monarchy strong enough for conquest: without Alexander Macedonian power and Hellenic discipline might never have been directed to the conquest of Asia. A defeat on the Granicus or at Issus might have turned back the fertilising torrent. All tended towards a Roman Empire; yet the single genius of Hannibal kept the scales of fate for fifteen years balanced between Rome and Carthage. An instant advance from Cannæ, a Punic victory on the Metaurus, might have given to Rome's great rival the dominion of the Mediterranean; stamped a Semitic impress on the law and civilisation of the world. Romanism was rotten to the core for three generations before Luther and Melancthon, Calvin and Knox arose to achieve the work wherein Albigenses and Lollards, Wycliff and Huss had failed. But for Christopher Columbus and Prince Henry of Portugal the new energies, the nascent enterprise of their generation might have taken another ply. The discovery of America might have waited till a new series of crusades had driven the Turk across the Euphrates, Europeanised Northern Africa and Western Asia, and not improbably brought Greek and Slav, Muscovy and Siberia, into the Roman pale. But for *some* great revolution, some vast enterprise, some task worthy of concentrated strength, unfettered energies and stimulating enlightenment, the time was unquestionably ripe.

Three great movements, long in gradual preparation, now finally completed, had changed the prospects, the politics, and the temper of Europe. Dismembered Spain and France had been severally consolidated, like feudal England, into a single state, under a supreme if not despotic Sovereign. Their strength, no longer wasted in internal conflict, was available for any object of national ambition. The revival of learning had been attended by an awakening and development of science, which, still in its infancy, had recovered all the geographical and astronomical knowledge of the ancients, preserved, collected, and enlarged by Arab sages,

happily for mankind observers rather than theorists, under the enlightened Saracen Khalifs of the East and West. Internal wars had shaken the Mahometan power to its centre. The triumph of Turkish barbarism, the decadence and approaching fall of the Moorish kingdom in Spain, the weakness of the semi-independent piratical states of North Africa, had relieved Christendom from the terror of a Mahometan conquest. The Empire had long to wage a doubtful border-war on the Danube; but in the varying fortunes of that war the Western Powers were no longer interested. Their hands were freed and strengthened, their minds released from the superstition that had fettered scientific and practical enquiry as narrowly as theology itself; and at the same moment a new inspiration fired them, new adventures and unlimited hopes opened before them. Venetians and Genoese, Spaniards and Portuguese, had gleaned from the Arabs notions of Oriental geography, not indeed accurate, but comparatively definite and in the main correct. The leaders of science had roughly ascertained the form and size of the Earth; learnt that the Red Sea opened into an ocean beyond which lay the teeming cities and fertile shores of Hindostan, the pearl fisheries and the Spice Islands.

Two maritime adventurers of antiquity claimed to have circumnavigated Africa in opposite directions. Arab tradition probably confirmed their story, and the scholars of that generation accorded a more confident faith than modern criticism allows to the voyages of Eudoxus and Hanno. Prince Henry of Portugal, bent on repeating their exploits, and proving that Africa did not, as some alleged, stretch to the Antarctic ice, or join the shores of Western Asia, encouraged adventurers to defy the imaginary terrors of a tropical zone of fire, to explore the African coast as far as Cape de Verde, and venture three hundred leagues from the Continent to annex the Azores to the Crown of Braganza. Had he lived, Columbus would doubtless have found in him an eager and indefatigable patron, and Portugal might have anticipated her mightier neighbor by ten or twenty years in the discovery of America. He died in 1473; and though Columbus appears then to have been settled in Lisbon, there is no proof that his dream, not of a Western continent but of a westward passage to the Indies, had yet taken shape or solidity. His views were probably developed by a study of the rude science of the age, the traditions of ancient geographers, and the reports of Portuguese mariners; among whom visions of lands westward of the Azores, and stories of carved driftwood, reeds of gigantic size, and trees thrown up by western winds or currents on the isles of Cape de Verde, were already floating.

Had Columbus been anticipated? The legend of a Welsh expe-

dition, which reached some western region only to disappear for ever, belongs to the domain of pure fable. But Snorro Sturleson, the Icelandic chronicler (1178—1241), mentions that a certain Leif, whose adventures belong to the end of the tenth and beginning of the eleventh centuries, 'found Vinland the good. Icelandic MSS. recently discovered, and held by the best Danish scholars to belong to the fourteenth century—containing, moreover, extracts from writers older than Snorro himself—explain this obscure allusion. Scandinavian adventurers had already peopled Iceland, and formed settlements on the coasts of Greenland; whose name, with the fact of settlement and the traditions of the age, imply that its climate and character have undergone a signal change within the last eight hundred years. In 986 one Biorne (Beorn, a well-known name among the Danes of England), sailed from Iceland for Greenland; and, overtaken by fogs and driven westward, found himself sailing in a north-easterly direction, with low and wooded land on his left. He kept on the same course nine days; and at the end of that time arrived in Greenland from the quarter opposite to that from which he sailed. Fourteen years later, Leif sailed from Greenland in quest of the land seen by Biorne. To that which he first encountered he gave the name of Helluland, or Slate-land, suggestive of high, bare, and inhospitable cliffs. Coasting southward, he reached a country with a raised beach of white sand, skirting a level forest interior, which he called Markland. Sailing south-west out of sight of land for two days, he found and wintered in the country which, from the discovery of abundant wild grapes, was celebrated in Northern tradition as Vinland. Two other adventurers further explored its shores; and gave the name of Keelcape (signally descriptive of Cape Cod, with its long narrow curved promontory) to one of the most striking landmarks of their discovery. Their description of the natives, sallow, with large clumsy features and shaggy hair, suggests an Esquimaux rather than Red Indian tribe. The climate and vegetation, combined with the direction and distances given, would identify Vinland with New England rather than with any region further to the North. It is quite possible, however, that changes, like that which has rendered the name of Greenland so ludicrously inappropriate, may have affected the climate of the opposite shores; and the race which is supposed to have extended in pre-historic ages far into north-western Europe may, in the eleventh century, have still occupied the American coast south of the St. Lawrence. The story is intrinsically probable. The daring mariners who were for centuries the scourge of the European seaboard, who swarmed forth to occupy Shetland and the Orkneys, to conquer England and Normandy, to found colonies in the eastern harbours

of Ireland and on the shores of Greenland, could hardly fail to be driven by chance or curiosity a little further to the west. It would have been strange if not one vessel of theirs had met the fate ascribed to Biorne; if none were driven by winds and currents in foggy weather across the comparatively narrow sea between south-western Greenland and Labrador; and, the existence of a western continent once reported, the bolder adventurers of that enterprising race would hardly leave the question open. The first half of the eleventh century found them abundant occupation nearer home. The mutual hostilities of Norway, Sweden, and Denmark, the wars of St. Olaf and Cnut, of Sweyn, Magnus, and Harold Hardrada, amply account for the abandonment of their western discoveries.¹

Rumour may have preserved vague traditions of these voyages. There were certainly floating tales of lands in or beyond that ocean which was long supposed to bound the habitable world; the fabulous Atlantis of Plato, the mythical Island of St. Brendan, and the like. But the leading idea of Columbus, according with the belief of his best-informed contemporaries, was that an ocean some eight hundred leagues in width parted the western shores of Europe from those of Eastern Asia. This and several other errors greatly contributed—were perhaps essential—to the success of the first adventure. Neither Columbus nor his patrons dreamed of crossing an indefinite extent of ocean in quest of unknown lands. Exaggerating enormously the general and even the metallic riches of India and Cathay, they sought a direct communication with those indefinite realms of the Far East, and believed them to lie within some sixty degrees of longitude. The views of the great adventurer are represented by the globe of Martin Belem, his contemporary and reputed acquaintance. The known world, Europe and Asia Minor, occupies two-thirds of the North Temperate Zone. The unknown Eastern regions of Asia extend over another sixty degrees, terminating in an archipelago of which Cathay and Cipangu (Japan?) form part, opposite the Azores and Cape de Verde Islands.

These illusions long haunted the minds of Transatlantic explorers and their European patrons. Long after the continent of America had been discovered and crossed; after a Spanish leader had seen the Pacific, walked into the waves up to his girdle, and taken possession thereof in his sovereign's name; after the successors of Columbus had traced its eastern shores beyond the northern and southern tropics, seamen and princes alike dreamed of a direct ocean passage to the East Indies. Magellan found

¹The tower of Longfellow's poem was probably a mill built by the English settlers. It can hardly have been standing when they arrived. See Palfrey's discussion of the point, *History of New England*, vol. i, cap. 2.

the Straits that bear his name ; Drake circumnavigated the world and explored the Pacific coast as far as Oregon ; yet English mariners still sought that North-west Passage which must be the shortest route to China ; and the first English colonists, at the beginning of the seventeenth century, were ordered to endeavour after such a passage by ascending rivers that flowed from the north-west—so confused were the ideas of those best informed and most interested regarding the extent and trend of the North American continent. The notion of America as an El Dorado teeming with mines of gold and silver, originally founded on the illusion, never dispelled from Columbus's mind, which identified the East and West Indies, was confirmed by the conquests of Cortez and Pizarro, and persisted to a very late period in the minds of sovereigns and statesmen, merchants and colonists. A Spanish expedition persevered for years in the search for treasure in what are now the Southern United States ; dared innumerable hazards, endured prolonged and all but fatal hardships, traversed the continent from Florida northward to the Carolinas, westward to the Mississippi, and again almost to the mouth of the Missouri ; and descending the Father of Waters, added to the nominal dominion of Spain a region larger and more fertile than Western Europe ; yet neither they nor their King saw aught worth reward in the achievement. Neither cared for an empire which promised no new mines of gold or silver, or deemed the fertile territory they had explored worth occupation. The voyagers who discovered Labrador, the first settlers of Virginia, loaded their ships with cargoes of earth from which they hoped to wash or smelt the gold of which it contained not a particle. The greatest metallic treasures of the New World, the golden sands and quartz of California, the silver mines of Colorado and Nevada, lay just beyond the bounds of Spanish settlement, and far from the course of the nobler French discoverers.

On October 12, 1493, Columbus first landed in the New World, on the island of St. Salvador, one of the group now known as the Bahamas. Coasting from island to island, he discovered Hayti and Cuba, and in a later voyage actually set foot upon the continent. The tidings he brought, the supposed discovery of some outlying isles of the Indies, were received with an excitement and enthusiasm unequalled, probably, in history ; hardly less intense, perhaps more universal, and certainly more lasting, than hailed the earliest Crusades. England was the first of the maritime Powers to emulate his achievement. John and Sebastian Cabot, Italians employed by Henry VII., followed rather in the wake of the Vikings than in that south-westward course from the Azores adopted by Columbus, to which discoverers and traders long adhered. In June, 1497, they reached what seem to have

been the shores of Labrador and Newfoundland. The teeming fisheries of that island were for the next century the chief attraction of that part of the New World which was open to other than Spanish adventure. Squadrons of fishing vessels from France, Portugal, England and Holland crowded its harbours, thinned the shoals of cod, and chased the whale far across the icy waters.

Through them, and adventurers following in their track, their countrymen obtained a fragmentary and imperfect knowledge of the neighboring shores of the Continent. The Florentine Verazano, in the service of Francis I., reached the islands of North Carolina, and coasted northward, taking possession in the name of France of a boundless region which, as it produced no gold, France cared not to occupy. Chance or curiosity led the bolder fishermen to visit various Continental harbours; and an important trade gradually grew out of their barter of European gauds for beaver and other skins, the sole valuables of the native tribes, and seemingly their medium of exchange. This trade directed the earliest attempts at settlement to the great estuary of the St. Lawrence. The brief hot summers and long winters of almost Arctic severity rendered its shores an unattractive field for agricultural colonisation; as the extent of its navigable waters, penetrating to the centre of the Continent, offered the most promising sites for trading factories. Jacques Cartier in 1535 sailed up the river as far as Montreal, near to which then stood the fortified Indian village of Hochelaga, containing some fifty houses. The beauty and promise of the place, its evident fitness for an *entrepôt* of the fur trade, deeply impressed the daring and clear-sighted adventurer. The description of Hochelaga and its inhabitants argues a degree of civilisation and intelligence superior to that of the tribes whom the English colonists at a later period found scattered over the wilds of New England and Virginia. But Cartier, with characteristic judgment, had selected Quebec as his first and paramount object; a position which, permanently occupied and fortified, would secure to France the exclusive command of the inland waters. He wintered there, suffering terribly from cold and scurvy, and deeply indebted to Indian hospitality for fresh provisions, and a decoction of spruce bark which seemed to possess some of the virtues of lime-juice. He requited their kindness by kidnapping and carrying with him to France eleven of the natives; an act which brought upon him many subsequent troubles. Shortly afterwards, a whole squadron, intended to carry out his plans, was lost at sea. Repeated attempts to found permanent trading settlements failed disastrously. Domestic politics, the Huguenot wars, and the relations of the Catholic party with Spain, discouraged French en-

terprise in the New World. A Huguenot colony founded in Florida in 1564 was next year exterminated by a Spanish fanatic, half buccaneer, half crusader, named Melendez. The victor established a Spanish garrison at St. Augustine, the oldest European settlement within the present area of the United States. It was not till 1608 that Champlain finally succeeded in founding a permanent factory at Quebec. He was anxious to secure the goodwill of the natives, whose justly provoked enmity had contributed to previous disasters; and with two men only joined the Algonquin tribes of the neighbourhood in an expedition against the Iroquois, the most warlike, and, as their polity indicates, by far the most intelligent and least barbarous of the Indian nations.

Few other tribes seem to have possessed a permanent military or civil organisation. Each clan owning a common tongue and origin appears, in spite of the general denials of early observers, to have acknowledged certain loose bonds of patriotism and fealty. In most cases an hereditary Sachem could combine the people of many scattered hamlets in war or council. Some had a central council-fire, and even a capital fortress; but as a rule, in ordinary times each hamlet of fifty wigwams or fewer was a self-dependent community, with little government, and no effective power of controlling or punishing the members for whose misdeeds it was liable to suffer. The most powerful chief could muster from five to eight hundred warriors; in extreme cases twice that number might join on a common war-path. The feebler Algonquin race, scattered over the seaboard from the St. Lawrence to the Chesapeake, and the Hurons of Canada, seem to have been at permanent feud with the Iroquois, of whom all the tribes round them stood in terror. The 'Five Nations,' whose native designation the French thus rendered, maintained for generations a permanent confederation, under the leadership of the Mohawks, to whom the Oneidas, Senecas, Cayugas, and Onondagas looked up with evident respect and attachment. Their power and prowess were proved on more than one great and terrible occasion; their loyalty and straightforwardness, their simple dignity of speech and demeanour, appear vividly distinct in the narratives alike of friends and foes. The confederacy seems to have held the greater part of Northern New York and Western New England; its power was dreaded from Virginia to Nova Scotia, and far into the West.

The first expedition, in which Champlain explored the lake which bears his name, was almost resultless, but embroiled him and his successors in a prolonged and disastrous feud with a formidable and vindictive enemy. When Canada was already a promising and thriving colony, when French settlements were scattered far along the lower St. Lawrence, and the Jesuits, the

most successful of all missionaries, had Christianised and half civilised the Huron people of the province, gathering them by thousands into peaceful and prosperous villages, with extensive farms and simple domestic manufactures, the Iroquois took a fearful revenge for their old grudges. They surprised or stormed the Jesuit settlements, massacred their harmless and helpless inhabitants, almost depopulated the country; and but for the ramparts and cannon of the French forts, their own inexperience and incompetence in the simplest siege operations, and the characteristic impatience which could not sustain even for a few weeks the tedium of a blockade, they would have fulfilled their threat, and driven the white intruders from the land. Despite this fearful calamity, the French settlements were gradually extended. Royal favour furnished soldiers and settlers; trade did something; Jesuit missions most of all. They established posts on Lake Champlain and Lake Erie, at Niagara, and on the Illinois; penetrated, with the aid of friendly natives, to the head-waters of the Mississippi, and sailed downward to its mouth.

The creation, the development, and the colonisation of New France, its trade, its industry, its exploring expeditions carried further into the interior than either Spaniard or Englishman dreamed of venturing for another century, were the work and the glory of the Jesuits. The Spaniards appeared in the New World as unscrupulous conquerors, merciless extortioners, tyrants, and persecutors; the Dutch chiefly as traders; the English first as pirates and later as settlers, eating the natives out of their hunting-grounds; the French primarily as missionaries and benefactors. The disciples of Loyola devoted themselves, with no afterthought of greed or gain, to Christianise and civilise the Aborigines. They ventured further than the most daring pioneers, endured hardships from which colonists and conquerors alike recoiled, abode for years in the squalid hovels of the natives, lived and died with and for their converts, and were martyred one after another, not through fanaticism or wanton provocations, but because they would baptise dying infants, in the knowledge that superstition would hold them guilty of the death. All that is bright and pure and glorious in the annals of the infant province, all the noblest chapters in the early history of American colonisation, belong to the Order of Jesus: its failures and disasters were brought about by the greed or passion, the ambition or the folly, of the lay associates who controlled the military and civil government.

The years 1606-10 are memorable in American history. They witnessed the first permanent settlement of Quebec, the foundation of Canada by Champlain; the discovery by Hudson of the river that bears his name from Sandy Hook to Albany, and the

first commencement of the Dutch settlements on its shores; the voyage in which the great navigator, recalled from the service of Holland by his own sovereign, reached the bay also named after him, was cast adrift in a shallop by his mutinous crew, with some who were compelled and one who deliberately chose to share his fate, and perished miserably, none know exactly how; and finally, the establishment of the first English colony in what is now Virginia (1607).

CHAPTER II.

THE FOUNDERS.

Elizabethan Mariners—Sir Walter Raleigh—Roanoke—Fate of the Colony—The English Companies—Virginia—Captain Smith—Powhatan and Pocahontas—Desertion and Retrieval—Maryland.

THE religious wars of the sixteenth century delayed for two or three generations the occupation of North America. The intestine and international quarrels of Germany, France and England concentrated their strength and energies at home. Spain alone, then at the zenith of her power, drawing vast wealth from the oppression and exhaustion of her Transatlantic dominions, and free from the domestic divisions which enfeebled her rivals, had leisure and force to spend in extending and consolidating her empire. The accession of Elizabeth, the final ascendancy of the Reformation, the subsidence of domestic feuds, gave a new stimulus and a new direction to the growing maritime strength and enterprise of her realm. Whether formally at war or not, Protestant England was never really at peace with His Catholic Majesty; and Elizabeth, constantly menaced by the greatest naval and military Power of the world, embarrassed by the dubious loyalty of the Northern Catholics, had a difficult and dangerous part to play.

The treasury was empty, the revenues of the Crown scanty in the extreme. The old financial system was utterly inadequate to modern needs. The experience of her successors shows that the Queen and her advisers judged prudently in not appealing to Parliament to strengthen the State by a revised and efficient system of internal and external taxation. Such a novelty, if not by any means oppressive to the new wealth of England, must have been odious to the 'ignorant impatience' of the age. The available resources of the Crown were strained to the uttermost by the necessities of self-defence, of military interference in the Netherlands, of upholding, sometimes by force, always by bribery, the English and Protestant interests in Scotland. For the maritime power of the realm, the mastery of the narrow seas, the defence of her own shores, Elizabeth relied on the voluntary

enterprise of marine adventurers; and was compelled generally to encourage, always to connive at, the piratical warfare which, even when the Crowns were nominally at peace, men like Drake, Hawkins, and Sir Richard Grenville waged without ruth or truce against the Spanish galleons on the high seas, the Spanish ports and possessions in America.

The Buccaneers were never mere pirates. The greed of spoil which recruited their squadrons with the boldest spirits of England was hallowed by patriotic and religious enthusiasm; ennobled by an heroic courage, by splendid exploits achieved against great odds, and by a love of adventure for its own sake, which enlisted the warmest sympathies of their countrymen, rendered invaluable service to their sovereign, and concentrated the attention of Englishmen upon that New World which was the scene of their adventures. Drake and Hawkins were the unconscious pioneers of American colonisation, as distinguished from Spanish conquest in the South and French traffic in the far North. The wars of the Spanish Main formed the volunteer navy, which, aided by the elements, resisted, baffled, and dispersed the Great Armada, and saved England from an invasion the most formidable that has ever threatened her since the landing of William the Norman. But for them Elizabeth must have fought for her crown, for the freedom and religion of England, on English soil. At the head of a semi-feudal militia, an army of peasants and artisans officered by country gentlemen, few of whom had ever seen war, she must have encountered the finest regular army in the world, commanded by the ablest general of his age. After plundering the Spanish harbours of the Pacific, Drake explored the western coast as far as the southern borders of Oregon, in 43° N. L. Frobisher, about the same time, carried a fleet of fifteen sail to Labrador, and loaded his vessels with huge store of a mineral, falsely supposed to contain gold.

Sir Walter Raleigh, however, a compeer of both, was the true father of English colonisation. It was he who claimed and secured for England the eastern coast of America in the North Temperate Zone, from the Spanish forts in Florida to the undefined frontier of New France. Sir Humphrey Gilbert, Raleigh's brother-in-law, a soldier and politician, a writer on the theory of navigation, as well as a practical seaman, made a first fruitless attempt in 1579. In 1583 he actually sailed for, and took possession of, Newfoundland, and brought away a cargo of something supposed to be silver ore, which, with two of his three vessels and the adventurer himself, was lost on the return voyage. In 1584 Raleigh, constituted by patent the proprietor and viceroy of all the lands he should settle, despatched two vessels under Amidas and Barlow, which in July actually reached the shores of

North Carolina, explored Roanoke Island and the sounds now called Pamlico and Albemarle; and brought home an account of the soil and climate, the magnificent semi-tropical vegetation, the abundance of birds and game, the natural wealth and beauty of the country, the calmness and transparency of the summer seas, which, fully confirmed by their successors, made a strong and lasting impression on the English mind.

From that voyage dates a change in the spirit and direction of Transatlantic adventure. Henceforward the hopes of Englishmen were turned from piracy and plunder, and even from the vain persistent quest of gold, more and more to the settlement of the vast and fruitful domain, extending over 15° of latitude, to which Elizabeth had assigned the name of Virginia. In April, 1585, a second expedition of seven vessels under Sir Richard Grenville, the most famous of those associated with Raleigh's enterprise, sailed by the still usual route, the Canaries and West Indies; and after some profitable privateering adventures in Spanish waters, made its way to the island of Roanoke. Here it landed 108 colonists, under Ralph, afterwards Sir Ralph Lane, appointed by Raleigh as Governor of the settlement.

Hariot, a keen observer and thoughtful writer, busied himself in studying the products of the country; noted the native corn, with its huge stalks and gigantic ears and its vast return from a single seed, the principal dependence of the natives; the potato, whose roots, when boiled, he found wholesome and palatable; and the yet more striking novelty of tobacco, the solitary luxury of the people. He described the natives themselves, their scanty deerskin clothing, their wigwams of two kinds, one made in the well-known fashion, common to the whole race, of poles and mats, the other seemingly built with walls and roofs of bark, supported by stakes and branches; the utter absence of civil government and military discipline, and even of tribal unity. All authorities agree in this account of the native races whom the earlier English settlers, from Maine to the Carolinas, first encountered. Their wooden clubs and stone hatchets, their hazel bows and reed arrows tipped with flint, bone, or eagle's claws, their spears with points charred in the fire and rudely sharpened, were obviously ineffective in war, and, one would think, hardly formidable to the larger or swifter game. They were wholly ignorant of iron, and—what, considering the large quantities of the native metal found on Lake Superior, is more surprising—of copper. The terror inspired by fire-arms, the sense of helpless inferiority, rendered them at once abjectly submissive and suspiciously jealous. They were friendly till wronged or alarmed, but, when once embroiled in a quarrel, desperate of redress or rescue, seeing no safety but in distant flight or the extermination, by surprise or treachery, of enemies they could not hope to resist.

The Indians of the Roanoke River were at first cordial, but soon frightened into ill-will, whether by actual experience or instinctive or superstitious mistrust. But the first serious act of hostility was, as usual, committed by the white men. Fearing a native conspiracy, of which no proof was forthcoming, they visited Wingina, the most powerful of the native chiefs, and, received as friends, suddenly and without provocation or warning attacked and massacred their hosts.

The consequent hostility of the Indians, putting an end to trade and cutting off the local supply of food, wholly disheartened the offenders. Drake paid them a chance visit a week after the massacre, and furnished them with provisions; but when he prepared to sail, the colonists, like children left alone, took fright at their very solitude, so remote from civilisation. They lacked confidence in the promised aid from home, which must be dependent on wind and weather and liable to be cut off by Spanish hostility. Even their leader's heart sank; and, yielding to their unanimous pressure, Drake embarked them on board his ships for England. Within a few days a ship arrived laden with stores; and a fortnight later Sir Richard Grenville, coming to their help with a small squadron, found the colony deserted; but, to keep possession, left fifteen men on the island.

Raleigh, in spite of this disappointment, sent out a new body of emigrants, some of them women, with an ample provision of agricultural tools. The new-comers took possession of the ruined fort and deserted houses left by their predecessors. But the sorely provoked hostility of the Indians harassed them from the first. One tribe even now gave them a cordial welcome, and such assistance as it might; but these were alienated by a painfully characteristic accident. A white party, mistaking them for enemies, fell upon them by surprise at night, and had slaughtered several before they discovered that they were butchering their friends. White, the Governor appointed by Raleigh, embarked for England to hasten the despatch of reinforcements and supplies, leaving behind his daughter, her husband, and their infant born in the colony, with eighty-eight men, sixteen women, and one other child. He found England absorbed in preparation for the Spanish invasion, notwithstanding which Raleigh furnished him with two vessels, freighted with ample supplies. But White was less zealous for the safety of those to whom he was more deeply pledged. Engaging in privateering adventures in European waters, he was worsted, robbed of half his stores, and driven back to England.

Not till 1590 did he return to Roanoke, only to find the colony again deserted, and to search in vain for any trace of those whom he had sacrificed. Raleigh's loyalty to his adherents was stronger

than his subordinate's sense of duty or natural affection. The lost colony was the object of researches scarcely less energetic, persistent, and costly than those which at last ascertained the fate of Sir John Franklin. But, save their deserted abodes, no relic or record, no stolen property or native tradition, ever explained their fate; no captive returned or was rescued. There were no signs of a night surprise or Indian massacre, no indications that the colonists had endeavoured to escape in a vessel of their own construction, and foundered at sea; nothing to explain a disappearance so sudden and so total. History only knows that the first English settlement in America vanished inexplicably, utterly, and for ever.

Even this crowning disaster failed to cool the enthusiasm which Raleigh's infectious confidence, his sanguine and dauntless spirit, his personal example and influence, and the trustworthy and encouraging information collected and diffused by such disciples as Hariot and Hakluyt—the first historian of English maritime enterprise—had kindled and sustained. The last years of Elizabeth, and the pacific reign of her successor, favoured the beginnings of colonial adventure; as the latter part of the fifteenth century had favoured that course of maritime discovery in which Columbus and Vasco de Gama—the Portuguese adventurer who first rounded the Cape of Good Hope and opened the trade of the East Indies—severally led the way. The great theological unsettlement, with its intestine divisions and foreign wars, was over: the politico-religious unsettlement, deeply rooted in the teachings of Calvin and Knox, had scarcely begun to trouble the minds of practical men. Puritanism was spreading and strengthening, but had not yet fermented into the leaven of civil disaffection. The impulse of the Reformation was spent, but the intellectual restlessness, the speculative and adventurous spirit, the expansive energies it had directly and indirectly fostered, were still operative and active forces; which, disgusted with theology and diverted from war, were turned into the field of commercial and industrial enterprise.

The traders of Bristol, the mariners of Plymouth and Southampton, familiar with West Indian adventure and Newfoundland fisheries—the still wealthier and not less bold and enlightened merchants of London, who had already opened, through Archangel, the trade of North-Eastern Europe, and were ready to contend with Venice for the Levant, with Portugal and Holland for the East Indies—saw new sources of gain in the trade, and possibly the gold, of North America. In 1602, Gosnold, one of Raleigh's boldest followers, deserting the usual southern route for that shorter and directer northern course which trade has followed for the last two centuries, reached the coast of Maine,

landed on and named Cape Cod, and built a temporary fort on the Elizabeth Islands, off the southern shores of New England. He carried home a cargo of furs and sassafras root, whose medicinal virtues were then as highly prized as those of quinine at present. The root, which cost only the labour of digging, sold for 3s. 6d. per lb., equivalent to 15s. or 20s. now. Skins purchased for a knife or a string of beads bore an even more exorbitant profit. Captain Smith, the first English explorer and ruler of Virginia, who has recorded the vivid impression made by Gosnold's report, was not the only man whose imagination was inflamed by such prospects of easy gain—by accounts of the various and valuable timber, the strawberries, raspberries, grapes, and cherries, larger than those of Europe, which abounded in the glades and forests of what was then known as Northern Virginia. Two further expeditions, sent forth to verify Gosnold's report, extended his discoveries and confirmed his account.

The hopes of hundreds among the bolder and more adventurous of the rising generation were fixed upon the country of whose charms there remained no reasonable doubt; a climate at once genial and healthy, a soil of boundless fertility, waters (fresh and salt) teeming with known and unknown fish, splendid havens and magnificent rivers. Men of graver years and position, sobered by experience and responsibility, were scarcely less interested or less hopeful. The true author of the work was withdrawn from the field by his last fatal adventure in Guiana, the ruin, imprisonment, and death to which it doomed him. But many, alike of his followers and his enemies, profited by his bitter experience. What had overtaken his genius and perseverance was certainly beyond the strength of any one successor. Nominal patronage and legal sanction were all that could be hoped from the Crown. Yet resources adequate, if properly combined, well organised, and employed with judgment and determination, were available for the purpose. Younger sons of country gentlemen and yeomen, soldiers and seamen thrown out of employment by the peace with Spain, were eager to seek fortunes and estates beyond the ocean. Wealthy and enterprising capitalists were ready to share the pecuniary hazards of the adventure in exchange for an exorbitant share of its expected profits. Some among them were animated by loftier aims and more generous interests.

Under the control of a Council appointed by the Crown, whose authority presently passed into the hands of those actually enlisted in the work, two great Companies were formed, between which the whole Transatlantic domain of England, assumed to extend westward to the Pacific, was divided. The London Company were invested with an exclusive right to the country be-

tween 34° and 38° N. The Western Company, formed by the merchants of Bristol, Southampton, Plymouth, and the gentlemen of the Western counties, had a similar monopoly of the country between 41° and 45° . The former Company received Virginia and the country to the southward; the latter acquired a legal title to what is now New England. The intermediate tract, from 38° to 41° (Maryland, Pennsylvania, and New Jersey), was open to both. Under the auspices of the London Company, on December 19, 1606, three vessels of under 100 tons burden sailed with 105 emigrants, of whom 52 were 'gentlemen,' 12 labourers, 4 carpenters, and one or two mechanics. Newport commanded the fleet, and, sailing by the southern route, apparently for Roanoke, was fortunately driven by a storm, in April, 1607, into the Chesapeake. Its sheltered bay and ample havens, the noble rivers that entered it, the rich country they watered, fully satisfied the judgment of the best-informed of the adventurers, and raised the spirits of all.

On May 13 the peninsula of Jamestown, about fifty miles up the stream, to which the settlers gave the name of their King, was selected for the nucleus of that which, as the oldest of the American colonies, early acquired and still cherishes the name of the Old Dominion; the first permanent English settlement in a country which now contains 50,000,000 men, women, and children of English speech, and in the main of English blood. The promoters of the enterprise were, of course, liable to mistakes and oversights less excusable in later attempts. They had practically no experience of previous colonisation to guide them, and they seem to have been deficient in the foresight and common sense which might have partly supplied the want of experience. It had never occurred to them that in the first pioneers of settlement, sent to make good a foothold in a new and almost uninhabited country, any peculiar qualifications beyond the ordinary courage of Englishmen, and the spirit avouched by the very act of volunteering, were indispensable or even desirable. They chose their recruits as if the rejected material of the old society were good enough for the foundation of the new. As if no rare and especial qualities were demanded in the chief of such an enterprise, they did not even care to name a leader, but appointed local councillors, and left them to elect, on landing, their President or Governor. One only among the adventurers was a veteran explorer, a tried leader of men; and Gosnold, the virtual originator of the undertaking and its natural chief, was not vested with the authority which would have enabled him to render efficient service to the infant colony. Nevertheless, his death, ere its career was well begun, was a terrible and almost irreparable loss.

That Smith should have been regarded with distrust by the elder and more cautious of the party, with jealousy and prejudice by the generality, was natural enough. He was known only by his own report and testimonials, as an adventurer among adventurers. He had served against the Turks on the Danube; had been captured and sold in the slave market of Stamboul; had risen against and slain his master, and after a long series of strange experiences and varied hazards and hardships, had reached home just in time to enlist in a new and yet more novel adventure: the one successful experiment of a life of incessant enterprise and peril. It speaks much for his force of character, the impression made on able and practical men with whom he held personal intercourse, that such a man, still in his first youth, should have been named one of the Virginia Council.

His own intelligence, promptitude, and daring combined with the general prejudice against him, and the confidence of a few comrades, to invest him with the charge for which he was best fitted, in which no other probably would have succeeded, and in which he could best prove his supreme fitness for higher command. It had been enjoined on the settlers to explore the country, and above all its rivers: the persistent illusion of a Northwest passage having taken a new and peculiarly absurd form. The hazy geography of those who prepared the instructions suggested the idea of a lake connected by navigable rivers with both oceans! Captain Smith's notions were not so confused; but the duty was important and congenial, and when devolved on him was readily accepted and vigorously executed. In a few months he had traced the course of the James, the Chickahominy, and some minor rivers; had sailed far up the magnificent stream of the Potomac, and traversed no small part of the intermediate region, covered with forest and obstructed by morasses. His former experience, turned to account by a clear and keen intelligence and a judgment riper than his years, was invaluable in dealing with a race not wholly unlike those among whom he had served and travelled. Often menaced and sometimes assailed by overwhelming numbers, he never failed either to cajole or overawe the suspicious and superstitious natives, with wonderfully little bloodshed, and without a single act of wanton, vindictive, or wholesale slaughter.

His story has been doubted; but external and internal evidence alike is in its favour. Published at the time, it was not seriously challenged or contradicted by his comrades; and his first experiences accord, as no fiction could then have done, with Indian ideas and usages. At a very early period Captain Smith was cut off, surprised, and compelled to choose between instant death and a surrender at discretion. His captors brought him before Pow-

hatan, their immediate chief, and, as it would seem, a suzerain exercising a precarious and indefinite authority over the scattered inhabitants of an extensive country around what is now Richmond. Smith understood that he was sentenced to death, and ordered for instant execution with the principal weapon of those warriors—the ‘tomahawk’ or wooden club—when Pocahontas, the chief’s daughter, a girl seemingly of ten or twelve, clung round the captive and insisted on his reprieve. We must remember that the adventurer interpreted the intentions and language of his captors only by their actions, and their characteristically vehement and vivid gestures; and, this borne in mind, the tale, if it have the colour of romance, bears yet more distinctly the stamp of reality. The interference of the girl is true to human nature; the reluctant pardon and the sudden transition from mortal hatred to cordial alliance are perfectly consistent with the well-known Indian practice, according to which a prisoner might either be adopted as a substitute for some slain tribesman, or sacrificed to his memory. Or the scene may have been designed to try the white man’s courage. In any case, it is told just as it must have seemed to one whose life hung on the issue of a dispute conducted, with eager gesticulation, in an unknown tongue. The subsequent history of Pocahontas—her little acts of kindness to Captain Smith’s companions, evidently prompted by shy girlish regard for himself, her treacherous betrayal and detention as a hostage for Powhatan’s faith, her conversion and marriage with a colonist named Rolfe, her introduction to the English Court, and her early death—forms an undisputed, consistent, and touching sequel to Smith’s account.

The personal influence that had won the confidence of the grave English patrons of Virginia impressed yet more easily and deeply the mind of the Indian potentate. Powhatan had the sense to appreciate the power of his visitors, the present danger of their enmity, the advantage of their commerce. They wanted, as he said, only a little waste land; and he could not see that the hundred were but the advance guard of innumerable thousands, who would want more land than he could spare, and before whose very contact his people would wane and wither, pine and perish. His favour doubtless contributed to smooth the envoy’s path, and at a later stage it allayed the distrust and irritation excited by the growing power and extending settlements of the strangers, and kept the peace to the end of his own life. That force was hopeless, and that fraud would defeat their own ends, the natives soon understood. Indeed, their hostile demonstrations always seem to have been prompted by fear; once reassured, they were ready to deal peaceably and honestly with a man they could understand and respect; and on the whole, they adhered to reasonable stipu-

lations with remarkable fidelity. By a judicious mixture of firmness and forbearance, conciliation and intimidation, Smith established over them an ascendancy which, temperately and prudently used, was of invaluable service to the colony during the most critical period of its infancy.

The traffic he secured and regulated was equally advantageous to both parties. Glass beads and red cloth, like gold and choice furs, derived their exchange value from foppery and fashion. But the Indian estimation of knives and axes, even of nails and iron hoops, was nowise extravagant or absurd. To them the blade which would do the work of ten stone hatchets at once, and outlast them also, which saved them weeks of labour and eased that of years, was worth the spoil of a month's hunting or trapping. The scrap of waste iron was an invaluable substitute for the arrowhead of horn or stone, the shell or the eagle's claw. And when the scanty stores of imported food were wasted, spoilt, or exhausted, the colony depended for very subsistence on the game and venison furnished by the Indians; still more on the supply of maize which, at Smith's instance, had been reserved and sometimes grown for the trade. The skins and furs purchased with a part of the goods sent for that purpose helped to make up a return freight, when their impatient patrons threatened, in default of value for their outlay, to abandon the exiles altogether.

Returning finally from his travels, Smith found the settlement reduced almost to the last extremity. Disease and faction had combined to paralyse their energies. The first weeks were mispent, and presently sickness had so wasted the strength of the colonists that the number capable either of work or of self-defence had dwindled from one hundred to forty, and at one moment scarcely exceeded ten. On a general background of failure and disgrace, Smith's success stood out in signal and brilliant relief. In the dangerous and difficult duty imposed on him, he had unquestionably proved himself capable, conscientious, and judicious—above all, a born leader of men. On him the command was now devolved, and from that time (1608) till he sailed for England, in spite of troubles and embarrassments, of actual mutiny and attempted desertion, his authority was firmly maintained—wisely, moderately, and honestly exercised. One gang of traitors would have stolen the 'pinnacle'—the one vessel retained by the colony—in order to return home and leave their weaker companions to perish. The improvident greed and reckless competition of others threatened to ruin the Indian trade, which Smith insisted on conducting as a public concern for the common interest. The home partners complained bitterly of the inadequate return for their expenditure. One shipload of worthless earth, supposed to contain gold, had wasted half a season

and an annual voyage. The usual hardships of a pioneering life fell with especial severity upon ill-selected and unseasoned men with no record of former colonial experiments to assist them, inflated by absurd and misdirected hopes, and broken down by repeated disappointments; wholly ignorant of sanitary conditions, deprived of wonted comforts, probably drinking unwholesome water, and living on unaccustomed food. Fifty men had perished in the first twelve months. In 1608 seventy new emigrants filled their places; but it was not till the next year that a gleam of prosperity encouraged either the settlers or their patrons at home. The 'gentlemen,' under Smith's guidance and example, had learnt to wield the axe, and the return freight could be made up by a full cargo of 'clapboard.' Some fifty acres of maize had been planted by the settlers themselves, so that they were no longer at the mercy of Indian caprice or indolence.

At the same time a new, stronger, and less exacting Company was formed in England, to take over the task and the responsibilities of which many of the first adventurers were weary, and which seemed too heavy for their strength. Hundreds of noblemen and gentlemen, statesmen and merchant princes, who cared little about a trade in furs or sassafras, took an eager interest in the development of a colony—in the growth of a transmarine empire. The feeling awakened by Smith's published narrative, the ardent and widespread hopes with which the original enterprise was resumed and enlarged, are shown by the list of the new Company, from Robert Cecil Earl of Salisbury, then Secretary of State, and other eminent peers and gentlemen, to merchants, country squires, tradesmen and yeomen. Taking over the rights of their predecessors, they obtained a new patent, with wider powers and somewhat better defined boundaries. They proved their zeal and energy by the prompt despatch of a fleet of nine vessels with more than five hundred emigrants. Unhappily, too many of these were men of broken fortunes or character, with but a sprinkling of skilled artisans and a minority of labourers. Sent out for the most part at the Company's expense, they seem to have been rather those of whom England was well rid than those by whom Virginia was likely to profit.

Even with such unpromising materials a chief like Smith might have prevailed. But, after struggling for another year to maintain his own authority and the fortunes of the colony, an explosion of powder, inflicting injuries beyond the skill of any local surgery, induced or compelled him to abandon the task. In a company of volunteers, sailing at their own risk and choice in quest of fortune, natural selection would have ensured courage, hardihood, hope, and perseverance; experience would soon have established discipline. As it was, the colonists lapsed, when

deserted by the one natural leader whom chance had sent them, into anarchy, idleness, and despondency. They wasted their home stores; they quarrelled with the Indians, who might have supplied their more pressing needs; and perished in scores by disease and famine. One party seized a ship and turned pirates. Smith had left five hundred behind; in a few months scarce sixty remained.

Gates, Smith's intended successor, who had been wrecked and long detained on the Bahamas, found the relics of the colony in the depths of misery and despair. The arrival of a responsible chief only inspired them with energy to escape. The whole body embarked for Newfoundland, on board four small vessels; and on June 9, 1610, approached the mouth of the James. Here they were surprised to encounter the boat of an English ship. From her crew they learned, with mingled feelings of shame and relief, that an expedition commanded by Lord Delaware, the first formally appointed Governor of Virginia, was already entering the river. Lord Delaware had delayed his departure from England till Smith's report warned the Company of the situation of the colony, its need of reinforcement, its still greater need of a Governor who should unite the capacity to direct with the authority to ensure obedience. He brought with him a new body of emigrants and abundant supplies. He came to recruit and reinforce an existing and, as he might well suppose, advancing community. He found a deserted town of log huts, abandoned fields, and three or four score despairing fugitives. This was the crisis of Virginian, perhaps of American colonisation. Another failure, and the country might have been abandoned to France or Holland. A man of weaker nature might have hesitated and been lost; a man of lesser rank might have failed to revive the courage of the runaways, or enforce the obedience of his followers. Lord Delaware was a man of no ordinary character, and possessed no ordinary advantages. His station and repute conferred upon him an authority even higher than that of his exalted office and commission. The Governor of Virginia was a much greater personage than a delegate like Smith or Gates; a Peer of England was something greater still. His presence was in itself the best encouragement, the strongest assurance of support, that England could have given to her expatriated children. A man of position so high, of years and character so grave, had not been asked or condescended to accept such a charge unless both he and his colleagues were resolved to carry the enterprise out in earnest, to succeed if success were possible. The meeting was hailed on both sides as a Providential interference, an unmistakable indication of the Divine will. Under such a leader the fugitives were ready to return, the new-comers eager to proceed, and on the same

night the vessels anchored at Jamestown. The settlement was re-established, and Lord Delaware, profiting doubtless by Smith's experience, and strong in that personal authority which alone had been wanting to the skilful and resolute adventurer, was able to organise both its discipline and its industry upon an effective and satisfactory basis.

This was all he could do, but it was enough. His health speedily gave way, and his return to England might seem to set the seal upon a record of continuous and disheartening failure. The revulsion of feeling at home was such that for many years to come the theatres and the coffee-houses regarded Virginia as a topic of unmixed ridicule. But the Company persevered. Very soon after Lord Delaware's departure Sir Thomas Dale, sent in charge of supplies, assumed the government. His first act was to represent to his employers at once the essential hopefulness of the enterprise and the hopelessness of carrying it to success with a few despondent and discontented men, the most experienced of whom had actually deserted less than a year before. But he assured them that Virginia was worth all, and more than all, she had cost. 'The four best kingdoms in Christendom put together could not compare with her' in natural resources.

Delaware and Gates enforced his representations. The Company acted with the energy which contrasts so strangely the febleness of most American 'proprietors,' individual or associated. Dale's letter was sent in the middle of May, 1610. On the last day of August the languid, disheartened settlers were terrified by the appearance of a fleet of six ships in their river. This was the last blow. The fleet must be Spanish, sent to exterminate the English plantation on a soil to which Spain had never relinquished her claims. Many, no doubt, were almost ready to exchange their hopeless exile even for a Spanish prison. None dreamed that Dale's letter could receive an answer, much less a full and sufficient compliance with its requirements, for weeks or months to come. Even the sight of St. George's Cross hardly reassured them; and it was with almost incredulous delight and gratitude that they witnessed the landing of Gates with three hundred emigrants, with abundant stores, and, best of all, with one hundred cattle.

From this point the future of the colony was firmly assured. Within a few days Dale founded the second plantation at Henrico, further up the James. Year after year, hundreds of emigrants arrived and spread themselves over the country at their discretion. Unlike her younger sisters in the north, Virginia was from the first an exclusively rural settlement. Her capital consisted of a State-house, a church, and some half-score dwellings. Her people were scattered thinly over the seaboard region.

Those whom the Company had sent out and located were its servants or tenants, the former receiving wages and an allotment of three acres, the latter paying rent in corn and labour. The Company owned the soil, the Indian titles being generally, if not in all cases, extinguished by purchase on terms which, though exceedingly easy to the purchaser, were, perhaps, a fair equivalent for that right of hunting which, with a few rudely cultivated acres of maize field, was all that the natives had to surrender. Many of the emigrants were men of means and position, who had brought servants with them. They received one hundred acres for each person brought out at their expense up to 1617, and fifty acres after that date. They could purchase as much as they chose at the rate of 12*l.* 10*s.* for each hundred acres, 'with a reserved claim to as much more.' Individual services were freely rewarded with larger grants, none of which was to exceed two thousand acres. Each considerable planter dwelt upon his own estate, with his family and the servants whose labour belonged to him for fixed periods, or until the cost of their passage was defrayed. As their terms expired, volunteers sent out on similar conditions, and convicts transported under obligation to serve for at least ten years, replaced them. At a later period a regular trade in such indented servants supplied the demand, and filled the purses of unscrupulous speculators at home. After the Restoration, the merchants of Bristol sent out no inconsiderable number of kidnapped waifs and strays; a practice which brought down upon the mayor and magistrates a sharp and well-deserved reprimand, in his own emphatic style, from Chief Justice Jeffreys.

The Company's Governor, though nominally absolute, could not, unsupported by a single soldier or paid constable, venture on measures oppressive or even odious to the colonists at large. But complaints were early made and readily heard. In 1619 Governor Yeardley, selected for his mild temper and popular character, was instructed to summon a representative assembly. Burgesses from eleven 'plantations' sat with the Governor and Council, and henceforth exercised full legislative and judicial powers. The first negro slaves were landed from a Dutch vessel in 1619; the first cotton crop was planted in 1621. But neither slavery nor cotton made much way in Virginia during the first half-century of her existence.

In March, 1622, broke out the first Indian war, the one grave misfortune which befell the rising colony. The planters spreading at their will over the country, occupying everywhere the richer lands, especially along the rivers, that best suited the growth of tobacco, their staple crop and current money, ousted the natives—sometimes with little ceremony and scant compensation—even from their villages and maize fields. But they had

been guilty of no serious cruelty, and entertained no fears. Unlike the settlers of New England, who were from the first distrustful of the natives, and prohibited under heavy penalties the sale of firearms or ammunition, the Virginians readily furnished fowling-pieces, powder and shot to the Indian hunters, who supplied them with furs and game. Their relations were amicable and advantageous to both. The weapons substituted for feeble bows and stone or horn-pointed arrows must have increased ten-fold the produce of the chase, upon which the natives chiefly depended. But the Indians instinctively felt that the white men were crowding them out of their hunting-grounds, driving them, with the deer and other game, deeper into the wilderness and further 'from the graves of their fathers.' The occupation of a dozen square miles here and there along the course of a stream must have frightened away the larger wild animals wont to resort to its waters, and thus rendered an extensive country useless to the native hunters.

Shortly after Powhatan's death the rage and suspicion of the Indians broke out, as usual, in a sudden and savage attack. Conscious of no offence and taken wholly unawares, the scattered planters and their servants, assailed at one and the same moment throughout the extensive border regions, were massacred by scores. But the havoc ended with the surprise. As soon as the white men stood to their arms, the Indians realised their hopeless inferiority. Appalled by their own act, and the irreconcilable blood-feud which, according to the most sacred and universal of barbaric traditions, they had incurred, they scattered and fled into the recesses of their forests, whither the colonists pursued them in vain. After the first surprise, there were few of those reciprocal atrocities which distinguished the later native wars of Canada and New England. The Indian villages were burned, their stores seized, their fields laid waste. The aggregate slaughter was doubtless considerable, but the power of the white man was asserted, the spirit of the feeble Indian tribes broken for ever, by a few vigorous but not very sanguinary blows.

Meanwhile the Company at home were entangled in political squabbles, which ended in the resumption of their patent. They had done their work. The colony was now self-dependent. Its trade yielded no extravagant profits. The privilege of administering to its needs and appointing its ruler was hardly worth keeping. On the other hand, the King showed no disposition to alter the policy or displace the agents of the Company. The natural alarm of the colonists was quieted by gracious promises loyally fulfilled. The royal Governors were invested only with the powers exercised by their predecessors. Colonial tobacco was protected by a heavy differential duty; and Virginia remained

loyal both to the Crown and to the Church long after both had been overthrown in the mother country. At home, Charles I. had been encountered at the outset with an unreasoning and irreconcilable hostility. How he would have governed a loyal and contented people, a Parliament willing to supply by new financial expedients the new needs of the State, he had no chance to show. To Virginia he was a considerate, just, forbearing, and eminently constitutional Sovereign.

In their only quarrel, the high-handed petulance of the colonists signally contrasted the patience and moderation of the Prince. That quarrel arose out of the abstract and untenable claims of Virginia over the territory beyond the Potomac, which, after the abrogation of the patent, had been granted to Lord Baltimore. She resented the tolerant policy of the King and his grantee, which made the province a refuge for persecuted Roman Catholics and Dissenters alike. Governor Harvey reminded the malcontents that the patent under which they claimed had been annulled—that no Virginian settlements, save one small trading factory, existed in the disputed country—and upheld, as in duty bound, the royal grant. Hereupon the representative of the King was violently arrested and summarily shipped off to England. Nothing is more remarkable than the temper and dignity with which King Charles received so flagrant an affront. He heard the representatives of the rebellious colonists with candour and courtesy, passing over the lawless violence which had disintitiled them to audience. Judgment was given against them—as it would be given unhesitatingly by the Privy Council of to-day—and then, and not till then, the King sent back the insulted Governor, with instructions which resulted in a complete amnesty and reconciliation.

His successor, Sir William Berkeley, ruled a contented and prosperous community throughout the period of the Civil War, undisturbed by the successive usurpations of the Rump and the Army. When the murder of Charles I. appalled the Royalist Colony, as it had revolted nine-tenths of his subjects at home, Virginia was quietly governed in the name of Charles II., until the despatch of a Parliamentary Commission, supported by a naval force, compelled her reluctantly to acknowledge the nominal supremacy of the Commonwealth, and to displace the royal Governor. The Navigation Act was the sole exercise of power on which either the Parliament or the Protector ventured; an Act spitefully enforced against Virginia alone of the Continental colonies. The instant that the overthrow of the Protectorate set her free, the real feeling of the Colony was plainly manifested. Sir William Berkeley was reinstated without opposition. According to Mr. Bancroft, the colonists had suffered no serious

grievance or injustice during the Puritan tenure. Their own opinion was shown by the dismissal of the councillors and assembly-men of that period, few of whom were afterwards re-elected. The Old Dominion, then a thriving community of some 20,000 persons, was the last part of his dominions to abjure the sovereignty of the King, and the first to hail his restoration. In 1660 her population, recruited by many Royalist fugitives from party tyranny, amounted to 30,000; in 1688 it was estimated at no less than 50,000.

Maryland, the second of the Southern colonies, a few years younger than Massachusetts, is almost exactly coeval with Connecticut and Rhode Island. The first Lord Baltimore had received an extensive grant in Newfoundland, on which he had endeavoured to plant a colony. He had seemingly intended to make it his home, but was repelled by the ungenial climate. He obtained from the King, instead, a grant of the territory lying between the Potomac and the 40th parallel. This he called Maryland, after the English name of Henrietta Maria; a name now best remembered by the famous war-cry of Rupert's cavaliers, 'God and Queen Mary.' A Roman Catholic himself, Lord Baltimore intended the province as an asylum for his persecuted co-religionists; but absolute toleration was the fundamental principle of its constitution, and as hearty a welcome was given to English Churchmen, to Puritans rejected by Virginia, and, at a later period, to fugitives from Catholic persecution. The second Lord Baltimore established his first settlement in 1635, and in the town which bears his name Catholic influence was long preponderant, and its tradition still lingers. Annapolis was founded by Puritans, who enjoyed the undisturbed exercise of their religion and practical self-government. Under the mild supremacy of the proprietor, or, in the form of colonial usage, 'proprietary,' the feudal sovereign of the province, Maryland rapidly grew and prospered; till the disturbances at home, the victories of the Parliament, and finally the establishment of the Commonwealth, afforded his Puritan guests occasion to repay Lord Baltimore's generous hospitality. They rose in rebellion, murdered and persecuted Catholic and Protestant loyalists, and kept the province in anarchy and trouble till the restoration of the King restored the authority of his grantee. Lord Baltimore, with more prudence than justice, conceded a complete amnesty. But his clemency was as ill-repaid as it had been ill-deserved; and the ring-leaders, whose lives had been forfeited not only by treason but by cold-blooded murder, continued, at every promising opportunity, to dispute his claims and disturb the peace of the community.

With the sanction of Chief Justice Holt—a sanction irreconcilable with the lofty character ascribed to him by Macaulay—

William III. confiscated in 1690 the rights of Lord Baltimore and his heirs; an injustice acknowledged and redressed in 1715. Save for this interruption, the family retained for several generations a feudal sovereignty which left to the provincial assembly all the powers of the English Parliament, and enjoyed a revenue which Maryland could well afford and could hardly grudge to her benefactors.

CHAPTER III.

NEW ENGLAND.

Puritan Exiles—The 'Mayflower'—Plymouth—Hardships, Quarrels, and Intolerance—Massachusetts—Rhode Island, Connecticut, and New Haven.

RALEIGH'S colonial enterprises had been encouraged by a grant of proprietary rights as well as jurisdiction over the country he should occupy. The same principle was deliberately adopted when the colonisation of the North American territories became an object of national policy. We have seen those territories divided between two great associations, and followed the fortunes of the Virginian, Southern, or London Company to its end. The Western Company was less fortunate. After expending much trouble and money in exploring expeditions under Captain Smith and others, in attempts to assert its commercial monopoly and to plant settlements on its territory, wholly without success, it was superseded by a new organisation; 'the Council of Plymouth for New England,' of which, under royal patronage, Sir Ferdinand Gorges was the ruling spirit. That gentleman obtained a grant of the province of Maine, and strenuously exerted himself during the reigns of the First and Second Charles, to plant that territory and maintain his rights over the country and its occupants. Another adventurer, John Mason, made similar but less persistent, and even less successful efforts in New Hampshire. Various traders, seamen, and planters seem to have squatted individually at different points on the coast. But the first firm settlement was made by trespassers of a different stamp.

A little colony of English Puritans, belonging to that extreme sect which refused even outward conformity to the Anglican Church, with their pastor Robinson—one of the earliest divines of that school to which the Independents or Congregationalists of later days trace their descent and their doctrines—had taken refuge in the Netherlands. The exiles found that they had purchased religious liberty by the total sacrifice of all else they cared for. Theological sympathy failed to reconcile them to a foreign

race, land, and language. For their industry there was no fair scope among the skilled artisans and systematic farmers of Holland. Return to England seemed a more distant prospect than ever. The example of the Virginia colony, Anglican and Royalist as it was, might pass for a practical hint, if not a Providential indication. After considerable discussion and long negotiation, they formed a partnership with a number of London capitalists, whose Puritanic sympathies were quickened by those shrewd calculations of pecuniary gain which accord so ill with the principles, and so closely with the temper and practice of Puritanism. The latter kept a strict guard over any incautious excesses of the former. A patriotic desire to reconcile a return to their proper allegiance with the indulgence of their religious scruples, a loyal ambition to increase by their humble exertions the dominion of their natural Sovereign, were put in the foreground; their inability wholly to accept the forms of the Established worship was gently excused as a misfortune which, at so great a distance, might be mercifully overlooked; the breadth of their dissent was minimised; the antecedents and tenets of the emigrants slurred over or suppressed. Robinson's name was never mentioned, nor, indeed, was he ever allowed to join his banished flock.

Permission was at last obtained for certain specified persons and their associates to settle within the domain of the Virginia Company. After many delays and disappointments, the 'Mayflower,' with 102 emigrants on board, sailed from Holland to Plymouth, and took her final departure from that port in September, 1620. Accident or deception took the settlers far to the north, thus invalidating the limited privilege they had obtained. They touched at Cape Cod; discovered and appropriated some buried stores of Indian corn; and, after exploring the neighbouring coasts, at last fixed upon a well-watered and promising spot, on the shores of a bay to which they gave the name of the haven where they had taken a last leave of their native land. The day of their final landing was December 11, according to the old style to which England then adhered. The difference of styles was then ten days, but as another day had been lost before the reformed calendar was accepted, the 22nd is observed as the birthday of New England. Their annalist records with equal pride how strictly they kept the first Sabbath, and how diligently they profaned the ensuing Christmas Day. Their original destination may account for a choice of season so ill-suited to the climate of their new country. Fortunately the winter seems to have been unusually mild; 'as severe,' they wrote, 'as that of England.' But the sufferings and hardships they endured were cruel. Their stores were scanty; they had no fishing-tackle; and game at that season was not abundant. Their first care must necessarily be for

shelter and fuel. They were glad to collect a supply of shell-fish, and returned especial thanks for the Indian hoards they had borrowed, and for which they scrupulously resolved to pay when they should find the owners.

Before the end of March, forty-four of their little company had succumbed to want and cold; exactly half the original number were living when they were joined in the next autumn by thirty new recruits. At one moment, those who retained health and vigour were barely able to nurse the sick and bury the dead. At another time and place such weakness might have tempted an Indian attack, which, even with firearms, swords, and pikes against clubs and stone arrow-heads, Miles Standish—a soldier of no very saintly character, who had joined them from pure admiring sympathy, and was accepted as their military head—could hardly have repelled. But that part of the country had been wasted not long before by a destructive pestilence. The native tribes in the neighbourhood were few, and exceptionally feeble. Massasoit, Sachem of the Pokanokets,¹ a starveling tribe in great dread of their braver neighbours to the southward, concluded an alliance with the settlers which remained unbroken till, some fifty years later, his son Philip was driven reluctantly to a war of despair. The kindness of the Indians helped the settlers through their first hard trials, furnished them with game and fish, taught them how to plant and manure maize, and endured even when—on pretext of one of those alleged ‘conspiracies’ which Indian informers out of greed or spite were always inventing, and which the fierce credulity and gloomy imagination of the Puritan too readily accepted—Miles Standish attacked a small party of natives, killed several, and hanged a prisoner in cold blood.

The progress of the settlement was very slow, though the characteristic stubborn resolve and iron endurance of Puritanism made it sure. The first division of land was made, the first considerable maize crop harvested, in 1623, when the colony may have had a hundred and fifty inhabitants. Next year, three heifers and a bull—a stingy contribution compared with the hundred cattle supplied to Virginia at an equally early stage—stocked the first collective farm of the infant colony. Twelve years after her foundation, the people of Plymouth hardly numbered five hundred. They were never on satisfactory terms with their home partners. Bradford, the second Governor—his predecessor, Carver, being among the victims of the first fearful winter—replied indignantly to the reproach that the ‘Mayflower’ on her return voyage brought no freight. There might be truth in the taunt that time was wasted in debates; but the appeal to the hardships and sufferings of the first months, the loss

¹ Or Wampanoags.

of lives more precious than the scanty equipment for which the settlers were indebted to their London friends, was unanswerable. The respective objects of the parties were incommensurable and incompatible; the partnership between religion and profit unworkable. The speculators wanted to establish a factory, the emigrants to found a theocratic State and Calvinistic Church, a New Jerusalem of strict Pharisaic type. The sleeping partners appealed to their money outlay, the Pilgrims to their sacrifices, labours, and sufferings. The latter acknowledged their debt, and meant to pay it; they repudiated the right of control and interference attached to joint risks and a common enterprise. Few of them had paid their passage. They had depended for some years on the vessels and cargoes sent out by the London adventurers, and this obligation made them the servants of the Company.

As they began, however, humbly to prosper, as the few independent men among them gained means and confidence, they became yet more impatient of the yoke. At last some of the richest settlers agreed to take upon themselves, for a monopoly of the Indian trade and the surrender of the accumulated wealth of the colony, its debt to the capitalists. The partnership was dissolved, and the settlers were free to choose their associates and shape their polity without rebuke or remonstrance from home. It would be easier to sympathise with their aspirations, had they who had held their own claims of conscience so high shown the slightest respect for the consciences of others; or had the wisdom of the serpent been a less prominent feature in their character. The latter was almost the only principle for which their religion, their morality, or their social system was indebted to the New Testament. Their dealings with partners and companions, with the Indians, hostile or friendly, with the English Government and with obnoxious neighbors, their laws and practice, suggest an exclusive study of the Old, and often of acts surely recorded rather as warnings than examples. While bound to their English partners, they would allow those partners to know only what they chose to tell. Like too many professors of a higher morality, they were capable of acts from which a sense of honour or common honesty restrains the merest worldlings. To differ from them, to give an independent report of their conduct to the associates whose fortunes were staked thereon, was a heinous sin as well as a punishable crime. Bradford and some of his successors did not scruple, by force or fraud, to open, copy, or intercept private letters, and to make the stolen information the ground of public prosecutions. Squatters under a questionable grant, obtained after the fact from the Council of Plymouth (the legal successors of the Western Company), they presumed to warn off, to harass and drive away other settlers whose right was exactly the same,

but whose conduct did not square with their notions of godliness. They were persecutors on principle. Assuming a jurisdiction which had not been conferred on them, they strained it to ends beyond the sphere of civil power, to persons exempt from their authority, and objects antagonistic to the laws by which as British subjects they were bound, and which they had expressly or by implication pledged themselves to respect. They would not even tolerate the worship of the Church of whose intolerance they complained; their dissent from which—till they had got all they could out of her head and her members—they studiously minimised. Mr. Palfrey and their other apologists carefully evade the fact that it was only by concealing and even denying their real intentions that they obtained permission to settle on English territory; that their policy was a systematic violation of the conditions formally or implicitly attached to that permission.

The prosperity of the colonists depended largely on the market created by the neighbourhood of the Newfoundland fisheries. At first the fishing vessels bought their corn and vegetables at a high price; at a later stage, not many years after the foundation of Massachusetts, the fisheries themselves fell mainly into their hands. Vessels built at Boston and Plymouth of the splendid timber supplied by the primitive forests, owned by colonial traders, manned by seamen settled or domiciled on the coast, brought in vast supplies of cod, herrings, and pickerel, which were cured for the English market; and the figure of a codfish hung over the Speaker's chair reminded—perhaps still reminds—the legislators of Massachusetts of the real origin of her importance and prosperity.

The position of Plymouth in American history is wholly misconceived, not only in England but in the States. In popular tradition, in patriotic poetry, in Fourth of July orations and Thanksgiving sermons, her fame is at once absurdly exaggerated, and misappropriated in a manner which curiously illustrates alike her moral importance and her political insignificance. The 'Mayflower' is the Ark of New England, the Pilgrim Fathers are canonised by local and national tradition, like the Hero-Founders (Ekists) of Hellenic cities, the wolf-suckled Twins of Rome; but they are assigned to a colony with which they had no connection. Massachusetts has no more right in them, no more share in their honours, than England in Wallace or Montrose, Scotland in the Plantagenets, or Lorraine in St. Louis. Of all New England states or colonies extant or extinct, Plymouth had least to do with the neighbour who has absorbed both her territory and her fame. Her founders were poor, unworldly, ignorant and simple folk, trespassers long unknown or ignored, and to the

last contemptuously tolerated, by the Court and Government of England.

The Company which in 1628 obtained, through arts whose exact nature it is not easy to trace, an extravagantly liberal charter and extensive territory running inland from Massachusetts Bay, was founded by gentlemen of rank and fortune, patronised by the chiefs of the Puritan nobility, abundantly provided with all the resources so signally lacking to their predecessors. They had wealth and influence, and were shrewd and well-advised in the use of their advantages. They did not hesitate to profess a strong attachment to the Church of England, or to accept conditions which were never observed when once the charter was safe beyond the seas.² They had no part in the hardships and sufferings, the stern perseverance and heroic endurance, that cast a halo of romance around the memory of those who first 'moored their barque on the wild New England shore.' Their charter—probably drawn up in the first instance by some skilled lawyer of their number or in their employ, and adroitly worded so as to convey privileges which the Crown was most unlikely to have willingly granted, was apparently passed either by some sympathiser in high place, or by means equally familiar to the courtiers of James I. and Charles II.³ But one condition which, if loyally observed, would have defeated their worst and most cherished purposes, restrained their policy of civil and religious exclusion, the founders were compelled to insert. They were to make no laws repugnant to those of England. Such laws were not only null and void, exposing those who enforced them to civil damages and criminal penalties, but involved a forfeiture of the wide and otherwise unlimited powers bestowed by the charter. Endicott, placed in charge of the Company's first establishment at Salem, in 1628, instantly perilled their privileges by an act of characteristic intolerance. It must be remembered that he and his associates went out as Churchmen.⁴ Almost their first act was to organise a schismatic and separatist 'church,' with forms as offensive as possible to sincere Anglicans.

Two brothers presumed to gather a small congregation for worship according to the Book of Common Prayer. Endicott seized and shipped them back to England. The Company sent him a formal reprimand, obviously intended to encourage him in his illegal courses, while enabling them, if called to account, to

² See their petitions, charter, and other documents quoted in Palfrey's account of their earlier operations.

³ Palfrey, i. chap. viii. Baneroft, Part I. c. 13, is studiously evasive, but no one can dream that the government he there describes was knowingly sanctioned by Charles I.

⁴ Belonging to the great conforming majority of Puritans; what we should call ultra-Evangelicals, or Low Churchmen. 'We esteem it our honour to call the Church of England, from whence we rise, our dear mother' was the well-considered language of their formal farewell address.—Palfrey, i. 312.

disavow his acts. At this time a number of individual adventurers, trespassers in law like the Plymouth Company, were settled along the coast of New England. As matter of clear right and express compact, these old planters were entitled to be accepted as members of the Company, of course without resigning any religious or civil right they already possessed. To all these, if to no others, Endicott's conduct was a palpable injustice.

The next step taken by the Company argued a determination to strain the purport of its charter to the utmost. It proceeded to transfer itself, its organisation, its government, and the document on which it rested bodily to its Transatlantic domains. In 1630 a fleet carrying some thousand fresh emigrants, commanded by Winthrop—with whom were associated several gentlemen of equal birth and still higher connections, among them two sons-in-law of the Earl of Lincoln—sailed for and took possession of the shores of Massachusetts Bay. This expedition founded several plantations, or, as they were called almost from the first, 'towns,' at various prominent points. The colonists spread rapidly into the interior. In the first six years, while their numbers had been vastly swollen, their settlements had been pushed twenty or thirty miles inland. In another year or two swarms cast off from the main hive, dissatisfied adventurers, fugitives from persecution, or political malcontents, had founded new and independent colonies to the southward. Rhode Island and Providence Plantations on Narragansett Bay, the refuge of the Liberals, occupied the eastern, Connecticut and New Haven, the resort of dissatisfied fanatics, the western portion of the southern seaboard. In the meantime thousands of fresh emigrants from England had enlarged the mother colony, and planted a number of new settlements. Some of them, on Long Island, on the coast, and on the banks of the Connecticut, brought the English colonies in direct contact with those of Holland.

The emigration was checked by the meeting of the Long Parliament, the political contest and the Great Rebellion which followed. The same motives which, from 1628 to 1640, had induced the more ardent Puritans to seek in New England liberty of conscience for themselves, and, yet more eagerly, freedom to trample on the consciences of others, now kept them at home to participate in a struggle for the same ends; a struggle which resulted in the temporary establishment of a tyranny, religious and political, incomparably more severe and searching than his worst foes ever attributed to the Royal Martyr. A few of the fiercer spirits among the colonists returned home, to rise to high command in Cromwell's army, to support his usurpation, and bear a part in some of his worst or most questionable measures.

CHAPTER IV.

UNDER THE STUARTS.

England's Weakness New England's Opportunity—Colonial Polity, Civil and Ecclesiastical—Systematic Persecution.

To the disturbances at home the colonial rulers owed the undisturbed development of a polity alike in principle and practice repugnant to the laws of England. That polity, substantially identical in all the Puritan colonies, was based on a religious oligarchy of the strictest sort. Massachusetts admitted at first a few score 'old planters' to her franchise, but, as soon as she became conscious of her strength, confined the privileges of citizenship, civil and political, exclusively to 'Church members,' *i. e.* initiated Independents. Plymouth and New Haven avowedly, Connecticut practically, followed the same rule. The freedom of the Colony was granted only by the General Court. That body was originally a general assembly of the freemen; as the development and dispersal of the settlements rendered such an assembly impossible, two deputies from each township were associated with the Magistrates or Assistants. Candidates for the franchise were recommended by the several Churches, and their recommendation was legally limited to those on whom the full privilege of Church-membership had been bestowed. A town in New England meant from the first not a city or village, but a plantation occupying a defined territory and invested with privileges of self-government more or less ample, according to the circumstances of the colony; larger in Connecticut and New Haven—created by the aggregation of independent settlements—than in Massachusetts or Plymouth, where the several settlements were founded by permission of the central authority; largest of all in Rhode Island and Providence Plantation, where fugitives from the severe religious, political, and social organisation of the elder colonies had taken refuge, and where for nearly a generation no strong or settled government seems to have been established.

Except in the last-named Colony, Church-membership was granted by a vote of the Church upon a public narration of personal religious experiences; such as, even in those days, only a

hypocrite or a fanatic well could or would give. The freemen, therefore, especially in Massachusetts, were a small minority. Throughout the history of the contests between the Home and Colonial authorities prior to 1688, it must be borne in mind that the latter represented a narrow and bigoted oligarchy. All men of moderate opinions, all men indifferent to questions of dogmatic theology, all who regarded spiritual experiences as matters too sacred and personal for public discussion, were ruthlessly disfranchised. Ordinary executive functions were vested in the Governor, Deputy-Governor, and the body of Magistrates or Assistants, who also exercised judicial authority. But ultimate executive and judicial as well as legislative supremacy resided in the General Courts; wherein the Assistants at first claimed a collective veto, and afterwards sat as a separate Upper Chamber. Chosen by the votes of the freemen, the Magistrates, except in Rhode Island, generally retained their authority for life. One who offended his constituents, generally by opposition to some act of tyranny or persecution, was liable to be dropped for a year or two from the list, but was almost invariably reinstated. The freemen of Massachusetts were exceptionally jealous of any personal or official claim that might seem to conflict with their absolute supremacy, and careful by frequent changes in the highest office to assert in practice the doctrine that the Governor and Assistants held their places only by annual election. But Winthrop was thrice Governor for several years together, and, whether as Governor, Deputy-Governor, or simple Assistant, practically directed during his life the policy and administration of the Colony. Bradford held a yet more permanent official, if not a higher personal authority in Plymouth. Even in New Haven and Connecticut the same names appear, year after year, in one or other of the highest offices.

Boastful of their political liberties, the colonists were jealously intolerant of what we call personal freedom. This jealousy was too strong even for their religious tenets. The fundamental principle of their creed was the absolute independence of each individual congregation: but this independence was constantly invaded by the General Court or by the ministers and Churches in their collective capacity. No Church could be founded without the permission of the Government. The right of each Church to choose its minister was a dogma of Independent theology at least as prominent and essential as the Atonement or the Trinity. But again and again that right was infringed with a high hand. Churches were excommunicated and towns disfranchised for persisting in a choice against which their neighbours or the General Court had pronounced. Of freedom of speech the colonists of New England enjoyed less than at home under the rule of Laud

or Strafford. Men were flogged, fined, and mutilated for presuming to criticise the action of magistrates, the policy of the Government, or the conduct and doctrine of particular Churches.

In treating the petition of the Seven Bishops as a libel, James II. outdid the most violent measures of the Star Chamber or the High Commission. None of his acts was more clearly illegal, none more intensely unpopular; none perhaps contributed more to his final overthrow. That outrage on civil liberty on which the most despotic of the Stuarts ventured but once, and which offended English tradition, law, and feeling more than the Declaration of Indulgence itself, was part of the ordinary course of administration in Massachusetts. Any petition offensive to the majority of the General Court was treated as a criminal offence. Again and again petitioners were subjected to heavy and, considering the local value of money, almost ruinous fines for presuming to question, in the most modest of all constitutional forms, the measures of the Government. Appeals to England, whether to the King or the Commonwealth, were not merely rejected with disdain, but punished with as much severity as, in the circumstances of each case, the colonial authorities dared employ. The shrewdest of the latter was evidently conscious of the illegality of their proceedings. As early as 1638 an investigation, which must have resulted in the forfeiture of the charter, had been threatened, and prevented only by the ensuing troubles at home. Some years later Governor Winthrop put in a plea so fine-drawn, a distinction so subtle, that it virtually amounts to confession. Not arguing before an English Court, but opposing the demand of the colonial freemen for a written code, he insisted on the obvious certainty that such a code as the Colony would accept must be repugnant to English law. Repugnant customs, he urged, did not, as repugnant statutes clearly would, involve a forfeiture. But customs recognised by the Legislature and enforced by the Courts are laws; and the plea therefore admits that the laws of Massachusetts—laws made if not written, enacted if not codified, by the chartered power—were incompatible with the chartered limitations. No Court of Law could have recognised Governor Winthrop's distinction, or refrained from pronouncing that, even when it was first challenged, the whole religious and civil system of the Colony was, in general and in detail, in act and in intention, utterly repugnant to the political, civil, and ecclesiastical laws of the mother country. The disfranchisement of Churchmen, the prohibition of Anglican worship, would have sufficed to forfeit the charter, as they suffice to show the utter absurdity of the still received idea that the expatriated Puritans

Left unstained what there they found,
Freedom to worship God.

Exclusion, persecution, inquisitorial, spiritual, and civil despotism were the very essence of their system, the first principles of their theory and practice.

Mr. Palfrey's far-fetched apology¹ is open to two fatal exceptions. It is too subtle and ingenious to be true: it proves too much to prove anything. If good for Winthrop and Bradford, Endicott and Winslow, it holds good for Laud and Strafford, Philip II. and Louis XIV. The partisan historian of New England is driven to affirm that wherever the co-existence of two parties is practically impossible—where they will not agree to differ—that which has the upper hand for the moment is justified in anticipating its overthrow by the suppression or expulsion of dangerous adversaries. That the liberties of Puritan Massachusetts were endangered by the presence of Episcopalian, Baptist, or Quaker congregations may be a tenable, but it is hardly a self-evident or even plausible proposition. That the Church and Crown of England were in danger from the Puritans events amply proved. If danger justifies persecution, Strafford and Laud were culpably lax; a 'thorough' policy would on Puritan principles have doomed to banishment and confiscation the whole body of English Puritans.

Roger Williams, the chosen pastor of the Church at Salem, for certain extreme views on the subject of communion with offending Churches, was hunted into the woods, threatened with transportation, and finally driven to seek a refuge on the southern seaboard, where he founded the settlement of Rhode Island. Some years later, Ann Hutchinson and her adherents—though patronised by Vane (afterwards Sir Harry Vane), then, in his twenty-fourth year, Governor of Massachusetts, and many of its foremost citizens—were imprisoned, fined, and banished on pain of death. Several Baptists—among them Clarke, one of the most distinguished citizens of New England, and, next to Williams, the principal founder of Rhode Island—were imprisoned, fined, and some of them flogged, for meeting in a friend's house for private worship. Among a dozen capital crimes recognised by the codes of nearly all the Puritan Colonies were idolatry (*i. e.* Roman Catholic worship), blasphemy (including any utterance which the magistrates chose to regard as blasphemous or outrageously heretical), and witchcraft. Treason was so defined that loyalty to the King, defence of his rights against colonial encroachments, resistance to the usurped authority of Massachusetts in the territories of New Hampshire and Maine and other districts, over which that Colony from time to time pretended to a power not granted by its charter, were punishable with death; while treason to the Crown or Commonwealth of England entailed no penalty

¹I. p. 300 *et seq.*

whatever. Heresy of every kind, if not more severely punished, was hunted out far more vexatiously and ruthlessly than in the mother country. In a word, freedom, civil or religious, was the last thing that the colonists of Massachusetts intended to endure. Burglary, on the other hand, unless committed on the 'sabbath,' was punishable on a first conviction only by branding. The laws of Plymouth, Connecticut, New Haven, and Massachusetts were essentially identical.

In the time of the Commonwealth and after the Restoration, the Quakers were the chief objects of persecution, and were treated with a sanguinary cruelty far exceeding what they suffered in England; far worse, to do her justice, than the severities inflicted by Massachusetts upon Baptists, Familists, and Antonomians. Before a single disciple of George Fox had appeared in the Puritan Colonies, Massachusetts had passed a law for their banishment on pain of death, prefaced by a preamble the most extraordinary, perhaps, ever placed on a statute book; a violent libel, a passionate invective, in which every rumour, slander, and invention injurious to the Quaker character was set down as matter of notoriety and as justifying the threatened severities. The first-comers were seized and imprisoned on landing; the shipmasters who brought them were bound over under heavy penalties to carry them back to England. Some brethren were 'moved by the spirit' to defy the law, to vindicate by their martyrdom the freedom of conscience which they, almost alone among Christian sects, then maintained. They landed, were imprisoned, scourged, and banished. They reappeared, and were offered their lives if they would depart under a promise never to return. The promise was refused; but Mary Dyer, the wife of the Secretary of Rhode Island Colony, 'found liberty' to depart. Her more courageous associates stayed and were hanged. She herself presently returned, preferring the same fate to the reproaches of her conscience, and perished on the scaffold.

Endicott, now Governor, and his fellow-magistrates were frantic at the disrespect with which they were treated. The language of the intruders was moderate indeed compared with that in which the Puritans had reviled their King; decent, if judged by that employed towards the Quakers from the Bench and in the Statute Book. But Endicott, Leverett, Davenport and their associates had been accustomed to avenge irreverent criticism by fines and whipping; had banished and ruined devout Christians for suggesting that certain ministers preached a 'covenant of works.' Such reproaches as Whittier quotes—well-deserved charges of enmity to the Spirit, of smiting the meek, and prayers that the Lord might rebuke them—drove them beside themselves with outraged pride.

On the last capital trial of a Quaker, who had enraged the judges by 'warning them that they shed no more innocent blood,' there was an unprecedented division among the Magistrates. Governor Endicott lost dignity and decorum in his rage. He flung 'something' fiercely on the table, and exclaimed, 'I could find it in my heart to go home [to England]. You who will not consent, record it. Thank God, I am not afraid to give judgment.' But even Endicott, the first founder, and next to Winthrop the arch-hero of Puritan Massachusetts, raged and scolded in vain. The freemen were willing and even glad to fine, to banish, to scourge, as mercilessly as he pleased, both men and women, reverend elders and young maidens; but, even to satisfy Endicott's fiery zeal, they would take no more innocent lives. Every other kind of severity was tried, with no other effect than to exhibit the brutality of the persecutors, the martyr-spirit and, it must be added, the perversity of their victims. With those who had defied death, no minor penalties, however cruel, were likely to prevail; and this the Puritans of that age, if any men, might have known from their own recent history. But their utter lack of humour, the refracting medium of misapplied Scripture and spiritual pride through which they regarded all theological and political controversies, blinded them to the obvious analogy.

Many of the most earnest and devoted preachers of Quakerism had been Puritan captains, distinguished alike for courage and enthusiasm. The violent contrast upon a single point between the fierce Cromwellian soldier and the conscientious non-resistant, and the appeal to the spirit rather than to the Bible, obscured the close resemblance in temper and character between the old and new schismatics. The persecutor and the victim were, though in different degrees, fanatics of the same type; impenetrable to common-sense, absolutely self-confident, hardened by immovable bigotry to inflict or endure. Both were deeply tainted with a religious insanity which, if its Puritan aspect were incomparably more gloomy, fierce, and hateful, assumed in the Quaker a more glaring and startling extravagance. Our lax modern discipline would find some excuse for the personal correction of young ladies who appeared naked in the churches; and if Puritan legislation had been directed by practical common-sense, if the Quakers had been punished not for their religion but for their follies, victory and the sympathy of posterity might have gone with the stronger side. As it is, the savage cruelties inflicted upon unoffending and unresisting people, simply for an over-literal construction of New Testament teaching, have left a dark indelible blot on the fame of Massachusetts, her rulers, and her people. Only four or five lives were taken, but the number who were mercilessly scourged, mutilated, fined, banished, imprisoned, was very large.

Apart from the establishment of the theocratic polity, and those sectarian squabbles which seem to have occupied the first place in the attention alike of the Churches and the General Courts, the history of New England down to the Restoration was marked by few important incidents. By far the most momentous of these was the establishment of a league or confederacy, including the four Puritan Colonies of Plymouth, Massachusetts, Connecticut, and New Haven. This Confederacy was engaged in frequent quarrels with the Dutch Government of New Netherland, whose seat was at New York, then called New Amsterdam. In these disputes, Stuyvesant, the strongest and most spirited of Dutch rulers, was hampered by a sense of practical helplessness; the Confederate Colonies asserted their claims with all the insolence of conscious strength.

The first Indian war of New England arose out of those mutual outrages which are sure to occur when lawless adventurers are brought into contact with high-spirited savages. Two or three Englishmen of bad character had been killed by the Pequots. The colonists had every reason, from their knowledge of the victims, to believe them the first offenders. But if they meant to deal temperately or fairly, they should have chosen another agent. Endicott, the fiercest and worst-tempered of their leaders, was sent with a considerable force to enquire and negotiate. He began by a savage attack on a community whose connection with the outrages was at least doubtful, and precipitated a war which it was the obvious interest of his employers to avoid. The danger was, in their own opinion, extreme. The Pequots were no match for a single colony, much less for the Confederacy; but had they been joined by other tribes, and especially by the powerful Narragansetts, the subsequent story of that which is known as 'King Philip's war' renders it probable that the infant Colonies would have been worsted and perhaps extirpated.

Massachusetts flung herself on the mercy of her most illustrious victim. The heretics of Rhode Island, like the loyalists of Maine and New Hampshire, had been excluded from the Confederacy which now invoked the intercession of Roger Williams. He, by his efforts for their conversion, by his kindly intercourse with them, above all by his just and righteous dealings, had won the affection and confidence of the natives. His whole influence was used, with splendid generosity, on behalf of his persecutors; and the Narragansetts, Nyantics, and Nipmucks were induced to promise and observe a neutrality of which they had ere long bitter reason to repent. The Mohicans and a few volunteers from other tribes actually supported the white men. Thus overmatched, the Pequots were utterly defeated and crushed. The warriors of the tribe were exterminated, its women and children sold into slavery.

The New England colonists sympathised of course with the Parliament as against the King; with Cromwell, the champion of the Independents, as against the Parliament and the Presbyterian party. The local leaders shrewdly availed themselves of the weakness of a Government which—holding down three kingdoms by force of arms, intensely hated by all three, without a party outside its camps, and waging war with the greatest of England's maritime rivals—could not afford to alienate, much less to coerce, a power so formidable on the spot as that of the four Confederate Colonies. Cromwell's invitation to the colonists to occupy first the desolated provinces of Ireland, next the conquered Island of Jamaica, were civilly evaded rather than rejected. The Navigation Act, harshly pressed against Virginia, was allowed to remain a dead letter in New England. Plymouth, always eager for the legal recognition she never obtained, Connecticut and New Haven, doubtful of their title as settlers on land assigned by patent to a few powerful Puritan nobles, courted the Protector's Government; Massachusetts, desiring only to be let alone, maintained an independence which, as things afterwards turned out, doubtless tended much to her advantage.

The Restoration confounded the politics of the Four Colonies. They one and all cringed and fawned upon the King by letter, while employing every form of evasion and delay to avoid the recognition of his authority, the respect which, sooner or later, he was sure to exact for the forms and principles of English law. Peters, one of the first regicides who atoned their crime upon the scaffold, had been a favourite colonial preacher. Two of his accomplices, Gough and Whalley, fled to New England, and were received with ostentatious honour. Whatever may be thought of mere rebels like Pym and Vane, by every law, human and divine, by the law of England, by the law of war, by the law of nations, by the law of nature and retribution, the regicides had deserved death. They had received no commission from any legal or quasi-legal authority. The Judges, the House of Lords, the majority of the House of Commons and the nation had rejected with horror and indignation the proposal to bring the King to trial. The so-called Court, consisting partly of mere ruffians, partly of fanatical enthusiasts, derived its authority from Cromwell and his army alone; and nearly half of Cromwell's nominees refused to share his responsibility. The only charge seriously pressed against the King was that of bearing arms against the Parliament. Many of the foremost men in England had been judicially murdered, like Montrose, Hamilton, and Derby, for the same offence.

Such lenity as that of Charles II. and his Royalist Parliament has never, till our time, been shown to conquered rebels; much

less to rebels whose hands were red with loyal blood shed when resistance was over. All, save a very few leading offenders and the actual murderers of the King, were amnestied. The worst of all received only the measure they had meted to their illustrious victims; nor is it easy to see on what ground any who did not sympathise with their crime could desire the escape of a regicide. By the ovation accorded to Gough and Whalley, the rulers of Massachusetts associated themselves with a crime which no man not blinded by party passion now excuses; which the greater part of the English people then regarded as next in atrocity to that of Judas and Pilate.² They offered a pointed insult to their restored Sovereign. But with this they were not satisfied. As soon as the King demanded the surrender of the criminals, they hastened to deprive themselves of the respect that sincere fanaticism or avowed partisan sympathy would have deserved. They professed a profound abhorrence of the deed and the doers, a loyal eagerness to co-operate in their capture, while employing every art to baffle the agents of justice. Leete, the Governor of New Haven, and Davenport, the favourite preacher of that Colony and afterwards of Massachusetts, stooped lower yet. They professed their loyalty in earnest and even abject terms; they denounced the fugitives, and affected the utmost zeal in furthering the pursuit while delaying it by deliberate falsehoods and barefaced pretexts. While they plunged from lie to lie, the criminals were actually hidden in Davenport's house, with the connivance of the Governor. 'It was the sabbath,' or it was not Court day, or he had 'a tender conscience (!)' and by his agency the culprits he had sworn if possible to secure at last escaped. In Puritan as in Jesuit casuistry the end—the interests of a church, a sect, or a party—justified the means. They dishonoured themselves to little purpose. The murderers were not caught, but Leete was accused to his face by the royal messengers, and conscious of guilt, and trembling at the thoughts of probable punishment, he hastened to excuse himself to the Court, and entreat the intercession of influential Whig nobles, in language circumstantially false as it was unworthy and undignified. He was spared, probably in contempt, at the expense of his Colony. His disgrace was complete when he, who had sacrificed every obligation of honour and honesty to the 'good old cause,' betrayed that cause to his personal safety. Tonguetied by the pusillanimous thought that he held life and property by the royal sufferance, he sat in craven silence while the liberties of New Haven were confiscated, and dared hardly to speak word or wag finger in defence of his trust.

All the minor Colonies were eager to obtain from the restored Sovereign the chartered rights they had failed to win either from

² See Macaulay, History, cap. xv. Works, iii. p. 200.

his father or from the Commonwealth. Plymouth was disappointed. To the last, the eldest and most estimable of the New England Colonies remained in law a body of tolerated squatters. Clarke on behalf of Rhode Island, and the younger John Winthrop as the agent of Connecticut, were more fortunate. The Home Government had but a dim and confused idea of American geography, and the boundaries awarded by the two charters were the subject of long and bitter disputes. But Winthrop obtained for Connecticut an advantage as signal as it was dishonourable. Like his father a cultured and polished gentleman, unlike his father a graceful and willing courtier, he won high favour with the English Government, and especially with Lord Clarendon. The charter granted to Connecticut extended her jurisdiction westward to the borders of New Netherland, at the expense of a faithful, intimate, and equal ally. By its terms—terms of which Winthrop had the grace to seem ashamed—the annexation of New Haven doubled the population and territory of the sister province. Led by Davenport, feebly if at all defended by Leete, emphatically supported by Massachusetts and less resolutely by Plymouth, New Haven opposed a dignified protest and a long passive resistance to this usurpation. Her resentment was directed less against the King, or even against the negotiator who had stolen her rights without pretext or notice, than against the sister Colony whose Government and General Court pressed home its claim without scruple or consideration. The tone and action of Connecticut were as peremptory, summary, and offensive as might have been expected from the double consciousness of a hopelessly bad cause and an impregnable position. She declined to argue or conciliate, and New Haven at last rather ceased to resist than rendered a reluctant and silent submission. The extinction of her separate existence involved no loss of political freedom, no injury to her practical interest, nor did she seize the opportunity afforded by the Revolution to reclaim her independence. This measure gave a death-blow to the Confederacy, which, though nominally renewed, was for the future practically inoperative.

The connecting thread of New England's history for the period between the Restoration and the Revolution is found in the protracted struggle of Massachusetts to retain her chartered and her assumed privileges. The story is one of alternate defiance and evasion on her part, as the King's Government seemed strong in Parliamentary support, or weakened by discontent at home or by foreign war. On one occasion the colonists threw out hints of a possible transfer of their allegiance to the United Provinces, whose flag then waved over New Amsterdam. Long forbearance and patient investigation on the King's side were followed by

decided measures only when, after twenty years of alternate delay and disobedience, the disaffection of the Colonial Government, the affronts offered to Church and Crown, the resolute disregard of the limits and conditions of the charter made further indulgence seem sheer weakness. Plymouth, ever hankering after legal recognition; Connecticut, well content with her liberal charter; Rhode Island, justly grateful to the King and as justly resentful of the systematic rudeness and wrong suffered at the hands of Massachusetts—the feeble colonies of Maine and New Hampshire, which the latter had, sometimes by force, sometimes by fraud, annexed or subjugated, and which looked to their proprietors and the Court for protection—were indifferent or unfriendly. Royal Commissioners sent out in 1664 to enquire into the course of Colonial administration—to ascertain how far the charter had been observed—were defied and insulted.

Individual acts of theirs might or might not be legal. To dispute the original authority of the Commission was to dispute the existence of conditions, to treat the charter as a surrender of sovereignty; for, though forfeiture could only be enforced through the Courts of Justice, it was the right and duty of the Crown to ascertain whether there were *prima facie* reason for such extreme procedure, for rebuke and warning, or for any intermediate course. A denial of that right was incompatible with the status of the Colony as a chartered English corporation and a dependency of the Crown. True that Massachusetts had never till the Revolution, save under duress, recognised the limitations of that status; that, as far as she dared, she had evaded, minimised, nullified, and ignored her dependence on the mother country; but she had been careful never to push matters to an issue, never so to assert independence as to force either King or Parliament to render her dependence effectual. Between that extreme and hazardous assertion and the position she now assumed, there was but a formal and nominal distinction. She chose to play double or quits, and with a weak hand. The other Colonies had treated the royal mandate, and the officers who bore it, with a loyal respect which emphasised by contrast the stubborn and provocative bearing of Massachusetts. But the latter relied on the troubles which embarrassed the Crown, on the Dutch war, the Popish plot, and the Exclusion Bill, on the protection of powerful friends, and the reluctance of the Home Government to proceed to extremities. For twenty years longer she paltered with the King, and set at nought the authority of Parliament. The Navigation law was systematically evaded through the very acts by which the Colonial Government pretended to give it effect. Edward Randolph, sent out as the agent of the Crown, invested with authority to enforce the law, was baffled, thwarted, and threatened with ruinous law-

suits, imprisonment, and even with death under the Colonial treason-code. Charged with a royal letter to the Governor and Assistants, he had occasion to learn, by a signal instance, what colonial professions of loyalty were worth. Introduced to the Court, he delivered their sovereign's missive. As it was read, the loyal gentlemen present uncovered; the Governor and the majority of the Assistants put on their hats with ostentatious disrespect.³

³ Palfrey, iii. 285.

CHAPTER V.

KING PHILIP'S WAR.

Treatment of the Pokanokets—Treaty of Extradition and Quarrel with the Narragansetts—Mismanagement, Cruelty, and Treachery of the Colonists: their sufferings, their victory and its abuse.

DOWN to 1675 the patience of the King, the prudence or indifference of his ministry, encouraged Massachusetts in a course of more or less open defiance. Royal reproofs and reclamations, summonses to send authorized agents to explain their conduct, demands for the observance of Acts of Parliament, of the spirit and letter of the charter, for the enfranchisement and equal treatment of Churchmen, were met with determined refusal or disrespectful evasion. In that year the Colonies reaped the fruits of a Puritan foreign policy—a scheme of public law based on the Books of Joshua and Judges. They had professed, and in cases of private wrongs sometimes endeavored, to protect the natives. They punished gross wrongs done by individuals to Sachems, tribes, or villages; but they assumed the right to punish Indian offenders in their turn. By a series of gradual usurpations they had reduced independent and equal neighbours, intensely jealous of control or interference, to the position of vassals or tributaries; had degraded, affronted and harassed, if not actually robbed or oppressed them. Of this highhanded and unrighteous policy they now felt the inevitable result in the most terrible calamity recorded in the colonial annals of New England; a calamity which the generation that endured it never forgot, and never perhaps wholly recovered; whose ultimate consequences paralysed the resistance of Massachusetts to the royal authority.

The Colony of Plymouth was as deeply indebted to the Pokanoket tribe¹ and its Sachem Massasoit as one community can well be to another. Massasoit's friendship had sheltered its feeble infancy; his help had saved its people from perishing by starvation. He was their equal ally by a treaty which he and his people had faithfully observed for fifty years; in spite of which, by purchase or encroachment, the colonists had appropriated a great

¹ Or Wampanoags.

part of his territory, broken up the settlements of the tribe, and driven them, by a studied policy, into isolated positions, affording neither military security nor convenient hunting-grounds. Still the veteran chief kept the peace, and his son and successor Philip for many years endured, with a patience equally politic and pathetic, the growing pretensions and repeated interferences by which his rights were invaded, his authority shattered, his independence and dignity outraged. Again and again he was summoned, not as the independent Prince he was, but as a subject or tributary vassal, before the Magistrates of Plymouth, to answer every frivolous complaint, every futile story, which 'praying Indians' or disloyal Pokanokets found it profitable to invent. At last a certain 'Christian Indian' spy and traitor charged Philip, not for the first time, with conspiring to form an Indian league against the English. That the charge was certainly untrue is an essential part of Mr. Palfrey's invective against its victim.² Its falsehood should have been obvious even to Puritan prejudice, for Philip had surrendered, just previous to this accusation, the main part of his 'English weapons'—that is, the guns and ammunition without which war was practically impossible. The informer relied on the protection of his patrons, ventured within Philip's reach, and met the death of a traitor. Thereupon the Magistrates of Plymouth seized the executioners and hanged them.

This last outrage was too much for the patience of the Pokanokets, if not for the prudence of their chief. A few colonists were shot, a few houses burned, by way of reprisal. The Colony sprang to arms, supported by her neighbours. The Pokanokets and the Nipmucks, by whom they were joined, maintained the conflict with far more courage and success than could have been expected. They were outnumbered and overmatched; not half of them were armed; but for several weeks the strife was waged with varying fortunes, and, on the whole, with more signal if not heavier loss to the colonists than to the Indians. In the meantime the Confederate Colonies had imposed upon the Narragansett tribe a treaty, binding them to surrender all Nipmucks or Pokanokets who should take refuge in their territory. Such a bargain was repugnant to Indian pride as to human feeling; and of all Indian chiefs, Conanchet, the skilful and high-spirited Sachem of the Narragansetts, was the least likely to fulfil an engagement so dishonourable. He owed and could have felt no goodwill to the colonists of Plymouth. Many years before their ally, the Mohican chief Uncas, had, by a treacherous stratagem, captured Conanchet's father Miantonimoh. Uncas had submitted the fate of his captive to the arbitration of the ministers and

² III. pp. 226-230.

Magistrates of Plymouth, and at their express instance had put to death one whom, as a possible and formidable enemy, they probably feared to spare. On the one hand, neither Conanchet nor his people could have meditated the surrender of their kinsmen; on the other, the chief was far too sagacious to have willingly accepted such an engagement with a deliberate intention to break it. It must, therefore, have been imposed on him by compulsion or accepted in ignorance.

At any rate no fugitives were surrendered, and the colonists seized this pretext of quarrel with a promptitude which strengthens the probability that the treaty was made to be broken. That the Narragansetts meditated hostilities, Mr. Palfrey, in reviewing the policy of Philip, justly pronounces incredible. Had he meant to strike, Conanchet would not have waited till the power of his intended allies had been broken, till his enemies were not only armed and on their guard, but had mustered in overwhelming force.³ He would have joined the Nipmucks and Pokanokets in their first attack; would have availed himself of a season suitable to Indian warfare; would have snatched the advantage of surprise, and might not improbably have secured a signal, possibly a decisive victory. That he should have staked everything upon the forbearance of the colonists—that, meditating an attack in spring, he should have exposed himself to the hazards of a defensive campaign in winter, when the snow-covered ground, the bare trees, the scarcity of food, were most unfavourable to the Indians, and afforded every possible advantage to the better armed, clothed, and provided whites—is inconceivable. A far inferior leader would have been incapable of such a blunder in tactics and policy. The aggression was almost certainly in intention, unquestionably in fact, committed by those who gained everything thereby, to whom the time and the situation were favourable; who seized the opportunity to strike a sudden, unexpected, and decisive blow. Without notice, ultimatum, or declaration of war, the combined Colonies marched a powerful force into the Narragansett country, and reached unresisted, and apparently unobserved, the strongly entrenched winter camp of the tribe.

Successive rows of palisades, many yards in thickness, protected a position of considerable extent, surrounded by swamps, and accessible, during the greater part of the year, only by a single narrow path. This one access was guarded by a block-house; but the surrounding morasses must now have been frozen. The surprise failed; the stealthy approach of the enemy was detected just in time; the warriors sprang to their arms, and firing from behind an impenetrable cover with their usual skilful marksman-

³ See last note.

ship, picked off most of the leaders of the assailants. Deprived of their commanders, the colonists fought with the stubborn resolution of Puritans; the Narragansetts with all the fierce valour and more than the ordinary perseverance of their race. Their splendid defence and admirably devised fortifications bear witness to the military capacity of their chief, and his power to breathe his own heroic spirit into his followers. The assault was more than once repulsed. Once the assailants entered the fortress, and were driven out in hand-to-hand fighting. Better armed and disciplined, however, and attacking from several points at once, they at last made good their entrance. The Narragansetts were still undismayed, and maintained their ground at close quarters till, infuriated by their protracted resistance, the colonists fired the wigwams over the heads of the helpless inmates. Embarrassed by the flames, inferior alike in weapons and in personal strength, hampered by the terrified women and little ones who clung around them, the defenders were at last overpowered. More than half their number were killed on the spot, or perished of their wounds; a still larger number of women and children were sacrificed.

The act of fierce passion to which the Indian women and children had fallen victims went not wholly unrewarded. The scores of wounded, whom the wigwams would have sheltered, had to be carried back a whole winter day's march to the nearest settlement, suffering cruelly by the way, and several of them perishing of cold and wounds. The military power of the great Narragansett tribe was shattered. None the less, under a chief like Conanchet, the remnant of his force maintained the contest and exacted a terrible vengeance for their wrongs. Dispersed, hunted down, shelterless, starving throughout the winter, they fell, with the return of spring, upon the frontier towns. One settlement after another was surprised or stormed, and fired. Philip and Conanchet understood the business of war far better than the Colonial leaders. Of the latter, a few veterans excepted, none had any military experience. The folly and carelessness of their marches, their want of discipline and order, exposed them to the surprises and ambuscades in which their adversaries excelled. In actual fighting, though often disgracefully beaten, they had on the whole a decided advantage. But victories in the field afforded no protection to the unfortified and generally unguarded plantations scattered throughout the wilderness. Despite the terrible experience of the previous year, the Indian warriors, moving with characteristic rapidity and secrecy, caught the settlers off their guard, dispersed in their fields or assembled in their churches; and before the end of the war one-third of the settlements of Massachusetts and Plymouth had perished.

Neither side gave quarter. The men were killed, the women and children either massacred or carried into captivity. Except in the use of torture, little distinction can be drawn between Indian barbarism and Puritan ruthlessness. More than one captive wife and mother has left a touching record of her own misery, of the yet deeper anguish she endured in witnessing the sufferings of her helpless children; and for each story preserved a hundred are lost or forgotten. But, on the one hand, they endured only what their fathers and husbands had inflicted upon ten times as many equally innocent and helpless victims; on the other, they complain less of any wilful and intentional cruelty than of the hardships inevitably incidental to captivity in the hands of hard-pressed and half-starving enemies—hardships shared to the full by their captors. The latter used rough threats but, it would seem, little practical severity, to compel the prisoners to keep up with their own forced marches and rapid flights.

Philip himself paid one female prisoner a shilling for making his boy a shirt; and when the captive offered to give it up, 'My mistress,' she says, 'bade me keep it;' and she purchased therewith food of which that mistress was in equal need. For making a cap the deeply injured chief invited her to dinner, and, poor and scanty as was her fare, it was evidently as good as his own. The Indians, moreover, were always willing to accept ransom for their captives; the colonists sold theirs into domestic or foreign slavery. It is impossible to read the narratives of the white prisoners without horror and compassion; but, bearing in mind the origin and the conduct of the war, it would be iniquitous to forget the far more cruel suffering of Indian families. We need not, to use Mr. Palfrey's own phrase, impute his pitiless exultation over Nipmucks and Narragansetts, his passionate sympathy with the wrong-doer, to an incurably bad heart. But it is not so surprising that one reader of English blood, even on Mr. Palfrey's own statement of facts, was found to wish that fortune had favoured the right. Such poetic justice, however, is almost unknown to history. The colonists paid dearly for the crime of their rulers, a crime they heartily approved and fully sanctioned. Hundreds of valuable lives were sacrificed, hundreds of homes burnt. Many women and children perished in the flames; a few, carried into the wilds of New York or Canada, were hopelessly lost. But the Indian tribes suffered tenfold more severely. The Nipmucks and Pokanokets, the deeply wronged Narragansetts, were virtually exterminated. Probably nine-tenths of their warriors died in battle or of their wounds; the captive remnant were put to death or sold into bondage. Philip, returning in despair to die among the graves of his fathers, was surprised and shot, and his family enslaved. Conanchet and several other distin-

guished chiefs were taken prisoners and murdered in cold blood. Philip's head and hands were cut off and exhibited in triumph in the streets of Boston.

The unreality of the conspiracy ascribed to Philip, so signally illustrated in the case of the Narragansetts, was proved by yet another example. While their support might have turned the scale, the tribes of the North remained quiet; when the Narragansetts, Nipmucks, and Pokanokets were hopelessly vanquished, the Indians of Saco and Cocheco fell upon the settlements along the Piscataqua. They were easily repulsed and beaten, and sued for peace. Their power was broken forever by a treachery only too common in the history of American relations with the Indians. Richard Waldron, commanding in that quarter, took advantage of a conference to disarm and capture, under pretence of a sham fight, several hundred Indians. The magistrates of Massachusetts arrogated their share of the guilt. Two hundred of the captives were sent to Boston. Seven, who were supposed to have shed English blood, were hanged as murderers, the remainder sold into slavery. Waldron's deed was far from revolting the moral sense of his day. Till Indian vengeance 'brought his hoar head to the grave with blood' he remained one of the heroes of Massachusetts. His name ranks in her traditions with those of Winthrop and Endicott, and is celebrated by Whittier, the noblest poet of New England, in a piece which, to do the writer justice, suggests oblivion rather than condonation of the act on which its hero's fame chiefly reposes.

CHAPTER VI.

THE REVOLUTION OF 1688.

Pede Pæna Claudio. The Charter forfeited at last—Relief of the Many—Grievances of the Oligarchy—Revolution of 1688—New York—New Jersey—Pennsylvania—Delaware—Bacon's Rebellion—The Carolinas.

THE Colonies had gained a Pyrrhic victory. Their steadily growing prosperity sustained a severe check. They were laden with a crushing burden of debt; their strength and courage were broken. Plymouth is said to have owed more than the whole personal property of her citizens. It took long years of heavy taxation before Massachusetts paid off the liabilities that the war had left behind. Her altered tone towards the mother country, the exchange of defiance for dilatory pleas and appeals *ad misericordiam*, attest her conscious weakness. Randolph, whether actuated by resentment or simple loyalty, did no more than his duty in reporting the vexatious and factious conduct of the authorities, in pointing out the violation of the charter not by occasional or incidental usurpation, but by a systematic course of that legislation which its terms expressly forbade. Nor did he transcend his proper functions in making the Home Government acquainted with the complaints constantly brought to him in secret by members of that disfranchised majority which, excluded from all civil and religious privileges, was harassed, vexed, and tormented by social regulations framed in the worst spirit of Sabbatarian superstition and Puritan bigotry. It must be remembered that the freemen were at most one in five of the adult male inhabitants, probably much fewer. They formed a strict oligarchy, exclusive and self-recruited. The vast majority of the people had neither interest in nor sympathy with a Government appointed by and administered in the interests of a small sectarian minority.¹

A considerable party among the more respectable citizens, with many leading officials, were averse to the headstrong and provocative tone which, adopted by a small majority in the Court of Assistants, found a passionate echo in the hearts of ill-informed

¹ Randolph's Report, Palfrey, Book III. c. 7

and hot-headed Deputies. The freemen as a body were alike ignorant and contemptuous of English law. When reminded of the limits of the charter, and warned of the peril to which it was exposed, they fell back upon a forced construction of Scriptural texts, an appeal to that 'higher law' which can always find a sanction for the wildest pretensions, the worst acts, of those who invoke it. No lawyer could overlook the weakness of their cause. The Home Government was not disposed to push matters to extremities. Should it be provoked to do so, Holt or Treby, no less than Guildford or Jeffreys, must have pronounced the charter forfeited by persistent and deliberate disregard of its restrictive condition, dating back to the very origin of the Colony and maintained down to the present moment. Apparent concessions had been made to royal demands too just and too peremptory to be openly defied, but not one in fifty laws repugnant to the laws of England had been honestly and effectually repealed.

Before the Colony had been ten years in existence, Endicott, moved partly by religious, partly by political hatred of the symbol, had torn St. George's Cross from the ensigns of the Colonial militia; and this step, though formally disowned, had been practically adopted by the Government. Men whose education, whose administrative and judicial experience, had given them some insight into the law, could not doubt the result of a *quo warranto* or *scire facias*. The extreme faction in the Court of Assistants relied less on such poor legal quibbles as must be contemptuously overruled in any Court of Law, than on the practical difficulty that the Home Government would find in enforcing obedience to its commands. That, unsupported by her sister Colonies and weakened by debt and war, Massachusetts could no longer oppose an effectual resistance to a King who had crushed the Exclusionists and the Covenanters, every Colonial statesman must have been aware. The charges of dishonesty too often cast by prejudiced historians upon the Moderates might be pressed with much better reason against the responsible leaders of the extreme party. Pandering to the ignorance and passion of their constituents, they were incurring certain defeat rather than imperil their popularity for a moment by an honest exposition of facts, by counsels of practical prudence and sobriety.

The Colonial authorities complained that the notice given was too brief to permit of their appearance; that they were cast, in short, before the summons reached them. The stronger the case against them, the more inexcusable, according to modern ideas, was an illegitimate haste for which there was no need whatsoever. But the lawyers of that day regarded such questions differently. Massachusetts was entitled to no favour or indulgence. Of the impending forfeiture she had had substantial if not formal

notice for years; and from the counsel for the Crown at least, and from Judges cognisant of her delays and evasions, she could expect nothing but the letter of the law. Nor was any substantial injustice done. The Colony was well aware of its danger, and had, at the critical moment, responsible agents in England. Where defence was impossible, default, and especially a default excused or caused by the undue eagerness of the prosecutors, was probably on the whole the best thing that could happen. In the formal wrong done to Massachusetts, contemporaries and historians forget her actual deserts.

In 1684 the charter was repealed by writ of *scire facias* in the Court of Chancery. There is no reason to think that to the majority of the people the change was especially unwelcome. All but the minority of enfranchised Church members had a direct interest in the right of appeal to England. They must have felt themselves safer in the hands of a Government appointed from home than at the mercy of their bigoted neighbours. They complained not merely of political exclusion, but of practical injustice. We know that the freemen contrived to reconcile party verdicts to their consciences where, as in cases under the Navigation Act, the claims of the Crown conflicted with colonial interests. There is no reason to suppose that they were wholly impartial in private suits between Church members and dissentients. The temper of the ruling oligarchy—the ministers, elders, and freemen, as distinguished from the magistrates on the one hand and the bulk of the people on the other—was unintelligibly and almost inconceivably violent, intemperate, and extreme.

We have seen how that temper had led them to trample on the fundamental tenet of their ecclesiastical system, the independence of the several Churches. Sects are ever more tenacious of their distinctive differences than of the first principles of the common faith; and it need not surprise us to find the colonial Puritans as contemptuous of the most sacred rites and primary doctrines of Christianity as of their own peculiar formularies. They were consistent only in a profound and passionate impatience of dissent, civil or religious. No ministrations but those of the authorised and established pastors were permitted, and their ministrations were not, like those of the English Church, due of right to every parishioner. Even the universal sacraments of a common Christianity were refused to those who had not qualified for the full privilege of Church membership, or from whom that privilege had been withheld. Church members only were admitted to the Communion table; Church members only could present their children for baptism.² Yet had an Anglican priest, passing through the country, ventured to administer the Eucharist, or to

² See Palfrey, Book II. c. 2. Bancroft, Pa. II. chap. 3.

baptise the infants rejected from the font of the colonial Establishment, he and his congregation would have been visited with fine and imprisonment, if not with still heavier penalties. In a word, the whole community, the freemen excepted, was under an interdict. These laws were relaxed only at a very late period, and after a bitter and obstinate contest. Even then a powerful minority, both of the ministers and of the Churches, long maintained their protest on behalf of the primitive severity which treated four-fifths of the population as heathens or excommunicated heretics.

Christian marriage and Christian burial were forbidden to all. With signal inconsistency the Puritans pronounced marriage a mere civil contract, unblessed by religion, attested only by the magistrate, yet made adultery a capital crime. That reaction of antagonistic superstition which formed so strong an element in their religion abhorred the beautiful and touching funeral services of the Roman and the English Churches, and manifested itself in committing even their own dead, their wives and children, their rulers and pastors, to the earth in dreary hard silence. Any rational government, any that England was likely to impose, whether under the rule of Randolph and his local partisans, or that of officials fresh from the Court of Charles II. or James II., could not but be welcome to the malcontents made by such a system.

The Crown had moved so slowly that it was not till 1686, ten years after the Indian war, and nearly two after the forfeiture of the charter, that Sir Edmund Andros landed at Boston as his Majesty's Governor-General in New England. Rhode Island and Connecticut found little cause to complain. Across the records of the latter is written—not, it would seem, by the hand of Andros, but of the secretary who records his assumption of authority—'FINIS.' Tradition affirms that, at the same or another sitting, the candles suddenly went out; that when they were relighted, the charter which lay on the table had disappeared, to be produced at a later date from a hollow tree in which it had been safely hidden.³ It is a significant fact that Andros's nominated council included most of the best men of all the Colonies, among others two or three members of the Winthrop family. The supreme grievance of Massachusetts was his demand that one of the churches of Boston should be lent, at hours when it was not occupied by its own congregation, for the Anglican worship. There was no question of profanation, hardly any of proprietary right. The Puritan's idea of religious liberty was that his worship should be tolerated in England, but that the English service should not be tolerated in Scotland or Massachu-

setts. A few months later Episcopalian congregations were brutally mauled and outraged by the Scotch rabble, with the license and encouragement of the Revolutionary Government, at a time when Presbyterians and Independents enjoyed perfect freedom in England. To prevent him from persecuting was the persecution of which the Puritan complained most bitterly.

Historians have given more attention to a charge of much less moment in the opinion of those who preferred it. Andros is said to have required colonial proprietors to take out patents under his seal for the lands they held by grant from the local authorities or purchase from the Indians. We have only the complainants' stories, and these bear marks of manifest exaggeration, and apply less to Andros than to his local adherents. In New York he provoked no especial animosity, and his subsequent appointment by William III. to the government of Virginia shows that his political enemies at home, having before them his replies to the invectives of Massachusetts, thought the charges against him frivolous. By their own showing, those who thought themselves individually wronged were very few. The grand political grievance of the freemen at large was that they were now placed on a level with the vast majority of the colonists, in being taxed without the consent of their representatives.

As at home, a few desperate conspirators had meditated rebellion, even before the tidings of the Dutch invasion arrived. Within a few hours thereafter, a large body of armed partisans had taken possession of Boston, arrested the leading Royalists, forced Andros to take refuge in the fort which commanded the harbour, and laid hands on the captain of a royal frigate. The latter forgot, in personal animosity to Andros, his duty to his Sovereign and his Sovereign's representative. His conduct leaves little doubt that his arrest and submission were voluntary. Danger had been anticipated. His place was on the quarter-deck of his vessel, which, so anchored as to sweep the streets with shot, might have quelled rebellion for the time. His treason paralysed the Government and ensured the success of the movement. He placed his vessel virtually, if not formally, in their hands; and, seeing her disarmed and disabled, Andros came out to confer with the rebel leaders, was arrested, and conducted to prison under a solemn pledge of life and safety. That pledge was no sooner given than broken.

The fort still held out. The Puritan chiefs informed Andros that if he did not obtain its instant surrender they would hand him over to be torn to pieces by the rabble. With the surrender of the fort the legal government of New England came to an end. Massachusetts resumed the exercise of her forfeited charter, and her sister Colonies, seeing the Governor-General a prisoner,

reverted to their still extant privileges. The former, however, was not restored. The Judges appointed by William III. evidently approved the decision of Lord-Keeper Guildford. Massachusetts obtained a new charter, under which she still retained an elective Council and Assembly, but the Governor was named by the Crown, and both the King and his representative had a veto on Colonial enactments. Connecticut and Rhode Island regained their chartered franchises, but Plymouth, the eldest and not least respected of the New England Colonies, was quietly absorbed by her more powerful neighbour. The altered temper of the New England Puritans, perhaps the hopelessness of resistance to the encroaching spirit of Massachusetts, may be inferred from the accomplishment of an act so high-handed, the infliction of such an injustice upon an unoffending and deservedly-respected community by a stroke of the royal pen, without any such murmurs, any such persevering passive resistance as had delayed for months the union of Connecticut and New Haven.

James I. had divided British America into three parts—the grants of the London and Western Companies and the intermediate territory open to both. The latter, originally embracing three degrees of latitude, had been narrowed by subsequent definitions till it covered on the seaboard little more than the present limits of New Jersey. The grant to the Western Company never took practical effect. The grantees of Virginia soon resigned it to the Crown. But the division in its general outline continued to correspond with rather than to control the actual course of settlement, and may be traced throughout the history of America even to the present day. New England, from Maine to Connecticut, occupies the seaboard assigned to the Western Company, and afterwards to the Council of Plymouth. Maryland, Virginia, and the settlements to the southward filled up and spread beyond the domain originally assigned to the London adventurers. The intermediate coast, left open to both, neither attempted to plant; and, despite the nominal claim of England, it passed out of her hands.

When the Leyden congregation were planning their transfer to America, they were invited to settle in the territory along the Hudson, claimed by Holland in right of discovery, and transferred to the Dutch West India Company. Chance or patriotism, or distrust of the country where they had fared so hardly, fixed their future home under the English flag. They might have been the first occupants of New Amsterdam, the original founders of the greatest instead of the most insignificant of American communities. They might have escaped the hardships which in six months destroyed one-half their number; they would have gained comfort and riches, and lost their merited fame and signal place in

history. While the Colony of Plymouth was struggling through the hardships of its infancy, the Dutch Company had established itself firmly on the island of Manhattan,⁴ and at the position called Fort Orange, where Albany now stands. Plymouth had neither the leisure nor the power to molest them. The far more powerful and ambitious colony of Massachusetts presently discovered that a part of its boundless Western domain had other European inhabitants; that enterprising Dutch traders had invaded, or rather anticipated, that monopoly of the Indian fur trade which she claimed in virtue of her charter. Governor Winthrop warned off the intruders in imperious language as trespassers on English territory. The Dutch settlers answered with gentle or politic forbearance, referring the question to their several home governments. Neither party was inclined to waste its strength in contending for the nominal ownership of a distant region that neither was ready to occupy. It was not till the settlements of New Haven had been pushed across the Connecticut that the Dutch and English came into contact, and even then their mutual prudence avoided a collision that men like Endicott would willingly have precipitated.

Dutch capitalists purchased large tracts of country, on which they settled their servants or tenants, planted, traded, and thrived in their phlegmatic way. A mixed population, nearly half of which seems to have been of English origin, filled up the country from New York (New Amsterdam) to Albany. The first traders and settlers had been on excellent terms with the natives. As they waxed strong they waxed insolent, and Governor Kieft picked a wanton quarrel with the Algonquin tribes in his neighborhood; attacked, surprised, and butchered some hundred of them. The powerful Iroquois, who claimed some sort of suzerainty over the whole country from Virginia to Canada, took up the quarrel, and imposed upon the colony a humiliating treaty of peace. This treaty, however, proved of infinite value both to the Dutch and to their English successors. After Kieft's recall, the former maintained a cordial understanding with the Mohawks, the most powerful of the Five Nations. The infant Colony had learned to its cost that it existed by the sufferance of the great native confederation. The Iroquois, engaged in a constant and bitter feud with the French Canadians, were careful to keep on terms with those on whom they depended for the indispensable supply of firearms and ammunition. New Netherland, as a Dutch colony, never attained the importance of Massachusetts or Connecticut; but New Amsterdam, with its splendid harbour and admirable situation, was, next to Boston, the most thriving city on the American coast. In 1664, during the first Dutch war of Charles II., it surrendered without resistance, though sorely

⁴ The site of New York.

against the will of its high-spirited Governor Stuyvesant, to an English fleet.

The first settlers of New Jersey and of that little strip between the estuary of the Delaware and the frontier of Maryland, which now forms the State of Delaware, were a Swedish colony. Between them and their Dutch neighbours a tolerably good understanding subsisted, till the death of Gustavus Adolphus and the long minority of Christina brought down the prestige of Sweden to the level of her natural power. The whole country was then forcibly annexed by the Governor of New Netherland. The Swedes, admitted to full equality with their fellow colonists, acquiesced in the change they hardly felt. Thus the surrender of New Amsterdam brought the whole coast between Florida and Acadia under the dominion of England. The Dutch recovered their Transatlantic possessions for a moment, only to surrender them once more and finally. By this time the English element preponderated everywhere, though the numerous Dutch inhabitants of New York and the little Swedish settlements on the Delaware were not without influence on the character of those provinces. The Swedes, though formally associated, were never amalgamated with the Quaker communities of Pennsylvania. There was no unity of interest or sentiment, and this tiny Colony ultimately regained its independence. French and Spanish provinces have been annexed by conquest or purchase; Holland and Sweden alone were represented in the original Thirteen Colonies, and share with England the parentage of the greatest and least of the United States.

William Penn, the Quaker courtier and democratic Jacobite, in conjunction with other Quakers, had purchased Western New Jersey from the original grantees. Passionately devoted to the cause of religious equality and the interests of his sect, he had long cherished the hope of establishing beyond the Atlantic an ideal commonwealth, where the Quakers should be free from the vexations that, in any civil community, must trouble the life and conscience of men who would neither fight nor swear allegiance, would pay neither church dues nor military taxes. But Penn's aims and principles were the very opposite of Bradford's and Winthrop's. To his refuge for the persecuted all fugitives from persecution, even the savage Puritan persecutors of his faith, even the 'Papists' on whom the most tolerant Protestants then retorted their own ruthless intolerance, were equally welcome. Both Charles II. and his brother felt a natural indulgence for the Quakers, whose doctrine of non-resistance was so presented as to resemble the 'passive obedience' then deemed the vital distinction of Anglicanism; of whose loyalty and harmlessness the savage animosity of English, Scotch, and American Pu-

ritans might seem strong *primâ facie* evidence. As much from royal good-will as in satisfaction of alleged claims upon the Crown, Penn received in 1681 a grant only less lavish than that which had assigned the northern part of New England and the whole of New Netherland to the Duke of York.

From that assignment was carved a province extending westward from the right bank of the Delaware, marching on the south with the frontier of Maryland, and on the north with that of New York; boundaries not accurately adjusted till a much later date. To this ample domain Penn invited his persecuted co-religionists. These, the flying fish of controversy—punished by Church law as Nonconformists, and sure, if the Nonconformists regained the upper hand, to be more savagely persecuted than Churchmen—flocked by thousands to an asylum secure against both their foes; and Penn landed in 1682 as the ruler and law-giver of an expectant community. Under the forest which occupied the present site of Philadelphia he gave to his tenants a constitution by far the most democratic then known. He reserved to himself the nomination of a Governor with powers scarcely more than formal, granted each settler his land in fee, but claimed a proprietary right in the unoccupied domain, which was the subject of constant disputes between the colony and his heirs.

Pennsylvanian tradition has dwelt less upon the liberality so unkindly requited, on the extravagant liberties which never contented their possessors, than on a less important but perhaps even more exceptional and more striking incident. Under the same primæval forest Penn concluded the one Indian treaty which, if it hardly endured longer than that between New York and the Five Nations, at least deserved to endure. He respected both native interests and native pride, made no pretence to suzerainty or jurisdiction over the Indians, but treated them and the colonists as independent parties to an equal and willing compact, co-partners of a soil on which there was abundant room for both. The tribe thus fairly treated, and which proved itself worthy of such treatment, belonged to that Algonquin race with which both in Virginia and in New England the settlers had come into disastrous collision. The Lenni-Lennape are better known by the name of the Delaware river, on which the council-fire of their nation had long been lighted. The connection with the Mohicans of New England, ascribed to them in Cooper's well-known novels, is not so easily made out as their ignominious vassalage to the formidable Iroquois confederacy, which had compelled them to renounce even the name of warriors—in their own phrase, to wear the petticoat.

A few years later, one of those rumours with which the Puritan commonwealths of New England were so familiar, which had

afforded them the excuse for so many irritating precautions and for two cruel wars, alarmed the rising town of Philadelphia. Five hundred Delawares, it was said, had assembled at no great distance with the intention of assailing and destroying the non-resistant city. Endicott or Standish would have anticipated the supposed treason and apprehended massacre; the Magistrates of Plymouth would have summoned the Sachems to answer for themselves at the bar of a foreign Court. Five or six Quaker emissaries hastened unarmed to the place of meeting, and told their story. The Delaware chiefs answered in the tone and almost in the language in which high-minded English gentlemen would have resented an imputation that touched their honour to the quick. Unmolested, they refrained from molestation; trusted, they were true. Left to their own laws and liberties, a chance affront, an incidental quarrel, never led to reprisals or hostilities. Such few disputes as might arise were referred with unhesitating confidence to the justice of their white neighbours.⁵

In Virginia, Sir William Berkeley's restored rule was marked by a deplorable incident, which suggests that the temper of the stern but generous Royalist soldier had been soured and exacerbated by the misfortunes of his party and his own wrongs. A rumour of Indian conspiracies, confirmed by some actual collisions, provoked a difference of opinion between the Governor and the planters. The former refused to resort to hostilities; the latter, under a popular leader named Bacon, mustered in force for a defensive or aggressive campaign. The Governor necessarily resented such an usurpation of the royal prerogative, and proclaimed Bacon a traitor. The latter, on this provocation, abandoned the Indian campaign with a facility which casts no little doubt on the alleged peril, and seems hardly compatible with sincere or serious apprehension. Thus practically and legally putting the Governor in the right, Bacon led his forces to coerce Berkeley in the capital. Compromises were proposed, accepted, and violated. The sudden death of Bacon broke the strength of the popular party, and Berkeley, recovering his power, took a cruel revenge for the affronts and humiliations he had endured. 'The old fool!' said his master; 'he has taken more lives in that wilderness than I took in requital of my father's death.' Berkeley was recalled. His successors were mere courtiers, eager to make money by whatever means, often guilty of individual acts of oppression, but indisposed to quarrel with their paymasters, and therefore compliant on the whole with the demands of the colonial Assembly. Even under their rule, Virginia was lightly taxed. Eighty-three pounds of tobacco per head seems to have

⁵ For detailed but extravagantly partial account of Penn and Pennsylvania see Bancroft, Part II., c. 15, 16.

represented the total amount of taxation, above the regular settled revenues of the Government, voted during several years.

The region south of Virginia was assigned in the still usual fashion to proprietary bodies, among whose members were Lord Clarendon, Sir William Berkeley, and the famous philosopher John Locke. The latter had the honour of framing for South Carolina an elaborately aristocratic and ingeniously unworkable constitution; a philosophic abortion which did not attain even 'to make a miserable noise and go off' in convulsions.' After a few years of nominal existence, it died of inanition. Few of its subjects, probably, knew that it was in being, and nobody missed or mourned it. The proprietors made some attempt to render their ownership valuable to themselves and beneficial to the country, by forming settlements at various points; but the actual people of the northern province consisted chiefly of individual adventurers who came by twos, threes, and dozens from the neighbouring Colonies to settle where law could not follow them. North Carolina was, even more than Virginia in the first stage of her settlement, a country of isolated plantations; in this case chiefly small cattle farms, which prospered with little or no help and occasional hindrance from the Government repeatedly set up by the proprietors, continuously disregarded and frequently overthrown by the inhabitants. South Carolina was from the first a slave colony, unsuited to wheat, maize, or even tobacco. Her staples were such as on the one hand required only the rudest labour, and on the other were best grown on soil and in situations deadly to European, but comparatively well suited to African immigrants. She owed her first market advance, and not the least valuable element of her population, to the repeal of the Edict of Nantes. Of some half-million Huguenots driven into exile by that measure, thousands found their way to the southern colonies of England, and hundreds, under the patronage of the proprietors, settled along the Santee and the Charles. The Royalist and Anglican element was strong, but never strong enough to enforce its pretensions to supremacy. Religious and civil disputes kept the Carolinas in anarchy, but did not prevent their growth, during the interval between the Restoration and the Revolution.

The latter event found ten or eleven separate communities, with a population perhaps approaching a quarter of a million, occupying the entire sea coast of America between the Spanish and French possessions. The charter of William III. had annexed Plymouth and Maine to Massachusetts, and the united Colonies may have had a population of forty to forty-five thousand; New Hampshire and Rhode Island perhaps six thousand each; Connecticut less than twenty thousand; New York a somewhat larger number; New Jersey, Pennsylvania, and Delaware, and

the two Carolinas, including what is now the State of Georgia, from eight to twelve thousand each. Maryland had perhaps twenty-five thousand, and Virginia, the largest and most powerful of all the Colonies, more than fifty thousand inhabitants.

By this time, the New England Colonies and Massachusetts above all, had established a system of education, elementary and superior, scarcely if at all inferior to that of the Scottish Lowlands. Every township of fifty families had in 1647 a school, every community of twice that size was required to maintain a grammar school. Before twenty years had elapsed colleges had been founded, partly by public contributions, partly by private liberality, wherein the first generation of youths born in the colonies received instruction little inferior to that given at St. Andrews or Edinburgh. The conditions of colonial life did not admit of a prolonged or thorough literary education. Few families were rich enough to dispense with the labour of sons of fourteen and upwards. But the long winters afforded opportunities which were utilised to the utmost.

Harvard College was opened in 1638-9; its first pupils, nine in number, graduated in 1642. Yale College, its Connecticut rival, was not opened till the first year of the next century.

CHAPTER VII.

THE WITCHCRAFT MANIA.

To the influence at Court of Cotton Mather, a leading Boston preacher, and of his father Increase, in 1689 the virtual representative of Massachusetts in London, the appointment of Sir William Phipps as Governor and of two leading but not very able members of the moderate party as Deputy-Governor and Chief Justice respectively, was generally imputed. To Cotton Mather's influence, his ascendancy over his weak and stubborn nominees, and over a populace to whom his spiritual arrogance, his bigoted Calvinism, and his childish superstition were thoroughly congenial, must be ascribed the last, the most contemptible and the most detestable outbreak of the old Puritan fanaticism.

In ferocity, cruelty, and sanguinary barbarism the famous Witchcraft Mania may rank with the most hideous, as in credulous folly and glaring absurdity it takes place among the most ridiculous, of the minor tragedies of human error. The first victim was an old Catholic crone, denounced and butchered some years earlier at Mather's own instance on the evidence of some malignant girls, who played on the Puritan preacher's idiotic credulity and almost insane self-conceit. At last, in 1692 one Samuel Parris, a minister at Salem, took the hint. He had quarrelled with some members of his congregation, and encouraged his daughter and niece (girls about twelve), and other children, to prefer similar charges of witchcraft against various unoffending men and women. The infant witnesses, whose minds he debauched, whose testimony he must have inspired and dictated, went into convulsions—real, hysterical, or affected—pretended deafness, dumbness, and various sorts of physical and mental affliction. These they imputed—not, as in ordinary witchcraft cases, to old, solitary, friendless crones of the lowest station, of unprepossessing appearance, eccentric habits, and malignant temper, but—to women and men of inoffensive manners, of blameless life, of decent family, and sometimes of considerable social position.

Chief Justice Stoughton believed the story, and persisted to the last in his credulity. As this man, though an eminent colonist,

was a royal nominee, Mr. Bancroft endeavours to exonerate the Colony at large, and the people of Salem in particular, from responsibility for the consequent butchery. But every victim of Parris's wholesale accusations was convicted by a jury of freemen and Church-members—men politically prejudiced against Stoughton, and far too strong in mutual support and in the sympathy of their neighbours to have been bullied, cajoled, or coerced by him. Parris began by informations on which two women of stainless character were committed; and preached the next day on the text, 'Have I not chosen you twelve, and one of you is a devil?' Upon this, the sister of Rebecca Nurse, at whom the text was levelled, rose and left the meeting-house; and for thus resenting the outrage, she too was accused of witchcraft and sent to prison. The husbands, brothers, and fathers of the victims followed.

Next, with a diabolical ingenuity in which Cotton Mather supported and imitated him, Parris turned the storm of accusation and popular prejudice upon those who avowed their incredulity. Farmer Bishop flogged an Indian servant, one of Parris's favourite witnesses, out of a fit; declared his belief that a sound whipping would cure the 'afflicted' children; and, thereupon, with his wife, was arrested and imprisoned on the common charge. The same fate befell a quondam minister, George Burroughs, a graduate of Harvard College, and a former rival of Parris. When the Court met, two eminent colonists—Sewell, a leading Puritan, and Wait Winthrop, by name, lineage, and influence among the foremost citizens of Massachusetts—were associated with Stoughton on the bench.

The first victim, Bridget Bishop, as Cotton Mather avers, 'looked at the meeting-house, whereupon a demon entered and tore down a part of it.' On such charges and such evidence the unfortunate woman was hanged. At the next session four women of irreproachable character were convicted. Rebecca Nurse, one of the accused, was acquitted; whereupon the judges rebuked and sent back the jury, till at last they extorted a verdict of guilty. That the verdict was founded on a misconception of the evidence, for which the Court was responsible, the foreman of the jury declared. The Governor granted a reprieve, but Mather and other ministers insisted on blood; the reprieve was withdrawn, and the five victims were hanged. No prisoner who confessed was executed. Every avowed sceptic, every accused person who maintained his or her innocence, was convicted and hanged without mercy. A reign of terror was established. Accusations multiplied. To bear testimony on behalf of the accused, to be related to them, to express a doubt of their guilt, to refuse participation in the persecution, was to be 'sus-

pect;' and suspicion ensured arrest, conviction, and death. Martha Carrier was hanged on the evidence of her own children, who had been tortured into perjury and parricide. An aged man of high character was condemned upon the evidence of his granddaughter, extorted by threats; evidence which she recalled before his execution, with no other effect than to ensure her own committal for trial. Nineteen persons had been hanged; one, refusing to plead, died under the *peine forte et dure*. One hundred and fifty were imprisoned, two hundred more accused or denounced.

The Puritan ministers exulted in the agonies of their victims. 'There,' said one of them, 'hang eight firebrands of hell,' pointing to the bodies of those whom he and his associates had murdered, as they swung on the gallows. The sane minority of Salem had been terrified into silence. A similar terror provoked their fellow-colonists to protest. 'We know not,' said the Church members and minister of Andover, '*who can think himself safe if the accusations of children and others under diabolical influence shall be received against persons of good fame.*' Precisely. Had the persecution been confined to persons of dubious orthodoxy, to Quakers, Anglicans, Baptists, and the like, its course might have been much longer. When ministers and Church-members were hanged on evidence elicited from debauched children or extorted by torture, or on the confession of fellow-prisoners whose lives were at stake, the saints themselves were in peril. The General Court would not affront the prejudices of their constituents; did not enquire into, much less denounce, the murderous conspiracy. They forbore to touch the law, but they changed the tribunal and delayed the first assembling of the new Court till the following January. This last device betrays the practical Scottish shrewdness so strangely underlying the wildest Puritan fanaticism. The hanging was suspended for three months. There was time for discussion, for enquiry, for retractation, time for the minority at Salem and the majority of sane men elsewhere to assert themselves, without fear lest the first dissenting voice should be silenced by the hangman.

When the Court met, the grand jury dismissed more than half the presentments, but found bills against twenty-six. Twenty-three of these were acquitted; three—of whom one was a wife on whose testimony her husband had been hanged—were convicted and reprieved. Sober reflection left no doubt that the evidence was one mass of deliberate imposture; yet even the chief murderer went unpunished. No attempt was made to arraign Parris for perjury or subornation, though under Colonial law his crime seems to have been capital. Nor were his less guilty tools punished in any way. Public opinion was content

to drive him from Salem. One or two of his accomplices, like Judge Sewell, confessed their guilt or madness. But the leader of the persecution—next to Parris himself the most guilty, and beyond even Parris the most influential in procuring that hideous series of judicial murders—neither retracted nor lost favor. Cotton Mather continued to the end of his life a shining light of New England Puritanism.

CHAPTER VIII.

THE FRENCH WARS.

Consequences of the Revolution—New England and New France—The Five Nations—American Colonies the real Principals—Acadia—Louisiana.

THE Revolution of 1688 was at least as momentous an event, as signal an epoch, in American as in English history. It linked the New World for a century closely with the politics of the Old. Divided between France, England, Holland, and Spain, North America had never yet been the seat of serious or prolonged hostilities. In spite of religious and national antipathies, the colonies were too busy and too far apart to fight. France crept southward into New York, New Hampshire, and Maine. Expeditions from Virginia and New England destroyed French settlements in Acadia, as the southern sea-coast country claimed and occupied by France was long called. But the border line was shifted north or south by a hundred miles with less loss of life than seems to have been incurred in the quarrels of French Protestants and Catholics within the disputed country. The single vote of Massachusetts once saved New England from a bloody and wanton war with New Netherland; in the Dutch wars of Charles II. the latter was taken, retaken, and finally resigned to England without a blow. But the accession of William III. reversed the situation. Enmity to France, as the enemy of his religion, of his country, and of European liberty, was the ruling passion of the Stadtholder whom his own unscrupulous skill and the perverse bigotry of his father-in-law had placed on the throne of England. England was now, in conjunction with Holland, the leading Power in the European league provoked by the insatiate ambition of Louis XIV.

The next eighty years may be distinguished in American history as the period of hostilities with France; hostilities sometimes suspended or interrupted by intervals of more or less nominal peace, but never exchanged for reciprocal confidence or amicable understanding. It was also the period of intimate relations and mutual interdependence between England and her Colo-

nies. The protracted and desperate struggles in which both were engaged, of which the latter reaped almost the whole advantage, might have been expected to draw closer the ties of common interest and feeling. But distrust and jealousy of England, inveterate enmity to her Church and Crown, were the earliest and deepest-rooted traditions of Massachusetts, Plymouth, and Connecticut. Virtual independence of the mother country was the aim of the first colonists; nor did the victory of the Puritans change the views and policy of men like Winthrop and Dudley, Bradford and Winslow. They would give Cromwell no more than pious congratulations; no practical powers of which a Lambert, a Monk, or a Stuart might claim the inheritance. The Prince of Orange was no more trusted than the Protector; the House of Hanover scarcely more popular than the Stuarts. Disaffection had become by that time the traditional spirit, absolute self-government the aspiration, pretensions wholly 'repugnant to English law,' the political creed of the Northern Colonies. Wherever the Puritan influence penetrated, this temper and these pretensions prevailed. At the Peace of Utrecht, no Colony north of the line—after called Mason's and Dixon's—between Pennsylvania and Maryland, could be called loyal to England or to her Sovereign. None would confirm their professions of fealty by compliance with the most limited and most reasonable demands of the Crown or its representatives.

The Home Government was irresolute, ill-informed, and feeble beyond belief. Walpole could entrust the ultimate control of colonial affairs to the Duke of Newcastle; the weakest, most ignorant, silliest man whom favour and corruption ever raised to power in England. The duties of the several Secretaries of State were divided partly by a geographical, partly by a departmental line. The Northern Secretary treated with Berlin, Sweden, and Russia; the Southern negotiated with Madrid and Paris, and had charge of the Colonies in general. The Lords of Trade and Plantations formed an intermediate body, without power or responsibility; screening the Secretary from direct contact with facts and from the necessity of acting upon them; able to report to and to advise the Government and its agents, but not to wring a decision from the one or coerce the other. This absurd system endured through nearly the whole period in question, and exposed the Governors of the Crown Colonies to endless embarrassment and perplexity, humiliation and defeat.

The Colonial Assemblies, grasping as popular assemblies have ever done at supreme and absolute control, generally refused to vote a permanent revenue or even to assign a fixed salary to the Governors. The latter, instructed to insist upon this point, were left without support or direction from home. They were forbid-

den to yield, they were not enabled to resist, and were necessarily forced into compromises which turned more and more decisively in favour of those who held the power of the purse. It should have been obvious to the dullest or most careless Minister that, to render the position of the Colonial Governors independent or intelligible, to make them in fact as in name the representatives of the Sovereign or the feudal proprietors, their salaries must be settled and secure, beyond the control or caprice of the local Assembly.

This was the case in Virginia, and in the proprietary province of Maryland, and these alone were firmly and constitutionally governed. Rhode Island and Connecticut elected their own Governors, and were sheer Republics. In New York, New Jersey, and Massachusetts, and in the proprietary provinces of Pennsylvania and the Carolinas, there was neither stable order nor popular government. A treatment combining injury and insult irritated the Governors against the Assemblies. The pettiness and personal nature of the interests involved brought the authority of the former into odium and contempt. Utter ignorance of colonial feelings and tendencies, jealousies and prejudices, were traditional in the Colonial Department from the days of the Minister who was caricatured as learning with delighted surprise that Cape Breton was an island. The division of duties and responsibilities left the Home Government with a Colonial Secretary burdened with other functions, and without a properly organised staff of permanent officials at once versed in colonial affairs and directly subordinate to the Minister in charge thereof. Government by chance, departmental confusion, Ministerial neglect and Parliamentary indifference, inevitably fostered the growth of untenable pretensions and real grievances, even in dependencies as loyal as Virginia and Maryland; to say nothing of those which, like Pennsylvania and Rhode Island, were founded in anarchy, or, like Massachusetts and Connecticut, originated in religious and civil disaffection.

The mutual enmity of New England and the Canadas was but indirectly dependent on the quarrel between the mother countries: fiercer, more inveterate, and of somewhat earlier date. Incidents which showed that peace could not be secure or lasting had occurred, even while James II. was still the dependent and pensioned ally of Louis XIV. New York, with the territorial pretensions, had inherited the Indian policy of New Netherland. It was a necessity of her position to maintain her traditional alliance with the Iroquois Confederacy, the formidable enemy of the French provinces and the greatest native Power of the Continent. The Five Nations at present covered and shielded her frontiers; irritated, or driven into the arms of France, they

would ravage the banks of the Hudson as they had wasted and ruined the settlements on the St. Lawrence. They held the balance; their hostility was the one great check on the rapid extension of French trade and influence in the North-West, pushed on, far and fast, by the co-operating energies of ambitious discoverers, enterprising fur-traders, and devoted Jesuit missionaries. An agricultural community, imitating the aristocratic order of the mother country, occupied both banks of the St. Lawrence from Quebec to Montreal.

A system of forts, which were also missionary or trading stations, was gradually advanced along the great water line. Frontenac at the north-eastern outlet of Ontario, Niagara at the western extremity, and Detroit, commanding the passage between Erie and Huron, gave to Canada the command of the Lakes, and of the only direct route by which European trade and European influence could reach the tribes of the interior. The energies of Spain were exhausted, or absorbed in the maintenance of her actual possessions; of which, some isolated northern settlements and the West Indian Islands excepted, the Rio Grande was perhaps the effective, though far south of the formal, boundary. Frenchmen were the first explorers of the Ohio and the Upper Mississippi, and if not the first discoverers, the first settlers of Louisiana, the first Europeans to obtain a foothold in Michigan, Ohio, and Illinois. Down to 1760, the Appalachian mountain ranges were in fact, as France once proposed to make them in form, the western boundary of the English dominion. Through some scattered stations on the Lakes, in the West, and in the Valley of the Ohio, France claimed sovereignty and exercised paramount influence from the Alleghanies to the Mississippi.

During the last years of the seventeenth and the first half of the eighteenth century, northern New York was the battle-ground of America, as Flanders of Europe. This country, as the names of its rivers and lakes still testify, was the home of the confederated Five Nations. Native sovereignty not being recognised on either side, their territory was claimed by the English in order to exclude the French, by the latter in vindication of their right to establish fortified posts for the protection of their borders and the restraint of their restless enemies. The forces of the Canadas, though much more disposable than those of New England, were less available than their muster-roll suggested. They included a nucleus of French regular troops, a well armed and drilled colonial militia, and a multitude of Indian allies drawn from the north and west. Hardly any numerical superiority would induce the latter to face the Iroquois, of whom they stood in traditional awe. To call out the militia during the six months of a Canadian summer was to leave the fields half cultivated, and to expose the

country to the danger of famine; a danger enhanced by the malpractices of a corrupt and despotic bureaucracy. The Canadian peasantry, ignorant and superstitious, subject to the religious control of the Jesuits and the exactions of a feudal seigneurie, were inferior in everything but organisation and mobility to the hardy colonists of New England and Virginia. The French regulars had in open fighting, in disciplined courage and military efficiency, no equals on the Continent; but in forest warfare they were hardly a match for the Iroquois, proud of a superiority questioned by no Indian rival, and of frequent victories over white antagonists. In winter the Canadians would cross the frontier and penetrate from Quebec, Montreal, or Champlain deep into the territory of the League. In summer, war parties, numbering from a few score to twelve or fifteen hundred warriors, often burst through the Canadian line of scattered frontier posts, drove the peasantry to take refuge in entrenched positions, more than one of which they surprised or stormed, and wasted the country at their pleasure; inflicting a hundred-fold what they had suffered, and replacing, perhaps, the loss of years with the plunder of a single campaign.

Tribes whose united strength probably never exceeded four thousand warriors were necessarily chary of life. The stealthy tactics and cautious strategy universal among the Indians were based upon the fact that every single man was precious. A slaughter such as Plymouth or Rhode Island could repair in four or five years had shattered forever, or crippled for a generation, races numerically stronger than any of the Five Nations. Their fortified and well-built villages, their fields of maize, beans, and pumpkins, their winter stores of food, place the Iroquois on the highest level of civilisation that any Indian tribe had reached. Their government, so far as we know it, may best be described as a theoretical democracy verging on Polish license, in actual working an aristocracy not unlike those we find in Homer. Every warrior had a voice in council, but only chiefs and elders of repute were wont to raise it.

No legal penalties enforced obedience or maintained authority; but an immemorial discipline, in peace and war, was strictly upheld by custom and opinion. It stood the very trial under which the ascendancy of Pericles, when at the highest, and in the proudest and best days of Athens, almost broke down. The tribes were content as a rule to see their lands wasted, their towns fired, their stores destroyed, with silent steadiness. They never broke away from the control of leaders who insisted on their own well-judged and patient strategy; retired in order before superior forces, harassed their advance, hung on their retreat, cut off stragglers and detachments, and waited the disbandment of the invaders to take

vengeance to the full. The strength of the League was long unbroken by intestine quarrel or foreign intrigue. Neither passion nor greed diverted them from their main end; to weaken the power and revenge the wrongdoing of the French without giving themselves a master in their English ally.

It is a subject of deep regret that we know so little of their tribal or federal system during the century of their recorded greatness; so little of their previous history, of their internal polity, of the methods by which a consistent vigorous efficient scheme of civil, military, and foreign policy was reconciled with a disorganised democracy. We hear of no great Iroquois warrior or statesman, no secret council, no recognised senate of the tribe or of the League; yet their affairs were administered for three generations with a sagacity worthy of the Spartan oligarchy. Nowhere in Hellenic history do we find an act of magnanimity comparable to the treatment of Father Lamberville by the chiefs of the Onondagas.

The Governor of Canada had, in 1687, through Lamberville and other Jesuits, invited fifty Iroquois chiefs to a conference at Fort Frontenac. On their arrival he seized them, put them in irons, and sent them over to labour in the galleys of France. The Oneidas seized the agent of this treachery and menaced him with death; but released him at the instance of a Christian matron, who adopted him as her son. That a traditional right so exercised should have been respected in such a moment of fury reflects the highest credit on the self-control of the tribe. The conduct of their confederates was yet more strikingly dignified and noble. The Onondaga chiefs, hastily assembling, called Lamberville before them. Observing the rage depicted in their countenances, aware of the foul treachery of which he had been the unconscious agent, without excuse or disproof of his complicity to urge, the missionary gave himself up for lost. A civilised Government, under far less gross provocation, exercises the right of reprisal on men notoriously innocent. The Iroquois statesmen at once asserted the right and declined to act upon it. 'We are authorised,' they said, 'to treat thee as an enemy; but we are not so unjust to punish thee for a crime of which we believe thee innocent. *We know thee too well* not to be persuaded that thou hadst no share in this treason.' They acquitted Lamberville not on any evidence before them, but on their knowledge of his character, and sent him under escort beyond reach of the vengeance of their excited tribesmen.

This incident throws some light on the practical working of an Iroquois democracy. What must have been the discipline of an escort which could be trusted to protect a supposed enemy against the righteous anger of their brethren in arms? The authority

thus exercised by the recognised elders, at a moment when that authority was doubly impaired by the absence of the principal chiefs and the rage excited by their betrayal, seems to imply—what the whole history of the Confederacy suggests—a large discretion, a general initiative, vested in a small number of acknowledged counsellors; liable, but very unlikely to have their decision overruled by the opinion of the tribe, or disregarded by an exasperated minority. Such dispute or revolt would doubtless require the support of a party among the chiefs themselves. No man of lower repute would venture to challenge the collective judgment of the elders; and in their council the accord of three or four of those most esteemed for wisdom would carry the assent or submission of the rest.

Indignant at this outrageous wrong to his allies, but hampered by the relations of the Home Governments, Governor Dongan of New York furnished the Iroquois with arms and gave them secret assurances of support. The Viceroy's crime proved, as usual in politics, a blunder. The Five Nations swept the banks of the St. Lawrence, ravaged the country at will, slaughtered its inhabitants, and returned, laden with plunder and captives, almost without loss. The garrison of Niagara was destroyed by disease and famine. That of Frontenac abandoned their post and fled for their lives. The Viceroy de Denonville was compelled to request the restoration of the enslaved warriors, and received, in an immediate recall, the usual reward of unsuccessful treachery.

The Revolution and the consequent war with France brought New York into the field as the open ally of the Iroquois. Parties of French and Indians, in 1690, invaded the English Colonies, burned Schenectady near Albany, Salmon Falls on the Piscataqua, and Casco in Maine, slaughtering men and carrying women and children into captivity. The Iroquois avenged the wrongs of their English allies by yet more systematic and frightful ravages. A council of Colonial officials assembled at New York resolved on more ambitious measures. Sir William Phipps, with a strong naval force, was sent to attack Quebec, Governor Winthrop, of Connecticut, with a large body of Colonial militia, marched on Montreal, but both attempts resulted in ignominious failure; a failure partly due to the sudden withdrawal of the Iroquois, far too politic and clear-sighted to assist in the total subversion of the hostile Power whose rivalry secured their independence, and rendered their alliance indispensable to the English Colonies.

Throughout the contest, their policy exactly reversed the common practice of savages and the course of the Indian tribes allied with France. The stronger waxed the English power, the surer seemed its triumph, the more lukewarm, doubtful, and divided

was their support. The retreat of Winthrop and Phipps now dispelled their alarm, and brought them actively into the field. Several years of destructive and desultory warfare, in which the frontiers of New York and Massachusetts were wasted by the French and their bravest Indian allies, the Abenakis of Maine, and the horrors of sack, ravage, and massacre retaliated by the Five Nations upon the Canadas, were terminated or interrupted in 1696 by the Peace of Ryswick.

The Viceroy of Canada was skilful enough to conclude a separate treaty with the Iroquois; and when in 1702 the violation of the Spanish Partition Treaty and the recognition of James III. by France renewed the war, the Five Nations adhered to their engagement. The contest between Canada and New England for the sea-coast provinces of Maine and Acadia affected them as little as the claims of an Austrian Archduke or a French Prince to the Crown of Spain and the Indies. Their neutrality covered the Valley of the St. Lawrence, which had heretofore suffered so severely at their hands. The Abenakis, taking up the hatchet at the bidding of their French patron and paymaster and supported by French troops, burned, butchered, scalped, and kidnaped after the usual ruthless and purposeless fashion of American border warfare. The horrors of these campaigns of plunder and massacre, the participation of French officers in outrages forbidden by all the rules of civilised war, provoked such reprisals as the position of the parties permitted, and gave birth to a bitter and inveterate feud, a mutual hatred, which was never composed or allayed by treaties of nominal or temporary peace, and never appeased but by the final annihilation of the French empire in America.

In 1710 an expedition from England, with a body of New England militia, captured Port Royal, since called Annapolis, and reduced the greater part of Acadia (Nova Scotia). In the next year a still larger expedition attempted the capture of Quebec, to return, through the signal incapacity of its commander—the brother of the Queen's new favourite, Mrs. Masham—with disaster and disgrace.

At the Peace of Utrecht in 1713, while making everywhere else concessions which, after the victories of Blenheim and Ramillies, seemed extravagant, England, for the sake of her American Colonies, insisted on the retention of her Transatlantic conquests. Acadia and Newfoundland were left in her possession, and the boundary between New York and Canada was so drawn as to resign to the former the disputed sovereignty of the Iroquois territory. England had done her best for her dependencies; it was no fault of hers if the peace they enjoyed was precarious and nominal. For the atrocious border warfare of 1717-25, which

raged on both sides with wanton and profitless cruelty, the American authorities were alone responsible. The French fomented disaffection in Acadia, and incited the Indian tribes to border raids and murderous outrages, through Jesuit missionaries of a very different class from those whose blood had been the seed of a Church unhappily more loyal to the Lilies than to the Cross. The Colonial Assembly of Massachusetts imitated the worst deeds of the enemy, and offered rewards of 10*l.*, 20*l.*, and 50*l.* for every Indian scalp. Perhaps the most important exploit of the war was the surprise and destruction of a Jesuit mission-village, with its pastor, Sebastian Rasles.

The Huguenot settlers of South Carolina on their part provoked, by encroachments carried out with true Calvinistic arrogance, a series of native feuds which hampered the growth of the Colony, and ended in the expulsion of the powerful tribe of the Tuscaroras. The latter, abandoning their southern homes, traversed the unoccupied Western wilds till they found refuge with their kinsmen beyond the Mohawk, by whom they were admitted to the great Confederation henceforth known as the Six Nations. On the other hand, the alliance contracted in 1730 with the powerful, peaceful, and comparatively civilised Cherokees—the occupants of the central highlands between the low countries bordering the Atlantic and the Mississippi, the Gulf and the Ohio Valley—interposed an effective barrier to possible French aggressions from the south-west.

Missionaries, adventurers, explorers, and traders had carried the flag and influence of France across the narrow watershed that parts the two great arteries of the Continent, the systems of the St. Lawrence and the Mississippi, and a series of insignificant posts had been extended from the Lakes to the Spanish Main, before the name of Louisiana and the form of a colonial government were bestowed on a country in which Louis XV. had scarcely a thousand subjects. In 1717 that vast and fertile territory furnished a basis of seeming reality to the speculations of the famous John Law. The collapse of that gentleman's gigantic financial scheme—a bubble huger and more brilliant than the Darien or the South Sea Companies—belongs to French and not to American history. Not till 1732 did the Company he had formed finally restore its dominion over the Mississippi Valley to the Crown of France. The possession was burdened with needless liabilities and costly quarrels. The first act of the Royal Government was a wanton but successful attack on the powerful tribe of the Natchez, which was surprised and well-nigh annihilated. In 1736, the alarm excited by the preposterous 'earth-hunger' of a few restless officials involved the colonists in war with the Chickasaws; a war waged for the most part by Choc-

taw and Illinois mercenaries under French leadership. Desultory and sanguinary hostilities, after involving both parties in ruinous losses, ended in a French defeat and an almost ignominious peace. At its conclusion in 1740, Louisiana had some 5,000 white and 2,500 black inhabitants.

Meanwhile the population, power, and trade of Canada were steadily increasing, and French ascendancy over the tribes between the Ohio and the Lakes had been gradually extended and confirmed. The Governors of the English Colonies took alarm, and represented to the Crown that the rival Power was surrounding and enclosing them; had established herself at the back of the English settlements from New York to the Carolinas. To the cooler judgment of the Home authorities the alarm seemed extravagant and the danger remote. It must be long ere the feeble settlements and isolated trading stations of France, south of the Canadas, could menace the continuous line of powerful and populous English colonies on the Atlantic. The very distances rendered direct attack from that quarter almost impossible. It was not so certain that the influence and the Indian alliances which the Canadian Government was diligently strengthening might not constitute a fearful peril to the Western borders in time of war; while in time of peace the Colonial trade with the interior was harassed and hindered by French interference, endangered by the hostile suggestions which inflamed the suspicious temper of the natives, and ~~not in~~ frequently arrested by the pretensions of French officials or the menaces and armed opposition of French competitors.

CHAPTER IX.

THE WARS OF 1744 AND 1755.

For America—No Peace attainable—War for the West—Braddock's Campaign—Disaster—Operations on Champlain—Pennsylvanian Perversity.

THE War of the Austrian Succession reopened the strife between England and her ancient rival.

So far from being passively dragged into English quarrels, the Colonies were the real and conscious principals in the American struggle. If they might suffer more than England during its continuance, they were far more deeply interested in its objects; they must be the direct, immediate, and paramount gainers by victory. To New York and New England the French power in the north was a perpetual menace; Pennsylvania, Maryland, and Virginia were, as events speedily proved, as deeply and lastingly imperilled by the ascendancy of France among the native tribes that overhung their western frontiers. Experience had shown that no treaties of peace, no demarcation of boundaries, no pledges from the Most Christian King, no understanding with the Government of the Canadas, could ensure them against French intrigues and Indian ferocity.

France had surrendered Acadia only to keep both its French and its Indian inhabitants in ceaseless agitation and disaffection. She had fomented the native hostilities that had turned Maine into a desert. War let loose upon the English Colonies hordes of savages, avowedly organised and led by French officers and supported by French arms. Peace harassed them with murderous raids and forays, while precluding retaliation, prohibiting that only effective defence which consists in striking at the heart of the hostile Power, and hampering direct reprisals against a foe who could always take refuge on territory claimed by France or her agents.

The Northern Colonies well understood the situation. Nothing but the conquest of New France, from Cape Breton to Detroit, from Frontenac to the Ohio, could give them lasting peace. Repeated disasters had not impaired their well-grounded belief

that such conquest was within the power of the united Colonies, if backed by the troops and fleets of Great Britain.

The Treaty of Utrecht had terminated advantageously a desultory warfare, in which they had suffered much and achieved nothing. But the unsettled frontier had afforded excuse for acts and menaces which had kept alive a constant sense of impending danger. The Canadian Government had erected forts on the very border line of Acadia. The counter-measures of the English had brought the two parties within twenty-four hours of armed collision. Even the establishment of an English post at Oswego, on the southern shore of Ontario, though a legitimate and purely defensive step, had given occasion for threats and affronts which showed how strained and critical were the relations of the rival American Powers.

The French Viceroy acted while the constitutional Governors of the English Colonies were arguing and insisting on action, and the Assemblies debating bills of supply. Canseau was taken, and Annapolis¹ narrowly escaped. At last the New England militia were ready to act with the British fleet, sent to relieve them of their nearest and most pressing peril by the conquest of Cape Breton. The seamen behaved with their wonted energy and determination; the colonists with exceptional steadiness and discipline; and the French commander with a weakness and timidity very rare in the military history of the *ancien régime*. Louisburg, hard pressed but strongly garrisoned, surrendered; and its surrender involved the submission of the province.

The Treaty of Aix-la-Chapelle, in 1748, sacrificed this sole result of the war without securing even the benefits of a real and effectual suspension of hostilities. Indian tribes in the pay and under the influence of the Canadian Government harassed the British frontiers; and it was not long before the unsettled boundaries on the north-east, and conflicting commercial and territorial pretensions in the unoccupied West, brought the several principals into direct collision. Washington, charged in 1754, at the early age of twenty-one, with the critical duty of maintaining the claim of Virginia to the head waters of the Ohio, to the east and south of what is now Pittsburg in Pennsylvania, failed, as a more experienced officer might well have failed, both in diplomacy and in open hostilities. The French were too resolute to be cajoled or bullied, and too strong to be resisted. After one or two decided and even ignominious repulses, the Virginians were beaten in a decisive engagement.

Both the Home and Colonial Governments recognised that they must choose between active if not declared war, and a submission which would have given France undisputed possession of the

¹ In Nova Scotia, p. 98.

West, and confined the English colonies to the narrow seaboard region between the Alleghanies and the Atlantic. In supporting the extreme claims and violent measures of its agents at Fort Duquesne—the name given to the entrenchment which commanded the junction of the Monongahela and Alleghany rivers, whose united waters form the Ohio—the French, or rather the Canadian Government had challenged the British empire to a new and decisive contest. By advancing a virtual claim to the whole unoccupied country, as far as the actual frontier-settlements of Virginia and Pennsylvania, it had staked the American dominions of France upon the event of war. France, not England, had practically pronounced that the co-existence of the two Powers upon a continent far larger than Europe was impossible.

No Prince of the House of Brunswick, no Minister responsible to a British Parliament, could have refused to lift the glove thus flung in the face of England. Neither George II. nor his advisers of the day were men of peace at any price. Braddock, sent out as commander-in-chief, arranged with the Governors of the principal Colonies a scheme of operations whose worst weakness was its dependence on a promptitude, concert, and mutual loyalty and support which the Assemblies never displayed. Lawrence of Nova Scotia (Acadia) was to drive the French from the isthmus connecting that country with New Brunswick; William Johnson to dislodge them from their posts on Lake Champlain; Governor Shirley of Massachusetts to seize Niagara; and Braddock himself to recover the Upper Ohio. War had not been declared; but France, distrusting with reason the pacific language of the English Government, resolved to reinforce her troops in Canada. Admiral Boscawen intercepted a part of the squadron despatched for that purpose, and captured two frigates.

The first important action of the American campaign took place on July 9, 1755, at a point some few miles from Fort Duquesne. With the 44th and 48th British regiments, some Royal Artillery and Colonial militia, chiefly Virginian, under Washington, Braddock advanced through the forest, in the face of a hidden force composed of Indians and French troops thoroughly accustomed to Indian warfare. Gage, who commanded the English advance, seems to have lost his head on finding himself encountered by a heavy front and flank fire from an unseen foe. The advanced guard and flanking parties, for want of prompt support, were driven back upon the main body, and threw it into confusion. The 44th lost its colonel and some of its best officers, and, shattered by a fire it could not return, huddled together like a flock of sheep. The Artillery, pushing forward with heroic recklessness, searched the thickets in its front with grape and

canister, but to no purpose. The guns and the men thickly gathered around them offered a splendid mark to an enemy undismayed by their random fire, and in a few minutes the battery was paralysed and almost annihilated. Braddock led the 48th again and again to the charge, till he fell mortally wounded. The regulars broke. The Virginian militia gallantly covered their retreat, but three-fourths of Braddock's force were killed, wounded, or missing. Colonel Dunbar, his second in command, helpless and terrified, retreated or fled to Philadelphia, leaving the whole western frontier open to the enemy. The remains of the army, amounting to 1,600 men, were sent by sea to Albany, under the order of Governor Shirley, now commander-in-chief. The defeat of Fort Duquesne discouraged the provincial militia, who deserted by hundreds. It had a similar effect upon the Iroquois, who refused to support Shirley, remonstrated against his passage through their territory, and compelled him at last to abandon the intended attack upon Niagara.

Meanwhile, Lawrence had driven the French from all their positions on the Nova-Scotian frontier, and compelled them to take refuge in Louisburg. Johnson, a personal favourite with the Six Nations, secured the aid of 300 Mohawks, the very flower of their manhood, under their chief Hendrick. With these and some 5,000 Provincials, he marched to assail the French works on Lake Champlain. Encountered by a far inferior number of French regulars, militia, and Christianised Indians under Dieskau, one of the finest officers in the French service, his advanced guard were cut to pieces. His main body, warned by the distant firing, entrenched themselves behind a line of felled trees and baggage-wagons, which the Canadians and Indians dared not assault in flank, and which baffled the 700 regulars who again and again attacked it in front. Behind such shelter, as was proved at Bunker's Hill, at New Orleans, and throughout the wars of 1776 and 1812, the men of Massachusetts and Connecticut could hold their own against the best European troops. The French soldiers were shot down; their commander, already disabled, was desperately wounded by a ruffian whom Johnson dared not or would not punish. The Canadians and Indians retreated with little loss; but, halting on the first battle-ground to scalp the dead, were surprised and scattered by a reinforcement coming up from New Hampshire, just too late for the main battle. Johnson was too cautious to trust his militia in an assault on the strong and well-garrisoned lines of Ticonderoga at the foot, or Crown Point at the head, of Lake Champlain; and the only fruit of his victory was the construction of two counterworks to cover the British frontier—William Henry, at the southern extremity of Lake George, a sheet connected by a broad channel with Champlain,

and Edward, several miles further to the southward. Content with this, Johnson retired to Albany and disbanded his army.

The English Government commended and rewarded him; the colonists were furious. To them the general results of the campaign were disastrous in the extreme, and the victory which they claimed as their own had been so used as to mortify their martial spirit. Johnson's caution reflected, justly or unjustly, on their discipline and military capacity, and had scarcely contributed to their security. Virginia and Pennsylvania, especially the latter, were exposed to all the horrors of an Indian invasion.

The havoc and terror were as great as in Philip's War. Narratives of wholesale massacre, demands for support and succour, poured in from every quarter. The Governor of Pennsylvania was urgent, but the Quaker legislature would vote neither men nor money. 'The Indians might have been wronged; perhaps the French were in the right.' Like Governor Leete, they 'had tender consciences.' Safe themselves, they would neither fight nor pay for the defence of the border. They insisted on taxing the waste lands of the Penn family, knowing that the Governor's instructions precluded his assent; and on this pretext prevented for weeks the embodiment of a single regiment, the issue of arms, the enlistment of volunteers, the organisation of the borderers themselves. Half the province was in anarchy, the other half wasted with fire and sword, before the dominant party would postpone their factious politics to the pressing, imperative, appalling necessity of self-defence. At last, when the enemy were within three or four days' march of Philadelphia, they rather permitted action than took it. To save the credit of the province, they gave the name of militia to the self-embodied volunteers.

CHAPTER X.

THE ACADIAN EXODUS.

French Intrigue—Culpable Laxity of the English Rulers—Necessity—
Expulsion of the Disaffected—French Justice and English Mercy—
Cooling of Canadian Patriotism.

THE year 1755 was marked by an act of wholesale severity, for which it would be easier to find ample warrant in military law and history than precedent in English annals. When Acadia was ceded to England by the Treaty of Utrecht, the people were permitted either to emigrate or to enjoy the exercise of their religion, their domestic laws and usages, under English rule. With few exceptions they chose the latter alternative; and for forty years the plighted faith of their new rulers was kept, and the disloyalty of the Acadians endured with a patience and forbearance carried to the verge of criminal indifference. Their priests were the agents of the Canadian Government, which, through their influence, kept alive a groundless dream of reunion with the Canadas, a permanent discontent and disaffection, that ill requited the indulgence of a Government whose lenity, consideration, and tenderness for the national sympathies and civil and religious liberties of its French subjects forcibly contrasted the exactions and abuses of their native administration.

The Acadians were a quiet, simple, unambitious, but unhappily a devoutly Catholic and abjectly priest-ridden people. Political intrigue, pastoral influence, spiritual terrors, threats, and even physical coercion were employed to foment discontent and disorder, outrage and anarchy. The more active spirits were enlisted, with Indian associates and under Indian disguises, in gangs which strove by midnight murders, border forays, and every species of violence to prevent or retard the colonisation of the province by English settlers. The local Government had endured these things with culpable laxity. Not one of the priestly instigators, and scarcely any of the actual criminals, had been brought to justice.¹ The present generation knew the French *régime* only as a tradition. Not one master or mistress of a household in ten remembered, as

¹Parkman's *Wolfe and Montcalm*.

part of their own experience, the border wars or the English conquest. Every man and woman under five-and-forty had been born a British subject. On the renewal of war, a certain number of Acadians had been persuaded or coerced to follow the retreating forces of France, when these were driven from their frontier strongholds. They had been starved, cheated, ill-used, and would gladly have returned to the lighter yoke and far more honest and equitable treatment of an alien Government.

Le Loutre, the chief agent at once of the Society of Jesus and the Canadian Viceroy, belonged to that type of Jesuit which has made the Order so hateful to Protestants, and drawn upon them the distrust and frequent hostility of Catholic rulers; clerics more unscrupulous, savage, and profane than the vilest of laymen, priests whose spiritual power is valued chiefly or solely as an instrument of political intrigue. This man had been, for many years, the spiritual despot of the Acadians; using the Indians to terrorise, and the threat of refusing the sacraments to coerce them. Through his restless and unprincipled intrigues, the people had been kept in a ferment of disaffection, false hope, and irrational alarm for their religion and liberties, ready to lend a covert support to Indian forays or join a French invasion.

It was incumbent upon the authorities to put an end to the long agony of sedition and terrorism; to protect the loyal, and enforce upon the disaffected those obligations which had been formally acknowledged and practically evaded for more than forty years. The Acadians could no longer remain on British soil and under British jurisdiction, except as *bonâ fide* British subjects. The exemptions they had abused must of necessity be withdrawn; the oath of allegiance must be taken without reserve, and, in the defence of the province at least, its inhabitants must be bound, without distinction or exception, to bear arms under the British flag. The oath was tendered and refused; then, at the last moment, reluctantly and dubiously proffered. The English military Governor could no longer tolerate a hostile population in the frontier province of British America. He could hardly send them to reinforce the militia of the Canadas; and, with the power of New France overhanging the frontier, they could never be trusted.

But Great Britain was less immediately interested in the matter than New England. Between the British and French colonies there had grown up, in sixty or seventy years of reciprocal and ferocious hostilities, a hatred more bitter, ruthless, and vindictive than had ever existed between the mother countries. New York and Massachusetts had seen their frontiers wasted, their villages burned, their farmers butchered, their women and children carried into captivity by savages under Canadian leadership, furnished

with Canadian arms and hired with Canadian money. To the personal feelings of all who had to carry out the scheme of wholesale expulsion, the measure was naturally painful. But the actor in the scene at Grand Pré, so vividly depicted by Mr. Longfellow, was not, as the poem suggests, an Englishman. He was a Colonial officer, the bearer of one of the oldest and most distinguished names in New England—Winslow of Plymouth. He it was who ordered the unsuspecting males of the community to muster at their church. He it was who from the altar proclaimed them prisoners, and announced the forfeiture of their lands, cattle, dwellings—of everything, in short, except their personal movables.

There was no intentional or needless cruelty. Every effort was made to keep families together. Even at the risk of revolt or escape, the destined exiles were allowed to remain on shore, under the guard of far inferior numbers, till transports supposed capable of carrying the whole body of each community to its destination had been collected. The measure was unquestionably harsh. A majority of the sufferers were probably innocent. But it is difficult to say what other course the responsible officers could have pursued.

It is, at any rate, beyond doubt that the Acadians were the victims of French selfishness and treachery, of Jesuit coercion and intrigue, rather than of English severity. Their countrymen had used and betrayed them; their spiritual guides had made them the tools of unprincipled ambition, of religious and national animosity, and left them to their fate. Had the treaty of Utrecht been loyally observed, had not persistent efforts been employed to deceive, mislead, and ruin them, the French Acadians would have multiplied and thriven in peace and content under a yoke far lighter than that of their native Prince. As it was, the exiles transported to English Colonies were better off than the fugitives who sought refuge under French protection. To the latter the promised lands were never allotted, and of the scanty supplies nominally assigned to them they were swindled by the unscrupulous agents of a corrupt administration.

Their experience, scattered as they must presently have been throughout the French provinces, doubtless contributed materially to that change of temper which is discernible during the next few years. Passively loyal to the last, the Canadian peasantry showed a reluctance to abandon their homes, to muster under Montcalm for the defence of Quebec, very unlike the spirit they had displayed in former wars, aggressive and defensive.² They acquiesced in the English conquest with a promptitude which signally contrasts the enduring and ill-requited patriotism of the Acadians. Not only did they reject contemptuously the

² Parkman's *Wolfe and Montcalm*.

proffered assistance of the revolted English Colonies, but even when France had allied herself with the rebels, when the flag of their native Sovereign was seen once more in American waters, they manifested no inclination to revert to their old allegiance. They had witnessed the reward of Acadian loyalty; they had learned from Acadian experience the true character of English government; and, finding their religion and their laws respected, feeling their burdens enormously lightened, enjoying an administration incomparably purer, juster, and better than France had ever given them, they preserved a loyalty which England was wholly unable to enforce; a loyalty which survived disaster and defeat, and stood fast when two millions of English blood and speech had renounced for ever the name and franchises of Englishmen.

CHAPTER XI.

THE CONQUEST OF NEW FRANCE.

The Policy of the elder Pitt—Slackness of the Colonies—Montcalm—His Foresight and his Victories—Driven from the Ohio and Cape Breton—Wolfe—Strength of Quebec—Its Fall—First Cherokee War—Peace—Fall of the French Empire in America.

IN the last year of peace the thirteen American Colonies, from New Hampshire, lately liberated from Massachusetts, to Georgia, had a population not far short of a million and a half. Massachusetts, the most powerful of the New England States, may have had 210,000, of whom scarcely 5,000 were negroes. The whole population of New England was about 440,000, of whom fewer than 15,000 were of African birth or descent. New York, New Jersey, Pennsylvania, and Delaware had 350,000 white, and perhaps 30,000 black inhabitants; Maryland about 150,000, among them 45,000 Africans; Virginia somewhat less than 300,000, of whom fewer than 120,000 were negroes; the Carolinas and Georgia 115,000 whites and perhaps 62,000 blacks.

In spite of the carnage in the Ohio Valley, the battles of Lake George, the expulsion of the Acadians, the capture of two French frigates on the high seas, the two countries were nominally at peace: the contest was confined to the American Continent, till the outbreak of the Seven Years' War brought France into the field as the ally of Austria, and induced England to adopt the cause of Frederick II. In 1756 war was at last declared. By this time the military administration and foreign policy of Great Britain had passed into the hands of the greatest of living statesmen; the one great War Minister who had directed her measures since the death of William III. The elder Pitt was the first man to realise the paramount importance of the American conflict. He saw that the fruits of European victories must be reaped by England's Continental allies; that her interest in the German balance of power was doubtful and indirect; that Continental fortresses and Mediterranean islands, however precious as trophies of English valour, were but temporary prizes, sure, as a rule, to be restored or exchanged by the next treaty of peace. American

conquests might become permanent additions to the Empire. More, by crippling or crushing the Transatlantic power of France, England would gain for her Colonies, if not for herself, an advantage far more valuable and substantial than any mere extension of a dominion already larger than she could turn to account. With the conquest of New France, her Colonies would gain a security even more perfect than the mother-country derived from her insular position and her command of the narrow seas. Nor did he dream that he might be spending her strength for the benefit of thankless and undutiful children; that the completeness and permanence of the protection given would but relax the allegiance hitherto enforced by a visible and conscious need of English guardianship; that fear of France was the chief, if not the sole guarantee of that loyal affection which the Northern Colonies formally professed for England.

Meanwhile the Colonial Governors strove in vain to induce the Assemblies to provide a common fund, or organise a common system of self-defence. Recent operations, like those of former wars, had been marked by a slackness and deficiency in mutual co-operation by no means creditable to the spirit or sense of the Colonies. The war had been thus far a war of mere self-defence, in which the Colonies were primarily and profoundly, England but nominally and indirectly interested. Yet not only had the mother-country sent fleets and regiments to protect her American provinces—she had paid them liberally for defending themselves. Her generosity was worse than thrown away. Instead of stimulating, it relaxed the energies of those who, while ready enough to fight, were reluctant to pay. Pennsylvania, as deeply interested as Virginia herself in the disputed valley of the Ohio—which afterwards claimed and obtained most of the territory for which Braddock and Washington had fought—had left Virginia and England, with some little support from New York, to fight the battle; had made no offer to share the cost, and was with difficulty induced, at the last extremity, to provide for her own defence. Her sole exploit was the surprise and massacre of a band of Delawares, for which easy feat the leader received extravagant applause. The Northern Colonies, by no means inactive in the field, were more active and zealous still in disputing among themselves the distribution of the burden. Each was so jealous of her neighbours, so anxious to overreach them, so disposed to exaggerate their liabilities and minimise her own, that no common agreement, no general scheme of action, was possible.

Paid by England for fighting their own battles, the first effort of the Colonies was to refuse quarters to the troops she sent to defend them. By a strange travesty of the principle laid down by the Bill of Rights—the doctrine that no standing army can be

maintained by the prerogative alone, without the sanction of Parliament—the Assemblies actually disputed the legality of an army paid, disciplined, and employed by force of Parliamentary statutes. In short, they perverted the assertion of a right exclusively vested in Parliament into a denial of that right as exercised by Parliamentary authority! The royal officers were justly indignant. English commanders were not likely, in deference to the overstrained and thankless constitutional jealousies of the colonists, to take their chance of such quarters as they could purchase, to lavish English money in satisfying colonial avarice, still less to expose their troops to the hardships of a semi-arctic winter under canvas. In one or two cases compulsion was actually employed; and, warned by those examples, the Assemblies were at last induced to provide, with affected alacrity, shelter and supplies for the troops whose presence they had eagerly invited.

The responsible representatives of the Crown pressed eagerly for peremptory interference; for the creation by Parliamentary authority of some such system of collective defence as the Colonies refused to provide, and a due apportionment of levies and contributions. By universal admission, no power but that of Parliament could achieve these ends. The three Southern provinces, remote from danger, showed no disposition to support or assist those upon whom the brunt of the conflict must fall. New Jersey, equally sheltered, was almost equally selfish. The necessity was urgent. The numerical strength and military resources of the Canadas were far inferior to those of the British Colonies. The Viceroy could hardly put into the field one white soldier or militiaman for five whom, with less effort and sacrifice, his opponents could muster. But the inferior force was wielded by a single hand, which could strike secretly, sharply, and heavily before a dozen divided, disorganized, and often half-hearted authorities had ceased squabbling and sanctioned the first preparations for war. De Vaudreuil, the Governor-General of New France, was a corrupt, egotistic, intriguing and grasping official. But the military forces of which he had the formal control had been placed under the immediate command of a capable, resolute, and independent chief, with whose military measures his nominal superior was seldom allowed to interfere.

The Marquis of Montcalm had no opportunity of proving himself the equal of the great European commanders of whom his country is justly proud; of Condé or Turenne, Luxemburg or Berwick. But in her distant dominions in India or America, in commands considered as of secondary importance, France never employed his equal. To the chivalry, brilliancy, and daring of the typical French captain, Montcalm united the promptitude, the quick and accurate insight, the resource, energy, and adaptability

of a consummate military genius. He understood very quickly the character of the war he was called upon to wage, the advantages and dangers of his position, the value and the weakness of the various elements of his command. He was well qualified to make the most of the patient and hardy Canadian militia as of the regular soldiers of France, or the Indian hordes who crowded to his standard. Over the latter he possessed an influence such as no other European leader has ever acquired. His tact, his energy, his personal ascendancy commanded their enthusiastic admiration. He managed to divide, almost for the first time, the Six Nations, till now the vigilant and unforgiving enemies of France, if not always the firm or trustworthy allies of England. Nearly half their number promised neutrality; not a few actually engaged to serve under the Lilies. The commander-in-chief speedily realised their character—efficient, under such a leader, as scouts, foragers, guerrillas, capable of detecting the enemy's movements and covering his own, active skirmishers and serviceable light infantry; but undisciplined, unsteady, impatient of control, irresolute in face of an entrenched or superior enemy, easily wearied or discouraged, and sure in disaster or retreat, to desert by thousands.

The Canadians were militia, not soldiers; and the regulars, though of excellent quality, were too few to sustain, with no better aid, a prolonged war against vastly superior forces. Montcalm's despatches show how clearly he realized the immediate strength and the ultimate weakness of New France. He could strike at the outset as and where he would; could rely on surprising and overpowering the gradually gathering forces at first opposed to him. But unless vigorously supported and reinforced from home, it was impossible, as he repeatedly warned the Ministers of Louis XV., that the local resources of the Canadas could long hold out against those of the British Colonies. Their first defeats and sufferings would but invigorate the counsels, consolidate the strength, and harden the resolution of the latter. If policy or fortune should place their forces under competent command, the conquest of the French provinces would be at most a question of time, and no very long time. After impressing this view upon the French Ministry, Montcalm began the war in the spirit of a General conscious of a decisive superiority. His method and his achievements proved that he had measured aright the quality of his antagonists; that their incompetence, inertness, and timidity formed an essential element in his calculations. The Earl of Loudoun, appointed to the command-in-chief, Abercromby and Webb, his subordinates, were men of rule and theory, drilled in the slow and methodical tactics of their youth, wholly devoid of originality and incapable of understanding the utterly different conditions of the warfare in which they were now en-

gaged. Their want of enterprise, their reliance on centralised forces and heavy columns, on artillery and entrenchments, left the long, open, straggling frontier defenceless against more rapid and vigorous tactics; irritated the colonists, disheartened the militia, and disgusted their Indian allies. It may be that, in a war of maps and counters, their superiority was manifest; that the strategy of Montcalm was irregular and theoretically unsound. But—his movements screened by impassable waters and pathless forests, his communications secured by well-known navigable rivers, while the enemy must drag their artillery across a roadless country—the French commander ignored the superior forces which could not reach him till his work was done. His rapidity, his daring, and his signal success seem utterly to have dismayed and confounded his antagonists.

While they were fortifying Albany and Halifax, and raising that regiment of Royal Americans now represented by the 60th Rifles, Montcalm pounced upon Oswego, and within a few days compelled its garrison of 1,600 men to capitulate. One hundred cannon, six ships, some hundreds of boats and large stores of ammunition and provisions fell into his hands. The summer of 1757 was signalised by a sudden and heavy, but not decisive blow. The western shores of Lake Champlain and Lake George were divided, Ticonderoga and Crown Point securing to the French the command of the northern lake and the river connecting it with the St. Lawrence, while the recently-constructed forts of Edward and William Henry, the latter situate at the foot of Lake George, covered the nearest route to the English Colonies. With a force uselessly and, as the event proved, dangerously swollen by a multitude of Indians, Montcalm suddenly surrounded and invested Fort William Henry and the entrenched camp beside it, held by Colonel Munro with a force numbering some 2,200. The story and the result of the siege are well told in Cooper's best and most popular novel.¹ Webb, with 5,000 or 6,000 men, lay cowed and inactive at Fort Edward; Munro, despite the timid and despondent counsels of his superior, maintained his position till half his guns were burst and his ammunition well-nigh exhausted.

The chivalry of the victor permitted an enemy, the stubbornness of whose defence had placed them at last absolutely at his mercy, to retire with all the honours of war. But Montcalm had invoked a power he could not control. As soon as the gates were opened, the Indians rushed in and butchered the sick and wounded. As the English marched out with empty muskets, and embarrassed by their baggage and non-combatants, the savages, half drunk and thirsting for blood and plunder, enveloped,

¹*Last of The Mohicans.*

broke, and pillaged the helpless column; scattered the soldiery, murdered men, women, and children, carried hundreds into captivity—most of whom were afterwards ransomed by the French—and drove the rest, hustled, stripped, and terrified, to seek safety in flight or in the French camp. The French General interposed, pleaded, remonstrated, threatened, but utterly failed to redeem his plighted faith. Only one measure would have sufficed; and to fling a line of soldiers, with loaded muskets and fixed bayonets, between the murderers and their victims, was to alienate for ever the Indian allies of France. This sacrifice of national and personal honour to political interest, the massacre of his prisoners in the sight of his armed and passive battalions, has left an indelible stain upon the otherwise splendid fame of Montcalm.

Pitt, justly indignant at the tidings of such a disgrace, sustained at the hands of an inferior enemy through the supineness of the English commanders, insisted on Lord Loudoun's recall; and, while allowing Abercromby to retain the command-in-chief, sent General Amherst and General Wolfe, with a fleet under Admiral Boscawen, to reduce Louisburg and Cape Breton; entrusted the invasion of the Ohio Valley to General Forbes, and ordered Abercromby to avenge the capture of Fort William by marching on Ticonderoga and Crown Point. He thus struck at once at all the outlying dependencies of New France, intending to drive her forces back upon the St. Lawrence, and reserving for the next campaign a final blow against the centre of her strength.

Commanders inspired and chosen by the greatest of English war ministers did their work well and vigorously. Louisburg fell, Cape Breton submitted; a single blow wrested from France the possessions which menaced New England from the north-east. Abercromby with 16,000 men, of whom 9,000 were provincials, moved upon Lake Champlain. He found Montcalm strongly entrenched on the south of that lake, upon the outlet connecting it with Lake George. Wholly underrating the strength of the improvised entrenchments held by fewer than 4,000 men, without even attempting to bring up his artillery, the English commander flung his regular troops, supported by the militia, upon the intact fortifications, under a fire to which they could make no reply. After nearly four hours of hard and hopeless fighting, with a loss of one-third of their number, the regulars gave way; and the provincials, who had borne little or no share in the attack, seeing the soldiers beaten, retired in confusion. Meanwhile a considerable force, under the colonial General Bradstreet, surprised, captured, and destroyed Frontenac, the French position at the foot of Lake Ontario; an exploit of almost inglorious facility, but of signal importance. Forbes, with some 2,700 Pennsylvanians, 2,000 Virginians, and a small regular force, marched upon Du-

quesne. The advance, led by Washington, found the fort, and with it the upper valley of the Ohio, abandoned by a garrison too weak for effective resistance.

At the commencement of 1759 France retained only her positions along the St. Lawrence and the lakes—a line weakened and broken by the fall of Frontenac—and her powerful fortresses on Lake Champlain. Montcalm, appreciating the character of his new antagonists, and anticipating the strategy that struck at the heart of the enemy, had mustered the whole available forces of the Canadas, leaving none but women, children, and old men to reap the harvest, and concentrated his strength upon the vital points, the cities that commanded the St. Lawrence. Amherst, now Commander-in-chief, advanced with some 11,000 men and an efficient if not powerful artillery upon Ticonderoga. The French fell back before him, abandoning both Ticonderoga and Crown Point; and finally, entrenching themselves on the Isle des Noix at the upper end of Lake Champlain, covered the route by which Amherst should have marched on Quebec or Montreal.

Admiral Saunders and General Wolfe were now in front of the former fortress, occupying the Isle d'Orléans and the left bank of the St. Lawrence. The fleet commanded the river; the land force, less than 10,000 men, was obviously inadequate to the reduction of a matchless natural fortress held by superior numbers. Amherst should have understood that the issue of the war was to be decided before Quebec. The conquest of the Canadas carried with it the dominion of the Continent, rendering fortresses and entrenchments needless; no frontier defences, however strengthened, could compensate the Colonies for the defeat of Wolfe, or secure them against the blows of Montcalm's victorious army. But to force the position in his front Amherst wanted boats and rafts; and instead of devoting all his resources to the instant preparation of the flotilla, he wasted power and, what was of inestimable value, time, in repairing and reinforcing the defences of the abandoned forts. Wolfe or Montcalm would have pushed on to the central object of the war at almost any cost or sacrifice; but Amherst's course was that which a commander of skill, energy, and resolution, lacking the breadth of view, the clearness and keenness of insight that belong to martial genius, might naturally adopt. He may have doubted whether, in any case, he would be in time to render effectual assistance in the vital conflict. To march upon the lower St. Lawrence till the Isle des Noix was taken was impossible; to advance upon Montreal, leaving that position in his rear, would have been doubly hazardous. It could scarcely have contributed to the fall of Quebec, while, in case of defeat, his retreat would have been imperilled and the frontiers of Massachusetts and New York left

without defence. It was not till the middle of October that he was ready to move, and long before that time the decisive blow had fallen.

From the Isle d'Orléans and from the opposite bank of the river, which here suddenly narrows from four or five miles to one, it was easy to bombard or destroy but impossible to take Quebec. The loyal co-operation of the naval commanders, the undisputed ascendancy enjoyed by the young General, failing to secure success or even to bring it within reasonable prospect of attainment, cast a heavy load of unshared responsibility on his spirit. The tremendous and unforeseen difficulties of the enterprise, however vividly realised by all who had shared his daily reconnaissances and nightly councils, would never be appreciated at home. Defeat would bring upon him reproach, taunt and imputation of the kind which, to his sensitive and soldierly pride, was most utterly intolerable. Early and rapidly promoted, selected for a command of supreme importance by the personal confidence of the Minister, failure would ruin his reputation and damage his patron; would place him in the odious position of one advanced by favor to a height he had not earned, charged with responsibilities of which the result would be held to prove him unworthy. Repulse must from the first have seemed to so consummate a soldier eminently probable; and the more thoroughly the situation was scanned, the more forcibly its extreme difficulties were brought out by reverses and disappointments, the closer came the likelihood of ruinous disaster.

Quebec was covered to the east by the shoals under the left bank of the widening river, on the north by the St. Charles, which enters the main channel immediately below the city. Along the left bank of the St. Lawrence, for miles above the town (which lay partly at their foot and partly on their slope), rose the impracticable Heights of Abraham. At no point could those Heights be ascended in the teeth of a defending force, however small. For some miles below the St. Charles stretched another line of rugged cliffs known as the Heights of Beaufort, immediately below which the Montmorency leaps a precipice of some 300 feet to join the St. Lawrence. Along these cliffs from the St. Charles to the Montmorency, his communication with Quebec secured by a bridge of boats over the former river, Montcalm lay entrenched.

His force of some 16,000 men consisted partly of regulars, partly of Canadian militia more trustworthy behind works than in the field; nearly all men of military age having been swept into the ranks. But this force was presently weakened by an alarm which compelled Montcalm to detach a brigade in the direction of Montreal. Still Wolfe, landing below the Montmorency, found him-

self confronted by a force numerically superior, behind well-constructed entrenchments, in a country which he justly described as perhaps the strongest in the world; his rear and right flank constantly threatened by Indians and irregulars sheltered in an impenetrable forest. To take the offensive in the open field with 9,000 English soldiers against 14,000 French and Canadians, Wolfe would not have hesitated for a moment; to attack so superior an army behind defences which rendered militiamen as effective as regulars was an adventure hazardous in the extreme.

Yet this, and not less, the expedition was sent to do. Pitt, if he had not relied on Amherst's support, had doubtless conceived that the English command of the river, up which the inferior fleet of France had withdrawn beyond risk of conflict, would countervail any inequality in the respective land forces. But a position so lofty, closely overhanging the water, was inaccessible to the fire of the fleet. The skill and courage of the seamen were only displayed in the defeat of more than one energetic effort to destroy them by means of fire-ships and burning rafts. To cross the Montmorency and force the French works was found absolutely impossible. One attempt was repulsed with heavy loss; and no feint, no movement of the fleet or army, could draw Montcalm from his impregnable and indeed unassailable position. Only by wresting from him the command of one or the other range, only from the Heights of Abraham or those of Beaufort, could the English reach their objective. To force the latter was, as Montcalm had judged and Wolfe had proved, impossible. The precipices which guarded the former, though watched only by a few scattered posts, seemed hopelessly inaccessible. Wolfe and the naval commanders had reconnoitred the stream for miles above and below the city, without finding an available point of attack; while a harassing guerrilla warfare in his rear had driven the former, much against his will, to severe reprisals.

The daring and sanguine General began to despair. September had arrived; the winter was approaching; and he was no nearer to his object than when he seized the Isle d'Orléans in July. On the 2nd, and again on the 9th of September, his despatches and private letters were such as to prepare the Government for bad, and possibly disastrous, tidings. He had striven to disturb Montcalm by feints and reconnaissances directed against the Heights of Abraham. But both Generals concurred in regarding them as impregnable; and these detected manœuvres doubtless contributed to the security of the French commander and the success of the final adventure.

Wolfe discovered on September 12, 1759, two miles above Quebec, a path by which but two men abreast might hope to reach the broad plateau on the summit. This path was known

to Montcalm, and the Heights were guarded at that point by a strong company of Canadians, capable of maintaining them at least till reinforced from the camp beyond the St. Charles. Quebec and the posts above it received occasional supplies by means of a French flotilla of boats creeping at night under the shadow of the cliffs. Profiting by this, Wolfe that night embarked a strong force and attempted to surprise the one accessible—it cannot be called the weak—point he had detected. The first party missed their point by a few yards, but inspired by the indomitable courage and desperate resolve of their leader, scrambled up the precipice on hands and knees, while a few minutes later their comrades scaled the path. As Wolfe had hoped rather than expected, the Canadians were taken off their guard, overpowered and scattered. The English made good their foothold, were rapidly reinforced from the opposite bank, to which the greater part of their force had been transferred; and, before the alarm had reached the French camp, 5,000 men had taken up a strong position on the Heights. That position was still a dangerous one. A detached French force lay at some distance in their rear. Nor, apart from this peril, could they stretch their line completely across the plateau. When Montcalm, with equal or superior numbers, had crossed the bridge and gained the summit, he found them drawn up *en potence*—their right flank resting on the river heights, their main body fronting the approaching foe, their left ‘refused’ or thrown back at an obtuse angle. Wolfe had gained the object of three months’ planning and manœuvring; had compelled Montcalm to stake the fate of Quebec and probably of the Canadas on the issue of open battle.

The fight was well contested and sanguinary, but decisive. Both Generals were mortally wounded, the second in command on either side disabled. Wolfe, sinking into the torpor of death, was roused by the exclamation of an aide-de-camp, ‘They run! they run!’ ‘Who run?’ inquired the dying General; and on being told ‘the French,’ gave orders for a movement to intercept their retreat; orders which were not executed or missed their purpose. Montcalm inquired how long he could live. On being told, not twelve hours, ‘Thank God,’ he said, ‘I shall not live to see the surrender of Quebec.’ De Vaudreuil, the Viceroy, has been blamed for the precipitate capitulation of the town; but these last words of a soldier who never despaired till hope was madness fully acquit him.

The English garrison left to hold the conquered capital were assailed in turn by a superior French force. General Murray imprudently marched out to give them battle, and sustained a severe defeat, with the loss of all his field artillery; but held out the defences of the town with a tenacity and energy which more than

atoned for the error of excessive courage. Next spring witnessed the capture of Montreal. Niagara had already fallen; and by the end of 1760 the whole of the St. Lawrence, all the possessions of France on the coast and along the Lakes, were in the hands of England.

Among the most powerful and most civilised Indian tribes of the south were the Cherokees, who occupied the highland country between the seaboard settlements of Carolina and the scattered French stations in the Mississippi Valley. Firm allies of the English, setting a high value on their trade with the British colonies, they were, like all Indians, involved from time to time in squabbles arising out of the greed and lawlessness of the frontier traders or squatters, or from reprisals which these provoked. Taking up one of these quarrels—against the advice of his Assembly and his Georgian colleague—Lyttelton, the Governor of South Carolina, determined on war, and precipitated it by the detention as hostages of twenty-four chiefs whom he invited to a conference—a treachery less atrocious than some that have even within living memory occurred in the far west, but utterly unworthy of an English officer.

The outrage was aggravated by the subsequent murder of the captives by an infuriated Colonial garrison. The war was protracted, desultory, and destructive. The well constructed, beautifully situated, and long settled villages of the Cherokees were burned. The cultivated fields were wasted; the furniture, clothing, watches, weapons, and other cherished possessions, which attested at once the extent of their trade and their advance in civilisation, were seized or destroyed. On the other hand, an English fort, abandoned to its fate, capitulated, and the slaughter of twenty-six of the prisoners avenged the treachery of Lyttelton. Several expeditions retired ignominiously from inglorious ravages and doubtful victories; and the tribe—disappointed of the French support which, when wantonly attacked by the English, it had reluctantly sought and confidently expected—at last sued and obtained peace on terms which it would willingly have accepted before the outbreak of hostilities. The only result of a costly and dishonourable war was to teach the southern tribes that they could neither rely on the help of France nor hope to resist the power of the English Colonies; a lesson which would in another year or two have been learned without bloodshed.

Left to herself, France must have been driven to sue earnestly and loyally for peace. To regain her lost American possessions was hopeless. Louisiana lay at the mercy of the conquerors of Canada. Her West Indian islands were likely to share the fate of Cape Breton. No European successes could retrieve her position; and, now that the strength of England could be concen-

trated in Germany and the Mediterranean, new and crushing disasters were much more probable than countervailing victories. Under the guidance of the ablest successor of Louvois and Colbert, France found herself hopelessly overmatched by England under the rule of the elder Pitt. The 'Family Compact,' as it is called, gave her a reinforcement which encouraged Choiseul to renew the struggle. Spain had nothing to gain and much to lose by interposing on behalf of a beaten ally, and challenging the enmity of the first of maritime Powers. But personal, dynastic, and national sympathies and grudges were too strong for policy and prudence.

The altered tone of the French negotiators gave the first clue to their secret. In the midst of a several and preliminary transaction, which was to settle the separate issues between France and England as the basis of a general pacification, the French Minister suddenly presented, as part of his case, a list of Spanish claims. The Spanish Minister interfered on behalf of France. Pitt replied to both with a stern but perfectly righteous contempt. The House of Bourbon desired to amuse and cajole Great Britain till the Spanish treasure ships should have crossed the Atlantic in safety. Pitt laid the evidence of the 'Family Compact' before the Cabinet, proposing to break off negotiations of whose delusive character there was no further doubt, and to anticipate the Spaniards by immediate and active hostilities.

But the young King was anxious for peace. Bute, his Groom of the Stole, just introduced into the Cabinet, hoped to eclipse, by terminating a 'bloody and expensive war' (as he had induced his royal master to call it in his first speech to the Privy Council), the fame of the great statesman who had waged it with such signal success. Newcastle, the leader of the great Whig families, deserted the colleague of whom he had long been jealous; and Pitt and his brother-in-law, Lord Temple, finding their policy overruled in the Cabinet and unfavourably regarded at Court, at once resigned. A few weeks sufficed to vindicate that policy beyond doubt or question. The treasure ships arrived in safety, and Spain dismissed our ambassador and recalled her own.

But the services were still what Pitt had made them. The officers of his choice commanded the British fleets and armies, and his military schemes survived his overthrow. The fall of Havana, the strongest fortress that bore the flag of Castile, believed by French and Spanish engineers impregnable—a victory achieved by an inferior force, in spite of climate and disease, of natural and artificial strength—and the capture of the Philippines, brought the Spanish Government promptly to its senses. The seizure of Belle Isle, a French Isle of Wight, warned Choiseul that by protracting the struggle he ran imminent risk of fresh disasters and harder terms.

Bute and his colleagues were, for personal and party reasons, no less eager for peace than their opponents, to whom peace was a political, financial, and military necessity. From a Government so disposed the Allies obtained better terms than the events of the war, their repeated and disastrous defeats, and a *status quo* under which England had nothing to ask and everything to offer, entitled them to expect. Cuba, which with the fall of Havannah became virtually an English conquest, was exchanged for Florida; the most valuable for the most worthless of Spanish possessions. This, with the final surrender of the Canadas and of the possessions of France on the left bank of the Mississippi, gave England the whole American continent east of that river, and in so doing but imperfectly recognised the facts as they stood. For, after 1760, England had but to stretch her hand to seize the remaining possessions of Spain and France on the North American Continent, and even in the Gulf of Mexico.

These conditions might be fittingly proffered by a young and chivalrous Prince; they were not such as statesmen and diplomats had a right to grant. George III. might be magnanimously reluctant to bear hard on a beaten foe. He might think that a peace rigidly adjusted to the results of the war—a treaty ignominious and humiliating to both branches of the House of Bourbon—could afford but a precarious truce; would drive them to watch for and seize the first chance of renewing the war under more advantageous conditions. But no such generous illusion could be ascribed or forgiven to men like Grenville, Bute, and Bedford. They must have known what the event proved—what statesmen, from Louis XIV. to Prince Bismarck, have always recognised—that chivalric generosity and international clemency have no proper place in diplomacy. The House of Bourbon could not have been more bent on injuring and humiliating their triumphant rival, on seizing the first opportunity to avenge their territorial losses and the dishonour of their arms, if England had insisted on the *status quo* of 1762, had retained Havannah and Manilla, Martinique and Belle Isle.

CHAPTER XII.

COLONIAL POLITICS.

Influences that formed the distinctive character of the several Colonies—
Extravagances of Democracy—Usurpations of the Assemblies—Colonial
Disaffection—English Incredulity.

THERE was from the first a marked distinction in the character of the different Colonies, as well as in the form, origin, and method of their governments. The charter of William III. gave to the Crown the appointment of the Governor of Massachusetts and a veto on her legislation; but the Governor could do little without the support of the Council; the Council was named by the Assembly, and the majority of the Assembly remained stiffnecked and stubborn as in the days of Winthrop and Endicott, and incomparably more unmanageable, being no longer controlled by respect for the responsible rulers of their Commonwealth. Connecticut and Rhode Island had regained, on the fall of Andros, the extreme republican liberties granted by Charles II. New York and New Jersey, as conquered Provinces, were according to the theory of English law Crown dependencies, without rights save such as the Crown might grant by the capitulation, or of its own good pleasure. New York, half Dutch, half Puritan, and essentially republican, was deeply affected by the neighbourhood of the New England Colonies: modelled her political pretensions on their chartered liberties, imitated their tone of confident self-assertion, and had long since wrested from the ill-supported representatives of the Crown a larger measure of self-government than she knew how to use. Practically she was as free as Massachusetts, with less of Puritan bigotry on one hand and of Puritan shrewdness and self-control on the other; more petulant and factious in every day trifles, more disposed to compromise the graver issues which might imperil her mercantile interests. With no distinctive interest or character of her own, New Jersey was little more than an appanage of New York, exempt from the dangers and burdens, and disposed in civil politics to follow the lead of her more powerful neighbour.

The constitution granted by Penn made his province a democracy, while the temper of a sect yet more factious and less sober

than the Puritans made its government all but a nullity. His heirs appointed the Governor, with a legislative veto and an initiative in administration; but all substantial power was vested in the Assembly. Professing profound reverence for Penn's memory, the Quakers grudged the little share of wealth and authority which he had reserved to the inheritors of his name and rights. Virginia was prosperous and contended under royal, as Maryland, on the whole, under her proprietary government. The Lords Baltimore were feudal princes almost independent of the Crown, and enjoying most of its prerogatives; with a settled revenue which, after paying the salary of the Governor, yielded them a permanent income of some 6,000*l.* a year. Under their constitutional rule the local legislature exercised the functions of an English Parliament, uncontrolled by the royal and aristocratic influences so powerful in the mother country. Both in Virginia and Maryland the Church of England was the established religion; but its actual privileges were closely limited by the state of colonial society and local opinion. The nominal proprietaries of the Carolinas, after a desultory struggle of some fifty years, surrendered to the Crown a jurisdiction they had found it practically impossible to exercise. The northern Colony, peopled chiefly by refugees from law, justice, and order in the more settled provinces, had scarcely anything that deserved to be called a government. Such as existed was practically monopolised by the Assembly, which fixed by its own authority the quit-rents payable by its constituents, and would not permit the Council to amend the rent-roll thus settled by one of the parties in its own interest. Protestant refugees from France and Germany, in whom persecution had engendered a fierce impatience of all rule, a spirit of inveterate antagonism to all authority, formed perhaps the most influential element of the population of South Carolina. In political temper the two Colonies were much alike. The society of the southern province, with its semi-tropical staples, its large plantations, its considerable slave population, differed, as throughout its history, from that formed by the descendants of the disorderly, self-dependent yeomanry of North Carolina.

Another body of proprietors, of whom Oglethorpe was the most active member and the local representative, obtained from George II., in 1732, a charter under which the colony of Georgia was founded. With the autocratic disposition so common in philanthropic enthusiasts, quickened by a not unfounded distrust of the tendencies of English colonists in a southern climate, Oglethorpe assumed and retained for many years a virtually despotic authority. Such an authority was maintained with comparative ease in the infancy of the settlement, while its subjects consisted of emigrants selected by the founder and transported at his expense, or

of Lutheran refugees from the persecution of the Roman Catholic Prince-Archbishop of Salzburg. As the Colony grew in prosperity, strength, and self-reliance, the yoke was gradually evaded, curtailed, and finally shaken off. One of the principal and least successful of Oglethorpe's objects was the exclusion of negro slavery. Within the first two or three years a petition for the admission of slavery was addressed to his partners, and in no long time the common interests of the colonists and the African traders broke down the obnoxious regulation, and the slave came at length to equal the free population of Georgia.

The first Puritan colonists of New England were, after their own fashion, an eminently law-abiding race. Intolerant of control from without, rebellious against royal or episcopal authority, they were equally intolerant of intestine license, impatient and contemptuous of individual liberty. Their ideal polity was a searching, severe, all-embracing civil and religious despotism, a despotism which we may call oligarchical or democratic as we regard its internal or external aspect; a democracy exclusive as those of the ancient world, an oligarchy not of the Free-born but of the Elect. That polity was sustained through two or three generations, partly by conviction and tradition, partly by sectarian jealousy and political antagonism. While the Church was identified with the Crown and the authority of England, Puritan strictness was a point of local patriotism, a token of independence, a party badge, a symbol of political not less than of ecclesiastical revolt. But the Revolution severed the close ties between the Crown and the Church. Latitudinarianism and Low-Churchmanship were in exclusive favour at Court. The flame of sectarian bigotry was no longer fanned by political disaffection. Puritan sanctimony was therefore no longer identified with colonial self-assertion. From the commencement of the eighteenth century began the gradual divorce between sectarian theology and political Liberalism. The colonial impatience of authority gradually extended to the claims of the ministry and of the Church, and Puritan respect for law, Puritan Conservatism, gradually ceased to distinguish Massachusetts and Connecticut from New York and Pennsylvania.

Virginia and Maryland alone preserved visible traces of the loyalty, moderation, and English patriotism which were the proudest traditions of their cavalier ancestry. They alone settled a regular revenue on the Government, assigned permanent salaries to executive and judicial offices, and maintained the constitutional division of authority between the Governor, the Council, and the Assembly. Everywhere else, the strength of the several depositories of political power was wasted in mutual conflict. The financial jealousies of the Assembly paralysed the action and in-

vaded the province of the executive. The Governors were in constant hostility with their exacting, encroaching, and niggard paymasters: the Assemblies saw, after the manner of Parliaments, in requisitions for military support from England or from sister Colonies, even in the immediate necessities of self-defence, opportunities of wresting new political privileges from the embarrassed Governors. The latter, when men of experience and veteran public servants, as most of them seem to have been, had just the practical instincts, the business knowledge, the economic and official training, which should have warned and guided a Legislature consisting of inexperienced provincial politicians, corrected their narrow views, and enforced on their ignorance the fundamental maxims of sound policy and safe finance. But the Governor was sometimes a mere courtier, always a champion of royal authority and English claims, and his counsel, good or bad, was naturally distrusted and set aside.

The dangers of unbridled democracy were aggravated by the absence of a class possessed of hereditary wealth, culture, and leisure. Every man had a 'common school education;' none had or could have the higher education of travel and society, of commerce with men and gradual initiation into great affairs. The Colonies blundered, again and again, into grave political disaster for want at once of the statesmanlike guidance under which the English Parliament acted, and of the sound political instincts which the breadth of its survey and the habits of discipline and deference had instilled. For example, with the single exception of Virginia, every Colonial Assembly sought a financial resource in the issue of paper money. The injury to creditors seemed, to the many, a trifling evil if not a positive recommendation. The delusions of currency theorists, scarcely yet eradicated from the minds of dreamers in Europe, ran riot in communities which had no economic traditions and established maxims to guide them. Specie was driven out, the paper rapidly depreciated by fresh issues, and at last either repudiated or paid off at a fraction of its nominal value. Not only the Carolinas, Pennsylvania, and New Jersey, but Massachusetts, Connecticut, and New York fell, one after the other, into financial ruin and insolvency. Virginia preserved her honour inviolate: there only public and private obligations were strictly respected; her circulating medium alone retained a constant value. Virginia excepted, the correspondence of the Governors with the Home Ministry is full of reasonable complaints, of well-sustained reproaches, of mournful or angry reference to the disloyal spirit and persistent insubordination of the Colonial Assemblies, and of warnings passionately contradicted on the spot, disregarded at home, and fulfilled to the letter. The salaries not only of executive officials of every rank but even of the chief Judges, were enlarged, cut down, or withheld as their

decisions were conformed to the views of the people and their representatives, or to the law.

It was not until, for more than half a century, the dignity and independence of the Bench had thus been invaded and lowered by popular coercion, not until this obviously objectionable pressure and the wilfulness of colonial juries threatened to nullify the authority alike of King and Parliament—that George III. endeavoured to redress the balance by conferring judicial offices in the Colonies, as the Assemblies granted judicial salaries, during pleasure. We do not read that the King ever dismissed a Judge for his decisions; we know that the Assemblies constantly fined Judges for doing their duty. New York, for example, cut down the salary of her Chief Justice for what Mr. Bancroft calls ‘loyalism’—*i. e.*, a conscientious enforcement of the legal prerogatives of the Crown. Massachusetts avenged an unpopular appointment by a reduction of the salary attached to the same august office.

In thus destroying the independence of the Bench, Colonial Assemblies were less excusable than in the natural disposition of the wielders of the power of the purse, to arrogate to themselves all substantial powers, administrative and financial, civil and military. Their pretensions and their practice left little more than the name of that allegiance and obedience of which they were wont on occasion to make earnest profession. As Winthrop a hundred years before, so Franklin, the ablest agent of the Colonies, the subtlest advocate of their extreme pretensions, virtually admitted by a wire-drawn distinction the repugnance of their legislation to the law of England. Repugnance, he argued, does not involve a forfeiture of charters, for such legislation is simply null from the first.

Null it was, of course, in the view of English or independent tribunals; but it was none the less the practical law of the Colonies, a law to which strict obedience was exacted from all who lacked either the means or the courage to carry an appeal to the House of Lords or the Privy Council. In the Northern Colonies, at least, disaffection was deeply rooted, and displayed by signs more decisive than insubordinate acts and unconstitutional pretensions. That they would at the first opportunity throw off their allegiance to the mother country was the conviction of nearly every statesman who united long colonial experience to clear-sighted common sense. Responsible colonial leaders always repudiated any such purpose or aspiration, as Winthrop and Winslow would have done; as Adams and Hancock, Patrick Henry and Benjamin Franklin, the leaders in rebellion, did till the time came to throw off the mask. But the language they spoke before colonial audiences was of more moment than that intended for the mother country; and the former was often such as left no choice but between mere nominal sovereignty and open revolt.

The incredulity of statesmen like Chatham is intelligible and not discreditable. Why should the Colonies be disaffected? They owed their very existence to England. She had lavished her blood and treasure on their behalf. The commercial restrictions imposed by her policy, in strict accord with the universal opinions of the age, were a very trivial price to pay for the protection of her flag. It may be doubted whether, in three-quarters of a century, they repaid the cost of three years of war waged by England on the American continent for the benefit of her Colonies, or of the fleets maintained in peace for their defence and security. A few shrewd, observant public men at home, who had studied the evidence, understood its full significance. The New England Colonies, which but for English protection would have been provinces of France, were from first to last bitterly and causelessly disloyal. The old Puritan leaven—the feeling of rebels and regicides, the temper of the Winthrops and Endicotts, the spirit that had mutilated the national ensign, and had once at least threatened a transfer of allegiance to England's most powerful maritime rival—was inherited by their great-grandchildren.

As under Charles II., so under George III., the better part of the population, the merchants, the men of hereditary means and culture, and probably a considerable majority of the quiet, industrious, decent folk who minded their own business, and meddled as little in politics as in theology, were passively loyal; but the ministers and elders, the politicians, the busy-bodies, the discontented and restless spirits, ever numerous in colonial society—all the classes which, from the days of Adullam downwards, have recruited the forces of disorder—disguised ambitious disaffection under the plausible veil of local patriotism. As usual, but far more than usual, content was inert and silent, disloyalty articulate, active, and propagandist.

Governor after Governor warned the Board of Trade and the Secretary of State 'that if the Colonies had their choice they would not choose King George's Government;' 'that they would set themselves up against his Majesty;' 'that their ability, joined to their inclination, would be of very ill consequence;' 'that the spirit of Commonwealth (*i. e.* republican) maxims increases daily;' 'that New York had already taken most of the previous open steps that a dependent province could take to render itself independent, while with the neighbouring Colonies there was a strong inclination to seize the earliest opportunity of setting up for themselves.' The tone of Colonial society was equally unmistakable. In 1735 Charles Wesley reported that the language of Boston was, 'We must shake off the yoke; we shall never be a free people till we shake off the English yoke.' Even in a pamphlet dedicated to Lord Carteret, the champion of Massachusetts denied the right of the Crown to the soil of that province;

pretended, in defiance of Colonial records, of history, of the charter itself, that the land had been acquired by the Colony in right of purchase or conquest from the natives.

The warmest English champion of the Colonies was warned by statesmen on the spot and at home, by friends and foes, that the retention of Canada might prove fatal to the English power in America: that the northern Colonies at least, inveterately disaffected, were retained in their allegiance by the salutary pressure of a hostile Power in their neighbourhood. The imperfect obedience, the formal allegiance they had hitherto rendered was enforced by interest rather than inspired by affection; when once emancipated from dependence on the military and naval power, they would be prompt to shake off the mild control of the mother country. Nor does Chatham seem to have had any answer to make. Choiseul, since Louvois the ablest Minister that ever directed the foreign policy of France, did not hesitate to avow a similar conviction. Such language, emphasised by the willingness with which he resigned the American possessions of his master, might have been a warning to his great rival. Choiseul's opinion was evidently sincere, and was not likely to have been idly taken up. In exact proportion to the local knowledge, official experience, and practical information of English statesmen, was their distrust of the Colonies.

The jealousy of American manufactures occasionally displayed by Parliament was as inoperative as unworthy. The same spirit had been shown with infinitely more exasperating effect towards the English colony in Ireland. No act of the Imperial Parliament could prevent the settlers on the Connecticut from setting up forges, still less from spinning their own yarn and weaving their own cloth. Nor were the colonists ignorant that their commercial dependence on the mother country was a matter of necessity and not of law; that their industry was confined to its natural channels, not by English jealousy, but by the large profits of colonial agriculture and the superiority and cheapness of English manufactures. Even the laws restraining their trade with Dutch, French, and Spanish ports were largely evaded. New York and New England were, at the close of the seventeenth century, the home and refuge of pirates, and for the next sixty years the seat of a smuggling trade yet more open, audacious, and lucrative. Nor is there any historical evidence that the mercantile policy of England was regarded as a grievance, much less that it contributed to keep alive that disaffection which was of elder date than the Navigation Act itself. New York and Boston would hardly have welcomed the repeal of laws which secured to them the exorbitant profits without the heavy losses of illicit trade; which enabled them to exact the price of smuggled goods while running little risk of penalty or confiscation.

CHAPTER XIII.

PONTIAC'S WAR.

THE spoils of victory were not to be instantly and easily reaped ; the vast territories to which France renounced her pretensions did not, by force of that renunciation, pass at once into the actual possession of England. France could only transfer what she actually held, her fortresses and her settlements ; and these formed a minute fraction of all that she had engaged to cede. She was not our only enemy ; and, though she had stipulated for her allies, she could not bind them. The tribes of the North and West were naturally and strongly attached to the Power by whose trade they had profited, under whose protection they had prospered, of whose treatment they had no reason to complain. France had respected their independence, and, even when claiming the sovereignty of their territory, had forborne to press that claim in a manner alarming to their jealousy or offensive to their pride ; had asserted it rather in trust for them against the intrusion of the English.

Pontiac, the chief of the powerful tribe of the Ottawas, assumed the tone and the privileges of an independent prince. After the conquest of the Canadas, a Colonial expedition sent to take possession of the north-western fortresses of New France was arrested on the confines of his territory, and was permitted to pass only after a full explanation of its intentions and as matter of favour. The chief was shrewd enough to appreciate the civilised arts of war and peace ; desired to understand the nature and methods of European manufactures, to learn how iron was converted into weapons and wool into cloth. No ruler so powerful and popular, no diplomatist so skilful, no statesman so subtle, wary, and far-sighted, ever directed the counsels of the Aborigines. He was born two generations after independent native action had become impossible, and understood the tendencies and consequences of the struggle between the rival white Powers a year or two too late to turn the scale. But, roused by the pretensions of the English, alarmed by the expeditions sent to take possession of forts and stations in his immediate vicinity he displayed a practical genius, a power of civil and military combination, such as at some earlier conjunctures might have exerted a critical influence on the history of America.

Said to have been an adopted captive, his authority over the Ottawas was as great as Philip or Conanchet ever exercised over the clans they were born to rule. In the course of a few months, he contrived to unite the tribes between the Ohio and the Lakes in a league the firmest and most extensive ever formed by their race. The Miamis, the most powerful tribe between the Alleghanies and the Mississippi; the Senecas, one of the Six Nations; the Delawares, their hereditary enemies or vassals; the Shawnees, allies of the Delawares; the Wyandots, belonging to the same family with the Hurons, all combined for the destruction of the English intruders. In May, 1763, Detroit was beleaguered and summoned to capitulate. A few days later Sandusky was surprised and the garrison slaughtered; and a week afterwards a company entrenched at the mouth of the St. Joseph shared the same fate. One station after another was taken unawares, betrayed, coerced into surrender, or captured by open storm. Five hundred families from the frontiers of Maryland and Virginia took refuge in Winchester or scattered themselves among the woods.

A force of 250 men, sent by Amherst to reinforce Detroit, attempted a midnight sally, and were defeated at a spring which still bears the name of Bloody Run, with a loss of twenty killed and forty-two wounded. Defeat after defeat, surprise after surprise, terrified the colonists; and so enraged the Commander-in-chief that he offered a reward of 100*l.* for the scalp of Pontiac, and gave orders to his officers to take no prisoners, but to put to death all Indians who fell into their hands. The French officers, aware that the surrender of the Canadas was irretrievable, that the Indian rebellion could gain them no advantage, could only cast a dark stain on the national faith and possibly expose them to dangerous suspicion and personal reprisals, despatched in every direction the Wampum¹ belts which announced to their late allies the terms of peace, the hopelessness of support, and the absolute necessity of submission. In October, 1763, Pontiac, abandoning the siege of Detroit, sent to the English commander a message accepting the treaty, and desiring that all that had passed might be forgotten on both sides. A month later the southern tribes—the Catawbias, the Cherokees, the Creeks of Florida and Alabama, the Chickasaws and Chocktaws of the Mississippi Valley—held a convention with the Governors of Virginia, Georgia, and the Carolinas, in which the peace concluded with France was ratified, and the ascendancy of the British firmly established throughout the whole territory resigned to them by the treaty of the previous spring.

¹ Made of strung shell or beadware; used as currency, symbolic messages, flags of truce and records by all the Indian tribes.

BOOK II.
THE REVOLUTION.
1763—1783.

CHAPTER I.

CONSEQUENCES OF THE CONQUEST.

England won, America took the stakes—Infinite Value of the Extinction of the French Power—Removed all Restraints on Colonial Discontent—Choiseul's View—Chatham.

ALL that England resigned in 1763 she would have kept for herself; what she retained, she retained rather as trustee for her Colonies than for her own behoof. As the war had been waged, so the peace was adjusted, in the interest of America. The French provinces, Cape Breton, New Brunswick, and the Canadas, were all that England gained, the sole reward of a war in which her strength had been taxed to the uttermost, which had deranged her finances and saddled her with a debt at whose amount nearly every statesman, except its daring author; stood aghast. So far as could then be seen, the prize was certainly not worth the candle. With a scanty, a foreign, and probably ill-affected population, an ungenial climate, a backward agriculture, a commerce never considerable and now all but ruined, impoverished by a long and disastrous war, they could in no case have attracted even over-crowded Highlanders or evicted Irish. Exposed to the competition of neighbouring communities of English race and speech, with a far more settled order, ample range of unoccupied land, richer soil, and incomparably better climate, it seemed inevitable that the whole stream of European emigration must be diverted to the southward; that the Canadas would remain a barren possession, at best a hunting-ground for trappers and fur-traders. All that was really valuable in the spoils of victory, all that was worth fighting for, nay, almost all that seemed worth keeping within the extended boundaries of British America,

must of necessity fall to the Colonies. Even the Newfoundland fisheries must, in the opinion of the men best qualified to judge, become within a few years the monopoly of New England.

It was not to England but to her Colonies that the treaty practically annexed a country then worth twenty Canadas, which constituted, down to 1850, two-thirds of the inhabited territory of the Union; a country larger and vastly more fertile than civilised Europe. It was for Virginia and Pennsylvania that England had conquered the valuable forests of Ohio, the boundless prairies of Illinois and Indiana—a natural grazing-ground without rival in the known world, needing but a single ploughing to convert it into a wheat-field larger than France, with a more favourable climate and a virgin soil of incredible depth and inexhaustible richness—incomparably the finest within reach of civilised man. The eastern bank of the Mississippi, the uncleared forests of Kentucky and Tennessee, the highlands of the centre with their luxuriant vegetation, the semi-tropical lowlands of the Gulf Coast, promised to the planters of Georgia and the Carolinas matchless and boundless fields for the growth of maize, cotton, and tobacco, rice, sugar, and coffee.

Louisiana, now—with the exception of a small tract about New Orleans—confined to the western bank of the great river, was transferred by France to the ally who had suffered so severely on her behalf. But neither in the hands of France nor of Spain could that wilderness, with its few scattered settlements, threaten the British Colonies with rivalry in peace or danger in war. To thoughtful and observant politicians it was in Spanish hands only a larger Florida; to the Anglo-Americans a helpless and tempting prize, destined to fall into their hands whenever they should be ready to covet, conquer, absorb, or purchase it. Spain would have done wisely to refuse the gift. Bad as was the colonial government of France, it was incomparably better than that of His Catholic Majesty; and, for good or evil, the hold of France on the affections even of her adopted children has ever been hard to break. The scanty population of Louisiana was French by origin and language, and in the transfer of its allegiance felt itself not only wronged but insulted. Acadia and Canada became parts of an empire in which France herself owned an equal; Louisiana was degraded by passing under the yoke of a Power equally oppressive and contemptible. If rebellion were hopeless, submission was intolerable. The people of New Orleans and the surrounding country revolted; and their revolt was put down with a facility which rendered the treachery and cruelty of its punishment doubly hateful. The blood of loyal Frenchmen, entrapped without shame and butchered without mercy, was not forgotten by their country;

and Spain acquired only the temporary dominion of another profitless, defenceless, and bitterly disaffected province.

In itself, the final extinction of the French power on the American Continent was, apart from territorial aggrandisement, the most precious gift that England could have bestowed upon her dependencies. That power had been to them a standing menace. For seventy years the protection of England, the shelter of her flag, the aid of her navy, the support of her troops, had been indispensable to them, and especially to those Colonies whose loyalty most needed the stimulus of self-interest.

That New York and New England could, without aid from home, have defended themselves against the hostility of the Canadas seems obvious; that they failed to do so is unquestionable. With vastly superior numbers and resources, their English courage and energy ought to have crushed the Indian allies of New France, curtailed her boundaries, repelled her attacks, and rolled back the war on to her soil. In truth, they were ignominiously beaten whenever they assumed the offensive; and when thrown on their defence, were unable to protect their advanced settlements from destructive Indian forays. The Canadian Government early pushed its outposts to the frontiers of the Northern Colonies, and was never dislodged from its hold. Crown Point and Ticonderoga gave the French a firm grasp of Lake Champlain; Cape Breton and New Brunswick threatened New England on the opposite flank; and only when England came with her whole strength to the rescue did her Colonies succeed in loosing the grip of France from their throat.

After the Peace of Utrecht, England had little to fear in Europe from the enmity of France. Retaining the Spanish Crown, the House of Bourbon was effectually crippled and humbled by the War of the Spanish Succession. The accession of George I. imparted new dynastic interests, involving the Crown of England in the intestine and external quarrels of Germany. But to those quarrels the country, Parliament, and even Ministers were something more than indifferent. But for the constant collisions, the permanent and standing feuds in America, the Princes of the House of Brunswick would have found it difficult, if not impossible, to engage the kingdom in the squabbles of the Electorate. It was by the appeals of the Colonies, the frontier outrages, the disputes about borders and trade, the reciprocal affronts and intrigues of Transatlantic rivalry, that the old antipathy to France was revived. It was by American provocations and interests that the relations of the two Powers were kept on the strain, that the English Government and nation were induced at every European crisis to join—not the friends of Hanover but—the foes of France.

Before the Revolution drew England into the quarrels of Holland, New York and Canada were, as has been seen, on the verge of hostilities. The Seven Years' War began for England in the Valley of the Ohio. Blood had been shed on the disputed frontier of Virginia, while as yet the mother countries were at peace. The defeat of Braddock, the capture of French ships on their way to Canada, the march upon Lake Champlain, the abortive attempt on Niagara, anticipated the declaration of hostilities and the alliance of France and England with Austria and Prussia respectively. Forces that might have conquered a speedy and honourable peace in Europe had again and again been sent to fight the battles of New York and Massachusetts, during the half-century that preceded Pitt's determination to concentrate the strength of the Empire on an object rather Colonial than English, or even imperial; to terminate the inveterate conflict by the final expulsion of France from the Western Continent. That issue had been for two generations the hope and dream of the Colonies; to achieve it, England doubled her expenditure and her debt, and, in enabling her dependencies to dispense with her aid, released them from dependence; conferring upon them that immunity from the burden of self-defence, that exemption from invasion, danger, and even rivalry in which they stand alone among nations; to preserve which the Northern States were willing, a hundred years later, to fight the costliest and bloodiest of modern wars.

From first to last, however, the Colonies chose to regard their account with the mother country from a traditional standpoint, which curiously and exactly inverted the historical and practical aspect of the facts. Constitutionally, all wars are the wars of the Crown. In that sense alone could the colonists claim a shadow of merit for their contributions, great or small, to a struggle waged on their behalf. When, and in so far as, their interests and aims became distinct from those of England, their debt to England stood out in strong and unmistakable relief. For them she conquered four-fifths of that which, after the War of Independence, became their empire. For their sake she crushed the Power whose existence guaranteed their allegiance. However disaffected at heart, however selfish in the pursuit of its own interest, however covetous of independence, no English colony could, from the cession of New York to the fall of Quebec, have dreamed of separation or independence. Rebellion, even under real provocation, was the most glaring of impossibilities. The choice lay between England and France; and every colonist knew that the little finger of the House of Bourbon was heavier than the loins of Brunswick. The conquest of New France reversed the position. The alternative was henceforward between allegiance and inde-

pendence. England had done everything in her power for her children, and was now to experience their filial gratitude.

A few contemporary statesmen on either side of the Atlantic fully understood the various and manifold elements of danger and disaffection to which the conquest of the Canadas had given the rein. The Duc de Choiseul, from the moment when he finally surrendered the colonial empire of France, saw in that surrender the means of inflicting a yet heavier blow upon the greatness of her rival; heavier, because England had so much more to lose. For the next ten years his spies were ubiquitous, active and unscrupulous;¹ observing, reporting, and fomenting every dangerous pretension and unconstitutional doctrine advanced by the colonists, intriguing with the more advanced of the malcontents, and, in a word, conspiring against the peace and safety of a friendly State. The severance from England of her American colonies was the paramount object of his policy, till, rather than abandon it, he resigned office at the moment when its accomplishment first seemed possible.

The origin, traditions, and character of the various elements that made up the motley population of the thirteen provinces were almost entirely overlooked by those who counted on the influence of hereditary ties, of blood, of language, of that pride which Englishmen, wherever settled, have ever felt in the glory and greatness of England. In Virginia and Maryland alone those natural affections had full play. They had but one ground of dissatisfaction with the Home Government. To slavery the Virginians, like most English slaveowners of the day, entertained a mild theoretical dislike, which by no means reconciled them or their fellow-colonists to the sacrifice of interest involved in emancipation. But they had taken alarm, which time showed to be extravagant, at the rapid growth of the negro population of the seaboard-country, of which tobacco planting was the staple business. Fear of slave insurrection—a fear the more natural that so large a proportion of the slaves were then imported African savages—was the chief motive of their repeated protests against the extent of the traffic in which the merchants of England and the planters of the Colony had a common interest. Colonial statutes and petitions looking to the restraint of that traffic were invariably rejected by the advisers of the Crown, and that rejection was made the subject of popular complaint. There was as yet no Southern demand for the redundant negro labour of Virginia to counteract that natural increase whose rapidity has always borne witness to the substantial well-being of the slaves.

For eighty years the Carolinas had been in agitation, and not infrequently on the verge of insurrection, against their Govern-

¹ See (*c. g.*) Jesse's *George III.*, i. 525.

ment. The Huguenot element in South Carolina, the German Lutherans of Georgia, with their anarchical temper and foreign traditions, contributed to prevent the growth of national sentiment and imperial patriotism.

In Pennsylvania the American disciples of Penn and Fox, isolated from the sobering influences that had been brought to bear on their European co-religionists, were as extreme in hostility to civil as their ancestors in revolt against social and religious restraint. One standing quarrel embroiled and entangled each dispute between the turbulent Assembly and powerless Governor, and sufficed of itself to disturb every interval of repose. The estates of the proprietors, consisting of unoccupied and unsettled tracts, became valuable only when about to pass from the hands of their owners into those of colonial purchasers. The Assembly insisted upon taxing these estates on an unreal valuation far exceeding any rent or profit they actually yielded. This injustice the proprietors steadily and successfully resisted. All action was stopped for weeks in the agony of an Indian invasion, that the Assembly might wring from their compassion or conscience an assent to its pretensions. Only when the advancing tide of devastation threatened their own lands and families did the agitators give way.

New York was supposed to be the stronghold of loyalism and British influence in the North; but her origin and traditions were unfavourable to the growth of any genuine attachment to the mother country. Her great landed proprietors, her prosperous commercial aristocracy, were interested in the maintenance of peace, order, and good understanding with the Home Government. But neither instinct nor sentiment reinforced their lukewarm and prudential loyalty. The old Dutch families, landowners and merchants, on whom Colonial conservatism would naturally have rested and rallied its forces, were bound by no ties of affection or reverence to a country that had never been their 'home' or their forefathers'.

Connecticut and Rhode Island were virtually independent republics. In peace they had scarcely any relations with the Crown or with the Ministry; in war they were allies rather than subjects. The Puritan tradition of Massachusetts was a tradition of resistance to all control and interference from England. The frontier Colony was the most visibly and closely dependent upon the protection of England. In peace the extensive commerce of New England, the powerful mercantile interests of Boston—which, as a political, social, and intellectual centre, exercised a permanent influence throughout the North-eastern Colonies—might have created an effective counterpoise to the republican and sectarian feeling which still characterised the Puritan farmers of the interior.

Unhappily, the commercial interest of the Colonies and the mother country were in direct antagonism. New England had always set the Navigation Laws at defiance, and had long carried on a growing contraband traffic at which the local authorities had corruptly or weakly connived; with which the Home Government, its attention concentrated upon the border wars, actual or impending, had no leisure to deal. With the restoration of peace and security it was obvious that the powerful mercantile interests of the mother country would insist upon the enforcement of the law. Potential causes of quarrel were numerous and dangerous. The removal of that pressure which had curbed the factious temper of the colonists, and postponed the controverted issues that had from time to time arisen, was sure to precipitate dissensions which it would require no little prudence and mutual forbearance to appease, while forbearance and moderation were not the qualities which their eulogists would ascribe to the party already predominant in New England.

CHAPTER II.

MALIGN INFLUENCES.

Irish Presbyterian Emigrants—Their Position in Pennsylvania—The Anti-English Faction in Massachusetts.

A NEW element of bitterness and disaffection had lately been infused into most or all of the northern Colonies. The fall of Limerick had broken the power and crushed the hopes of the Irish Catholics. The penal laws had driven into exile all the high-spirited, ambitious, and intelligent members of the native aristocracy. The loss of their natural leaders had rendered the Celtic population, in the language of a keen and outspoken observer, no more formidable to the Protestant Englishry than the women and children to the men.¹ The impotence of the common enemy gave the rein to the intestine jealousies of the dominant colony. The Established Church pressed her exclusive pretensions harder and harder against her Presbyterian and Independent allies; the latter no longer regarded the Establishment with complacency, as a splendid if one-sided trophy of the great Protestant conquest.² To proscription and affront the descendants of the Scottish settlers of Ulster, the Cromwellian conquerors of the Southern provinces, the grand-children of the defenders of Londonderry and Enniskillen, were little likely to submit. The flower of the Presbyterians followed the aristocracy of Catholic Ireland into exile; and were of course irresistibly attracted to the Puritan commonwealths of British America. Their fresh and quick resentment of recent wrongs contributed to revive and exacerbate the traditional disaffection of their fellow Puritans.

In Pennsylvania alone they formed a separate and antagonistic element. The old feud between Puritans and Quakers, the traditional animosities of the Commonwealth, the well-remembered persecutions of New England, ensured them a grudging and suspicious reception. Fugitives from tyranny, but traditional upholders of civil order and social discipline, they had no sympathy with a community for whom license and liberty, order and tyranny were convertible terms. The eastern districts were already

¹ Swift.

² Macaulay.

peopled. The new-comers, reinforced by a considerable German immigration, pushed forward to the western frontier, where they found themselves in immediate contact with the Indian tribes, among whom the French influence was predominant. Full of the traditional and actual antipathies of Ireland, prone to treat French Papists and heathen natives as they had treated their Catholic neighbours, they were speedily involved in quarrels which the Quakers of the settled districts, remote from danger and remembering the Founder's pacific policy, regarded as needless and unrighteous. Everywhere the Presbyterian exiles were among the loudest spokesmen of Colonial disaffection, a chief support of that faction, as yet a minority probably even in Massachusetts, which already looked to independence as the proximate if not immediate goal of colonial progress.

That such a faction existed, American historians care neither to avow nor to deny. A writer so able as Mr. Bancroft contradicts himself in successive chapters, almost on alternate pages; now averring the universal attachment of the colonists to King and country, now praising the skill and persistence with which such men as Samuel and John Adams, Cushing and Hancock, Patrick Henry of Virginia and Rutledge of South Carolina, turned each successive controversy to their ultimate purpose, using alike the encroachments and the concessions of the Home Government, the ignorance and the passion of the colonists, to inflame and exasperate a quarrel from whose final issue, had they foreseen it, both parties would have shrunk. The so-called Colonial 'patriots' who desired to reconcile the boldest and broadest pretensions to local independence with their allegiance and the integrity of the Empire, equally with the populace of Boston, Connecticut, and Rhode Island, were the unconscious instruments of a policy which its authors did not care to avow.

The omnipotence of Parliament has ever been the fundamental and distinctive principle of the English constitution. But men who pretended to more than average knowledge of law were not ashamed to affirm that an Act of Parliament repugnant to what they called constitutional principles was legally invalid; that every ignorant country justice, every factious politician in Massachusetts or Pennsylvania was entitled to judge whether the statutes of England were to be obeyed or defied. The Assemblies of New York and Virginia, nay, of Massachusetts herself, were egged on to measures whose inevitable result they never foresaw, to claim an authority independent of and co-ordinate with that of Parliament, a status of equality incompatible with allegiance and even with national unity; a position analogous to that of Hanover or of Scotland before the Union, a connection of which the Crown was the sole link; even while admitting the

right of Parliament to regulate their external commerce at its discretion. And when the Assemblies faltered or hesitated, when the forbearance of the Home Government and the moderation of the Middle and Southern Colonies seemed to promise a peaceable adjustment, the passions of the Northern populacc were inflamed by every act that could precipitate a collision. Washington, Dulany of Maryland, Dickinson of Pennsylvania—the majority of those who, when the quarrel had been pushed to its inevitable issue, preferred local to Imperial patriotism, Colonial liberties to National allegiance—were, in the first instance at least, averse to or ignorant of the designs of the Revolutionists.

Patrick Henry, the first to advance publicly and peremptorily, the extreme pretensions which Adams and Hancock as yet held in reserve, had completed his whole preparation for the bar in six weeks; while he had no such general education as would have shown him how crude were his legal theories. Otis, the earliest trumpeter of sedition in Massachusetts, was evidently hurried along, almost from the first, by the changeful and uncontrollable impulses of an unsound brain; now advancing, in the heat of passion, doctrines which cooler thoughts compelled him to qualify or withdraw, now endeavoring to restrain the more deliberate and wilful violence of his associates, now goaded by them into fresh outbreaks of yet wilder extravagance; till, before the crisis of the struggle had arrived, his overwrought mind gave way. His errors were those of a disordered intellect, a generous and ingenuous but fearfully excitable temperament. Men like Hancock and the Adamases well knew what they were about. They were as consistent, shrewd, and far-sighted in pursuing their end as unscrupulous in the choice of means.

CHAPTER III.

GRENVILLE AND THE STAMP ACT.

George Grenville's Position and Principles—Autocracy of Parliament—An American Army and Revenue—Enforcement of the Navigation Laws—Substantial and Sentimental Hardship—Policy of the anti-English Faction—The Stamp Act—American Terrorism—Chatham's Advocacy—Weakness of the New Ministry—Reassertion and Repeal.

AFTER some eighteen months of supreme power, Lord Bute retired from office April 8, 1763; partly dismayed by the storm of unpopularity which the advancement of a Scot and a so-called favourite had excited, partly weary of the greatness to which he had been too rapidly promoted. The King was determined neither to recall Pitt and Temple nor to invite the assistance of that great Whig connection whose yoke it had been his first object—an object neither unkingly nor unconstitutional—to break. Bute's subalterns, therefore, were retained in office, and the leadership of the Government and the House of Commons fell to George Grenville, the brother of Temple and brother-in-law of Pitt; too much of a political pedant to be a judicious ruler or prudent statesman, a Whig oligarch of the school of the younger Sunderland, studious of the letter and for that reason apt to pervert altogether the spirit of the Constitution.

The Revolution, as he understood it, had finally established the supremacy claimed by the Long Parliament. The King was, in his view, little more than a Doge; the prerogatives of the Crown were vested in Ministers commanding a Parliamentary majority. The privileges of the people had been once for all transferred to an assembly, the majority of whose members were returned by a few thousand electors and a few score of powerful patrons. The multitude of close and rotten boroughs, the small number of free commercial constituencies, the limitation of the English counties to two representatives apiece, the absence of any popular influence in the Scottish elections, had utterly divorced the House of Commons from the country.

Apart from such general consideration, his own recent experience should have taught Grenville how utterly fallacious was his theory of the relation between the Crown and the Houses.

The Cabinet of Pitt and Newcastle had been supported by Parliament till the popular statesman and the chief of the Whig aristocracy had been dismissed by the King. Their loss of office had put them at once in a minority, and not a strong one; their successors, owing their places originally to Court favour, could in their turn rely upon the support of a steady majority in both Houses. Grenville's ideas were in violent contradiction to those of his royal master; less accordant with facts while not more constitutional and much more unpopular. His temper, tone, and bearing in the Closet would have incurred the lasting and bitter dislike of a Prince far less jealous of his dignity and less bent on asserting what he believed to be his own rightful prerogatives than George III. Grenville's harangues were intolerably long and tedious; his parsimony was carried to an offensive and extravagant extent; his language was little less than insolent.

He and the Duke of Bedford, his principal ally, did not hesitate to charge their Sovereign to his face, in the plainest terms, with falsehood and breach of promise. They—Bute's creatures—had exacted a pledge that Bute should no longer be consulted. They found the King resolved on asserting views and objects of his own, and perversely assumed that his opposition to their counsels and his resentment of their imperious demeanour were prompted by the discarded favourite. The truth seems to be that Bute was not consulted till the King was bent on dismissing these obnoxious Ministers, and employed for the last time to open negotiations with their intended successors.

As the colleague of his great relative, Grenville had always regarded with sullen dislike the heroic and costly policy which in four years had retrieved the greatness and doubled at once the dominions and the debt of England. Peace, mainly for the sake of parsimony, had been his object, the chief if not the sole tie between him and the favourite who had brought him into power. He was bent at all hazards on reducing expenditure, and thought it right and just as matter of principle, safe and expedient as matter of policy, that the American Colonies should be required—not, indeed, as is often alleged, to relieve the mother-country of any properly Imperial liabilities—but to pay the cost of their own defence. The claim, if judiciously urged, could hardly have been gainsaid. Half the recent outlay, half the total debt of England, had been incurred on their behalf. Some of the Colonies had contributed largely and liberally to the cost of the war, both in men and money; others, like Pennsylvania, had hung back, had long refused the slightest aid to a struggle in which they were deeply interested, till invasion crossed their own frontiers and threatened the rich, populous, and ruling counties around the capital. Even Virginia had refused to support the earlier operations

on her Western border. Quarters and supplies had been grudged to the royal troops. Governors and military commanders alike had represented, again and again, the utter impossibility of bringing the Assemblies into cordial co-operation.

Again, Grenville was, of all English Ministers, the least likely to connive at habitual and systematic law-breaking. The Navigation Acts, the so-called Mercantile System, were part and parcel of the law of the land. That they had been partly evaded, partly ignored in America for more than fifty years seemed to him no reason for gentleness, caution, or forbearance in their enforcement. The compelled or corrupt connivance of the local authorities was a motive for severity of rebuke, for sharp and stringent correction, not for considerate and conciliatory measures. It was said that Grenville lost the Colonies because he was the first Minister to read their dispatches. The paradox contains more than the usual grain of truth. The commerce of New England had thriven on neglect. Collision and dispute had been avoided by a tacit and informed submission to the unreasonable pretensions, and often to the offensive conduct of the Colonial Assemblies. Grenville's first measure was the more irritating that, while it deeply affected the interests of the Colonies, it could hardly be made the subject of plausible and effective remonstrance.

That it was the right of Parliament to regulate their commerce, that the Navigation Act and mercantile statutes were binding upon them, the colonists had admitted, even while systematically violating or evading them. The pecuniary dependence of Governors, Judges, and officials, the temper of Assemblies and juries, rendered it hopeless to enforce the laws by the ordinary methods and through the usual constitutional agencies. The duty of arresting smuggling vessels was imposed upon the royal cruisers. The decision of cases thus arising, wherein the facts were seldom disputable, was entrusted to Courts of Admiralty, in which a well-informed Judge was not liable to be baffled by a strongly biased jury. The measure was effectual, but its efficiency was the very quality that rendered it intolerable. It was impossible that the moneyed interest of the Colonies should acquiesce in the sudden and severe enforcement of regulations stringent if not tyrannical in themselves, and to the existing generation practically novel; should submit quietly to the loss of a lucrative and, by right of usage, almost legitimate business. The most arbitrary of new enactments hardly provoke bitterer discontent, a keener sense of injustice and hardship, than the sudden revival of laws that have lapsed into virtual desuetude.

The use made of this grievance strongly suggests the underhand agency of men with clear, remote, and secret objects in

view. The temper of the multitude, the interest and the passions of the mercantile and seafaring classes would naturally have taken up and insisted on the main issue; the essential character of the measure by which they felt themselves aggrieved. But those whose shrewdness directed the counsels and controlled the forces of the malcontents saw that they could not prudently make the contraband trade their first battle-ground. Not only was it a questionable and somewhat odious cause, sure to array the whole middle-class of England against them, but it was the limited and selfish concern of the few.

It might none the less have been possible to push the ship-owners, seamen, and fishermen of New England and New York to the front, to enlist the passions and sympathies of their countrymen in their support. But in such a quarrel the Northern Colonies would have been isolated.

New Jersey and Pennsylvania had little interest, Maryland, Virginia, and the Carolinas no interest whatever in the smuggling trade of Boston, Newport, and New York. The manner in which the main grievance, while kept in the background, was used to inflame discontent, to enlist a portion of the wealthier and more conservative classes in the cause of disaffection; the skill with which the one weak point of the measure—the unpopular jurisdiction of a single Judge appointed from home—was put forward and pressed, while a separate breach with the Home Government on a question affecting the North alone was avoided, betray the hand of leaders with wider and bolder aims, more far-reaching ambition and clearer judgment than actuated the multitude.

Grenville's next step, though it furnished the party of sedition with a formidable weapon, and brought the so-called Colonial patriots for the first time into direct and violent collision with the authority of Parliament, was by no means the hasty, intemperate, or headstrong measure that American historians and English party writers have chosen to represent it. Grenville thought—not without plausible reason, when the Indian revolt was but just suppressed—that some ten thousand English soldiers should be maintained in America to protect the frontiers, to uphold the royal authority in the conquered provinces, and doubtless to put down any seditious movement that might be apprehended from the malcontents of Massachusetts or Pennsylvania. It was, with him, a point of justice and principle that this force should be maintained, in part at least, at the cost of the Americans themselves. Experience had shown that, even while menaced by the presence of a hostile Power, it was impossible to obtain from the Colonial Assemblies any regular or sufficient provision for their common defence. If such a provision were to be made, it must, as all parties had admitted, be imposed by the authority of Parliament.

That the authority of Parliament was adequate and could properly be employed for such a purpose, Grenville was the last man to doubt. More properly speaking, perhaps, once assured of the legal right, he took for granted the consequent propriety of its exercise. But in the practical pursuit of his object he proceeded with signal moderation. He consulted the agents of the Colonies, he laid his scheme before Parliament and suspended its enactment for a whole year, in order that his method of colonial taxation might be submitted to the Americans; pledging himself, if they should prefer some different means of raising the required revenue, to reconsider the question. Nor was the Stamp Act intended to raise an excessive or unreasonable amount. The total expected was at the highest estimate less than one shilling per head upon the population of the Colonies, less than half of the probable cost of the American army. To represent Grenville as the malicious enemy of Colonial liberties, as an unscrupulous intriguer feeling his way to further and less plausible measures, is alike to misread the character of the man and falsify the recorded facts of history. He was emphatically a straightforward man—obstinate, impracticable, unbending in his sullen honesty. His primary political principle, his dominant idea, was the constitutional omnipotence of Parliament. This dogma made him overbearing in the closet of a Sovereign whom he accused of unconstitutional pretensions, as ruthless to dependencies which withheld constitutional obedience.

Fearless and contemptuous of unpopularity, proud, resolute and dignified as Chatham himself, but wholly free from Chatham's love of theatrical display and propensity to demagogic arts, Grenville was no less desirous at the outset to conciliate the feelings, to satisfy the reasonable claims, and promote the interests of the Colonies than to assert the authority of the mother country. The Act of 1765, extending the English stamp duties to America, was accompanied by a variety of fiscal measures and commercial bounties which would have much more than repaid the burden laid upon the Colonies. Nor did its author expect, nor had he any reason to expect, the violent outbreak by which the measure was actually encountered. The Colonial agents, from Franklin downwards, though remonstrating against the Parliamentary taxation of America, remonstrated as against ordinary impolicy. When the Minister persisted and the Act was passed, almost without opposition, through both Houses of Parliament, they readily accepted the patronage which, in his desire for conciliation, Grenville resigned to their hands. They nominated the stamp distributors from among the leading citizens of each Colony. In truth, it was primarily to his own moderation and caution that Grenville's defeat was owing. Unaware of the real character

and objects, probably of the very existence, of the dangerous and unscrupulous faction with which he had to cope, it never occurred to him that, in giving the colonists a year to consider, and, if they so pleased, suggest a substitute for his scheme, he was giving a body of determined and inveterate enemies twelve months to misrepresent his policy, to excite the fears, inflame the spirit, and organise the resistance of their countrymen.

Grenville had chosen a mode of taxation pre-eminently calculated to enforce itself. No ship could clear from an American port, no legal transaction be carried through, no judgment enforced, without the use of stamps. Instead of duties levied on local manufactures, on imports or exports, the Government offered for sale wares which all men of business were obliged to purchase. No merchant would expose his vessel to seizure, no creditor forego a debt, rather than pay a few shillings for a piece of stamped paper. It was the simplicity and facility of the method employed that drove its determined opponents to violence and terrorism as the only means of defeating it. The interests of the propertied and professional classes demanded obedience. The burden was utterly insignificant. Hence the difficulty of constitutional resistance and the resort to lawless force, in Colonies which regarded with horror the extremities for which the leaders of Massachusetts were prepared.

The artificial character of the outbreak is sufficiently proved by the fact that no Colonial agent was prepared for it; that Franklin himself, as an extreme Radical, a citizen of anarchical Pennsylvania, the paid envoy of Pennsylvania and Massachusetts, at first expected the law to come into peaceable operation. It was against their own countrymen, nominated by their own agents, selected of course as the most popular of those on whose loyalty the Home Government could depend, that the fury of Colonial disaffection was directed. The voice of menace grew louder and louder. The leaders and organisers of resistance kept themselves in the background; but armed multitudes, whose open, unresisted, well-concerted operations betrayed the guidance of skilled politicians and the complicity of a powerful section of the upper classes, threatened the property and persons of the royal officials, and anticipated the arrival of the stamps by enforcing, under the extreme penalties of mob-law, the resignation of every stamp distributor in America. The immediate and universal resignation of valuable appointments by men generally loyal, courageous, and resolute sufficiently proves how terrible, pressing, and immediate was their danger. It was not the policy of the ringleaders to take life, but, by the demonstration of overwhelming force and thorough determination, to render actual bloodshed unnecessary.

The elective Governors of Connecticut and Rhode Island sided

with the lawless multitudes who paraded the streets and roads, chased and captured the distributors, and compelled them to do ignominious penance for accepting the invitation of Franklin and his colleagues. Ingersoll, the distributor of Connecticut, held out for three hours against several hundred ruffians, till the Governor refused to protect him and the Assembly declined to interfere; and then, like his colleagues, yielded only when his life would have paid the forfeit of persistence.

For these outrages the 'patriot leaders' were of course fully responsible.¹ Nor were the distributors alone the objects of popular, or rather of party, vengeance. The Chief Justice and Lieutenant-Governor of Massachusetts was mobbed and assaulted in the streets, his house was attacked by one of the patriot gangs; he and his family barely escaped with their lives, while their home was sacked and destroyed. Several other acts of pillage and incendiarism alarmed the very authors of the anarchy. A formal town-meeting, held under their auspices, unanimously repudiated the outrages which its conveners had instigated, which the majority of the assemblage had perpetrated, and the rest had permitted or encouraged. Not one single offender was brought to justice.

The party who would have relied on reason and precedent were silenced by menace or punished by gross personal outrage. For many months a reign of terror prevailed from New Hampshire to Georgia. The judges dared not refuse to open the courts, or reject unstamped documents; the Governors dared not attempt to keep the peace. The stamps, when landed, were surrendered by the authorities or violently seized by the mob. The rabble of New York broke into the house of an officer who had promised to support the civil authority, and destroyed the colours of two English regiments. The military were hampered by a hesitating and frightened Governor, who dared not put down anarchy at the alleged risk of commencing a civil war. Even the captains of royal cruisers, who had at first done their duty energetically and seized the Colonial vessels which ventured to sail without a stamped clearance, were coerced by the determined and desperate threats of the ringleaders, who held the lives of the highest executive and judicial servants of the Crown at their mercy.

The assembling of the first Congress of Delegates from the various Colonies was a significant incident.² It had been impossible to persuade the different provinces to take any concerted measures to defend themselves against French invasion and Indian barbarities. The same spirit which had refused even to

¹ See Bartlett's *History of the United States*, vol. i. p. 289; and the whole tendency of Bancroft's account of the proceedings

² New York, October, 1765.

consider the levy of contributions for common defence manifested itself in united resistance to the ill-judged attempt of England to achieve the same purpose by her own authority. The Congress did nothing worthy of record; but its mere assembling was a new and ominous symptom.

Meanwhile, by a complicated and discreditable intrigue, the Ministry had extorted the King's consent to exclude his mother's name from the Regency Bill. Their master discovered how he had been tricked and misquoted. The Government were exposed and summarily dismissed. The King appealed first to Pitt, and afterwards, on Pitt's refusal, called in the Marquis of Rockingham, the leader of the Whig oligarchy to which he bore so natural and so inveterate a dislike. The Rockingham Ministry at first prepared, as matter of course, to enforce the Stamp Act; but their Cabinet contained scarcely one man at once of Parliamentary reputation, of practical experience, and of resolute character. Its chief was as weak, helpless, and incompetent as a man of spirit, honour, and intelligence well could be. The tidings of violence, of organised and universal resistance, that poured in during the last weeks of the Parliamentary recess, confounded and bewildered them. The speech from the Throne was exceptionally irresolute and unmeaning, and the first debate showed that the Ministry had met Parliament without a policy, a conviction, or a purpose.

Pitt, who when the Stamp Act passed had been, as he solemnly declared, confined to his bed, denounced it in passionate terms as culpable and unconstitutional, void and illegal. The latter assertion could only have been ventured by the Minister of whom his sister said that he knew nothing accurately except Spenser's 'Faëry Queen.' His doctrine was speedily demolished by the crushing logic and unanswerable precedents of Lord Mansfield. Repeated wholesale confiscations, annulments of royal grants, acts of attainder and of pains and penalties had abundantly established the despotic power of Parliament over the property and the life of every British subject.

In every well-ordered State, sovereign authority, absolute and indisputable supremacy, the right to do whatever the exigencies of the State may require, must be vested somewhere. The constitution of Switzerland, the French Republic of 1848, like the Union of 1789, attempted to limit the highest powers they created within the bounds of written law; the Sonderbund, the *coup d'état* of 1851, and the War of Secession were the natural and inevitable results. To the authority of Parliament—of the Crown and Three Estates collectively—there is not and never has been any other limit than that of physical possibility; and it seems strange indeed that a statesman like Chatham should have

challenged a principle to which every page of history, since the Battle of Bosworth terminated the reign of naked force, bears conclusive testimony. In truth, his intellect was rather strong than clear or accurate; his temper incapable of distinctions so subtle as that between legal right and constitutional equity. Seeing clearly that the Parliamentary taxation of the Colonies was impolitic, unprecedented and unconstitutional, he would hardly understand that it was none the less valid and binding. The case of Ireland, frequently and appropriately quoted, is decisive against Chatham's law as against Grenville's policy. The control of the British Parliament over that country, whether as colony or conquest, was unlimited. It could bind Ireland, though Ireland, like Virginia, had a legislature of her own; that its power extended to taxation as it certainly did to confiscation, there could be no reasonable doubt. That, nevertheless, it had never attempted to tax Ireland pointed directly and irresistibly to the inference that there were strong constitutional objections to such taxation; objections applying with redoubled force to the taxation of America.

The logical strength of Pitt's argument was destroyed by the extravagance of his conclusion. But the Ministers, incapable, irresolute, and inexperienced, were completely cowed by the weight of his authority and the fire of his eloquence. General Conway, their leader in the Lower House, a soldier of courage and honour, but without the slightest pretensions to statesmanship, at once declared his acquiescence in the doctrines of Pitt. The Cabinet submitted to the King one sole alternative—to repeal the Act or enforce it by the sword; and, young in years and rule as he then was, George III. was too shrewd not to see that an appeal to the sword, against the pronounced conviction of the foremost of English statesmen and of the leader of the Lower House, was morally impossible.

Servilely following Pitt's guidance, Ministers proposed to repeal the Act and at the same time to declare the absolute authority of Parliament over the Colonies in every case, to every purpose, except that of internal taxation. The exception broke down so completely under the criticism of the lawyers, headed by Lord Mansfield, that Pitt himself could no longer sustain it against the overwhelming weight of argument and authority, and it was struck out. Grenville defended his favorite measure with characteristic vehemence and stubbornness, and took just exception to the ill-considered doctrines and intemperate language of his kinsman. Such expressions of sympathy with rebellion and outrage could only serve to shatter all constitutional authority, and incite the disaffected to yet graver excesses.

The Declaratory Act passed without difficulty as it remained without effect. The repeal of the Stamp Act was in vain re-

sisted by all to whom the enforcement of law, the maintenance of order, at whatever price, seemed the first duty of Government; by all whose temper was roused or whose loyalty was outraged by the conduct of the colonists.³ As they now stood, the two Acts were flagrantly and openly contradictory. The one asserted a right, the other retracted and virtually renounced its exercise. Yet both rested, in different senses, upon sound and constitutional doctrines. The right of Parliament to tax the Colonies was admitted in more than one Colonial charter, the product of a time when the traditions of the Stuarts were fresh in public memory; when popular jealousy was directed against the abuse of prerogative rather than of privilege. In denying the right to tax without Parliamentary sanction, the Crown had implicitly affirmed and the Colonies had tacitly accepted the right of Parliamentary taxation.⁴ On the other hand, as bearing on the question of constitutional usage and not of legal privilege, the argument of Pitt seems unanswerable. 'The taxes are a voluntary gift of the Commons alone. In an American tax, what do we do? We, your Majesty's Commons of Great Britain, give and grant to your Majesty—What? Our own property? No. We give and grant to your Majesty the property of your Majesty's Commons in America. It is an absurdity in terms.'

The opponents of the repeal brought forward one argument thoroughly characteristic of Grenville's pedantry; an argument whose technical validity and substantial monstrosity discredited all technical reasoning and constitutional special pleading on such a subject. Taxation and representation were not inseparable. Manchester was not represented, yet Manchester was taxed. If Manchester were virtually represented, so were the Colonies. They were part and parcel of the manor of Greenwich, and so, it would seem, represented by the members for Kent! This reasoning was treated with deserved ridicule by Pitt and his supporters, and provoked in the Colonies an outburst of indignant and almost incredulous contempt.

³ Carried by 275 to 167. Stanhope, chap. 45.

⁴ There is great confusion in popular English histories as to the claims and proposals of the Colonists. Writers who doubtless meant to give the true account, touching on it in a single sentence, convey the idea that the Colonial Assemblies offered a substitute for the Stamp Duty; or offered to grant as much as it would yield. This is the exact reverse of the truth. The Colonies said 'Ask us for money through our own assemblies, and you shall not find us illiberal.' But this was precisely what had been done for a century, with such unsatisfactory results. Franklin said, years afterwards, that this course would have yielded more money than the stamps ever would. The fact was that the system of self-taxation had failed to meet the common needs of the Colonies, and that the Governors had repeatedly declared that Parliament must take in hand the organisation and apportionment of the burden of defence, *i. e.*, fix the proportion of men and money which each Colony must furnish, and enforce its fulfilment.

On the other hand, the Colonies absolutely refused to be taxed directly and internally, save by the Assemblies in which they were represented; a principle as old as the Witenagemot. The want of a *central* power to deal with common matters—felt throughout the next quarter of a century till supplied in 1787—was the rock on which both sides were wrecked.

The message of peace was received in America with general satisfaction, except in Massachusetts. Unhappily, the untenable pretensions of the Assemblies, the wilful temper of the populace of New York and New England, still menaced the good understanding re-established by so complete a concession. An Act of Parliament which provided for the distribution, quartering, and maintenance of the British troops employed in the Colonies was debated by the Assembly of New York in a captious and quarrelsome spirit. The Legislature of Massachusetts seized the opportunity afforded to faction and sedition by the righteous recommendation of the Home Government that the sufferers by mob violence should be promptly and fully compensated. The dominant party began by denying that any compensation was due, thus identifying themselves to the full with the worst acts of the populace; and took care to render inoperative the compensation reluctantly, ungraciously, and offensively conceded as a matter of favour, by coupling it with an amnesty which it was well known that the Governor would not approve and that the King would not be advised to sanction.

CHAPTER IV.

WHOSE FAULT WAS IT?

The Chatham Ministry—Too late—Chatham's Incapacitation—Townshend's Folly—Lord North's Succession—The King's Responsibility—The last men to yield.

A CONTEMPORARY change of administration at home inspired a brief but almost enthusiastic revival of confidence in the other Colonies. The weakness and irresolution of the Rockingham Ministry had deprived their tardy measure of conciliation of half its grace. Such gratitude as was felt for the repeal of the Stamp Act centred upon Pitt; and the tidings that he had been invited to form a Ministry did, for the moment, more than any legislative concession to quicken the reviving loyalty of the Americans. Had Pitt accepted the office when first pressed upon him, his ultra-Liberal views, his strong attachment to the Colonies for which he had done so much, might have enabled him to conciliate all but the secret enemies of the English connection, without enduring or condoning disorder and outrage.

Unhappily, the malign influence of Lord Temple had twice induced his kinsman to refuse the liberal offers of the Crown; and when at last the great statesman broke the yoke of family ties and personal obligations, and, in 1766, obeyed the thrice-repeated appeal of his Sovereign, it was too late. Health, temper, and fortune failed him. His acceptance of an earldom, due to his conscious inability to endure the fatigues of the Lower House, lost him the favor of the populace and shook the confidence of his adherents.

For a few months he ruled with a rod of iron over a Ministry strong in everything but cohesion. But the remedies employed to repress his constitutional gout and enable him to go through the forms and ceremonies of office had driven the disease to settle on his nerves and brain; and in March 1767 the most powerful, though by no means the soundest mind among the statesmen of the age had utterly broken down. For the next eighteen months he was Prime Minister and even Lord Privy Seal only in name; powerful but for mischief, since his nominal retention of office

prevented the reorganisation of the Government under a recognised successor.

During the incapacitation of his chief, a virtual and temporary premiership devolved upon the Duke of Grafton, the First Lord of the Treasury. The Duke, a man of high principle, stainless character, and no mean intelligence, had never dreamed of undertaking even for a time the functions and responsibilities of a leader, either in the Cabinet or in the Upper House. Deserted by the chief on whom he had relied, to whom he was loyally devoted, called upon to take the most momentous decisions on his own responsibility, to rule a Cabinet composed of the most incongruous materials, containing half-a-dozen men of elder experience, of higher reputation, and more than equal ability, he was embarrassed by their feuds and baffled by their disobedience.

Lord Shelburne was the responsible Minister for America. His policy and his views were Chatham's; but he wanted Chatham's authority to enforce them. The King felt for him a growing dislike and distrust, by which Grafton was either infected or overborne. He was neither prepared mortally to offend his chief by dismissing Lord Shelburne, nor to sustain him against the open and daily more urgent complaints of his royal master. Charles Townshend, the Chancellor of the Exchequer and the most brilliant speaker in the Lower House, capricious and wilful as a clever woman or precocious school-boy, had submitted to the strong control of the Lord Privy Seal, but set the nominal authority of his lieutenant at open defiance.

A mere freak of his threw the Cabinet into confusion, reversed the essential principle of Lord Chatham's policy, and provoked, in mere wantonness, that quarrel which he who was still premier of England would have made any sacrifice, any concession compatible with English honour, to avoid. Talking in a mood of apparent excitement about revenue to be derived from the Colonies, Townshend was promptly challenged by Grenville and others, snatched up the glove thus thrown, and pledged himself to a series of petty Customs imposts—the most important of them a tea duty which could hardly have yielded 50,000*l.* a year—upon American imports. Townshend had no doubt a technical excuse, such as Grenville might have advanced before experience had taught him how little the subtleties of constitutional pedantry were practically worth. The colonists had spontaneously distinguished between internal and external taxation, admitting the right of Parliament to regulate and tax the commerce it protected, even while most strenuously denying its right to take money directly out of their pockets. But a statesman would have known better than to rely upon such a distinction after a surrender like that of 1766 had enlarged the pretensions of the victorious party.

Franklin himself had intimated that the Americans might presently adopt the view of Grenville and Lord Mansfield, that no distinction between stamp and import duties could be made good, and infer that both were equally illegitimate. The perverse and ingenious Minister lived just long enough to do his country irreparable mischief. He died suddenly in September, 1767, and was succeeded as chief Minister of Finance by Lord North.

The new Chancellor of the Exchequer, promoted from a subordinate office, was next to Lord Chatham, though at a long interval, the ablest, most honest, and most clear-sighted English statesman of the age; without any exception the most courteous, dignified, and scrupulous of Parliamentary debaters; but, unhappily, wanting in promptitude, decision, and firmness of purpose. The dismissal of Lord Shelburne and the consequent resignation of Lord Chatham; followed by the retirement of the Duke of Grafton, left the Government without a head. That post was accepted, at the King's earnest instance, by Lord North, in whom George III. reposed for the next ten years an implicit, generous, and well-earned confidence; and who repaid that confidence by a fealty which rather befitted the servant of a despot, or the adviser of a ruling sovereign like the Emperors of Austria and Germany, than the responsible Minister of a constitutional King. There was yet time to renounce Townshend's inconsiderate and ill-judged proposals. But Lord North hesitated to insist on the course his own better judgment would have preferred; and ere long the intemperate violence of Massachusetts rendered the revocation of the new duties incompatible with the dignity of Parliament, the honour of the Crown, or the maintenance of law and order.

The alienation of America, the renewal of pretensions too much resembling those which Parliament and the Crown had practically withdrawn, the obstinacy which pushed the quarrel to extremities, and the final loss of the choicest possessions of England have been very commonly and very unjustly imputed to the personal agency, the stubborn temper, and the arbitrary doctrines of the King. When American resistance had culminated in open rebellion, it suited the leaders of insurrection to palliate their breach of allegiance by vilifying the Prince whose authority they had renounced. It has suited their apologists and admirers, English and American, to misrepresent the feeling of Parliament and of the nation; to conceal the significant fact that, in the almost unanimous opinion of England, the Colonial revolt was an act of gross ingratitude and gratuitous treason.

It was the policy of Congress to appeal to the English people against their Government; and, when war had once broken out, to represent it to the Powers whose alliance they courted as the war of the King and his Ministers, and not of the British nation.

Unhappily, the current notions of the reign and character of George III. are chiefly derived from writers more eminent for trenchant wit and mordant sarcasm than for care or candour; the bitter, brilliant Whig diatribes of Macaulay, the libels of Burke and Junius, the spiteful extravagances of contemporary invective and caricature. A just and careful student of history will not ascribe to George III. an heroic character or a powerful intellect. Ill-educated, narrow-minded, with a brain not perfectly sound, forced by the circumstances of the time into the conflicts of party, inspired with strong and bitter prejudices by the earliest experiences of his reign, he could not but be more of a partisan than befits a Sovereign. But from any scheme of usurpation or palpable injustice he was restrained by that religious reverence for his coronation oath which, when his mind had been shaken by more than one attack of insanity, betrayed him into the gravest and most disastrous error of his reign.

The Prince whose conscience would rather risk a Crown than break a pledge was as utterly incapable of invading, by fraud or violence, the liberties of America, as of plotting against the constitutional rights of Parliament or betraying those of the Crown. With the Parliamentary taxation of America the King had less to do than the clerks of the Treasury or the Board of Trade. Indeed, when the Stamp Act was introduced, he was disabled by that illness which prompted his scrupulous conscience to insist upon the introduction of the Regency Bill. The fatal revival of Grenville's policy was the personal caprice of Townshend, a caprice for which the King was no more responsible than the Lord Privy Seal, and less responsible than Grafton.

It was impossible for a far less scrupulous Prince any longer to accept the fiction of Parliamentary supremacy and Ministerial responsibility. It had been proved beyond doubt that any Cabinet could derive a majority from the favour of the King, and from no other source. Pitt and Newcastle, Bute, Grenville, Rockingham, Chatham had been alike all-powerful while in office and impotent in Opposition. Lord North, who held power longer than all of them together, and with a firmer grasp, owed it solely to the royal choice. A Minister so situate could not pretend to dictate to his master. Nor could the King devolve the responsibility of critical decisions upon a Cabinet nominated and sustained by himself. Yet there seems no reason to doubt that, had that Cabinet as a body, by a large majority of voices, or through the lips of its leading members, pressed upon him the entire abandonment of Townshend's irritating and useless tariff, George III. would have consented.

Lord North's indolent good humour and conciliatory counsels were overruled at first rather by his colleagues than by the King.

In the first stages of the dispute the Government was not merely supported, but threatened and pushed forward by Parliament and by the country. Lord Hillsborough, entrusted as a Third Secretary of State with the Colonial Department, Lord Sandwich, and even Lord George Germaine, were less passionate, less bent on maintaining at any hazard the sanctity of the law and the authority of the mother country, than the Bedfords and Grenvilles. A majority in both Houses, a predominant public opinion, exasperated by American lawlessness and defiance, applauded every repressive measure adopted by the Executive,¹ and demanded extremities from which the responsible advisers of the Crown wisely and naturally recoiled. It was the Duke of Bedford, and not Lord North or his colleagues, who, when the Crown was paralysed by the impossibility of obtaining, on any evidence, a verdict from a Massachusetts jury, proposed to revive one of the worst statutes of Henry III., and bring the ringleaders in riot and sedition to trial in Westminster Hall.

That section of the Opposition which resisted the policy of coercion was insignificant in numbers, and lost by its extravagances the weight that might have attached to the opinions of Rockingham, Camden, and Burke. Fox was a violent supporter of the strongest repressive measures till his Parliamentary insubordination on another point was properly visited with dismissal. The suddenness and occasion of his conversion greatly impaired the effect of his powerful reasoning and vigorous eloquence. At the crisis of the struggle, from the spring of 1775 to that of 1777, Lord Chatham was again secluded at Hayes by a return of his mental malady. It is painful even now, for those who remember what he had been and done, to note the unpatriotic and unconstitutional language, the recklessness of imputation and intemperate partisanship, that characterises the political utterances of the great Minister's later years. To those who have observed the first symptoms and the too frequent *sequelæ* of intellectual disease, the tone of Chatham's later speeches suggests that his mind never completely recovered the prolonged and profound attack of hypochondria which drove him from power in 1767, and was yet more lastingly impaired by the relapse of 1775.

In full possession of his judgment, a statesman who had so lately held office, who had received a cordial and thoroughgoing support from the King, could hardly have thrown out the imputation—now known to have been utterly unfounded—of secret counsels and 'a power behind the Throne.' If passion or prejudice had led him into such an error, the emphatic contradiction received from his own lieutenant and successor, and confirmed on behalf of the Rockingham clique, the King's bitterest enemies,

¹ See Bartlett, i. p. 331-2.

by an outspoken soldier like General Conway, must have convinced him of his mistake and elicited a full and frank retraction. He certainly could not, as he did, have maintained and reiterated the charge. The coolness and harshness with which, on his return to public life, he had requited Grafton's fealty was itself evidence of that unreasoning temper which betrays mental unsoundness. Comparing the downright ribaldry of the Opposition orators with the good-humoured, telling, dignified, and slightly contemptuous replies of Lord North, the reader who can forego the vantage-ground of posterity, and place himself on the level of contemporary judgment and knowledge, must feel that the confidence of the King and Parliament was naturally and reasonably bestowed on the Ministry rather than on its intemperate, extravagant, and blindly prejudiced accusers.

The time came, indeed, when the policy of the Government was no longer that of Lord North or his colleagues; when the Premier became the reluctant agent instead of the confidential adviser of his master; when the course of the Administration and the prosecution of the war were really dictated by the King. But long ere then the period of choice, the opportunity of conciliation, the hour of repentance had gone by. The alternative was no longer between coercion and concession, but between surrender and conquest. Throughout the political stage of the quarrel, throughout the first years of the war, the Houses and the nation were scarcely less earnest, indignant, and resolute than the Sovereign.² The exclusive or especial responsibility of George III. commenced only when the heart of the country had failed; when the merchants were weary of commercial losses, the shopkeepers of ever-increasing burdens, Parliament and the public of an ill-conducted and disastrous war. The King's sole fault was that, as became a monarch, he was the last to despair of his country; the last to consent to the dismemberment of his dominions, the dishonour of his flag, the abandonment of the loyal subjects who had staked their property, their personal security, and even their lives in his cause.³

And those who incline to blame George III. harshly for his persistent hopefulness and indomitable courage are bound to remember *whose* voice was last raised in Parliament against surrender. Chatham, who, had he retained his health, would have averted the conflict—who, could he but have been temperate and reasonable, might have done much to appease it—the advocate of conciliation, the champion of resistance, the apologists of rebellion—rose from a sickbed, at conscious risk of life, to protest

² The Amendments moved by the Opposition on the Address in 1777 found but 46 supporters in the Upper House and 57 in the Lower.

³ *Cfr.* Stanhope, chap. 53 *in fine*.

against the humiliation of his country ; and gave his dying voice for the vigorous prosecution of the war at the moment when the royal will alone maintained the struggle. The sole imputation that can be justly thrown upon George III. must be shared, then, with the greatest of his opponents. Candid and scrupulous critics are estopped from reproaching the King with an obstinacy no greater, a patriotic resolve no more stubborn, than Lord Chatham's.

CHAPTER V.

THE AUTHORS OF THE WAR.

Organised Treason—The 'Liberty'—Attack on the Troops—Open Rebellion—Hutchinson's Weakness—Bar cowed by the Faction—Trial of the Soldiers—Boston and the Faction censured from the Bench.

IN the Colonies at large the effect of Townshend's folly was not at first considerable. The way in which the mischief had been done, the insignificance of the duties, the acceptance of the Colonial distinction, the speedy death of the author, perhaps above all the great name of Chatham, helped to quiet their alarms. A retaliatory 'association' to import no English goods till the obnoxious duties were repealed—an ominous resolve if likely to be executed—served as a protest against measures which, after the experience of the Stamp Act, were neither worth the cost of enforcement nor the noise of active resistance. But the men who controlled the Legislature and the mob of Massachusetts had other ends in view. They wanted a quarrel—the sharper and more dangerous the better—and did their utmost to blow the tiny spark into a destructive conflagration.¹ The Assembly addressed an inflammatory circular to the sister Colonies, and paraded, with ostentatious defiance, their deliberate preparations for civil war. Upon a question which *of itself*² would hardly have justified a torchlight procession or palliated a street row, they proceeded to the very verge of armed rebellion. On the barefaced pretext of an apprehended war with France (!), of whose goodwill and pacific intentions they were fully assured, they called out, drilled, and practised the militia. Ball-firing was constantly kept up under the windows of the Governor and in sight of the Castle, whence the royal flag still waved.

John Hancock, next to Samuel Adams the most forward and active of the conspirators, owned a sloop named the 'Liberty,' which anchored in the harbour of Boston laden with wine. The

¹ There was from the first a party . . . who incessantly laboured to bring about . . . independence.—Bartlett, i., p. 387.

² The question of internal taxation had been settled in their favour. The tea-duty belonged to the class of Parliamentary taxes which they had then owned to be rightful, and could not be made a precedent for *internal* taxation.

Customs officer went on board as usual, and on refusing the proffered bribe was seized and imprisoned by the captain. The latter, with Hancock and his associates, then landed the cargo in open defiance of the law. Such an outrage left the Customs authorities no choice. The smuggler's ship was seized, and moored under the guns of a royal frigate.

Hancock and his fellow conspirators, mingling private and public aims, and using the populace of Boston to subserve both, had the Commissioners of Customs mobbed in the street. On the next day their houses were attacked, their windows broken, their collector's boat paraded through the town and burnt on the Common, and they themselves insulted, assaulted, and forced to take refuge in the Castle from the calculated fury of the faction. The fact that one of their number, John Temple, a corrupt official and intimate associate of the 'patriots,' remained unmolested is actually quoted as a proof that the fugitives were in no real danger! The Government had already sent for soldiers, and was bitterly reviled for so doing by the very men who demonstrated, on this occasion, that the civil power was at the mercy of the mob and its instigators. The Assembly was not ashamed to offer a reward for the discovery of the ringleaders. Every one of its members knew them well. Hancock's guilt could have been proved by half the people of Boston. His captain and accomplice, Mason, was parading the streets at the head of the mob. The chief culprits sat on the grand jury, defied the Government, and clenched the proof that party spirit had thoroughly infected the administration of justice.

The Assembly was dissolved by orders from home, and the Governor refused to call a new one till a few months later, when, by the terms of the charter, he was compelled to convoke it. The disaffected party proceeded to hold a mock election, and assembled a so-called provincial convention in Faneuil Hall; but its members were as yet afraid to stake their property and liberty on the designs of the conspirators. Receiving a grave warning from Governor Bernard, they remained sitting just long enough to avoid the appearance of instant submission, and dispersed without taking any steps that could serve the purposes of their constituents or expose themselves to danger.

On September 19, 1768, the Governor called upon the Legislature to provide quarters for the approaching troops—four regiments drawn from Ireland and from Halifax to keep the peace of Boston. The faction dominated both Assembly and Council, and, having no mind that the peace of Boston should be kept, availed themselves of a technical quibble of law. There was said to be room in the Castle, where the soldiers would be too distant to interrupt the pastimes of the populace; and while there was

'room at the barracks' the Government had no right to quarter troops on the town. The real nature of the pretext was obvious. There were no 'barracks' within the place where the troops were required, and to which they had been ordered; and to station them elsewhere was to render them worse than useless—to encourage the rabble to defy the military as it had nullified the civil power. But the Governor shrank from violence; and the Magistrates being in the hands of the faction, an appeal to the law was hopeless. The commanding officer was compelled to hire for a part of his force, at extortionate rates, quarters 'in which no English gentleman would have kennelled his hounds,' and to provide at the expense of the Crown the requisites which the Colony was bound by law to furnish.

Instigated by the Hancocks, Cushings, and Adamses,³ the populace of Boston assailed the soldiers, when they appeared singly in the streets, with insult and menace; and when they marched in small or large parties, followed them at a safe distance with hooting and revilings. Still professing loyalty to the King and to England, the colonists were not ashamed to treat the national flag and uniform as those of an invading enemy. The Magistrates aided the conspirators by entertaining every frivolous accusation against the soldiers, harassing them for every alleged infringement of sabbatarian and other vexatious and obsolete colonial laws. The officers at first submitted; at last, finding that justice was not rendered and scarcely affected, they resolved to protect their soldiers from groundless arrests and judicial insults.

The French Minister saw his opportunity and was busy in fomenting mischief. His Ambassador in London officially expressed his regret that neither Spain nor France was in a condition to take advantage of so critical a conjuncture.⁴ Meantime, addresses, resolutions, petitions, and menaces poured in from all the Colonial Assemblies. The shrewd politicians who alone knew at what they aimed, and to what result, under their fostering management, all these things were tending, began to recognise the necessity of precipitating a conflict. To them and to them alone the military force was a real embarrassment and substantial annoyance. They could no longer put down all resistance to their will by terror or torture; though, relying on the irresolution of the Governor and the complicity of the Magistrates, they tarred and feathered⁵ one loyalist in the actual presence of the troops. The Magistrates looked on approvingly, and both at home and in

³ Bartlett, i., p. 309, 'a certain party.'

⁴ Du Chatelet to Choiseul, Nov. 18, 1768 (quoted by Bancroft).

⁵ The phrase sounds rather laughable than horrible; the treatment it denotes and implies is the most brutal, cruel, and degrading that can be inflicted without danger to life or limb. It is incomparably worse than the pillory; its filth, indecency and barbarism indicate a tone of public feeling far lower than that which collected crowds to witness a flogging at the cart's tail. Its victims, at this period, were often men of higher social and personal character than the 'patriot leaders;' and were never accused of any other offence than loyalty and independence.

the Colonies the notion then prevailed that the troops could not act without the summons and presence of the civil authority.

But as yet Massachusetts stood alone in her preparations for rebellion. Even the non-importation agreement, with difficulty enforced by threats and violence, was already breaking down, when the recall of Bernard gave the faction⁶ a fatal advantage. The succession fell to the Lieutenant-Governor and Chief Justice Hutchinson, one of the foremost citizens and most distinguished statesmen of the colony, and the popular historian of its earlier fortunes. The Home Ministry not unreasonably assumed that the change would be welcome. They believed, on the authority of the Colonial Government, that the faction was an insignificant minority—that the great body of respectable citizens were at once disgusted and overawed by the outrageous conduct of the mob—and overlooked the symptoms of widespread disaffection; the hatred directed much more against the local supporters of the law than against the most unpopular of officials from home.

During the frenzy of outrage and anarchy which followed the promulgation of the Stamp Act, Bernard had been in little or no personal danger. It was Hutchinson whose life had been threatened, who had been attacked and beaten in the streets, whose house had been forced, pillaged, and destroyed. Untainted with actual corruption, the new Governor is charged with a greed of pecuniary gain which on more than one occasion deflected his political course. Worst of all, he was a coward; thoroughly overawed by the savage violence of which he had been the victim. His terrors, if ignominious and exaggerated, were by no means unfounded. Josiah Quincy, the intimate personal and political associate of John Adams, with the silent approval of his friends, and with absolute impunity, deliberately and publicly recommended Hutchinson's assassination.⁷ Bernard had been irresolute because wholly powerless. Hutchinson was backed by four English regiments. If he allowed the houses of honest men to be smeared with filth and rendered uninhabitable, if he dared not protect the loyal, if he forbore to disperse an outrageous mob, his dereliction of duty can be ascribed only to his personal fears. He was not only willing but eager to bring the Anarchists to condign punishment by sending them over for trial in England; a step only less outrageous than the acts it was intended to punish, and sure to drive the Colonists to frenzy. He urged the Home Government to put down force by force, and maintain law and order at the point of the bayonet; but when himself called upon to carry out his views, to employ the soldiery to protect those who, under his own encouragement, had defied seditious menaces and resisted the non-importation compact, he parleyed, argued, and capitulated.

⁶ I apply this term to denote those who were aiming at the dissolution of the Empire by the agencies of violence, and their adherents and tools, exclusively.

⁷ Bancroft, iv., p. 240 (Centenary Ed.).

Under such a ruler the license of the mob and the insolence of its chiefs knew no bounds. The soldiers were hooted and pelted through the streets. At last, on the evening of March 5, 1770, their main guard was assailed by an armed mob. They were taunted, insulted, defied to fire; and, remaining patient, the rabble stoned, assaulted, and closed upon them, till, in self-defence, two men fired without orders. Their captain, Preston, commanded a party of five or six to fire upon the mob, which would otherwise have forced their barracks. Some half-dozen of the rioters were killed or hurt, and the rest ran away. The opportunity was at once seized and improved by the instigators. Under pretext of a town-meeting, they gathered some seven thousand armed malcontents from the surrounding country. Samuel Adams and several other ringleaders undertook to deliver the command of this seditious assembly to the Governor and to enforce it by threatening an instant attack upon the royal troops. Meantime, the insurgents—they can be called by no other name—remained under arms, professedly prepared to execute their menace of rebellion and massacre. Samuel Adams held the tone and language calculated to frighten and overawe his weak or craven antagonist. He knew better than to have ventured on such an errand into the presence of Gage or Bernard. A man of spirit, having a battalion at his back and a brigade within call, would on the first utterance of treasonable menaces have marched the deputies of rebellion in irons and under guard to the Castle, and held them as hostages for the immediate dispersal of their armed followers. Hutchinson quailed, hesitated, said he had no authority over the troops. Adams reminded him that, 'in the absence of any officer of the rank of brigadier-general, the Governor of the Colony could give the word.' Dalrymple, who commanded the troops in the town, acknowledged his obligation to obey the Governor's orders. Hutchinson strove in vain to evade at once the responsibility of doing his duty and the shame of openly flinching from it. But from the moment when treason had been spoken and massacre threatened with impunity in his presence, his power and authority were gone. The avowed leaders of insurrection went not merely unpunished but triumphant from the presence of their Chief Magistrate.

That a Colonial jury would at once have acquitted them affords no excuse for the Governor who failed to arrest them. Such an acquittal would have proved beyond question that no justice was to be obtained from elective officers and their juries, and justified any legal changes necessary to take the trial of political offences out of their hands. It is true that on the possession of arms and the power to use them, in determination and ferocity, an American mob resembles less the rabble which has sometimes reduced an English city to the condition of a town taken by as-

sault than the militant populace of Paris; and of all American mobs the mob of Boston, between 1760 and 1775, was the most dangerous and desperate. American mobs have repeatedly faced, fought, and sometimes defeated the trained militia of the States, and confronted even the regular troops of the Union; and the ten thousand rioters, whom Samuel Adams and John Hancock could muster at a few hours' notice, were excellent marksmen and half-drilled soldiers—were the same men who, a few years later, displayed their ability and readiness to face the royal troops anywhere except in the open field.

The temper of the disaffected party and the terror they had inspired were yet more signally demonstrated. Captain Preston and his soldiers were arrested and held for trial. A gentleman of credit and character requested John Adams, as a barrister, to undertake the defence of the accused. It is needless to say that no such appeal would have been made save under the most stringent compulsion. Lawyers of unquestioned loyalty undertake, as matter of course, the defence of traitors, of political assassins, and notorious *dynamitards*; but it has never been the practice of loyal men, least of all of British officers, to invoke the aid of seditious lawyers. The reason was plainly given. No Colonial barrister *dared* defend the accused unless Adams would set the example. That a large minority, at least, of the profession sympathised heartily with Preston, there can be little doubt. Professional honour required every barrister not engaged for the prosecution to accept a brief for the defence. Nothing but intense and well-founded fear could have induced—not one or two timid gentlemen, not even a mere majority, but—the whole Bar of a province like Massachusetts to flinch from their first duty as advocates and citizens, to abandon the defence of men arraigned on a capital charge; above all, when the life and honour of a loyal gentleman and soldier were in question. Were there no other evidence of the organised terrorism maintained by the malcontents, of whom John Adams was a principal leader, the conduct of the whole Colonial Bar puts it beyond doubt that no loyal advocate could have appeared for the accused without palpable and fearful peril.

Adams saw and snatched his opportunity—if he had not planned and prepared it. He risked nothing, for the most influential of his political associates had agreed to follow his lead and avouch to the populace his fidelity to their cause.⁸ A few howls and hisses, a little temporary misunderstanding, was a cheap price to pay for the claim which, as a defender of Preston, he would acquire to the indulgence of the Government. He was deeply engaged in practices which, should the reign of law ever be restored, might put his property, his liberty, perhaps his life in

jeopardy. As the advocate of the soldiers, as a man who had rescued the Government from a cruel dilemma and its agents from imminent risk of judicial murder, he might hope that in the worst event they would connive at his escape. By releasing innocent necks from the halter, he might unravel that which might one day be twisted for his own.

The tone of his defence confirms this view of his motives. His colleagues were chiefly men of his own set—among them Quincy, the instigator of assassination; proof positive that even yet the loyal bar and the advisers of the accused were under stringent coercion. The case of the defendants rested upon the overwhelming evidence that the mob were the aggressors, that the soldiers had fired only in defence, if not of their lives, certainly of the post they were bound to hold and of their military honour. But Adams seized the opportunity to introduce political matter of a very questionable character, to insult, though covertly, both his clients and their Sovereign. The story of the 'Boston Massacre,' put forth at the time to inflame the passions of the people and deprive the accused of a fair trial, was proved in open court, and is acknowledged by the biographers of John Adams,⁹ to be a tissue of falsehood. Nevertheless, it has taken its place among the unchallenged fictions of American history, in the teeth of evidence on which a Boston jury returned a verdict of not guilty, except in the case of those two soldiers who had fired without orders. Four Judges unanimously pronounced from the bench that the justice of the acquittal was unquestionable. They rejoiced that the soldiers were so thoroughly vindicated, but expressed themselves ashamed to learn how deep a disgrace attached to the people of Boston.¹

Outrages even more audacious than those which had signalised the disaffection of Massachusetts were perpetrated elsewhere; especially in Rhode Island and Connecticut, under the connivance of rulers elected by the people. The fishermen of the former Colony, incited by men of higher position and more familiar with the law, committed flagrant piracy. Two King's vessels, employed in pursuit of smugglers, were on different occasions surprised, captured, and burned by a flotilla of fishing boats, and no attempt was made or affected by the authorities to bring the offenders to trial. On the contrary, they were screened and sheltered by men whose conduct on this, as on a former occasion, suffices to show that the outrages were no chance impulses of a local mob, but that a party powerful enough to involve the Colony approved them and accepted the responsibility.

⁹ *Life*, i., p. 153-4 (ed. 1871).

¹ Compare the accounts of these transactions given by Mr. Bancroft, Lord Stanhope (*History of England*), and in the *Life of John Adams* by his son, J. Q. Adams, continued by C. F. Adams.

CHAPTER VI.

CURRENT FALSEHOODS—AN AMERICAN MORALIST.

Radical Misconceptions—Character of the Puritans—Franklin—The Stolen Letters—Thief and Receiver—American Views of Honour—Franklin's Disgrace and Revenge.

It is the office of an historian not merely to relate facts truly and accurately, but to exhibit them in their true light, in their moral aspect and political bearings. The duty is doubly imperative when the truth has to be laid before a public which has for generations accepted a false tradition of the case at large, uncorrected by any familiar knowledge of its details. The great majority of readers come to the history of Plymouth, Massachusetts, and Connecticut with a prejudice based partly on a total misconception of the Puritan character, partly on the extravagances of American hagiology, which no bare recital of facts will suffice to dispel. No one will read aright the first century and a half of American history who has not shaken off the influence of the current tradition of Puritanism; the idea that Knox and Peters, Endicott and Prynne, were the champions of civil or religious liberty. True history knows the Puritans as the most merciless, consistent, and determined of Protestant persecutors. England found their little finger heavier than the loins of the Star Chamber. In Ireland their ferocity vied with the worst cruelties of the insurgents of 1641. In Scotland the savagery of the Covenanters throws utterly into the shade the real, and even the reputed excutions of Dalziel and Claverhouse.¹

To a right understanding of American history it would seem almost essential to re-write the reigns of the Stuarts and the latter years of Elizabeth. Failing such a preface, the writer who strives to exhibit the course of Colonial history in its true light, especially at the point we have now reached, finds himself at a double disadvantage. Through party misrepresentation and national generosity, the notion that America was wholly and invariably in the right, that the quarrel was wantonly provoked by

¹ See the facts as given by Professor Aytoun and Mr. Paget (*Paradoxes and Puzzles*, 1874), and note the absence of facts and authorities in Macaulay's diatribe.

the Home Government, that English tyranny and injustice alienated in ten years communities in 1765 as heartily and enthusiastically loyal as Kent or Lancashire, has become an accepted article of historical faith. The personal character and conduct of the more distinguished American chiefs, Washington and Henry, Adams and Jefferson, in the first stages of the quarrel, are judged in the reflected light of their subsequent career. The purity of their motives and even the righteousness of their cause as rebels are inferred from their fame as American statesmen. Nay, their characters are taken exclusively from their respective apologists, and it is forgotten that the acquittal of one implies the condemnation of another. Each Federalist and Republican leader is taken at the valuation of his warmest admirers. The story of the American Revolution has been gathered at second hand from the works of the most extreme American partisans.

The prejudice with which a writer, who attempts to judge the English statesmen and American leaders of the Revolution alike by the received standards of honour and morality, has to contend is nowhere more forcibly illustrated than in the case of Benjamin Franklin. The merits which have made him a hero of romance, a popular idol in his own country, a type of democratic simplicity, of philosophic dignity, an ideal moralist and man of science, will ill bear a critical examination. His ethical platitudes may compare advantageously with those of Martin F. Tupper; his elementary experiments in physics hardly place him on the level of Rumford or Dalton. His ostentatious indifference to riches did not prevent his accepting a lucrative sinecure and bitterly resenting its forfeiture. Scrupulous veracity can only be ascribed to him by those who have not compared his private letters with his public professions. He was one of those who, rising early to fortunes to which they were not born, with no expensive tastes wherein to indulge themselves or their families, and living as comparatively rich men in a society of limited fortunes and simple habits, have gained high praise for moderation at a cheap rate. In 1770 he held more than one well-paid office, as the salaried agent of two or three Colonies, and the Deputy Postmaster-General of British America. The latter position, according to the usages of his time, he had in some sense earned by brief but useful services in the organisation of his department. But in this respect Franklin stands on the level of many other sinecurists.

As the political agent of the most disaffected of the Colonies, he held as long as possible not a moderate so much as an ambiguous or double course; taking care to let his English friends know what moderate counsels he had written to America, parading in America the popular advice he had given in England, but never pressing good advice so far as to offend a Minister or incur the distrust of a faction. In disputing the propriety of the Stamp

Act, he had formally and decisively admitted the right of Parliament to regulate commerce and impose external duties; but he was not ashamed to denounce the duties which Townshend based on that very distinction. No man ever saw more acutely and promptly on which side his bread was buttered; and, while keeping as a supposed moderator the confidence of Englishmen, he took care to pass for the warmest of patriots with the countrymen on whom his fortunes must ultimately depend.

One signal example of his exceptional views of truth, honour, and honesty will suffice. In 1772, died Thomas Whateley, M. P., the *quondam* private secretary of George Grenville, and at a later period Under-Secretary of State. For many years preceding his death he had been out of office; a private member of Parliament, but on terms of personal friendship and political confidence with many leading statesmen. He was, therefore, well known to Colonial Governors and officials, and seems to have been regarded by them as an especially appropriate channel for the unofficial communication of opinions it might hardly have been safe to trust to formal despatches. Hutchinson and Oliver—stamp distributor and afterwards Lieutenant-Governor of Massachusetts—had kept up a close correspondence with him before their promotion. These old letters were stolen—whether from the desk of their deceased owner or from that of some one to whom they had been lent. The thief was, almost certainly, Temple; that local Commissioner of Customs whose relation with the owner of the *Liberty* is decisive as to his good faith; whose dishonesty even his apologist, Mr. Bancroft, has unwittingly acknowledged. The historian, who accepts Temple's denial of the theft at the time, omits to record that he afterwards boasted of it to John Adams.² Neither boast nor denial is entitled to the slightest credit; each, standing alone, would be evidence, however slight, against its truth; but of the fact there seems no reasonable doubt.

The letters were as strictly private as the confidential correspondence of a commercial firm or of intimate personal friends. No one will challenge the general application of Swift's maxim—'the receiver is as bad as the thief.' When the former had been admitted into the best society of England, held high office under the Crown, and stood before the world as the quasi-diplomatic representative of a leading Colony, his share of responsibility is of course proportionate to his public position, social opportunities, and personal reputation. The confession or the demonstration of his guilt could hardly blacken a character like Temple's. The crime of his accomplice was presently blazoned to all the world; for that accomplice was Benjamin Franklin. He saw at once to what advantage his stolen information could be turned. The letters reported truthfully the violence and lawlessness of the

² Stanhope's History, chap. II. : with authorities.

colonists, the utter hopelessness of obtaining justice in Colonial Courts, the incompatibility of the existing charter with the maintenance of law, order, and peace, with the safety of loyal subjects and the authority of the Crown. Mr. Bancroft endeavors to slur the true character of the act by vague declamation about 'conspiracy' and 'libel upon the Colony.' A gentleman who held high public office should have known that it is the duty of public servants to report facts and opinions truthfully and frankly to their employers; that, in representing the case as they regarded it, Hutchinson and Oliver simply fulfilled an imperative public obligation.

The opinions of the writers were notorious, their unpopularity such as the publication of those opinions could hardly aggravate. Even the poor pretext of party zeal—that his fraud secured important and authentic information for his paymasters—cannot therefore be pleaded on Franklin's behalf. The stolen evidence taught them nothing they did not know. But the letters were well calculated to inflame the passions of the Assembly and of the populace, and to endanger the personal safety of one whom an intimate friend of Franklin had marked for assassination. The ill-gotten goods were transmitted to Cushing, the Speaker of the Assembly and a leader of that which—as distinguished from the disaffected multitude and the malcontent party in other Colonies—may be called the Separatist conspiracy; with an injunction that they should not be published. That injunction was violated, and the violation excused on the pretext that other copies of the same letters had been received; upon which point Franklin directly contradicted his allies. The leaders based upon the stolen papers a petition for the dismissal of the writers. That petition was adopted, and the conduct of their agent endorsed, by an all but unanimous vote of the Assembly.

In February, 1764, the petition and the facts of the case were laid before the English Privy Council. Franklin was summoned, and, while withholding the name of the thief, avowed himself the receiver, and took upon himself, with an audacity astounding to the boldest of French, English, or German gentlemen, the whole responsibility of the transaction. When pressed with questions, he pleaded that he had not expected such an investigation, and was not assisted by counsel. The plea was allowed, and at the next hearing the virtual culprit was attended by Dunning, the ablest lawyer of the Opposition. Mr. Solicitor Wedderburn, who in this informal proceeding acted as counsel for the prosecution, denounced with unsparing severity the Post-office official who had made himself a party to the theft of letters, the Colonial agent who, received in his official and personal character into the society and even the friendship of English gentlemen, had not scrupled to violate the well-understood sanctity of pri-

vate correspondence. Into what society, he asked, 'could Franklin hereafter go with an unembarrassed face?' Men would hide their papers from him and lock up their escritaires. He had been known, and creditably known, as a man of letters. Henceforth that name must be to him the keenest of reproaches.

'A man of letters? Yes, a man of three!'³

Neither Franklin nor his advocate had a word to say upon the merits of the case. Dunning's pleading amounted to this: that Franklin was not on trial; that the substantial question was the petition of the Massachusetts Assembly for the removal of two officers of the highest rank. Such a plea under such circumstances was a confession that defence or excuse was impossible. Franklin's apologist complains of the severe but unquestionably righteous reproaches of Wedderburn, as 'an insult to the great plebeian;' an aptly chosen epithet for one who had avowed a standard of truth and honour so signally the reverse of patrician! Greater reserve might have befitted the language of a prosecuting counsel; but when moral reprobation was the sole available substitute for a criminal sentence, it could hardly be too strongly and emphatically pronounced.

Dismissal from his high and lucrative office was the only punishment the Crown could inflict, in the absence of that technical proof which would have sent the offenders to a felon's cell. The culprit went forth dishonoured, but resolutely maintaining the air of injured virtue. From that moment, while still professing, in converse with Englishmen, a profound attachment to the mother country, a passionate shrinking from rebellion, he was among the bitterest, most determined, and least scrupulous of the secret promoters of separation and civil war. At the commencement of the session of 1775 he solemnly assured Lord Chatham that he had never heard, on the whole American continent, from any person drunk or sober, a hint of a wish for separation; and 'Lord Chatham expresses much satisfaction in the assurances I have given him that America did not aim at independence. In a secret letter, dated November 27, 1774, his intimate associate, Josiah Quincy above mentioned, reports to his confederates at home:—'Dr. Franklin is an American in heart and soul: His ideas are extended upon the broad scale of total emancipation. He is explicit and bold upon the subject.' Equally bold and equally explicit, in an exactly opposite sense, with men who, however passionate their sympathies with the colonists, were still loyal to Crown and country!⁴

³ *Fur*—a thief.

⁴ The facts, about which there is no dispute, are given in full by Lord Stanhope; less clearly, but to the same purport, by Mr. Bancroft. The reader may look to the innumerable Lives, Memoirs, and voluminous papers of the parties concerned for contemporary comments and for the apologies devised by and for Franklin.

CHAPTER VII.

THE BOSTON TEA ROBBERY.

Rebellion secretly plotted—English Policy systematically perverted—The Boston Piracy—Coercion wilfully necessitated.

MEANTIME every incident of the flagging controversy inflamed by Franklin's timely artifices, every measure of the Home Government—whatever its character and tendency—every act of violence in the Colonies, whether due to their direct instigation or to the violent passion they had excited, was turned by the leaders of the conspiracy to the best possible account. The acts of Rhode Island and Massachusetts mobs had committed them. If they would avoid punishment they must go further still. That all Townshend's duties, that on tea excepted, were repealed, was evidence of conscious and wilful injustice. If, as must have been known to the agents in England and their employers, the tea duty had narrowly escaped—escaped, in fact, by a single vote in the Cabinet—this significant fact, this obvious opening for negotiation, was studiously concealed. The fact that the tea duty could in no case yield 50,000*l.* was twisted to prove that it was but the prelude to a systematic scheme of *internal* taxation, to a land-tax and an excise! This, after several years had passed without a serious attempt to enforce the payment of the duty, even partisans so blindly passionate as Samuel Adams can hardly have believed. At last a measure, intended practically to compromise or get rid of the dispute, was perverted to precipitate a collision which should render longer forbearance on the part of England impossible. The consumption of tea in the Colonies was supplied by smugglers of Hancock's type, and the duty received from America did not exceed 300*l.* a year.

For reasons unconnected with American affairs, Lord North was anxious to help the East India Company through serious, if temporary, financial difficulties. He permitted them to export tea direct to the Colonies, paying only the threepenny colonial duty. The effect of this compromise was to relieve the colonists from very much heavier English duty, about which there had been no dispute. A wiser, more effective, more generous conces-

sion could hardly have been devised. The unprecedented cheapness¹ of the imported article must have brought home, within a few months, to the whole population of the Colonies the falsehood of the charges preferred against the Ministry; the liberality of their treatment would have rendered them absolutely indifferent whether the duty were paid at Bristol or at Boston. The Separatist faction was driven into the last ditch. It must not be forgotten, in inferring the intentions of the Americans at large from their conduct, that they were used to riot. Anarchy was the normal state of Pennsylvania and the Carolinas; Virginia herself had been more than once guilty of acts which, in Great Britain or Ireland, would hardly have been distinguished from rebellion. Force was an everyday remedy for petty grievances, and many words and acts which in Europe would have been symptoms of festering treason and imminent open insurrection, meant in America only an outbreak of discontent and excitement a little louder and more intemperate than usual. The extreme party in nearly every province was induced to resolve that the tea should not be sold; that, if landed, it should be bonded till the duty was repealed, or the cargoes reshipped.

This would not serve the purposes of the conspiracy; and the chiefs of the movement in Massachusetts determined to use their organised and formidable mob to carry out a more violent and more decisive policy. A proclamation, whose source was notorious, warned 'the Mohawks to be ready' if an attempt was made to land the East India Company's teas. Hancock, the Adamses, and other Separatist conspirators now came openly forward. In language perfectly intelligible, they threatened the lives as well as the property of the consignees. Shipowners were forbidden, 'on pain of being treated as enemies of the country'—that is, of any penalty from tarring and feathering up to murder—to import tea from Great Britain or her possessions. An armed watch was set upon the streets and port, without interference from the terrified Governor. The ships arrived, and having landed the rest of their wares, would fain have carried back the obnoxious article. But, having entered and not discharged their cargo, no clearance could be given. On December 11, 1773, a self-constituted committee, with Samuel Adams in the chair, undertook to call the owner of one of the principal ships—the 'Dartmouth'—before them, and ask why he had not kept the engagement, previously forced upon him, to send the tea back to London. He replied, what they well knew, that it was utterly out of his power. On the 16th a mob-meeting of seven thousand anarchists was convened to overawe the Government. Hutchinson had already

¹ Bartlett's *History of the United States*, p. 521. But the point is clear even from the one-sided statements of American party writers.

slunk away to his country seat. The owner of the 'Dartmouth,' trembling for his life, informed the meeting that he could not obtain a clearance. 'Then,' Samuel Adams announced, '*this meeting* can do nothing more to save the country.' It was the preconcerted signal. A gang of partisans ready painted and disguised as Indians—in presence of the seven thousand accomplices led by Samuel Adams, Hancock the smuggler, John Adams,² and several other principal conspirators—went down to the port, boarded the ships, broke open the chests, and threw the tea overboard.

This act of violence served its secret purpose. The Crown was bound to maintain the peace in harbours, home and colonial, and bring to justice the men who had boarded and plundered merchant ships, by open violence, in sight of half Boston. Any prosecution before intimidated judges and Colonial juries could be nothing but a mockery.³ The Home Government, if it would not abandon America to the will and pleasure of an anarchical faction, must enforce the law through other than Colonial agents. The outrage of December was repeated at Boston in February, 1774, and imitated in New York. Elsewhere the teas were landed and left to rot in bond, a form of resistance legal, peaceful, and secure, and therefore rejected by the small faction which wanted war.

No man in England was more sensible than Lord North of the terrible dilemma in which the Boston piracy had placed the advisers of the Crown. No man was less addicted to violent measures.⁴ It would argue a wholly false conception of Chatham's character and temper to suppose that, in Lord North's place, he would have tamely submitted to so gross, deliberate, and defiant an outrage. The responsibility of severity and of sufferance was equally grave. To enforce the law might risk the dismemberment of the Empire; to yield before organised insurrectionary violence threatened its dissolution.

Lord North introduced a Bill to close the port of Boston; and it is worthy of note that neither Lord Chatham nor Colonel Washington—the latter now deeply committed to the party of resistance, though not to the faction whose ulterior aims were still concealed—ventured to raise a serious objection upon the merits of the case. They could but allege that, before resorting to so severe a measure, and punishing the whole town for the act of some three score desperadoes (ignoring their seven thousand accomplices), compensation should have been demanded for the stolen goods. Till such compensation was refused, the actual guilt of the community at large should not have been taken for

²Journal, quoted by Bartlett, i, p. 323.

³*Ib.* 322.

⁴The Home Government 'had displayed in enforcing taxation the utmost moderation and lenity.' Bartlett's *History of the United States*, i. 329.

granted. Technically the plea was probably sound, but never was technicality more extravagant. Of the responsibility of Boston no man of common sense and common information—certainly neither Chatham nor Washington—entertained for a moment the shadow of doubt. No such outrage could have been committed in a loyal and law-abiding town of sixteen thousand inhabitants. The cool audacity of the fifty or sixty actual perpetrators, the parade of several thousand accomplices, the fact that neither of the Adamses, nor Hancock, nor any other of the well-known ringleaders was punished, tried, or even arrested, afforded proof positive of the collective responsibility of the community. To every loyal citizen, to every man who preferred the peace of the Colonies, freedom of speech, security of property, law and order to the chances of revolution, decisive measures must have been the most welcome. Martial law was infinitely preferable to that mob law which had for several years been the practical government of Massachusetts. *Κακίστη τυραννὶς ἀναρχία*.⁵ To delay, to palter with the selectmen of Boston or the Colonial Assembly, to treat with those whose complicity was notorious and almost avowed respecting the punishment of the offenders or the compensation of the sufferers, was no longer possible. No choice was left to earnest and responsible statesmen. Time could but profit the Anarchists.

‘Do you ask,’ said Lord North, in reply to the very few who were not ashamed to take the part of the rioters, ‘do you ask what the people of Boston have done? I will tell you. They have tarred and feathered your subjects, plundered your merchants, burned your ships, denied all obedience to your laws and authority.’ And again, ‘It appears that the civil magistracy has been for a series of years uniformly inactive; and there must be something radically wrong in that constitution in which no magistrate for such a series of years has *ever* done his duty in such a manner as to enforce obedience to the laws.’ To such arguments there was no tenable or even plausible answer. The Boston Port Bill was followed by a measure modifying the constitution of Massachusetts in so far as to enable the Governor to act without the support of hostile magistrates and a disaffected Council. The election of sheriffs and jurors was taken from a people whose sheriffs had never resisted a mob or arrested a Terrorist, whose juries had never given a verdict against a ‘patriot’ taken red-handed. If law were to be enforced, if protection were to be given to peaceable citizens, if life, limb, and property were not to be at the mercy of the Adamses, Hancocks, and Cushings, the Bill was simply indispensable, and the change confined within the narrowest possible limits. The simultaneous

⁵ ‘Anarchy is the worst form of arbitrary rule.’

concession of their familiar laws and liberties to the French Catholics of the Canadas was enumerated among the grievances of Massachusetts and Connecticut.

Lord North was too shrewd a man to suppose that, in the present state of affairs, Acts of Parliament had other efficacy than they might draw from the determination of an able and resolute Governor backed by an adequate force. Hutchinson's failure, if not his radical weakness, was obvious. He was recalled, though still consulted and trusted; and the charge of a Colony already on the verge of rebellion was naturally given to the chosen chief of the military force. General Gage was a loyal and courageous soldier, but, as events proved, a weak commander and a timid statesman; the last man to assume a dangerous personal responsibility, and make good, by his own energy and at his proper risk, the infirmity of purpose and vacillating counsels of his distant superiors.

In North Carolina, an actual but purely local war had broken out in 1771. The rude and lawless farmers of several inland counties had preferred bitter complaints of the local officials appointed by Governor Tryon, accusing them of corruption and extortion. The Governor sustained his nominees; the malcontents, organised under the name of Regulators, set him at defiance, threatened the obnoxious authorities, and closed the Courts. The case was eminently one for firmness and forbearance. The Governor mustered the militia of the loyal districts, marched against the insurgents, and put down their resistance with serious bloodshed on the field, followed by punishments wantonly numerous and severe. At another time the Home Government would have enquired strictly into the matter, and probably superseded the Governor. As it was, North Carolina suffered for the misdeeds of New England. The lawless actions and rebellious tendencies of the latter naturally inclined the Government to assume that Tryon had only acted with prompt energy and righteous severity. He was, however, removed, but by promotion to the higher Government of New York; and his successor, Martin, had appeased the local discontents of North Carolina before the spreading storm of Continental insurrection reached the South, and dissolved the ties of allegiance throughout the thirteen Colonies.

CHAPTER VIII.

MEASURES OF THE INSURRECTIONARY FACTION.

Congress—Ascendancy of the Faction—New England in Rebellion—English Conciliation—The Colonies alarmed for their Charters.

THE ringleaders of Separation better understood their business. It was necessary not only to their success, but to their personal safety, to embroil Massachusetts yet more deeply with the mother country; and commit the other Colonies before they had time for temperate reflection, if possible before they knew what they were doing, to a cause in which they had no real interest and for the most part no enthusiastic zeal. To this end the assembling of an American Congress was obviously an important preliminary step. The delegates of twelve Colonies (Georgia excepted) assembled at Philadelphia in the autumn of 1774, and another was summoned for May 1 ensuing. The proceedings of the former were of no great moment; the Congress of 1775 first gave to the insurgents of New England the formal sanction of the sister Colonies, and bound the latter to follow Massachusetts in her headlong plunge into the gulf of civil war. The nature of the elections had given the disaffected party an unfair and exaggerated preponderance. The deputies of legal Assemblies represented their several Colonies; the nominees of conventions plausibly claimed to do so. In both instances scrupulous loyalists were almost necessarily excluded, and none but partisans of resistance—not necessarily or generally of independence—had much chance of election. But the nominees of committees and popular meetings of course represented only the directors of the extreme faction. To that faction belonged the delegates of the four New England Colonies. Nevertheless, divisions were very close, and the moderate Opposition so powerful that the anti-English party found it prudent to postpone all measures to which they could not obtain by persuasion, coercion, or deception, an apparently unanimous consent. They were satisfied with declarations of ambiguous meaning, to which English statesmen like Chatham, Camden, and Shelburne might have given their approval; with demands for the repeal of recent acts, and especially of those directed against the Colony

of Massachusetts; and with a resolution to suspend all commerce with Great Britain and Ireland or their dependencies—the thirteen Colonies of course excepted. But the wording of this resolution itself betrayed their doubtful and divided counsels. South Carolina found no sufficient market for her rice crop—her staple produce—except in England; and her co-operation was only secured by an exception fatal to the consistency and permanence of the measure.

Meanwhile, the Government of Massachusetts was practically dissolved. The Councillors appointed by the Crown had been compelled by covert or open threats of assassination to resign their seats. A similar terrorism had coerced the local officials and magistrates appointed by the Governor. Governor Gage had issued writs for the election of an Assembly; but, finding that the legal number of the Council would be insufficient, and that therefore no constitutional legislature could be assembled, he was forced to revoke them. His revocation was set at nought. The disaffected party held the elections notwithstanding, all loyalists and nearly all prudent and peaceable citizens of course abstaining; and thus monopolised the control of a body which laid claim to a popular origin and representative character. The Convention, by its first proceedings, threw off the mask of legality, and assumed its true position as a revolutionary gathering. It did not for a moment observe the limits and constitutional restraints which bounded the powers of a regular Assembly. It first dispensed with the joint authority of the Council. It proceeded to substitute for the Governor a Committee of Public Safety, not altogether unworthy of that afterwards notorious name. It organised a large body of 'minute men,' selected from the militia, and bound to appear in arms at a minute's warning; established arsenals, and provided ammunition and supplies for twelve thousand men. In Rhode Island the mob seized a train of royal artillery. In New Hampshire they surprised a fort guarded only by six men. Before the close of 1774 civil war had been organised and commenced by the Colonies of New England, and nothing but the forbearance of General Gage and of the Home Government postponed the actual collision for several months longer.

In January, 1775, a new Parliament met at Westminster. Misled by the adroit representations of Franklin, whose recent exposure should have placed him on his guard, Chatham moved an address praying His Majesty to withdraw his troops from Boston—thereby renouncing the sole support, the very form and show of government within the Colony. He called upon Parliament to repeal the acts of last session, declaimed against the 'insult' offered to America by the presence of royal troops in a town where the civil authority had long since been paralysed, and staked his

reputation on the certainty that the disaffected colonists would compel the repeal of those 'violent,' 'oppressive' acts. A little later he introduced a scheme of conciliation—or surrender—suggested if not drawn up by Franklin himself, which renounced, explicitly and absolutely, the right of Parliamentary taxation, sanctioned the pre-determined meeting of a second (or third) Congress at Philadelphia in the ensuing May, but called upon the Colonies to recognise the supreme legislative authority of Parliament, to provide permanently for the support of civil government, and make a free grant to the King of a perpetual revenue towards the alleviation of the National Debt.

That any of the New England Colonies would have listened to such terms is an assumption contradicted by their whole history. Nor was there fair reason to expect the acceptance of the other provinces. It had been the policy of most of the Colonial Assemblies to keep both the Executive and the Judiciary in subjection by precarious and arbitrary grants instead of fixed and regular salaries. Is it to be supposed that they would have renounced this cherished object at the bidding of Lord Chatham? Can we imagine that Pennsylvania, for example, would have voted a permanent contribution to the Imperial Exchequer, or, having voted it, would have continued to pay it? If the Assembly of New York had hesitated, the demagogues who controlled the policy and wielded the populace of that Colony would hardly have permitted it to desert the cause of New England. In Virginia and Maryland there would have been a numerous and influential party in favour of acceptance. But that party was without leaders, and cowed, as elsewhere, by the actual or threatened violence of the insurrectionary faction led by Patrick Henry, Peyton Randolph, and Jefferson, and backed by the high authority of Washington himself. Professions of attachment to England and loyalty to the King, freely employed by the latter as by all the more moderate and Colonial leaders, were the commonplaces of political decorum, habit and tradition. They implied at most the belief of the speakers that their demands were not revolutionary; probably an aversion to revolutionary means: but no willingness to recede from claims which would have left the authority of Crown and Parliament an almost empty name.¹ In 1768, while little more than the right of taxation was in dispute, Franklin had ridiculed in private² the loyal protestations of the day, the current professions of deference to the authority of Parliament, provided it were exercised only when and as the colonists approved. But the temper of Parliament, and yet more of the Government, was conciliatory.

Franklin had more than half promised compensation for the tea destroyed, and various attempts were made to arrange a

¹ Bartlett, i. 356.

² Franklin's Works, vii. 391. Stanhope, chap. 47.

modus vivendi upon that basis. It appeared, however, that no conditions which England could with honour or self-respect consider would satisfy Franklin, and even the terms proffered by Franklin were indignantly repudiated by his employers. Lord Chatham's attempt, therefore, broke down. Lord North and Lord Dartmouth, now Secretary of State for the Colonies, who shared to the full the pacific inclinations of his chief, brought forward an olive branch of their own. They proposed that, if the Legislature of any American Colony would make a provision for its civil government and for the common defence of America, which the Home Government could accept—and it was well known that the Home Government would not be hard to satisfy—no Parliamentary tax should be levied within that Colony so long as the provision in question was fulfilled. It was fully understood that if Boston chose to repudiate the outrages which her citizens had openly tolerated, and if the Assembly of Massachusetts would vote—as in common honesty, in law and honour it was bound to vote—compensation for the property destroyed, the Boston Port Bill would be repealed.

The offer was laid before the Colonial Assemblies, but was rejected, almost without the courtesy of consideration.³ The language of Chatham, Burke, and other leaders of Opposition only served to render pacification hopeless; aided the faction in Massachusetts bent on that dismemberment of the Empire which Chatham was prepared to resist to the last man and to the last shilling, in defiance not only of united America but of banded Europe. In Virginia the partisans of Patrick Henry had published their decree that every man who presumed, by speaking or writing, to dispute the dogmas they had laid down was 'an enemy to the Colony;' a term whose meaning was not far short of the *hors la loi* of Parisian 'Reds.' In a word, they had, without remonstrance from Washington, and with the full approval of Jefferson, the author of the famous platitudes of the Declaration of Independence, enacted that free speech should be suppressed by terror or by force.

The Boston Port Bill was hailed throughout America⁴ with an anger and alarm no less natural, and no less exaggerated than the excitement produced in England by the excesses of the New England mob. Against the amendment of the charter, however desirable in itself, the colonists at large were reasonably and naturally determined. American opinion was inclined to resent the best founded *quo warranto* or *scire facias*

³ Bartlett's History, i., p. 380.

⁴ I use the words America and Americans in the loose popular sense which the absence of a convenient name for the territory or people of the United States has brought into fashion. In a still looser sense they are applied to the revolted Colonies and the insurgent party. 'Continental' was the official or quasi-official description of the Revolutionary Government and Army,

directed against those charters which were the fundamental constitutions of the several Colonies and the guarantee of their liberties. Parliamentary interference with original royal grants, confirmed by the lapse of more than a hundred years, was regarded as naked usurpation. What the King had a right to give without consulting Parliament, Parliament could hardly have the right to revoke. A better knowledge of law and history might have shown that the Parliamentary revocation of extravagant royal grants was warranted by abundant precedents. But legal technicalities apart, the colonists' tenacity of their original privileges, their jealousy of the omnipotence claimed for a legislature in which they were not represented, was thoroughly English and founded in sound political instincts.

The *status* of dependencies, the principles of colonial law and Imperial authority, were as yet unsettled. The only precedents in point—except that of Ireland—were furnished by their own history. That history seemed to warrant the doctrine that a colonial charter could only be forfeited by judicial sentence; and that such sentence must be based upon a flagrant violation of the charter committed by the chartered authority itself. If Parliament could, upon whatever provocation, repeal the charter of King William and Queen Mary, it could by its mere vote, upon any grounds and upon any evidence satisfactory to the Crown and the two Houses, repeal the grants which had founded the proprietary government of Pennsylvania and Maryland, the republican institutions of Connecticut and Rhode Island, and that close imitation of the English constitution of which Virginia was so justly proud and jealous.

That such a power was undoubtedly vested in the Imperial legislature no constitutional lawyer will nowadays deny. It has been exercised, as in the case of Jamaica, to withdraw or restrain liberties less grossly misused than those of Massachusetts. It has been employed to unite or confederate distinct colonies, to break up a single dependency into several parts, to create for nearly every colony settled by men of English birth and speech a constitutional self-government modelled on that of the mother country; and the authority which could bestow such privileges was legally competent to limit or annul them. That such a power could only be exercised under the most offensive provocation and the most urgent necessity was tacitly admitted by Lord North and his colleagues; but statesmen familiar, as unhappily few then were, with colonial history and feeling would have foreseen the effect of the autocratic, however moderate chastisement, inflicted on Massachusetts.

It must be remembered, moreover, that the agents of the Crown had repeatedly represented the impossibility of keeping Pennsyl-

vania and New York as well as New England in subordination to the mother country, of maintaining authority and order under the existing constitutions; and the iteration of those representations was better known, and excited more attention, than their unfavourable reception by successive Secretaries of State. The alarm of a 'conspiracy against colonial liberties,' of a choice between resistance and 'enslavement,' was wholly unjust to Lord North and to George III.; but the Grenville and Bedford Whigs had shown a temper which justly irritated and disturbed the Americans. They were not content to enjoy their liberties on sufferance, to hold their immemorial right of self-government, and constitutions often coeval with their existence, on a base or uncertain tenure. With the precedent of 1765 before him, a statesman familiar with the views and temper of the Colonies, with the passionate attachment of each several province to its own chartered privileges, might have foreseen that the invasion of those privileges in the case of a single Colony was sure to disturb the rest; that the sense of a common danger would lead them to make common cause and concert a united resistance.

American feeling could not appreciate the effect of Massachusetts lynch-law and 'frolics' like the 'Boston Tea Party,' upon a country which had been so long used to the unquestioned supremacy of law, to a police that seemed self-acting. England failed to understand that these were the natural expression of the sense of oppression among a people only just released from constant wars and rumours of wars that made violence and self-redress familiar ideas. For eighty years one-third of the population of the middle and northern colonies had lived within reach of French and Indian forays. The gun over the chimney was the symbol of colonial conditions and ideas, as the constable's staff of English law and order.

Liberal contributions in money and food were sent from nearly every province to the relief of Boston. The closure of the port threatened the livelihood of the people, the business of its merchants, the occupations of the middle classes, the employment and the subsistence of artisans and labourers; and afforded a convenient opportunity for a formidable demonstration of sympathy.

CHAPTER IX.

MASSACHUSETTS BEGINS THE WAR.

The Faction bent on bloodshed—Gage's defensive Measures—Retreat from Concord—Meeting of Congress.

TILL blood was shed in armed conflict, till civil war was thus actually begun, the rebels of New England stood in danger of isolation. The rest of the Colonies had no material injury to complain of, and were scarcely more disposed than the Home Ministry to precipitate an appeal to arms. At the close of 1774 Boston was in the hands of the royal troops. Property, life, and liberty were there perfectly safe. No patriot's neck was for a moment in peril, no sedition-monger was punished, no spy was arrested or imprisoned. The rest of the province was held by the Convention under the direction of a sort of recognised 'Vigilance Committee.' To question their decrees, to censure their action, to dispute their demands, was to incur such risk as peaceable citizens are seldom disposed to face for any cause whatever.¹ To sustain their power, to provide for the collision which some among them sought and all foresaw, the actual rulers of the Colony had arranged to put into the field, well provided with arms, ammunition, and artillery, a force of twenty thousand men, whose marksmanship and traditional familiarity with the arts of Indian warfare might compensate for imperfect discipline. Their spies lived unmolested in Boston, and reported with impunity every actual or expected movement of His Majesty's troops.

Intensely reluctant to commence a civil war, but occupying an open and hostile town, in face of superior numbers, Gage found himself compelled to provide effectually against the risk of surprise. It was indispensable, therefore, to fortify the narrow isthmus connecting the peninsula of Boston with the mainland. The disaffected party reproached him for the imperative precaution. They assumed, as insurgents always do, that it was their right to choose their time for attack, and meanwhile to enjoy the privileges of peace without its obligations. They strove to force on

¹ For treatment of royalists, at the earliest stage, tarring and feathering their spokesmen, etc., and the atrocious threat of Washington's second in command to burn a hundred of them alive if the British ships fired on New York, see Bartlett, pp. 384, 385.

war by acts of open hostility, while the troops were withheld from active defence or retaliation. The works were interrupted, the boats which carried workmen, tools, and materials attacked and sunk. The fact that not one of the assailants was shot as an enemy, arrested as a criminal, or punished as a spy, bears witness to the extraordinary forbearance of the Commander-in-chief.

The Massachusetts Convention had already taken a step from which their associates in the other Colonies would have shrunk with horror. John Adams and his adherents were the first to call upon savages of whose ungovernable ferocity they had had fearful and intimate experience; to invoke and actually enlist the scalping knife and tomahawk in a war between Englishmen and fellow Christians. A gang of Indians were already enrolled among the minute-men; the Convention had formally appealed in writing to a leading Puritan missionary to bring the tribes of the interior to their aid. The fact was carefully concealed; the authentic evidence was published some fifty years later,² and has been suppressed by many American writers. But the determination of the insurgents to force a collision was no longer doubtful in the spring of 1775. Gage knew that the stores of arms and ammunition 'belonging to the Colony' were intended for the slaughter of his troops. That it was his duty as Governor, his right as General, to seize or destroy them does not, except among American fanatics, admit of dispute or question. On April 18 an expedition was despatched to capture the principal arsenal of the insurgents at Concord. Dr. Warren, a favourite Revolutionary hero, was residing in Boston under the protection of the British. Residents in a district occupied by the enemy's forces, if found in arms or detected in acts of hostility, are properly shot or hanged, as assassins and not soldiers. Such severity is a necessary condition of the immunity now extended to non-combatants. Warren preferred his party sympathies to the obligations of law and honour. So little severity or vigilance was exercised over men whose opinions were notorious, that his messengers had no difficulty in reaching the insurgent leaders. As the troops approached Concord, they found a company of armed colonists drawn up across their front.

The British commander, indulgently regarding the men before him as rioters, summoned them to disperse. They refused and shots were exchanged; who fired first matters nothing. As rioters, the colonists were liable to be shot down without further notice. As soldiers 'refusing to surrender an indefensible post,' preparing to fire on an enemy they could not hope to resist or retard for a moment, they forfeited all claim to quarter. But the British were

² 'Washington's Writings,' (Sparks) iii. 495. Stanhope, chap. 52, first paragraph.

content to scatter them by a single volley, with the least possible bloodshed. Entering Concord, Colonel Smith, the officer in command, found that the stores had been removed. A little flour and ammunition was destroyed.

There was then no need and no motive for bloodshed, save in the determination of the rebel leaders that a sharp and sanguinary conflict should inflame the passions of the populace, force the hand of General Gage, and plunge New England into open war with Great Britain. The insurgent forces had been warned, and were assembling in overwhelming numbers. Colonel Smith had done his work, and should have withdrawn at once from an untenable position. But the symptoms which should have hastened his movements provoked him to delay. He could not make up his mind to retire before a loose mob of armed insurgents, till retreat had become almost more difficult and dangerous than the maintenance of an open town. Enveloped by clouds of unseen enemies, shot down from ambush by foes whom they could not reach, the British effected a successful if disorderly retreat where any but the best troops would have run for their lives or thrown down their arms. Guerrillas, like those of Marion and Sumter, would have headed the troops, barred the road, closed on their flanks and rear, and forced them to surrender. But undrilled and irregular bands of volunteers naturally shrank from a hand-to-hand conflict with British regulars. Meantime General Gage had learned, by the assemblage of the enemy, that his plans had been disclosed by some traitor within the lines, and sent forward a strong reinforcement under Lord Percy, which met the exhausted and disordered fugitives at Lexington. Lord Percy formed a hollow square, into which Colonel Smith's detachment flung themselves at full length, 'their tongues hanging out like dogs after a chase.' The insurgents had lost their chance. Men who had allowed a beaten and exhausted force to escape them were not likely to close with fresh and steady troops; and, though constantly harassed by a fire they could not return to purpose, the British reached Boston at sunset with a loss of two hundred and seventy-three killed and wounded.

Within a very few days General Gage found himself strictly blockaded by a force calculated by contemporary American authors at twenty thousand men from all the States of New England. Meanwhile some three hundred insurgents under Colonel Ethan Allen³ and Benedict Arnold—afterwards the best and the best abused of Washington's lieutenants—marched upon Ticonderoga. Had the little garrison been warned of the outbreak of civil war, forty British soldiers could have held the place against larger numbers and more experienced leaders. But they were surprised

³ For the character of this braggart, see Bartlett, i. 349.

with open gates, their commander asleep in his bed; and the vaunts of New England over this glorious victory were in keeping with the dignified summons of Allen, when he called upon the half-wakened, half-naked commandant to surrender 'in the name of the Great Jehovah and the Continental Congress!' Crown Point, and its powerful garrison of twelve men, was captured with equal facility.

It was on the very day of this brilliant achievement that the new Congress met at Philadelphia, and on the speedy retirement of the first President, Peyton Randolph, elected in his place the chief of the Separatists, John Hancock. They rejected, on behalf of the United Colonies, Lord North's conciliatory offer, and passed a variety of resolutions which may be succinctly described as a defiance to king and Parliament. Their financial measures were more significant. To tax their constituents was beyond both their power and their courage; to invite contributions from the several Colonies would have been equally unpopular and fruitless. Their first and sole fiscal resource was the issue of an irredeemable and utterly worthless paper currency—a measure whose ready adoption and reckless extension was an omen of worse to follow. Their assignats fell as rapidly as those of France, which had at first, to do her justice, a comparatively solid basis. By threatening the persons and property of those who refused to accept this rubbish at its nominal value, Congress approached yet more closely to that open spoliation which constituted the finance of the French Revolution. It further voted 'that these Colonies be immediately put in a state of defence;' but with almost incredible perversity and stupidity, directed the enlistment of troops for a few months only.

Whether this resolve should be ascribed to ignorance of the very alphabet of war, to the arrogant notion that a war with Great Britain could be triumphantly terminated in half a year, or to democratic jealousy of the military power, is uncertain. The records of Congress are meagre and imperfect.⁴ It was their politic object to record as little as possible, since for their credit with their constituents and posterity, the less known of their conduct the better. The best men were at first inclined to hold back, and later, preferred military duty or the service of their several colonies; and the class from which the representatives of a people in serious and dangerous earnest would naturally be chosen, except in Virginia, were the least disposed to throw in their lot with a majority evidently hastening to revolution and civil war.

⁴ For American authorities on this point see Stanhope [ed. 1858] vi. p. 277.

CHAPTER X.

THE WAR WITH MASSACHUSETTS—(*continued*).

America dragged into the Quarrel of Massachusetts—Insurgent Commanders—Bunker's Hill—Probable Numbers—Character of Position—Determination of the British—Rout of the Americans.

It was now the paramount object of Massachusetts to enlist the Middle and Southern Colonies heartily and practically in her quarrel; and to this end the first step was to push Virginia to the front. The most populous, powerful, orderly and prosperous of all, the Old Dominion was as generally looked up to and trusted as the Bay Colony was disliked and feared. Her extreme democracy, her headstrong violence, her selfish interests, had rendered the latter an object of general suspicion; her leaders knew themselves distrusted, while the aristocracy of Virginia were held in deserved respect. Claiming the first place, Massachusetts was likely to be supported by New England alone; where Virginia led, her Southern sisters would follow. Virginia, rather than Massachusetts, was the recognised champion of Colonial right and chartered privileges; her zeal was almost as warm and far more disinterested.

Moreover, the foremost citizen of Virginia was the only soldier of more than local repute, the one competent General, the one tried and honoured leader of men, whom America could boast. It was the obvious policy of Massachusetts, by referring the creation of an army and the choice of a commander-in-chief to Congress, to render the war and the army American; by nominating Colonel Washington for the supreme command to dispel the mistrust which her own precipitation had aroused, and to engage Virginia, and with her all the Colonies south of the Delaware, actively and deeply in the quarrel. Her leaders saw and accepted the necessity, but never forgave it; never ceased to annoy, thwart, and intrigue against the chief of their reluctant choice. The second place devolved on a deserter. Charles Lee, an Englishman by birth, threw up a colonel's commission in the royal service to accept the rank of major-general in the Continental army. Of the native American officers one or two were

soldiers, but very few, according to Washington, were gentlemen.¹ Warren, the highest in rank of the provincial officers of Massachusetts, was a physician by craft; Greene, next to Washington and Arnold (as yet unknown) perhaps the ablest of the American commanders, was a blacksmith.² A pretender whom the Americans choose to call Lord Stirling—Horatio Gates, the godson of Horace Walpole and a former officer of the British army—Schuyler, a noble representative of the Dutch aristocracy of New York, were true soldiers and educated gentlemen. Montgomery was an Irishman by birth and a New Englander by adoption. Putnam, a veteran of repute, was a tavern-keeper. Stark, Wayne, St. Clair—not to mention guerrilla chiefs like Sumter and Marion, or junior officers like Hamilton, Harry Lee and Wade Hampton—the last three gentlemen of the highest station and repute, had generally yet to win their spurs.

South of New York the Crown had not a single soldier, and but some half-dozen minor ships of war. The loyalists were unprepared, disorganized, and overawed. They were embarrassed, moreover, by those legal scruples and restraints which always place the upholders of law and order in the first phase of rebellion at a fatal disadvantage. Subsequent events proved that, except in New England and Virginia, the numerical strength if not the zeal and enthusiasm of parties was pretty evenly balanced. In Pennsylvania and New Jersey, in Maryland and the Carolinas, the thoroughgoing party of insurrection were at first a decided minority. But they alone were in arms, they alone were prepared to act; and before the Governors could call out the loyal citizens, the rebels were masters of the situation. Lord Dunmore, as Governor of Virginia, threatened to arm the slaves: a threat which could only be justified by its prompt and successful execution, which exasperated the champions of liberty and alienated the defenders of law, while it brought no effective or timely support to the royal cause. Most of the Colonial governments were practically annulled. In Pennsylvania, however, the proprietors, backed for once by the Quakers, were on such cordial terms with the moderate majority that the representative of the Founder was entrusted with the final petition of Congress to the King.

Eden, proprietary Governor of Maryland, was permitted to retain a formal and precarious authority till the province actually threw in its lot with the Northern insurgents. In New York the Assembly, now many years in session, was out of sympathy with a large part of its constituents, but, backed as yet by a pow-

¹ Writings, iv. 296 etc., 'the lowest class of the people,' and elsewhere.

² Wherever possible, I have endeavored, in giving facts, damaging to the Revolutionary cause or leaders, to follow closely the most extreme of American partisans.

erful loyalist party, was able to maintain awhile the forms of legal government. The disaffected avouched their resolve to slaughter every soldier who should land; but soldiers are apt to take such threats too seriously, and the insurgents finally agreed to keep the peace so long as the troops should neither attempt to entrench themselves nor to occupy the city.

The common wish and interest of England and America pointed to peace and demanded forbearance. But the far-sighted Extremists, to whom peace meant disappointment, ruin, and possible punishment, wielding at will the one insurgent army, raised from New England alone, held the key of the situation. At their instigation the temporary commander of the force in front of Boston resolved on offensive operations which should threaten the town and drive General Gage to active measures. Twelve hundred men, under Colonel Prescott, were sent by night to seize and entrench Breed's (*not* Bunker's) Hill, which commanded the British lines. Meanwhile the arrival of reinforcements under Generals Burgoyne, Howe, and Clinton had raised the forces at General Gage's command to a total of some 7,500 men.

A free pardon had been offered to all who would lay down their arms, John Hancock and Samuel Adams alone excepted. Breed's Hill was seized and entrenched on the 16th of June, the day after Washington's formal appointment. At dawn on the 17th an inoperative cannonade was opened from a British sloop of war and a land battery. The death of a single provincial soldier brought home to his comrades the meaning of war: and a few stole away when they found British cannon turned upon them with the will, if not the power, to maim and kill. On the other hand, the prolongation of an ineffective bombardment served greatly to encourage the inexperienced insurgents, who, possessed at first with an exaggerated horror of artillery, were now induced to regard it with an equally unreasoning contempt. They went on strengthening their entrenchments, and the British commanders recognized the necessity of an immediate and vigorous assault. General Howe, with some two thousand men, landed from boats, about noon, at the foot of Breed's Hill. The Americans awaited them with firmness. Reinforcements were poured over—as General Burgoyne, who watched the fortunes of the day with close observation and eager interest, affirmed, 'by thousands,'—from the American camp. American writers, all drawing practically from the same source, the report of the inexperienced officers in the camp, afterwards accepted by Washington—whose military arithmetic was avowedly controlled by political prudence⁵—rate the actual number entrenched on Breed's Hill at

⁵See letters of January 5 and May 21, 1777, omitted from *standard* editions.

fifteen hundred.⁴ Gage estimated it as outnumbering the assailants by three to one. Two to one would probably be a more trustworthy calculation.⁵ At the same time a large body of Colonial marksmen had occupied the village of Charlestown, and maintained a heavy fire upon the flank of the British till dislodged by shot and shell, which set the place on fire. The Americans with strange simplicity denounced the inhumanity of this measure. It was, in their opinion, the duty of a commander—at least of a British commander—to allow the soldiers to be shot down by a sheltered enemy rather than destroy the houses they occupied.

As a flank attack would place the British between two fires, Général Howe was compelled to assault the entrenchments in front. His field artillery was paralysed for some time by a blunder too characteristic of British military management throughout the contest; the balls first sent were too large for the guns! Forced to rely solely on the bayonets of his infantry, he led them straight up a smooth slope, in face of the enemy's sheltered marksmen. Prescott ordered his men to reserve their fire till the assailants were within some eighty yards. The front rank was swept away, and the British recoiled. Their officers rallied them, and led them a second time to the attack. A second time they were repulsed with such a slaughter as veterans have seldom endured. The third assault, delivered by weary and shattered troops who had already lost a third of their number, was a signal effort of courage and endurance; an exploit more brilliant than would have been the *defence* of such a position, under such conditions, for weeks instead of hours. Hitherto the well-trained marksmen of New England, securely sheltered except for the moment when they showed their heads and arms to deliver their fire, had shot down the advancing enemy as deliberately as so many buffaloes, with characteristic coolness and tenacity. As soon as the British bayonets glittered above the parapet, the fresh and untouched defenders broke and fled from a smaller number of assailants too utterly exhausted to pursue them. Of twenty-three hundred British soldiers more than one thousand lay dead or wounded on the slope; before the twelve hundred survivors, the moment they appeared on equal ground, the Americans gave

⁴About 150 were killed and 300 wounded. A loss of *five* per cent. would, under the circumstances, have been as much as could be expected. The Americans were never exposed till the position was carried; they then ran away unpursued, the only serious harm was inflicted by the artillery which swept the 'neck' or isthmus. 450 killed and wounded is, under the conditions, an impossible loss out of 1,500; it would bear a more reasonable proportion to 4,000. If the occupants of Breed's Hill were *not* strongly reinforced, we must suppose that some 16,000 Americans stood idle for hours to see their comrades attacked and overpowered. Many of them quailed from the fire that swept the neck. I cannot allow that this weakness was general, much less universal.

⁵ Stanhope and Marshall's *Life of Washington*.

way. It is said that their cartridges were falling short and they had few bayonets ; from whatever cause, they showed no desire to try conclusions hand-to-hand with the panting, weary, worn-out soldiers of Britain. Such was the 'Bunker's Hill' of which New England so vaunts in stone and prose and verse that the name suggests an American Waterloo or Thermopylæ, an English Flodden or Bull Run.

CHAPTER XI.

AMERICAN LOYALTY.

Congressional Petition—Simultaneous Aggression—Temper of Franklin—Washington's Estimate of his Troops—The Petition unanswered—Conduct of Chatham.

CONGRESS, the while, with divided counsels and uncertain purposes, was drawing up a petition to the King which, if prosecuted in good faith and unaccompanied by acts that belied its professed intent, might have led to mutual explanations and conciliatory measures. But the party of war at any price, if too weak to enforce their will upon their colleagues, were too strong to allow of any consistent and honest pursuit of peace. The temper in which they signed the petition is betrayed by the tone of a letter gratuitously written at the same time by the coolest, best-advised, and most experienced of their leaders to a personal friend in England:—'Mr. Strahan,—You are a Member of Parliament, one of that majority which has doomed my country to destruction. You have begun to burn our towns and murder our people. Look upon your hands: they are stained with the blood of your relations. You and I were long friends. You are now my enemy, and I am yours, Benjamin Franklin.'

Such language from a veteran diplomatist, whose passions, curbed in youth and manhood by prudence and self-interest, should now have been sobered by advancing years, brings out in forcible relief the contrast between the spirit of the Separatist leaders and of the Ministers of the Crown. It is fair to add that the tone of the Bedford and Grenville factions was not one whit better. Franklin and his associates had laboured, with that success which generally attends, in times of political excitement, the most violent counsels, the fiercest invectives, and the most extravagant charges, to persuade the populace of New England that the Crown and Parliament were bent on 'reducing them to slavery;' that England was alike tyrannical, cruel, and cowardly, daring enough to risk an empire in mere spite, too weak to attempt to retain it by force; that nothing could be hoped from her justice, everything easily extorted from her fears. They and their party were masters of the situation.

Yet such had been their management of affairs up to this point, that a Wolfe or an Elliott in Gage's place might probably at this juncture have crushed the half-hatched cockatrice of rebellion in the shell. Washington, assuming command before Boston on July 3, 1775, bore emphatic testimony to the quality and condition of the troops he was called on to command. Instead of twenty thousand there were but fourteen thousand fit for duty; an indisciplined, ill-organised, irresolute multitude, without powder for the artillery, with scarcely nine rounds per man for the infantry. He calls the conduct of the Connecticut troops 'scandalous.' 'A dirty and mercenary spirit pervaded the whole.' Of Massachusetts he said, 'Notwithstanding all the public virtue ascribed to these people, there is no nation under the sun which pays greater adoration to money than they do.' And again, 'Such a dearth of public spirit and want of virtue, such stock-jobbing and fertility in all the low arts I never saw before, and pray God I may never be witness to again.' And further, 'Could I have foreseen what I have and am likely to experience, no consideration on earth should have induced me to accept this command!'¹

From the outset, till their dishonesty and incapacity had provoked a contempt as general as the respect extorted by his conduct and demeanour, the Commander-in-Chief was fettered, harassed, thwarted, and often brought to the verge of ruin by the combined neglect and intermeddling of the Congressional intriguers and demagogues who thought less of keeping the enemy at bay than of keeping their General in due obedience, whose chief care was to insist on the subordination of the military to the civil power—of those who fought to those who talked; their next, to advance some personal or local favourite at the expense of their chief and cause. Men suddenly raised from the humblest avocations to the highest authority could not be expected to endure, with the temper of English statesmen assured of their social and political standing, the plain outspoken statements, the impatient irony of a Wellington or a Gordon. In his public despatches, and even in his private letters, Washington wrote under constraint and with great reserve. But enough stands on record to exhibit his profound contempt for the soldiery and especially the officers of New England and Pennsylvania. Had not the capacity of the chiefs on either side borne inverse proportion to the quality of their troops, America might well have been conquered while France was yet 'letting I dare not wait upon I would,' and Spain and Holland watching the example of the Most Christian King.

¹ The received editions of Washington's writings, orders, and correspondence are emphatically *expurgated*. I take these quotations from Lord Stanhope, whose accuracy is above question.

The extreme faction in Congress had yielded the more easily that the fate of the petition was a foregone conclusion. Had it been signed by the members in their individual character, had it emanated from the legal Assembly of Virginia or New York, it would have been received with studied respect and considered with an anxious desire to find, if not in its impracticable terms yet through the indications of Colonial feeling it afforded, a *modus vivendi* satisfactory to America and consistent with the honour of England. But to receive officially the petition of Congress was to recognise its authority and to yield more than had yet been claimed. The question was not one of form only but of principle and policy. It was not merely that Congress was an illegal Assembly; its recognition would have been a palpable and glaring wrong to that loyal party which had stood aloof from its election and which could not be thus abandoned and insulted. Nor did the constitutional objection stand alone. Congress had no more power to act for the insurgents than authority to speak for the colonists at large. It was practically powerless to bind its constituents, and a treaty accepted by the majority would in all probability be rejected by those provinces which alone were as yet in arms. After all that England could yield had been conceded to Congress, each of the Northern Assemblies would have had its own special conditions to exact; and negotiations with a body which could conclude nothing would have been hopeful, only if its members and their constituents were honestly and earnestly desirous of peace on reasonable terms. The conduct of Massachusetts, and the action of Congress itself, gave no ground to suppose that such an accommodating and moderate temper was to be found among the rebels; and the unsuccessful negotiation would have been worse than a disastrous campaign. Ministers therefore refused formally to receive the petition or give it a public answer; and this refusal was persistently represented by the Extremists as having compelled them to resist *à outrance*. The plea involved a threefold fallacy. Massachusetts and New England had plunged headlong into war before the petition was submitted: Congress resolved on aggressive hostilities while it was on its way; and the rejection of such a petition on formal grounds evidently left the door open to fresh negotiations, which should not involve the preliminary surrender of a vital principle on the part of the Crown.

The petition was accompanied or followed by passionate appeals to the Colonies, to the British people, and to the French population of the Canadas. With an inconsistency no less amusing than audacious, the Quebec Act was now represented, no longer as an infraction of the exclusive rights of three or four hundred Protestants, but as an invasion of the inalienable claim

of forty times as many conquered Frenchmen to representative self-government, trial by jury, and other British institutions: which the Canadians regarded with profound dislike and suspicion. The address to the English people was little more successful. Chatham himself could hardly have contended against the indignation excited by the recollection of his own language and the significant commentary supplied by his American clients; and in his present temper, it was hardly a misfortune for his cause that Chatham was secluded from political life in 1775-6.

Charity and common sense will seek, in the exaggeration of previous passions and prejudices natural to a disordered mind, an excuse for the least pardonable act of a career equally brilliant and erratic. Lord Pitt, Chatham's heir, serving as aide-de-camp to General Carleton, Governor of the Canadas, was ordered to demonstrate his father's abhorrence of the national cause, his father's passionate sympathy with rebellion, by resigning his commission. His chief had the generosity to spare the young man's fame, and prevent his filial obedience from appearing in its true aspect as desertion in front of the enemy, by sending him home with despatches. Chatham, in sound mind, would have remembered that if the form of resignation exempts a commissioned officer from the punishment of a deserting private, it incurs a penalty yet more deterrent to the class from which British officers are taken—irretrievable personal dishonour and professional disgrace. English instinct assumed the excuse of which England at large was uninformed, and condoned the fault of one too great to be judged like other men. On the French declaration of war, Chatham, restored to his senses, seized the occasion to redeem his honour; and the King had the kingly generosity to forgive both the military offence and the studied political insult. The young man was promptly reinstated in military rank and professional character by a Sovereign who disdained to forget, in the many and bitter affronts sustained from the intemperate veteran, the greatness of the statesman's earlier services. Those who have systematically represented George III. as a vindictive and thankless tyrant would have done well to explain, instead of ignoring, his indulgence to a fault which perhaps no contemporary and not many later Princes would ever have forgiven.

CHAPTER XII.

THE INSURGENT ARMY AND GOVERNMENT.

Quality of the Army—Treatment of the Royalists—Congress grasps universal Control—An Executive Mob—The Middle and Southern Colonies.

HAD England chosen to accept the challenge of Massachusetts and proceed at once to extremities, a more tempting opportunity could not have been offered than that which the state of the insurgent army presented. Had Gage received a reinforcement of 5,000 men, and the cooperation of a fleet such as Great Britain could well have spared, the fate of the rebels would have been in his hands. The insurgents were volunteers enlisted for a few months at most, often apparently not enlisted at all, but serving on their own impulse, and entitled, in their own opinion, to return home at pleasure. The men were not merely unused to and intolerant of discipline, but trained from boyhood to the assertion of self-will and social equality, to resent control and repudiate every form of subordination. The officers, elected by their companies or battalions, taken from the same grade, the same class of employments as the privates, had no social station, no personal authority, no military qualifications to support their professional rank.

The Generals mostly enjoyed some kind of personal ascendancy, but the regimental officers wanted alike the courage, the power, and the intelligence to maintain the forms¹ or enforce the substance of martial discipline. New York, and yet more Virginia, Maryland, and South Carolina had preserved something of the structure and the temper of English society. The Southern Colonies possessed a class of gentlemen well qualified by open-air life, by their frequent journeys on horseback, their love of field sports, their keen sense of honour and personal dignity, and, above all, by the daily habit of command which belonged to their position as planters personally directing the labour of a dozen, a score, or a hundred slaves, to organise, lead, and discipline the

¹ A barber-Captain was seen shaving his men on the parade-ground!

splendid raw material of soldiership found among the farmers, graziers, and backwoodsmen. But the army was as yet drawn exclusively from New England. The powers of the Commander-in-Chief were narrowly limited. He could neither remove an incompetent nor promote a deserving officer. Regimental commissions were granted by the several colonies, those of Generals by Congress, and the authority which conferred alone could cancel them.

Experience and necessity very slowly improved both officers and men; taught to the former the duties of their rank, to the latter the imperative necessity of obedience. The authority of the Commander-in-Chief was sustained by force of personal character rather than by official powers slowly and grudgingly extended. But to the last too many of the Continental officers remained (like so many brave and capable soldiers of Republican and Imperial France), in birth, manners, and education peasants or tradesmen, unversed in the laws and customs of civilised war. The language of the Commander-in-Chief himself, when speaking of the royalists—men as a rule superior in education, character, and social standing to their opponents—did little honour to a character which generally enforces respect for its stern self-control. In law, the position of the royalists was incomparably the stronger. Morally, both parties were on a perfectly equal footing. Both, as Washington knew and was bound in honour to recognise, were doing what they believed to be their duty: had adopted the cause of liberty or legitimacy with equal sincerity and devotion. If it suited Congress and its Commander-in-Chief to assume that the war was waged between the Colonies as quasi-independent States and the King of England, the British were at least equally entitled to act on the contrary assumption, and to regard their enemies as individual rebels without a flag or a government. By granting and accepting the usages of regular war, both sides tacitly agreed to leave that issue in suspense till it should be decided by the sword; and the American royalists were equally entitled with the regular troops of England to the benefit of that understanding.

Again, at Boston, and afterwards at New York and Philadelphia, the British held a large non-combatant population attached to the American cause in their power. The *status* of these people was in every respect identical with that of non-combatant royalists within the American lines; and it was the right—was it not the duty?—of the royal commanders to have protected the latter by severe and accurate reprisals, by confiscation for confiscation, by execution for execution; if not by flogging a Bostonian or Philadelphian patriot whenever a royalist was tarred and feathered. The merciless rancour of the insurgents towards their loyal

countrymen was from first to last the disgrace of the American cause and people.² It reflects deep discredit on Congress, which never attempted to restrain it. Nor is it possible to acquit Washington of a moral complicity which leaves a blot on the high and stainless character ascribed to him by the partiality of his countrymen and the generosity of his enemies.³ His integrity, disinterestedness, self-devotion, his patience under injury and insult, neglect and thanklessness, deserve no common praise; but to conceal or slur over the instances in which his personal or patriotic passions led him to commit or acquiesce in gross violations, alike of the dictates of humanity and the rules of war, is to falsify history and wrong his victims.

The majority in Congress, and in the Colonies south of New England, were still reluctant formally to renounce the chance of compromise; to stake their cause, their fortunes, and their country on the always dubious issue of war. Months passed before they decided to establish complete provisional governments—to supersede the nominal authority of the royal or proprietary Governors, the real control of irregular and irresponsible committees or local conventions. In desperate need of military and other supplies, it was yet longer ere they resolved to throw open the ports to foreign shipping. Congress authorised Washington to maintain an army of 22,000 men in Massachusetts, and recommended the Governments of New England and New York to furnish him with that number, but took no means to levy troops on their own account, and refused permission to enlist men, even under the authority of the several Colonies, for service during the war.

Franklin and Jefferson in vain proposed a scheme of confederation, but one nowise tending to correct the radical weaknesses of the American Government. The first of these was the refusal of all coercive power to Congress. It could obtain men and money only by requisitions addressed to the several Colonies, which complied with, refused, or ignored the demand at their pleasure. The second and most vital was the personal and inter-colonial jealousy, the distrust of individual authority, which induced Congress to grasp in its collective capacity the supreme control of civil and military affairs. It is said that every numerous Assembly has a strong tendency to become a mob. Congress was a mob attempting to arrogate to itself the immediate direction of a great war. The enlistment of troops, the term and conditions of their service, the appointment of superior officers, the direction of military and foreign policy, the despatch of expeditions, the choice of their commanders, the management of the

² Stanhope, chap. 54, p. 116 [ed. 1858]. For Washington's tone, see letter quoted *ib.* p. 85.

³ He refused even to accept a salary as commander-in-chief, though keeping a strict account of his expenses, which were to be repaid.

commissariat, were the collective business of a small Parliament; not five of whose members possessed the military knowledge of War Office clerks.

The business thus unwisely grasped was soon as signally neglected. Congress thought it sufficient to vote levies of men, supplies of arms and ammunition, provisions and clothing; and supposed, in the absence of any organized executive, that its votes would execute themselves; nay, having passed the vote, assumed forthwith that the men, the muskets, the powder, the flour, and the shoes were actually on the spot. They took for granted that Washington had the number of men they had promised him, and that those men were soldiers; and based their expectations, admonitions, and orders on that assumption. It required no common incapacity and mismanagement in the civil and military counsels of Great Britain⁴ to counteract the mistakes and perversity of the Philadelphian politicians. If, instead of dispersing their forces in ill-judged and indecisive expeditions, the English Ministry had concentrated their strength under men like Carleton and Cornwallis upon vital objects, these must one after another have been achieved. It needed not in 1776 a Chatham at the head of affairs, a Wolfe or a Clive in command of the army, to have brought the American war to a very different end.

Experience, and sheer weariness of business they did not understand and could not transact in common, induced Congress, slowly and unconsciously, to relax their monopoly of power. The helplessness and negligence of the majority paralysed an authority they would not resign, but could use only for mischief. Powers devolved upon committees lapsed into the hands of their chairmen, to the great advantage of public business.⁵ It might have been difficult, for example, to find a worse Minister of War than John Adams, who had not even the merit of confidence in or loyalty towards the commander in the field. But one John Adams was better than fifty; the worst of responsible War Ministers a lesser hindrance, if not a greater help to Washington than a committee of half a score intriguing incapables.

While the politicians were talking, the men of Virginia, Maryland, and of the Pennsylvanian border counties were acting spontaneously. One thousand four hundred riflemen, of far superior quality to the militia and minute-men of New England, had joined the camp before Boston. Some minor operations were conducted with spirit and success; hay, corn, and cattle were swept away from points commanded by the British squadron and army. The first naval expedition attempted by the Colonists

⁴ Military letters from New York, of high authority, declare that 'never were troops in such a disgraceful condition' as those furnished to Howe in 1776, and only because 'Great Britain was fast asleep.'

⁵ Spark's *Life of Gouverneur Morris*. Washington's Writings, iv. p. 184.

brought in an invaluable supply of powder, somewhat illegitimately⁶ taken from Bermuda. Washington, with vastly superior numbers, paraded in order of battle; and the challenge, declined by Gage, who knew that a defeat meant temporary ruin, while victory could not be pressed home against an enemy entrenched in positions commanding his only exit, greatly encouraged the inexperienced 'Continentalists.'

The Quakers of Pennsylvania, backed by the loyalists of other sects, controlled the Assembly; and a convention, summoned by the disaffected for the express purpose of superseding it, ended by referring everything to the discretion of the regular Legislature. The province, therefore, remained as yet officially and collectively neutral. The government was still conducted in the King's name. An oath of allegiance administered to all Assemblymen caused the temporary exclusion of Franklin himself. The insurrectionary party in Maryland obtained the upper hand by enfranchising the Catholics, who, since 1688, had been placed under the ban of a province founded by and for them. The militia, including all men between fifteen and sixty, was organized, nominally for local defence alone. William Franklin, the loyal son⁷ of a father who had gradually turned revolutionist in old age, was Governor of New Jersey. He maintained a show of authority, but all real power passed to a so-called provincial Congress or Convention, which usurped the command of the militia, offered to raise four thousand minute-men, and did enrol two regiments for the Continental army, one of them commanded by the self-styled Lord Stirling.

In South Carolina and Georgia, merchant ships entering the harbours with natural confidence, as in a period of practical peace (no collision having yet occurred, except in New England), were boarded and more than twenty thousand pounds of powder confiscated. Rice was exported to purchase arms and ammunition in the West Indian possessions of France and Holland. On the other hand, a large number of royalists were prepared, on the first appearance of a British force, to join the King's standard; and the Indian agent endeavoured to enlist the Cherokees, Creeks, and Chickasaws in the royal service. The malcontents broke out in open insurrection. They put to death a free negro charged with no overt act, but with the 'intention' of piloting British ships, disarmed all law-abiding and peaceable citizens, loyalist or neutral, threatened to arrest the Governor, and compelled him at last to dissolve the Assembly and take refuge on board a man-of-war. Martin, Governor of North Caro-

⁶ Because the West Indian and naval authorities had no notice of a war which had not yet been declared, and was confined to New England.

⁷ He was long imprisoned, and his wife refused permission to see him. She died of a broken heart; ascribing her and his sufferings to the active malignity of his father.

lina, sent his family to New York and threw himself into a fort practically ungarrisoned. The loyalists of his province were numerous and in good heart. Some two or three hundred disbanded Highlanders had formed a settlement in the interior, and the insurgents had no mind to meddle with this small body of resolute and devoted veterans.

Meantime, the leaders at Philadelphia felt it necessary formally to vindicate their appeal to arms, to unite a divided and excite to the necessary passion a doubtful people. Their manifesto was at once the official summary of a ten years' political struggle and an unofficial declaration of war. By its tone, its arguments, and its authorship the Separatist faction volunteered and the Colonial party consented to be judged. The choice of an advocate was left to Franklin, and his selection was eminently characteristic. This important function was entrusted to Tom Paine—a name now remembered only by its connection with a specially offensive school of infidelity. In his 'Common Sense,' however, the mocking unbeliever accommodated his tone to his clients, and the book is said to have made the desired impression.

CHAPTER XIII.

THROWING AWAY THE SCABBARD.

How Congress belied its Petition—The Invasion of Canada—Repulse from Quebec—War commenced in the South—Operations in Virginia—Abandonment of Norfolk—Flight of the Americans from Canada.

WHILE their formal address to the ‘justice and natural affection’ of their Sovereign was still pending, and while therefore England remained strictly on the defensive, Congress had taken aggressive measures calculated to render their loyal and pacific professions worse than vain, and to anticipate that ‘last appeal’ which was only to follow the final rejection of their petition. By commencing an offensive war they belied their affected desire for peace. Without a formal issue of letters of marque, uncommissioned privateers (legally pirates) overhauled British vessels and seized military stores and provisions intended for the British army, along the coast of America. Yet Congress affected to refrain from capture ‘on the high seas,’ while they could scarcely be ignorant that the high seas commence at the distance of a marine league from the shore. They had passed a distinct resolution against the invasion of Canada as an act of wanton aggression. A few weeks later—on pretence that Carleton, with fewer than a thousand men to guard an interminable frontier and a conquered province, meditated an attack upon New England or New York!—they rescinded that resolution, and proceeded to organise a force under Schuyler and Montgomery, to seize Quebec and Montreal. Schuyler, a fitting associate or antagonist for English officers and gentlemen, disgusted with the indiscipline and misconduct of the provincial soldiery, resigned his command on the plea of ill-health. His colleague, an adopted son of New England, expressed with emphasis his opinion of her citizen soldiery. ‘The New Englanders are the *worst stuff imaginable* for soldiers. They are homesick. Their regiments are melted away, and yet not a man dead of any distemper. The officers have no authority, and there are very few among them in whose spirit I have confidence. The privates are all Generals but not soldiers, and so

jealous that it is impossible, though a man risk his person, to escape the imputation of treachery.⁷

With such troops Montgomery laid siege to the fort of St. John's, which blocked his route to Montreal. Taken unawares and scantily provisioned, the surrender of the place, unless speedily relieved, was obviously inevitable. General Carleton made two vain efforts to raise a Canadian force for its rescue. The first levies, whose loyalty was at best passive, and who felt no interest in the quarrel, disbanded; the second expedition, crossing the St. Lawrence in open boats, encountered a terrific fire from two American regiments lining the southern bank, and was repulsed in confusion. Thus hopeless of aid, on November 3, 1775, the garrison of St. John's, after a siege of fifty days, marched out with the honours of war. A few days later a force of eleven hundred men detached from the army of Washington, under Arnold's command, after a difficult and painful march, such as only an officer of first-rate merit could have induced the hardiest veterans to face, arrived in front of Quebec; and occupied without resistance the position which, once attained by Wolfe, had determined the fate of a mighty fortress and a superior army.

On December 3 Montgomery, after seizing Montreal, effected his junction with Arnold on the Heights of Abraham. A few days before, Carleton, venturing his life and liberty in a small boat, and passing safely through the land forces of the Americans and the flotilla they had captured at Montreal, had arrived at Quebec and restored the confidence of its disheartened garrison. That garrison is reckoned by American historians at some seventeen hundred men, of whom, however, only three hundred were regulars and four hundred and eighty-five seamen and marines.

Nothing could induce the New England men to remain an hour beyond the term of their enlistment, which expired with the year. Quebec must be stormed within twenty-six days, or never. After more than one meditated assault had been defeated by intense cold or postponed by a clear sky, on December 30, while twenty-four hours of the New Englanders' term of service were still unexpired, a heavy snowstorm encouraged Montgomery to venture a night surprise. Diverting the attention of the garrison by a series of feigned attacks on every part of the defences, the General himself, with some three hundred men, fixed upon a narrow defile protected only by a blockhouse, occupied by seventeen Englishmen and thirty Canadians with a couple of three-pound popguns. Montgomery was shot dead. His men complained that their arms were wet; their officers dared not trust the bayonet, the only effective weapon in such an assault; and the assailants fled from the rudest of works, manned by one-sixth of their own number. Arnold, assailing the lower town with more than

six hundred men, passed undetected under the guns of a battery and a wall loopholed for musketry, whose fire should have cut his force to pieces. He reached and forced the Palace Gate, but was there disabled by the first fire.

The assaulting column made good their entrance, and advanced till brought to a stand by the second barricade, its extremities resting respectively on an inaccessible rock and on the river bank. Confronted by a hedge of bayonets, and a heavy fire from the houses which flanked the position, the assailants had neither the spirit to advance nor the promptitude to effect a timely retreat. A British sally seized the gate by which they had entered and captured the company that held it. The Americans thus cooped up within the town, to the number of four hundred, laid down their arms—some sixty having been killed and wounded. Montgomery received a soldier's funeral from the victor; from Congress such memorial honours as might fitly have rewarded a long career of brilliant service rather than one successful blockade and one bold but misdirected assault. Arnold had done better than his chief; the true honours of the day belonged to the British sergeant who, with some fifty men, repulsed Montgomery's attack. But no English soldier would have thought even 'a marble monument' due to the memory of John Coffin.

Had the leaders of Virginia, the Colony to whose example her sisters looked, been all as moderate as Washington and free to act, a settlement might have been arranged on a basis more than once suggested in America and approved at home—the *status quo* of 1763. But New England was bent on war; and in forcing on the invasion of Canada, her demagogues had gained their end and made the sword the only possible arbiter of a needless quarrel. England's abandonment of the hope of conciliation was marked by Lord Dartmouth's retirement from an unwelcome charge. The choice of his successor augured ill for the only other alternative, a vigorous prosecution of hostilities. Lord George Germaine was resolved to reconquer America by almost any means and at any cost. But he displayed no such administrative energy or capacity as could efface the stain left upon his reputation by his ignominious dismissal from the army some score of years before, on a charge of unsoldierly disobedience in presence of the enemy. He was ready to proceed to extremities; but in every case the first blow was struck by the insurgents. The Governors of the Colonies not yet actually embroiled were expelled. The eager temper of Virginia and the forwardness of her Governor precipitated the first armed collision outside of Massachusetts. A royal sloop had been driven on shore by a violent gale. The people of Hampton seized the stores, made the crew prisoners, and set the vessel on fire.

Lord Dunmore endeavoured to occupy the village, but was unable to bring up his heavier vessels, and his attempt to land was repulsed by a large insurrectionary force hastily summoned to the rescue. Norfolk, the chief seaport of Virginia, commanded by the British fleet, became the refuge of three thousand loyalists now driven from the districts occupied by the insurgents. The richest and most influential class of its inhabitants were the Scotch merchants and factors who had conducted for years the finance and commerce of the Colony. As the planters were mostly under advances amounting to more than a year's gross produce of their estates, patriotism was reinforced by interest; all debts due to loyal creditors were repudiated, and thus the wealth employed in the trade of Virginia, entrusted to her laws, to the honour and honesty of her citizens, was confiscated *en masse*. The exceptional fidelity with which Jefferson, after the conclusion of peace, fulfilled his long-postponed obligations deserves particular mention.

Informed that a body of Carolinian rebels were about to seize an important pass known as the Great Bridge, Dunmore, with a detachment of regulars sent from St. Augustine and Virginian loyalists marched to intercept them; but, missing them, encountered and scattered a body of Virginian militia, and constructed a fort to secure the Bridge. War having thus commenced, the Governor proclaimed martial law, called all loyal citizens to his aid, and promised freedom to all indented servants or slaves, belonging to rebels, who should join him. At the same time he commissioned officers to raise regiments of loyal whites, negroes, and Indians, but without a success which would in all likelihood have led to horrible and wholly profitless barbarities.

The insurgent forces mustered in great strength for an attack on the last stronghold of British authority, occupying with two regiments a position which commanded the Great Bridge and the newly-erected fort. Lord Dunmore's situation was hopeless. He had but a few hundred regulars and raw irregulars fit to bear arms. To await the attack of overwhelming numbers in an open town was to abandon hope and run imminent risk of destruction. To assail a strong entrenched position, accessible by one narrow causeway, in face of a far superior enemy, with a few companies of runaway slaves and untrained citizens backed by a hundred and twenty soldiers was not a forlorn hope but the last resort of martial despair. An open assault was impossible; a night surprise might have been effected by a well-led body of picked regulars, but, adventured by undisciplined recruits, was a hazardous and almost hopeless experiment. It failed of course. The enemy were on their guard; the loyalists quailed from the deadly fire that swept the narrow defile; the single com-

pany of regulars advanced to the attack, and were repulsed only when half their number had fallen. All was over; the fort was evacuated and Norfolk abandoned; the whole mass of refugees crowded, in utter destitution and unspeakable misery, on board the British squadron, which could scarcely hold and could not accommodate or feed them. They abandoned their all rather than surrender to neighbours and countrymen whose temper they knew too well. The insurgents seized the town and held it in force, either intending or expecting an attack.

A place thus occupied is simply a hostile position, to be treated at need like Hougoumont and Bazeilles. But in the commencement of a civil struggle a prompt resort to the extreme severities of war is always impolitic, save when demanded by the exigencies of strategy or the stern necessity of reprisals. The malcontent inhabitants having retired on the British occupation, the loyal on the evacuation, there were few non-combatants to suffer: the destruction of the property abandoned to the insurgents was desirable; but nothing worth the sacrifice of British lives could possibly be effected. Every attempt to land under the cover of a fire from the ships was easily repulsed. The insurgents remained masters of the field; and the destructive bombardment of her wealthiest town rendered Virginia only less unanimous and enthusiastic in the American cause than Massachusetts herself. Henceforth her paramount influence was thrown into the scale of separation. But when an experienced soldier like Washington inveighed against 'a nation which seemed lost to every sense of virtue and those feelings which distinguish a civilised people from the most barbarous savages,' his patriotism must have got the better alike of his temper and his memory. Well for Virginia had she found no more ruthless conquerors, suffered no more cruel ravages than those of Dunmore.

With the close of 1775 a great part of the Continental army was dissolved by the terms of its enlistment. The wholesale withdrawal of the New England militia, on this and other occasions, looks awkwardly enough beside their passionate professions of patriotism, their favourite cry of 'Liberty or death.' But the treatment they received was such as might have shaken the best discipline and cooled the warmest zeal. Pay, clothes, shoes, food, powder were deficient. Washington's military chest hardly contained ten thousand dollars, and further supplies, even in the depreciated paper of Congress and of the several Colonies which had followed an unfortunate example, came in but slowly. It was left to the Government of Massachusetts, with some support from Connecticut, Rhode Island, and New Hampshire, to fill the depleted ranks. Five thousand new militia were called into the field, to be slowly brought, towards the end of their term, to that

imperfect and unsatisfactory standard of discipline which their predecessors had reached when disbanded. Short of arms and ammunition, with a chance artillery of various calibre and a half dissolved, half renewed army, Washington would have been in no little peril from a vigilant and enterprising enemy. Yet the debaters of Philadelphia bitterly complained of his inaction, and carried, on December 22, a resolution nominally authorising and practically ordering the Commander-in-Chief to take Boston 'in any manner which he might deem expedient, notwithstanding the town might be thereby destroyed.' The destruction of the assailants was evidently much more probable; and Washington replied, with suppressed indignation, that merely to maintain a post so close to the enemy, to disband one army and recruit another within musket shot of twenty British battalions, was probably more than had ever before been attempted. But for the dissuasion of his lieutenants, and their reports of the temper of the regimental officers, he professed himself, notwithstanding, ready to attack, and hopeful of success if the men would have stood by him.

Meantime the beaten army which still made a pretence of menacing Quebec had dissolved no less rapidly than that in front of Boston. In January, 1776, Arnold mustered but four hundred Americans, supported by about as many half-hearted and untrustworthy Canadian sympathizers. Wooster, his superior, remained at Montreal, and wrote in every direction for help. To Congress he wrote plainly that the American force in Canada was in need of everything, men, guns, shot, shell, powder, and above all—cash. Continental paper would not pass among the shrewd Canadian peasantry. The army must pay its way, or, by levying contributions upon the country, convert an indifferent and distrustful population into active enemies. Congress agreed with the Generals that ten thousand men were needed to conquer and hold Canada, voted all that was required, and actually detached three thousand men from Washington's inadequate force under General Thomas, who was to supersede both Wooster and Arnold.

But already the arbitrary exactions of the invaders,¹ the affronts offered to the clergy, had stimulated to something like enthusiasm the languid loyalty of the Canadians. On May 1, 1776, of all the provisions extorted by force and menace from the peasantry the invaders retained but sufficient for six days. The ice was beginning to break up. An English frigate and two small vessels had reached Quebec—the precursors of a larger force—and four days after his arrival, General Thomas resolved on retreat. On the next day he was attacked and defeated by the reinforced garrison, about one thousand strong. The retreat became a rout;

¹ Stanhope, vi. pp. 79 and 89.

and the invaders, abandoning their provisions, their cannon, two hundred sick, and five hundred muskets, fled towards Montreal. An American garrison of four hundred men surrendered at discretion to a motley horde of Indians, backed by forty soldiers and a company of Canadians. A force sent by Arnold to their relief was surprised and cut to pieces; the captives were released on a promised exchange which Arnold shamelessly evaded. Carleton was reinforced by a strong expedition from home under Burgoyne. The Americans were paralysed by an outbreak of small-pox, whereof Thomas died.

The command devolved on Sullivan, who undertook presently to put a new face upon the situation, 'to hold the most important posts as long as one stone is left upon another!' The result of the first skirmish converted his confidence into utter despondency. A council of war recognised the imperative necessity of retreat, long foreseen and urged by Arnold. The latter held Montreal till the enemy were within a single march, then plundered the city, and followed with his rear guard of three hundred men the disastrous retreat of the invading army. The fugitives, if vigorously pressed, might have been destroyed or captured; and, though faintly pursued by Burgoyne, barely contrived to reach the border settlements in a state of utter prostration and indescribable misery. The Canadian campaign cost the Americans several thousand men, completely demoralised the army, revived the old hostility of the Canadians towards their Southern neighbours, and confirmed, so that no reverse of fortune could shake it, the allegiance of the French provinces to their recent conquerors.

CHAPTER XIV.

THE SITUATION, TEMPER AND MEASURES OF ENGLAND.

Weakness of the Army—Enlistment of German Mercenaries—Of Indians—
Insurgents masters of New York and North Carolina—Financial Ter-
rorism.

THE news that the New England rebellion had assumed the character and dimensions of an American war—the capture of British ships, the surprise of Ticonderoga, the battle of Breed's Hill, the combats in Virginia, above all the invasion of Canada, exasperated the English nation as against thankless and revolted dependencies, united it as against a foreign enemy. Had the Colonies and the mother country understood one another, had the former been able to act with deliberate consideration under a compact Government of their free choice or through their individual Assemblies, matters would not thus have been pushed to extremities. The New England leaders had intentionally played for independence or conquest. The limitless forests of the interior promised, even to the ringleaders, a sure refuge in case of defeat. Their necks were in little danger, and few of them had much else to lose. But the other Colonies, an extreme and passionate minority excepted, aimed as yet not at independence but at a self-government secured against the interference of a distant Parliament.

Mutual mistrust and misconception, not irreconcilable disaffection on the one side or tyrannical intentions on the other, finally divided the moderate statesmen of America from the Ministry at home. Could Washington and Dickinson—the leader of the Pennsylvanian Moderates—have been brought face to face with Lord North and Lord Dartmouth, could the views of both parties have been frankly interchanged, the issues between them would have been narrowed to a few by no means irreconcilable differences, such as neither could have dreamed of referring to the last arbitrament. But the invasion of loyal provinces in a state of profound peace finally committed America to rebellion and England to repression. England had no choice but to abandon her dominions on the North American continent or to hold them by

force of arms. Gage was recalled without a censure—which would have been palpably and flagrantly unjust—but in a manner which evinced the extreme reluctance of the Government to accept the responsibility of Lexington and even of Breed's Hill. While preparing to maintain her claims by force, England still strove to open a door of repentance and negotiation.

The navy and army, both reduced to the lowest peace establishment necessary for the maintenance of home and foreign garrisons and the police of the seas, were largely increased. Four thousand men were drawn from Ireland, and a somewhat larger number from Hanover, though the latter were employed only to occupy the British fortresses in the Mediterranean, and release their English garrisons for duty in America. Unhappily the service was at that time especially unpopular. Its pay, though the highest in Europe, was below the market rate of wages. The long term of enlistment, covering the whole prime of manhood, the severity of discipline, the inadequate provision for the wounded, disabled, or disbanded soldier, the uncertainty of his fate—all united to repel the better class of artisans and peasants from the ranks; and the character of the recruits whom the Crown was thus driven to accept reacted on the reputation of the Army. Only by resorting largely to the poorer population of Ireland was it possible to maintain our small peace establishment at its nominal strength. Neither the King nor his Ministers were blind to the greatness of the task before them. Should the Colonies prove obstinate, should it be necessary to reduce America by force of arms, twenty or thirty thousand men must be added to an available force which hardly exceeded the latter number, and these could not be found even in the Scotch Highlands or the wilds of Connaught. Necessity drove the Government to a resource which provoked no little animadversion at home and reproach abroad; which did more, probably, than any other grievance to outrage the feelings and alienate the lingering loyalty of the Americans.

All the wealthier States of Europe had habitually relied on mercenary troops drawn from the poorer. Switzerland furnished the armies of Italian Princes; a Swiss Guard had succeeded the Scottish Archers as the very flower of the French army; an Irish brigade had turned the scale against England at Fontenoy; the wars of Holland had been fought by German and Scandinavian hirelings. England at a later period redeemed the Peninsula with Portuguese and conquered India with Indian troops, paid, disciplined, and commanded by Englishmen. But it was another thing to employ alien mercenaries to put down the rebellion of British-born subjects. Still worse than the enlistment of hireling volunteers was the purchase of involuntary conscripts from

Princes eager to barter the blood of their people for foreign gold. But such bargains had been a common practice among the petty Princes of Germany; its ugliness veiled perhaps at first by their anomalous relations to the Empire and to one another. The Emperor of the Romans and King in Germany claimed the service of his hereditary vassals. His rebels or rivals appealed in their turn to common interests and military jealousies; and Hessians¹ and Saxons were scarcely more interested in the quarrels of Prussia and Austria than in those of France and England.

The Elector of Hesse, whose subjects were among the hardest and most martial of European peoples, furnished a large contingent of excellent quality to his fellow Elector of Hanover, upon terms whose exorbitant character testified to the eagerness of the English Government and the exhaustion of its native resources. Other princelets were no less unprincely in their greed, no less prodigally lavish of their people's blood. The least culpable was the Hereditary Prince of Brunswick, intimately connected with the Royal House, and by family tradition with the Army of England; a gallant soldier and distinguished patriot, over whose domestic sorrows, whose ruinous defeat at Jena, his agonising wounds and fearful death, the leading historian of America gloats with an exultation which, but for the intense unforgiving bitterness caused by the employment of foreign hirelings in a civil war, would have revolted his most partial reader.

Yet deeper animosity was excited by a measure for which Colonial history afforded abundant precedents. Throughout their wars, whether against savages or fellow-Christians—Pequots, Narragansetts, or Canadians—New York and New England had enlisted the services of Indian tribes, and made no pretence of restraining them in the full indulgence of their own barbarous cruelties. In the present quarrels the insurgents were the first to invoke and the first to enlist them: if the reproach of employing and failing to restrain them has been thrown on England solely or especially, it is not because the Americans were more scrupulous,² but because they were, for obvious reasons, less successful. They were the old enemies of all the tribes except the great League of the Six Nations; and the Six Nations regarded the King rather than the Colonies as their patron and 'father.' Iroquois and Delawares, Cherokees and Miamis alike, saw on which side lay their best chance of spoil and slaughter. Many months elapsed, however, before the quarrel was envenomed by actual tidings of Indian cruelties.

¹ This name has acquired an odious significance, strangely illustrated by its application to the Northern armies in 1861:—

Ez long 'z he gives the Hessians fits, committees can't make bother
'Bout whether 'ts done the legle way or whether 'ts done the lother.

Biglow Papers.

² Washington's Writings, vol. iii. p. 495 (Sparks).

The nobler British commanders refused to render themselves responsible for the conduct of auxiliaries they could not control ; or neutralized their instructions by insisting on restrictions and discipline to which the savage would not submit. In calling on the native subjects of the Crown to assist in the defence of Canada, Carleton forbade them to pass the frontier ; and Washington's abhorrence of such allies was reinforced by his experience of their worthlessness in regular warfare. The Englishmen who reprobed the use of such instruments against men of our own blood and speech were met by reference to American precedents and provocations. But the orders of a Minister, who knew nothing save by report of Indian warfare, and a fruitless attempt, in pursuance of those orders, to raise the Cherokees against them, naturally exasperated the people of Georgia and the Carolinas, who knew to what horrors an Indian invasion must expose the defenceless homes, the helpless women and children, of the scattered western settlements.³

Months of enforced patience under affronts of every kind had goaded many officers of the royal army and navy into a temper to which acts of stern and even ruthless reprisal were but too congenial. A naval officer, wantonly insulted by the populace of Falmouth (now called Portland), in Maine, burned the town and drove its people to seek shelter where they might from the inclement weather of a Northern October. Such measures were disapproved by the Home Government. But the fury thus excited among a generation which had forgotten the mutual cruelties of the French wars, or supposed that rebels were entitled to more indulgence than alien enemies, was not appeased by the tardy tidings of their disavowal.

The state of civil war had existed for months ; but its formal recognition had grave practical consequences. The exercise of belligerent privileges on the high seas, the distance and geographical delimitation of the contending Powers, the existence of a *de facto* territorial government, or governments, in full control of an extensive country, wherein the status of the British was practically that of invaders, gave to a conflict technically intestine the character of international war. In 1776 as in 1861, the maritime Powers of Europe were entitled or obliged to assume the position and assert the rights of neutrality. Of these mari-

³ Mr. Ingersoll, the historian of the Second British War, records the capture of a packet, despatched, in 1782, by an Indian agent to Colonel Haldimund, then Governor of Canada, containing several hundred scalps, distinguished by different coloured marks as those of soldiers, farmers, women, boys and girls. Eighty-eight are said to be those of women ; nearly four hundred to have been taken from the heads of children. The horror and shame excited by such trophies tendered to British officers should not render us oblivious of the fact that both French and Americans had employed Indians, and offered bounties for scalps without distinction of sex or age, during a century of warfare ; that it was not till their own attempt to employ savages had signally failed that the insurgents were awakened to the wickedness and barbarism of their practices.

time Powers, the greatest were the unforgiving because vanquished enemies, or the jealous rivals of Great Britain. The rest, regarding with ill-will her naval ascendancy, her strict and sometimes high-handed use of that ascendancy to enforce her interpretation of maritime law, were already prejudiced against her, and sure, at the moment of her need, to assume a more or less actively hostile attitude. France was her inveterate and vigilant foe, waiting only for a promising opportunity of revenge. Spain, whose commercial policy and colonial interests were identical with those of England, was bound by dynastic ties, by vindictive feeling, and by the hope of recovering Gibraltar, to the cause of France. Holland, yet more obviously interested in the preservation of peace, was inflamed by immemorial jealousy of the maritime rival who had gradually wrested from her the long-disputed dominion of the seas.

The loyalty of Ireland was something worse than lukewarm. The Protestant colony, secure in its profound contempt of the Catholic majority, forgot that its dependence, unlike that of Virginia, was natural and necessary; that it had been created, rescued from destruction, and confirmed in power—nay, that it existed and could exist—only by the protection of England. Impatient of a supremacy too often abused in the selfish interest of British commerce and manufactures, it began to regard the cause of the American Colonies as its own, and only waited for their triumph to emulate their pretensions. Strong in the prestige of recent and almost unparalleled triumphs, in her Asiatic, Mediterranean, and American dominions, England was at that moment physically weaker than at almost any other period. The very greatness of her empire overstrained the strength of a population of some nine millions, and, if not the financial resources, yet the financial confidence of the wealthiest nation of the world. Nine million Englishmen and Scotchmen held by the sword colonies and conquests, provinces, islands, and fortresses scattered over the world, from Jamaica to Ceylon, from Calcutta to Detroit and Niagara.

At the close of 1775 Pennsylvania still hesitated, but as the moment approached when she must finally choose between her English allegiance and her American sympathies, the martial and hostile Presbyterians of the Western border were constantly gaining ground, while no more than political opposition, soon to be exchanged for quiescent neutrality, could be expected from the Quakers of the East. The Provincial Convention of New York, controlled by the insurgents, was hampered by the divided sympathies of the Colony. But the insurgents were, and the loyalists were not, prepared for violence, ready to extend the civil war raging in New England to their own soil. Two Connecticut

regiments, under command of Lee, invaded the province and established the ascendancy of the insurgent Committee. Another body of invaders from New Jersey disarmed the loyalists of Long Island.

The insurgents were now masters of the situation, and proceeded to fortify the city and harbour of New York. Their ascendancy was the more complete, the discouragement of the loyalists more absolute, that these measures were taken in the presence and under the guns of a British fleet and army commanded by General Clinton. The rebel leaders probably knew that Clinton's orders, looking to the occupation and reconquest of the Carolinas, precluded him from undertaking offensive operations elsewhere; but their followers naturally supposed that their defensive attitude had sufficed to keep at bay a powerful British force. On its departure, Lee assumed the authority of a dictator or conqueror, imposed a test oath upon suspected persons, and ordered that, if they refused it, they should be sent prisoners to Connecticut. Even after his recall he ordered another Connecticut officer to arrest and imprison the whole body of professed 'Tories' (royalists) on Long Island. But this usurpation of authority provoked the jealousy of the local Committee, and the execution of the order was summarily forbidden.⁴

In anticipation of Clinton's arrival, Governor Martin called the royalists of North Carolina to arms. The Highland veterans, who formed the nucleus of his military strength, would fain have awaited the promised support; but, relying on the noisy enthusiasm of partisans who knew less of the necessities and dangers of war, Martin gave orders for immediate hostilities. Feebly supported by a body of raw recruits, the Highlanders made a night attack upon a superior force of insurgents; who, retiring across an unfordable stream and destroying the bridge, save the main beams by which only two assailants could pass at once, drew them into a fatal ambush. The enthusiastic loyalty, the indomitable pride and courage of the Highlanders determined them to attempt the utterly impracticable passage. Relying on the broadsword alone, the assailants were shot down without a chance of reaching the enemy. Thirty were killed, wounded, or drowned. Their chief, wounded and disabled, was deliberately murdered by the insurgents. The rest of the attacking force was routed, captured, or disbanded. The insurgents used their victory with a brutality which inspired the intended terror. The royalists were bitterly exasperated, but even more completely cowed. Numbers rallied round the royal standard when the fortune of

⁴ Shortly afterwards (1776), long before any devastating operations had been undertaken on the king's side, Jay, afterwards Chief Justice of the United States, would fain have laid half the State of New York waste on account of its royalist tendencies. *Life of President Reed*, i. 235 (Stanhope).

war gave to the British troops a temporary command of the province. But warned by their previous experience, too many of them hastened to change sides with the first symptoms of changing fortune,

At the instance of Congress, the States passed laws of a most stringent and reckless character to enforce upon creditors and sellers the receipt at par of State and Continental paper. If a creditor refused to take paper, worth in the market one-fifth or one-tenth of the coin he had lent, the debt was cancelled. Whoever refused the paper, accepted it at a discount, raised prices above those arbitrarily fixed by law, sold at different rates for coin and paper, or otherwise disparaged the Continental money, was denounced as an enemy to his country; a denunciation to which the populace was apt to attach a definite sense and practical penalties.⁵

⁵In October, 1776, Congress, which possessed no independent resources and no powers on which credit could be founded, opened loan offices in the several States and authorised a lottery. In December it issued five million dollars more in Continental bills. In January, 1777, when they had sunk to one-half of their pretended value, it denounced every person who would not receive them at par as a public enemy, liable to forfeit whatever he offered for sale; and it requested the State legislatures to declare them a lawful tender. This Massachusetts had enacted a month before, and the example was followed throughout the Union.—*Bancroft*, 6, page 166.

The Continental bills in January, 1779, exceeded one hundred and six millions of dollars, and had fallen in value to twenty for one in silver; yet Congress maintained 'the certainty of their redemption,' and resolved—Samuel Adams and six others dissenting—'that any contrary report was false and derogatory to its honour.'—*Ib.*, page 170.

CHAPTER XV.

EVACUATION OF BOSTON.

Predetermined by the British—Hastened by the Fortification of Dorchester Heights—Fortune favoured Washington—Incapacity of Congress.

IN the early spring of 1776 the insurgents were yet more profoundly encouraged by an event which, if it had not the character, had all the effects of a signal victory. It had become evident to the Ministry and to General Howe that the prolonged occupation of Boston was worse than useless. The beleaguering force commanded, and had strongly entrenched on their side, the narrow neck of land which afforded the only possible exit. The royal troops were cooped up in a town which, except as a refuge for the fugitive loyalists of New England, was of no military or political value. New York, on the other hand, offered to a Power whose naval supremacy was as yet absolutely undisputed the command of the Hudson, and a central station from which the province itself, Pennsylvania and New Jersey might be invaded, laid under contribution or reduced to submission. These were the provinces in which the loyalists were strongest, and believed to be much stronger and more zealous than they were.

General Howe, therefore, had received orders which, co-incident with his own views, pointed to the evacuation of Boston and the seizure of New York. He was to await in his present position the large reinforcements promised by his Government. Washington recognised the extreme danger of a serious attack upon an army inferior in numbers but far superior in quality. In such an attempt defeat was eminently probable, and defeat might involve the destruction, certainly the disbandment, of his army. But, goaded by the perverse civilians who pretended to direct from Philadelphia the movements of the Continental armies, by the intrigues of ambitious rivals and the ignorant impatience of the country, which roused an echo in his own camp, he found himself compelled to undertake such offensive operations as, without putting all to hazard, might satisfy the demands of Congress, and, if successful, exert a direct and possibly decisive influence on the course of events.

The Heights of Dorchester, which commanded Boston and the quarters of their army, were not occupied by the British. For two nights Washington had kept up a constant bombardment, which was renewed on the night of March 4 with redoubled fury, and returned with equal vigour from the British batteries. Under cover of darkness and the cannonade, he proceeded to seize the critical position. He had mustered a train of 300 wagons loaded with gabions, fascines, and bundles of hay. These, passing backwards and forwards ceaselessly throughout the night, conveyed a vast quantity of material already collected for the speedy entrenchment of ground frozen to the depth of more than a foot. 2,000 men covered the working parties, which placed the gabions and here and there threw up an earthen rampart. A favourable wind, seconding the roar of the guns, prevented any sound that could have betrayed the operations from reaching the ears of the British. The night was mild, the moon gave abundant light, while haze and smoke concealed from distant and pre-occupied observers the progress of the work. In a single night a position strong in itself was covered by entrenchments which were absolutely proof against grape and musketry, commanding the ground from which it could be cannonaded, and capable of being held by steady troops against far greater numbers than Howe could have brought to bear. When the day broke, the British looked with consternation at the more than formidable position created by the labour of that critical night.

Still, had not fortune done for Washington all that he could have asked, the courage and discipline which had driven the Americans from Breed's Hill would have attempted the incomparably stronger entrenchments of Dorchester Heights. The assault was deferred till nightfall. 2,400 men, under Lord Percy's command, were to be conveyed by water to the spot. A violent storm arose in the afternoon, and blew throughout the night with such fury that the transports could not move. Torrents of rain falling during the morning of the 6th still further delayed the intended assault, and the Americans had time to render their works absolutely impregnable. The British General had seen on the instant that he must either carry the Heights or abandon the town they commanded; and on March 15 the army embarked on board their transports and abandoned a city they might have laid in ashes. In accompanying them into exile, in accepting ruin and destitution, a thousand of the best and wealthiest citizens of Massachusetts judged wisely. To abide the tender mercies of Washington, who reviled them for not committing suicide,¹ would have been madness. In the absence of the expected reinforcements, it

¹Letter quoted p. 226 note. In writing to Gage he officially calls them 'execrable paricides.' Irving, p. 371 [Bohn's Ed.]

was too soon for Howe to carry out his original plan. With a total of less than 8,000 men, including sick and wounded, it was impossible to attempt the reduction of New York. The British forces were therefore withdrawn for the moment to Halifax, and the King no longer possessed a foothold in the revolted Colonies.

The insurgents had gained an invaluable and almost decisive advantage, had there been among them a single statesman capable of understanding or turning it to account. Three or four months were to elapse before any serious aggressive operations could be undertaken by the enemy. In a shorter time the Confederate States of 1861 had created, in the memorable words of which Mr. Gladstone seems ashamed, 'an army, a navy, and a nation.' In July, 1776, the military strength and organization of the insurgents was much what it had been when, in the middle of March, the British evacuated the Colonies. They had secured the support or submission of the moderate party throughout the middle and southern Colonies; had obtained control of Pennsylvania by engaging to respect the non-combatant principles of the Quakers; had printed fresh issues of worthless paper; and had begged a million dollars from the secret agents of Vergennes, the Foreign Minister of France. Local patriotism and prudence had raised a few Colonial battalions and fortified one or two indispensable positions. But Congress had done literally nothing to provide for the defence of the Colonies at large.

If Great Britain could have been frightened by big words, if high-sounding resolutions could have repelled her soldiers or seamen or sheltered New York from her cannon, the assembled demagogues of Philadelphia might have put in a claim to the honours which posterity has lavished upon their names. The army in front of Boston had consisted of raw recruits enlisted for a year, of militia and minute-men whose nominal term of service was briefer still, and who, when discouraged by defeat or relieved by victory, deserted or disbanded by hundreds. It was not to be hoped that such annual or semi-annual reconstruction could always be protected by impregnable entrenchments; that another British army would be held inactive within its lines while the opposing forces dwindled to insignificance and were again recruited to twice its strength. Washington repeatedly and earnestly insisted on the enlistment of soldiers for the war or for a minimum period of three years; but the Congressional leaders would listen to no such proposal. Their selfish ambition shrewdly foresaw that power must pass from the hands of the Assembly which starved the soldiery to the General who led them; that independence won by the sword must redound to the honour and profit of those who had won it; that a veteran and victorious army would, if they and their commander chose, be masters of

the situation ; and they were more careful to guard against the supremacy of Washington than to provide for the impending struggle with Howe and Clinton.

If Charleston did not promptly fall into the hands of the latter, if years elapsed and the fortunes of the contest were changed before a conquering army, recruited by the royalists of Georgia and the Carolinas, threatened the frontier of Virginia, it was by local men and local resources, by the determination of Moultrie and the spirit of South Carolina, not by the energy of Congress, that disasters so fatal were averted till they could no longer turn the current of war ; till the English commanders had to cope with an American soldiery instructed by experience and disciplined by defeat, and with the yet more formidable fleets and armies of France.

CHAPTER XVI.

THE FIRST CAMPAIGN.

Declaration of Independence—Capture of Long Island and New York—
Escape of the American Army—The Peace Conference—The Campaign
of New Jersey.

ON June 29, 1776, a powerful British fleet, conveying the reinforced army of Howe, lay off New York. When these tidings reached Congress, that body was engaged in debating the famous 'Declaration of Independence,' a document more widely celebrated than read, French rather than English in style, and an admirable specimen of that native eloquence on which educated American taste has fixed the name of 'spread-eagling.' The Franklins, Adamses, and Rutledges perhaps fancied for a moment, with subsequent American historians, that Mr. Jefferson's inflated rhetoric and lofty phrases had 'converted' the Colonies into thirteen 'sovereign and independent States.' The contrary was presently demonstrated by the landing of the British troops on Long Island, and the easy and decisive defeat, on August 27, of an American army of eight thousand men.

Had the British been vigorously commanded and duly provided with artillery, axes, and scaling-ladders, the last American works must have been carried at once, and the army surrendered at discretion. Under cover of darkness and of a dense sea fog, on the 29th and morning of the 30th, Washington skilfully escaped from the island; a feat rewarded with such praises as European soldiers reserve for a brilliant and decisive victory. The capture of Brooklyn rendered the fall of New York a question of time. The American officers were eager to burn the city—avowedly because the greater part of it was the property of known or suspected royalists. Washington himself did not shrink from the deed, if he concealed its character under a military pretext. Only the sanguine miscalculations of Congress saved the American cause from the disgrace of a gigantic act of arson. Assured that their magniloquent Declaration was not a form, but a fact big enough to scare the British from the capital of an 'independent State,'

they forbade the destruction of a town which must speedily be recovered.

On September 15 a vigorous attack was made upon the city from the East River. Eighty-four boats laden with troops, covered by the cannon of the British fleet, pulled towards the shore. The brigades of Connecticut and Massachusetts flung away their arms and ran for their lives, without firing or receiving a shot. Washington, at the first sound of the cannon, made for the critical point and endeavoured to rally the fugitives and lead them to the encounter; but on the appearance of some sixty British soldiers the soldiers of New England, smitten with a second panic, deserted their chief, leaving him and a few officers within eighty yards of the enemy. The General's spirit could ill brook the vicarious shame—despaired naturally enough not only of success, but of honour, at the head of troops two brigades of whom had run before a single company. He was with difficulty induced to follow them, to escape capture, perhaps, rather than death. The division of Putnam, occupying the lower town, were practically cut off by the flight of their comrades; and but for that fatal want of energy and promptitude which rendered General Howe's splendid courage on many occasions worse than useless to his country, they must have been intercepted and made prisoners. The wife of an insurgent sympathiser is said to have detained the commander and his principal officers to enjoy a hearty lunch while the American regiments effected their escape. The British gained New York with the loss of two killed and twenty wounded. Of the Americans fifteen were hurt. One hundred and fifty-nine 'missing' were either too tipsy or too sluggish to follow Putnam's troops in an evasion which Howe should certainly have interrupted. A few days later a large part of the city was destroyed by a fire, about whose origin, in spite of the facts above related, American partisanship finds a mystery. There is no proof that those who executed Washington's original plan had any authority from their commander-in-chief.¹

General Howe and his brother, Lord Howe, the Admiral commanding the fleet, were entrusted with large powers to terminate the war by negotiation. Their appointment was a signal proof of the conciliatory temper of their Government. Both were, for personal as well as public reasons, exceedingly anxious to effect a pacification. Their elder brother had died for New England in the campaign of Lake Champlain, and his memory was popular even in Massachusetts. But the Commissioners ill understood the men with whom they had to deal. The peremptory return of a letter addressed to 'George Washington, Esquire,' was fatally

¹ That the fire was the work of a body of American spies is clear from Howe's Report. Stanhope, vi. 116.

significant. The insurgent commander was probably within his technical right; but in standing on such a punctilio he threw his whole personal and official influence on the side of war, demonstrating that he entertained no hope of peace or had decided that separation was now the only admissible issue. Congress snatched the opportunity to repudiate the idea of conciliation with all possible emphasis by its choice of Commissioners. Franklin's very name was a defiance, if not a personal affront; John Adams was known as the bitterest and most inveterate enemy of England in Massachusetts; Rutledge was the Adams of South Carolina.

Bitterly as they must have been disappointed by such a selection, accompanied by a resolution that no proposals for peace should be received unless they recognised the authority of the States in Congress—that is, unless they betrayed the loyal party and yielded the independence of America—the Howes received the ill-omened embassy with signal courtesy. Adams seized the first opportunity of insulting them. 'Consider us in any light you please, except that of British subjects.' The agents of Congress cut discussion short by refusing to entertain their own recent petition as a basis of negotiation. They would hear of nothing but independence. As the result of a signal disaster and disgraceful defeat, they demanded nearly all that, with Europe to back them, they were able to extort as the fruit of a decisive victory. Yet while thus proclaiming war to the knife, Congress made no preparation to wage it. On September 16 they resolved that eighty-eight battalions be enlisted to serve during the war; but the inducements offered were wholly inadequate, and the levying of the new regiments was referred to the local authorities, entailing a needless delay of several months. The appointment of regimental officers, the filling up of vacancies, was still yielded to the several Colonies. Washington reiterated his desire that the officers might be gentlemen,² a suggestion of soldierly experience exceedingly offensive to the democratic spirit, strengthened doubtless by wounded personal feeling, which animated most of the Northern delegations.

Meanwhile the Cherokees and other Indian tribes, eager to recover their lost lands, took up the hatchet and fell upon the frontier of South Carolina and the infant settlements in what is now called Eastern Tennessee. They were easily defeated and speedily punished; their country was ravaged, and every town within reach of the invaders, to the number of forty or fifty, was burned. Carleton employed the summer in preparing for a diversion upon the familiar route of Canadian invasion, and moved southward with a small but formidable army. A British flotilla

² Writings, iv. 139, 149.

was launched on Lake Champlain; Crown Point had been evacuated; the American vessels commanded by Arnold were scattered and burned, and a vigorous attack might probably have recovered Ticonderoga. But the Northern frosts were at hand, and on November 3 the Canadian army was withdrawn into winter quarters. By this time John Adams, chairman of the Military Committee of Congress, had accepted the policy of raising troops 'for the war,' but in everything else remained as before—ill-informed, self-opinionated, perverse, obstructive, and incapable. 'The British force,' he said, 'is so divided that they will do no great matter more this fall.' Such was his answer to the emphatic warning of Washington, whose private letters declare that 'he could wish no bitterer curse to an enemy' than his own position.

When British vessels, having run past the weak impediments by which the Americans had hoped to block the Hudson, acquired a complete command of the river, Adams, on behalf of Congress, ordered Washington 'to destroy effectually the navigation between the forts, and prevent the egress of the enemy's frigates!' General Greene, an uneducated and still wholly inexperienced but daring and capable officer, equally misapprehended the situation. Lee, with much more reason, believed that Howe would attempt to seize Philadelphia. Meanwhile, by seizing the critical point of Throg's Neck, and threatening to cut the American line of retreat, the British General compelled Washington, after some hard fighting, to relax his hold on the northern end of Manhattan Island, and withdraw the main body of his forces to a chosen position at White Plains. The march became a race, Howe endeavouring to intercept the retreat; but the Americans had the advantage of ground and available numbers, and reached their objective point in safety.

At White Plains they occupied an exceedingly formidable position, its flanks resting securely on natural obstacles, its front protected by a double line of entrenchments. Howe, a sluggish but when once roused by no means timid commander, declined the tremendous hazard of a pitched battle—or rather, of an attempt to storm fortifications held by a fairly equal army. Repulse would necessitate a long retreat in face of a victorious enemy. If the first line were carried, a second had still to be stormed; the enemy, driven from both, had a safe retreat open to him; so that victory could hardly be decisive, and defeat might be ruinous. The only encounter which took place much resembled that of Bunker's Hill. Two Hessian regiments, supported by a British brigade, attacked a strong position occupied by five New England, Southern, and New York regiments. For fifteen minutes the former struggled up under a deadly fire which they were unable to return; but a flank attack bringing the assailants to close

quarters, the Americans fell back on their main body with comparatively but little loss.

The peremptory orders of Congress had compelled Washington to leave a strong garrison in the fort called by his own name, which formed his last hold upon Manhattan Island. With heavy loss the British seized some commanding points; and the frightened garrison huddled within their inner works. Washington was near enough to signal a promise of rescue and forbid surrender; but, after a loss far less severe than that of the conquerors, the disheartened Americans capitulated, surrendering a quantity of artillery and stores they could ill spare, with two thousand six hundred of their 'most efficient and best-armed troops.' Shortly afterwards, in this crisis of their country's fate, three thousand of the Massachusetts militia abandoned the army under command of Lee, who declared himself thereby disabled from obeying his orders and rejoining Washington. Meanwhile, the latter, falling back from White Plains, was driven by Cornwallis through New Jersey. The conduct of the province shows the geographical and moral limits of that 'patriotic enthusiasm' which is popularly supposed to have achieved the independence of America; an enthusiasm which, at this period, seems to have been confined to Massachusetts, Connecticut, and Virginia, and had not prevented the New Englanders from exacting their release from service to the day and hour. The appeal of the Governor could not bring into the field one full company of militia.

Several commanding officers voluntarily submitted to the enemy, as did Samuel Tucker, who united the strangely incompatible offices of President of the Convention, Chairman of the Committee of Safety, Treasurer and Judge of the Supreme Court. The Convention of Maryland voted its willingness to renounce the Declaration of Independence 'for the sake of an accommodation.' Unfortunately the British naval and military commanders divided their forces. Four brigades under command of Clinton were sent to occupy Rhode Island, an easy and useless conquest, which was not made the base of offensive operations against New England, and long detained a garrison which could ill be spared from active service. The final result was that Washington safely escaped across the Delaware at Trenton; the last of his fugitive army³ passing the river as Howe entered the town.

The retreating General had destroyed or secured every boat on the river and its tributaries for a distance of seventy miles, rendering pursuit impossible. Lee at last marched from Peekskill to join the commander-in-chief, complaining bitterly of Washington's alleged incapacity, of the want of guns, cavalry, medicine, money, and shoes, and of the hostility of the country. But, moving and lodging, as if in perfect security, some miles from

³ So described by Mr. Bancroft.

his troops, the second-in-command of the Continental army was surprised and captured by the rapid dash of a small party of dragoons. Philadelphia seemed in imminent peril. On December 11 the panic-stricken Congress ordered Washington to contradict in general orders 'the false and malicious report that they were about to disperse or adjourn.' He knew them too well to obey, and on the next day they voted an adjournment to Baltimore, leaving the city under the protection of General Putnam.

To the surprise of all parties, General Howe suddenly abandoned the prize which was obviously within his grasp; expecting—such is the strange reason given for his prolonged inaction—the proximate dissolution of the Continental army, as the engagement of most of the regiments was about to expire. The British General returned to his winter quarters in New York, leaving the 42nd Highlanders with two Hessian brigades under General Donop to hold New Jersey. Donop would have fortified Trenton, but Rall, whose brilliant exploits had won a promotion and a trust for which he was hardly fitted, and which had perhaps turned his own head, had been placed in command at this critical point, and disdained all precautions against a beaten enemy. Washington meanwhile was in the depths of despondency. The British he said were daily recruiting their strength among the 'disaffected' population; New Jersey and Pennsylvania were more than lukewarm in the American cause. 'The militia come in you cannot tell how, go out you cannot tell when, act you cannot tell where; consume your provisions, exhaust your stores, and leave you at last in a critical moment.'

With a force which he returned at six thousand—which therefore was not less than that number—he was in no condition for a vigorous and general offensive. But the over-confidence of the British suggested one of those isolated operations—suited to the quality of his men, the nature of the country, and his own genius—by which, rather than by successful strategy or victories in the field, his fame and the reputation of the Continental army were established. Rall being without boats and unsuspecting of danger, the river completely screened the enemy's movements. At three in the morning of December 26 two thousand five hundred picked American troops, with their artillery, were ferried over the Delaware, pushed on amidst a violent storm of sleet and hail, and surprised the town at the moment when the night patrols and pickets had turned in. Rall was taken completely off his guard; his Hessians were surrounded and thrown into confusion, and, after a desperate attempt to break through, surrendered to overwhelming odds of number and fortune. In half-an-hour's scrambling fight the Americans lost not a man; of the Hessians seventeen were killed, nine hundred and fifty taken—many of them wounded—and one hundred and sixty escaped. The dis-

aster was due solely to the imprudence of Rall, skilfully used by Washington

The exploit shows in a striking light the best qualities of the best American troops. The odds on the field were such that the victory proved nothing, except the skill of Washington and the completeness of the surprise. But the political value of the exploit bore no proportion to its military significance. The sudden and wholly unexpected reverse of fortune, the facile, complete, and signal success achieved by an army so lately reduced to the last extremity, the capture of a thousand regulars, inspired the insurgents with a wholesome if somewhat exaggerated confidence in themselves, and a much more reasonable faith in the resolution, skill, and good luck of their Commander-in-chief. In Europe the story of the capture seems to have been wholly misunderstood. Even capable soldiers accepted it as a proof of American valour and discipline, overlooking the difference of numbers and the fact that the attempt was made in reliance on the character of Rall, and would not have been ventured against Percy or Cornwallis, Donop or Knyphausen.

On receipt of these tidings, Cornwallis, with part of the British force in New Jersey, turned sharply upon Washington, and after some severe skirmishing drove the Americans from their advanced positions and prepared, at the dawn of January 2, to storm Trenton. The Americans had no hope of victory: and defeat at close quarters would render the retreat of undisciplined troops in face of the victors almost impossible. The most probable result was the surrender of the Continental army and the total ruin of the cause. A night evasion was feasible, but it meant the loss of the prestige so hardly recovered, and probably the capture of Philadelphia and the submission of the Middle Colonies. Once more the inventive genius and judicious audacity of Washington converted impending disaster into signal success.

The strategic and technical rules of European warfare are imperfectly applicable to a thinly-peopled and densely wooded country, and the most brilliant successes in the military history of America have been achieved by those Generals who, like Washington, Sherman, R. E. Lee, and Stonewall Jackson, have best understood how to profit by the vast distances, the absence of roads, the slow movements of a force encumbered by baggage and artillery, and above all the cover afforded by the forests which still occupy so large a part of the Atlantic States, and which in the last century were at least thrice as extensive as in 1861-5. Keeping up a continuous blaze of camp-fires to screen his movements from the worn-out and drowsy enemy, Washington passed under cover of night around the flank of Cornwallis, and marched upon Princeton, where considerable magazines were stored by the British, and whence Cornwallis had withdrawn the greater

part of the scanty garrison. The 40th and 55th regiments, on their march to join their chief, found themselves intercepted by the American vanguard. The latter were speedily and ignominiously routed; their officers, in vain endeavouring to rally them, were left in the rear and shot down or bayoneted. Meantime, Washington himself came upon the ground, and the victors found themselves all but surrounded by a fivefold force. Even then the Americans wavered, and only the personal conduct and self-exposure of their chief, who rode in their front and compelled them either to follow or abandon him, brought them up to the encounter. After a stubborn resistance, the few hundred British soldiers broke and fled, leaving some two hundred killed and wounded and about as many prisoners on the field. Princeton fell into the victor's hands.

This disaster, followed by a series of skirmishes, in all of which the Americans had the advantage, resulted in the retreat of Cornwallis. Unsupported by his superior, who remained inactive at New York, he was compelled to evacuate the greater part of New Jersey and to leave its loyal inhabitants at the mercy of the insurgents. Washington ordered that all those who had accepted British protection should withdraw within the enemy's lines or take the oath of allegiance to the United States. The latter pretension was repudiated by Congress. No allegiance was due to a confederacy of independent Colonies; the fealty of her citizens was claimed and acknowledged as due to each several State.⁴ But this distinction, most significant in its historical bearing, was of no benefit to the victims.

This outlawry of royalists can be justified only on pleas which would have vindicated the like treatment of every American town or province occupied by the British; but now, as throughout the early years of the war, the generosity of the royal commanders forbore to retaliate the severities perpetrated by the insurgents, even when permitted or directed by the Continental Congress and Commander-in-Chief. The extreme measures taken at a much later period, of which American historians so bitterly complain, fall within the precedent set by Washington himself. The first months of 1777 were occupied by a series of indecisive skirmishes, marches, and counter-marches in northern New Jersey, ending in the complete evacuation of the province by General Howe, who was now bent on another, and, as he thought, much more decisive object. Both Commanders-in-Chief failed in every important operation attempted, and the honours of the indecisive campaign rested with Arnold on the American and Cornwallis on the British side.

⁴ 'The people of the United States thought that they had established a government, and there was no government. In the draft of Dickinson, the confederation was an alliance of sovereign states; every change in it increased their relative weight.' Bancroft, vi. p. 352.

CHAPTER XVII.

SARATOGA.

Plan of Burgoyne's Campaign—Inevitable Wasting of his Force—Flight of St. Clair—Resignation of Schuyler—Burgoyne victorious in the Field, overwhelmed by Numbers—Capitulation—American Infamies—Effect on Europe.

MEANWHILE Lord George Germaine, bitterly prejudiced against Carleton, partly on account of the humanity which restrained him from employing the Indians in offensive operations, partly by the ineffective issue of the autumn campaign, ordered the Governor of Canada to transfer the military command to General Burgoyne. The loyal and chivalric soldier did his utmost to strengthen the force he was forbidden to lead, and to prepare the triumph of his successor.

Burgoyne, a gallant gentleman, a not unskilful but over-confident and, in American warfare, still an inexperienced commander, with a total number reckoned by American authorities at nearly ten thousand, of whom one thousand were reluctant Canadian waggons, and another thousand Indians, useful as scouts or skirmishers in advance, but wholly ungovernable in confusion or disaster—at least as formidable to friend as to foe—marched upon Lake Champlain. His ultimate objective was Albany, where he was to effect a junction with a force from New York, under Clinton, and reduce the whole province. When, on July 1, 1777, the invaders approached Ticonderoga, they numbered at the outside seven thousand five hundred soldiers, of whom just half were British. St. Clair, who afterwards proved himself an adventurous leader in irregular war, occupied the fortress with nearly half this number. Such a garrison should have held out such a position for months. But the defence of works from which there was no retreat did not suit the Northern soldiery. St. Clair evacuated Ticonderoga and the subordinate works, leaving behind him seventy cannon, ammunition and provisions, oxen and tents, which the Americans could ill spare. On the morning of the 7th a sharp engagement, in which the American rearguard was defeated after a stubborn defence, checked the pursuit; and

St. Clair purchased with a loss, moral and material, heavier than that of a pitched battle, his safe escape to Fort Edward.

Compelled to leave a strong garrison in Ticonderoga, Burgoyne moved forward with a diminished force. The American army, under Schuyler, fell back before him, and the militia of New England and Northern New York gathered rapidly upon his flanks and rear. Arnold, equally honoured by the trust of Washington and the animosity of Congress, was, as usual, despatched to the point of danger. Meantime Burgoyne had bitter proof of the worthlessness of the Indians. They fought one stubborn skirmish, in which the Americans retained possession of the ground, but lost more than one hundred and fifty killed, wounded, and prisoners, probably twice the loss of the royalists and Indians engaged. But the wanton murder of a lady, the betrothed wife of a British officer, by her Indian guides, the utter indiscipline of the red men, their desertion after defeat or heavy losses, the plunder of the British baggage, the ferocity, greed, and insubordination which nothing could restrain, rendered the army heartily sick of its savage allies. On August 16 the advanced guard, under Baum, was surrounded by the gathering forces of New England. The Indians fled. The Brunswickers, who, with the 44th, formed the main strength of Baum's force, maintained their position till their powder was exhausted. Baum then endeavoured, with the bayonet and the sabre against the rifles of the vastly superior numbers by whom he was assailed on every side, to cut his way through. He fell mortally wounded, and the remains of his brigade, some seven hundred in number, surrendered.

Congress, meanwhile, had recalled Schuyler and substituted Gates in his place. Schuyler's fault seems to have been that he was far too much of a gentleman¹ for the New Englanders, upon whom the fortunes of the campaign depended. He himself, with a spirit as exalted and unselfish as ever Washington displayed, quietly endured the insult, and even excused the submission of Congress to the insolent indiscipline of the militia.

By this time the Americans had fallen back to Saratoga. Including the main body there collected and the levies gathering on every side around Burgoyne, Gates commanded more than thirteen thousand men against an available British force which had dwindled to some five thousand. The American position was so strongly fortified that, had it been held by the British, neither twice nor thrice their number of such troops as Gates commanded could have dislodged them. Yet, his retreat cut off, his flanks more and more closely threatened, Burgoyne was compelled to attempt the attack of an almost impregnable position

¹ Irving, pp. 419-421.

held by a vastly superior force. In a battle on September 19, fought under the advice and direction of Arnold, the Americans were defeated; but owing to the enormous odds of ground and numbers, their loss was scarcely more than half that of the British. The 66th regiment was reduced from five hundred to sixty men. The marvel is that this Pyrrhic victory was not at once followed by the capture of the victors. Burgoyne was already surrounded. The bridges which he had built on his advance were broken down. The woods swarmed with an enemy who, while harassing him by night and day, withdrew in security whenever he attempted to drive them off. Yet the struggle went on for three weeks longer.

On October 7 the British General with his three best officers, Phillips, Riedesel, and Fraser, and with no more than 1,500 men, the utmost force he could spare from the defence of his camp, drawn up in order of battle, challenged the main American army, stated by themselves at 11,000 men, equally well armed, more skilful marksmen, and in incomparably better condition. Crushed by an overwhelming fire of rifles and grape on their flank and right rear, the British made good their position till night, but with enormous loss, including their best officers.² Arnold, who led the most resolute attack made by the Americans, and to whom, though acting as a volunteer, the credit of the day was largely due, was himself badly wounded. Burgoyne had no choice but to retreat, and made his last encampment on the night of the 9th, in a bad position, including the village of Saratoga. On the 12th the British army found itself closely invested. Every part of their camp was searched by cannon and even rifle fire. They were driven to negotiate. Gates demanded their surrender at discretion, but the insulting proposition was scornfully rejected. Burgoyne threatened an attempt to force his way out at the point of the bayonet; and Gates, who knew something of British troops, resolved with as much prudence as generosity to accept their counter-proposals. 3,500 fighting men who had not an ounce of bread or flour, besides the wounded, sick, and camp followers, laid down their arms. By the terms of the capitulation the whole body were to be embarked at Boston and to return home, on the sole condition of not serving again in North America during the war.

During the first part of their march the prisoners were treated with decency and even with courtesy. As soon as they entered Massachusetts they were reviled and insulted, after the traditional fashion of Puritan dealing with defenceless captives, from Charles

² The spirit of Mr. Bancroft's history is shown in his exultation over the heroic death of General Fraser, and the insults thrown on his memory on no other pretext than his loyalty to King and country; and an equally ungrounded assumption that, had Gates insisted, the British army would have surrendered at discretion.

I. to Conanchet. An American colonel murdered two British soldiers, and was triumphantly acquitted by a sympathising court-martial. An English lady³ and her daughter of fifteen were also prisoners at Boston. The women of that city, lost to all sense of human decency and all womanly instincts, actually seized, stripped, tarred and feathered, and paraded through the streets these innocent and helpless victims. It is hardly credible that no effort was made by the people to prevent, or by the Government to punish, this unparalleled outrage on feelings which Puritan decency and American manhood are supposed to have rendered especially susceptible.

Congress showed as little chivalry as their constituents of Massachusetts. British officers had been promised quarters suitable to their rank. They were crowded half a dozen together into a single room. Burgoyne protested against this 'breach of faith,' and Congress, snatching at the words, alleged that the General meditated a retaliatory treachery. The suggestion was at once repudiated, but none the less persistently repeated. The military chest had been plundered, as generally happens in a scene of such utter confusion; plundered, in all probability, by the lawless victors. Side-arms had, in accordance with the usages of war, been retained by the officers. The number of cartouche-boxes was short—as was proved, because most of them had been exchanged for refreshments or stolen by the victors. Burgoyne withheld—probably because he was utterly without the means to give it—a detailed return of the numbers of each rank included in the surrender. Upon such flimsy pretexts as these—pretexts which Gates himself denounced with manly courage and soldierly honour as unfounded and disgraceful⁴—Congress determined to repudiate the capitulation *in toto*, and detained 5,000 British soldiers as prisoners of war.

Washington's private letters show that he was thoroughly cognisant of the true character of a transaction which could not but reflect some shadow of its stain upon the Commander-in-Chief. Bayard or Outram might have threatened to break a dishonoured

³ Lord Stanhope. These facts are carefully *ignored*—not questioned or explained—by Mr. Bancroft.

⁴ Mr. Bancroft slurs the matter as much as possible, but gives the false excuses of Congress and suppresses altogether Gates's exposure of their falsehood. Washington's private letters show that he was at heart ashamed of the business. General Gates's language was emphatic and conclusive. He wrote to Congress (Gordon's *History of the Revolution*, ii. 45): 'Many of the cartouche boxes were left, and some of them were carried away. The mention of the accoutrements was forgotten in the Convention. Those that have been carried away have been sold on the way to Boston for drams. . . . Many arms were lost in the two hundred bateaux that were taken from the enemy on their retreat from Freeman's Farm, and many others were plundered by the militia on the other side of the river. The bayonets were also pilfered by our own people. The very guards themselves supplied their wants from the piles. Many of the scabbards for the bayonets were disposed of in the same manner. I believe there was no destruction of military stores after the Convention by or with the privity of General Burgoyne and his officers. I do not conceive that anything of sufficient consequence was done to justify our charge of their having violated the Convention.'

sword. But though a man of stern principle and ungracious integrity, Washington had the hard Puritan honesty of a severe man of business, to whom the generous impulses and passionate instincts of chivalry are wholly alien. Byron's aptly-chosen epithet, 'the Cincinnatus of the West,' was truer than its inventor dreamed. It suggests some great, one or two heroic, but no knightly virtues, no admirable faults or lovable weaknesses.

But neither the overwhelming odds which enfeebled the military lustre of the victory, nor the treason which attaches to it a shame deeper than clings even to ignominious defeat, impaired its material, still less its political value and effect. The very fact that British troops, no matter in what extremities, had surrendered to insurgents, no matter what their advantages of number, position, and resources, took the Powers of Europe by surprise. They had hitherto regarded the Americans, with contemptuous ignorance, as a mere insurrectionary banditti; they now, with equal ignorance, elevated the conquerors of Saratoga into a disciplined and reliable soldiery. France, her resentment pliant as usual to her vanity, gladly forgot and forgave the part borne by the English colonists in one of her most obstinate wars and most decisive defeats. It was by England that she had been beaten, on England that she longed to avenge the fall of Quebec and the loss of Canada; and she was ready to believe implicitly in those who had conquered her conquerors. She scarcely affected longer to conceal her virtual alliance with the insurgents, whom, in defiance of treaties and of public law, she had furnished with money, ammunition, and martial necessaries of every kind, to whose privateers she had opened her ports, and whose cause prudence alone had thus far restrained her from espousing.

Franklin and Silas Deane, the unrecognised Commissioners of Congress, had all along been received in Parisian society with distinction less flattering to them than insulting to their Sovereign; the Sovereign to whose generosity France was so deeply indebted. The Marquis de Lafayette, a spirited lad of nineteen—whose extreme youth as yet excused or veiled the intellectual and moral weakness, the inordinate and unscrupulous vanity, the want alike of true principle and steadfast purpose which rendered him throughout a long and eventful life useless to his country, dangerous to his party, and fatal to all who reposed the slightest trust in him—having secured the promise of a major-general's commission, threw himself heartily into the insurgent cause. His erratic sense of honour was curiously exhibited. With an American commission in his pocket, he did not scruple to visit the English Court, to avail himself of the courtesies of those who, without straining the technical rules of war (as he presently strained them against a far nobler man), might have hanged him as a spy.

Yet he scorned to render the services of a spy, and refused an invitation to visit British arsenals; an invitation which of itself should have indicated, even to a boy, the more than ambiguous character of his position. Safely landed in America, he was treated by Washington with equal tact and courtesy. The American Commander-in-Chief understood at once the political value of his presence and his utter unfitness for a command far lower than that which his conceit had demanded, and which Congress had been recklessly pledged to bestow. Without formally disallowing his pretensions, Washington detained him as a member of his own military household and employed him in the duties of an aide-de-camp. Congress, eager to detach the young aristocrat from a chief of whom its leaders were desperately jealous—perhaps afraid that France might prefer to deal with the soldier and statesman who was the real head of the insurrection rather than with an assembly of wayward and incapable politicians—presently offered to a youth who had yet to learn the alphabet of war the independent command of an army destined for the invasion of Canada! Happily for their favourite and their cause, their practical incapacity neutralised their amazing folly and unscrupulous intrigues. They took no measures to raise the 10,000 men they had promised; no enthusiastic volunteers flocked to serve under the boy-marquis; and a scheme which could hardly have failed to compensate England for the disaster of Saratoga collapsed with equal ignominy and good fortune.

About this time, a villainous incendiary, who had made repeated but unsuccessful attempts to fire the arsenals and seaports of England, was detected and punished. He solemnly averred, as a dying man, that he had been hired by Deane for this service, a service worthy of those who had fired the City of New York and repudiated the Convention of Saratoga.⁵ Chatham, once more able to appear in Parliament, excused his American partisanship under a well-grounded fear of foreign intervention. 'Make peace on any terms with the Americans' was his cry, 'lest France should recognise them. When she does so, you must declare war if you have but five ships in your ports.' The King and the Cabinet preferred the glorious example to the craven counsel of the great War Minister.⁶

The disaster of Saratoga was a cruel if not a crushing blow to the pride and prestige of Great Britain. In a merely material and military aspect, she could ill afford the loss, by death, wounds,

⁵ Stanhope, vi. 145; State Trials, xx. 1365.

⁶ The first American Civil War taught the world that, in that day, discipline, skill, and resource were powerless against distances and deserts; the second reversed that lesson, and showed that no natural obstacle but the want of water can now baffle the invader who, like the Roman, civilises the country, pierces the forest, bridges the rivers, lays down railroads and telegraphs as he advances.

and capture, of 6,000 or 7,000 excellent soldiers. It was an ominous illustration of the dangers and difficulties of a war that could not be brought to the issue of open battle, and decided by the cannon and the bayonet. It was a political misfortune of the gravest possible significance. But it was not entirely without relief or compensation. If Gates had owed a signal victory to overwhelming numbers and impassable distances, British honour had been sustained on fields better suited to test the respective discipline, endurance, and martial quality of the contending forces.

Howe had left Sir Henry Clinton in charge of New York. The latter, with some few thousand men, had carried at the point of the bayonet the two American forts intended to command the Hudson. The garrisons effected a retreat so rapid that the loss of their well-entrenched and invaluable positions was aggravated by little if any loss of life. With equal facility a third strong fort on an island near West Point was captured, a boom intended to close the river cut, and two American frigates destroyed. At less cost than that of an Indian skirmish, the Americans evacuated a formidable series of entrenchments and the whole line of the lower Hudson. With somewhat greater numbers and with somewhat more venturous strategy, Clinton might have seized Albany itself. Its fall would have spread panic throughout the ill-disciplined musters of Gates, more careful of their several provinces than of the common cause, and might well have averted the fatal issue of Burgoyne's expedition.⁷ As it was, the credit and significance as well as the results of Clinton's successes were lost in the ruin of the more important co-operating army; and the Hudson, down to West Point, fell once more under the control of the insurgents.

⁷ Burgoyne himself avers that the news of Clinton's successes, received ten days sooner, would have turned the scale. *Narrative*, p. 25.

CHAPTER XVIII.

THE PHILADELPHIAN CAMPAIGN 1777.

Howe landed too far from his Objective—Panic of Congress—Battles of the Brandywine and of Germanstown—Red Bank—Retreat of Washington—Philadelphia a second Trap for the British—Reconstruction of the Continental Army—Congressional Favouritism

HOWE meantime had moved the main body of his army, estimated at seventeen thousand men, by water to the Elk river, some fifty-four miles from Philadelphia.

The danger of the capital and the terror of Congress compelled Washington to make prompt efforts to arrest the movements of the enemy. Had Howe landed, as he might have done, within a few miles of the city, yet allowed the American army time to answer the call from within, Washington could scarcely have refused to put all to the hazard of a pitched battle. Forced to make a final stand in front of their capital, the Continental army would probably have shared its fate, and Congress itself might have found escape impossible. As it was, Washington occupied without opposition a strong position on the Brandywine.

His first attempt was an attack upon the wing commanded by Lord Cornwallis, encumbered as it was by the charge of the whole baggage train. But Washington's lieutenants were neither able nor obedient, his troops were not sufficiently disciplined to manœuvre steadily in masses and in presence of the enemy, and his offensive operations on the large scale were seldom successful. General Sullivan, charged with the management of the first attack on the British left, misunderstood or disobeyed his orders; the movement failed, and the Americans were thrown on the defensive—the situation best suited to inferior troops. But Sullivan's division fled as soon as the British approached them. The next two divisions—those of General Stephens and the so-called Lord Stirling—were steady enough to ply the advancing enemy with a heavy fire of artillery and musketry, which could not be effectively returned. But Stephens failed as Generals not trained in soldiership are liable to fail; and before the bayonet charge of the Hessians and British Grenadiers the two Northern

divisions gave way at once. Sullivan and Lafayette did their best to rally them, but in vain. The 3rd Virginian regiment, stationed in a wood, held out till both its flanks were turned and one third of its number killed or wounded. This stand enabled Washington to bring up a large force in support and take up a strong position to cover the rout. The American left wing, strongly entrenched, maintained their position against a front attack, but as soon as threatened in flank retreated before an enemy not strong enough to follow up his success. Nightfall, the want of cavalry, and the extreme fatigue of the victors prevented a pursuit which might have crushed the insurgent army. The British lost more than five hundred men, the Americans about double that number. The battle of the Brandywine was fought on September 10.

On the night of the 18th, Congress, terrified by a false alarm, fled to Lancaster. Two nights later, Wayne, one of the best divisional commanders in the Continental army, just after writing a boastful promise to surprise and give the enemy a fatal blow, was himself surprised and his division ignominiously routed, with the loss of three hundred prisoners, by three British regiments. This defeat opened the way to Philadelphia, and on the 25th Cornwallis, with a small portion of the British army, occupied the American capital.

Washington made an attempt to retrieve and avenge this signal humiliation. The British forces were scattered, and their largest body, occupying the village of Germanstown, was practically isolated. A vigorous and successful attack might well prove the total ruin of a force so loosely distributed that, while it could hardly be concentrated for defence, the defeat of one wing would expose the rest to be attacked in detail by overwhelming numbers. A battalion of light infantry, forming Howe's furthest outpost, was surprised by the American advance. They made a gallant resistance, but, attacked by two whole divisions, were driven to retreat in confusion. Howe, springing from his bed, attempted to rally them; but a tremendous fire of grape at close quarters showed that what he had mistaken for a raid or reconnaissance was an attack in force. Six companies kept the whole American right wing at bay till the rest of the army had time to form in order of battle. The force under Washington's immediate command advanced slowly, wasting their ammunition by an incessant fire on every house and hedge where they saw or imagined an enemy. Greene, commanding the American left, had to struggle through marshes, thickets, and fences. Obstacles that would scarcely have embarrassed well-trained troops, though as new to war as those which won the Alma, were fatal to the ill-disciplined Continentals. After some

fifteen minutes' firing, without ever coming to close quarters, the Americans were repulsed, and the regiment which had advanced furthest was cut off and captured. The sound of their own cannon from an unexpected quarter threw the whole force into confusion. One division had expended its ammunition by firing at nothing; others had mistaken one another for British: and Washington, seeing that the day was lost, exerted himself to the utmost to prevent the retreat becoming a rout. Complete as was the defeat, the fact that no guns fell into the hands of the victors testified to the skill and conduct of the beaten General.

The Americans still held strongly entrenched positions which, coupled with the obstacles that blocked its course, closed the river to the British fleet. A joint attack by land and water upon Red Bank, the most important of those entrenchments, pressed with the utmost gallantry by Donop with five or six Hessian battalions, was met by a terrific fire of grape and musketry from a concealed gallery. The assailants, moreover, were raked on either flank by a volley of chain shot from galleys entirely beyond their reach. Throughout the whole war the Americans never attempted an attack half so brilliant and desperate. But the indomitable courage of the Hessians only aggravated their loss. The commander, with the whole of his staff and more than half the officers of the five battalions, were killed or wounded. The men who had crowned the glacis, filled the ditch, and reached the parapet were hurled down with ease by the musket-butts and bayonets of the defenders. A British sixty-four and frigate grounded in their withdrawal down the river, and were fired by the American batteries or by their own crews, the victors securing as their sole trophies two 24-pounder guns. A disaster which might have been fatal to the spirit and discipline of inferior troops was but a slight check to the resolute soldiery under Howe's command. Even their heavy loss of officers failed to impair the firmness and courage of the steadfast Hessian mercenaries. Howe was only driven to slower and surer operations. After a stubborn defence, the outposts of Red Bank and the fort itself were evacuated. The British had firm possession of Philadelphia: and the population of Eastern Pennsylvania took courage to manifest its rooted aversion to the insurgent cause.

The fate of America hung on the Pennsylvanian campaign. The British army was, even in numbers, much more in quality, superior to that of Washington. Almost any other General than Howe, whose military sloth was almost as remarkable as his personal courage, would probably have forced the Americans to an engagement, defeated them, pressed on their retreat, and scattered if not annihilated them. Meantime Gates at Albany still commanded more than ten thousand men, a number superior to the

whole British forces north of the Susquehanna. Saratoga had paralysed Clinton; the garrison of Rhode Island was insufficient for any offensive movement; and Gates had no mind to involve himself with either. Washington urgently demanded reinforcements. At the instigation of the Adamses, who were already eagerly intriguing to supersede the Commander-in-Chief, Congress supported Gates's refusal. Washington was expressly forbidden to recall any considerable proportion of the armed idlers at Albany, and John Adams would fain have deprived him of all control over the Northern army.

The mischievous meddling of the fugitive incapables now assembled at Yorktown in Virginia could hardly have been more signally demonstrated. Even a civilian who had enjoyed John Adams's experience of military administration might have seen that the preservation of the Southern army, the surprise of Trenton and Princeton, the recovery of New Jersey, the successful withdrawal from before Philadelphia after two defeats in the field, and the arrest of Howe's offensive movements, afforded far higher evidence of military capacity than the capture of the miserable remnant of Burgoyne's army by nearly fourfold numbers. Ever more careful of New England than of America,¹ dreading the ascendancy of Washington only less than the victory of the British, those who had plunged the country into war for local or personal interests constantly sacrificed to those interests the welfare of the army and the safety of the cause. The removal of John Adams, under the honourable guise of an appointment as extra Commissioner at Paris, withdrew the only man capable of leading an avowed opposition to Washington. The recent victories, the flight of Congress, and the occupation of the insurgent capital had completely re-established the prestige of the British arms and disheartened the Americans.

But Philadelphia, invaluable as a trophy, was, unless used as a base of operations, a worse encumbrance than Boston, locking up an army twice as large as Gage's. Considering the quality and condition of his troops, the want of support and perverse meddling he had to endure, the skill with which Washington contrived to contain a British force of nearly seventeen thousand men was perhaps the greatest proof of strategic ability and military judgment afforded by his whole career. Retiring up the Schuylkill to Valley Forge, some twenty miles from the city, he huted and entrenched his army for the winter. Congress reproached

¹ 'What is the spirit that has in general characterised the proceedings of Congress? A perusal of their journals as well as the candid acknowledgments of such as have had a seat in that assembly, will inform us that the members have but too frequently displayed the character, rather of partisans of their respective states than of impartial guardians of a common interest; and where, on one occasion, improper sacrifices have been made of local considerations to the aggrandisement of the federal government, the great interests of the nation have suffered on a hundred, from an undue attention to the local prejudices, interests, and views of the particular states.'—*Federalist*.

him for going into winter quarters, and provoked, perhaps, the sharpest retort he ever wrote. 'I can assure those gentlemen that it is a much easier and less distressing thing to draw remonstrances in a comfortable room, by a good fireside, than to occupy a cold bleak hill-slope, under frost and snow, without clothes or blankets;' and he reminded the demagogues of New England that their soldiers were not 'made of stocks or stones.' He was only able to feed and clothe his men by levying contributions on the country, a practice sure, as he said, to ruin the fortunes of the inhabitants and the discipline of the troops.

Meanwhile Congress was issuing more and more worthless paper for the payment of the soldiery, and was only induced after months of sullen contention to promise to officers who should serve to the end of the war half-pay for seven years, to privates, on the same condition, a prospective gratuity of *eighty dollars*. They were as chary of their promises as if the addition of a few millions to those already afloat could matter. Between the jealousy of Congress and the reluctance of the people, regulars enlisted for the war were hardly to be had. Requisitions addressed to the several States obtained from some of them considerable drafts of militia, ill-trained, ill-officered, and only engaged to serve for nine months. The staff of the army was organised by a committee of Congress, despatched to the camp for that purpose, in total disregard of the proper authority and earnest objections of Washington. The arrangement was marked by wholesale jobbery, especially in the important department of the Quartermaster-General. Greene, now placed at the head of that branch, entered into a secret partnership with a Congressional favourite who controlled the commissariat, and a civilian in whose name their lucrative transactions were conducted. The office of Inspector-General was bestowed on Steuben, a German veteran whose admirable qualifications were much impaired by his ignorance of English. He drilled the men in person with admirable diligence, and swore at them with indefatigable zeal, through the mouth of an interpreter.

CHAPTER XIX.

EUROPE TO THE RESCUE.

The French Alliance—Whig Disaffection—Protest and Death of Chatham—American Lukewarmness—Evacuation of Philadelphia—Rebel Outrages and Loyalist Reprisals—Spanish Alliance—Baltic Neutrality—War with Holland—British Victories.

So opened the year 1778, amid ominous symptoms of impending disgrace and disaster for the Americans. But on February 6 they achieved an advantage which contributed more to their success than the resolutions of Congress, the noisy patriotism of New England, the courage and steadfastness of the soldiers from Maryland and Virginia, or even the skill of Washington. On that day Louis XVI. was persuaded—against his principles, his conscience, his interest, and his honour—to sign a secret treaty of amity, commerce, and defensive alliance with the ‘United States;’ the first and longest step on that road which brought his government to ruin, his country to revolution, his family to misery unspeakable, himself and the young Queen, who had thrown her influence into the American scale, to the scaffold. On March 13 the French Ambassador in England coolly informed the Secretary of State that the so-called United States of North America were ‘in full possession of independence’—inasmuch as they had declared it—and that the King of France had taken measures in concert with this newly invented Power ‘to protect the lawful commerce of his subjects,’ to wit, their contraband trade in arms, ammunition, and military supplies with the revolted colonies. An impertinence worthy of the Carmagnoles of Barrère or Napoleon had the effect without the dignity of a declaration of war.

Now that England was directly confronted, not by discontented subjects but by revolted provinces allied with her inveterate foreign foe, Lord North thought it possible to appeal to the patriotic pride and personal loyalty of Lord Chatham. The altered character of the war afforded the latter an opportunity, without flagrant inconsistency, to rally around him the patriotism, the Parliamentary and administrative talents of all parties; a chance to repeat the glories of his first administration. Half the energy

and ability that had conquered the Canadas might have recovered the rebel provinces, or found in the Colonial possessions of France and Holland a dozen richer and more docile New Englands, and carved a score of Virginias from the decaying empire of Spain. But the King, though willing to admit Lord Chatham to the Cabinet, refused to place himself unreservedly in the hands of one whose judgment and temper had so grievously failed him of late ; and the event proved that the attempt would have culminated yet more rapidly than the experiment of 1765 in the same disastrous issue—a Chatham Cabinet without Lord Chatham.

On August 7 the Duke of Richmond stood forth as the spokesman of the Fox-Rockingham Whigs—a party whose fate or choice it ever was to champion the cause of their country's enemy ;¹ the friends of Robespierre as of Washington, of Napoleon as of Robespierre. He called on the House of Lords to urge the King to recognise the independence of the Colonies, while as yet the Colonies had done nothing to achieve it ; while—save for Saratoga—they had sustained a series of defeats in the open field, while their two chief towns were securely held by royal garrisons ; to recognise a powerless Government, with a bankrupt exchequer and a worthless paper currency. In a word, he bade England resign her Colonial Empire to the first challenge of France, the mere menace of an enemy whom, fifteen years ago, she had conquered at once in Europe, Asia, and America. England was to strike her flag at the first shot ; to yield at once all that the hostility of France, Spain, and Holland, the ill-will of collective Europe, and the utmost efforts of America could extort after four more years of exhausting struggle against overwhelming odds after the capture of her best general and finest army.†

Chatham heard the proposal with an indignation and contempt worthy of his better days ; worthy of one whose glory had been so closely associated with that of his country, that his personal fame could not but be tarnished by the reflection of her disgrace. The last scene of his life recalled to his hearers at once what the worn-out veteran had once been, and by what visitation of God he had fallen so far. The spirit that had rescued England in the hour of extremity, had defied the banded forces of half Europe and humbled to the dust the allied branches of the House of Bourbon, was there ; the faltering voice, the failing memory, the broken thread of the speech, the half-intelligible argument lit up here and there by flashes of the old fiery eloquence, reminded the

¹ Fox—to whom, in reading history, the defeats of armies of invaders, from Xerxes' time downwards, gave the greatest satisfaction—heard of the capitulation of Yorktown with wild delight.—*Bancroft*, vi. p. 430.

† The next day Edmund Burke wrote to Franklin : "I congratulate you as the friend of America ; I trust not as the enemy of England ; I am sure as the friend of mankind. The resolution of the House of Commons, carried in a very full house, was, I think, the opinion of the whole. I trust it will lead to a speedy peace between the two branches of the English nation."—*Ib.* p. 434.

Peers *why* Chatham was but the wreck or the shadow of Pitt. The Duke replied. Chatham rose to rejoin, and fell speechless and senseless into the arms of the son who was presently to rival his father's fame. 'Nothing,' certainly, 'in his' later 'life, became him like the leaving it.'

Lord North was alarmed, irresolute, and half-hearted. Lord George Germaine, an embittered and disappointed man, long withdrawn from service, had no qualification for his great place but fiery zeal and indomitable resolve. Still the Government, weak as it was, was hardly weaker than that under whose auspices the war with Napoleon was brought to a glorious close. But Lord North had not the fortune to find or the discernment to promote a Nelson or a Wellington.

Except in the darkest days of the Napoleonic war, England had never to contend against a coalition so formidable. George III. and Lord North were confronted by the declared enmity of France and America, the scarcely concealed hostility of Spain, the spite of Holland, the malevolence of Russia, Denmark, and Sweden, and the malignant ingratitude of Frederick II., who owed his existence as king, his final triumph as warrior, to English protection. Their hostility was all the more dangerous that it was founded on no zeal for 'freedom and humanity,' no faith in the 'divine right' of insurrection, no regard for their unnatural allies, but on inveterate and vindictive hatred of England. American writers have not scrupled to affirm, like the ambassador of Louis XVI., that the independence of the United States was already practically achieved. The ingenious vanity of France has seldom more thoroughly travestied the plainest facts of history. Far other was the opinion of contemporary Generals, especially Washington, whose tone was that of disgust and despondency, if not of actual despair.

The spirit of Adams still ruled the intrigues of Congress, the behaviour of its favourite Generals, and the conduct of New England. Her militia, however energetic and successful in ambushes and surprises, behind the cover of forests or entrenchments, had in scarcely a single instance behaved well on an equal field of battle. Taken, so to speak, at random, they were to picked troops like those at Trenton, to Virginian volunteers or enlisted regulars, what conscripts are to *corps d'élite*. So ineffectual was the zeal of Massachusetts and Connecticut, so divided the feelings of New York and Pennsylvania, of Georgia and the Carolinas, that a population of two millions and a half² never maintained fifty thousand men in the field. We have seen six millions of whites raise and maintain an army of between three

² So Bancroft and other authorities. The census of 1800 would lead one to set the population of 1775 at not less than three millions.

and four hundred thousand men. Had the cause of Independence been as popular as that of Secession, had the martial spirit and patriotic fervor of the revolted Colonies approached that of the Confederate States, an army of one hundred and twenty thousand would have mustered under the flag with the thirteen stripes and the characteristic rattle-snake, the original standard of America.³

The English Government did not pretend to conceal its consciousness that the intervention of France had materially altered the situation. An offer of complete redress of all the grievances originally alleged, coupled with representation in Parliament, and even with permission to exclude the royal troops from any Colony objecting to their presence, was communicated to and scornfully rejected by Congress, whose debates were more fruitful of defiant resolutions than of preparation to make them good. American writers allow that the French alliance had relaxed the spirit of the people and the energies of their rulers. Meanwhile, in spite of this preliminary rebuff, Lord North despatched a regular mission to the insurgent Government, invested, virtually if not formally, with authority to negotiate on almost any terms short of separation. A contumelious refusal to accept anything but an absolute surrender on the part of England reflected the confidence of Congress in its new ally rather than a resolute self-reliance, and wholly misrepresented the true feeling of the Colonies at large.

Down to the end of May, 1778, the only important exploit of the main Continental army was the rapid evasion of Lafayette, with a corps of observation, from a British attack.

Sir William Howe had been recalled, and on the 24th resigned the command to Sir Henry Clinton. A splendid soldier, a scientific officer, a most popular chief, Howe's military qualities had been annulled by an inexplicable slowness of movement rather than by over-caution in the field; by sloth and inertness when the initiative was his, and prompt, persistent, vigorous action promised the greatest results.

Wild as are the vaunts and misrepresentations of American historians, no incident of the war has been more laughably travestied than Clinton's first movement—one in which his own judgment accorded with orders from home. A step taken at leisure, in cool contempt of an enemy who had not dared to molest him, and carried out with tranquil ease, is described, with puerile vanity, as 'a flight,' a humiliation, 'a disgrace to the British arms.' Philadelphia had been held too long; it was abandoned because, as soldiers on either side well understood, it

³The serpent was suggested by an effective emblem of the earlier agitation, a snake cut in pieces, with the motto, 'Join or die.'

was a mere encumbrance. Washington had skilfully closed the routes by which an army, with the city for its base, might have operated with effect against Maryland and the interior of Pennsylvania. New Jersey was always at the mercy of the British, who commanded its northern and southern extremities. Admiral Lord Howe was preparing to challenge the approaching fleet of France, with that true British confidence in victory, even against odds, which naval history so amply justifies. The 'flying army,' encumbered by a vast train of baggage and artillery, moved northward at its leisure, repulsing the only attack ventured by the enemy; and the 'wreck of Clinton's army' entered New York without losing a gun or a wagon, in utter unconsciousness of its misfortunes—an unconsciousness shared by Washington himself. The only 'fugitives' were three thousand of the principal citizens of Pennsylvania; and the only 'disgrace' attaching to their flight falls on the Government, the army, and the commander from whose vengeance royalists were compelled to escape at the cost of utter ruin, while non-combatant rebels enjoyed perfect security under the British flag.

The first act of signal retaliation, far as it fell short of American precedents, has been made the theme of absurd declamation in prose and verse. On June 30 a force of outraged royalists and Iroquois, under the command of the famous partisan Brant, fell upon Wyoming, one of the fairest settlements in western Connecticut. Two of the four forts which protected the place capitulated with characteristic haste. It was a characteristic weakness of the Continental soldiery to yield the strongest fortresses when attacked by a superior force, as if fortresses were built for any other purpose than to be held against numerical odds. Two forts still remained, and all that was required of the citizens of Wyoming was to make them good for a few days against twofold numbers. Want of courage was not the fault of men who surrendered fortifications, which gave them an inestimable advantage over guerrillas and savages, and then went out to give battle on ground almost equally advantageous to an enemy familiar with the arts of forest warfare. The latter took up their position in an open wood, and in half-an-hour the American force was annihilated. The victors lost but ten killed and wounded. On the next day the remaining forts capitulated. The women and children they sheltered, with the few remaining men of the settlement, were permitted to retire. The Indians spread over the surrounding country, burning and destroying.

Meanwhile the authorities of Pennsylvania and New Jersey were taking measures calculated to enforce the sharpest reprisals. They seized and brought to trial for treason the leading royalists who had remained in their homes. The prompt intervention of

Livingstone, Governor of New Jersey, saved the lives of seventeen victims condemned by the courts of that Province, and of those upon whom Clinton would have been compelled to avenge the murder of men he was bound to protect. Two men accused of having conducted an English party to a night attack were murdered in due form at Philadelphia.

A powerful French fleet under the Count D'Estaing kept the sea without attempting a decisive engagement, which Lord Howe, having to regard the safety of the army, did not choose to force. After an ineffective attempt upon Rhode Island, supported by an American land force, and five months' inaction at sea, the French Admiral took refuge in a shattered condition, in want of water and provisions, in the harbour of Boston. Nothing worth mention was achieved or attempted on either side during the remainder of the year.

Without clothing or provisions, paid irregularly in paper of constantly declining value, issued in quantities that rendered its redemption obviously hopeless and now worth at most fifteen or twenty cents in the dollar, the Continental soldiery were on the verge of despair. But for the loans and gifts of France—which, limited as they were, represented a much more substantial contribution to the expenses of the war than the sixty millions of Congressional paper—the American army would probably have disbanded for sheer want of provisions, clothes, and military necessities.

Early in 1779 Spain was dragged into the alliance by lavish promises which France made no serious effort to fulfil. The latter pledged herself to invade Great Britain or Ireland, to recover Gibraltar, to drive the British from Newfoundland and share its fisheries with Spain alone, to regain for her ally Minorca, Pensacola and Mobile, the Bay of Honduras, and the coast of Campeachy. The Americans, in despite of *their* treaty with France, were to be deprived of the navigation of the Mississippi and of the territory between that river and the Alleghanies. Should Canada be reconquered, France and Spain were to compel the United States to resign all claims thereto. The terms of this secret engagement of course oozed out, and greatly irritated the Americans. Angry debates in Congress and tedious diplomatic squabbles ended in a counter-arrangement, and France at last stood pledged to each of her allies to cheat the other for the common benefit. Had the bear been killed, the disposal of his skin would certainly have issued in a signal diplomatic scandal; that Spain would have been a gainer by the transaction only Spanish statesmanship could seriously suppose.

The alliance with the inveterate enemies of England, the savage maltreatment of the royalists, and their natural desire of revenge

gave the war a new and deplorable character. British forces, already insufficient for decisive operations, were dispersed in expeditions which, even when justified by the law of retaliation, were purposeless and cruel. Virginia was one of the first and heaviest sufferers. Two of her seaports were burned, the neighbouring country laid waste, a hundred vessels destroyed, and 3,000 hogsheads of captured tobacco rejoiced the British garrison of New York. The legislature, which had already forbidden the payment of debts to British subjects, now confiscated their property within the Commonwealth. Another expedition plundered New Haven and burned, very properly, the vessels in the harbour, and the public stores. The Americans in their turn ravaged the territory of the Senecas, who had borne the chief part in the destruction of Wyoming, and stormed one or two British outposts, taking great credit for the exploit and still more for forbearing to massacre the captured garrison. In June a powerful American expedition—a flotilla carrying 300 guns and 1,000 men—attacked an insignificant post on Penobscot Bay. The landmen would not assault the works; the Commodore made no use of his overwhelming naval force. The place held out for a month, and while reinforcements were on their way to strengthen commanders who wanted not numbers but conduct and courage, the arrival of a British squadron scattered the besiegers to the winds. The whole flotilla was destroyed, and the Continental troops driven into the woods.

An enormous French and Spanish fleet was collected in the British Channel, an army gathered on the coasts of Normandy and Brittany, with no other result than an ignominious retreat and a bitter quarrel between the allies. The Powers of the Baltic had concerted, as usual, what they called an Armed Neutrality; an attempt to extort from Great Britain the surrender of her belligerent rights and uninterrupted commerce with her enemies, especially in military and naval stores. But the maritime impotence of Russia and the prudence of the Scandinavian States rendered this, like more than one other combination of the kind, little more than a formidable menace, an opportune exhibition of ill-will. Holland had long been halting between her pacific interests and her maritime jealousy, between the English proclivities of the House of Orange and that servility to France which, ever since the insults of Louis XIV. had been answered by abject submission and cringing apologies, was the traditional policy of the mercantile oligarchy and of the great city of Amsterdam. The Bourbon alliance and the Baltic league turned the scale. Paul Jones, the first naval hero of America, a born Scot who made his fame and fortune by plundering the ships and insulting the shores of his country, was permitted to carry his prizes into Dutch ports.

In the last days of 1779 the Dutch Government despatched

seventeen merchant vessels laden with naval stores for hostile posts, under the convoy of five ships of war. Such an attempt to defy the right of search recognized by the public law of all maritime nations was of itself almost an act of war. The Commander of the British squadron in the Channel, thus challenged, announced his determination to exercise his right by force. The Dutch Admiral, probably constrained by his orders, fired upon the British boats. His squadron was of course overpowered: his ships of war and twelve of his convoy escaped under cover of darkness into French ports. The flagship and five merchant vessels were carried captive into Portsmouth. The Dutch reclamations were treated with the contempt they deserved. A long negotiation followed, in the course of which an American envoy—Laurens—was captured at sea with the draft of a treaty irregularly proffered on behalf of the States-General in his possession. The spirit and intentions of the Dutch Government had been further demonstrated by its accession to the Armed Neutrality. The evidence of hostility thus morally complete, England struck promptly and heavily; and the irresolution or bad faith of the Republic cost her the island of St. Eustatius, with an enormous accumulation of merchandise chiefly meant for the contraband trade, the temporary ruin of her commerce, and the forfeiture of a large part of her transmarine possessions.

Indecisive operations in Georgia and the Carolinas were crowned on December 29, 1778, by an attack on Savannah. Its American garrison were driven into a disorderly and precipitate retreat, and with a loss of twenty-four killed and wounded the British gained the one important city of Georgia, 453 prisoners, 48 guns, and large military magazines. Before the end of January the whole province was reduced.

In February, 1779, a body of royalists were attacked and defeated by the republicans of South Carolina. The insurgents, in defiance of all law, brought seventy of their prisoners to trial for treason and executed five. Here, as everywhere else, the first and worst excesses of hate and vengeance were committed by the insurgents. A murder like this justified any reprisals the royal commanders might choose to enforce, and puts the American writers who inveigh against the subsequent execution of deserters by Lord Cornwallis and Lord Rawdon out of court, even where they establish in individual cases a transgression of the strict rules of war.

General Lincoln, whom Congress entrusted with the command of their southern army, was inexperienced and incapable. He was outmanœuvred and beaten. Georgia and South Carolina were swept by the British; and the troops were indulged in a degree of licence doubly impolitic, as impairing their discipline and tending to alienate the inhabitants.

CHAPTER XX.

THE SOUTHERN CAMPAIGNS : 1779-80.

French and Americans repulsed from Savannah—Capitulation of Charleston—Appointment of Gates—Half his Men run away—Complete Defeat of the Americans—Massacre of King's Mountain.

D'ESTAING meanwhile, pursuing the separate interests of France in the West Indies, was ignominiously repulsed with a tremendous loss by the small British force which had just seized the island of Santa Lucia ; and, alarmed by the neighborhood of a British fleet said to be a little stronger than his own, lay inactive for six months in the harbour of Port Royal, leaving his allies of the Southern Colonies to their fate. At last, in September, 1779, the complaints of the Americans, the impatience of his officers, and perhaps the fear of an ignominious recall, compelled him to action. A fleet of thirty-three sail, a large French land force, and the whole strength of the American army of the South were brought to bear upon the scanty British garrison of Savannah. From September 16 to October 8 the naval and military forces of the Allies were kept at bay by the improvised entrenchments and their undaunted defenders. On the 9th the besiegers delivered a concerted attack with overwhelming numbers. D'Estaing, whose personal bravery signally contrasted his timidity as a commander, was severely wounded. The assaulting columns, mismanaged and ill-conducted, thinned by the steady and well-directed fire of the garrison, lost heart and confidence in their commanders. When at last they were brought up to the foot of the ramparts, and confronted with an enemy whose utterly inadequate numbers must have been annihilated by a determined attack at the bayonet's point, they were demoralised by their heavy losses, and by that sense of having been sacrificed to the ignorance and blunders of their chiefs which is generally fatal to discipline. The leaders, French and American, mounted the ramparts and planted their flags upon the parapet in vain. Their men would not follow ; they were shot down or bayoneted, and after an hour's fighting the assailants were rather routed than repulsed. This splendid victory over enormous odds was achieved

at trifling cost of life. The Allies lost more than 800, among them some of their best officers.

In the following spring the siege of Charleston afforded a signal contrast. It is not easy to reconcile the assurance that Lincoln was induced to defend an untenable position by the entreaties of the citizens, with the statement that he was baffled by their general disaffection. Clinton left New York for Charleston with some 8,000 men, a force considerably weakened by a storm which scattered the fleet, and in which several transports were lost. They appeared off Charleston on February 26, 1780. A Continental squadron, carrying 150 guns, at once abandoned the defence of the harbour, which no British vessel entered for more than a month afterwards. The North Carolinian militia, whose term of service had expired, deserted in her extremity the capital of the sister province. Lincoln, however, gathered within the city the whole available forces of the three southern Colonies, together with 700 Virginian veterans. Clinton, reinforced by 3,000 men from New York, under Lords Cornwallis and Rawdon, pushed on his approaches with caution, and by the end of April had completely invested the city.

On May 12, without awaiting an assault, Lincoln surrendered a garrison infinitely stronger in proportion to the besiegers than that which had repulsed from Savannah the combined forces of France and America. With a generosity which, after the lesson of Saratoga, seems hardly warranted, Clinton permitted the militia to return to their homes as prisoners on parole. The Continental regulars and sailors became prisoners of war, and the number of captives reported by the English General was no fewer than 5,000.¹ With the surrender of the capital the insurgent cause in South Carolina fell to pieces. A body of Virginians who had come too late to enter the city were overtaken by Tarleton with a somewhat superior force, and cut to pieces.

Imitating, though at a humble distance, the precedents set by Washington and other American Governors and Generals, Clinton ordered that all the inhabitants of the province, on pain of being treated as rebels—that is, as enemies—should formally enrol themselves as British subjects. The great majority accepted his protection, and not a few enlisted in the militia regiments raised by royal authority. Cornwallis, with some 5,000 men, was left to keep possession of the province. Marion, Sumter, and other guerrilla leaders maintained a show of resistance in the interior; and their exploits, as usual, gave a character of savage exasperation to the war.

¹ Mr. Bancroft ventures, without authority, to accuse Clinton of the unsoldierly falsehood of multiplying the number of prisoners by including the whole population of Charleston, royalist and rebel. It will be needless in future to quote or refute the allegations and invectives of an experienced diplomatist and historian, who never learned that British officers and gentlemen of station and repute like Clinton's do not lie.

Congress, disregarding the opinion of Washington, appointed Gates to the independent command of the Southern department, with larger powers than had hitherto been conferred on the Commander-in-Chief. The language of the new General was as dignified, his first measures as prudent and becoming, as those of Washington himself. He recalled the whole of the insurgent forces south of the Chesapeake to his standard, and mustered an army much larger than that of Cornwallis. On the news of his approach a number of the Carolinians in the British service deserted, and one scoundrel carried over his recently armed battalion to the enemy.² On August 16 the advanced guard of the Americans came into collision with that of Cornwallis not far from Camden. The former were easily and completely routed. Gates, too experienced a soldier to rely implicitly on numbers against discipline, but loth to take on himself the damaging responsibility of retreat, submitted the question to a council of war; and by their unanimous advice drew up his forces in line of battle. The first American brigade attacked retired with such skill and rapidity that they lost nothing but their arms and their honour. The next division followed the example, and two-thirds of Gates's whole army disappeared without firing a shot. The deserted troops of Maryland and Delaware stood fast under Kalb—one of the many excellent foreign officers to whose skill, discipline, and conduct America was deeply indebted—till overpowered by an attack in flank.³

This partial but stubborn fight cost the British about 500 men. The whole American army was utterly dispersed, with the loss of their artillery, their baggage, and the rifles of several regiments. Kalb's division left two-thirds of their number on the field; of the rest of the army hundreds were 'missing,' but scarcely a man killed or wounded.

The largest American force now remaining in the Carolinas was that of Sumter, powerful enough to encourage American officers in a hope of a turn of fortune. But a few days later Tarleton, the most brilliant partisan leader in the British army, with a small force, surprised and routed them, taking two or three hundred prisoners; and Sumter, the hope of the Southern Colonies, galloped into Charlotte without hat or saddle. Still Marion, Williams, and other guerrillas, kept the province in confusion, and furnished a rallying point for the more resolute of the disaffected party.

In September, 1780, Cornwallis, who had been reinforced by some 3,000 men from Clinton's command at New York, passed

² Such were the offenders for whose execution American writers denounce Lord Cornwallis and his successors in command, and whose punishment is pleaded as an excuse for the execution in cold blood of enlisted soldiers of the royal army, regulars or irregulars.

³ The troops from these states, and from Virginia, presented an honourable contrast to the general quality and conduct of the Americans.

into North Carolina; Ferguson, the Marion of the royalists, moving on his left. The latter was surprised at King's Mountain by a picked body of guerrillas, and after a stubborn fight, in which more than a third of their number were killed or severely wounded, the royalists, surrounded, overpowered, and disheartened by the loss of their daring chief, laid down their arms. Of some 650 captives a number were hanged in cold blood, on the next morning, under the eyes of the American commander. It was impossible for Cornwallis to abandon the royalists of South Carolina to the mercy of such an enemy. He fell back, suffering terribly from want of tents, fodder, and provisions, amid continuous rain. Marion, while surprising pickets and escorts, kept clear of any encounter with the regulars. Sumter partially retrieved his honour by repulsing a rash attack of Tarleton's upon a vastly superior force, entrenched on a steep hill side.

At the close of 1780, South Carolina was held in force by the British; but everywhere beyond reach of their posts a savage partisan warfare was waged between the royalists and insurgents, causing infinite misery and intense mutual exasperation, but little affecting the position of the combatants or the chances of the campaign.

CHAPTER XXI.

ARNOLD'S TREASON AND ANDRÉ'S MURDER.

Washington's Fortune—Arnold's Grievances—Intended Betrayal of the Hudson—André's Landing, Detention, and Betrayal—His Disguise forced on him—Washington's Savage and Vindictive Spirit—Unfairness of the Trial—Washington's Attempts to purchase or kidnap Arnold—André a Victim of his Revenge.

THE first months of 1780 had witnessed nothing but indecisive and resultless engagements in New York and New Jersey. But on July 10 the effective military strength, though by no means the number, of Washington's army was more than doubled by the landing of 6,000 French regulars under Count de Rochambeau, one of the best officers in the service of Louis XVI. This reinforcement, far superior in value to twelve thousand of the best Continental troops, was placed absolutely under the command of Washington, and both in numbers and effective force the latter was now superior to Clinton, who had resumed the command at New York.

The autumn afforded a signal instance of that good fortune, less brilliant but far more constant than that of most 'fortunate' Generals, which attended Washington's whole military career; strikingly evinced in the absence of those disastrous accidents which skill superior and vigilance equal to his can never wholly forefend, of those adverse chances which ventures so hazardous, enterprises staking all upon their absence, may be said to invite, and which he alone so often provoked and never encountered. On this occasion a series of accidents saved him from the explosion of a mine which, even if it missed its aim, seemed almost sure to shatter his credit and authority, to leave him at the mercy of those who sought only a pretext and an opportunity to disgrace him. His narrow escape put his temper, his justice, his sense of honour to the test, and left on his reputation the one black stain which devoted adherents, enthusiastic biographers, party historians, and an idolising nation have recognised by misrepresentation, special pleading, and evasion, for which no other

part of Washington's career affords occasion. The vehemence of such endeavours to efface it have only rooted it in historical memory and brought it into sharper relief.

General Arnold, whose merit Washington fully appreciated, but was not allowed adequately to employ or reward, had incurred, partly by martial faults of temper and pecuniary recklessness, partly by loyalty to his chief, the bitter animosity and unsparing persecution of the Congressional intriguers. The disparagement of subsequent writers, the diligent calumnies of contemporary politicians, are sufficiently refuted by the verdict of a Court-martial which, summoned at the instance of his enemies in order to effect his ruin, acquitted him of all charges that gravely touched his honour or integrity. The very incompleteness of the acquittal elicited fresh evidence in Arnold's favour. The Court felt that the heaviest penalty they could venture to inflict was a reprimand; and in administering that reprimand, the language of the Commander-in-Chief carefully marked, as far as the forms of discipline allowed, his undiminished respect for the accused.

Up to this point, in spirit, in skill, in gallantry, and good service, Arnold had no superior and scarcely an equal among those whom intrigue and political interest had again and again promoted over his head. As he alleged, truly if not truthfully,¹ the alliance with France, the inveterate foe of the Colonies not less than of the mother country, had entirely altered the character of the war and the position of those—a majority of the insurgents outside New England—who had taken up arms to enforce redress of grievances, without apprehending or intending the separation contemplated from the first by the far-sighted conspirators of Massachusetts. Arnold professed to consider himself thereby absolved from his civil and military allegiance to Congress. A chivalrous gentleman and soldier might have found reason to resign his commission in the American service, but while he retained it would have felt that nothing could release the obligations it entailed. Unhappily, Arnold belonged to that class of New England officers who, as their chief bears incidental but decisive witness, were not gentlemen.

He had carried on for some time an anonymous correspondence with Clinton, and his letters had been answered in the name of John Anderson by the British Adjutant-General at New York. This officer, Major André, was a universal favourite, a splendid soldier and a gallant gentleman; likely, had he lived, to have outshone in professional fame and military achievements most of the Generals in either contending army. His shrewd and diligent scrutiny speedily satisfied him which, among those who answered to the description of 'an officer of rank and influence in the Con-

¹ It is doubtful whether this were more than an excuse of afterthought.

tinental army,¹ was his correspondent. And when Arnold obtained the charge of the so-called Highlands of the Hudson, the posts commanding the upward passage of the river of which West Point was the chief, his disguise, already penetrated, was thrown off. No American General had better earned or more thoroughly commanded the trust of his chief, his comrades, and his country. There was little doubt that he could fulfil his offer to betray not West Point alone, but the entire position of the Highlands and its garrisons, into the hands of a British expedition. Clinton, throughout the entire transaction, displayed equal prudence and loyalty. It was his duty to profit by the treason of an enemy: it would have been folly to trust the traitor.

Under cover of certain personal negotiations on behalf of a royalist whose property in New York State had been confiscated by the Americans, Arnold was advised that his correspondent (whose name and rank were known to him) would meet him on board the British sloop *Vulture*, anchored as far up the Hudson as was thought safe, on September 21, 1780. André's instructions, if strictly obeyed, would have exposed him to no peculiar danger; but when forced to choose between the fulfilment of his mission and the strict construction of his orders, his choice was worthy of the trust reposed in him. The signal daring which Arnold had displayed in every kind of military peril seems now to have failed him. He determined to throw upon André the risk that should have been his own. Instead of venturing on board the *Vulture*, he sent a boat for André, requiring him to land by night amid the woods that covered the western side of the river. The negotiations lasted so long that daylight was approaching, and Arnold feared the suspicion which the sight of a boat again communicating with the *Vulture* in open day might excite. He prevailed on André to remain on shore till the following night, and led him *without his knowledge*² within the American lines.

Soon after day-break an American battery, conveyed to the nearest point under cover of darkness, opened fire upon the *Vulture* and compelled her to drop further down the river. By ten o'clock in the morning the negotiations were completed. André was furnished with the necessary plans and explanatory papers, which, at Arnold's request, he concealed in his boots. The American General having provided him with a pass in the name of John Anderson—a pseudonym employed for Arnold's security—and desired Smith, the agent who had brought him from the *Vulture*, to put him on board as soon as darkness fell, departed. But when evening arrived, Smith refused to fulfil his instructions and his commander's promise. The *Vulture* had returned to her

² Till the sentry's challenge made retreat impossible.

former perilous post, but André had no other means of rejoining her. He was thus compelled by Americans, in defiance of their pledges and of his own express stipulation, to re-pass the American lines and return to New York by land. Smith further furnished him with a disguise and persuaded him to adopt it;³ a fact which would seem to put the complicity or treachery of the former beyond possibility of doubt. It was, then, by an American false to his orders and his promise that André was rather compelled than induced to place himself in a position which, if voluntarily accepted, might have been ambiguous.⁴

Smith accompanied André till they were stopped by an American patrol, who, satisfied by Arnold's passport, warned them against proceeding further, since British guerrillas were scouring the country. Smith, though well aware that the neighbourhood of such a party would contribute to André's safety without in the least degree endangering his own, made it an excuse for detaining André during the night, a step which of itself affords independent and all but decisive proof of treachery.

After reaching the so-called neutral ground, Smith left his companion. Some distance further, having passed ten miles at least beyond the furthest American outpost, a rebel bandit dressed in the uniform of a royalist (and therefore by strict military law himself a spy) sprang upon André. The latter, thus deceived, declared himself a British officer, and forbade the party who supported the disguised insurgent to detain him for a moment. The bandit then avowed their character, and, being mere marauders, proceeded to search their prisoner and of course discovered the concealed papers. They carried the captive to Colonel Jameson who commanded a post called North Castle. Jameson recognised the handwriting and the suspicious character of the documents, which he forwarded at once to Washington, then in the neighbourhood; but with singular confusion of mind despatched the

³ The fact that he furnished André with a disguise, and pressed him to adopt it, proves beyond question that Smith was privy, not perhaps to the character but to the fact of Arnold's treason. In defiance of this evidence an American court-martial, thirsting for vengeance, found that he was *not* privy to any treasonable intent. There is only one intelligible explanation of Smith's conduct and of his acquittal; the supposition that he was a double traitor; in short, was acting as a spy in Washington's service, and was accepted and protected as such after the fact, if not before, by the Commander-in-Chief. Thus it was by an American officer that André was brought, against his will and in defiance of his stipulations, within the American lines. It was by an agent of Washington's that he was prevented from going legitimately on board the *Vulture*. By an agent of Washington's he was twice detained within the lines. By that agent he was induced to adopt a disguise. Smith was responsible for the disguise, for its necessity, for every incident of the case except the original treachery which brought André within the lines. In every act which was used by Washington to fix on André the technical character of a spy, André was a helpless and unwilling victim of other men's treason; and in the one critical fact of disguise he was the dupe of Washington's own agent—that is, since the principal is responsible for his agent, the dupe of Washington himself. But, even apart from this argument, which rests on Smith's treachery, André was an involuntary offender against the technicalities of military law. Arnold was a traitor; but in assisting, abetting, and rewarding his treason André was only doing his duty. Washington himself did not pretend that, if taken in uniform, André could have been dealt with otherwise than as a prisoner of war.

⁴ These facts are taken from unquestionable American sources; Smith's story in particular from Washington Irving, the biographer and thoroughgoing partisan of his namesake.

prisoner, with a letter explaining what had been done with the papers, to Arnold himself, his immediate superior. A junior officer, Major Talmage, arrived shortly afterwards, and at his instance André was recalled, but with strange inconsistency the letter to Arnold was allowed to reach its destination.

At the next post to which he was conveyed André wrote to Washington, avowing his rank and explaining the manner in which he had been compelled to remain on American ground; in which, 'against my stipulation, my intention, and without my knowledge beforehand, I was conducted within one of your posts. Thus was I betrayed into the vile condition of an enemy within your post.' The former and vital sentence was deliberately disregarded; the latter, obviously wrung from a man of the most sensitive honour, stung by an apparent stain on his reputation into utter recklessness of life, was pressed to the utmost against the prisoner.

Arnold received Jameson's letter when at breakfast with a large party, and immediately awaiting the arrival of the Commander-in-chief. He displayed on his own behalf that steadiness and courage which, if exercised for one whom he was bound to protect at any hazard to himself,⁵ would have enabled André to abide by his instructions and kept him beyond reach of danger. He rose composedly; made an excuse to the party, informed his young wife (the daughter of a loyalist) of the deadly peril in which he stood, left her fainting on the floor, sprang on horseback and rode for his life, reaching the *Vulture* and New York in safety.

Washington had at once discerned the meaning of the papers taken on André's person, and pressed forward in eager hope to surprise the traitor. 'Whom can we trust?' he said. And, indeed, if Arnold were false, what officer of his class could be confidently pronounced true? None had given clearer, nobler, costlier proof of zeal for the Colonial cause. On reaching West Point and discovering Arnold's evasion, Washington's wonted self-command, retained under the bitterest personal provocation and annoyance, gave way to that natural fierceness of temper and bitterness of party spirit often exhibited in his private letters, especially at the expense of the unhappy royalists. His own language and that of officers in his confidence betrayed—if it be not more just to say avowed—an absolute determination that André's life should pay for Arnold's escape. Not only was he stung to

⁵ It was affirmed in an English newspaper, in 1782, that Arnold afterwards offered Clinton to redeem André's life by his own surrender; but that Clinton declined the exchange as dishonourable. The writer called on the officers of Clinton's staff, not to confirm the story, but to deny, if they could, that it was current among them. On this evidence, André's ablest biographer, Mr. Sargent, inclines to believe the story. It appears to me inconsistent with Arnold's conduct throughout the transaction. I see no proof that the offer was ever made; and if made, I should presume that Arnold relied on its rejection. See Isaac Arnold's *Life of Benedict Arnold*, p. 311 Sargent's *Life of André*, p. 456.

the quick by the consciousness that he had been signally outwitted, and that his venial misjudgment of character had exposed him to imminent risk of military disgrace and disaster; but he apprehended, not unnaturally, that the treason and the flight of an officer so long supported by his confidence against the inveterate dislike and distrust of Congress, would afford a terrible advantage to those intriguers who had diligently striven either to drive him to resignation or to find an excuse for his dismissal.

The praise bestowed on him by many American writers for not avenging his disappointment on the traitor's innocent and helpless wife is a significant because wholly unconscious commentary on their testimony to the 'humanity' of the insurgents at large and the faultlessness of their idol. His admirers were amazed that he did not take that brutal revenge on a young and perfectly innocent woman—a mother with her first infant in her arms—of which the rudest French, German, or English soldier would be considered, as matter of course, utterly incapable. If he had too much self-respect and regard for his own fame to stoop to the supreme meanness his abstinence from which is regarded as superhuman virtue, Washington was none the less bent on vengeance upon one equally defenceless. From the very first, his language disclosed his assumption of André's guilt, his determination that, guilty or innocent, the prisoner should die. No officer could thereafter have acquitted André without inflicting a stinging rebuke upon his chief and placing himself in direct and flagrant antagonism to that cold, unforgiving, implacable spirit.⁶ The gallantry, high spirit, frankness, and fearlessness of André won the admiration of every true soldier in the American army with whom he was brought into contact, and it may be hoped that few of them, save under the strong coercion brought to bear by the high official and personal authority of Washington, would have consented to put such a man to an ignominious death.

The nomination of the Court-martial fixes a clear and paramount responsibility upon the Commander-in-chief. Its president was his devoted creature, General Greene, a brave and capable commander, but a man utterly devoid of education, literary or social, a blacksmith till called by the outbreak of war from the forge to the field; necessarily as ignorant as any British private of the distinctions and even of the principles of military law; the last man, moreover, in the American army who would have wished or ventured, by acquitting the prisoner, indirectly to censure the superior who had condemned him by anticipation. Baron Steuben's professional knowledge was neutralised by his practical ignorance of the English language. Lafayette, a gentleman

⁶ Writings (Spark's expurgated), vii. 535. Irving's *Life of Washington* [Bohn, p. 1180] instructions of Scammel, Adjutant-General, 'the ignominious death which awaits him.'

by birth and feeling, had entered the American service as a school-boy, without a tincture of professional education; and was so completely devoted to and dominated by Washington that a knowledge equal to Steuben's would hardly have given him the will or the courage to oppose his chief. Of their eleven colleagues perhaps the best known were the self-styled Lord Stirling and the dashing partisan St. Clair. The prosecution was conducted by a skilful Judge-Advocate; the prisoner was without counsel. No evidence was called. The verdict and sentence of death were founded solely upon André's own confession, which of course no legal adviser would have permitted him to make, which an English court-martial would have stopped at the first word. He had landed under a flag of truce and a pass granted by the American General in command at the place; but this obvious and conclusive advantage he was adroitly induced to forego.

A trial so conducted before a court composed of competent French or German officers—if such officers would have permitted such unfairness—would not only have been utterly without authority, but would have affixed an indelible stigma on the Commander-in-chief who directed the proceedings, and ordained that a skilful lawyer should be pitted against a chivalric and almost Quixotic soldier, whose high sense of honour forbade him to deny, conceal, or colour a single fact. Washington's panegyrists have strained law and facts to prove that André was technically a spy; but as if conscious of its damning iniquity, they have slurred or passed over in silence the absence of counsel and the unscrupulous advantage taken of the prisoner's frankness.

Clinton of course remonstrated with passionate indignation against the death-sentence eagerly confirmed by Washington. He proposed that the case should be referred to Rochambeau and Knyphausen, officers of professional authority incomparably superior to Washington's, and, as foreigners, the most impartial arbitrators that could have been chosen from the two armies. A General more careful of his vengeance than his fame might be technically justified in refusing such a demand. But the proposal suggests the course which another in Washington's place, however wedded to the technicalities of martial law, however jealous of his own position, would certainly have taken. That the verdict of a Court-martial selected by himself would carry not a feather's weight outside of America, that the world would regard him, and justly regard him, as judge and executioner, Washington well knew. The verdict of a joint court of French and American officers—equally under his command—would have protected his character, but would have afforded the prisoner a strong chance of acquittal.

That no such obvious means were taken to secure even a show

of impartiality deepens the stain which every step in the transaction has left upon Washington's name. He was reminded that his own spies, of whose guilt there was no question, had been spared at his instance. He neither denied the fact nor the unquestionable inference that he was bound in honour to requite Sir Henry Clinton's generosity. He would not and dared not argue the point. He was too shrewd not to see that neither on technical nor moral grounds could he make out his case. Technically, André was protected by a flag of truce and the passport of the American Major-General in local command. Technically, therefore, he was no spy. Morally, it might be urged that Arnold's treason, known to André, divested him of the character of an American officer, and rendered his protection worthless. But morally, upon the showing of Washington's most thoroughgoing advocates, André was wholly innocent. His passage through the American lines was no voluntary act. He was led through them not only in ignorance, but in violation of his own express stipulation and of Arnold's promise. His disguise was forced upon him; and finally, he was arrested on neutral ground. His was not—as American writers have not shamed to represent it—the case of an ordinary spy, like their own favourite Hale, caught *in flagrante delicto* and hanged of course. Technically, André was an envoy; morally, he was an involuntary trespasser within the hostile lines. Only by shifting backwards and forwards from technical to moral ground, by denying the technical excuse as morally invalid and straining to the utmost the technical answer to the moral vindication, could even the shadow of a case be made out for a predetermined judicial murder.

American writers plead that Washington acted under a solemn, even had it been mistaken, sense of duty; that he felt himself in conscience bound to take his prisoner's life. Washington himself has supplied a complete and crushing answer to any such plea. He transmitted to Clinton an offer which placed him on a level with Arnold himself. *He would spare André's life if Arnold were betrayed into his hands.*⁷ The infamous proposal was of course instantly and scornfully rejected, and only served to refute abso-

⁷ Again, American writers have endeavoured to slur over Washington's personal responsibility in this transaction. That responsibility, however, is fixed upon him by the most honest and certainly not the least enthusiastic of his apologists. The offer was made, in the first place, by General Greene, as the representative of the American Commander-in-Chief, to the envoy of Sir H. Clinton. It was made, secondly, by Colonel Ogden, the envoy of Washington himself. Irving pleads that the instruction was given by Lafayette; but Ogden was sent by Washington to receive his final instructions from that favourite and confidential assistant (Spark's *Life of Arnold*, p. 267). That the offer was made in the name and by the authority of Washington is as certain as that he directed the surprise of Trenton and the execution of André. The fact is as well established as its improbability seems gross. The blindness of a man like Washington to the inevitable rejection, the equally inevitable publicity, and, save in American opinion, the indelible infamy of the proposal is of that kind which the enlightenment of the age will hardly permit me to call judicial: the blindness of ungoverned passion or prejudice, or that which, whether by natural or supernatural infliction, seems almost inseparable from guilt, and astounds those whom it guides to the detection of the most admirably devised plots.

lutely and for ever the 'tyrant's plea of necessity.' So far from being compelled to make a deterrent example by the execution of the alleged 'spy,' Washington was willing to forego that advantage if he could but gratify his army with the spectacle of Arnold's death. In further determining that a soldier and gentleman in every respect at least his equal should die on the gallows, Washington clenched the accumulated proof which placed his motives beyond doubt or excuse. Few soldiers but would prefer the heroic death of André to the conscience of his executioner.

His vengeance still insatiate, Washington next descended to a stratagem worthy of its intended victim. His own orders⁸ record the fact that he hired a gang of scoundrels, under the command of one Champe, to enlist under the British flag in Arnold's own immediate command, with the express view of betraying the life of their chief. They were formally enjoined to bring him alive and unhurt within the American lines, and this of course was the result which Washington would have preferred. But he was far too experienced a soldier to doubt that the captive's life would probably be sacrificed to the safety of his captors. Attempts of this kind, familiar in the history of the sixteenth and seventeenth centuries, have always been regarded and punished as thinly veiled schemes of assassination. The plot failed, and Washington's hired kidnappers escaped the gallows by a hasty flight.⁹

⁸ Writings, vii. p. 546. *Life of B. Arnold* (I. Arnold's), p. 337. 'At Washington's suggestion,' Irving, iv. 176 (Philadelphia, 1873).

⁹ Bartlett, i. 498. This writer makes Washington and Greene solely responsible for refusing the unanimous petition of the court-martial that Andre might be shot.

CHAPTER XXII.

THE LAST CAMPAIGN.

The Pennsylvanian Mutiny—Removal of Gates—Greene's Disasters—Mutual Flank Movements—Devastation of Virginia—Occupation of Yorktown—French Ascendant at Sea—Capitulation of Cornwallis—Close of the War—Victory French, not American—The Peace of 1782.

THE main Continental army under Washington, greatly strengthened in numbers and discipline and doubled in effective power by the support of the veteran troops of France, remained upon the Hudson. A few sharp affairs of outposts, an abortive attempt upon the outworks of New York, completely disconcerted by the appearance of a few British vessels in the Hudson, occupied the remainder of the year.

The first days of 1781 were signalised by a mutiny which illustrates the endurance and forbearance of the soldiery rather than their indiscipline, and brings home with the force of a signal example the meaning of Washington's frequent complaints of the cruel neglect and needless hardships suffered by his troops. A large body of Pennsylvanians, ill-fed, unpaid, save with paper (of which Washington said that a wagon-load would scarcely purchase a wagon-load of provisions), were driven out of patience by the partiality which lavished on new recruits a large bounty in gold, while veterans were left bare-footed and half clothed to endure the severities of winter. After repeated and most temperate remonstrances had been treated with insulting neglect, they broke into open revolt, and marched upon Philadelphia to extort by force from the provincial Government the bare justice refused to petition and argument. Neither policy nor equity would permit that stern repression to which Washington's temper inclined. The loyalty of the mutineers was proved by the surrender of two emissaries from Clinton. The demands of the men were satisfied, and the redress of intolerable grievances thus yielded to violence helped to deepen the contempt of the soldiery for the civil authorities. The habits, tone, and experience of the camp and the field maintained the bonds of merely military discipline; the troops respected and obeyed their Generals, but as those who had

led them in the field and shared the hardships of the campaign rather than as the representatives of their Government.

General Gates's ill-luck deprived him at once of the favour he had owed partly to his good fortune, partly to the factious malice which had pitched upon him as the only possible rival of Washington. He was summarily superseded, and a court-martial ordered, but on one pretext or another long delayed. General Greene, the nominee of Washington, succeeded the discarded favourite of Congress, and exerted himself vigorously to discipline and reinforce his demoralised army.

Cornwallis, leaving Lord Rawdon at Camden with a considerable part of his small force to keep his hold on South Carolina, pushed northward, hoping to cut the Americans off from Virginia, and force them to a decisive engagement before they had recovered the effects of their recent defeat. The first partial engagement, on January 17, 1781, did very much to restore the courage and confidence of the insurgents. Tarleton, commanding the British advance, and driving before him the American rearguard under Morgan, pressed forward with a rapidity which wholly exhausted the physical strength of his troops. Morgan, who thoroughly understood the kind of warfare best suited to the country and to the temper of his men, had occupied a strong position, with a river in his rear, which might convert defeat into ruin, but which at least would prevent his soldiers from running away. Had he crossed it, a large part of them, he declared, would have abandoned him. Should Tarleton's cavalry surround him, it would keep his infantry from breaking away, and make them depend upon the bayonet. When forced to fight, even such troops would sell their lives dearly. A flank attack might have been fatal, but flank attacks were not in Tarleton's line. Such was Morgan's own account of his manœuvres. The British, estimating the enemy much as did their own General, and unaware of the desperate remedies adopted by the latter, rushed headlong to the attack. Firmly received by the best of Morgan's troops, and misled by the flight of the worst, they fell into confusion, abandoned their cannon and colours, and took to their heels, Tarleton, with fewer than sixty men, made a desperate resistance, and repulsed the enemy's cavalry, but on the approach of an overwhelming force of infantry was compelled to trust the lives of his men to the speed of their horses. A loss of three hundred killed and wounded, five hundred prisoners, guns and colours, while the Americans had not lost sixty men, inflicted the worst—I may say the sole—real disgrace that befel the British arms during the war.

Morgan retreated in haste to cross the Catawba and rejoin Greene before he could be overtaken by Cornwallis. The latter,

seeing that everything depended upon the rapidity of his movements, destroyed all the encumbrances, stores, and luxuries he could possibly spare, beginning with his own baggage and that of his officers; and, accompanied only by the wagons needed to convey provisions, ammunition, sick and wounded, pushed forward with some 3,000 men in pursuit of the enemy. Morgan was saved by the rapid rising of the river he had crossed. When it had partially subsided, on January 31, Cornwallis attempted the passage of the Catawba at a point where it was 500 yards wide, three feet deep, and very rapid, guarded, moreover, by a strong American force. On their first fire his guide deserted him; the British missed the ford, and, striking through deeper water, with difficulty reached the opposite bank. Tarleton pursued and scattered the enemy's rearguard, and the campaign became a race between the two armies, the Americans endeavoring to reach Virginia and rally upon the reinforcements that might there be expected, the British to intercept them and force them to battle. The Americans, superior in light troops and cavalry, knowing the country, and accustomed to rapid marches, had a decided advantage, and their retreat was conducted with signal skill. Reaching Virginia in safety, they were reinforced by some four brigades of Virginia and North Carolina militia, and by the legion of Colonel Lee, the well-known 'Light-Horse Harry,' and father of a more distinguished son.

On March 15, 1781, the American army, some 4,500 strong, drew up at Guilford Court House to await the attack of Cornwallis, who, on American showing, had at most 2,400. The Carolina militia, who formed the first line, gave way before his steady, silent advance had brought the enemy within musket-shot. A volley and a bayonet charge scattered them to the winds. The Virginians, under a chief who had the wit and presence of mind to represent the panic flight as a stratagem, opened their ranks to let the runaways pass, and reformed with the firmness of veterans. Cavalry were useless in the dense woods, and the Virginians, relying on their superior marksmanship, were only driven from their position by a second bayonet charge. The victors were now confronted by the third line, equal in number to their own whole force, fresh, and consisting of Continental regulars. The field was now stubbornly contested, and the British victory dearly bought. The conquerors, who had lost a fourth of their small splendid force, were exhausted by fatigue and hunger, and incapable of pursuit. The Americans left on the field their artillery, their dead and wounded. The routed militia were hardly more 'demoralised' than before, and Greene rallied them within ten miles. A thousand wounded were scattered in the woods which covered the field of battle.

The night was dark, with torrents of rain. The slow collection of the sufferers occupied the whole energy of the victors, and the scene was appalling even to the hardened veterans of Cornwallis.

The latter, confronted by a defeated but unbroken army of double his strength, in want of provisions, encumbered by his wounded, and shattered by the heavy loss of officers and men, was compelled to retreat, and reached Wilmington on April 7. Greene, passing round his left flank, and moving as swiftly as the quality of his troops and the character of the country permitted, over ground intersected by streams and marshes swollen by heavy rain, pressed southward to fall upon Lord Rawdon's scattered forces at and around Camden, S. C. Informed of this movement, and unable to intercept the enemy or reinforce Rawdon, Cornwallis imitated Greene's manœuvre, and pushed on to join the forces which, first under Arnold, afterwards under General Phillips, had been employed in ravaging Virginia; the Americans, under Lafayette and Steuben, now retreating, now turning upon the enemy, as either army was in turn strengthened by reinforcements.

A naval encounter which had given to the British the temporary command of the Chesapeake, had disappointed the expectations of the Americans and restored the confidence of the invaders, to whom a French victory at sea would have been fatal, when, on May 20, 1781, a few days after the death of Phillips had left Arnold in sole command, Lord Cornwallis effected a junction with the latter at Petersburg.

The war languished in the North, where Clinton held New York city without venturing on vigorous offensive operations, and the American army watched him from the Hudson without daring to assail his lines. They covered the interior of New York, but left Connecticut to the mercy of Arnold, who, having returned to New York, was sent to ravage his native State. In the South the contest had become more than ever desultory and savage. Arnold had destroyed Richmond; Tarleton and other subordinates, under the instructions of Cornwallis, wasted, burned, and plundered Virginia at their will. The innocent and loyal blood shed under the forms of law, butcheries like that of King's Mountain and the outrages suffered by the royalists, had at length provoked both deliberate retribution and unauthorised reprisals. Several deserters were hanged, among them one or two whose guilt was somewhat questionable; and on one occasion, at least, American authorities declared that prisoners had been put to death after surrender. Acts for which no excuse save that of retaliation can be preferred, were committed by small detachments of exasperated royalists and soldiers, beyond the control

of their Generals. But of judicial murder of rebels as such, of executions of prisoners in cold blood under the eyes of responsible British commanders, I find no evidence.

The mutual evasion of Greene and Cornwallis proved equally successful on both sides. There was no pitched battle in South Carolina, but the scattered garrisons and detachments under Lord Rawdon's command were successively attacked and overpowered in detail, and the greater part of the province recovered by the insurgents, before whom the royalists, partisans and non-combatants alike, were driven to take refuge in Charleston with the wrecks of their property. Elsewhere the American cause seemed at the lowest ebb. Washington, though backed by nearly ten thousand excellent French troops, and aided by French squadrons, present or approaching, decidedly superior to those which England maintained in the North Atlantic, held language more despondent than ever.¹ He was without money, without provisions or forage, except what were taken by impressment, without clothing, and expected soon to be without men. Congress had floated two hundred million dollars of paper among a population of two million and a half² without commerce and with half-ruined industry. The earnest entreaties of their mendicant envoys obtained succour from France and Holland, and this alone, according to Washington's own representations, saved his army from dissolution and the cause from ruin.

For nearly a year after the death of André the main Continental army had been practically idle, or attempted illconcerted operations only to fail. The desperate need of Virginia appealed in vain for rescue. Even when supplied by France with abundance of all military necessaries and joined by Rochambeau, Washington chose still to bide his opportunity. Meanwhile, a series of reinforcements had given the French a potential mastery at sea, which the Count de Grasse turned to practical account. An indecisive encounter with Admiral Graves gave him all the fruits of victory, enabling him to draw his whole force together and effect his junction with a powerful squadron, convoying military stores, troops, engineers, and a formidable siege artillery.

Cornwallis—in pursuance of peremptory orders from Clinton and instructions from home, but wholly against his own better judgment which would have preferred to keep open to the last his line of retreat to the southward—had occupied that peninsula, between the York and the James Rivers. This the ablest General of the North recognized, eighty years later, as the base from which a superior enemy, with undisputed command of the sea, could best threaten Richmond and that seaboard country,

¹Bancroft, vi. chap. 48, *passim*.

²More probably three millions. See note, p. 257.

east of the Blue Ridge, which was in 1781 almost the whole settled and peopled area of Virginia. Cornwallis occupied and proceeded to entrench Yorktown, on the river of the same name, near the north-eastern extremity of the peninsula.

Clinton and the Home Government alike had overlooked the possibility that, while great part of England's naval force was employed in the West Indies, France might snatch the command of the Chesapeake; in which case the peninsula would become a prison rather than a fortress for the isolated land force of the invaders. Lafayette, strongly reinforced, followed the retiring enemy and seized and fortified the isthmus of Williamsburg. Late in August Washington broke up his camp upon the Hudson, and with numbers—half French and half American—nearly double those of Cornwallis, reached Philadelphia on September 2, and marched with all speed to join Lafayette. Lord Cornwallis had meanwhile exerted himself to entrench his position as strongly as time and means permitted, well knowing that all depended on the mastery of the sea. A better depôt and base for active hostilities, or a worse citadel and refuge in disaster, could hardly have been chosen.

When the collected French armament of twenty-eight sail of the line under Count de Grasse entered the Chesapeake, the British General at once appreciated the extreme danger of his situation. Offensive operations with his actual force were impossible. Lafayette, already reinforced by more than 3,000 French troops, held a strong position, commanding the only route by which the British could move. Its flanks were guarded by the lighter vessels of the French, occupying the lower waters of the York and the whole estuary of the James. The presence of the French fleet and the arrival of their transports clearly indicated the intention of the enemy. Cornwallis saw that he must presently be hemmed in by land as he was already blockaded by sea, and in that case nothing but a decisive maritime victory could extricate him from a position which could not long be maintained against a greatly superior army. A prompt retreat to the Carolinas offered the only prospect of rescue by his own exertions; and he felt with too much reason that he could not rely with confidence on prompt, timely, and effective succour from New York. He reconnoitred Williamsburg, prepared, if possible, to cut his way through the American lines; but found them already too strongly entrenched and manned to be forced by that attack in front to which he was necessarily confined. All avenues of escape thus cut off, he contrived to despatch repeated messages to Sir Henry Clinton, explaining the desperate character of his circumstances, and devoted his little remaining time to strengthening his defences to the uttermost.

On September 25 a French and American army of 18,000 men was gathered in the camp at Williamsburg, under Washington and Rochambeau, and the garrison of Yorktown were beleaguered by sea and land. On the same evening Cornwallis received a despatch from Sir Henry Clinton, informing him that a fleet of twenty-three ships of the line, with about 5,000 troops on board, would leave New York about October 5. Such a force would still be far inferior to the Allied fleets and armies; but with a reliance warranted by experience on the superior quality of British soldiers and seamen, Cornwallis felt confident of victory if he could but hold his own till its arrival. But his entrenched camp, after every exertion had been made to protect it, was hardly tenable. He was short of provisions, and sure that the attack would be pressed with all possible vigour by the able engineers and powerful siege artillery of France.

After some indecisive skirmishes, Lord Cornwallis withdrew from his outposts and concentrated his forces within the main works that sheltered the town. The first American parallel was opened on October 6, within 600 yards. The tremendous superiority of the besieging artillery was at once evident. The second parallel, within half the distance, was opened by Baron Steuben on the 11th; and on the 14th two strong redoubts, essential to the defence of the place, were stormed, after a desperate contest and with heavy loss, the one by the French under Lafayette, the other by the Americans under Colonel Alexander Hamilton. By a gallant sally just before daybreak on the 16th, the working parties were expelled from the trenches and several pieces of artillery hastily spiked. But the assailants were driven back before they had time to do their work thoroughly. The guns were easily rendered serviceable, and by the evening of that day the garrison could not show a gun on the exposed side; its shells were nearly expended, and the town was obviously indefensible. No part of the ground held by the British was safe from the shot and shell of the Allies.

Lord Cornwallis planned an escape which, but for the interference of fortune, might have succeeded. The first division had actually crossed the York River when the boats in which the second had embarked were scattered by a violent storm of wind and rain. The attempt was effectually baffled. The first division were recalled with difficulty, under a heavy fire from the enemy's batteries; and on the 17th, rather than expose his reduced and wearied garrison to the horrors of an assault which could not possibly be repelled, Cornwallis offered to capitulate. On the afternoon of the 19th, 7,000 British and German soldiers marched out, passed between the French and American armies drawn up in two lines, each more than a mile in length, and laid down their arms.

On the 24th, a British fleet of twenty-five ships, conveying Sir Henry Clinton with 7,000 soldiers, arrived off the Capes of Virginia, and hovered off the mouth of the Chesapeake until the 29th, when, the surrender having been formally ascertained, Clinton had no choice but to retire to New York. Meanwhile a sharp combat at Eutaw, S. C., in which the Americans had been repulsed, had only secured to the British an unmolested retreat.

The war was virtually at an end. England had been beaten, not by the insurgent Colonies, but by the combined sea and land forces of France and America. Until and even after the completion of the alliance with France and the arrival of Rochambeau, Washington's communications, and especially his private letters, had breathed a spirit resolute and manly indeed, but dubious and despondent. Of victory to be won by a divided people, a Government singularly incompetent, ignorant, and negligent,³ a devoted but inadequate, half-disciplined, ill-provided and often starving army—a militia fluctuating in numbers and in spirit, and bodies of partisans more effective in skirmishes and affairs of outposts, in harassing the enemy and harrying royalists, than in open conflict with the troops of Great Britain—he evidently entertained but little hope. If he would not openly avow that he despaired of his country, his language was that of reproach, complaint, and calm but none the less evident apprehension of disaster. Repeated demonstrations that Congress had no right to expect a victory it had done nothing to prepare—that its demands were utterly unreasonable, its estimates of his strength monstrously exaggerated, that its mismanagement and neglect would have ruined much brighter hopes, have demoralised the best troops and baffled the best-laid plans—indicated his anticipation of defeat and his desire to throw the blame, less from his own shoulders than from those of the army, on those with whom it ought properly to lie. The energetic intervention of France changed at once the whole face of affairs. Compelled to keep a large part of her navy and army at home to guard against the attacks of France, Spain, and Holland, and the scarcely disguised hostility of the Armed Neutrality, England could employ but half her strength against the revolted Colonies, backed by the fleets and by eight or ten thousand of the best soldiery of Louis XVI.

To that mastery of the seas which finally turned the scale in her favour, America contributed nothing. The decisive blow was

³ Washington to George Mason, October 22, 1780 :—'Our present distresses are so great and complicated that it is scarcely within the powers of description to give an adequate idea of them. With regard to our future prospects, unless there is a material change both in our civil and military policy, it will be in vain to contend much longer.

⁴ We are without money; without provision and forage, except what is taken by impress; without clothing; and shortly shall be, in a manner, without men; in a word, we have lived upon expedients till we can live no longer. The history of this war is a history of temporary devices instead of system, and economy which results from it.' (This with a French army at his back.)

struck by a combined land and sea force of which between one-third and one-fourth was American. It was in fact to De Grasse and Rochambeau, though in form to Washington, that Lord Cornwallis surrendered his untenable entrenchments, his silent cannon, and his sullen army. The very efficiency of the Continental soldiery in this last campaign was due to the charity of the monarch who had clothed and fed the troops, furnished their military chest, and supplied their siege train. In almost every field in which the British and Continental troops met on anything like equal terms, the result was a decisive and generally ignominious American defeat. Of the two great disasters sustained by the British arms, neither was inflicted under conditions approaching to equality. Saratoga was won by fourfold numbers; Yorktown at similar odds; and the final victory was really achieved when Cornwallis's communications were intercepted by the presence of an overwhelming French fleet. In a word, the independence of America was the gift of Louis XVI.⁴ The gratitude of the United States was manifested by their enthusiastic sympathy with those who dethroned and murdered him.

The contrast between the demagogues and the soldiers, between Congress and its Generals, was displayed as forcibly in victory as in disaster. As the midnight evasion of Congress from Philadelphia had manifested its equanimity in peril, so did the immediate proposal to reduce the army illustrate its abstinence from insolent exultation. The ascendancy of the victorious General prevented this premature demonstration of triumph, but the commanders on both sides practically recognised that the war was over, that further active operations would be but a wanton and criminal waste of life.

On March 20, 1782, Fox pressed a vote of want of confidence with such indecent eagerness that, probably for the first and last time in Parliamentary history, the Opposition would have refused precedence to a Ministerial declaration. On their proposal that the mover of the vote should be now heard, Lord North, with his usual dignity and presence of mind, 'rose to speak to that motion,' and announced the resignation of the Ministry. It was succeeded by one in which Lord Rockingham was the nominal head, Shelburne and Fox the rival chiefs, and Burke a subordinate place-man excluded from the Cabinet. With characteristic want of tact and loyalty, Fox intrigued to thwart the negotiations of his colleague and wrest the management of the terms of peace from Shelburne's hands. Franklin and Adams profited by the advantage thus given them; but the former well knew which Minister

⁴ Nothing remained for the United States but to appeal to France for a rescue, not from a foreign enemy, but from the evils consequent on their own want of government.

"Without an immediate, ample, and efficacious succour in money"—such were Washington's words—"we may make a feeble and expiring effort in our next campaign, in all probability the period of our opposition."—B. 6, p. 350.

he could really trust, with whom he could negotiate in confidence and good faith.

The signal and ruinous defeat of the French squadron under De Grasse off Guadaloupe checked the intrigues of France, and reconciled the pride of England to the sole disadvantageous treaty she had concluded since the Revolution. The death of Rockingham, the elevation of Lord Shelburne to the Premiership, and the resignation of Fox greatly facilitated the negotiations with America.

One important point alone was really in dispute. The King was bound to use his utmost efforts to obtain an amnesty for his loyal subjects. On other questions Franklin acted with moderation, temper, and good sense; his obstinate refusal of mercy, or rather of justice, to his vanquished countrymen alone betrayed a vindictive spirit. It is probable, however, that on this head he could not afford to be just or reasonable; nor could any diplomatic concession have been of practical advantage to the unfortunate martyrs of a lost cause. Congress had not the power, even if it had the will, to bind the several States; nor could, nor would, the State Governments have interfered effectually to protect the objects of a popular animosity which even Washington had rather inflamed than discountenanced. The hatred which fear of military reprisals had not restrained would have been unsparingly indulged at the expense of victims utterly defenceless. All that the King could do was to give the fugitives shelter and some poor compensation in the Northern provinces.

It was unfortunate that the preposterous demand of the Americans to share in the Newfoundland fisheries was admitted—probably as hardly worth contesting. Florida was restored to Spain. The territories conquered from France were divided; the vast region between the Lakes, the Alleghanies, and the Mississippi yielded to America, Canada and the maritime provinces retained by Great Britain. An interlined clause, prohibiting the British from carrying away ‘any negroes or other property,’ formally recognised slavery as a national institution of the United States. England acknowledged her thirteen revolted Colonies, *not* as an independent nation, but individually and by name as ‘sovereign and independent States.’ The treaty was finally settled on November 30, 1782, but, in pursuance of the engagements between France and America, came into operation only when a general peace was signed on January 20, 1783.

BOOK III.

THE UNION.

CHAPTER I.

UNDER THE CONFEDERATION.

Proscription of the Royalists—Could Washington have made himself Dictator?—Financial Anarchy—Organisation and Powers of Congress—Impracticable Character of the Confederation.

THE Revolution had succeeded; the States had achieved or received their independence. But peace had not brought prosperity, nor did independence repress the anarchy or calm the passions of revolution. The States south of the Potomac had been well nigh ruined by the war; their industry had been interrupted, their commerce annihilated, their farms wasted, their stores burned, their towns and villages plundered and fired, their cattle and slaves carried off, their population, slave and free, demoralised by the licence, the disorders, and the frenzy of civil war.

Elsewhere the dissentient minority had been too weak to be feared. The same prudential considerations, the political indifference, the aversion to violence which had rendered them careless of sentimental grievances, kept most of them neutral so long as the insurgents would suffer them to pursue their business in peace. But the natural aristocracy of New England had been scarcely less effectually proscribed and exterminated than was that of France some ten years afterwards. From every Colony a large part of its better classes had been driven to seek refuge or take service under the royal flag; and on the evacuation of New York, these sought with ruined fortunes new homes in the English provinces beyond the St. Lawrence, where, as they complained with some reason and some exaggeration, there were nine months of winter and three of cold weather. After some years' delay, these voluntary exiles received from the bounty of the Crown a compensation, if not wholly adequate to their losses, by far the most liberal ever obtained by the victims of a successful revolution. Their property was confiscated as a matter of course. Not

a few of those who had ventured to remain were persecuted, exiled, and plundered, either under the forms of law or by the summary methods of democratic excommunication. In the Southern Colonies especially the mutual outrages, the devastations, the military executions and reprisals had rendered reconciliation or forgiveness impossible.

The vindictive proceedings of the first months of the peace aggravated the miseries and impoverishment caused by the last years of the war. Fortunately for the Americans, the States which had suffered most severely were those whose wealth was purely agricultural, in which therefore there was least to destroy and in which the havoc of war was most easily and rapidly repaired. Massachusetts and New Hampshire had been untouched. Even in Connecticut the invaders had never penetrated far and had been speedily expelled. The war had swept over the whole inhabited country of Georgia, the Carolinas, and Eastern Virginia. In the North, Rhode Island only had been occupied by the invaders as an enemy's country. Desultory raids excepted, the operations of the contending armies had been confined to the region between the Delaware, the sea-coast, and the Hudson, and to the lower valley of the last-named river. Political disorder, social and industrial disorganisation and the suspension of commerce, rather than actual military extortion or destruction, had impoverished the population of the Middle and North-Eastern States.

The proportion of the people brought into the field was never large, and small indeed when compared with that absorbed by the great wars of the present century both in Europe and America. At no time probably during the War of Independence was one-fortieth of the American population under arms. In the States north of the Potomac two-thirds of the men capable of using the spade or the rifle were left to pursue their industrial tasks; three-quarters of the settled country was free from the ravages of war. Industry was but partially, locally, or temporarily interrupted. The agricultural and commercial depression, the general sense of distress and poverty which succeeded the first excitement of victory, was due less to the waste and havoc of war than to the widespread mischief inflicted by the financial follies of Congress; imitated and aggravated by the several State Governments. Hence the ruin of trade, the annihilation of credit, the expulsion of specie, the enormous losses of the moneyed and lending classes, the demoralisation of the public opinion and feeling. All market values, all pecuniary denominations, had been thrown into confusion by a currency rapidly depreciated and finally repudiated. The mischief was enormously enhanced by the legislation directed to give a forced circulation and false value to over-issues as mon-

strous in proportion to the population, the needs, and the wealth of the country as the assignats of revolutionary France. When the paper was repudiated, the justice refused to creditors was rendered to debtors. Debts contracted in paper were to be paid, not at their nominal rate, but at the value assigned by *ex post facto* legislation to the paper current at the time of the contract, a value always calculated in favour of the debtor.

The claims of the Army demanded immediate consideration. Officers and men had been paid in paper whose depreciation increased from day to day ; which might be worth fifteen cents per dollar when despatched from Philadelphia, and ten or less when it reached the soldiers' hands. On one occasion a supply of silver, received from abroad, was taken up to the camp in barrels ; the heads were knocked out in the sight of the troops, and the soldiers exclaimed with incredulous amazement and delight—' Why, Jonathan, it's hard money ! ' So long as they could subsist, however hardly, while half-fed, half-clothed, barefooted, blanketless in the midst of winter, the regulars, the militia of Virginia, Maryland, and the Carolinas, and a part of that from the Northern States, had fought on ; looking to victory for their reward, to peace for the fulfilment of the promises by which they had been lured into the service and kept in hope and spirits. They found, however, that they were to be disbanded while their nominal pay was in arrears, without the shadow of security for the promised rewards. Even the liability of the new Congress, convoked under the Articles of Confederation adopted in 1780-81, to make good the engagements of its predecessor was disputed or denied. The veteran regulars, the flower of the army, had in the course of their service lost the habits, the opportunities, and the tastes of peaceful labourers. They had no homes to go to, no money to take them thither, and no prospect of employment. The officers, who had exhausted their own resources, saw little hope of receiving the seven years' half-pay which was to be their compensation. Once dispersed, their claim, already challenged, would be shamelessly repudiated. One band of Pennsylvanian recruits mutinied and threatened to extort justice by force at the doors of Congress. The rest of the army remained loyal and quiet, but made it plainly understood that they would not disperse homeless, owing the clothes on their backs and the shoes on their feet to the charity of France, and without other property than the arms in their hands. Congress was insolvent, its debts overwhelming, its credit forfeited, and its Treasury empty.

At this moment, and only at this moment, a Cæsar or Napoleon, an ambitious and unprincipled military chief in Washington's position, might have had that chance for foregoing which European ignorance and American enthusiasm have praised him so lavishly.

There were not wanting, among officers and men, hints and signs of strong monarchical inclination. Had he promised them pay and permanent employment, the Continental regulars would probably have stood by him. Congress had fallen into the lowest depths of contempt and odium. The Commander-in-Chief was the central figure on which all eyes were bent, the representative at once of popular sentiment and legal authority as well as the depository of military power; and might unquestionably have driven Congress from its Hall at the point of the bayonet; might probably have been hailed as King by six or eight thousand veterans. But here his victorious progress would have been arrested. He would have been confronted by thirteen State Governments, backed by thirty thousand men trained to arms, and by two-thirds of the population from whom his army was drawn. Outside his camp he would not have had five thousand active partisans. The attempt would have been madness. With but one-half of the army which had failed to confront the British in the field, with every advantage that had favoured him in a defensive war turned against him in a war of aggressive ambition, opposed by every difficulty which had baffled the forces and the wealth of England, without that French fleet and army which had decided the former issue in his favour—without money, resources, or supplies, save what he might levy by force of arms, thereby turning passive disgust into active hatred—he must have conquered the population, the distances, the conditions that had proved fatal to Clinton, Burgoyne, and Cornwallis, or perished in the desperate enterprise.

Of simple tastes and no selfish ambition, he scarcely felt a temptation to which no sane man, with his knowledge and his experience, could have succumbed. The praise so absurdly bestowed obscures the honour which his conduct really deserved. His sympathy with the army was the strongest he was capable of feeling. His contempt and dislike for the assembly which had vexed, hampered, and intrigued against him—which had demanded impossibilities, undervalued his achievements, denied his most reasonable requests, neglected his wants, thwarted his designs, and claimed credit for a success to which it had contributed nothing—had been vehemently expressed in private. Resentment, however controlled by patriotic devotion and military duty, was strong within him—perhaps the strongest personal passion of his nature; and both as a man and a soldier he had cause to resent deeply and lastingly the conduct of the Philadelphia demagogues. His sense of justice, when not overborne by passion, was keen and vehement; and he knew that the army was in the right and Congress in the wrong. But he saw that a mutiny in the moment of victory would ruin the interests of his country,

stain the honour of his soldiery, and tarnish the lustre of his own personal fame. He exerted all his influence to discountenance the first movements of political intrigue and military disaffection: to exact from the Government clear and binding pledges of full and speedy justice to the army, and to persuade the army to rest satisfied with promises, which, often as they had been violated, were all that Congress could give. Robert Morris, the chief of the Treasury, strained the resources of the Government and his own personal credit to pay up some of the arrears; the officers were quieted with a pledge of five years' full pay, and the army was safely and rapidly disbanded.

During the next four years the Government sank into deeper disgrace and more hopeless impotence. The credit of the United States fell to the lowest ebb; far from attempting to liquidate debts at home and abroad, they failed even to pay the interest.¹

Congress had endeavoured to obtain authority to levy a five per cent. tax on imports, but such a measure required the unanimous assent of the States. New England, and especially Massachusetts, monopolised the greater part of the foreign trade on which duties must have been levied, and refused to forego the power of taxing in transit the trade of half the Union. Too unlearned in the simplest principles of economic science to realise that import duties are paid by the consumer, the Americans at large failed to discern the preposterous injustice of the pretensions of the importing States.

How completely the financial legislation of the war—the confiscation of debts, the enactments meant to bolster up the false

¹ 'We may, indeed, with propriety, be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride, or degrade the character of an independent people, which we do not experience. Are there engagements, to the performance of which we are held by every tie, respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners, and to our own citizens, contracted in a time of imminent peril, for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interest not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government, (I mean for the Union). Are we even in a condition to remonstrate with dignity? The just imputations on our own faith, in respect to the same treaty, ought first to be removed. Are we entitled, by nature and compact, to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government forbids them to treat with us; our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land in the market, and can only be fully explained by that want of public and private confidence which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending, is reduced within the narrowest limits, and this still more from an opinion of insecurity than from a scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance, that could befall a community so peculiarly blessed with material advantages as we are, which does not form a part of the dark catalogue of our public misfortunes.'—*Federalist*.

value of a worthless paper currency, and the final act of national bankruptcy by which the incubus of that currency was thrown off—had demoralised a people once justly credited with commercial honesty, was signally shown during this period. The bankruptcy laws of many States amounted to a virtual release of dishonest debtors from legal liability, and prevented the revival of private as of public credit. In Massachusetts the restoration of law, the revival of business, and the enforcement of debts by legal process, provoked a communistic rebellion which threatened the subversion of the State if not of society, and compelled the interference of the scanty remnant of a Federal army to protect its arsenals and arms from seizure. It was put down at last with little bloodshed, but not until it had shaken the foundations of the scarcely restored edifice of law and order, and spread alarm among the propertied and educated classes throughout the Confederacy.

It was the financial confusion—the uncertainty of monetary denominations, the destruction of commercial credit, the scandal of national insolvency—that finally brought home to the public the intolerable inconvenience and imminent dangers of the situation; the impotence of Congress, the unworkable character of the Articles of Confederation, finally ratified a few months before the peace. The constitution, if it can be so called, broke down under a strain which had never been practically contemplated. The machine had not been originally intended to fulfil the functions of a national government, which had, by force of circumstances, inevitably devolved upon it. Congress was, as has been seen, in its origin a conference—a diplomatic council of thirteen mutually independent governments, a Committee of grievances, but neither a Legislature nor an Administration. As a government it was not merely provisional but accidental. It followed from its original character that it had never been invested, even provisionally, with the powers of a governing body; from its circumstances, its structure, and the manner in which the political control was actually distributed, that it dared not and could not usurp them. Every State had an equal vote; so that while the real strength of the Confederacy was centred in three or four of the thirteen States, these, even if unanimous, were powerless for civil action. Rhode Island, Delaware, Georgia, South Carolina, North Carolina, Maryland, and New Hampshire had a majority of the votes: Virginia, Massachusetts, and Pennsylvania contained a majority of the population, and with Connecticut, New York, and New Jersey, furnished an overwhelming proportion of the military force. It was impossible that the three great States should concede supreme authority or coercive power to a body in which they had only an equal voice

with Rhode Island, Delaware, and Georgia. Attempts had been made, when the functions of government and the direction of the war devolved upon Congress, to alter its composition and enlarge its powers, and the Articles of Confederation² were the tardy results of these efforts.

But, with the exception of Franklin, Congress contained at this time scarcely a single statesman of even the second rank. Its leaders were theorists and dreamers, possessed by a superstitious and exclusive dread of tyranny when anarchy was the paramount danger, and strong government the urgent need of the day. Moreover, to any amendment of the Articles of Confederation the unanimous assent of the States was required, and Rhode Island alone could negative every scheme of reform, whereof the reduction of the disproportionate power of the smaller States was an essential element. The men whose authority and influence ultimately overbore the jealous resistance of the lesser States, and enforced upon a doubtful and generally adverse majority a stricter scheme of Union, were, from 1776 to 1787, absorbed in more pressing duties, and for the most part employed elsewhere—in the army, in foreign missions—or were called by the exigencies of invasion and reorganisation to the service of their own States.

Even the extremity of a common peril had failed to obtain from the States compliance with the requisitions of Congress. Those most immediately endangered furnished more than their proportion of men and exhausted their resources in equipping and arming their levies, but naturally reserved them mainly for the defence of their frontiers and of the nearer neighbours whose cities were the outposts, whose territory was the bulwark of their own. Pecuniary contributions were hardly to be obtained from any of them after the total discredit of the Continental paper system. Taxes had been imposed by several of the State legislatures, but those whose patriotism had been quickened by invasion, actual or impending, could not, and those whose resources were as yet comparatively untouched would not pay them. The urgent needs of Congress and of the Continental army had been met by foreign loans, those of the States by impressment, by voluntary contributions, and by local borrowing.

From 1783 to 1789 the finances of the Union and of the several States were falling into ever deeper embarrassment and confusion. The unpaid interest, constantly accumulating, added to the weight of the foreign and domestic debt. Confiscation proved, as it has always done, an ineffectual and suicidal resort. Accounts, official and personal, State and Federal, remained not merely unpaid but unsettled. No one, not even Morris, the zealous, able, and

incorruptible Treasurer of Congress, knew within millions what was the indebtedness either of the Confederation or of its several members; what they owed to their creditors, or what was owing to them by the multitude of officials who had received money on the public account, or to whom funds had been advanced for military, commissariat, and civil expenses. The confusion was enhanced by the absence of any certain and common measure of value. Private commerce as well as public business was perplexed by the different meaning of the same denominations in different States. A hundred shillings might mean four pounds sterling in the North and one pound in the far South, and might bear any intermediate value according to the honour, the misgovernment, and the misfortunes of the intervening States.

Partial conferences had been assembled to consider and endeavour to regulate the monetary and commercial disorders by which the entire community was distressed, by which credit was destroyed and exchanges hopelessly deranged. Discussion only brought out more and more clearly the complexity of the problem, the interdependence of political and financial questions, the absolute necessity of entrusting the regulation of commerce, the restoration of the public credit, the common interests of the States, to some central body invested with compulsory powers and authorised to raise a national revenue by direct means, by taxes laid at its own discretion and received by its own agents.

CHAPTER II.

THE CONSTITUTION.

Meeting and Powers of the Convention—Parties—Federalism unpopular—Alexander Hamilton—Fundamental Usurpation—The first Scheme—State Coercion rejected—The Compromise—The Constitution—Powers of Congress—Absurdities of the Presidential Election—Disjunction of Legislative and Executive—Irresponsibility—Imitation of obsolete English Principles—State Ratification.

AT last a Convention, consisting of delegates elected by the legislatures of twelve States, assembled at Philadelphia in May, 1787. On the 25th, when nine States were represented, Washington was called to the chair. The nominal powers of the Convention were limited in the extreme. It was authorised only to revise the Articles of Confederation and recommend amendments. These amendments were the mere suggestions, so to speak, of a Royal or Parliamentary Commission, without legal effect, with no sanction other than they might derive from the individual and collective authority of their authors. The most urgent and most unanimous recommendations of the Convention could not bind its constituents.

It would seem then that little result could be expected from the labours of such a council. The Articles of Confederation were a treaty between independent Powers, and could be amended only by their unanimous consent. No amendment could turn a league into a nation, a treaty into a constitution. No essential modification of the compact was likely to receive the unanimous assent of thirteen States with different temperaments, traditions, and interests; States large and small, Puritan and anti-Puritan, democratic and aristocratic, commercial and agricultural; States dependent on slave and free labour respectively. Nay, the veto of Rhode Island was ensured beforehand. She had refused even to send delegates to consider the subject. But the very impotence of the Convention gave it liberty. Of two strict and narrow limitations, the one cancelled the other.

The divergent tendencies, the opposite alarms, which prevailed out of doors, disclosed themselves at once in the formation of two distinct parties within the Convention; the parties which, under

different names and colours, arrayed on different battle grounds, but defined and organised, from first to last, on the same essential lines, the same antagonistic principles, have ever since contested the government of the Union and the control of its policy. Their opposite political creeds were rooted in the conditions of the problem, in the traditions, passions, and interests of the country, in the necessary combination and natural antagonism of State sovereignty and national unity. A few extremists excepted, all Americans recognized in 1787 and have always acknowledged the importance of both; differed and have ever since differed in laying greater stress and attaching greater value to one or the other.

It is invariably in such a union of conflicting necessities that permanent political parties have their foundation; the joint acknowledgment of both giving them a common ground, the respective preferences a cause of conflict. Federalists and anti-Federalists, Whigs and Democrats, Republicans and Democrats, have alike acknowledged the necessity of federation, the impracticability of consolidation; the necessary supremacy of a single central authority over external relations, the rightful and indispensable sovereignty of the States in domestic matters; and have always disputed the proper limits of State and Federal authority.

The contest¹ began with the first meeting of the Convention. Fortunately for the Federalists, the antagonism was not fully understood or organised till the views of their leaders were disclosed in the course of debate. In the absence of a recognised political issue, the choice of the delegates had been largely governed by personal considerations. The party to which two-thirds of the foremost statesmen belonged was, as presently appeared, a decided minority of the people, but by force of character had secured an overwhelming majority within doors. They began by insisting that the sittings should be secret, lest the premature publication and fragmentary discussion of their views and the denunciations of their antagonists should prejudice their work, before it could be submitted to the popular judgment, to be accepted or rejected *as a whole*.

Most of the great Revolutionary leaders, deeply impressed by the dangers and discontents which the weakness of the federal authority had entailed, were chiefly alive to the paramount necessity of a strong and self-dependent central Power. The people and the popular orators, jealous of interference and suspicious of a remote and quasi-imperial suzerainty too like that against which they had rebelled so fiercely and fought so long, were no less naturally more keenly awake to their local and immediate interests,

¹This account is taken in substance from the published memoirs of the Federalist Jay and the anti-Federalist Martin, of Maryland.

and warmly attached to those State governments to which they looked for protection and control. Conscious of no great obligations to the Union, they were afraid of the overbearing, intermeddling tendencies of a collective government. Each State was jealous of his neighbours and distrustful of its more distant confederates. Delaware feared encroachment from Maryland or Pennsylvania; Rhode Island from Connecticut and Massachusetts. The Carolinas disliked New England and suspected her of a desire to domineer and intermeddle; commercial and Puritan New England looked down upon the ignorance and rudeness of the South. The intermediate position and the political and moral ascendancy of Virginia rendered her the connecting link, her statesmen the natural mediators.

Washington, who presided, with his usual quick sense of personal dignity and official duty, forbore to take any active part in the debates. The leader of the Federalists, the foremost statesman in the Convention, was Colonel Alexander Hamilton, long a favourite aide-de-camp of the Commander-in-Chief; the most distinguished and skilful among the younger soldiers of the Revolution, the least rhetorical, the most logical, powerful and persuasive of American orators; equally successful with a senate and a jury—equally lucid, fluent, and unanswerable as a speaker and a writer; a thorough economist, a profound politician, a sound reformer, a consummate financier, a master alike of theory and practice, of organisation and administration; Pitt and Napoleon excepted, the youngest man who in modern times has played a first part on a political stage. At seventeen he had stood up before a raging mob to defend the cause of law and order, of free speech and individual liberty, against the intolerant tyranny of his associates of the insurgent faction. At thirty he governed, in its most momentous and perilous crisis, the history of his country. But for him the Convention would never have met, or had it met would have accomplished nothing.

New York, holding an intermediate position between the greater and the smaller States, was sure powerfully to affect, if not to govern, the conduct of the latter. The party which regarded the meeting and probable action of the Convention with distrust had a majority in her legislature. Only the powerful reasoning and persuasive eloquence of Hamilton induced her to send delegates, and to name him first among them. The force of the inclination against which he had prevailed, the strength of the party he had overcome, were evinced by the selection of two Antifederalist colleagues, who threw the vote of the State against him in one important division after another. In spite of this severe disadvantage, Hamilton, more than any other man, controlled the course of the Convention; and of the scheme as ultimately

adopted he, in a greater degree than any of his colleagues, was the author. His success was the more honourable that it was not won by any politic suppression of unpopular opinions. He was as frank and open in the statement of his Ultrafederalist views² as wise and statesmanlike in foregoing every point which, however important, however necessary he considered it, was likely to divide the majority or to imperil the acceptance of their work by the people.

As Virginia had taken the first step in convening the assembly, the first scheme was brought forward in her name and by her delegate and Governor, Edmund Randolph. It was met at the outset by an objection founded on the instructions of the Convention.³ The Federalists pointed out that as their recommendations, limited or unlimited, were merely suggestions which had no force unless adopted by the States, they were but private individuals, instructed to do what they could have done without instructions. An invitation to advise their countrymen could not limit their right to offer advice uninvited. Their ultimate action revealed a flaw in this reasoning. Whereas the amendments they were authorised to offer required the assent of all the States, they assumed the right to dispense with the assent of one-third, and practically dissolved the Confederation of the thirteen States as soon as nine should accept their recommendations. But this stretch of power was not foreseen, nor, probably, contemplated at the time. Their reasoning prevailed; and indeed, as it presented itself at this stage of the proceedings, it was not easy to return an effective answer.

Randolph's plan was considered in detail, as was afterwards a counter-scheme more favouring the independence of the several States, put forward on behalf of New Jersey. The latter was better calculated to win the favour of the people than to meet the views of statesmen deeply impressed by the experience of the last few years with the necessity of a central authority independent of the machinery of the State Governments. Probably because its framers felt the necessity of satisfying this primary exigence, the counter-scheme contained a recommendation inconsistent with its principles, betraying a certain consciousness of weakness, and at once fatal to its acceptance. Making the Federal power dependent on the States in the exercise of its limited authority, the States' Rights party authorised the forcible coercion of a recusant or obstructive State.⁴ The Convention saw that such a provision meant, not constitutional compulsion, but civil war. The idea of forcible coercion to be employed against a sovereign State was generally condemned, was promptly dropped,

² Elliott's *Debates*, 203, 556, etc.

³ *Vide Supra*.

⁴ Bancroft debits the Virginia plan with this suggestion, more consistent with its general character.

and never revived. The Jersey plan was voted down on other grounds. But that coercion in such a case meant war, that the Union could not rightfully or lawfully wage war against one of its members, was the opinion of a vast majority. The question was raised, and, if it were not formally decided in the negative, it was because no delegate ventured to challenge a vote; probably because no State delegation could have been found to maintain the affirmative.⁵

The Convention proceeded to consider the Virginian scheme, tacitly setting aside the objection raised *in limine*, and proceeding, not to amend the Articles of Confederation, but to frame a substitute—to create ‘a national government’ complete in the three branches, executive, legislative, and judicial. The first great question concerned the equal representation of the States. Their equality in the Confederate Congress had been provisional and almost accidental; a point conceded to necessity, urgency, and the extreme difficulty of finding any other basis which would be accepted by all the Colonies. After a sharp contest, it was resolved that the distribution of power should be based on population. A single Executive, to hold office for seven years; a Senate, elected for the same term; a House of Representatives, chosen for three years, were successfully carried by a narrow majority of States. Georgia, though one of the least populous, voted with the larger (according to Luther Martin, the Antifederalist delegate of Maryland), in the belief that her extensive western territory, including great part of Alabama and Mississippi, would soon raise her to the level of Virginia or Pennsylvania.

Beaten on every point, irritated by the imperious determination of the majority within, and persuaded that their own views would be sustained by a majority without—certainly by a majority of the States, probably by a majority of citizens—the weaker party at last threatened to secede from the Convention and appeal to their constituents. This threat brought the majority into a more compliant mood; and a committee, consisting of one delegate from each State, at last devised a compromise which, though it satisfied neither extreme, was accepted by the moderate men of both parties as a reasonable settlement. That compromise, with a few amendments of secondary importance, forms to this day the Constitution—the written fundamental law—of the Union.

A complicated and cumbrous machinery, the imposition of conditions by no means easy of fulfilment, secure that fundamental law from hasty, inconsiderate, or needless alteration. It can practically be modified only when the country at large, and no

⁵ I have followed the summaries of Jay and Martin. Elaborate accounts of the discussions are contained in the Madison Papers edited by Gilpin, in Elliott's *Debates*, and in Bancroft (*Formation of the American Constitution*) a sequel to the edition I have quoted. But they do not substantially differ from my account. Bancroft wrote after secession, as a violent partisan.

mere party or sectional majority, is fully convinced by experience that some of its provisions are faulty, inadequate, or unworkable. An amendment can be proposed only by two-thirds of both branches of Congress, or by an amending Convention, summoned on the application of two-thirds of the States. The former has been the course invariably adopted. The proposed amendments require the ratification of three-fourths of the States, and no amendment can deprive a State of its equal suffrage in the Senate. The phrase 'national government' was struck out; but a government which, within its allotted sphere, may fairly be called national, was substituted for the single Congress or diplomatic assembly which had directed on behalf of the States, and rather by advice than command, the common affairs of the Confederation.⁶ To use the technical terminology of German writers, the 'Staaten-bund' became, for certain purposes and within certain limits, a 'Bundes-staat.' As the 'Federalist' itself—the organ of the constitutional party, written chiefly by Hamilton—declared, the States *were still to be regarded as 'distinct and independent sovereigns.'* The Federal government was confined to the powers expressly delegated to it.

The equal sovereignty of the States is represented in the Senate, their population in the House of Representatives. The legislature of each State elects two Senators for a term of six years; but the first-chosen Senate was divided into three classes by lot, one-third of the members to retire at the end of two and four years respectively; so that one-third of the Senate is renewed at the end of each second year. The continuous existence thus given to the Senate—the quasi-diplomatic position of its members as representing sovereign States—their election not by the people, but by the legislatures—have given it from the first a dignity and authority which render it in every sense the Upper House of the Federal Legislature. Its dignity is enhanced by the share of the executive power bestowed upon it. No treaty can be ratified but by a two-thirds majority of the Senators voting thereon; every appointment to offices of the highest class requires Senatorial sanction.

The first House of Representatives consisted of sixty-five members, apportioned to the States according to their supposed population, 35 to the North and 30 to the South.⁷ Congress was obliged to take a census within three years—*i. e.* in 1790. After each decennial census a redistribution of seats takes place. Each State, however small, must have one representative; otherwise, the legal maximum was fixed at one member to 30,000 popula-

⁶ This word and its equivalents are found in constant contemporary use. 1776-86.—Bancroft, vi. p. 175, etc.

⁷ The South then meant Maryland, Delaware, Virginia, the Carolinas, and Georgia, which included the country out of which Kentucky, Tennessee, Alabama and Mississippi have been formed, except the coasts of the two last.

tion. At each redistribution both the number of members and the size of their constituencies have been increased. In 1881 325 members represented each a population of 154,000.

The members are allotted by Congress to States, not to districts. The State was empowered in the first instance to distribute her members as she pleased, or elect them *en masse*, and for some time several States adopted the latter course; but the ultimate right to override these arrangements is reserved to Congress. In estimating population and apportioning direct taxes, five slaves were reckoned as three freemen (the *word* slave was avoided, as in other cases, by an ingenious circumlocution). The franchise follows that of each several State; the Representatives must be chosen 'by the electors of the more numerous branch of the State Legislature.' This suffrage, which in 1790 varied greatly from State to State, and was almost everywhere more or less restricted, is now practically universal.

Congress has exclusive power to declare war, to regulate foreign, interstate, and Indian commerce, to maintain and legislate for the army and navy, to prescribe the discipline of the militia, to coin money, to establish post-offices, impose and collect import duties, create and pay Federal debts, and establish uniform laws of naturalization and bankruptcy. It shares with the States the power of internal taxation. A very important clause, strained in later times in a manner never contemplated when it was accepted, empowers Congress to make all laws necessary and proper for carrying into execution the powers vested in the Federal government. The writ of Habeas Corpus is not to be suspended save in case of rebellion or invasion; the place assigned to this prohibition evidently reserved the power of suspension to Congress. The slave-trade (importation of such persons as the State thought proper to admit) was not to be prohibited by Congress prior to 1808; but it might tax each person imported under State laws not more than ten dollars per head. The slave-trade was at the time prohibited by nearly all the States. Titles of nobility, bills of attainder, and *ex post facto* laws are forbidden; no tax can be laid on exports; no State can make anything but gold or silver a legal tender, or emit bills of credit (exchequer bills or promissory notes); it would seem, but is not clear, that Congress may not.⁸

With the exception of the right to declare war, ratify treaties, and appoint officers of his own sole authority, the President enjoys more than royal prerogatives.⁹ He is the absolute chief of

⁸ So Luther Martin and Bancroft. (Sequel Book III. c. 7.)

⁹ He can pardon offences against Federal law, 'except in case of impeachment.' But the prerogative of mercy in its everyday sense rests with the Governors of the States, as everyday crimes, from larceny to murder, are breaches of the peace of the State. The only penalty involved by impeachment is removal and incapacitation; any criminal offence must be made the subject of an ordinary trial and separate penalty, which the President may remit.

the Executive government; Commander-in-Chief of the army and navy, and of the militia when called into the Federal service; has the sole charge of negotiations with foreign Powers, the nomination of all officers, diplomatic, judicial, civil and military. But Congress may vest the appointment of inferior officers in the President alone, in the Courts of Law, or in the heads of departments.

The President may convene Congress or either House separately at other than the regular annual periods; arbitrates between them if they fail to agree on the term of adjournment, and has a restricted veto on Bills to which both have assented. These require his signature; he may withhold it, and return the Bill, with his reasons, within ten days, to the House in which it originated. If detained beyond ten days during the session, or repassed in spite of the Presidential objections by two-thirds of each House, it becomes law without his signature. The ten days' grace allowed for deliberation has sometimes been used to get rid of Bills passed during the closing days of the session without the use of the veto or risk of its reversal. The session usually begins in December, and in alternate years ends with the expiry of Congress on March 3.¹ The President holds office for four years. In case of death or removal the Vice-president succeeds him.

The original method of election was an elaborate and strangely obvious blunder. Each State was to choose, in such method as it thought fit, a number of electors equal to that of its Federal Senators and Representatives together; thus securing three votes to the smallest States, and giving to the weaker a larger influence than they could claim in right of population. These electors in their several States vote by ballot for two candidates, one of whom *must* be a citizen of another State (therefore the President and Vice-president are never selected from the same State, as it could not vote for both). An absolute majority of all the electoral votes is necessary to an election. Such majority secured, the candidate having the greatest number was originally to be President, the second Vice-president. Failing an absolute majority, the House of Representatives *voting by States* chooses the President, the Senate the Vice-president.

The machinery broke down at once. The electors, having no other function, were chosen simply to give a mechanical vote for the candidate favoured by their constituents; the election, which was meant to be freely made by the best men of the several States, became direct and primary, yet not popular; inasmuch as a popular minority may cast a majority of the electoral votes.² At the same time the machinery renders it possible that the can-

¹ An expiring Congress has nevertheless sat till late in the morning of the 4th.

² Lincoln was elected in 1860 by two-fifths of the popular vote.

didate chosen might have a majority neither of the States nor of the people. The mode of election by the House is equally unsatisfactory, as a weak party minority might command a majority of State votes. To secure an election by the Colleges became at once a paramount object; leading to the nomination of party candidates, first by a 'caucus' of the party Senators and Representatives, and afterwards³ by 'conventions' nominally elective, but really chosen by the political wire-pullers of each faction.

The original mode of voting for President and Vice-president together entailed further absurdities and inconveniences. If many votes were 'scattered'—that is, given to candidates who commanded but a small following—the President was chosen by one party, the Vice-president, his possible substitute, by the other; so that accident might at any moment transfer the executive power to the nominee of the minority. If party discipline were strict, the two candidates of the majority received an equal vote; the decision fell to the House of Representatives, and party intrigue might place in the Presidential chair a man whom his supporters meant for the secondary and, under ordinary circumstances, unimportant office.

Both of these things happened as soon as the overshadowing eminence of Washington was withdrawn. First, the Federalist Adams was chosen for President, the Antifederalist Jefferson for Vice-president. Next, Jefferson and Burr each received the whole vote of their party, and the Federalists, who controlled the House, threatened out of spite to elect Burr, who had been named only to secure his electioneering influence, and whom not one in ten of his supporters had dreamed of elevating to the Chief Magistracy. These things led to the passing of the 12th constitutional amendment, under which votes are separately cast for President and Vice-president.

But another dangerous consequence which the framers of the scheme might well have foreseen has endured to the present day. The Vice-president has as such no function, except to preside over the debates of the Senate and give a casting vote when the numbers are equal. Hence the office is constantly bestowed on a mere electioneer or local demagogue, to secure the support of a personal faction or of a particular State. The possibility of his succession is too remote to affect the choice. Yet in less than a century four Presidents⁴ have died in office, and mere chance has transferred a post more important than our Premiership to men never meant, and nowise qualified, for any higher duty than that to which they were nominated—to put the question and announce the result of divisions from the chair of the Senate.

³ About 1828-9, the caucus system having, as it was generally considered, signally failed in the election of 1824-5, which ended in the choice of J. Q. Adams by the House. *Vide infra*.

⁴ Harrison, Taylor, Lincoln and Garfield.

Not the Federal, but the formal and paramount character of the Constitution imposes the highest political functions, and bestows a legislative power of the gravest moment, upon the Federal Judiciary. All cases arising under Federal law belong ultimately, if not primarily, to the jurisdiction of the Federal Courts; an appeal lies to the supreme Court whenever a point of constitutional right is raised before the State tribunals. The Federal jurisdiction extends to all cases of maritime law; all to which the United States are a party; all controversies between two or more States, between citizens of different States, and between foreigners and citizens. An amendment provides that it shall not extend to any suit prosecuted against a State by individuals. But further, the jurisdiction of the Federal Courts, and in the last resort, of the Supreme Court of the United States, extends of necessity over the Federal government, over the Executive, and over the Legislature itself, as well as over the executives and legislatures of the several States. The Federal Constitution is 'the supreme law of the land.' Neither Congress, therefore, nor the State legislatures, can lay claim to what is called the omnipotence of Parliament; both are subject to express limits and prohibitions, and Congress is further bound by the rule that all powers not expressly delegated to it 'are reserved to the several States or to the people' (thereof).⁵ If Congress transcends its powers, if the State legislatures invade the Federal jurisdiction, their enactments are simply null and void. No Act of Congress or of a State legislature is *ipso facto* law, and the right of interpreting Federal law gives the Federal Courts—that is, ultimately and practically, the Supreme Court—a negative on all Acts which are in their judgment incompatible with the Constitution.

This jurisdiction has been used, on the whole, not to confine but to extend the Federal authority. The first Judges of the Supreme Court were appointed by Washington and Adams, and were taken exclusively from the Federalist party. Under the guidance of Jay and Marshall the Court continued, for a whole generation, by decision after decision, to extend the implied powers inferred from the general clause above quoted far beyond the intentions of the States that accepted, and even of the Convention that framed it. Long after the Federalist party in Congress and in the country was reduced to insignificance, after the popular judgment had been pronounced finally and irrevocably against them, after the Antifederalist or 'strict' construction of the Constitution had been accepted by all the States, by the Federal Legislature and Executive, the Federalists remained in possession of

⁵ That the last word expresses the true meaning of this important definition is plain from the whole spirit of the Constitution, the debates of the convention, the language of the *Federalist* itself, and the well-known intentions with which the States, somewhat reluctantly, accepted the scheme when laid before them and insisted on these amendments. *Vide infra*.

their judicial stronghold. Before Marshall left the bench, the Supreme Court had laid down a series of binding precedents, establishing as law for all time an interpretation of the Constitution wider and bolder than that of Hamilton himself.

The Executive Power was the chief object of popular jealousy and party distrust. To circumscribe it as far as possible was the first and most persistent purpose of the minority in the Convention, and the aim in which they seemed to themselves and to their opponents to have been most successful. Their fears were directed especially to the patronage of the President. They held, and Hamilton admitted, that corruption was the peculiar danger of a republican and democratic government; of a society in which fortunes were small and inheritances divided at death. These anticipations have been fully verified, but not in the quarter to which they were chiefly directed. Overlooking the fact that the Senators and Representatives were to be paid, and that comparatively few of the offices required by a Government so narrowly limited in its functions would be more lucrative or more attractive to ambition than a seat in Congress, the chief fear was lest the Executive should corrupt the legislature, and the accumulated precautions related almost exclusively to this form of illegitimate influence. The only exception of importance concerned the treaty-making power. A king, Hamilton held, is identified by tradition and sentiment, by pride and interest, with his country; he may oppress and misrule, but he will not sell her. No Power is rich enough to bribe the hereditary Monarch of a great State, but the four years' President of a Republic, a man of modest fortune, destined in his children's if not his own person to sink into comparative insignificance and obscurity, would if invested with royal prerogatives be exposed to temptations too great for average human virtue. This was one main reason for requiring the assent of the Senate to all treaties. As if the initiative in negotiations, the draft of a treaty, or a State secret might not be worth the gigantic bribes Hamilton had in view!

The checks imposed on the Executive have, on the whole, rather enlarged and strengthened than limited its practical power, whilst seriously impairing that personal responsibility which is the surest and strongest check of all. The President's veto can be overruled by a two-thirds vote of both Houses. The absolute royal veto had, and has, never been exercised by a Prince of the House of Brunswick. As borrowed and limited by the American Constitution, it has been freely used by Washington and his successors. It might seem almost inconceivable, and it has rarely happened, that an elected President should not be supported by more than one-third either of the Senate or of the House of Representatives. Again, while the power of nomination remains exclu-

sively in the President, the Senatorial right of rejection can hardly be effective. A factious majority might exclude from the Cabinet, from Embassies and important State offices, statesmen and party leaders whose services the President deems indispensable. But the Senate cannot prevent the corrupt exercise of his patronage, since it cannot name a substitute, and must, in the end, accept a Presidential nominee, perhaps more objectionable than those rejected.

Considering how high American party spirit runs, the fact that the power of rejection has been but little used and only at one period abused, shows how difficult must be its exercise, how little restraint it could impose upon a self-willed or unprincipled Chief Magistrate. The Senatorial veto upon treaties has sometimes embarrassed negotiations of the highest importance, sometimes endangered peace and strained the foreign relations of America, and more than once screened transactions from which an exclusively responsible President would probably have shrunk; but it would be difficult to name an instance in which it has prevented mischief. No President has ever been suspected of corruption in the conduct of foreign affairs.

The outlines of the Federal system, the relations between the States and the Union, were, in the main, the natural growth of circumstances, and therefore the strongest, soundest, best founded part of the Constitution. Natural selection, as powerful in political as in physical life, had moulded them to their environments. History had furnished the framers of the Constitution with argument and illustrations, not with a model, hardly with suggestions. Hamilton and his associates quoted, but did not imitate, the federations of Lycia, Achaia, Switzerland, and Holland; quoted the miscalled Amphictyonic League, and drew a sound conclusion from premises ludicrously incorrect.

But the Federal government was an artificial creation, consciously and intentionally modelled upon the lines of that ancestral constitution which the Colonies had inherited, and which, in remodelling their governments, the States had closely and carefully followed. Monarchy and aristocracy were impossible, but the independence of the States furnished a basis for a Senate, intended closely to approach the character and discharge the functions of the House of Lords. The President was meant to be an elective, temporary, and responsible king.

But the Federalists, and even their great leader, looked to English law rather than to English history; sought the British Constitution in Blackstone and Coke rather than in Clarendon and Hume. And thus it happened that where they intended most closely to follow the spirit of their model, the Convention most completely departed from it. They also took, not from facts but

from books, not from history but from law, the principles of a system which had grown, not been made. They borrowed the legal powers and prerogatives which had remained unaltered while the actual status of the King and his relation to Parliament had completely changed. They overlooked the pivot of the working constitution before their eyes, and left out silently, and it would seem unconsciously, the fly-wheel of the complicated machinery of Parliamentary government. They ignored as Blackstone did, as English law does to this day, the Cabinet, through which the Princes of the House of Brunswick have governed, by which the hereditary right and personal irresponsibility of the Monarch are reconciled with the supremacy of Parliament, and the practical, immediate responsibility of the Executive.⁶ Following out the theory which lays supreme stress on the independence of the three great branches of government as the primary guarantee of liberty, the supreme security against tyranny, they forgot to observe that the independence of the Executive had led to the despotism of the Tudors, to the irrepressible conflict of the Stuart period, and had been virtually annihilated by the Revolution. So they forgot that the English judiciary was in the last resort subject to Parliament, and they created a power superior to the legislature, supreme alike over State and popular majorities, and controllable only by the cumbrous and unavailable machinery of Constitutional amendment.

They forgot in like wise that the royal prerogatives were exercised by, through, or with a committee taken from, and liable at any moment to be dismissed by, a Parliamentary majority. They failed to perceive that the presence of the Executive chiefs was as necessary as the absence of subordinate officials to the authority of the Houses. In excluding from Congress all Executive officials, from Ministers of State to Customs clerks, they exalted unawares more than they limited by all their restraining conditions that 'individual power' which was the object of their especial distrust. They borrowed the legal checks and balances, the theoretical counterpoises and opposed absolutisms of English law; but overlooked the fact that these tremendous powers and penal responsibilities belonged to a bygone period of history, had never been used since the Revolution, and could not be adapted to the complicated and delicate polity of modern times. They do but invest each branch of the Government with the power of bringing the whole to a deadlock; and a deadlock, endurable enough in the rough ages and simple society by and to which they were adapted, would ruin in a week the refined and intricate machinery of modern society, shatter the delicate fabric of law and order, of commerce and credit. They have been from the first as

⁶ George III. might be called at the time his own Prime Minister.

obsolete in America as they had long been in England when the Convention borrowed them from ancient history and pre-Revolutionary experience.

The President is responsible ; but a legal responsibility can be enforced only by legal methods, and within strictly defined legal limits and conditions. Impeachment must be based upon high crimes and misdemeanors, upon the abuse, not the misuse of power. Twice in American history has a legislative majority, under great provocation, attempted by this means to render a great Federal magistrate—in one case a President, in the other a Judge of the Supreme Court—responsible for honest, but according to the opinion of the day, grave perversion of his functions ; and each attempt has failed, and so failed as to render its renewal impossible.

The liability to be questioned and arraigned in debate, to be called to account for a strictly legal and unquestionably conscientious use of constitutional powers, the necessity of explaining their acts, of vindicating their policy, of proposing, defending, and recommending to the approval of their equals measures which require the sanction of the Legislature, at once enforce a political responsibility such as no law could impose and no court exact ; a responsibility for mistaken and unpopular as well as culpable action. At the same time they give Ministers a power and weight in the closet, an independent control of their several departments, an influence in legislation, which under the American system are wholly wanting. The President can choose his Ministers as he will, or his choice is limited only by party necessities and personal bargains of a more or less questionable character. The Senatorial negative is hardly applicable to the selection of Cabinet Ministers by the responsible head of the Government. It has very seldom been exercised, and never, perhaps, to exclude an unfit or incompetent nominee. The President is not compelled, like the Prime Minister of England, to choose statesmen who have achieved a high political position of their own, who possess the confidence of a State or electoral district, whose character, reputation, ability, and knowledge command the attention and secure the support of Congress. *He* is responsible ; he—as Mr. Lincoln said—must decide in the last resort. The advice of a unanimous Cabinet cannot shelter, and therefore cannot control him. Neither a despotic Monarch nor a Prime Minister—unless one whose character and authority, like that of Pitt or Bismarck, throws his colleagues into the shade—is entitled, because obliged, to exert a personal will, to insist upon his own strong clear conviction, as is every conscientious President of the United States.

The exclusion of Ministers from Congress, again, divides the responsibility and impairs the power at once of the Executive and

of the Legislature. The Secretary of the Treasury, for example, though invested with powers greater than those of any single English Minister, is not fully responsible for the conduct of American finance. His budget is referred to a Committee of Ways and Means, with which he has no recognised and public relations. They may amend, alter, or reject it; their chairman brings the financial scheme, as at last settled, before the House. The Minister cannot be heard to explain, defend, or enforce it; to resist amendments, to expound his reasons, and speak with the whole weight of the collective knowledge and experience of his department. No individual, no committee, no department is responsible for a deficit or for the use of a surplus, for the total amount of taxation or of expenditure. No one is charged to defend the national purse from extravagance, corruption, or misdirected outlay. The tendency of such a system to waste, profligacy, and jobbery of every kind is obvious; and history has verified the worst anticipations that experience, statesmanship, or political philosophy could have formed.

The practical irresponsibility of the Executive, carefully secluded from Parliamentary questioning, leadership, and self-defence, has nullified most of the checks provided by the Constitution. The President cannot declare war; but he can make it. On all the higher appointments the Senate has a veto; for most appointments, high or low, the President or his Ministers are legally responsible; and yet, for the last fifty years the use of Federal patronage has been flagrantly, openly, avowedly corrupt beyond the corruption of the worst days of the worst European monarchies.

It has happened more than once that the Executive has been supported by a minority in both Houses; yet the President has gone his way, has sustained his Ministers and carried out his policy in contempt or in defiance of Congress. The Senate has a veto on his negotiations; but as it cannot remove the Secretary of State it cannot control, and its systematic interference could only paralyse, the foreign policy of the Government—a risk which no Assembly of practical politicians will, under any ordinary circumstances, incur. Either the House or the Senate can withhold supplies; but this, the earliest, the most universal, and once the most effective form of popular control, the origin of all Parliamentary powers, is one which no modern legislature can exert. The Federal Government of America is the only one which could thus be checkmated without dislocating the whole fabric of society; yet Congress has never ventured, and I believe has never seriously threatened, to employ this obvious and seemingly easy method of coercion or restraint.

It is said, and in a sense truly said, that the essential change

effected by the Constitution drafted in 1787 was to bring the Federal Government directly into contact with the individual citizen. But the change was, prior to the Revolution of 1865, much slighter and less significant than the present generation, or the readers of popular accounts of the Constitution are prone to suppose. To the earlier Union or Confederation the States alone in their sovereign capacity were parties. It was by the States alone in their sovereign capacity that the new Constitution was, as only it could be, adopted, the new Union formed.

The fact that the Constitution was submitted to and ratified by conventions assembled *ad hoc* and not by the State legislatures has been urged as evidence to the contrary. The true interpretation of this point throws a striking light on the American theory of popular sovereignty. The State *Governments* do not represent the *sovereign* power of the State. Both the executive and the legislature are bound by the terms of the State constitution. In practical business, in external intercourse, the ordinary State authorities of course represent and act for the State. But as the very fact of written constitutions, limiting their powers, shows, the sovereignty—that absolute and supreme power which must exist in every independent community and must be vested somewhere—is not vested in the ordinary government but reserved for the people. In Athens that sovereignty resided in the assembled people. It still so resides in some of the Swiss Cantons which are small enough to permit a primary assembly of all free citizens. The reference of the Constitution of 1787 to Conventions assembled *ad hoc* established it as a part of the common constitutional law of all the States, that the sovereignty of the people could be exercised only through such a convention. To conventions so called the State constitution itself is subject. By such a convention alone, as representing the sovereign power of the State, could any part of her sovereignty be resigned or delegated. The permission to the Federal Government to act upon or give commands to individual citizens was in itself a partial resignation of that sole sovereignty which, under the Articles of Confederation, the States had jealously maintained; but that permission was narrowly limited. Substantially, if not strictly, it was confined to the power of taxation.

It was on this point that the Congressional government had obviously broken down. A main object of the new Constitution was to give the Federal Government a revenue of its own; and in order to collect such a revenue authority to deal with the citizens individually, to tax not States but imported goods, internal manufactures, and property, was obviously indispensable. This being the most pressing purpose which the framers of the Constitution had in view, they were careful not to imperil it by

claiming for the Federal Government any rights within the jurisdiction or conflicting with the claims of the States, not essential to this end. For the same reason they carefully avoided to define the several duties of the citizen to the State and the Union respectively. When challenged on this point by the vigilant champions of State-sovereignty, they repeatedly and explicitly declared, first that the sovereignty of the States remained untouched,⁷ secondly that the allegiance of the people would as a matter of course, of prejudice, interest, and feeling, be rendered to the States rather than the Union wherever the two might seem to come into conflict.⁸

At a late period in the history of the Union, when the constantly increasing power of the North and the bitter conflict on the slavery question had given rise to disputes and pretensions until then unknown, Webster suggested that the adoption of the Constitution was the act of the 'people of the Union,' not of the several States. After the outbreak of the Civil War, Motley laid down the same doctrine in still clearer and bolder terms. It is evident that the historian of the Netherlands had forgotten some essential facts in the history of his own country.

In a political and historical, if not in a legal and technical sense, the most authoritative commentary on the Constitution is to be found in the collection of papers known as '*the Federalist.*' That commentary was written at the time by the leading framers of the Constitution. It was written to satisfy the misgivings of their opponents, who in many States were a majority of the people. Published in the interval between submission and ratification, it furnished that interpretation upon which the State ratifications were given. Its bias was of course Federalist, and it is clear that the intention of those who ratified and brought the Constitution into being was to limit its interpretation within the narrowest bounds of the doctrine laid down by its framers. No just and candid jurist can contend for an interpretation less favourable to State-Rights than that laid down at the time by Hamilton, Jay, and Madison.

They anticipated and contradicted, as directly as language can contradict, the theory of Webster and Motley. Speaking of the ratification they hoped to obtain, they said—'That it will be a federal and not a national act, as these terms are understood by the objectors, *the act of the people, as forming so many independent States, and not as forming one aggregate nation, is obvious*⁹ from this single consideration—that it is to result neither from the decision of a *majority* of the people of the Union, nor from

⁷ 'Do they require that in establishment of the Constitution the several States should be regarded as distinct and independent sovereigns? *They are so regarded by the Constitution proposed.*'—*Federalist*.

⁸ *Ibidem*.

⁹ These italics are mine; the rest are in the original.

that of a *majority* of States. It must result from the *unanimous* assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed not by the legislative authority, but by that of the people themselves.

*Were the people regarded in this transaction as forming one nation,*⁹ the will of the majority of the whole people of the United States would bind the minority, in the same manner as the majority of each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States as evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State in ratifying the constitution is considered as a sovereign body, independent of all others and only to be bound by its own voluntary act. In this relation, then, the new constitution will, if established, be a *federal* and not a *national* constitution.¹

The preamble of the Constitution has been perverted to a similar purpose, and with equal ignorance or disregard of history. It purports to be enacted by 'the people of the United States.' By force of usage the plural has now become a singular, the disjunctive has been lost in the conjunctive sense of the phrase. To the statesmen of the Revolutionary generation, the former and more grammatical construction was constantly present. That the sense intended by the preamble was disjunctive and plural is clear from its history. The original draft ran, 'We, the people of New Hampshire, Massachusetts . . . South Carolina, and Georgia,' the plural 'peoples' not occurring to the scholarly draftsmen of the age. When it was believed that two or three States would refuse to ratify, and resolved that the assent of nine should bring the Constitution into force among those nine, it was no longer possible to specify beforehand the ratifying States. The indefinite phrase 'United States' was therefore employed instead of the several names; but no one supposed that the meaning or purport of the preamble was in anywise affected by the change.² As a matter of fact the ratification was given by each severally and independently, at different times, and without regard or relation to the action of others.³

⁹ These italics are mine; the rest are in the original.

¹ *Federalist*, No. 39.

² The use of the phrase 'United States' to include only those which might ratify the new constitution of itself implies secession from or dissolution of the former 'United States' of the Confederation.

³ Chief Justice Marshall, the Ultrafederalist, insisted in the Virginian Convention that the State could not be sued as such before a Federal Court. 'Is it rational to suppose that the *sovereign* power shall be dragged before a court?' Webster spoke of the States as 'enjoying the exclusive possession of sovereignty,' and affirmed that 'the only parties to the constitution contemplated by it originally were the thirteen confederate States.' Hamilton, speaking to the same point, laid down that sovereignty remained with the States, and that the contracts between a nation and individuals are only binding on the conscience of the sovereign, applying the words 'nation' and 'sovereign' to the individual States, not to the Union.—*Federalist*, No. 81.

In the Convention of 1787 Gouverneur Morris proposed to refer the draft constitution to a general convention of the people at large. The proposal was dismissed at once without debate, failing to find a seconder: that is, it was regarded as monstrous, out of the pale of discussion, by the most ardent Federalists.

This *draft* of the Constitution was submitted as 'done' and 'voted' not by individuals but by the State delegations; it was 'done in convention by the unanimous consent of the States present.' The Convention rose on September 17, 1787; but in the State legislatures, and in the conventions summoned by their authority to decide the question, the debates were long and passionate. Pennsylvania and South Carolina carried the ratification by about two to one. In New York, the power and eloquence of Hamilton narrowly saved his work from rejection; the majority at last was but two in sixty—thirty-one to twenty-nine. In Massachusetts the proportion was scarcely larger, 187 to 168. The opposition in Virginia was especially formidable. Many of her leading patriots, with Patrick Henry at their head, were altogether adverse to the scheme which had been proposed in the first instance on behalf of their State and carried through the Convention, in its final shape, by her influence. The Constitution was ratified at last only by 89 votes to 79. North Carolina made her assent conditional on the acceptance of several amendments; and a ratification so qualified was obviously of no effect. Rhode Island peremptorily rejected the new compact.

The absence of a Bill of Rights had given especial offence. One of the first measures of the reconstructed Union was the adoption of a list of amendments chiefly directed to this point: securing the freedom of religion, speech, printing, and petition, of bearing arms; protection from free-quarters and general warrants, trial by jury, the prohibition of excessive bails, fines, and cruel punishments. Amendments 9 and 10 secured to the people all rights, and to the States all powers not expressly resigned. Amendment 11 deprived the Federal Courts of jurisdiction in private suits against the several States, a provision which neutralised some of the restraints imposed by the Constitution upon State legislation. Virginia declared that the powers granted might be resumed 'by the people of the United States,' (*i. e.* of the several States of the Union,) whenever the same should be perverted to their injury and oppression. New York made the same reservation in terms substantially identical.

The position of the eleven States which thus repudiated their obligations under the former Confederation was exactly that of the eleven seceding States of 1861: the case of Rhode Island and North Carolina strictly analogous to that of the States which on the latter occasion adhered to the Union. The authority attached

ex post facto to the convention of 1787, the overwhelming strength of the ratifying States, the separation of the two dissentient States lying severally near the southern and northern extremities of the Confederacy, the accidental and temporary character of the refusal of North Carolina, the insignificance and speedy submission of Rhode Island, have obscured an analogy which in history, law, and logic is absolutely perfect. The sole difference is, that the seceding States of 1787 had no complaints to make against their confederates; whereas those who followed their example in 1861 believed that the conditions of the compact had been flagrantly broken, and its benefits forfeited, its obligations released, by those in whose favour the 'last appeal' was decided. North Carolina acceded to the new Union in 1789, Rhode Island in 1790.

At the instance of Maryland, the unsettled territory claimed by the several States was gradually ceded to the Union. Virginia put forward pretensions to the whole North-west, as far as the Mississippi, but resigned them in 1787 on condition that slavery should be for ever excluded from this vast region. North Carolina ceded Tennessee on exactly opposite conditions. The limits of Georgia were unsettled. The Cherokees were in possession of her north-western domain; the boundaries between Louisiana, Florida, and Georgia were long in dispute. At a later period, Georgia followed the example of her elder sisters, and yielded the greater part of what now forms the States of Alabama and Mississippi. The separation of Kentucky from Virginia, of Vermont from New York, and at a later period of Maine from Mississippi, were arranged between the mother-State and her seceding offshoot.

NOTE.—*The Theory of 1861 and the facts of 1787.*

Mr. Motley wrote: 'The Constitution was not drawn up by the States. It was not promulgated in the name of the States. It was not ratified by the States; the States never acceded to it.' These are negations of the historical facts as direct as words could convey. Reverse its meaning, strike out all the '*nots*,' and the passage becomes an exact and literal statement of that which actually occurred, as recorded in the contemporary documents which tell us how the Constitution of 1787 was drawn up, promulgated, ratified, and acceded to. The draft, as it finally left the hands of its authors, was 'done by the unanimous consent of *the States present*.' Every step towards its completion had been taken *by States*. The first scheme was presented by Virginia, the second by New Jersey. The votes upon each clause were given *by States*. Every question, great and small, in Committee or in full Convention, was decided by a majority of *States*. Each State, however many its delegates, however large or small, voted as an integer and cast one vote only. Had the votes and transactions been formally recorded, the *names of States alone* would have appeared therein. The signatures, whether of one, three, five, or more delegates were written for and *by States*.

The Constitution was promulgated *by the States* in Congress assembled—each having one vote there—to *the States* through the several State Legis-

latures. By the several State Legislatures it was submitted to the sovereign power of each State: the people in State Convention assembled. It was 'ratified' by *each* of the *States*. It was ratified in such form and phrases as 'We, the delegates of the people of the Delaware State,' 'We, the delegates of the people of the Commonwealth of Pennsylvania, in the name of the people of Pennsylvania,' 'of New Jersey, chosen by the people thereof,' 'of the State of Georgia,' 'of the State of Connecticut,' and so forth. It was ratified by each of eleven States severally and independently. It was rejected by two States, and their rejection was as of course accepted and allowed. Those two States afterwards 'acceded to' it. The word is used by Washington himself; of which conclusive fact Mr. Motley was evidently unaware.

The language of the Federalist leaders contradicts Mr. Motley as sharply as if he had uttered his heresy in their presence. In truth his view was anticipated, and treated by both parties as something so utterly outrageous that the possibility of such a construction must condemn the Convention and ensure the rejection of the Constitution. Antifederalists suggested that some such construction might or would be put upon it. Some even hinted that it would afford excuse for acts like those long afterwards committed by Lincoln and Seward—coercion, invasion, illegal or arbitrary arrests. The advocates of the Constitution admitted that if it could fairly be so interpreted, it stood at once self-condemned. They passionately denied that any honest man could take Mr. Motley's view. With Hamilton at their head, they insisted that ratification was the act of the States, each acting in its sovereign character. They insisted in the strongest terms on the doctrine of State Sovereignty. Fisher Ames and Gore of Massachusetts, repeatedly averred that the Senate represented 'the sovereignty of the States.' 'The Senators are in the quality of *Ambassadors of the States*.' General Pinckney of South Carolina alone presumed to question the sovereignty of the State. His State emphatically rebuked the heresy by formally asserting that sovereignty in her final ratification.

Maryland and New Hampshire declared, almost in the words of the Tenth Amendment, that all powers 'not expressly relinquished,' 'not expressly and particularly delegated,' 'were reserved to the several States:' a phrase which leaves no doubt whatever as to the meaning of the ambiguous phrase 'or to the people.' In truth, there was then no other 'people' than the several peoples of Virginia, Massachusetts, and their sister States known to American political language.

The dispute was between the great and the small States. The express purpose of the Federalists was to pacify the alarm avowed by the Antifederalists lest, through the Federal Government, a majority of the population of America should oppress a single State. The Amendments were directed to that danger, and the sole purpose of the Tenth would have been defeated had it been dreamed that in its last phrase 'the people' could mean aught but 'the people thereof.'

CHAPTER III.

WASHINGTON'S ADMINISTRATION, 1789-1797.

The Cabinet—Jefferson and Hamilton—Hamilton's complete Scheme of Finance—The French Revolution—National partisanship—Extravagances of Genet—His Recall—The Indian War—Disaster of St. Clair—Washington's Retirement.

THE Federal Government was brought into operation on March 4, 1789, by the installation of Washington, who had been unanimously elected President, and the assemblage of a Congress in which eleven States were represented by twenty-two Senators and about sixty Representatives. Most of the States assigned one member each to districts roughly equal in population. In four States, representatives were chosen by a general vote; clearly showing that the States were in both Houses the proper subjects of representation.

The first Cabinet consisted of four members. The Secretary of State was at once Minister of Foreign Affairs, and for such limited functions of Home government as belonged to Federal jurisdiction. This important office was bestowed upon Jefferson, who had returned on furlough from Paris, where he had for some time represented his country. His language and professed opinions would in the political language of to-day be classed as Anarchist or Nihilist rather than Radical. In his dread of strong government, no matter what its origin or basis, he went far beyond Franklin. All government was at best a necessary evil; the less of it the better. Rebellion was a wholesome symptom, the sign of popular energy and practical freedom; a thing never to be sharply repressed. Royalty was the root of all mischief; kings and priests were, like pirates, enemies of the human race. He looked forward hopefully and eagerly to their extermination by axe and rope. The worst atrocities of the French Revolution failed to revolt his humanity, or alienate his enthusiastic sympathy. His passionate devotion to France can hardly be ascribed to patriotic gratitude. He was delighted by the cruel and wanton murder of the Prince to whom he owed it that, escaping a less pleasant if not less honorable elevation, he lived to be Secretary

of State, Vice-president, and President, the leader of the victorious party, the universally-quoted prophet of democracy; the champion of States-rights and of strict construction of the Constitution; also the first to strain those constitutional powers which in their literal sense he considered extravagant and excessive.¹ He it was who remodelled the constitution of Virginia, abolishing the Church establishment, entails and primogeniture. General Knox, an honest and capable but by no means brilliant soldier of the Continental army, retained the War Department, to which the charge of the Navy was annexed. E. Randolph of Virginia was Attorney General. But as the critical task of the day, the necessity which had forced the Union upon a reluctant and distrustful people, was the confusion and seemingly hopeless embarrassment of American finances, the highest, gravest, most difficult duty was that of Secretary of the Treasury.

Washington might have found a dozen Secretaries of State, Attorney Generals, and Ministers of War, as fit for their functions as Jefferson, Randolph, and Knox. There was but one man in America competent to the tremendous task of bringing the still open accounts of the war into order, of settling and providing for its heavy and multiform legacy of debt, creating a system of national bookkeeping, restoring the credit of the United States, and providing a revenue adequate to their needs, yet not practically oppressive, nor intolerably obnoxious to the feeling and prejudice of a people, which, for a generation or more, had rebelled against every form of taxation.

Since the question of reconstruction had been mooted in the legislature of New York, the reputation of Hamilton had been constantly and rapidly rising, and was now second to that of Washington alone. Washington had that kind and degree of administrative capacity, common-sense statesmanship, experience available in politics if not exactly political, in which the Commander-in-Chief who has organised, disciplined, fed, and governed an army for several years can hardly be wanting. But of constructive statesmanship, of political philosophy, of economic science and financial principle, he had at best a slight and imperfect tincture. The success of his administration was due first to Hamilton's consummate ability, and next to the President's discerning appreciation and steady support of the one thoroughly competent member of his Government. The paramount necessity of the age contributed with his own consummate powers and knowledge, the ignorance of Jefferson and the insignificance of his other colleagues, to render Hamilton, from first to last, the leading spirit of the Ministry; the master of a Congress from

¹ Baneroff's *History*, vol. vi.; *Life of Jefferson*, in the Houghton series; and Jefferson's *Letters*, passim.

which he was excluded ; the leader of a party held together by his unchallenged intellectual and moral supremacy, without any of the ordinary arts of political leadership ; the foremost statesman of his generation, and the most striking figure in the civil history of the Union. He had satisfied the Convention and the country that the first financial resource of the Federal government must be the taxation of imports, and that of this resource it must have the exclusive control. He had gained for Congress a joint right of internal taxation—direct and indirect ; and had vindicated it successfully against the general wish of the States to retain this source of revenue for themselves.

His financial statements soon made it clear that the Customs revenues alone must be utterly inadequate, and won the assent of Congress to the imposition of an excise, chiefly on spirits, in spite of just apprehensions of unpopularity ; apprehensions presently verified by that which is known as the Whisky Rebellion in Pennsylvania. His first task—a gigantic one—was to reduce to orderly system the mass of entangled accounts between the States and the Union, the several governments and the multitude of officers charged with civil and military receipts and disbursements, which had baffled all the efforts of his able predecessor, Robert Morris. The foreign debt, chiefly held by France and Holland, amounted to about eleven million dollars, the domestic obligations of Congress to about forty-two millions. The debts of the several States, incurred for the support of the war, were supposed—for exactitude was still impossible—to range between twenty-four and twenty-five millions. None of these were funded ; no effectual provision had been made even for the payment of the interest ; and overdue interest formed a considerable part of the total obligations of the country.

That the foreign debt should be funded, and ultimately paid off according to its terms, was universally allowed. About the Federal domestic debt there was much controversy. Especially upon one point popular instinct was in conflict with plighted faith and positive law. The great mass of the floating obligations of Congress had been due to officers, soldiers, lenders of money and goods, and those upon whom contributions had been levied. These had been bought up very much below par by speculators, and chiefly by Northern capitalists. It was clear that the sellers had been grossly wronged. They had been compelled by necessity to part with their securities at a monstrous depreciation, and to forego one-fifth, one-fourth, one-third of that which the country owed and ought to have paid them. But this necessity had been created, this wrong perpetrated by the country, not by the purchasers. The latter had rendered service both to the original creditors in sore want of ready money, and to the country in

whose ultimate solvency they had trusted, and whose credit, save for their interposition, must have fallen to zero. But now that their speculations promised to prove profitable, their claim was exceedingly unpopular. A large party wished to redress the grievances of the original at the expense of the actual creditors; to give the latter only what they had paid, with interest, and to pay the balance to the first owners. Popular feeling and judgment seldom recognise the claims arising from *risk*, when the risk is at last over. Hamilton had no little difficulty in convincing Congress that his adversaries virtually proposed to repair the wrong inflicted by the country upon its original creditors by plundering their successors. That wrong was never repaired; the domestic debt was funded in the names of the actual creditors—who were obliged, however, to forego for the present a considerable part of the promised interest.

A still more obstinate conflict arose upon Hamilton's proposal to assume the State debts. Obviously, those States which had suffered most, and exerted themselves most vigorously in the common defence, would be entitled to the largest relief; and temper and interest combined to bias the defaulting States against the claims. Massachusetts, Pennsylvania, Virginia, and the Carolinas were the largest claimants. The fact that nearly four millions were due to South Carolina alone—a sum enormously disproportionate to her wealth and population—and the position of Virginia and North Carolina upon the list, showed that the South had borne not only the brunt and havoc, but the largest share of the pecuniary cost of the war. The votes of North Carolina turned the scale against assumption; the feeling that Northern capitalists would now be the immediate gainers by Hamilton's financial scheme rendered it unpopular in the South. But Hamilton succeeded at last in arranging a compromise, by which the South assented to the assumption of twenty-one millions and a half of State debt, and the North agreed that the Federal seat of Government, now at New York, and presently to be restored to Philadelphia, should be finally located on the Potomac. A sinking fund, a decimal national coinage, of which the unit was a dollar (somewhat less valuable than the Spanish coin of that name, which had been in common circulation in the commercial States), and a national bank, to which Jefferson's party took strong constitutional objections, completed Hamilton's financial machinery.

The restoration of public and commercial credit was speedy and complete. A slightly protective tariff, wholly in accordance with the ideas and practice of the age, encouraged the artificial growth of manufactures in a country which otherwise must have depended upon Europe for many of the necessaries of life, and

been consequently ever at the mercy of the great maritime Powers, and especially of England. It was an incidental, and in Hamilton's view a very important advantage of his scheme, that it bound the moneyed interest and the domestic creditors of the Union closely to the new Government and to the Federal cause.

The same consideration rendered Jefferson, who abhorred capitalists and Federalists with an equal and unreasoning hatred, hostile to the scheme and to its author. Utterly ignorant of finance, bewildered in a labyrinth of figures, and blinded by his vanity to his ignorance, he saw designed obscurity in that which was dark to him, dishonesty and corruption in the political ties created by common interests. He raved to Washington and to his own friends about a squadron of Treasury hirelings in Congress, a corrupt purpose in the funded debt, a scheme of bribery concealed in the charter of the Bank, and a whole series of political abominations; spectres evolved by his vivid imagination and passionate self-confidence from that financial atmosphere in which he alone could neither see nor breathe. His party called for statement after statement, explanation after explanation, with no other result than to overwork the Treasury, and to render Hamilton's absolute integrity and consummate skill as obvious to every competent understanding as Jefferson's incredible ignorance and stupidity.

Far from desiring to perpetuate the debt, as his opponents alleged, Hamilton held on principle, and insisted in practice, that provision should be made not only for the interest, but for the gradual and comparatively rapid extinction of every loan at the time when it was contracted or funded. The economy of the Federal government—rendered practicable by the limited sphere of its action—was such that an average revenue of four to five millions (800,000*l.* to 1,000,000*l.* sterling) sufficed for the interest of the debt at 6 per cent. and the current expenses. The cost of the army and navy was insignificant, the former consisting of some 1,200 men, employed to garrison the frontier forts and keep the unruly tribes in check.

The excise had provoked riot and disorder in more than one quarter, and especially in some of the western counties of Pennsylvania. On the attempted arrest of the rioters, their neighbours, directly or indirectly interested in a number of illicit stills, broke into open rebellion. The local authorities were powerless; the State militia could hardly have put down the insurgents without a serious and bloody conflict. On August 7, 1794, the President, on the representation of the State authorities, warned the insurgents to disperse, called out a militia force of 15,000 men from New Jersey, Pennsylvania, Maryland, and Virginia, and at the end of September joined this army in person. Henry Lee

(Light-Horse Harry), then Governor of Virginia, was entrusted with the actual direction of operations. The Governors of Maryland and Pennsylvania headed the forces of their several States. The mere appearance of so overwhelming a force cowed the insurgents. They laid down their arms; the district was occupied for some months by a strong garrison, and the insurrection was quelled without bloodshed in the field or judicial severity afterwards.

In the meantime the feuds which divided the Cabinet—Knox generally siding with Hamilton, Randolph with Jefferson—had sorely tried the President. He would fain have resigned in March, 1793, at the close of his first term, but both parties insisted that he should suffer himself to be re-elected. A crisis was approaching which inflamed to the uttermost the quarrels of the Ministry and the passions of the people; through which, perhaps, no one but Washington could have safely steered the country. The statesmen regarded the progress of the French Revolution, the horrors of the Reign of Terror, with profound disappointment, growing disgust, and serious alarm; the populace, with Jefferson at their head, displayed their passionate and unreasoning sympathy with Marat and Robespierre in a manner which threatened to involve their Government in war with England, if not with a European coalition.

Washington's proclamation of neutrality excited a storm of displeasure and noisy demonstrations of Gallican feeling. The reports of Gouverneur Morris, Jefferson's successor at Paris, warned his Government that France intended to avail herself of the popular excitement to entangle the United States in acts of hostility, if not of piracy, against Great Britain. Genet, the new envoy of the French Republic, landed at Charleston, S. C., on April 8, 1793, and immediately proceeded to issue commissions and letters of marque to American adventurers. The frigate in which he came seized a British merchantman, and sent her with a prize crew to Philadelphia, now the seat of government; where the populace, to Jefferson's great delight, received her with passionate enthusiasm. Before presenting himself to the President, Genet had received demonstrations, deputations, and a grand Republican dinner, at which the blood-red 'cap of liberty' was passed round the table. Immediately after, the reckless and lawless capture made by his frigate was called in question. The captured vessel was restored, but the privateers equipped by Genet were sending their prizes into American ports. The British Minister demanded their restitution. Hamilton and Knox pointed out that it was the duty of the Government to satisfy the claims of foreign nations; Jefferson and Randolph would have the issue, and therewith the choice between peace and war, left to the Prize

Courts. Washington hesitated. The high handed insolence of Genet grew from day to day more intolerable. He commissioned privateers by the score, manned and armed them in American ports, threatened that their detention should be resisted by force, and foully violated a pledge that one particular privateer should remain in port to await the President's decision.

In this last case Jefferson was either his dupe or his accomplice. A paper edited by a tool of the Secretary, Freneau, who received a salary as translator in the State department, reviled Washington and Hamilton with unsparing violence; and Jefferson, though loudly denying his complicity, refused to dismiss the offender. At last the Cabinet acquiesced in Washington's determination to demand Genet's recall, at a time when the French fleet was expected in the Hudson, and a vast majority of the people were manifesting every day, with louder and fiercer vehemence, their passionate partisanship, not only for France against England, but for Genet against Washington.

Apprised of the action of the Government, Genet went perfectly frantic; threatened an appeal to Congress and to the people, and asked by what right the President 'had taken upon himself to demand the recall of a public Minister whom the sovereign people of the United States had received fraternally and recognised before their government had received him.' He further censured Washington for 'decorating his saloon with medallions of Capet and his family.' He had gone too far, and at last the people were disgusted. They had insulted and reviled the President as coarsely and shamefully as the Reform mobs of 1831 insulted the victor of Waterloo; but this outrage on all diplomatic forms and decencies was an insult to the nation as well as to its chief.

Jefferson's party continued, as far as they dared, to support Genet; and Jefferson himself, deeply mortified to find himself morally compelled by his official duty to quarrel with the French Minister, tendered his resignation. His last official act, much against his will, was a parting rebuke to his friend. On December 20, 1793, Genet sent him certain papers, demanding that the President would lay them and their promised sequel before Congress. Jefferson intimated that a foreign envoy could deal only with the Executive, that the President was the sole judge of his own communications with Congress; and returned the papers. In January, 1794, finding that Genet was organising armed forces to invade Florida and Louisiana, Washington resolved to supersede his diplomatic functions and actually to arrest the representative of the French Republic; but Genet and his government were spared this humiliation by the announcement of his recall and disavowal.

The intemperate partiality of the self-styled Republicans and their leaders for France forced their opponents into the invidious and unpopular position of advocates or apologists for England. The latter had retained a few small positions on the north-western frontier as a pledge for the payment of debts stipulated by the treaty of peace. Here the Americans were, on their own showing, the first wrongdoers. A country whose citizens were cruising under a French flag against English commerce would have had no right to complain of stringent reprisals, much less of that vigorous exercise of belligerent rights at sea which was the usual and natural course of the first of maritime Powers. The impressment of seamen from American vessels seems to this generation a clear violation of public law, at once a gross insult to the flag and a cruel wrong to individuals; but the point was not yet the paramount topic of American reclamations, and was never formally yielded by England. The moderate language of Lord Grenville, and the revocation of the more offensive English naval instructions, did something to pacify that part of the American people whom interest or intelligence rendered amenable to reason; and a large majority in the Senate approved the despatch of Chief Justice Jay as special envoy to England. But a resolution to suspend all intercourse passed the House of Representatives, and was only lost in the Senate by the casting vote of Vice-president Adams. The mission was hardly successful. The more dangerous questions were left open by a treaty which the Senate reluctantly and conditionally sanctioned; but time was given for American excitement to subside, and the immediate peril of war was averted.

In the last days of January, 1795, Hamilton resigned the Treasury and devoted himself to his profession. He was, however, an influential counsellor in public and private, was still looked upon as the chief of his party, but his work was done, and he never again took a formal part in Federal politics. Randolph was now Secretary of State, Colonel Pickering succeeded to the War Office, and Wolcott to the Treasury. Jay, on his return to America, found that he had been elected Governor of New York, and retired from the bench of the Supreme Court; a signal recognition of the paramount claim of the State by an arch-Federalist. An intercepted despatch from Genet's successor, Fauchet, captured by a British frigate and forwarded to Mr. Wolcott, contained a strange charge of corruption against Randolph; which, though followed by an equally strange disavowal, led to his resignation.

In the autumn of 1790 a serious Indian war had broken out in the region which now forms part of the States of Illinois and Indiana. In October a force of 180 men, chiefly militia from Ken-

tucky, was led into an ambuscade. The militia fled without firing a musket. A few regulars stood fast and were cut to pieces. A larger force under the same leader was sent to avenge this disaster, and after a stubborn fight was completely defeated, and left its dead and wounded in the hands of the enemy. A strong expedition was sent against the victors in 1791, under the command of General St. Clair, Governor of the Western Territory. Washington gave him a solemn warning. 'Beware of a surprise. You know how Indians fight: I repeat it—beware of a surprise.' St. Clair, nevertheless, was surprised, with a force of some 1,400 men, including a whole regiment of regulars. The fortune of the fight was long doubtful, but, for lack of cavalry, St. Clair was unable to push his advantages. His flank was turned, his army thrown into confusion, many of the wounded left on the ground; and the remnant of a force which had lost two-thirds of its number, by far the greater proportion killed, fled for thirty miles before they dared to pause. They met and rallied on another regiment, but continued their retreat, abandoning the whole of the disputed country.

Washington received the tidings in presence of a numerous company. His distress and indignation were controlled while his visitors were present; he kept the information secret, only murmuring, 'I knew it would be so.' But when left alone with his secretary, he gave way to one of his rare bursts of uncontrollable passion, repeating the warning he had given St. Clair—'and yet,' he exclaimed, 'to suffer that army to be cut to pieces, hacked, butchered, tomahawked by a surprise! He is worse than a murderer. The blood of the slain is upon him—the curse of widows and orphans—the curse of Heaven!' It is to be hoped that this outburst of rage, recalling that which sealed the fate of André, never reached St. Clair's ears. Washington recovered himself at last: 'This must not go beyond this room. General St. Clair shall have justice.' St. Clair resigned his commission, and his defeat was retrieved by General Wayne, one of the finest soldiers of the Revolution. The House of Representatives inquired into the failure, and explicitly exculpated the unfortunate General.

Washington's second term was anxious and unhappy. His endeavours to preserve a neutrality as loyal as the old treaty with France permitted provoked the invectives of Jefferson's followers, the dislike of the multitude, and the bitter resentment of France; which could not forgive America for not having taken an active part with the murderers of her benefactor. The French Government went so far as to order the seizure of British property and of provisions shipped for England in American vessels—a direct violation of treaty stipulations. The injustice of his countrymen, the ingratitude which had forgotten his military, and requited

with insult and abuse his civil services, stung the President to the quick. He absolutely refused to serve for a third term; and set a precedent which has become a part of the unwritten constitutional law of America. Retiring to Mount Vernon, his family estate on the Potomac, he lived, and not long afterwards died there; far happier as a country squire than as General or President. Mr. Adams was raised to the Presidency, and Mr. Jefferson succeeded him as Vice-president, on March 4, 1797. In this election the sectional divergence of North and South was already visible.

CHAPTER IV.

ADAMS, JEFFERSON, AND HAMILTON.

Their Personal Characteristics—Egotist, Theorist, and Statesman—Adams's Abuse of Patronage—The French Imbroglia—Feud Between Adams and Hamilton—Alien and Sedition Acts—Final Overthrow of the Federalists.

WASHINGTON had endeavoured to hold himself above and aloof from party; to assume in the fulfilment of his duties as Chief Magistrate the lofty impartiality of a constitutional sovereign. This was possible and becoming in one so distinctly the Elect of the whole nation; but even Washington carried the principle too far when he endeavoured, like William III., to select his Cabinet without regard to party, and to divide the chief offices of state among personal rivals and bitter political opponents. His own unquestioned ascendancy, the intellectual supremacy of Hamilton, the comparative importance during his first term of financial, and afterwards of diplomatic questions somewhat veiled the error; but the constant feuds between Hamilton and Jefferson, the violence with which the latter denounced the measures of the Treasury, the radical and irreconcilable opposition of the two factions on every question arising out of the encroachments of Genet and the maritime pretensions of Great Britain, hampered the action of the Administration, and showed that the experiment could not be repeated. The intemperance of the French party, the factious intrigues of Jefferson, the virulent abuse lavished by his tools and adherents upon the Government at large and upon Washington himself, forced the latter, throughout the closing years of his administration, to rely on the counsels and appear as the chief of the Federalist party.

Adams was elected by party votes; he was by nature a bitter and somewhat unscrupulous partisan. He was the chief of a minority whose ascendancy had been established in the first instance by the intellectual and moral superiority of its leaders, but could not be maintained against the manifest bias of the people. The violence of faction, no longer held in check by the unchallenged personal supremacy and high authority of Washington, rose into sheer frenzy.

Jefferson was absolutely incapable of moderation or of justice to opponents. He was utterly devoid of that statesman-like judgment, that instinctive common-sense, which checks theory by practical considerations, and keeps abstract principles within the bounds of immediate possibility. Apart from the blindness of faction and personal jealousy, Jefferson was naturally incapable of appreciating the intellect, the character, the measures of Hamilton. Personal and party prejudice had driven him beyond the bounds of reason when he ascribed to the Federalist leader not merely an abstract preference for monarchy and aristocracy, but the practical design of introducing them into a country where monarchy was odious, whose social and political system had been recently and thoroughly democratised, and in which the very material of hereditary aristocracy was wanting, except in Virginia.

In pride, in stainless integrity, in hatred of corruption, in his dependence upon lucid argument, on the highest kind of eloquence, on his personal ascendancy rather than on the arts of the politician and party leader—in his inability to flatter individuals or bend to the people, as in the precocious development, not merely of eloquence, but of the highest powers of mind—in judgment, soundness of thought, and thorough mastery of the principles and practice of political science, Hamilton closely resembled the younger Pitt. His incapacity of fear, his disdain of concealment, his frank avowal of preferences not merely unpopular, but, as he knew and openly acknowledged, utterly impracticable, were carried to and beyond the verge of rashness. No man so scornful of all political arts ever rose so high by the sole force of moral and intellectual superiority, of genius, knowledge, profound statesmanship, administrative capacity, and consummate powers of exposition and argument. The daring with which he had avowed his desire for a stronger form of government, and his sense of the defects of the Constitution he had helped to frame, entitled him to the fullest belief when he declared his conviction that, though far from the best conceivable, it was the best attainable.

No one but Jefferson, probably, doubted his perfect loyalty to the work of the Convention. No one after Jefferson's death ever questioned it. His reputation, his political interest, his public influence, his position as a party leader were staked on its success. His ability and industry had conquered the first and most formidable difficulties which threatened it. History has identified his name therewith, has attributed to him above all men, and with perfect justice, the skill which framed it; the irresistible reasoning and persuasive eloquence which secured its adoption; the wisdom, patience, patriotism, and self-sacrifice, the moderation and forbearance which consolidated its strength, attracted to it a

wide and sufficient support, and carried it safe through a perilous infancy. Jefferson was its enemy until its popularity was achieved—it was not in him to be the resolute enemy of any popular idea or institution, right or wrong—yet he reviled its author as a traitor to his own work; accused the most open, outspoken, and high-minded of living statesmen of foul corruption, of secret, dark, and dishonest designs; nicknamed him and his adherents ‘Monarchists’ and ‘Monocrats;’ practised on the French sympathies and anti-English prejudices of the people till he endangered the Government of which he was a member; and brought the country to the verge of war, by which, as he well knew and privately admitted, it had all to lose and nothing to gain. A passionate advocate of peace, he traded on and pandered to the cry for war, and when peace seemed to depend upon preparation for hostilities, refused to the Government the means of defence.

Confronted by an unscrupulous Opposition under such a leader, Adams devoted his power and patronage as President to strengthen his party, yet sacrificed their best interests to his personal jealousies and grudges. Hamilton, though withdrawn from public life, was their recognised chief and favourite counsellor. Adams’s selfish and fretful temper could not endure a reputation higher, an influence stronger than his own. He ignored Hamilton’s claims and neglected his advice, affronted him and slighted his adherents, till he not only deprived his Government of the benefit of Hamilton’s wisdom, experience, and influence, but, in despite of his rival’s forbearance, practically divided the party.

As the relations with England improved after the settlement effected by Washington, those with France were more and more strained. The Republic was intolerant of neutrality, and infuriated against an American Government which endeavoured to render that neutrality genuine and even-handed. James Monroe, the future President, had proved ill-qualified for the grave and delicate duties of diplomacy. Washington had recalled him, much to the annoyance of the French Government; and Pinckney, sent as his successor, had been insolently dismissed. President Adams found himself involved in an angry controversy with a Government so reckless, so contemptuous of the old-fashioned restraints of public law, that at any moment some high-handed act of theirs, some collision unforeseen or accidental, might plunge the two countries into war. France regarded the Federalists as her enemies. Their leaders looked with distrust upon the results, with abhorrence and disgust upon the crimes, with aversion and alarm upon the wanton aggressions of the French Republic.

Despite the British sympathies imputed to him, Hamilton was constant to his professed conviction that America had little interest in, that it was her policy to hold herself strictly aloof from,

the quarrels of Europe. A war against France must inevitably ally her with the military despotisms of the Continent and the reactionary Government of England. Such an alliance was unnatural, alien to her feelings as contrary to her interests. He thoroughly approved the determination of the President to make a vigorous effort to preserve the peace by sending to Paris a special commission of the gravest character and authority. Hamilton had recommended the choice of men who would carry weight and conciliate opposition at home and abroad: with Pinckney, some *Northern* Federalist and *Southern* Democrat of the highest standing. Adams, in perverse contradiction and wilful defiance, appointed a distinguished Virginian Federalist, Marshall, and an insignificant Massachusetts Democrat; neither of whom would conciliate France or satisfy the Democratic party.

But the French Government threw away a game which patience and prudence must have won: first by insulting the envoys, next by a private attempt to extort from them a large bribe for the Directory, finally by an ignominious dismissal, a decree flagrantly violating the maritime rights of neutrals, and the destruction of an American vessel by a French privateer. The philo-Gallic majority in Congress demanded information, and obtained it to their cost. The revelation of French insolence and corruption overwhelmed them with shame, and excited a storm of indignation. The Federalists were completely triumphant, carried all their proposals for the national defence, and at the next election found themselves supported by a strong party majority in Congress.

But Adams flung away his advantage in sheer personal spite and petulance. Washington accepted the command-in-chief on condition that he should be allowed to choose his staff and the general officers who were to serve under him. He recommended Hamilton for the second place; which, as Washington was only to take command on service, involved the charge of creating an army, of its organisation, military code, equipment, discipline, and of all the preparations for war. The President transmitted Washington's nominations to the Senate, which confirmed them; he then turned round, and insisted that the officers should take rank according to their seniority in the dissolved Continental army, thereby relegating Hamilton to the fourth place. In vain was he reminded that, by the rules of that army, the Senatorial confirmation was conclusive, and Hamilton's position already established. Adams insisted, induced Knox to claim his seniority and throw up his commission, quarrelled with his Cabinet; and only yielded at last to Washington's threat of resignation.

Hamilton once more abandoned his profession, in which he was labouring anxiously and successfully to make provision for his

family, and devoted himself to his new task. His genius for organisation, though applied in a wholly novel direction, amply justified Washington's choice. He drew up a scheme of military organisation and discipline complete in principle and detail, apportioning officers and men among the States, providing for a commissariat, arsenals, and ordnance, a medical establishment, and a system of fortification. His military plans, based upon the reasonable assumption that France could not and would not attempt to wage war on the American Continent, were directed to wrest Louisiana and Florida from her Spanish ally. His arrangements received the cordial approval of Washington and the sanction of Congress. Called into council by the Cabinet, its financial scheme and naval preparations were virtually directed by him.

But the prudence of Talleyrand took the alarm in time; and Adams, to the great disgust of the Federalists at large, snatched with undignified eagerness at the first indirect opening thus afforded. He hastened to appoint a successor to the Ministers whom France had ignominiously dismissed. Hamilton, though provoked by the President's repeated slights, kept his temper, restrained the indignation of his partisans, who were disposed to revolt openly from the Government, and obtained the appointment of a suitable Commission instead of the single and very incompetent Minister selected by Adams.

The Federalists were foolish enough to strain in a most unpopular direction their temporary ascendancy. Without Pitt's reasons, and free from the external and internal dangers that threatened England, they proposed Alien and Sedition Acts so intemperate and violent that Hamilton protested, and insisted upon their modifying both. Thus modified, they were carried with his sanction; as was also a law requiring fourteen years' residence prior to the naturalisation of foreign settlers.

It seems strange that a leader so temperate and so sagacious as Hamilton should have sanctioned measures so needless, and placed so terrible a weapon in the enemy's hand. Evidently the intemperate and frantic language of the Democratic leaders had disturbed his judgment. As they accused him and his party of truckling to England, and of endeavouring by corrupt means to pervert the Constitution in a monarchical sense, he suspected them of a design to remodel it on French principles, and to sacrifice the interests, the policy, and the commerce of America to an offensive and defensive alliance with the French Republic.

Jefferson saw and used the fatal advantage given him by the one great mistake of Hamilton's career. The concessions of France, the maritime policy of England, the Alien and Sedition

laws had turned the tide of public feeling. The revulsion was sudden and extreme; the language of the Democrats, and even of their leaders, was so violent and menacing, that foreign observers, unfamiliar with the habitual intemperance of American party strife, might well have anticipated an immediate appeal to force. The legislatures of Virginia and Kentucky, in resolutions drafted by Madison and Jefferson respectively, denounced the measures of the Administration as unconstitutional and tyrannical usurpations, and asserted their right and readiness to resist. If the words 'nullification' and 'secession' were not employed, the doctrine afterwards famous under those names—'the right of each State party to the Federal Compact to judge for herself as well of infractions as of the mode and measure of redress,' a claim obviously extending in the last resort to the right of withdrawing from the Union—was laid down with almost startling directness. And one of the recalcitrant States belonged not to the number of the original Confederates, but to that new class which, as the later champions of Federalism have argued, owed their very existence to the Union, and could not therefore pretend to a prior and superior sovereignty. Kentucky assumed, and assumed without challenge, a sovereign position and reserved rights identical with those of Virginia and Massachusetts.

The State elections of Pennsylvania were carried by the Democrats. Aaron Burr, a low political intriguer, of a type then new, but long since too common and too powerful in America, wrested from Hamilton his own State of New York. Fresh quarrels in the Cabinet and out of doors exasperated the internal feuds of the party. Adams stigmatised Hamilton as acting in the interests of England; and Hamilton's courteous request for an explanation, twice repeated, was insultingly ignored. The result was that Adams's tenure of office was cut short at the close of his first term. At the election in the autumn of 1800 Jefferson of Virginia and Burr of New York severally received the whole electoral vote of the Democratic majority. The choice was thus transferred to the House of Representatives. The disappointed Federalists were disposed to avenge themselves on their opponents at the cost of their country by placing Burr in the chair; but Hamilton, who knew Burr's character, and knew also that Jefferson was the real choice of the people, resolutely withstood this factious design, and secured the election of his great rival.

This last and noblest act of a noble and stainless career ultimately cost his life. Burr was henceforth Hamilton's inveterate personal enemy, and in July, 1804, forced a challenge upon him, and committed political assassination under the chivalrous forms of the duel.

The seat of Government was finally removed to the unfinished capital on the left bank of the Potomac during the later part of Adams's term. The city called by the name of Washington was then a rude village surrounding a few showy public buildings. Incompleteness, awkwardness and incoherence, want of proportion, tasteless splendour and intrusive squalor have always been its characteristics; and American disappointment has conferred on it the appropriate epithet of 'the city of magnificent distances.'

CHAPTER V.

REACTION. JEFFERSON'S FIRST TERM, 1801-5.

Federalist Suicide—Petulance and Perversity of Adams—Jefferson's Retaliation—Political Removals—Ostentatious Simplicity—Rising Statesmen—Randolph of Roanoke—Pretensions of the Judiciary—Impeachment of Judge Chase.

JEFFERSON neither acknowledged nor requited the loyalty and generosity of his antagonist; nor did he ever forgive Burr's secret participation in the intrigue which Hamilton had baffled. His language during the protracted struggle was tinged by his usual extravagance. He accused the Federalists of intending to postpone or prevent an election, with a view to retain power in their own hands; and blustered about an armed revolt of the Middle States. The completeness of his triumph mollified, and the responsibilities of his great office somewhat sobered him. His political language, from his installation to his death, would have deserved high praise, especially as coming from so vehement a partisan, had he not left behind him memoirs in the worst spirit of his worst days; a series of posthumous libels, calculated to blacken the fame of all his most eminent contemporaries, kept strictly secret while the calumnies might have recoiled upon himself, and published only when the victims were long dead, the facts forgotten, and effectual refutation impossible.

Adams's policy was even more damaging to his party than his military administration during the war had well-nigh proved to his country. His quarrels with Hamilton had broken their ranks, dissolved their discipline, and thrown the direction of their policy into the hands of inferior and sometimes unworthy counsellors. The superiority of tone, reputation, and political morality which disguised and compensated their numerical weakness was impaired, if not wholly lost. Adams himself was, from his first appearance as a local demagogue to the close of his public career, a restless, unscrupulous, vindictive intriguer. At his instigation the Federalists had used their temporary ascendancy to establish, in the public departments and in the Judiciary, political strongholds which might resist the adverse current of public opinion,

the decidedly Antifederalist tendency of the national will. They had established inferior Federal Courts, and appointed twenty-three Federalist judges, besides the five who, with Marshall at their head, occupied the bench of the Supreme Court.

The violence and unfairness of the Federalists recoiled upon themselves. It offended the country, it provoked retaliation and justified reaction. Technically the new Courts were supposed to be beyond the power of Congress; the judges at least had an indefeasible right to their salaries. But the abuse of power by the moribund party was so gross that common sense and public feeling sustained the next Congress in sweeping away the new judiciary. The last months, and even the last hours, of Adams's term were spent in filling up with creatures of his own party every newly created post, every timely vacancy. Except those which had been filled while Washington still strove to hold the balance even, every office under the Federal Government—from Under-secretaryships-of-State and Justiceships of the Supreme Court to post-offices, clerkships, usherships and marshalates in the courts—was held by a Federalist. The victorious Democrats claimed their fair share of the patronage. The new Administration felt that it could hardly govern through the agency of departments filled with its enemies; that full effect could hardly be given to the declared will of the country, while every judge, attorney, and official of the Federal tribunals held the opinions and favoured the interests of the defeated faction.

Jefferson acted with more moderation and principle than might have been expected from a statesman who had reluctantly accepted the Constitution, who knew that the sense he put upon it was that in which the country had adopted it; who held that the popular will was the supreme law, felt that it was on his side and would sustain him in any retaliatory measures that the high-handed and unscrupulous actions of his antagonists might seem to have provoked. He treated all appointments made by Adams after the result of the election was known, except those which were legally held for life, as null and void. Besides these, in the first two years of his term, he removed twenty-six officials without cause, avowedly to make room for a certain number of Democrats in the Federal service, and dismissed every official whom he accused of unwarrantable interference in elections. If in this respect he did not hold the balance perfectly even, he laid down a general rule, and rebuked if he failed to punish the excessive political activity of his own official partisans.

His biographers ascribe the storm of personal imputations and attacks upon his private life which disgraced the Opposition press to his refusal to dismiss an official who edited a Federalist journal in favour of a wretched creature of his own. Jefferson

had never entered into the arena of printed controversy. To do so would have been to challenge Hamilton, and Hamilton could have crushed him at a blow. He employed or inspired libellers of the vilest class; and in his interest Cullender had heaped the foulest imputations upon the Federalist leaders, from Washington and Hamilton downward. This wretch now turned upon his employer, and circulated a series of charges against Jefferson's private character, which were eagerly taken up by the Opposition journals. Much of the mud they cast stuck, probably because there was just so much truth as deterred the victim from making the whole truth known. In a similar case Hamilton, with infinite pain and humiliation—the bitterer that he was a beloved and revered husband and father—had cleared himself of an imputation thrown on his integrity by confessing the history of an illicit amour. The charges against Jefferson were infinitely grosser; but he maintained a perfect silence, which, whatever its motive, became the dignity of the President of the United States.

Of that dignity he was not otherwise careful. Washington and Adams had maintained a certain simple but orderly state in public receptions and diplomatic intercourse, and especially on great ceremonial occasions. Jefferson had ridiculed them, and chose to present in his own conduct a signal contrast. Adams sulkily left Washington on the last night of his term. His successor rode down alone to the Capitol, tied his horse to the fence, and walked into the Senate Chamber to deliver an extravagantly rhetorical address and take the oath of office. He received the British Minister in a narrow lobby, in slippers, and in dress ostentatiously slovenly if not actually dirty; a dress in which no Virginian gentleman, no well-bred New England merchant or landowner, would have appeared at his own table. Such was his common practice, thoroughly consistent with the effusive rhetoric and exalted platitudes of his public addresses, his studious assumption of all the arts of the professed courtier of the mob. To men of taste and education, there was a deeper and more engrained vulgarity in his ostentatious simplicity and theatrical slovenliness than in all the antiquated parade of the Escorial itself.

The organisation of his Government brought to the front, in the positions they were to hold during the second period of American history, the three foremost statesmen of the rising generation; the destined leaders of the Democratic¹ party in the first stage of its long career of ascendancy. Madison had been associated with Jay and Hamilton in the production of the 'Federalist. His work had shown that he could never be Hamilton's rival, could never take the first place among the leaders of that party. Nor could he rival Jefferson; but Jefferson was a much older man, and

¹ At that time commonly called Republican.

measuring himself with those whom Jefferson's ascendancy obscured, Madison might well hope to be his successor. It was obvious, moreover, to a far less shrewd politician in what direction the tide of public favour, and especially of Virginian opinion, was tending.

By the time that parties were distinctly ranged in irreconcilable antagonism, Madison had found his place among the Democrats, and stood second, though at an infinite distance, to their great chief. Jefferson was, by right of immeasurable superiority in practical genius, in political tact, and in popular influence, the despot of a party which contained at that time no statesman at once of thorough knowledge, sound judgment, and powerful intellect—no man comparable to Jay or Marshall, much less to Hamilton; and Madison was the serviceable and obedient follower of Jefferson. The Secretaryship of State marked him out as his chief's political heir. Gallatin of Pennsylvania, a Swiss immigrant of good family, had led the Democrats of the House of Representatives in their attacks upon the finance of Hamilton's by no means brilliant successors; and had won an unquestioned right to the Secretaryship of the Treasury. His removal left the leadership of the House open to the youngest and cleverest of the numerous school of statesmen and orators who maintained for a whole generation the undisputed ascendancy of Virginia; the most striking, strange, and brilliant figure, the most eccentric and tragic character in the history of American politics; John Randolph of Roanoke.

Bard, sage, and tribune! in himself
 All moods of mind contrasting—
 The tenderest wail of human woe,
 The scorn like lightning blasting:
 The pathos that from rival eyes
 Unwilling tears could summon:
 The stinging taunt, the fiery burst
 Of hatred hardly human.
 Mirth sparkling like a diamond shower
 From lips of lifelong sadness;
 Clear picturings of majestic thought
 Upon a ground of madness!²

When, a few years before, the position taken by his mother State at Jefferson's instigation seemed to threaten the disruption of the Union, the Federalists had appealed to the most resolute and most distinguished of their original opponents, the greatest of Revolutionary orators and agitators, Patrick Henry. The veteran patriot and Antifederalist had responded to the call, delivered a passionate harangue against disunion and civil war, and

² Whittier.

menaced his revolted countrymen with an army led by Washington himself. His eloquence and his authority quelled for a moment the stormy audience who looked to him as their natural leader. John Randolph, a youth of twenty-six, unknown in politics, sprang forward to confront the man he 'revered as his political teacher and father,' and with passionate fervour denounced the unconstitutional measures of the Government, the insolent menace, the tyrannical invasion of the selfsame rights which Virginia, with Henry at her head, had maintained against all the power of England. He restored the convictions, roused the pride and revived the courage of the startled and dismayed multitude, and carried the threatening resolutions in the teeth of the great orator. At the next election his district sent Randolph to Congress, and never but once during his long, erratic, and melancholy life, did his constituents desert him.

The organisation of Congress reposes extraordinary powers in the Speaker. He appoints the various Committees, whose chiefs, in the absence of Ministers, are charged with the conduct of departmental legislation and administrative business. The Chairman of the Committee of Ways and Means, if a man of ability and authority, is the natural leader of the House; and to this great position the admiration of Macon of North Carolina advanced the young champion of States-rights in December, 1801, at the age of twenty-eight. Randolph fully justified the selection. Unlike the majority of his party, he had a profound confidence in himself and the principles he professed; thoroughly understood and consistently carried them to their extreme logical consequences. But he had, as yet, an equal faith in and enthusiastic admiration for the arch-champion and prophet of democracy. Young and inexperienced as he was, no man then living could have served more loyally or more effectively the objects of the Administration; which was compelled to trust to him the conduct in debate, not only of important executive business but of great political designs.

A disciplined majority was ready to vote everything that Jefferson desired, but made a very poor figure in debate. The minority of veteran debaters, formidable by knowledge, experience, and ability, found their match in the extraordinary powers which compensated and obscured the great defects of Randolph's political education. He had always the courage of his convictions; preferred them to party and personal interest. He would have gone much further than Jefferson dared venture, but he was controlled for the present not only by his faith in the President, but by the strength of the adverse party in the Senate.

He carried triumphantly the repeal of the new Judiciary Act. He recognised in the Supreme Court, packed as it had been, the

party stronghold of Federalism, the insuperable obstacle to the triumph of Democratic principles. The Legislature might pass Act after Act, resolution after resolution, interpreting the Constitution in a Democratic sense; a vast majority of the people in a great majority of the States might insist upon States-rights in their broadest aspect; but Marshall and his colleagues had a monopoly of the interpreting power, could make a body of constitutional law binding on their successors, and forge weapons ready to the hand of future Federalist majorities. A narrow majority of the States, containing a majority of the population, might one day elect a President and Congress obedient to their will, and determined to override the restraints which those who sanctioned the Constitution believed themselves to have imposed; could deprive the several States of privileges which, in adopting the Constitution, they unquestionably meant to reserve.

It was early obvious that the balance of power tended northwards; that the North might soon and must ultimately have a majority both of States and population. If the South had not believed that the Constitution secured her absolutely against such powers as the Supreme Court was gradually creating, she would never have subjected herself to the prospective possibility of being taxed for the benefit and governed by the votes of a distinctly antipathetic section. This sectional jealousy was anterior to and independent of the slavery question. It was visible in and before the Convention of 1787,³ and in the first Congress. It is seen in the balanced admission of new States, while as yet most of the Northern confederates were Slave States. Massachusetts alone had abolished slavery before the close of the Revolutionary war. The admission of Vermont in 1791 gave the North eight States against six. The admission of Kentucky in the next year and of Tennessee in 1796 restored the balance; but the North-Western Territory was rapidly filling up. Ohio had already fulfilled the conditions entitling her to admission, had the population which would give her a representative in the House, had organised a State constitution and government; and in 1802 gave the North a majority of two in the Senate, an advantage retained for the next ten years,

A judgment which he regarded as scandalous inflamed Randolph's natural indignation, and impelled him to attack the enemy in their strongest and most dangerous positions. A company of land speculators had obtained from a corrupt majority in the legislature of Georgia a grant of five million acres in the neighbourhood of the Yazoo River. The people of Georgia dismissed the grantors and repudiated the grant, offering back the purchase money. The weaker or more honest among the purchasers ac-

³ Madison's Papers (Gilpin), 1004 *et seq.* Elliott's Debates.

cepted the offer; the greedier and more powerful insisted on their legal pretensions. Meanwhile Georgia, following the example of Virginia, had resigned the vast western territory she claimed, including the Yazoo lands, to the Union. The Supreme Court sustained the Yazoo grant, refusing to investigate the means by which it had been obtained. The monstrous logical and practical consequences of such a decision seemed to warrant the Opposition in imputing it to partisan feeling; though the high character of Marshall puts conscious dishonesty out of the question. The speculators endeavoured to carry a compromise through Congress. The Administration was favourable or indifferent, the Federalists and the Northern Democrats, controlled by the moneyed interest, were on the side of the grantees, and Randolph's stern integrity had to fight an uphill battle. In two successive sessions he defeated the majority and succeeded in reserving the question for popular consideration and the discussion of an uninfluenced House.

In his first attack upon the Judiciary—the impeachment of a superannuated and almost imbecile Judge of inferior rank—Randolph was openly supported by Jefferson and was successful. The precedent seemed to establish the doctrine that impeachment might be grounded on mere unfitness, without alleging specific crimes or misdemeanours; but the Senate had been guided rather by the special circumstances of the case, and the absence of any other means of removing an imbecile or lunatic judge. The next attempt was privately suggested but not publicly supported by the President. Several acts of Judge Chase, of the Supreme Court, had given great and just offence, but the occasion of impeachment was a charge in which Chase denounced the whole course of Democratic legislation, and directly accused Congress of sapping the foundations of the Constitution and the Union. Such a charge would have fully justified an address to the Crown for the removal of an English Judge; but the independence of the Federal Courts had been secured by rendering impeachment by the House, sustained by two-thirds of the Senators present, the sole means of dismissal. This immunity might seem to imply that any gross abuse of the position, such as an over-display of political partisanship or an insult to the other branches of the Government, was meant to be impeachable. But Randolph did not choose to rely on this ground alone. Supported by the House, he impeached Judge Chase on a long series of counts going back many years, of which only two related to the offensive charge. Such a mistake alone would have been fatal, but the impeachment was as badly sustained as it was unfairly and clumsily drawn; and Randolph's defeat virtually established the claim of absolute irremovability which he had sought to overthrow.

In a minor conflict Jefferson's quick tact secured a victory. In Burr's case the Supreme Court subpœnaed the President as a witness. Jefferson observed that such a claim might cause the Chief Magistrate, the highest officers of the State or the Judges of the Supreme Court to be absent from their duties, and detain them for months in a remote part of the Union. This was a *reductio ad absurdum*. The President did not appear, and the Court owned its inability to enforce the summons.

CHAPTER VI.

FOREIGN POLICY. PURCHASE OF LOUISIANA.

The Trans-Mississippi Province ceded by Spain to Napoleon—A Helpless Prize to England—Change of Napoleon's Views—The Purchase—Florida—Berlin Decrees and Orders in Council—The Embargo.

THE greatest measure of Jefferson's administration was denounced at the time, and has been considered by the great majority of American historians and jurists, as a flagrant violation of Democratic principles; a signal example of the free or Federalist construction of the Constitution. Jefferson himself so considered it, desiring that Congress should apply for an Act of Indemnity in the form of an *ex post facto* constitutional amendment. He was content, however, with its cordial ratification by that popular will which he seems to have regarded as supreme over the Constitution, which never in his time came into conflict with State-rights, and whose obvious incompatibility therewith seems never to have occurred to him.

In 1802 he learned that Spain had transferred to France the indefinite territory of Louisiana. The possession of this country, including New Orleans and a small district on the eastern bank of the Mississippi, enabled its ruler to close the mouth of the river, the natural and only available outlet for the commerce of Kentucky and Tennessee and of the rapidly growing population of the North-West. Long disputes with Spain had been settled in 1795 by a treaty which gave the Americans not only the right of navigation, but the use of New Orleans as a port and depôt. It might be doubted whether the new Government of France would observe that treaty. At any rate, the transfer of such a possession from a weak and tottering State to the greatest and most aggressive of European Powers, the danger of collision, the disappointment of expectations none the less natural and reasonable that they could not be openly avowed, seriously affected American interests. Monroe, who then represented the United States at the Court of the First Consul, gave perhaps the most signal proof of shortsightedness in a long career of failure, when, without instructions, he declared that the change was a matter of indiffer-

ence to his Government. He might have known that that Government had previously intimated its intention to interfere, if Great Britain should think of purchasing or conquering the Spanish possessions in the neighbourhood of the United States.

Jefferson, who regarded not only Louisiana and Florida but Cuba and Canada as the destined and proximate inheritance of his people, was anxious to purchase New Orleans. Napoleon, bent on acquiring for France a new colonial empire, was at first disposed to reject the idea with indignant contempt. But the breach of the Peace of Amiens brought home to him what a far less sagacious statesman might have seen before—that France could hold trans-oceanic possessions only by sufferance. Louisiana, like her West Indian Islands, must, on the outbreak of war, fall a helpless prey to the mistress of the seas. ‘They have twenty ships in the West Indies!’ he exclaimed to Talleyrand. He wanted money and wanted to get rid of Louisiana. True, he was pledged not to sell it without the assent of Spain; but he and Jefferson treated with equal disdain the rights which Spain could not enforce. The agents sent to chaffer for a few square miles at a maximum cost of two million dollars agreed to purchase an empire for eighty million francs. One-quarter of the purchase money went to satisfy American merchants whose claims on France her Government was more willing to acknowledge than meet.

Randolph vigorously supported and Congress heartily approved a transaction, the advantage of which, both direct and indirect, overbore all technical and theoretical objections. The President might have pleaded imperative if not instantly obvious necessity. Had Louisiana been left to be contested by France and England, the United States must have been speedily involved in the war. The vast and fertile regions which neither rival could occupy would not long have been left waste. The restless pioneers of American enterprise who had already reached the Upper Mississippi would soon have crossed it; and their Government, which could neither restrain nor repudiate, must have protected them, and would have been entangled by them in a quarrel equally unjust and inconvenient.

Nor was the constitutional objection so telling in a practical as in a technical aspect. The Union already possessed vast unpeopled territories; it mattered nothing if these were doubled in extent. The position of the original States was equally affected by the admission of new confederates on the east and on the west bank of the Mississippi. On the other hand, the sectional balance, endangered by the rapid filling up of the North-West, might be redressed by the formation of States with Southern interests and Southern tendencies, such as would be formed out of

the part of the ceded territory which was likely to be first peopled. The present inhabitants were aliens of French and Spanish blood, but their number was insignificant; and, long before they could claim to be formed into a State and to exercise the powers of American citizens, that scanty population would have been swamped and absorbed by American immigrants. There was already a far larger population of other than English blood in New York, New Jersey, Delaware, and South Carolina, an element long since thoroughly assimilated by the growing English nationality of the Atlantic States.

Nor, even as a possible precedent, was the purchase practically objectionable. Ambitious patriots contemplated the speedy absorption of Florida, but the population of Florida was also insignificant. If Jefferson dreamed of annexing Canada it must be at a period by which Canada herself would be thoroughly Anglicised. Neither as a Southerner nor as a Democrat, then, does Randolph seem to have forgotten or forsaken his principles. There was nothing in the western, there would be nothing in the southern extension of the yet unorganised Territories from which further States might be carved, irreconcilable with that strict construction, that State sovereignty, those Southern interests of which he was throughout the consistent and unwavering champion.

The purchase of Louisiana was the one signal event of Mr. Jefferson's first term. He was re-elected in 1804 by an overwhelming majority. Clinton of New York, succeeded Burr as Vice-president. Massachusetts, the stronghold of Federalism, was carried by the Democrats. Pinckney and King, the candidates of the Opposition, received but fourteen votes in all the electoral colleges. The first incident of the second term was a grave dispute with Spain about the unsettled boundary between Louisiana and Florida. Jefferson endeavoured to pave the way for a second purchase by bellicose menaces, breathing war in his annual message (answering to a parliamentary Speech from the Throne) and whispering peace in a secret communication in which he asked for two millions of dollars, nominally to be paid to Spain, really to satisfy French claims on that country. France was, in consideration of a sum of which this was the first instalment, to bully Spain into the sale.

The first effect of these indirect manœuvres was to revolt and disgust Randolph, who refused to do Jefferson's dirty work, denounced the whole scheme as a shameful mixture of bullying, bribery, and blackmail, and quarrelled finally with the Administration, with Madison, and with the Democrats. Henceforth he stood alone; the scourge of all jobbers and intriguers, the terror of each party in turn, a versatile fanatic, a chivalrous purist,

whose wayward honesty and fantastic honour none could trust, a dangerous enemy and yet more dangerous friend; a man whom everybody hated, yet to whom everything was permitted and everything forgiven.

Jefferson soon and bitterly missed his support. The victory of Trafalgar in October, 1805, left England undisputed mistress of the seas. Fighting alone against the most shameless, unscrupulous, and aggressive of conquerors, for the law of nations, the freedom of Europe, the common interests of humanity, and standing in that cause with her back to the wall, she naturally used her one effective weapon in desperate earnest, with a contempt of technical scruples which presently rose into something like tyranny and insolent disregard of all law but that of the strong hand. Strict respect for neutral rights was impossible when nearly all the so-called neutrals of Europe were the vassals of her enemy. America alone was really neutral, and her neutrality was necessarily favourable to France. She alone could pretend to trade with ports under French control—the carrying trade of Continental Europe was in her hands. Through her alone could France and her subject allies obtain those Oriental, West Indian, and South American luxuries which had become almost necessities of daily life. But for her, England would have held the Continent in blockade with comparative ease and certainty. England had no need for her trade and no wish for her friendship. She was doing more harm as a neutral than she could do as an open enemy.

Order after Order in Council, straining the rights of maritime belligerency, and fixing a tighter grip on the throat of neutral traffic, were echoed by decrees yet more lawless and incomparably more absurd from the Master of Europe. None but a contraband trade was possible. American vessels were placed between the Scylla of British capture and the Charybdis of French forfeiture. Compliance with the rules of one belligerent incurred seizure by the other. Meanwhile French privateers and English cruisers transcended even the extravagant orders of their respective Governments. British officers asserted the right of impressing British sailors on board American merchantmen. Impressment harassed and hampered English merchant-ships, while their rivals, manned by British deserters, stole away their trade. The thing seemed intolerable; and had the remedy been carefully confined to the arrest of genuine fugitives from impressment, in private ships and on the high seas, America might have contented herself with protests and remonstrances. But every British commander was the sole judge of nationality, and a judge in his own cause. It was alleged, with monstrous exaggeration, that thousands of American-born seamen had been forced into our service

and many hanged as deserters. For one American forced into an alien service, there were twenty Englishmen in that of the United States. But England's unresisted pretensions were pushed step by step into absolute and intolerable outrage. American vessels were captured in their own waters, and not only carried into port for adjudication, but sometimes plundered and sunk at sea. This practice, perfectly legitimate in the case of enemies, was little better than piracy towards neutrals; who were by the law of nations, even as England read it, presumably innocent until condemned in her prize courts.

Congress decreed in 1806 a trivial measure of retaliation, prohibiting the importation of certain articles from the British dominions. Less than a month afterwards H.B.M.S. *Leander* fired into an American coaster near Sandy Hook, New York, and killed one of her crew. The President ordered the offending vessel out of American waters, and issued a warrant for the arrest of her commander. This impotent formality was rendered yet more ridiculous by a diplomatic apology. America had no navy, and Jefferson would not build one. He bragged about treating the Gulf Stream as American waters and putting down hostilities therein, while his only maritime force consisted of some few dozen gunboats; which on the approach of an enemy were to be launched and manned by local volunteers, and would have been sunk of course in squadrons by a single British frigate.

In June, 1807, H.B.M.S. *Leopard* fired into the American frigate *Chesapeake* just outside Hampton Roads. Several of the frigate's crew were killed and wounded. Taken unprepared, she struck her colours; and four of her sailors were carried off and one of them hanged as a deserter. The outrage was disavowed, but the policy of both belligerents grew more and more high-handed. France was at least equally to blame, but France had not the means to invade American harbours and insult the national flag. Still Jefferson shrank from war. At his instance Congress laid an embargo on all American vessels, detaining them out of harm's way in their own ports. As against France, such a measure might have been effective; directed against England, it was simply ridiculous. It did her work for her, blockaded the ports of the Union more effectually than her whole navy could have done, stopped the contraband trade she could not suppress, and gave her merchant marine a monopoly of the world's traffic. It established moreover, a constitutional precedent incompatible with Democratic doctrines. Massachusetts and Connecticut protested, disobeyed Jefferson's requisitions, and began to talk about secession. The American Minister offered Mr. Canning a repeal of the embargo in exchange for that of the Orders in Council, and severely tried the gravity of the Foreign Secretary. Na-

oleon issued a decree for the seizure of all American vessels found afloat, to aid a friendly Government in enforcing their own law!

At last on March 4, 1809, the embargo expired with the Presidency of its author; and Madison, his Secretary of State, succeeded him in the Chair. Jefferson said and fancied that his powers were failing him, but he lived for seventeen years longer, the patriarch and prophet of the Democratic party, and died at the age of eighty-three; impoverished and embarrassed,¹ but otherwise happy, honoured, and fortunate to the last; perhaps the most overrated man that ever played a leading part on the political stage. He and Adams both expired on July 4, 1826, the jubilee of American independence.

¹ This was the fate of most Presidents. George Washington was a childless man, who inherited one fortune and married another. Adams was careful to stinginess, and had not to keep up a palace in an expensive capital. Jefferson was saved from ruin by the help of friends. Madison, being childless, was able to live on the remains of a dilapidated fortune. Monroe died insolvent. Jackson had to borrow money to stock the farm of Cincinnatus. J. Q. Adams was partly provided for by his salary as a Representative. It is believed that each successor, down to 1860, retired from the Chief Magistracy much poorer than when he entered it, though after only a single term of office.

CHAPTER VII.

BURR'S CONSPIRACY.

His Position after the Murder of Hamilton—As Vice-President—At Feud with Jefferson—His Appearance as an Adventurer—Doubtful Character of his Schemes—His Arrest, Trial, Acquittal, and Ruin.

THE slayer of Hamilton¹ was indicted for murder both in New York and New Jersey, but neither indictment was pressed. Burr returned after a while to Washington, and, as Vice-president, filled with sufficient dignity and impartiality the Chair of the Senate. When Judge Chase was impeached by the House of Representatives at the bar of the Senate, the presence and demeanour of the Vice-president contributed not a little to the imposing character of a great political spectacle. But he had risen to that high position by chance and intrigue. Having mortally offended Jefferson, he had no hope from the Democratic party. With the blood of Hamilton on his hands, he could win nothing from the Federalists. At the close of his single term, the demagogue and election manager, bankrupt in fortune, character and political influence, lapsed into obscurity. But his restless ambition, fostered by natural and acquired advantages seldom combined—a stately presence and imposing carriage, a bearing at once dignified and popular, a consummate plausibility of manner and language, equally effective with a jury and a mob, in private and public audience—could not be reconciled to insignificance or inaction. The ruined politician promptly reappeared as the Western desperado; the last successor of the Buccaneers, the first of those American filibusters whose soaring ambition, dauntless courage, and sublime contempt for public law and established rights have often won from a reckless populace such sympathy as Englishmen felt for Church and Cochrane; whose career, commencing with victories that almost achieved for pirates the position of regular belligerents, has ended for the most part in defeat and ignominy, at the galleys or on the scaffold.

In 1806 Burr collected on the Ohio a flotilla, ammunition, arms, and supplies for scores or hundreds of the daring adventurers who

¹ *Supra*, p. 382.

flocked to his standard. Among his principal and most trusted associates was General Wilkinson, lately the senior officer of the Federal Army, now the Governor of the northern part of the vast territory purchased by the United States under the name of Louisiana. Burr's designs were involved in much obscurity. It seems evident that his operations were to begin in the neighbourhood of New Orleans, that he meant thence to move westward, or to occupy for the nonce the debatable ground between Louisiana and Spanish Florida. His ultimate goal was supposed by the most sanguine and resolute of his followers to be the plunder or conquest of Northern Mexico; perhaps even the throne of Montezuma. Wilkinson, who presently betrayed him and placed in the hands of the Federal authorities some wild but ambiguously-worded letters, accused him of an endeavour to separate Louisiana from the United States and to establish a rival empire to the west of the Mississippi. But Burr's scheme of operations was probably not very distinctly defined even in his own mind. That it was lawless and criminal is beyond question; whether it were treasonable or simply piratical has never been made clear. If he really aspired to the sceptre of a western empire, was it at the expense of the feeble Spanish Government of Mexico—which then claimed an undefined dominion between the western frontier of the United States and the Pacific as far north at least as the 42nd parallel—or of the newly-purchased territory of the Union, or were both to be absorbed? Most probably Burr intended to be guided by circumstances and by his first successes. But his means were so utterly inadequate to any scheme of extensive conquest that his 'plot' appears in history as the dream of a half-insane desperado rather than the coherent plan of a calculating adventurer, however daring and headstrong.

He was arrested and held to bail by the Federal officials of the North-West, but released by the Court before which he was brought, whose Western spirit of adventure and national sympathies were strongly enlisted on behalf of an enterprise supposed to be directed against the Spanish provinces. At last, under an order from the President, he was arrested by a military force in the neighbourhood of New Orleans. His followers were dispersed and he himself sent to Washington for trial. Jefferson, strongly prejudiced against him, believed in the charge of treason preferred by Wilkinson. The Federalists, in their bitter hostility to the Administration, sided passionately with the man on whose hands was the blood of their great leader. From a court whose bias was distinctly Federalist, and from a sympathetic jury, Burr obtained a complete acquittal. But that acquittal finally disposed of his enterprise and his hopes, and consigned him to insignifi-

cance. He sailed shortly afterwards for Europe, and never again appeared on the political stage. The party passions of the time, and the strange mystery in which the whole matter was involved, have given an artificial interest to the wildest and most impracticable of American filibustering enterprises, and to a character and career, despite their erratic brilliancy, essentially unworthy and even contemptible.

CHAPTER VIII.

THE SECOND WAR WITH ENGLAND.

Motives and Mutual Provocations—Opposition of New England—American Maritime Advantages—*Shannon* and *Chesapeake*—Invasion of Canada—Lake Erie—Lundy's Lane—Washington—New Orleans—Peace—Financial Disorders—United States Bank.

MADISON'S first term was signalised by a financial crisis ; by an Indian war in the North-West, commenced in 1811 by an American victory at Tippecanoe ; and by the commencement of that second war with England, growing out of the great European conflict, which had loomed darker, nearer, and more threatening year after year. Neither the atrocities of the Terror, the aggressive measures and the diplomatic discourtesies of the Directory, the insatiate ambition of the Consulate, nor the establishment of naked military despotism under the Empire, had alienated the sympathies of the American populace. France was still their ancient and faithful ally ; England still their natural and unforgiven enemy. Distance, ignorance, and traditional bias obscured in the sight of the masses the moral character of the conflict, the practical relations of the contending Powers. It mattered nothing that the insolence and selfishness of the Republic had striven, and well-nigh with success, to drag the United States through flagrant violations of neutrality into a disgraceful and inevitably disastrous war. It went for little in the public mind that to the utmost of his power Napoleon had waged against American commerce a war as ruthless as that maintained by England ; that, if American seamen had not been impressed into the Imperial service, it was because France had neither cruisers to seize them nor ships for them to man. It was England alone that had the power seriously to interrupt American trade with her enemy. The English fleet alone was seen in American waters ; English cruisers alone could exercise on every sea the undoubted right of search, seize enemies' goods under the neutral flag, and reclaim her sailors on board American merchantmen. The malice of France was equally high-handed and contemptuous, and incomparably more gratuitous ; but it was exerted in distant ports, within the real, if

not the recognised, lines of French supremacy. French captures were few and insignificant; no French frigates watched American ports, or swept the ocean in quest of American vessels. The merchant marine of Sweden and Russia was insignificant, and the rest of Europe was engaged, really or nominally, on one side or the other in the war. America was to all intents and purposes the only neutral Power; the trade of one-half the world was the monopoly of her flag. Belligerent rights exercised against her alone assumed the character of national hostility.

She overlooked, moreover, the provocation that she gave; forgot that, while the Baltic was sealed, the Mediterranean commanded, the ports of France closed by British squadrons, France still carried on depredations on British commerce; that a number of English merchantmen were yearly stopped, captured, and plundered by American privateers under the French flag. Nations, like men and women, are governed as much by temper as by reason. The national tempers of France and America are essentially feminine, and it is more surprising that the firmness of Washington and Adams, the popular influence of Jefferson and his ingenuity in devising substitutes for war, should have so long restrained the popular passion than that Madison should at last have yielded to it.

Tecumseh, a chief of the Shawnees, one of the three or four great warriors and statesmen whom the Red Indian race has produced, had united the tribes of the North-West to resist the spread of American colonisation over their boundless hunting-grounds; had visited and endeavoured to enlist in his quarrel the Creeks and Cherokees of the South. Sanguinary encounters had actually taken place on the northern prairies before, in June, 1812, the President, in a long inflammatory message to Congress, set forth the grievances of the United States against England, and obtained a declaration of war. Two days previously the obnoxious Orders in Council were repealed.

It is a significant fact that the commercial States, where the reciprocal grievances of the two countries and the comparative responsibilities of the European belligerents were best understood, which had been the chief, if not the sole, sufferers by the stringent exercise of belligerent rights, were from first to last the energetic opponents of the war. Numerous and influential meetings in New York, Boston, and other North-eastern cities at once denounced the declaration in language which an American minority has rarely used when once a successful appeal to patriotic pride and ambition has roused the nation. They relied on a very strong and wide-spread sectional feeling when they ventured to protest against the war as 'gratuitous and wicked.' Nor was its early management calculated to reconcile the Opposition to the

sacrifices and perils it brought. Their want of confidence in the prudence, energy, and judgment of the Administration was fully justified. Jefferson's gunboats, luckily for their intended crews, never put in an appearance. A few American vessels, equal in force to third-rate English ships of the line, but classified and disguised as frigates,¹ entrapped English frigates—which, by the traditional usages of naval war, were expected to fight superior vessels of their own class, but not line-of-battle ships—into unequal and disastrous encounters. The *Macedonian* and the *Guerrière* were challenged and vanquished in single combats analogous to duels in which the challenger wears a secret coat of mail.² There was no such monstrous disparity between the *Java* and the *Constitution*; but the former, as often happened during a conflict which strained to the uttermost the maritime strength of England, was manned with coasters, boatmen, longshore men, and landsmen. Her miscellaneous crew had never been in action, and very few among them had served in a man-of-war. Half-a-dozen smaller British vessels were captured in fair fight. No British ship struck her flag, no matter what the odds, till she was little better than a wreck, and the mere slaughter of her crew rendered further resistance impossible.

A single encounter on equal terms brought the comparative qualities of American and English ships and seamen³ to a fair test. Captain Broke of the *Shannon* had sunk no fewer than twenty-five captured merchantmen, sacrificing a small fortune in prize money rather than weaken his ship by a single prize crew. After watching long and in vain off Boston, he sent a written challenge to the American squadron anchored in the harbour. The gauntlet was taken up by Captain Lawrence, of the *Chesapeake*. The two vessels were tolerably equal. Ships, captains, and crews were choice representatives of the several navies. After ten minutes' firing they closed; Broke led his men to board, and in fifteen minutes after the first shot was fired the *Chesapeake* struck her flag. Captain Lawrence and most of her officers were killed or wounded. The mortification and disappointment of America vented itself upon the senior of the survivors, who, acquitted of every charge save that of carrying his dying commander from the quarter-deck, was ignominiously dismissed from the service; a *pour encourager les autres* equally unjust and ineffective. Successes more profitable and not more inglorious than those secured by disguise and deception were due to an unsparing use of the

¹ Frankly admitted by American historians so partial as Professor Draper.—*Civil War*, ii. p. 203.

² So much so that, in naval battles between England, France, and Holland, frigates did not interfere, and were not fired at. When they forfeited this immunity by active intervention, they were commonly sunk by a single broadside.

³ Of the best American seamen, not a few were British deserters.

advantage of surprise. It was long before the scattered cruisers and merchantmen of England in distant waters learned that war had been declared. The Americans evaded superior and took inferior forces off their guard; their privateers similarly escaped the vigilance of British men-of-war, and reaped a rich harvest of plunder from the unsuspecting commerce of England.

America had been tempted to throw her sword into the scale, against the hopes of mankind and the liberties of Europe, by the opportunity of taking England at the utmost disadvantage. The power of Napoleon was at its zenith. Europe was at his feet; the resistance of Russia seemed a forlorn hope. In the defence of the East and West Indies, in Sicily, and above all in the Peninsula, England had her hands full. At such a crisis the United States believed that the vaunts of Jefferson might be realised; that Canada especially would fall an easy prey. For once the course of history conformed to the principles of poetic justice, and Providence was not on the side of the heaviest battalions.

General Hull invaded Canada with 2,500 men, retreated ignominiously before a far inferior force, took refuge in Detroit, and presently surrendered fort, stores, artillery, and army to 600 Englishmen and as many Indians. He was tried by court-martial and cashiered, escaping sentence of death, it is said, only by a single vote. His successors failed quite as signally. In more than one instance, one half the American force was beaten under the eyes of the other, which could not be induced to move till it was time to run away. Northern Michigan was the seat of a desultory campaign, in which the Americans were generally worsted. Meantime a few energetic Americans had constructed a formidable squadron upon Lake Erie. Its superiority was sufficiently proved by the unwillingness of the brave and experienced British naval commander, Barclay, to risk an encounter. He was forced out of harbour at last by the utter exhaustion of his stores and the urgency of General Proctor, who was being pushed out of Michigan by force of numbers. The American flag-ship was sunk; nearly every British vessel lost its commander; and the victory remained with the young American Commodore Perry, a victory of American volunteers over Canadian boatmen and gunners taken from the land force.

Thus far England had fought, and well sustained the honour of her flag, with the mere gleanings of her naval and military strength against the whole power of America. Her defeat upon the Lakes compelled the evacuation of Michigan. Harrison, the American General, followed up the retreating forces with an army of six or seven thousand regulars, volunteers, and militia; among them a body of cavalry outnumbering the whole civilised army of General Proctor. The British were overtaken on the Canadian

Thames by threefold numbers. Tecumseh, the limits of whose martial intelligence were marked by his indignant protest against an inevitable retreat, was killed; the Indians, after an obstinate struggle, were completely dispersed, and three-fourths of the small British force disabled or captured.

Meanwhile the Peace of Fontainebleau had released England from the strain that had absorbed her strength and thought; and though the critical relations and vast armies of the Continent demanded her chief care, she was able to attend to her Transatlantic assailant. The American Government had been gathering forces numerically more than equal to the task before them. Sir George Prevost, Governor of Canada, invaded New York, following the ominous route of Montcalm and Burgoyne. A battle on Lake Champlain ended in the destruction of the Canadian flotilla; the gathered militia of the Northern States had held their own at Plattsburgh, and the British were forced to retreat. Toronto, then called York, the seat of the Government of Upper Canada, was taken and sacked. A second and better-conducted campaign was fought chiefly upon the peninsula between Lakes Huron and Erie, a battle-ground peculiarly advantageous to the invaders. It was surrounded by the waters which they commanded, faced on two sides by American territory, and almost detached from the rest of the British provinces. A series of minor operations, in which fortune was not unevenly balanced, though on the whole inclining to the American side, culminated in a pitched battle fought at Lundy's Lane, within hearing of the falls of Niagara. After an obstinate contest the Americans remained masters of the field.

A British fleet occupied the Chesapeake, took possession of Alexandria, and landed a small force on the north bank of the Potomac. Expecting an obstinate battle in the river, the British seamen were bitterly disappointed to witness the destruction of the American squadron of seventeen vessels, fired by its own commander. The insufficient and ill-disciplined land force collected for the defence of the capital retired after an unimportant skirmish, and the small British army, with a loss of some two hundred and fifty killed and wounded, took possession of Washington. The President and Cabinet fled in panic across the Potomac, destroying a sloop of war just built, a large frigate on the stocks, and a quantity of stores. Before the entry of the British the city was plundered and much havoc wrought by escaped slaves and criminals. The General went forward with a flag of truce, intending to negotiate for the ransom of the public buildings and property; but the desertion of the military and civil authorities had left Washington without rule or control. A party of exasperated patriots, ignorant of military law and usage, fired

on the flag, and narrowly escaped killing the General himself. Such lawless resistance in a place already abandoned as indefensible exposed the offenders to military execution, and the town to sack and pillage. Nor, after such an outrage, could General Ross restrain the indignation of the soldiery. The arsenal and dockyard were of course destroyed. The citizens were unmolested in person and property; but the newly-built Capitol, the White House (the President's official residence), and other public buildings were given to the flames. The public opinion of England regretted an act of Vandalism, which, under the circumstances, no European Power was entitled to censure. The contemporary feeling of America bitterly denounced a measure of military revenge (apart from the particular justification afforded by the conduct of the mob) quite in accordance with the spirit and recent precedents of a generation nurtured in constant aggression and retaliation. In the present instance it should be remembered that the mischief was measured by the cost of restoration. No valuable archives, no literary stores, no irreplaceable historic monuments were destroyed, no priceless art-treasures carried off.

While commissioners from the belligerent Powers were sitting at Ghent to adjust the terms of peace, a desultory war was waged in Florida, important only for the signal audacity of the American commander, General Andrew Jackson, in disregarding the territorial rights of Spain, who owed her very existence to England, and whose 'neutrality' was scarcely more impartial than that of the States during the first years of the war of the French Revolution. The last important engagement took place after peace had actually been signed, but before the news could be carried by sail across the Atlantic. General Pakenham—a connection of Wellington's—with an army of Peninsular veterans, landed at the mouth of the Mississippi (Dec. 21, 1814) and marched upon New Orleans.

The Americans escaped a fatal surprise through the promptitude of a young planter, who detected the approach of a British advanced party, and carried the tidings to his countrymen. After some hard fighting—in which the British defences, mainly formed of barrels of molasses, were knocked to pieces by the American cannon, while the cotton-bales which covered the latter effectually repelled the British shot—General Jackson fell back to his entrenchments in front of New Orleans. Here he awaited the decisive attack, which was made on January 8, 1815. The assailants were 7,000; the Americans, standing on the defensive, in an exceedingly strong position, at least 12,000. Their militia on the opposite bank were, as Jackson reported, 'disgracefully' routed; but the main British army, advancing, according to Peninsular tradition, in close order across open ground, was re-

pulsed with tremendous slaughter by the sheltered enemy. Jackson was, of course, entitled to the higher credit for a victory secured without exposure, risk, or loss; but the quality of his troops was not put to the test of a close encounter with half their number of Peninsular veterans.

Peace was concluded on the Christmas Eve of 1814 on much more equal terms than could be expected from a war begun when Napoleon was master of Europe, and ended when he was in all but name a prisoner in Elba. America was glad to drop, without abandoning, everything for which she went to war. England made no concession and exacted none. Impressment, the American pretension to share the Newfoundland fisheries, England's claim to the navigation of the Mississippi, were left open. Everything was left at midwinter 1814 as it stood at midsummer 1812, save that the Creeks, who had taken arms at the instigation of Tecumseh, had been worsted, plundered, ruined, and reduced to submission.

Considerable as seemed to that generation the havoc of the war, the American people suffered far more from the financial derangement, which the war only completed and aggravated. The charter of Hamilton's National Bank had expired in 1811, and the Democratic party, who had been hostile to that institution from the first, refused to renew it. The States at once chartered a multitude of local banks with a merely nominal capital and unlimited circulation. Their worthless notes, even while nominally redeemable, drove specie out of circulation. The consequent rise in prices, and the extensive trade carried on with continental Europe, where war created a constant demand for coin, and with the silver-hoarding East, presently led to the exportation of the greater part of the gold and silver previously current in the States. Speculation, especially in land, was as usual encouraged by the extravagant facilities of credit and the virtual depreciation of money that always attend a sudden increase of the currency. The majority of the banks themselves were the speculations of men generally ignorant and often dishonest. As always happens, the first change of fortune, the first serious failure, brought the whole fabric to the ground. The New England States alone had imposed upon their banks conditions which kept them tolerably sound. Those of the Middle, Southern, and Western States at once suspended payment.

The embarrassments of the Government were extreme. The war compelled it to borrow; loans of constantly increasing amount were taken up on more and more disadvantageous terms, six per cent. bonds of 100 dollars falling from 88 to 75 dollars. The Treasury was compelled to receive local paper in payment of customs and internal dues, simply because the taxpayer had no

other money to offer. The discount was so uncertain, so varied from day to day and from State to State, that all notes were first taken at par in the absence of any other possible rule. Consequently, the duties paid in paper at Baltimore, Charleston, and New Orleans were lighter in real value by 15 to 25 per cent. than those of Boston and Newport. The business of New England was driven to Philadelphia and still further south, and the States were mulcted in proportion to the soundness of their legislation and the stability of their commercial credit. For some years the interest-bearing Treasury notes or Exchequer bills of the Federal Government were the only common currency of the Union, the circulation of the various banks being confined to their respective neighbourhoods. The consequent distress, confusion, commercial and industrial ruin affected every family, embarrassed every buyer and seller, from the Mississippi to the Atlantic, from the borders of Florida to the Great Lakes. A few shrewd exchange-mongers made great fortunes at the expense of the bewildered public.

A National Bank of the United States was chartered in 1816, the last important act of Madison's term. But some time elapsed before, even with the aid of its powerful machinery, the resumption of specie payments was accomplished; and the United States were again burdened with a heavy debt for which they had received very inadequate value. The earlier creditors had bargained that they should receive the best terms that might be granted to those who should take up subsequent loans. Thus the whole debt was contracted at the rates enforced by protracted war, enormous expenditure, and dubious credit; and it may be estimated that the Federal Government paid six dollars per annum for every sixty dollars of gold-value that actually reached the Treasury; borrowed, in fact, at 10 per cent. This severe lesson made a lasting impression upon the suffering generation, especially in the commercial States; and sixteen years passed before the ignorance, wilfulness, and passion of a single man, the prejudice of the populace, and the madness of faction renewed the anti-bank agitation of Jefferson and his disciples.

CHAPTER IX.

THE SECOND GENERATION.—MONROE AND QUINCY ADAMS.

The Leaders of the Next Age—Calhoun, Clay, Webster—Andrew Jackson—Seminole War—Expulsion of Cherokees by Georgia—Monroe Doctrine—Election by the House—Consequences.

THE complete triumph of the Democrats, the virtual extinction of the Federalist party, gave to the years following the war the very imperfectly deserved name of the 'era of good feeling.' The great constitutional and political issues of the constructive era, the second stage of revolution, were closed; the Revolutionary generation, the soldiers of the War of Independence, the statesmen of the Convention, with their experience of cosmic convulsions and Titanic cataclysms, heroic aspirations and gigantic disappointments, had passed from the stage. To the new generation the Union was no longer an experiment, but an accomplished fact, whose thirty years' endurance had satisfied them that the practical sovereignty of the States was the surest basis of national unity and growth, their solid union the necessary condition and guarantee of their individual sovereignty. The fears of the Federalists, the sensitive jealousy of the Democrats, were proven illusions dispelled by the advent. The sectional divergences—divergences alike of character, opinion, and interest—had not yet opened new issues, or reopened the issues of old in a new and more dangerous form. There were no principles to create parties; no objects for parties to fight for. Unhappily, political stagnation breeds corruption; and intrigue—the underhand strife of petty factions and selfish personal ambitions—festers in the bosom of the party which has no longer a recognised antagonist. One curious consequence of the absence of opposition was that the Secretary of State superseded the Vice-President as the designated successor to the Presidency, as being in right of his functions the second power within the party, the second figure in public life. Thus Madison had, as Democratic candidate, succeeded on the retirement of Jefferson; and thus Monroe, the last and weakest of the great Virginian school of statesmen, succeeded in due course on March 5, 1817, to Madison.

Four far greater figures had already entered on the political stage. John Quincy Adams, Monroe's Secretary of State, had been from boyhood the assistant and pupil of his father, the second President of the United States. He had passed from diplomacy to college, and from college to important public employments; had become in 1817, and remained to the end of the longest political life ever enjoyed by an American statesman, one of the foremost men of his time. The Secretary of War was John C. Calhoun, of South Carolina; after Alexander Hamilton, the most consistent, logical, clear-sighted, and far-sighted statesman, the profoundest political thinker that the Union has ever produced; the greatest, ablest, most resolute of that third political generation whose destined task it was to grapple with the problem which had eluded the foresight of the first; that gravitation of the States into sectional masses, whose tremendous counter-action was soon to threaten the cohesion of the Union. All of them, and Calhoun above all, were fortunate in the date of their death. They passed from the stage just as the curtain fell on the penultimate act of the great tragedy in which they had borne the leading parts; in time to escape the events whose crushing logic proved that the labour of their lives was vain; that the course of destiny was too strong for their combined efforts; that the Union—the Union as they understood and loved it—the Union of Washington and Hamilton, of Jefferson and Madison—was a 'survival' of the past, a figment of law, that no human effort could save.

Daniel Webster, of Massachusetts, a consummate advocate rather than a profound constitutional lawyer—as far superior to Calhoun in magnetic influence over men, in the arts of a party leader and the power of a popular tribune, as inferior in moral strength, in personal dignity, pecuniary honour, and political courage—was a man who could do anything except stand alone against his little world. Proud and generous, yet capable of meanness and selfishness where his fame or his ambition was involved, making a large income, yet always in debt, and never ashamed of taking money from personal or party friends, he had already achieved a great reputation in Congress, and was now the leader of the Bar of Massachusetts and of the Supreme Court. Henry Clay, of Kentucky, the favourite of the West, whose position in politics as the moderator of sectional strife, the author of more than one great historical compromise—doomed from the first to irretrievable failure in attempting to reconcile irreconcilable conditions, and repress an irrepressible conflict—was that suited to the relations of his State, stood as yet higher than his two great rivals; not less respected, and far more popular, than the younger Adams. He and Adams had been colleagues—often sharply op-

posed to one other—in the commission which had negotiated the treaty of peace with England.

The period now commencing was the most critical in the internal, the most interesting and brilliant in the Parliamentary history of the United States. The arch problem of American politics was coming to the front. Sectional antagonism, and the desire of the North to establish its political ascendancy, were the real motives of the conflict of 1820; Abolitionism proper was hardly heard of till after 1830, but slavery was always the pretext of Northern aggression, and Northern ambition gave solid political strength to the Abolitionist agitation. Calhoun alone diagnosed clearly and accurately, almost on its first outbreak, the true character of the moral fever which, caught from English anti-slavery propagandists, had seized a small band of Northern enthusiasts. He long stood absolutely alone in his invincible assurance of its epidemic quality. There was too much of the Huguenot and Covenanter in the typical South Carolinian to let him underrate the new fanaticism of the great-grandchildren of the Northern Puritans. He had gauged and measured the span-broad cloud on the horizon; in its womb he felt the storm that must overwhelm slavery or rend the Union asunder. And, happen what might, slavery should not be touched by Northern hands; the South should never part with her right of self-government and self-determination.

Webster seems to have thought the anti-slavery agitation a serviceable weapon, a convenient 'cry,' but a movement which, in his hands, could always be restrained within the letter if not the spirit of the Constitution. Adams fancied that he might at need fight out the quarrel to the bitter end within the Union if without the law; Clay, that the whole matter was one of sectional prejudice, ignorance, and interest, a quarrel to be salved by soft words and mutual concessions.

The men, one and all, were worthy of the occasion; fit champions of their several views; fit combatants in a quarrel which enlisted the noblest and the basest feelings, the fiercest and deepest passions of humanity; competent guardians of the gigantic interests, the sacred principles, the inviolable and irreconcilable obligations at stake; leaders capable of defending with becoming earnestness, fire, and force of conviction the clearest rights and most absolute engagements to which public honour was ever pledged, the strongest and simplest instincts, sympathies, and passions that ever repudiated the bonds of public honour and plighted faith in the name of a higher law—the cause of vested rights or of human freedom; statesmen worthy, in a word, of the greatest issue that was ever waged by one generation in debate, and appealed by another to the God of Battles. Hamilton

excepted, few or none of the statesmen of the War of Independence and the Constitutional Convention were superior, not many were equal, to the four great champions of the next age.¹

But the popular favourite of the age, the idol of the multitude, was a man of a far lower order, of infinitely inferior moral and intellectual calibre. Andrew Jackson had been distinguished by his excesses and eccentricities, his ruthless discipline, his contempt of all law—martial, civil, and international—his defiance of superiors and insolence to equals. He was employed under the Government of Monroe in a long, cruel, and needless crusade against the Seminoles of Florida. A few border collisions of less than common gravity afforded the pretext. The real occasion of the war was the inveterate hostility of the American people towards the Aborigines; inflamed by the number and the acts of the fugitive slaves who had sought and found a safe asylum among the forests, lakes, swamps, and Everglades² of the peninsula. In this warfare Jackson gained the favour of the populace and politicians, less by his victories over the enemy than by the lawless seizure of Spanish towns and forts, and the murder of two British subjects, against whom nothing was proved but the fact that the Indians had derived military information from their business letters. The patience, not to say indifference, with which this double outrage on the law of war and of nations was endured by the English Government excited general contempt in America, and had doubtless much to do with the tone of her diplomatic intercourse with Great Britain during the next forty years.

Frontier disputes and incidental collisions, which had occurred from time to time since the cession of Louisiana, were finally settled in 1819 by the sale of Florida to the United States for five million dollars; to be paid not to Spain, but to American citizens who had, or who alleged, claims against Spain to something like that amount. Adams was one of those whose station and abilities compel a society which discourages duelling to endure a tem-

¹ I may have written otherwise elsewhere, speaking, as others have done, of the rapid and continuous degradation of American politics and politicians. Degeneration has been the marked and invariable course. The tone of public life, the *average character* of public men, above all the quality of those who represent their country in the eyes of the world, fell constantly and deeply from Washington to Monroe, from John Q. Adams to Pierce, from Buchanan to Hayes, Garfield, and Arthur. Dishonesty, jobbery, corruption, vulgarity undreamt of in the days of the great Virginian and Massachusetts dynasty came into vogue with the accession of Jackson, and attained under Lincoln and Grant an unchallenged ascendancy at which Jackson and Van Buren would have stood aghast. The soldiers and statesmen of the Revolution, and yet more of the Convention, were of a higher caste than their successors. The Epigoni of the sectional conflict, the authors of the Civil War and of Reconstruction, certainly could not boast themselves much better than their fathers; and their fathers were weaklings beside the heroes of the American Iliad, the founders of their country. But the four great champions I have described—those whom contemporary American opinion recognised as the leaders of their age—had few superiors in the preceding as they have had no equal in the passing generation.

² The general character of the Everglades is that of shallow lakes covered with timber, forests growing in water three or four feet deep, obstructed by matted jungles, affording unrivalled cover in battle, and almost impenetrable shelter in flight to Indian warriors; agriculturally worthless, pestilential, uninhabitable, and almost impassable to the white race.

per that would be the ruin of weaker men. Even in diplomatic intercourse, he could not or would not maintain the substance, much less the forms, of courteous contradiction and dignified rebuke. Jackson's high-handed, ostentatious contempt of public law was thoroughly congenial to his nature. He supported the General in that overbearing temper and with that dogged self-will which left those who had to act with him, in Cabinet or Congress, no alternative but to yield or to quarrel. Calhoun, as Jackson's immediate superior, resented his insubordination; as gentleman and statesman, was disgusted by his brutality and alarmed by his lawlessness. But a feeble President and an undecided Cabinet dared not quarrel with the favourite of the populace. Their internal differences were suppressed; and Calhoun, as the official mouthpiece of the Government, communicated their approval of measures of which he individually had spoken as they deserved. An electioneering intrigue long subsequently divulged these Cabinet contentions. Jackson, who had at that moment another grudge against Calhoun—and whom nothing could have taught to distinguish between official and personal responsibility, or to recognise the necessity of mutual concession to common action—imagined that he had been grievously wronged and treacherously deceived. He thenceforth bore a mortal enmity to Calhoun, which had no small influence over his own subsequent conduct, and affected for many years the course of party politics.

Another Indian quarrel led to a sharp controversy between the Federal Government and the State of Georgia. The Cherokees were secured in possession of their remaining lands by a formal treaty with the United States; but those lands fell within the State limits of Georgia. She determined to extend her authority over the Cherokees by main force. Adams, as Secretary of State and as President, insisted on the validity of the treaty, as—like a treaty with England or Spain—part and parcel of the supreme law of the Union. But the Indian tribes, though not subject to State or Federal law, though unquestionably self-governing communities, were not independent Powers. Their position and engagements made with them had something of the ambiguous character that attached to the relations of the East India Company with the vassal Princes of India. Adams may have strained a point of constitutional law, but he was unquestionably bound to maintain the pledged faith of the Federal Government; and his zeal to repel force by force, whether inspired by headstrong temper or by a somewhat intemperate zeal for justice, was the more creditable that it could hardly conduce to his popularity outside his own State. When Jackson came into power, the Cherokees and Creeks, like the remains of many once powerful Indian tribes in the North and North-West, were expelled from

the fertile lands on which they were settling down as peaceful, agricultural, civilised communities, and transported to the then uninhabited deserts beyond the Mississippi.

The termination of the European war and the treaty of Ghent closed the period during which the foreign policy of the United States was the chief object of national interest and party conflict, the chief concern of the foremost statesmen of America. The South American revolution, the revolt of Mexico, Peru, La Plata, and the other Transatlantic dependencies of Spain, the rupture between Portugal and Brazil repeated the story of their own War of Independence too closely not to enlist the warmest sympathies of the people; and both the weakness and the policy of the Government induced it to connive at flagrant breaches of a formal and reluctant neutrality.

Spain had her hands full: proud and sensitive as she was, she could not afford to mark too strictly the faults and defaults of the United States, to give them a pretext of quarrel which might have been eagerly seized, to enlist the paramount Power of the Western Continent on the side of her revolted provinces. While Lord Cochrane and other Englishmen accepted command in the service of the South American States and fought openly and manfully for their independence, American privateers escaped from the lax supervision of their Government, and turned the quarrel to their individual profit by preying on the defenceless commerce of Spain and Portugal. The menace of European intervention led Monroe's Administration to interpose in a more honourable and legitimate character: though, in diplomacy as in war, the cause of South American independence was more indebted to England than to the United States. It was Canning and not Monroe who 'called the New World into existence to redress the balance of the Old.' It was a joint protest, sure to be backed by force, that deterred the Holy Alliance from its threatened crusade on behalf of legitimacy. The familiar 'Monroe doctrine,' as laid down by its godfather with the encouragement of the British Cabinet, fell far short of the pretensions which later American orators and demagogues have advanced under its shadow. It did not question the right of Spain to recover her lost dominion by force, but simply warned the military Powers of Europe that the United States would not regard with indifference the extension of the principles of the Holy Alliance to America: the interference of Europe—or those who assumed to speak and act in the name of Europe—in a distinctly American quarrel.⁵ The Govern-

⁵ Monroe pronounced against 'entangling ourselves in the broils of Europe, or suffering the Powers of the Old World to interfere with the affairs of the New.' 'Any attempt to extend their system to any portion of this hemisphere would be dangerous to our peace and safety.' 'We could not view any interposition for the purpose of oppressing them (the South American States), or controlling in any manner their destiny by Europeans, in any other light than the manifestation of an unfriendly disposition towards the United States.'—*Message to Congress, 1823.*

ment at Washington asserted for itself, on the two Western Continents, the position which, till within the last few years, the Empress of Hindustan has claimed in Southern Asia; a position in right of which the intrusion of a Power which might disturb the actual relations of a great State to its weaker neighbours becomes the intimate concern of that State, and may at its pleasure be treated as a *casus belli*. The vague pretension to a sort of protectorate over North and South America—a claim to exclude not merely European conquest, but the influence or intervention of European States beyond the actual limits of their Transatlantic possessions—is of later date and gradual growth,

On this occasion the President and Secretary of State were backed by the almost unanimous opinion of the country. When Adams proposed to send envoys to the Congress of the South American Republics at Panama, the 'principle of non-intervention' was asserted by a part of the Opposition; especially by those far-sighted leaders of the South who were already alarmed for her 'peculiar institution,' and looked with uneasiness on the emancipatory policy of the States of Spanish origin, leaving Brazil and the West Indian Colonies of Spain and England the sole partners of the Southern States of the Union in the maintenance of negro slavery.

With Monroe's second term, in 1825, expired the old Presidential dynasty; the old traditions, character, and gravity of the office. With it closed also the long uninterrupted ascendancy of the old Democratic party. The factions which put forward Jackson, Adams, Crawford of Georgia (late Secretary of the Treasury), and Henry Clay respectively were divided by personal squabbles, antipathies and preferences rather than by any recognised difference of principle or policy. In the electoral colleges of November, 1824, Calhoun received for the Vice-presidency 182 votes out of 261. For the Presidency Jackson had 99, Adams 84, Crawford 41, Clay 37 votes. It devolved, therefore, upon the House of Representatives to choose among the three highest on the list.⁵ Clay, who was thus excluded from the competition, had a paramount influence in the House, and was able to determine its choice among his late competitors. Crawford was physically incapable, an inveterate intriguer and a statesman of third-rate repute; Jackson was the most unfit, and Adams perhaps the most obnoxious man in the Union. Clay's influence determined the election in favour of Adams, who immediately on his accession appointed Clay his Secretary of State. Jackson at once inferred a previous bargain, and revenged himself by persistently imputing corruption to both

⁴ Earlier called Republican; the party of Jefferson, Madison, and Monroe as of Polk, Pierce, and Buchanan.

⁵ See Amendment XII. App. B.

the parties to his disappointment. The charge has frequently been repeated, but without proof. That Clay regarded Adams as by far the fittest, indeed the only fit choice, there can be no reasonable doubt; as little that Adams was the only one of the three whom an English Parliament would have tolerated. Personal and party considerations may, nay must, have influenced Adams in his turn; but had there been no such influence, Clay was beyond question the ablest and most popular statesman whom—Calhoun and Webster being otherwise engaged—he could have placed at the head of the Cabinet.

The new President had long since quarrelled with the Federalists of Massachusetts, and was hated by them as a deserter. But this very fact, detaching him from State ties, tended to give a Federalist turn to his views of general policy and of particular questions. As Secretary of State and President, he was for twelve years closely and exclusively identified with the central Government—wielding its power and compelled to champion its rights; and his temper made it certain that he would always hold as high as possible the dignity and authority of any office he chanced to fill. The Cherokee question had brought him into direct and angry conflict with the extreme champions of State sovereignty. By ancestral predilections and ingrained prejudices he was the enemy of the South, the mere sectional advocate of Northern ideas and interests; and later, as an anti-slavery partisan, he was inevitably led to assert those views of national unity and Federal authority on which alone Northern pretensions to interfere with slavery could be based. Despite his party record, he was a Democrat only in virtue of his connection with a President and Cabinet nominally Democratic. His election was the sign of a complete dissolution or confusion of parties; a victory of the Federalist remnant and that section of the Democracy which revolted against Jackson and Calhoun, over the divided majority of the dominant party.

BOOK IV.

DIVERGENCE.

CHAPTER I.

THE SECTIONAL FEUD. THE TARIFF AND THE 'MISSOURI COMPROMISE.'

Protection levied tribute on the South for Northern benefit—Admission of States, Slave and Free—Equality the basis of Union—Northern pledges and Constitutional Obligations—Violated by resistance to the admission of Missouri—The Compromise.

MEANTIME other questions had arrayed the North and South in sectional antagonism. At a much earlier period, the embargo and the ever-threatening war with England had rendered the development of American manufactures an object of practical importance, as well as of national pride and interest. Protection was not a new idea, but a new element in party politics. It had been advocated on national, not sectional, grounds by Calhoun, to whom nothing but the honor of his State and the safety of the South was dearer than the Union; and opposed by the commercial States as theoretically adverse to commercial interests. Experience showed that the Slave States could never compete in manufactures with the free intelligent white population of the North. A tariff regulated by protectionist and not by purely financial considerations taxed the Union at large, and the South especially, for the benefit of New England and Pennsylvania. All the staples of the South, sugar and indigo excepted, were raised for export. Sugar and indigo alone found a sufficient market within the Union, and gained by the exclusion of East and West Indian competition. The States whose climate and labour were suited to the production of tobacco, rice and cotton, imported food, clothing and tools; and the planters, who had to purchase these in large quantities, felt directly and heavily what was not similarly brought home to the farmers of the West, the enormous tribute levied on them for the advantage of a few hundred Northern manufacturers. They paid double prices for inferior

articles. Their export trade was directly taxed by navigation laws, indirectly hampered and limited by the absence of a corresponding import trade with their principal customers, and this for the exclusive benefit of a rival section. Such a taxation, if not forbidden by the letter, was doubly opposed to the spirit of the Constitution. Taxes were no longer equally apportioned, and they were levied for the benefit not of the National Treasury but of individual traders. That which, if done directly, would have been flagrantly iniquitous and obviously illegal, could not be really constitutional when achieved under form of customs duties and commercial prohibitions.

Again, the Southern planters, like all colonial and tropical producers, worked with borrowed capital. Protection forced them to pay fifteen or twenty per cent. to Northern factors instead of ten or twelve to English merchants. Moreover, Calhoun, as an enthusiastic Unionist, had approved the application of a surplus, raised mainly by the sale of lands, to internal improvements—canals and harbours, river navigation and railways. When he found that the North received much and the South little benefit, the practical injustice quickened his sense of the doubtful constitutionality of the measure.

Southern and Northern feelings and interests had been from the first opposed. More than one important article of the Constitution had been carried on either side by a sectional vote or sectional compromise; and the antagonism of material interests and social character had been constantly aggravated by the growth of new distinctive industries, the development in divergent directions of civilisations originally different. The balance of power, very close in 1790, had been disturbed by the working of the 'three-fifths rule,' under which only a portion of the Southern population was entitled to representation, and by the rapid growth of numbers in the North. The latter had a clear and ever-increasing majority in the lower branch of Congress. Equality in the Senate was essential to the South, and the original balance of two votes on the Northern side had been preserved in the admission of States. The whole subject of Territorial government was left to the jurisdiction of Congress, and the rule had been laid down from the first that, while in pupilage as Territories, the yet unsettled provinces were subject to the Federal Government and to the laws enacted by Congress. When a Territory was separately organised, it was permitted to elect a local legislature and receive a Governor from the President. When its population reached the number entitled to a Representative, it was authorised by Congress, under an enabling Act, to constitute itself as a State, to elect two Senators and a Representative, a Governor, Legislature, and other State officers. Then it

ceased to be in the technical sense a Territory. It was free as a State from Federal jurisdiction, and was, as a matter of course and almost of form, admitted to the Union by joint resolution of the two Houses.

The admission of Vermont and Kentucky in 1792, of Tennessee and Ohio in the next decennium, of Louisiana, Indiana, Mississippi, and Illinois between 1812 and 1818, had left the North in a majority of one State. The admission of Alabama in 1819 restored equality, but two more claimants were knocking at the doors of Congress, and it was obvious that this would be for many years the last addition to the strength of either section. Vermont had been released from the control of New York by the consent of the latter. Maine was now about to claim a similar privilege at the hands of Massachusetts; and Missouri, in virtue of the treaty of cession under which Louisiana had claimed and received the rank of a State, was also ready to demand entrance into the Union in 1820. No objection was threatened on the part of the South, and none seemed constitutionally possible, to an arrangement which would preserve the sectional balance. Missouri was a Slave Territory, and would claim entrance as a Slave State. Maine had never admitted slavery, and would never be asked to admit it. Within the Union slavery was a question of purely local concern—the equal legitimacy of the rival systems, the basis of the Union itself. This point had been recognised and settled once for all by the union of free Massachusetts with her twelve slave-holding sisters. It had been expressly confessed by the recognition of slavery in the compromises of the Constitution, *e. g.* the calculation of population and the provision for the return of fugitive slaves. It had been confirmed in the alternate and undisputed admission of Free and Slave States.

Whatever the moral aspect of the question, whatever the change of feeling and opinion, the Northern States had voluntarily and solemnly agreed to place slavery and freedom, within the Union, on a footing of perfect equality. They might, by dissolving the Union, renounce the obligation, with all the benefits hitherto enjoyed in consideration thereof; dividing the Territories and other assets, and setting the Free States of Illinois, Indiana, and Ohio, formed out of the country claimed and ceded by Virginia, against the Slave States west of the Mississippi, purchased at the common expense. But they could not, without obvious bad faith and breach of compact, introduce a new test of partnership. One moiety of the States could not pretend to sit in judgment on the institutions of the rest, or refuse to equal confederates an equal right to extend and multiply. The Free States had no right, as against Missouri, to impose a new and unheard of condition of admittance.

But in 1820 this pretension was raised by the North, and naturally resented by the South as at once an intolerable insult and an indefensible wrong. Was a Territory to be punished, by indefinite relegation to an inferior *status* and a dependent position, for preferring the views and institutions of Virginia to those of Massachusetts? How could an Union based on fraternal equality and voluntary adhesion survive the introduction of a distinction so intensely offensive, an outrage so glaring and so insolent? Obviously the North had no more right to impose conditions upon the South as the price of Missouri's admission, than the South to exact from the North—say the surrender of the tariff—as the price of the admission of Maine.¹ The South remembered, moreover, how long the slave trade had been carried on in Northern vessels and with Northern capital; how recent and how questionable was this new profession of a loftier morality, this appeal to a law higher than the Constitution.

Many spokesmen on the Southern side took constitutional ground on which they were easily and completely beaten. They affirmed that Congress had no right to impose conditions² on a candidate for admission to the family of States; that such conditions, even if accepted, could not bind the admitted State, whose people had the unquestionable right to amend or alter their constitution as they pleased. The answer was technically triumphant. Conditions had been imposed upon Louisiana. Slavery had been excluded from the great territory between the Lakes and the Ohio; and Indiana, while a Territory, had petitioned in vain to be released from this obligation. The treaty guarantee of property held under French laws could not reasonably be construed to forbid for ever any change in the tenure of land or chattels. The legislative emancipation of slaves living at the time of the cession, without compensation, would have been a violation of the treaty; it was too much to insist that the descendants of those slaves were condemned to perpetual bondage by the engagement with France; that neither the States nor the Union, no matter how unanimous, would ever have power to abolish slavery in the ceded territory. One masterly piece of special pleading perplexed the champions of the North. The promise given to France was that the people of the trans-Mississippi territory should in due course be admitted 'into *this* Union.' But *this* Union was and is an Union of Free and Slave States, an Union in which human chattels stand by express admission and by undeniable inference on the same footing with other property; in which freedom and slavery as State institutions are on a perfect equality,

¹The admission of Vermont and Maine—the permitted division of New York and Massachusetts—rested on weaker ground, and its undisputed concession was a strong proof of the conciliatory spirit of the South.

² Those of the Constitution, applicable to all the States, excepted.

into which States have been admitted without objection founded upon their adoption of the one or the other; and to reject Missouri on this ground was to deny her entrance into 'this Union' as it existed—to change its essential character. This reasoning only put in a clear technical form the unanswerable argument from the equality of the two sections. The principles of the Union and the spirit of the Constitution could not permit eleven confederated States to deny the equal rights, to put a legislative stigma upon the institutions, an impassable limit to the number, of the other eleven. The utmost that could be fairly asked was that Maine and Missouri should be admitted at the same time, the one as a Free, the other as a Slave State.

But the South was partly bullied and partly cheated. Having secured, by intrigue and promises ambiguous or misrepresented, the assent of the Senate to the admission of Maine, the Northern majority of the House renewed its stubborn resistance to the enfranchisement of Missouri. Baffled, wearied, and worn out, the South reluctantly submitted to the so-called 'compromise' proposed by Henry Clay. Missouri was admitted on condition that slavery should be excluded from all other existing territories north of her southern boundary— $36^{\circ} 30'$ N.L. This was no compromise, but the extortion, by naked force, of an enormous price for the allowance of a *right* iniquitously and unconstitutionally withheld. Further, the South was doubly defrauded in the terms of the transaction. It looked like a fair division of the actual territory of the Union. But, by a contemporaneous border treaty, nearly the whole of the country thus allotted to the South was ceded to Spain. Arkansas and Florida were the only districts left open to slavery. Again, slavery was not established, but merely not prohibited, to the southward of the chosen line. Whenever a Southern Territory was to be organised, a Southern State to be admitted, the North could renew the struggle, and exact new conditions for the fulfilment of her obligations.

Such was the so-called Missouri compromise, the first of a long series of 'compromises,' in all of which the South purchased over again what was already hers, while in all the North took credit for generosity, or complained of wrong, because she yielded to her partner some small fraction of equal privilege and common property, arrogating the rest to herself. If the two sections had a parity of right, an equal position before the Constitution and the law, there can be no question that the North was throughout the aggressor; for the case of her extremest advocates was only this—that she had yielded to the South a share in the common territory of the Union, or had fulfilled, tardily and in part, some of the obligations imposed by the Constitution. By the settle-

ment of 1820, the North secured an ultimate ascendancy in the Senate as well as in the House; a monopoly of all the States, except Arkansas and Florida, that could be carved out of the remaining possessions of the Union.³

³ See Van Holst's *History of the Constitution*, vol. i. This writer's language is abusive, his estimates of men and motives one-sided, his distortion of constitutional law and political principle monstrous, as those of an Abolition lecturer of 1850-60. Most of his voluminous work reads as a bitter contemporary party pamphlet. But to a student who takes nothing from it but the bare facts and the arguments of the contending parties, the five huge volumes are an invaluable repertory of information, and a storehouse of serviceable if not impartial references.

CHAPTER II.

THE DEGRADATION OF POLITICS. ANDREW JACKSON.

Demos Krateo—'Old Hickory's' temper—To the victors the spoils—Mrs. Eaton.

JACKSON and his adherents had mortally resented the defeat of 1824-5. It was the characteristic peculiarity of the General that every point decided against him, every rebuke, defeat, or mortification he sustained, was in his eyes a personal affront and wrong. All opposition to his will was a political immorality, branding the opponent as a knave; an individual outrage to be remembered and revenged. A friendly remonstrance was an impertinence to be punished by personal hostility and political excommunication. He was not the leader, but the despot of his faction: a despot surrounded by a little court of clever and obsequious flatterers, who, being the creatures of his favour, the echoes of his few fixed ideas, made him their ready tool and unconscious instrument. On every subject on which he had not framed a judgment, or rather embraced a prejudice—and his ignorance was such that nine political questions out of ten fell into this category—his mind was a blank on which they could write in indelible characters whatever they pleased. He never forgave a friend who had not treated Adams as an intruder, Clay as a traitor, and the decision of the House of Representatives as a moral nullity. To sustain this preposterous view, an equally startling constitutional theory was advanced by Benton, of Missouri—a vulgar, uneducated and exaggerated Randolph, without Randolph's moral and intellectual power, who played by force of will, extravagance, and insensibility, a prominent part in the political controversies of the next thirty years. With equal ignorance of law and grammar, Benton laid down what he called the 'demos krateo' principle—the doctrine that a bare majority or a mere plurality of the people formed a sovereign semi-divine power, to whose will it was the sole duty of every constitutional authority to give immediate effect. The Constitution had carefully provided that the President should *not* be elected by a mere

plurality of votes, electoral or popular. In the absence of a clear majority of the former, the choice was relegated to the House, with especial provisions intended to secure that a majority of the States, and *not* of the people, should decide. The whole machinery of election was studiously arranged to prevent the domination of mere numbers; to protect the rights and interests of the weaker States. The Jacksonian faction, however, eagerly adopted Benton's non-natural interpretation of the whole constitutional system. They derived from it a further corollary, which appears from time to time in the political controversies of the age—that a Presidential election was a *plebiscite* upon every question to which the successful candidate stood committed, and on which the victorious party chose to insist; ignoring that leading principle of American polity which requires a majority of the States, as represented in the Senate, to sanction the resolves of the strongest popular majority in the House of Representatives. Such a doctrine appealed powerfully to the passions and the self-idolatry of democracies, and to the democratic interpretation of popular sovereignty now grown in favour with the North; while the supreme influence of Jackson neutralised the jealousy with which the States'-right instinct of the South would naturally have regarded this novel and dangerous heresy. The election of 1828-9 resulted in a decisive majority for Jackson. Calhoun, who still remained for awhile in friendly relations with the General, and was the acknowledged representative of Southern feeling, was re-elected to the Vice-presidency.

The Presidency of Jackson marks an era in the history of American politics, in the tone of public life and the character of public men, in the development of the democratic ideal. Thence date the open and rapid degradation of the Federal Government in all its branches, the deterioration of political and national ethics, the demoralisation of party, the introduction of a lower standard of principle, policy, and personal character. From that time 'politician' has become a term of reproach or contempt. Stratagem, intrigue, and corruption have been the weapons of Congressional conflict; electioneering a 'craft or mystery' by which its masters must live; office the prize of electioneering skill; and issues, even great and noble in themselves, the tools and counters rather than the true objects and ruling forces of party conflict. In no other country, and at no previous period in American history, could a man like Jackson have risen to high public trust. His predecessors, without exception, had been gentlemen by education, character, and manners, and, with one doubtful exception, by birth and breeding. Even his immediate successors—Van Buren, Harrison, Tyler, Polk, Taylor, Fillmore, and Pierce—were men of respectable character, of decent morals, and

fair personal reputation. Jackson owed the popular favour which placed so strange a figure in the chair of Washington, Adams, and Jefferson, to qualities and antecedents the very opposite of theirs; to the fact that he was 'a man of the people,' born to the lowest rank and the coarsest tastes; a duellist after the brutal and often unfair fashion of the Far West, charged with more than one private and with several public murders; a man whose 'record,' in American phrase, indicated the Penitentiary rather than the White House as his fitting and probable goal.

In congenial society—never the best—he could be affable and not ungracious. But when directly confronted with the contrary judgment of those who had given to the study of the subject more years than he could spare minutes, his unparalleled self-confidence was sustained and fortified by a species of dogmatism which often relieves a certain class of politicians from the responsibility of thought and the trouble of argument—a close parody of ecclesiastical Ultramontanism. He held a creed which we find formulated nowadays by respectable statesmen, grave historians, and pretentious moralists—'the right divine of numbers'—The People is infallible when speaking *ex cathedra*, and the People speaks *ex cathedra* when I am its spokesman. He astounded the statesmanship, outraged the traditions, and startled the common sense of the country by his first enunciation, 'To the victors belong the spoils;' treating the patronage of the Executive as spoil of war, and civil employments—from the highest to the lowest—as salaried sinecures wherewith to reward the supporters whose influence had secured for him the votes of their States or districts. Jefferson had incurred considerable censure by vacating twenty-six offices on political grounds. Madison and Monroe had no excuse for displacing the nominees of their Democratic predecessors. They remembered—what was probably unknown to Jackson—that the President's right of dismissal without the assent of the Senate had been disputed, and affirmed at last by a very narrow majority; and *that* before any one had dreamed of dismissal without cause, save as one of those conceivable enormities against which the remedy of impeachment was provided. John Quincy Adams had greatly offended his supporters by refusing either to make vacancies for their benefit, or to be guided by their claims in filling those which occurred during his term. Jackson carried out his opposite theory with his usual imperious consistency and characteristic contempt of every adverse consideration.

Upon this, as upon other points, he found himself confronted by the unanimous protest of the four leading statesmen who agreed upon no main issue of constitutional law, of party principle, or public policy. Calhoun distinguished himself, now and afterwards, by a struggle as honourable as fruitless to protect at

once the credit of the public service and the standard of political morality against an influence so obviously corrupt and degrading. Adams was equally consistent and outspoken, if less persevering. Clay and Webster, far less strict and scrupulous, opportunists rather than men of principle, were not less scandalised. If the practice were not wholly novel, the theory had never before been avowed or systematically enforced. But Jackson was not checked, was not even staggered, by such a weight of adverse authority. The people were at his back; and he, as Jackson and as the elect of the people, could do no wrong.

A personal feud contributed to attenuate him from the better class of his political allies. His own marriage had been irregular in form, and to the reproach and annoyance which that irregularity had brought upon himself and his wife he was keenly sensitive. Eaton a member of his Cabinet, married a woman said to have been his mistress. Ladies of stainless reputation of course refused to receive her. Jackson took up her cause. But he found, to his infinite rage and astonishment, that his patronage was worse than unavailing. Gentlemen like Clay and Calhoun quietly closed their ears to his dictation and their doors to his *protégés*. His attempt to bully the ladies of Washington only brought ridicule upon himself, and more stinging social slights upon those he strove to force into society. Something, of course, he could do. Van Buren's adhesion to Mrs. Eaton was rewarded with the promise of the succession, and in the meantime with the best of the good things from his master's table. Calhoun had been Jackson's designated successor; but from the day when Mrs. Calhoun quietly declined the society of Mrs. Eaton, Jackson was her husband's mortal enemy, and used all his influence with his party, down to the close of his life, to exclude its one first-rate statesman from the object of his rightful ambition.

CHAPTER III.

BANK AND TARIFF. NULLIFICATION.

Jackson's Quarrel with the Bank—His Extreme Views—Iniquity of the Tariff—State Characteristics—Theory of Nullification—Jackson's Threats—Compromise.

THE second important measure of the new Government, in which constitutional objections were as usual invoked to ratify resolves founded in personal animosity, was a crusade against the Bank of the United States. Jackson alleged that its influence had been used during the election campaign of 1828 against himself, and had since been employed to thwart his Administration. The reproach, as a charge against the Bank collectively, and not against individual directors, was easily and completely disproved. But Jackson's passions so dominated a narrow intellect that hatred passed with him for evidence, rendered him deaf to argument and blind to demonstration.

In 1832 the Bank applied to Congress for a renewal of a charter that had still some time to run. In spite of Jackson's influence, the measure, energetically supported by Clay and Webster, passed through both Houses. The President returned it with his veto, alleging that the charter was and had always been unconstitutional. As it had passed through Congress in 1816, after being carefully scrutinised and amended to satisfy Madison's constitutional scruples, and had received his sanction—as it had been in operation for sixteen years and formally sustained by the Supreme Court—this doctrine was somewhat startling. It was supported by a pretension more astounding still. Jackson contended that it was the right and duty of each successive President to act upon his own interpretation of the Constitution without regard to precedent, practice, or authority, to lapse of time or concurrence of opinion. The same doctrine would evidently apply to every Senator and Representative, nay, to every magistrate and citizen throughout the Union. It therefore nullified the constitutional provision which gave to the Supreme Court the ultimate if not the exclusive right of authoritative interpretation. It

was anarchy systematised. Needless to say that Jackson had never considered, and if he had considered would have been incapable of appreciating, the monstrous consequences of his dogma. He was simply resolved to have his own way, in defiance of Courts and Congress. He next ordered the Secretary of the Treasury to remove the Government deposits from the Bank. The Secretary refused to be the agent of his chief's vindictive malice, and was dismissed in favour of a more pliant tool. After a long contest the President succeeded in closing the Bank, and gratifying his personal grudge against a few leading directors at the expense of hundreds of innocent and inoffensive shareholders.

In the meantime, a measure which did not originate with Jackson, which was adverse to the principles and traditions of his party and to the interests of his section, if not to his personal views, revived the issues raised by the Virginia and Kentucky Resolutions against the despotic policy of the elder Adams, and, less directly, by the resistance of New England to the War of 1812. State rights and Federal pretensions were brought, for the first time, into direct and persistent collision; and the sectional jealousies so signally displayed in the resistance to the admission of Missouri again imperilled the cohesion of the Union. It was not by any traditional prejudice or constitutional conviction, but by his personal animosities and his passionate intolerance of opposition to his official authority as to his individual will, that Jackson was thrust into the position to which he owes the halo of popularity with which chance has encircled his memory—the attitude of a representative of ultra-Federalism, a thoroughgoing champion of the Union. Had Calhoun been the advocate of the Tariff, or had Jackson been Governor of South Carolina, there can be no reasonable doubt that the latter would have asserted the doctrine of Nullification with the same intemperance with which he actually denounced it, and would have been as ready to draw the sword for State sovereignty as for Federal supremacy. The Northern majority in Congress, devoted to the selfish interests of their States and supported by a few Southern votes, carried a tariff more violently and openly protectionist, more flagrantly sectional, than any yet attempted.

Most of the elder States preserve throughout American history an individuality quite as distinct and persistent as that of leading Greek cities or great Roman families. The Pharisaic self-esteem, the intolerant virtue, the moral austerity, intelligence, and commercial shrewdness of Puritan Massachusetts, the time-serving, unscrupulous, serpentine policy of Pennsylvania, the statesman-like moderation, soldierly pride, and aristocratic dignity of Vir-

ginia, stand out in the national annals in colours as clear and unalterable as distinguish the impulsive liberalism of Athens from the stern, selfish, oligarchic reserve of Sparta and the unprincipled brutality of Thebes, or the haughty insolence of the Claudii from the aristocratic conservatism of the Fabian and the liberality of the Valerian House. But, above all, the dauntless and defiant spirit, the fiery temper, the venturous chivalry of South Carolina continually remind the student of American history of her mixed origin—the early interfusion of the blood of the English Cavaliers with that of the Huguenots, who, as their religious fanaticism softened, transmitted to their offspring the traditional gallantry and martial spirit of their Gascon ancestry. Nothing in her situation, geographical, political, or industrial, required her to take the foremost place in sectional conflict; but in almost every collision the Palmetto State comes to the front as the promptest, fiercest, most determined champion of State sovereignty, slavery, and Southern interests. Such was the attitude she now assumed under the guidance of Calhoun. Every one of the planting States was at least as deeply injured by the tariff; most of them by power, influence, and magnitude of interest were more properly called upon to resist the financial aggressions of New England; but the first part was left to South Carolina, nor was she even firmly and vigorously supported by her Southern sisters. On her behalf Calhoun asserted what has since been known as the doctrine of Nullification. Resting on the inalienable and unsundered sovereignty of the States, he maintained their several right in the last resort to judge each for herself of the purport and limits of the Federal compact, and to protect themselves against the abuse or transgression of Federal powers. The Legislature of South Carolina forbade the application of the new tariff in her ports, and rendered the Federal officers who should attempt to enforce the act of Congress liable to the penalties of State law.

This constructive defiance of the Executive authority which he chanced to wield was taken by Jackson as a personal affront. The Customs officers were *his* subordinates; in forbidding them to obey orders from him, South Carolina had infringed his dignity, and he would be avenged as instantly and as fully as possible. Constitutionally, nine American lawyers in ten would have pronounced against the State.¹ Calhoun himself only defended Nullification as an unsundered right of sovereignty, an extreme resource against a signal misuse for unconstitutional purposes of

¹ As Jefferson Davis inclines to do, distinguishing clearly between nullification and secession, the right of a State to dissolve the League, and her right to remain within it and break its rules. From 1850 down to 1865 the latter was the course of the *North*, the former the claim of the *South*.

the constitutional powers of Congress. But Jackson proceeded as usual to put himself morally and legally in the wrong. The President flew into an ungovernable rage, stormed and threatened. He would bring South Carolina on her knees, he would compel her to obey him by fire and sword, he would treat her statesmen, Governor, and Legislature as traitors. He demanded of Congress what was called a Force Bill to levy war against the rebellious State. According to his friends, he swore to hang Calhoun, who had resigned the Vice-Presidency and accepted a seat in the Senate in order to represent the majesty and defend in debate the conduct of South Carolina. There is no reason to doubt a story so thoroughly characteristic. It was beneath a great statesman, arguing on grounds beyond Jackson's comprehension a great constitutional question, to notice such impertinences; and none of his colleagues thought it worth while to bring so gross a breach of privilege to the cognisance of the Senate. Needless to say that no words—nought save adhesion to an enemy actually in arms against the Union—could have enabled the Government to arraign Calhoun on a capital charge; and an attempt to execute the threat by extra-legal means would have brought every man concerned therein, from the President down to the meanest of his agents, within the compass of a halter.

Nor was there the shadow of moral excuse for Jackson's intemperance. Upon the original question the moral right was clearly with Calhoun; and nothing but a resort to violence could seriously endanger the Union or secure for the Nullification doctrine a formidable amount of support. Andrew Jackson would have plunged the Union into civil war rather than endure a check, but the common sense, the patriotic instincts, and the conscience of all parties shrank from extremities so wanton and so wicked. The Force Bill was delayed and the operation of the Nullification Act postponed; and in the meantime Henry Clay carried through Congress and forced upon the reluctant President a pacific settlement. The worst enormities of the tariff were modified; prohibitory duties were gradually to be *cut down* to an average rate of 25 per cent. *ad valorem*. So moderate were the demands of the South, so exorbitant were the exactions from which she claimed relief, that this enormous protection was readily conceded as the *minimum* which Northern manufactures were to retain; a *minimum* to be reached by biennial steps. The Force Bill was placed upon record on the one hand and the Nullification Act sustained upon the other. Each party asserted its favourite dogma, and allowed it to remain a virtual nullity. The substantial victory rested with South Carolina, not only because she had compelled the repeal of the iniquitous tariff, but because her people meant the principle they affirmed; while, when Jackson's over-

bearing influence was once withdrawn, when the question was once relegated to theoretical discussion, few Northern lawyers or statesmen were disposed seriously to maintain the constitutional legitimacy of war against a recalcitrant State—a measure for which no authority could be found in the Constitution and which its framers had decisively rejected.²

² See Debates of 1833, and Van Holst's *Constitutional History*, vol. ii. The subsequent Liberty Laws of Northern States were exactly analogous to the Nullification Act; treating the rendition clause of the Constitution as South Carolina had treated the tariff of 1832.

CHAPTER IV.

NEW PARTY RELATIONS.

Clay, Adams, Calhoun, and Webster—Their Attitude on the Anti-Slavery Question—Salvation of the Union.

JACKSON'S eight years' despotic rule disorganised the whole system of party, dissolved all existing ties, and brought about a reconstruction on novel but unhappily not distinct or definitive lines. The main body of the Democrats, which, during this period, would be more correctly described as the Administration party, adhered firmly to Jackson, and gave a general if somewhat wavering and reluctant support to his designated successor. Jackson's intolerance of counsel or resistance, his quarrelsome and overbearing temper, and his personal feuds had before the expiry of his term driven into Opposition every leading statesman of the age. Benton was perhaps the most respectable of his adherents. Calhoun, and not Jackson, was the true heir of Jefferson and Madison, the representative of Democratic traditions and principles; and his proscription left the party without a competent chief and the South without a recognised spokesman.

The party that was opposed to Jackson's measures rather than to the man, which was inclined to revive the Bank, and, within limits, to favour protection, gradually acquired the name or nickname of Whig. In the confusion that followed the retirement of Monroe, Clay and Webster had been early separated from the genuine Democrats, who rallied around Jackson and Calhoun. Clay was the ally and Minister of Adams; Webster was attracted to Adams and repelled from Jackson by local connections, personal considerations, and sectional interests; and they had taken their places as the leaders of an Opposition gradually welded into organisation and permanent cohesion by Jackson's headstrong aggressions and constitutional usurpations. His practical statesmanship, impressed by the circumstances of the time, the monetary anarchy, the financial confusion and distress which had followed the dissolution of Hamilton's Bank, had made Calhoun a supporter of an institution by which a sound currency might be re-

established and the financial position of the Government restored ; but his alliance with the capitalists of the North was unnatural and precarious, limited to the special needs of an exceptional period, and every new issue that arose tended to thrust them further apart.

The Whigs, or National Republicans as they at first called themselves, were not by principle or intention a sectional party. Clay, their recognised leader, held from first to last that intermediate position in sectional politics marked out for him by the geographical position and political tendencies of Kentucky ; a Border State in feeling as in social and industrial character, belonging by economic interests and by political relations as much to the West as to the South. But the strength of the Whigs lay mainly in the Western and Northern States. New England was the stronghold and centre of their power, and exercised a controlling influence over their policy. The dominion which belonged at first beyond dispute to Clay gravitated insensibly towards Webster, the keener partisan, the more consummate and passionate orator, the stronger man, if not the abler statesman ; with more ascendancy over men if less popular with the country, more capable of rousing enthusiasm than of provoking fear and hatred ; above all, the representative of the more advanced, more determined and bolder policy, the favourite champion of the dominant extreme. Adams on the one hand, as Calhoun on the other, stood aloof or apart from close party ties, perhaps above them ; for both Adams and Calhoun saw further and deeper than their rivals, represented permanent principles and antagonistic interests rather than the passing objects, passions, and schemes of the day.

With all four the preservation of the Union was the imperative necessity, the paramount end of Federal politics. But with Clay this primary object was paramount over all conflicting considerations. The Constitution was the most solemn of all human obligations, disruption the *summum malum* not only to be averted at whatever cost, to be contemplated under no circumstances whatever, but to be kept out of reach and if possible out of view by compromising every question, discountenancing every agitation, sacrificing every principle, moral or political, that could consolidate those sectional combinations, embitter that sectional antagonism which became more and more obviously and necessarily the ruling forces of political life. Webster was less alive to the peril. He was, before all things, a New England Whig, hostile to Southern claims and interests, to slavery as a political influence, and to its territorial extension ; ready for selfish, sectional, or party ends to appeal to passions and antagonisms incompatible with the safety of the Union, but when the crisis came, preferring the Union to all other considerations. Calhoun and

Adams, but especially the former, were Unionists to the core—felt in the growing greatness of their country a patriotic pride no less thorough and loyal than that of Clay or Webster; but, with far deeper convictions, far clearer conceptions, a stronger sense of other and even higher obligations, refused to close their eyes to the possibility, ever looming darker and nearer, of a conflict that could only end in disunion, or in evils—compromises, surrenders of principle and public duty—worse than disunion itself.¹ To the multitude, North and South, the danger was as yet not merely remote, but invisible. Neither section believed that the other would under any circumstances be pushed or push its rival to that extremity. Each, therefore, insisted on its separate claims, its cherished ideas, its several institutions, its interests or its rights, to the point at which the alarms of the statesmen interfered—checked, awed, perhaps infected, but hardly convinced the people.

The Missouri conflict had been inspired by sectional and political rather than by moral considerations. The Missouri compromise, therefore, had set the question at rest for some ten years as no moral conflict, no struggle between principles, could possibly have been appeased.

¹ By 'disunion' or 'disruption' is meant the *de facto* separation of North and South. The idea of forcible reunion based on conquest and military despotism was not as yet countenanced by any party, hardly avowed by any responsible speaker.

CHAPTER V.

SLAVERY AND SOUTHERN FEELING, 1825-1835.

Slavery of no moment to the North—An Incubus on the Border States—A Necessity to the Cotton States.

So completely had the alarms and passions of 1820 subsided that in the Border States the relaxation and even the gradual abolition of slavery had been discussed with perfect freedom and with no very unequal division of opinion. An Emancipation Bill, introduced into the Virginia Legislature in 1832, found, according to President Buchanan,¹ no voice raised in favour of slavery. The Bill was dropped, but a resolution of mere postponement, to await the development of public opinion, passed by sixty-five votes to fifty-eight. Had the South been let alone—had no menacing pretensions, no attempt at interference from without, put her on the defensive, wounded the pride and insulted the independence of the several States—it seemed by no means improbable that in Virginia and Kentucky, Maryland and Delaware, slavery would have been rapidly and beneficially modified. The gradual recognition of legal rights in the slave, facilities of emancipation, restraints on abuse, and other similar measures might within another decennial period have essentially altered its character and brought about its safe insensible abolition, as had happened in the Middle States. Massachusetts excepted, the Free States had become such from no deep and general conviction of the wickedness of negro slavery, but rather by the absence of any strong motive for the maintenance of an institution uncongenial to the spirit of the age and the traditions and usages of a democratic society. Slavery was ill adapted to the agricultural, and especially to the manufacturing and commercial industries of New England, New York, New Jersey, and Pennsylvania. It was convenient chiefly in its domestic aspect, as providing families with a class of willing and unpretending servants, under conditions of social equality which rendered hired attendants exacting and expensive, pert, capricious, punctilious, and 'independent.'

¹ *Administration*, p. 11.

With the growth of wealth, population, and social distinction the difficulty of procuring and managing white servants had diminished. Slavery was not necessary to make of negroes, reconciled by habit and education to a subordinate position and to menial offices, the most willing, respectful, and serviceable household attendants. Northern, Southern, and foreign testimony concurs in the preference of coloured to white servants. The number of slaves owned by any family was small, and the loss of their value nominal rather than real. There was no great industry to be discouraged, no mass of property to be confiscated, no large class of natural inferiors to be admitted to the privileges of a community with which they could not be amalgamated. No political element, no economic difficulty, no social complications rendered wholesale emancipation formidable or embarrassing; and it was effected easily and gradually, so gradually that it continued to exist in law—that a few hundred or even a few thousand slaves were still to be found on Northern soil after slavery as an institution had practically ceased—in States that had long been reckoned and regarded themselves as ‘free.’²

The case of the South was wholly different. Even in the Border States the coloured population formed a large and important ele-

² Rhode Island enacted in 1775 that all children thereafter born of slave mothers should be free. Connecticut passed a similar law for the benefit of children born after March 1, 1784. The Emancipatory Act of Massachusetts in 1780 had been promptly imitated by Pennsylvania, and New York followed in 1783. Slavery was abolished by New Hampshire in 1792; by New Jersey not till 1820. Among the scanty population of Michigan in 1830 were thirty-two unenfranchised negroes; and Illinois in 1840, though considered and boasting herself a Free State, still contained 331 slaves. Mr. Davis declared in a message to the Confederate Congress that the Northern States consulted their own interests by selling their slaves to the South and prohibiting slavery within their limits. Mr. Greeley answers that not one-fifth of the slaves held in the Northern States *just before or at the time they respectively abolished slavery* were sold to the South. It is obvious that the two statements are literally compatible. The words in italics betray the weakness of Mr. Greeley's position, the unimportance of the fact that there was at the period he mentions no sudden diminution of the coloured people of the North. The slaves who *then* remained in the Northern States naturally consisted of two classes, those who were not worth selling and those whom from personal affection or personal scruples their masters would not sell. It must be taken for granted that the vast majority of Northern slaves were sold off during the twenty years preceding emancipation. No considerable class is ever scrupulous enough to wait tamely for the legal confiscation of chattels which would fetch \$500 to \$1,200. Such confiscation once foreseen, exportation is a matter of course. Abolition was not *merely* a matter of interest. The labouring classes of the North desired to be rid of slave, as the Californians of Chinese, competition. The proprietors were not affected, since slaves worth perhaps \$700 in Pennsylvania were worth \$800 in Virginia and \$1,000 in Louisiana. Thus selfish interest went to reinforce the instincts of Northern humanity and the stronger tendencies of Northern democracy. That interest was the decisive consideration in both sections may be conclusively inferred from several facts. Anti-slavery New England had been the seat of the contraband slave trade. Abolition moved slowly southward, driving the negroes before it; those agricultural Northern States whose southern districts were suitable to slave products and slave labour were the last to part with it. Virginia was divided on the subject till Abolitionist fanaticism excited a countervailing passion. In Kentucky and Delaware there was always a strong anti-slavery party, for the industrial interests of Delaware were Northern, and those of Kentucky and Missouri Western, rather than Southern. The Cotton States, on the other hand, where negro labour was not only profitable but indispensable, were unanimous and passionate in defence of slavery. It is a reasonable inference that, had conditions and climates been reversed, South Carolina would have been the foremost champion of ‘humanity’ and the higher law, the Puritans of New England the staunchest upholders of Biblical morality and constitutional right, of patriarchal customs and Christian precedents. The latter would have quoted with true Puritanical ruthlessness the remission of Onesimus and the curse of Canaan, and have reconciled to their consciences a coercive and preventive code unsoftened by the practical indulgence and personal charities congenial to the laxer discipline, the softer temper, wholesomer religious influences of the South.

ment, incapable of assimilation, inadmissible to social or political equality, and constituting the sole dependence of valuable industries. Emancipation, unless very carefully, deliberately, and slowly effected, unless guarded by political restraints and accompanied by a difficult and protracted process of education, would have effected a complete, probably dangerous, and possibly disastrous social, political, and industrial revolution. It would have unsettled the rights of property and the foundation of credit and of business. In the planting States south of the Virginian border line, in Louisiana, Arkansas, Alabama, Mississippi, Tennessee, Georgia, and the Carolinas, negro labour was the basis of social order and industrial prosperity.

Cattle feeding in the woods, half wild herds of swine, corn crops raised on small farms, the ordinary resources of an agricultural community, formed a large part of the property of the country, the dependence of a majority of the white population. But the accumulated wealth of the States, their great plantations, their staple crops, their exportable produce, their commerce, their luxuries and comforts, all but the bare necessities of a rude agricultural life, depended on negro labour; and negro labour in such climates had always depended on, been made available and manageable by, slavery. None but negroes could have cultivated the rice swamps of South Carolina; negroes only were fit for outdoor labour throughout the year upon the low-lying fertile coast lands of the South Atlantic and Gulf States, or in the lower valley of the Mississippi. The tobacco crops of the Northern planting States, the Sea Island cotton of Georgia, the sugar of Louisiana, the constantly increasing 'ordinary' cotton crop³ which was the primary dependence of the South, were raised by slaves. Of the thirteen original States, South Carolina and Georgia alone were absolutely dependent on slavery. Virginia, Maryland, and North Carolina might have been at least as wealthy if no negro had ever been landed on their soil. *Their* difficulty was that the negroes were there, could not be removed, and could not, according to the almost universal belief of the time, live and labour among white men, be protected, guided, and controlled as their ignorant helplessness and indolence required, but through some form of bondage.

Throughout the Union of 1789 slavery was a recognised political evil for which the blame was thrown on English avarice; scarcely an industrial convenience, still less the basis of social order and material prosperity. The sugar crop of Louisiana was as yet insignificant, the export of cotton was confined to a few hundred bales of the long-stapled kind which alone was worth

³ The staple of this crop was the quality known as Middling Orleans, and sold in Liverpool before the civil war for about 6*l.* per lb.

picking and cleaning from the clinging seed by human labour. A million or two of dollars might have compensated South Carolina for the loss of her rice-fields. White men could have raised the tobacco of Virginia and Kentucky without negro help.

In 1793 the invention of Whitney's cotton-gin rendered the short-stapled cotton of the interior no less available for manufacturing purposes than the choice produce of Egypt and the Sea Islands. From a rare material of luxury like silk, cotton became, like wool and even more than flax, the commonest, most convenient, most manageable material of human clothing; and the cotton of America was at once better and cheaper than that of India. The quantity raised and manufactured increased with a rapidity perhaps unparalleled in the history of commerce. The export rose in a few years from hundreds or thousands to millions, then to tens and even hundreds of millions of pounds. Its price, though varying, and on the whole steadily falling, was such as to compensate for all the difficulties of a new, and all the disadvantages of a rude, agricultural industry. The value of Southern lands and negro labour rose in proportion. Long before 1830 the prosperity and commercial importance of half a dozen rising communities, the industrial and social order of a growing empire, the greatest manufacture of manufacturing England, a vast capital, the daily bread of hundreds of thousands of free artisans, rested on American slavery. A growing property, already of value beyond possibility of pecuniary compensation, a gigantic interest with ramifications all over the globe, were based on the institution of which the Northern States had relieved themselves without difficulty and without sacrifice, which the founders of the Republic had tolerated as an evil of very limited extent and duration, and which the first generation of American statesmen had thought incapable of surviving the extinction of the African slave trade.

That they should have thought so is a signal proof of their short-sightedness and ignorance of social and economic laws. Slave importation⁴ disguised, but should not have concealed from men like Hamilton, Gallatin, Jay, and Marshall the natural in-

⁴ The mere vehemence of the anti-slavery controversy—the opposite views taken by men of the same race, religion, and language—above all, the fact that slavery was denounced as a *practical* abomination only by those who knew little or nothing of it, might have sufficed to prove that it was misjudged; that the Abolitionist enthusiasm of English and Northern multitudes, setting aside that of religious or humanitarian fanaticism, the passionate denunciation of the practice as distinct from the principle, was based on a delusion. If slavery had been in 1833 what England and Massachusetts supposed, Jamaica and Virginia would never have upheld it. And the radical error is an obvious one. The Abolitionists overlooked the effect of their first victory, largely due to slaveowners, the abolition of the slave trade. Putting aside the evils of the traffic itself—the barbarisation of Western Africa, slave wars, slave hunts, the exclusion of commercial and religious influences, the horrors of the middle passage—the slave trade was answerable for all the worst features of slavery. While it lasted it kept up a mutual reaction of terror and severity. The imported slaves were savages, some of them free-born, many of them warriors. Even the slave-born majority had been used to cruelty and caprice, but not to regular discipline and steady work. They were carried across the sea—a name of horror to them—parted from their land, homes, and people, subjected to a strange race, a new climate, new toils, and strange commands delivered in an unknown tongue. Most were sad and sullen, many ferocious, rebellious, and revengeful.

crease of the slave population. That increase, apart from immigration on either side, exceeded the increase of the Northern people, the most rapidly increasing free white community in the world. Released from anxiety, transplanted to a healthy and congenial climate, the animal energies of barbarism combined with the advantages of a high foreign civilisation would have ensured the rapid increase of the negro population. But their actual rate of multiplication during the first sixty years of this century bore witness to a combination of favourable influences such as have never been united save among the most favoured classes of the highest, most civilised, and most energetic European communities. Abundance without luxury, labor which could not be made half as severe or effective as that of English operatives or Continental peasant-proprietors, the vigilant supervision of Anglo-Saxon intelligence, method, and science, quickened by enlightened interest and natural humanity, prevented the infant mortality due to parental incompetence or neglect, protected the negro race from the waste of life caused elsewhere by overwork and underfeeding, by unwholesome habits, by the thousand disorders that keep down the numbers of a proletariat left to its own guidance. Cruelty, hardship, discontent, mental or physical suffering, ill-usage of any kind, would have been, as they are known everywhere to be, powerful preventive influences. The vital statistics of American slavery alone are conclusive evidence of the material well-being and mental ease of the slaves. It does not follow that slavery was favourable to the moral or mental character of the negro, still less that it was economically, morally, or politically advantageous to the masters as a class or to the community as a whole. But no economist and no candid student of Southern history can doubt that as human chattels, as intelligent labouring machines, as valuable beasts of burden, the slaves were well treated and well cared for; that overwork, excessive severity, physical hardship, conscious suffering of mind or body, must have been rare exceptions.

The sectional struggle began about the middle of Jackson's first term with the appearance of Garrison's paper, the 'Libera-

The masters stood for ever on guard against the unspeakable horrors of servile insurrection, the hourly peril of arson, outrage, and assassination. It is marvellous that there was so little of reciprocal atrocity. Happily for the South, the slave trade, never very active, ceased before the great westward movement, the vast extension of cotton cultivation, had fully set in. The Act of 1808 and the cotton-gin made the negro a chattel too valuable to be wasted. The South never knew the worst aspect of slavery, the days when 'it paid best to use up the niggers and replace them,' when humanity was not sustained or enforced by interest. And those who judged slavery from without judged the slavery of the nineteenth century by the traditions of the eighteenth, the relation of the horn master to his born bondsman, fellow-Christian, countryman, by that of the slave-trading planter to the new-bought savage. It were as candid, as rational, to judge the factory system of to-day by the abuses of eighty years ago, when infants worked in the mill from candle-light to candle-light, or the condition of the Woburn or Chatsworth estates in 1885 by those of an Irish absentee of 1780. Slaveholders were not slave-dealers. The majority of the negroes of the South, at any given period of the anti-slavery agitation, were the servants of masters on whose plantation or in whose house they had been born and bred, and confidently expected to die. Save on a few large and neglected plantations, the slavery of the South was the slavery of patriarchal 'bondsmen and handmaids,' not of Roman chattels or mediæval villeins.

tor,' in Boston, and the formation of the first Anti-Slavery Society. The cloud which was soon to overshadow the Union, to obscure all minor political issues, to spread and darken year by year, and to burst in the most terrible elemental convulsion that since the French Revolution has shaken the foundation of a great civilised society, was at first no larger than a man's hand. Garrison was a fanatic by nature, a born rebel against all established rules, moral and political, and prone to believe that whatever is wrong—one of those men who have provoked the paradox that 'half the labour of the wise is spent in correcting the mischief done by the good;' who with eyes fixed now on a guiding star, now on a will-o'-the-wisp, seeing nothing but the light which may shine from Heaven or Earth or Hell, plunge into inextricable morasses or over fatal precipices. Ninety-nine of a hundred such men are tracked through life by the wrecks of their good intentions. One in a hundred proves, like John Brown, 'of more use to hang than for any other purpose,' and is happy in a martyrdom which wrecks himself alone.

One in ten thousand lives to witness a triumph which he has as often retarded as forwarded, and to receive tenfold more credit than he has deserved, yet less than can repay his sufferings and sacrifices. Of this rare class Garrison was perhaps the most fortunate, as he was among the most dauntless and resolute. The many bad causes and false ideas he took up, for which he incurred contempt and odium at the time, are never connected with his name. He lived to see the victory of the one idea in which the world was with him, and to reap the fruit of labours he had discouraged and methods he had condemned, of evil passions and selfish interests with which he had no sympathy. Unlike fanatics in general, he was scrupulous as to means; he would not conscientiously lie or perjure himself in the pursuit of his ends. Scornfully as he swept aside the plainest principles of right and equity that directly conflicted with his paramount dogma, he adhered strictly and conscientiously to those which merely blocked the readiest road to his goal. No honest man could deny or doubt that the Constitution recognised slavery, that the Abolitionist who swore fealty to the Constitution swore to return fugitive slaves, to respect the State laws under which slavery existed. At every step the scrupulous advocate of 'immediate and uncompensated emancipation' was checked by the palpable and glaring contradiction which public faith and oaths of allegiance gave to his principles. From political action, therefore, conscience and honour debarred him. The Union was based on the equal rights of free and slave States; therefore the Union was 'an agreement with Death and a covenant with Hell,' and Garrison declined to set his name to that covenant even in order to outreach the enemy at his own

game. Slave insurrections, involving, as such insurrections have always done, massacre, outrage, horrors far surpassing those of the Indian Mutiny, seemed the surest means to render slavery dangerous and hateful, even to slaveowners. But Garrison was a non-resistant, and would lend no conscious aid to destroy by such villanies 'the sum of all villany.'

On this last point shrewder men at first professed from very different motives the same doctrine. They were an insignificant minority even in New England; had they openly appealed to violence and instigated rebellion, they would have rendered their cause hopeless from the outset, and brought their lives into peril, whether of Judge Story or Judge Lynch. They disclaimed solemnly, if not always sincerely, all resort to force; swore that they had never circulated their incendiary missives among the slaves; protested that if the murder of a single slaveowner would free all the slaves in the South they would not sanction it. A few hot-headed men presently spoke out more frankly. Giddings, the first and boldest champion of Abolition in Congress, openly exulted in the probability of war with England, because England would let loose a negro army upon the South, and extinguish slavery in the blood of American men, women, and children. But by that time the passions of a powerful Northern party had been so roused that a sentiment equally unpatriotic and inhuman could be uttered with impunity. At its first appearance Abolition was scarcely less odious in the North than in the South. The Anti-Slavery Societies were excluded from the use of public halls, and one built by themselves was burnt by the mob. Garrison was caught in the street, dragged up and down with a rope round his body, and as he thought barely escaped with his life. Lovejoy, another Abolitionist emissary, editing, with more daring than discretion, an incendiary journal on the frontier of Missouri, in one of those border districts of Illinois which had then strong Southern proclivities, was killed in a 'free fight' with the populace who stormed his printing-office. Abolitionist newspaper presses were wrecked and the type thrown into the street. A school for coloured girls in a Connecticut village was suppressed by force, and a law passed to forbid the establishment of schools for coloured *strangers* within the State. But the period of persecution, at least in New England, was not long. A party conspiring against the very existence of the Union, aiming at the disorganization of society in one-half of the States and the confiscation of hundreds of millions of legal property, suffered nothing comparable to the sufferings of Quakers, Baptists, and Antinomians at the hands of Endicott, Rawson, Theophilus Eaton and John Davenport.

The Anti-Slavery party split at an early period into two sections, the scrupulous and the unscrupulous, the parties of political

and moral force, those who would and those who would not perjure themselves. The ground first taken by the political faction was skilfully chosen. They could not carry, could scarcely turn the scale, in a single district, they could not send an avowed Abolitionist to Congress. They could not without personal peril publicly renounce the Union, and preach a crusade against the institutions of one-half the States. They were not at liberty to imperil the peace and unity of the country by reviling, taunting, and menacing a people keenly sensitive to insult. But the right of petition was secured by the express language of the Constitution. This right, with which neither law nor lynch law could well interfere, they employed with consummate strategy to serve not their avowed, but their practical end. To petition Congress to transcend its power and violate the Constitution would have been an open impertinence and indecency. They could, not, therefore, attack slavery directly as it existed in the Slave States. But they could convey an insult in the guise of a prayer. Congress had sovereign power over the District of Columbia—the ten square miles ceded by Maryland to give the Union a capital wholly free from State jurisdiction, in which men from West and East, slave-owners and free-soilers, might be alike at home. It had also supreme jurisdiction over the Territories while as yet in their condition as pupilage or political minority. From these, therefore, it appeared *prima facie* that Congress had the legal, if not the moral or constitutional, right to exclude slavery. This presumption afforded a technical cover for unlimited denunciation and unmeasured invective. Congress could hardly insist on a perfect logical connection between the preamble and the prayer, and their very incoherence might be made to convey a stinging insult. ‘Whereas slavery is an abomination and slaveholders accursed before God and man . . . your petitioners respectfully entreat [House or Senate] to exclude slavery for ever from the Territories,’ or, ‘to prohibit the purchase and sale of human beings within the District of Columbia.’ Such a plea would of course cover any amount and degree of reproach applying to the whole South and personally insulting every Southern senator and representative. Those who fathered such petitions—libels, as Calhoun justly called them, upon himself, his constituents, and his country—incur a grave responsibility, for, by the immemorial rules of every legislative assembly, the member who presents a petition is held answerable for its contents.

The chief offender was John Quincy Adams, the only President who has descended without loss of influence or dignity from the Executive chair to a seat in the House of Representatives. His course had provoked, by so pointed a defiance of the courtesies and proprieties of such an Assembly, if not by an actual breach of its standing orders, a censure which, calmly and deliberately

inflicted, would have galled him to the quick, and fitly rebuked his clients. But those who drew the petitions had calculated shrewdly upon the effect of their language. The proud and sensitive chivalry of Virginia and the Carolinas, the ruder but not less spirited planters of Tennessee and Alabama, the fiery Creoles of Louisiana and the rough pioneers of Missouri, lost their temper and took the wrong ground. Instead of having the petitions read aloud, calling on the presenters to adopt or repudiate their language, and bringing them to account for every offensive term applied to their colleagues and countrymen, they treated not the language but the purport of the petitions as an offence. Calhoun demanded of the Senate that they should be summarily rejected, not received, or, in technical language, 'laid on the table.' A majority of the Senate, including many Southern members, saw that this was a false position, a denial or abridgment of the right of petition, and the motion was rejected. Calhoun was more successful in laying down the true constitutional principles bearing on the question. He stated the doctrine of State sovereignty in clear and decisive terms, ruled that any attack on the institutions of the States was in itself a flagrant violation of the spirit, if not of the letter, of the Constitution, that the Federal Government was the creation of the States, invested by them with limited powers, with no jurisdiction, no right, to sit in judgment morally or legally over their laws, customs and civilisation, bound to protect their interest and institutions within the scope of its powers, and in the fulfilment of its functions to respect their local laws. The Senate adopted his well-thought-out and carefully-worded resolutions with few important amendments, and none that traversed their doctrine or inclined in the least to the contrary theory of Webster, that the Union was the creation of the people of the United States at large. That no such people was known in 1787 or for long years after, that Webster's doctrine would have astounded, if indeed it had a meaning for, the statesmen of the great Convention, no candid student of their writings and of contemporary history can doubt.⁵

The House, as usual, fell far behind the Senate in dignity and sobriety of thought and action. The exclusion of petitions touching the question of slavery was voted by a large majority; in spite of the passionate and somewhat disorderly protests of Mr.

⁵ The series of short biographies of *American Statesmen*, published by Houghton, Mifflin & Co., expresses the feeling and doctrine of the party which conquered in the civil war as developed by conflict and exaggerated by victory. Written for a generation which has converted a confederacy into a consolidated sovereignty, and sovereign States into subject municipalities, by partisans whose Federalism far transcends that of Hamilton and Gouverneur Morris, its anti-Federalist admissions have all the decisive force of evidence extorted from hostile witnesses. Yet even the biographer of Webster in this series, while passionately exalting the language and doctrine of the great orator, distinctly admits that it lacked the one vital merit of historical truth, that it was founded upon an obvious if not a deliberate fiction. Affirming that Webster's dogma is now part of the creed of all his countrymen, he admits that it was a creed unknown to those who framed and adopted the Constitution. The resolutions of the Senate declared that it was a creed equally unknown to the Constitution as it stood in 1837.

Adams, the 'gagging resolutions,' as they were called, more and more strengthened and elaborated as fresh attempts were made to force or evade them, were subsequently made part of the standing orders. Jackson sided vigorously with the section to which he belonged, and of which, in spite of the 'Nullification' quarrel, he was still the idol. When the South complained of the dissemination of incendiary publications through the Federal mails, Jackson desired to exclude all papers attacking slavery from the post. Calhoun could not accept such a stretch of Federal authority. With that clear comprehension of constitutional distinctions which so bewildered and irritated the President, he asserted for each State the right to suppress the circulation within its dominion of papers forbidden by the State law. Neither measure could be carried; no attempt to suppress freedom of speech and printing had a chance of favour in the North. The thing might be done by violence and terrorism, by tarring and feathering the writers and destroying the presses, but the attempt to restrain the worst excesses of a licentious press by law, and especially by Federal law, revolted those who had most sharply condemned them, and recoiled upon the advocates of repression.

By the end of Jackson's term the Abolitionists had gained a strong footing in New England, a right of free speech if not of free audience throughout the middle States. Abolition, total and immediate, was as yet the dream of a fanatical coterie. Free-soilism—though the word is of somewhat later adoption—antagonism to slavery, a determination to resist its claims, to prevent its extension, to confine it rigorously within the narrowest limits secured by the letter of State rights and Federal law, had taken deep root in the North, and commenced the substitution of sectional for national parties. The Whigs, anxious to retain their foothold in the South, abstained from any anti-slavery declarations. But as the advocates of Bank and Tariff they became by logical necessity, by force of controversy and of circumstances, by contradiction and party spirit, the champions of a modified Federalism. Still, while Henry Clay, the incarnation of compromise, was their recognised leader, their position must always be ambiguous, their language undecided, and their course uncertain.

During Jackson's term, his strong personality governed the relations of party. Except on questions directly involving the interests of slavery, the Whigs were the opponents of Jackson, the Democrats his supporters. Calhoun, the most formidable of his antagonists, was never seriously supposed to be a Whig, and his alliance with the party naturally terminated with the succession of a President who, while professing adherence to every one of Jackson's doctrines, was utterly incapable of continuing Jackson's course of constitutional encroachment and autocratic rule.

CHAPTER VI.

THE CONSTITUTIONAL ISSUE.

American meaning of the Word 'Constitutional'—Its Ambiguity—Northern Infractions of the Compact—What the Free States could honestly have done.

A MERE verbal distinction seldom affects the actual course of politics; but the double meaning of the word 'constitutional' had a very important influence on the course of the sectional controversy which raged, with few intervals of truce, from 1835 to 1865—the contest which centred at first, formally rather than really, on the District of Columbia, and was afterwards waged for the possession or division of the Territories. In American political language, the primary significance of the word is technical, while it cannot be wholly divested of that wider and more general sense which it bears in English politics. Under the unwritten and gradually developed law and usage of English government, legality and constitutionality are not only not convertible, but mutually exclusive, terms. That which is illegal is never called unconstitutional. The latter term is applied to the exercise of prerogatives, privileges, and functions undoubtedly legal in a spirit consistent with the letter of the law, but incompatible with the gradually modified practice, with the understandings successively established by custom and compromise, by the altered balance of power, the progress of opinion, the lapse of old and the creation of new usages and precedents. The most signal changes of the English political system have been silent and *insensible*; the most violent political revolutions have but slightly changed that written and unwritten law which alone is laid down in the records and administered by the tribunals. That law was the same under Charles II. as under his father. The ascertained prerogatives of the Crown were untouched by the Revolution of 1688. The Peers retained in 1833 every right and privilege they had possessed when, in 1689, the two Houses came into conflict upon the settlement of the Crown, and when only the imperative refusal of the Prince of Orange to accept anything short of the

regal title and authority turned the scale in favor of the Commons. But Charles I. found it impossible to exercise prerogatives conceded without question to Elizabeth ; and the Government of the Restoration tacitly contracted within narrow limits prerogatives broadly asserted down to the outbreak of the Great Rebellion. Charles II. could, and William III. could not, 'constitutionally' dissolve a newly-elected Parliament without allowing it to meet, and repeat an unsuccessful appeal to the country. William III. could, and George III. could not, withhold his assent from legislation that seemed to him ill considered or impolitic. But for the firm stand made by Pitt and his master against the Coalition, the right of appealing by dissolution from a hostile or factious Parliament to the judgment of the people might have ceased to be numbered among the constitutional prerogatives exercised by the Sovereign on the advice of his Ministers. The rights of the Upper House are less clearly defined, but it is certain that they once could, and that since 1832 they cannot, reject a measure of the first importance carried for the second time after a dissolution *ad hoc*.

Under the written Constitution of the United States, an act unconstitutional in the stricter sense is also illegal. The President, for example, may arrest a citizen without process of law ; Congress may sanction the arrest ; the people may approve ; the States may tolerate it ; years may elapse, and repeated usurpations confirm the precedent thus established ; but whenever the act is brought to legal arbitrament, the Supreme Court must pronounce it criminal and punishable. Congress may make paper issues a legal tender, those issues may become the sole currency of the country, all pecuniary transactions for years, all contracts, all sales, wills, and agreements dealing with *reality* and personality may be regulated thereby ; but if the original act have infringed or transcended the letter of the Constitution it is null and void, and must be so pronounced whenever the question is brought before the proper tribunal.¹ But, like a statute, a written Constitution has a spirit as well as a letter, assumes pre-existing relations, must be interpreted and administered in accordance with these and with its general meaning and paramount intention. In a word, constitutional powers may be unconstitutionally exercised ; acts strictly legal may grossly violate rights prior to and consecrated by the fundamental law. This ambiguity has been frequently illustrated by the history of American politics, and nowhere so signally as in the debates of Congress upon the anti-slavery agitation, and not least during its earliest years. The tariff taxing Southern industry for the advantage of Pennsylva-

¹Only the addition of two pledged partisan judges to the Supreme Court by Grant while the case was pending prevented the possibility from being actually realised.

nian mine-owners, New York ship-masters, and Massachusetts manufacturers was unquestionably legal, but in the wider English sense of the word hardly constitutional. The exclusion of slavery and the slave trade from Territories under the jurisdiction of Congress was within its written powers, was in the American technical sense strictly constitutional; but a monopoly of the Territories—of new States and new votes in the Senate—by one class of States, an offensive discrimination by the Federal Legislature against the institutions of one-half the Union, could by no special pleading be reconciled with the spirit, the history, or the nature of the Federal compact, or with the equality of rights implied in the very existence of the Federal relation. Again, to tell the Senators and Representatives of Virginia and the Carolinas, of Maryland and Delaware, ‘You are bound by law and duty to attend every year the sessions of Congress in the national capital, but when you enter that capital your property shall be confiscated, you shall not be attended by your servants,’ would have been a glaring outrage on the meaning of the Constitution, an insult which no single State, much less one-half of the States forming the Union, could endure without a total surrender as well of honour and self-respect as of Federal rights and rank. It would have been flagrantly inconsistent with the title by which the District was held. A Slave State had *ceded it*² to create a neutral ground, a capital in which each State and every citizen should be equally at home. Southern instinct and political common sense perceived the outrage on the instant. But reasoners entangled in the letter of the law mistook the nature of the objection. The thing was unconstitutional, the sum of all unconstitutionality, but its condemnation was not to be found in the letter of the Federal compact. It was incompatible, not with the formulas of the Constitution, but with the essential nature of the Union of which the constitutional formulas were but the seal. Southern orators and lawyers, seeking proofs of that which was palpable, failed, as men generally fail to demonstrate by argument that the sun shines at noonday. When they appealed to the terms of the treaty of cession, the limited powers of the ceding Legislatures, the clauses of the Constitution, they landed themselves in the net of special pleading which Adams had prepared for them. They proved too much; proved, if anything, that slavery in the District must legally outlast the voluntary abolition of slavery throughout the States.

Calhoun, as usual, avoided the snare, but even Calhoun hardly reached with his usual directness the true central point—that possibility that constitutional powers might be unconstitutionally

²Originally two Slave States, Virginia and Maryland, had joined in the cession, but the part ceded by Virginia had been restored.

exercised, which, if not expressed in the form, lay at the root of his whole argument on the Tariff and Nullification. He met the unconstitutional agitation of the Abolitionists by preventive measures equally unconstitutional, upon which he was signally beaten. He strove to put it down by a clear, authoritative, and unanswerable demonstration of its unconstitutional spirit, and within the field of politics he was completely victorious; so victorious, that the Free-soilers were driven back step by step over the frontiers of the Constitution and forced to rest their case upon a 'higher law.' Answer to that appeal there was none, save that the higher law condemned them out of their own mouth. Within the Union, the Constitution was the highest law. Within the Union they had no right, moral or legal, 'to break their fathers' promise.' If they would be no parties to the abomination of slavery, they must renounce the benefits as well as the obligations of the bond. They must renounce with the Union the tax on Southern industry, the control of Southern commerce, the monopoly of Southern finance, which it had given them. They must allow the South free trade, free access to European markets, free use of European capital at European rates of interest. They must renounce her carrying trade, the navigation of her rivers, the preference in her ports. They must renounce protection, or establish a line of custom-houses along the Mississippi, the Ohio, and the Schuykill. For all this the little sect of genuine Abolitionists, with Garrison at their head, were thoroughly prepared. They were willing and eager—till chance offered a temptation too strong for their honesty—to break their league with Death and forswear their covenant with Hell. But the Free-soilers preferred the Union to freedom, their profits to their principles, empire to conscience; and hence it is that their thirty years' record is, by the confession of their own children, one of inconsistency and cowardice, of bluster and disgrace.

APPENDIX A.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS-BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

ARTICLE 1.

The style of this confederacy shall be, 'United States of America.'

ARTICLE 2.

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE 3.

The said States hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE 4.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also that no imposition, duties, or restriction shall be laid by any State on the property of the United States, or either of them. If any person guilty of or charged with treason, felony, or other high misdemeanour in any State shall flee from justice, and be found in any of the

United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE 5.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of every State shall direct, to meet in Congress on the first Monday in November of every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year. No State shall be represented in Congress by less than two, nor more than seven, members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the Committee of the States. In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrest and imprisonments during the time of their going to and from and attendance on Congress, except for treason, felony, or a breach of the peace.

ARTICLE 6

1. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any King, Prince, or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

2. No two or more States shall enter into any treaty, confederation, or alliance whatever between them without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled with any King, Prince, or State, in pursuance of any treaties already proposed by Congress to the Courts of France and Spain.

4. No vessels of war shall be kept up in time of peace by any State, except such number as shall be deemed necessary by the United States in Congress assembled for the defence of such State or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress assembled shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

5. No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the Kingdom or State and the subjects thereof against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE 7.

When land forces are raised by any State for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE 8.

All charges of war, and all other expenses that shall be incurred for the common defence or for general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of the common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE 9.

1. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving Ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subject to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of the establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

2. The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter

may arise, between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following:—Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent Commissioners or Judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven or more than nine names, as Congress shall direct, shall in the presence of Congress be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be Commissioners or Judges, to hear and finally determine the controversy, so always as a major part of the Judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed without showing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned; provided that every Commissioner, before he sits in judgment, shall take an oath, to be administered by one of the Judges of the Supreme or Superior Court of the State where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward': provided also that no State shall be deprived of territory for the benefit of the United States.

3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction; shall on the petition of either party to the Congress of the United States be finally determined as near as may be in the same manner as before prescribed for deciding disputes respecting territorial jurisdiction between different States.

4. The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the

officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

5. The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated *A Committee of the States*, and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of President more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of the circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same; in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

6. The United States in Congress assembled shall never engage in war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a Commander-in-Chief of the army or navy, unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy: and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ARTICLE 10.

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think it expedient to vest them with: provided that no power be delegated to the said Committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ARTICLE 11.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE 12.

All bills of credit emitted, money borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for the payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE 13.

Every State shall abide by the determinations of the United States in Congress assembled on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said articles of confederation and perpetual union: Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and pledge the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent; and that the union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

The aforesaid articles of confederation were finally ratified on the 1st day of March, 1781; the State of Maryland having, by their members in Congress, on that day acceded thereto, and completed the same.

New Hamp- shire	{ JOSIAH BARTLETT JOHN WENTWORTH, jun. JOHN HANCOCK	Delaware . .	{ THOMAS MCKEAN JOHN DICKENSON NICHOLAS VANDYKE
Massachu- setts Bay	{ SAMUEL ADAMS ELBRIDGE GERRY FRANCIS DANA JAMES LOVELL SAMUEL HOLTEN	Maryland . .	{ JOHN HANSON DANIEL CARROLL RICHARD HENRY LEE JOHN BANISTER
Rhode Island	{ WILLIAM ELLERY HENRY MERCHANT JOHN COLLINS ROGER SHERMAN SAMUEL HUNTINGTON	Virginia . .	{ THOMAS ADAMS JOHN HARVEY FRANCIS LIGHTFOOT LEE JOHN PENN
Connecticut . .	{ OLIVER WALCOTT TITUS OSMER ANDREW ADAMS JAMES DUANE	North Caro- lina	{ CORNELIUS HARNETT JOHN WILLIAMS HENRY LAURENS WILL. HENRY DRAYTON
New York . . .	{ FRANCIS LEWIS WILLIAM DUER GOVERNEUR MORRIS	South Caro- lina	{ JOHN MATTHEWS RICHARD HUTSON THOMAS HEYWARD, jun. JOHN WALTON
New Jersey . .	{ JOHN WITHERSPOON NATHANIEL SCUDDER ROBERT MORRIS DANIEL ROBERDEAU	Georgia . . .	{ EDWARD TELFAIR EDWARD LONGWORTHY
Pen:syl- vania	{ JONATHAN BAYARD SMITH WILLIAM CLENGAM JOSEPH REED		

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APPENDIX B.

CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting

SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United

States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:
3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:
4. To establish an uniform rule of naturalisation, and uniform laws on the subject of bankruptcies throughout the United States:
5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:
6. To provide for the punishment of counterfeiting the securities and current coin of the United States:
7. To establish post-offices and post-roads:
8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries:
9. To constitute tribunals inferior to the Supreme Court:
10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:
11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:
12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years:
13. To provide and maintain a navy:
14. To make rules for the government and regulation of the land and naval forces:
15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:
16. To provide for organising, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress:
17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.
2. 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.
3. No bill of attainder or *ex post facto* law shall be passed.
4. No capitation or other direct tax shall be laid, unless in proportion to the *census*, or enumeration hereinbefore directed to be taken.
5. No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the

ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any posts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:—

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose

shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. 'I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION 3.

1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall

judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanours.

ARTICLE III.

SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges of both the Supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and a citizen of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress

may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

• ARTICLE V.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the

land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants 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.

ARTICLE V.

No person shall be held to answer for 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 offence 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.

ARTICLE 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 defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

I. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in the ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon

them before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

END OF THE FIRST VOLUME.

VOLUME II.

HISTORY
OF
THE UNITED STATES

FROM THE FOUNDATION OF VIRGINIA TO THE
RECONSTRUCTION OF THE UNION,

By PERCY GREG,
AUTHOR OF 'ACROSS THE ZODIAC,' 'SANGUELAC,' ETC.

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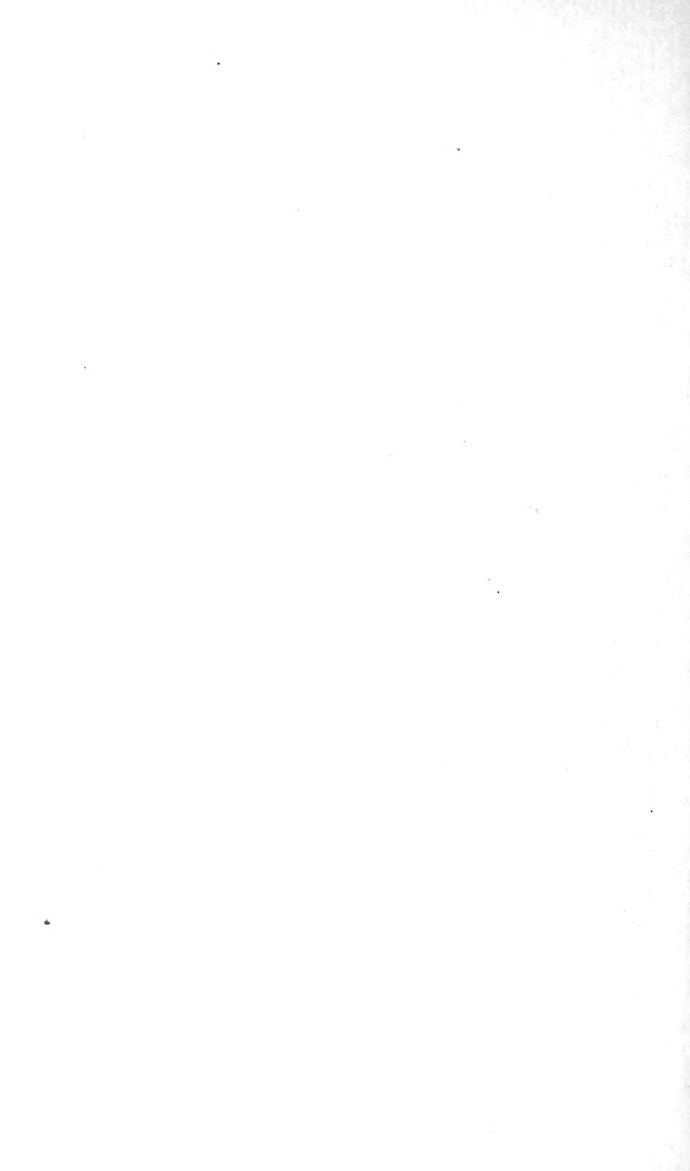
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CALHOUN alone observed, almost from the first, the full significance of the conflict. The Abolitionists were, as he said, waging war upon the South—a war in which the South must conquer or be ruined. She had no choice. Blessed, as he maintained—cursed, as less consistent, differently situate, or clearer-sighted men insisted—with the presence of a vast population, of African blood, of lower morale, intelligence, and civilisation, stamped by Nature's own hand with a striking and indelible mark of inferiority, her wealth depended on their labour; slavery was to her a necessity, a question not of prosperity or decline, of pride or profit, but of social order or anarchy, of national life or death. She could not yield if she would, and ought not if she could. Judging by concrete facts, especially by those forced upon his daily consciousness, judging of free labour by report and of slavery by his own experience, he maintained slavery to be a boon to the slave, and, with less plausibility, a benefit to the master—the safest foundation of democratic freedom. This was a new ground, for the last generation had treated slavery as an inevitable consequence of the presence of Africans, and that presence as an evil for which they were not responsible. The paradox afforded ground stronger than it seemed. Slavery alone had rendered possible the high civilisation of Greece, Carthage, and republican Rome. It was the belief of all Southerners—a belief strengthened and sustained by the experience of Haiti, of Spanish America, and of the British West Indies—that negro labour depended

on slavery : that in a genial climate on a fertile soil, the free negro would sink into absolute barbarism.

The contemporary warfare between capital and free labour in the North and in Western Europe presented a spectacle alarming to statesmen and economists familiar with the noise, conflict, and turbulence of free society—a spectacle simply hideous in the eyes of men like Calhoun. Those were the days of trades-union terrorism, of secret conspiracy and assassination, of machine-breaking and rick-burning, of industrial insurrection and agrarian assassination.

Calhoun spoke the truth when he contrasted the peace and security of the South—the smooth working of her institutions, the material well-being of her labourers, above all the mutual goodwill, affection, and kindness prevailing between master and slave—with the discontent and suffering, the physical and moral hardships of contemporary free labour in European countries and in Northern cities. He affirmed, with perfect truth, that in no free country did the labourer receive so large a share of the produce—the converse of the Abolitionist proposition, that slave labour is the costliest of all. The costliness of slave labour obviously refuted the charge that the labourer was wronged or robbed of his reward ; though the charge was rung on these incompatible assertions in every anti-slavery speech, and almost in consecutive sentences. Supported by his master in infancy, in sickness, and old age, the slave was, as Carlyle said, a servant hired for life, and paid throughout that life at a far higher rate than the Irish potato-grower or the Kentish hind. He received more¹ than the European peasant, and did less than half the work. His old age especially presented to that of the English labourer a contrast of which English society might well be ashamed. It was to him a period of peace, ease, comfort, and honour. No pauper's garb, no pauper's fare, no prison-like workhouse, no separation from wife and children, awaited the last years of the servant who could serve no longer. He occupied his cottage, he basked in the sun, his grandchildren playing round his knees, his grey hairs respected, his infirmities cared for, his temper and his vanities humoured.

The abuses of slavery were terrible, but not more terrible and far less common than the brutalities to which the weak and helpless are subject in the lower class of all communities, in the purlicieux of every civilisation. The cruel master was a far less frequent and not one whit more hateful character than the grasping landlord of the city slums, the selfish employer, the brutal father, the drunken husband, the savage ruffian of London courts and

¹ He and his family were better clothed, housed, and fed.

Manchester alleys. He stood, moreover, in much more awe of the adverse opinion of his equals, the censure and aversion of his more influential and more cultivated neighbors. Absolute power is a trust for which few men and hardly any women are fit: but the power of social and domestic tyrants in free communities is absolute enough to inflict with impunity cruelties not far short of the worst barbarities of the rudest slave-driver of Arkansas or Mississippi; and the despotism most frequently and grossly misused is not that which is secured and defined by law, which carries with it an obvious and awful responsibility, but that which is usurped, exercised in secret, conscious of wrong, goaded by the possibility of interference, and exasperated by the fear of revolt and the remote but ever-present apprehension of punishment. The Southerner, moreover, was, in his own phrase, 'brought up with niggers'; educated to understand the character of his servants, the narrow limits of practical exaction, the possibility of vengeance, the folly and peril of driving to the frenzy of despair those who held his home and property, his life, the honour of his wife and the safety of his children at their mercy. A man of sense and experience knew how little labour could be exacted; that sauntering, scamping, pilfering were the inevitable conditions of the institution; that the lash could hardly improve the average of negro industry. That masculine drunkenness, anger, or lust occasionally prompted frightful cruelties, that feminine jealousy, temper, and caprice kept some households in that kind of fear which has no tendency to order or discipline, needs no proof beyond the common experience of human passions and weaknesses. But that slaves as a rule fared worse than free servants, one who has carefully and candidly studied the subject will be disposed to doubt. If a pretty, pert, careless, saucy coloured girl (a class almost confined to domestic or quasi-domestic service) excited the jealousy or exasperated the temper of a mistress with whom she had probably lived from infancy, she was summarily whipped; instead of being dismissed without a character, to earn her bread by the sale of her beauty. A thieving, useless, or insubordinate field hand, instead of being sent about his business, and put on a black list, to be driven by want from pilfering to felony, was flogged far less severely than a mutinous soldier or seaman. To such discipline the slave had been accustomed for generations and trained from infancy. Even a mulatto groom or quadroon lady's-maid, half a child by nature, and educated in the deference and submission of childhood, was no more humiliated thereby than a naughty child or refractory schoolboy.

But, if to a conscientious kindly master of attached and contented slaves slavery might seem a benefit to the negro, a relation preferable to the lax, temporary, and mercenary connection of

employer and hireling, a statesman less clear-sighted, thoughtful, and sagacious than Calhoun might have been expected to observe with no little doubt and dismay its economic and social consequences. The agriculture of the South was rude, wasteful, and stationary. Labor-saving machinery, improved instruments, complicated apparatus of any kind were incompatible with the exclusive employment of an ignorant, unintelligent, and childish race of indifferent if not unwilling labourers. Calhoun ascribed the lagging-behind of the South, with her richer soil and more genial climate, to a tariff which hampered her commerce and levied a heavy tribute on her industry for the benefit of a small class of Northern capitalists and artisans. The tribute was heavy, the monopoly more oppressive and injurious than it seemed; but the free West thrived and advanced in spite of the same iniquitous exactions and fetters. It is to the abundance of fertile soil—an abundance perpetuated, no doubt, in part by the indirect effect of slavery in discouraging white immigration—not to the inherent character of slave labour, that the abandonment of fields exhausted by the constant production of cotton or tobacco should be primarily attributed. Probably, however, the command of labour contributed to this wasteful practice, for its discontinuance was one of the earliest and most striking results of emancipation.

CHAPTER VIII.

VAN BUREN AND TYLER.

The Convention System—Financial Reaction—Election of 1841—The Whigs—Tyler's False Position—The Ashburton Treaty.

CALHOUN was too far in advance of his generation. The Northern classes interested in Southern industry despised the Abolitionists, and the South, while hating, did not condescend to fear them. The Northern politicians were content to use the agitation, believing in their power to check or suppress it ere it grew too dangerous, and were deaf to the prophet whose anticipations they were soon to verify. The South, he said with perfect truth, cannot yield if she would, and would not if she could. She is clearly in her right; she stands wholly on the defensive, and that upon an issue of life or death. The negroes form one-third of her population: their political enfranchisement would be her degradation and ruin, their removal impracticable, their presence as an unassimilated foreign, intrusive, inorganic substance lodged in the body politic, painful and intolerable if not lethal. Slavery, for the North a matter of choice or caprice, is for the South a necessity of existence. We cannot recede or compromise; nor can we remain within an Union from whose benefits we are excluded, bound by a Constitution of whose protection we are deprived, the mark of perpetual insult and reproach, the object of moral crusade, a political warfare directed against our clear and guaranteed rights, our cherished institutions and inviolable liberties. This agitation is an outrage that mocks the very idea of Union; an outrage to which we will not submit. Abolitionism must be suppressed, or—Secession was the logical alternative, the sole intelligible inference from Calhoun's premises. But he would not speak the word, and till nearly the end of his life persisted in evading the conclusion he could not bear to draw. The policy of Whigs and Democrats alike was that of the proverbial ostrich; and, in vainly striving to exclude from Congress the dispute which raged around its doors, Calhoun condescended to imitate their folly without sharing their blindness.

The spirit of Jacksonian democracy revolted from the guidance

of the Congressional caucuses, in which the statesmen and natural spokesmen of each party had till 1828-9 nominated Presidential candidates. Nominations and programmes must originate with the people. As neither ideas nor action can really so originate, the pretence of spontaneous popular impulse only transfers the real initiative, the control and organisation of party, from responsible statesmen to anonymous journalists, electioneers, and trading politicians. The control of the conventions which henceforth acted in the name of parties, the mastery of the machinery of politics, passed into the hands of men who, each in his ward, city, county or State, made a profession of electioneering organisation; and who must live by their trade.

Van Buren, Jackson's creature and successor, inherited the ruinous reaction of Jackson's finance. In less than two years the modified protective tariff had paid off the remnants of debt, and accumulated forty millions, which, after a sharp contest, were distributed among the States, nominally as deposits, really as gifts. Within twelve months a tremendous financial crash, wholesale commercial bankruptcies, a fall of fifty or seventy-five per cent. in the value of real property, and especially of public lands, had so depleted the treasury and curtailed the revenue, that the Federal Government was saved from actual insolvency only by the creation of a new debt in the form of a large issue of treasury notes. It was calculated by thoughtful statesmen and well-informed financiers that, in the years immediately preceding the collapse fifty millions of dollars had been borrowed by the new States of the Mississippi Valley; that two hundred millions had been invested by English capitalists in American securities—most of them anything but secure. Mississippi and Pennsylvania availed themselves of irregularities committed by their rulers to repudiate a considerable proportion of their debts. The younger State had this excuse, that the transaction was distinctly unconstitutional on the part of her Government, and apparently fraudulent on that of the original creditor, and that for the five millions she refused to pay the State had received *no* substantial equivalent.

At the close of his administration (1841) Van Buren and his Ministers were charged with having dissipated considerable accumulated funds and created a large annual deficit. The controversy was as intricate and insoluble as party disputes on finance are apt to be. Of the fact there was no doubt; to fix the responsibility was impossible. Congress had voted the grants without regard to the Ways and Means. This was not the worst. Wholesale speculation was proved against a number of important officials. Swartwout, the collector of New York, was a defaulter to the amount of \$1,250,000. He received two-thirds of the entire

customs revenue, and held in his hands the whole patronage of his department. Every officer, from the auditor to the searcher, was his nominee. The Secretary of the Treasury only pleaded that he had always remonstrated with acknowledged defaulters, and obliged them in the last resort *either* to pay up or resign! Nor did it appear that Secretary Woodbury had been much more lax than his immediate predecessors. He had been gravely counselled to retain some of the worst of Swartwout's imitators, on the express ground that they had feathered their nests.

The fable of the fox and the flies was about to receive another illustration. The people were too thoroughly disgusted with the men in power to ask whether the Whigs were likely to prove as much more respectable as they were more hungry. The panic of 1837, renewed with yet more disastrous effect in 1839, had been placed to the debit of Van Buren's Administration, already bankrupt in popularity. The discredited President, however, was the chosen candidate of the Democrats, whose 'machinery' was still controlled by the Jackson 'ring.' The Whig 'machine' was not one whit wiser or more honest. Clay, the popular leader and party spokesman, was too honest and too powerful to suit the electioneers. It was necessary to prove that he could not carry New York State against Van Buren; and the 'triangular correspondence' which effected this is famous in the annals of electioneering trickery. Three district managers exchanged letters, each regretting the impossibility of carrying his own district for Clay. These assurances were privately submitted by the receivers to their local colleagues—each of course suppressing his own letter; and each district gave up the common favourite in deference to the supposed wishes of the two others. The Whig Convention of 1840 met, and the wire-pullers arranged that the delegates of each State should deliberate apart, that the Convention should sit only to receive a report when a majority, not of delegates but of States, had cast their votes for the same candidate. So far as its principal function was concerned, the Convention was thus annulled. It met only to ratify a choice which the several delegations might have made without leaving their own States. The selection, accomplished by secret conferences and underhand intrigues, fell on General Harrison, the hero of the Indian war of 1811-12, and the victor of the Thames. John Tyler of Virginia, a Democrat and follower of Calhoun, was nominated for the Vice-Presidency, to conciliate those independent Democrats who had revolted from the Jacksonian despotism. Tippecanoe was the scene of Harrison's chief Indian victory, and 'Tippecanoe, and Tyler too' was the 'cry' which confessed that the Whigs had no principle to fight for. Harrison was a man of honour, of some military repute and administrative experience;

but of political science he was wholly ignorant, in party politics neutral, and such opinions as he had from time to time avowed were anti-protectionist and ultra-Democratic. With such candidates, the Whigs could put forth no programme, or, as it is called in the jargon of party politics, platform. They were committed to a Bank of the United States, to protection, and to Civil Service reform; but such a declaration of principles would have disgusted the South, and driven the independents represented by Tyler back into the ranks of the 'regular' Democracy. One letter, signed by Harrison, set forth a vague profession of principles partly unintelligible, partly self-contradictory; and thereafter, as Mr. Lowell averred in one of his first and cleverest political squibs, a picked squad mounted guard on the candidate, deprived him of access to pencil, pens, ink and paper, plucked every fowl and shot every wild goose that came within a mile of Harrison's residence till the campaign was over.

The victory was as complete as ignominious. Martin van Buren was relegated to insignificance, and spent the rest of his life in vain attempts to recover his command of the Democratic machinery, and equally fruitless intrigues with each newly developed faction for a third Presidential nomination. President Harrison's first and only important act was to summon a special meeting of Congress in the early summer of 1841. A month after his installation he died, and Tyler succeeded for the rest of the term. The Whigs were furious at this result of their intrigues. Harrison had had time to prove himself a by no means manageable tool; but Tyler was not only, like Harrison, far from being a Whig—he was, by birth and connection, a Southern Democrat, and likely to be influenced by his old rather than his new relations. Nor was he to blame. His nomination had been the price willingly paid for the support of the anti-Jackson Democrats, and part of that price was the chance which had actually occurred. He retained Harrison's Whig Ministry, but, naturally irritated by the invectives with which the party press had greeted his unexpected succession, was soon at issue with them and with the Congress, in which the Whigs had a decided majority.

The Congressional debates of Tyler's term were full of abortive projects and personal recriminations. The President negatived the Bank Bills and other measures of the Whig majority, and offended them yet more bitterly by using his patronage for personal rather than party ends. He was intriguing for a renomination, of which he never had the most shadowy chance. Clay's compromise had expired, and the Whigs insisted on enhanced protective duties, so obviously devised to fleece the agricultural for the selfish advantage of the trading and manufacturing interests that South Carolina again threatened nullification, but was

restrained by Calhoun, who pronounced the occasion altogether insufficient to justify the employment of a remedy so extreme. The historical interest of the period centres in the foreign policy of the Administration, controlled not by Tyler but by Daniel Webster, who retained the Secretaryship of State long after his Whig colleagues had renounced the service of a President against whom the party which elected him had openly revolted.

The north-eastern border between Maine, Massachusetts, and New York on the one side, and New Brunswick and Lower Canada on the other, as defined by treaty, had never been accurately surveyed, and the maps of 1783 to which the contending Powers appealed were neither authoritative nor correct. The American claims, however, were essentially aggressive. The part of Maine interposing between New Brunswick and Lower Canada is of no political and very little material value. Most of it is even now (1886) thinly settled. The original American claim cut off Canada from New Brunswick, and deprived the former, during six or seven winter months, of all direct access to the sea. The line actually adopted is one which nothing but a defeat as crushing as that of France in 1870 would induce an European Power to accept. It interposes a strong American country between the British provinces, so close to their principal cities as practically to sever Quebec and Montreal from St. John's and Halifax, and to expose the three latter to be occupied at once by an invading army, while two of them might be sacked and destroyed, almost without notice, by a piratical banditti or a foray of irregular cavalry. Lord Palmerston, as Foreign Secretary, had firmly resisted a demand so pointedly hostile and offensive. Lord Aberdeen, his successor, whose pacific reputation afterwards cost Europe a great war and half a million of lives, which one firm sentence would have spared,¹ sent Lord Ashburton—by family, business, and personal relations almost as much an American as an Englishman—to conduct the negotiation. Such an answer to the arrogant demeanour of the American Minister in London was in itself a surrender at discretion. After this, nothing but a rupture and preparations for war could have induced Mr. Webster to modify the demands which a single glance at the map shows in their true character. He secured the substance of all that America demanded, and far more than she has cared to turn to account, by the merest shadow of reciprocal forbearance. But when the United States secured the oyster, Maine and Massachusetts, the States immediately affected, grudged England the empty compliment of the shell. The Federal Government, they maintained, had no right to cede territory to which the States laid claim; and

¹ Kinglake's *Crimean War*.

their reluctant acquiescence was only obtained by a compensation voted and paid out of the Federal Treasury.

Three other important questions were practically disposed of by the Ashburton Treaty.

In 1837 a rebellion, threatening at one time to assume the proportions of civil war, had arisen out of the race disputes between the French and English inhabitants of Canada. That rebellion would have been quelled with ease and with little bloodshed but for the conduct of the American Government, which permitted not only fugitive rebels, but American sympathisers, to make the United States a base of hostile, or rather predatory, expeditions against a friendly country. One horde of banditti after another, openly recruited, paraded, armed and drilled under the eyes of the American authorities, crossed the boundary; robbed, burned, and pillaged; and when caught and routed with ease by the Canadian militia, found refuge behind the inviolable shelter of the American frontier. One gang of several hundred was captured; but only nine were executed. The great majority were pardoned, and the rest released after trivial punishment. The President's orders to the United States forces on the frontier were directed to 'repel aggression,' not *on*, but *from*, the British provinces. The wolf's case against the lamb was never more strongly put or more humbly answered; but—short as was his tether, the watch-dog had teeth. A pirate vessel, lying on the American side of the Niagara river, was seized, fired, and sent over the falls by a small party of Canadians. During the Ashburton negotiations, a gentleman alleged to have been one of the destroyers visited New York, and was arrested by the State authorities on a charge of murder! It is needless to observe that the invaders of Canada, each of whom was, in fact and law, a robber and a murderer, were then at large in the States, and that no attempt was ever made to bring *them* to justice. Great Britain, declaring the destruction of the *Caroline* a public act of self-defence, of which she accepted the responsibility, demanded the prisoner's release. The law of the case was as clear as its equity; but New York defied and Van Buren refused to enforce it. The matter was settled by the acquittal of the prisoner, after long detention, on an *alibi*, and an apology from Lord Aberdeen for the presumption of the Canadians in exercising the right of self-defence. The right of maritime impressment was not renounced by England; but Webster's recorded and unanswered declaration that the flag of America should protect her seamen finally settled the question. Thereafter the seizure of men by either Power in the ships of the other was a recognised aggression, an acknowledged cause of war.

On one point only did Lord Ashburton maintain the claims of England; and on that point concession would have been to Web-

ster perhaps more embarrassing than defeat. American vessels, carrying negroes between Southern ports, had been driven by stress of weather into the harbours of the Bahamas, and the slaves had escaped or been released. Ships trading between national ports, and forced to take temporary shelter in foreign harbours, are not thereby subjected to local jurisdiction. American property on board American vessels was, under such circumstances, entitled to protection. On the other hand, negro slavery was a positive creation of local law, and that law knows nothing of *foreign* slavery. A negro slave from Alabama, even before 1833, was free in Jamaica, and *vice versa*. A man, black or white, landing in Nassau, or picked up by a colonial boat in the bay, was free, unless he were proved a slave *by the law of the colony*. After England had paid twenty millions to emancipate her own slaves, it was as monstrous to ask her to restore American fugitives to bondage as to demand that American merchant captains should voluntarily restore their English seamen to the Royal service. She neither could nor would. Calhoun had complained that this refusal amounted to a denial of the right of refuge to American vessels engaged in a lawful trade between American ports. It was true; but it was the consequence of the proximity of a free country to the route of the inter-state coasting trade. Webster pressed the case of the *Creole*, whose slave cargo had rebelled, seized the ship, and brought her into an English port. The negroes had been allowed to go free and the white crew to regain possession of the ship. If the ship were rightly restored, she was wrongfully seized, and those who seized her by force and bloodshed were pirates and murderers. The answer was obvious. The negroes had regained their liberty by force, and England could neither deprive them thereof nor punish them for asserting it.¹ Lord Ashburton's tone was apologetic and almost cringing. There should be no 'officious interference' (no boarding distressed ships to search for slaves?); England would pay for those who had been freed in slave colonies while she still recognised slavery; but since that date America had notice of English law and opinion, and no further reclamations could be admitted.

Webster promised that his Government should maintain a squadron on the African coast to repress the slave trade. But he adhered to the policy adopted by Adams, when the latter, as Secretary of State and aspirant to the Presidency, had snatched an opportunity of ingratiating himself with the Democrats and gratifying his hereditary hatred of England. By stubbornly refusing that right of search which all other maritime Powers were ready

¹ A similar contradiction arose within the last thirty years, under the Extradition Treaties. A slave stole a horse, killed the master who tried to arrest him, and escaped to Canada. He was claimed as a thief and murderer. 'Rather than give up that man,' so the *Times* worded the unanimous answer of the nation, 'England would go to war.'

to concede—worse, by denying the undoubted *right of visit*, the right of English cruisers to ascertain that a vessel flying the Stars and Stripes was really entitled to do so—these representative Free-soilers secured to their flag, if not to their country, a virtual monopoly of that abominable traffic; and perpetuated, so far and so long as they possibly could, the misery, havoc, and barbarism, the state of continual war, the impossibility of honest commerce and civilisation, which slave-hunting for the Cuban market inflicted upon Western Africa. Safe under their flag, and under no other, every vessel engaged in that traffic hoisted the Stars and Stripes; and, thanks to these favourite sons of New England, the ‘star-spangled banner’ continued to protect the abominations of the middle passage until the North—when the Slave States were apparently lost, and the chances of the Civil War had identified the cause of the Union with that of Abolition—claimed credit for consenting to the repression of a trade which the South had already proscribed.¹

¹ *Post*, p. 213.

CHAPTER IX.

INCIDENTS—1837-48.

Effect of the Gagging Resolutions—Abolitionist Petitions—Adams as a Free-soil Champion—His Posthumous Memoirs—Dorr's Rebellion—New York Antirenters.

THE 'Gagging Resolutions' ¹ shared the fate of all such excesses of party violence; giving scope and opportunity for the consummate skill with which Adams played his own game, the practical irony with which he forced his opponents to play it for him. They may almost be said to have made New England Abolitionist. The Abolitionists proper, in 1832 more contemned if less hated in the North than in the South, had become in 1837-8 the champions and martyrs of a cause as popular as their own was odious. It would have taken a generation, it might never have been possible, to rouse the shrewd, selfish, calculating people of New England to genuine interest in the Southern negroes; who were, if not better, certainly more kindly treated, less abhorred and despised, than their own. But they were stung into fierce resentment and angry antagonism by the idea that any petitions they chose to send up should be refused consideration at the demand of the South. From this date, though the Abolitionists and Abolition were long regarded by public opinion with the distrust which the excesses of fanaticism—schemes apparently 'beyond the scope of practical politics,' ideas which interfere with the party combinations and immediate objects of the day—excite among men of the world, they were condemned as uncompromising extremists, rejected as compromising allies, rather than denounced as enemies of the Constitution and traitors to the Union. The demarcations of politics came to approximate more and more to geographical lines; sectional interests and antipathies became more and more the efficient motives of party conflict, and Abolitionism acquired a quasi-popularity as the uttermost extreme of Northern pretensions. Northern Whigs began to think and speak of Southern 'aggressions,' to denounce 'the extension of slavery.'

¹ *Vide supra*, vol. I., p. 459.

Adams drove a buggy, if not a coach-and-six, through the rules of the House. He presented petitions, multiplied a hundredfold by their formal prohibition, against one and another corollary of slavery: against its inevitable incidents 'in the District;' against the sale of slaves therein; against the corporal punishment of women: again, for the recognition of the negro Republic of Haiti, then, as now, the opprobrium of the Equalists; nay, for dissolution of the Union—a petition which at that time, and in the hands of an ex-President, was felt by the great majority as a wanton insult. Once he threw the House into convulsions by presenting a petition from twenty-two slaves, and suppressing the fact that, if it were not a mere hoax, it purported to deprecate and not to demand emancipation. He ventured to menace the South with the direct abolition of slavery by Federal power in case of insurrection or invasion. None knew better than his father's son that, had such a thing been within the conceivable limits of Constitutional construction, the Union would never have been framed; that every Federalist in the Convention, from Washington downwards, would have denounced it as the invention of an enemy or the delusion of a lunatic. His object was not to benefit the slaves—he could not but know that he was doing the very reverse—but to exasperate the quarrel, to dissolve the Democratic party, and to indulge the personal grudges and vindictive passions which rankled in his inmost soul. The true nature of the man was revealed in his posthumous memoirs, wherein it stands recorded that he never thought well, respectfully, or generously of friend or foe. Overflowing with an egotism carried to the verge of insanity, he seemed to himself the centre of the political universe. The clue to the Congressional history of twenty years was to be found in the conspiracy of a set of 'base and dirty tricksters'—from Randolph of Roanoke and Jackson to Calhoun, Clay, and Webster—to damage and defame John Quincy Adams.² This spiteful and unworthy work, bespattering with defamatory hints every great contemporary reputation, injured but one, and that certainly not the highest, but perhaps the most universally recognised of all. Admirers were shamed and silenced; loyal foes and generous rivals astounded and digusted. The man whom, in the last days of his life, the whole House had arisen to welcome and honour, credited with austere greatness and stern integrity, left behind him a self-drawn character among the least estimable and dignified in American history; a revelation which cast a lurid light over a stormy, a chequered, but, as it seemed till then, an honest and far from ignoble career. Only on his own evidence would faction itself have ventured to impute meanness, spite, and cowardice to the

² *American Statesmen*, 'John Q. Adams,' p. 298.

last and not the least of the statesman-Presidents of the Union. Fortunate in all but a temper that doomed him to misery, his good fortune attended him even in death. Rising to address the House on February 21, 1848, he fell to the ground insensible, was carried into a neighbouring room, and died there a few hours later.

Two significant incidents, unconnected with Federal party politics, belong to the period of Tyler's Presidency. Rhode Island had been as a colony the purest democracy in New England, and had, perhaps for that reason, maintained longer than any of its neighbours its old colonial laws and constitution. It had gained nothing, for it had nothing to gain, by the Revolution, and reluctantly gave up something of the absolute independence enjoyed under the nominal sovereignty of the King of England by accepting the Constitution of 1789. While the Governments of the neighbouring States had become more and more democratic their suffrage more and more nearly universal, Rhode Island still maintained the slight property qualification of colonial times. Example and theory rather than any sense of practical hardship provoked agitation against this restriction. A self-constituted convention in 1842 submitted what it presumed to call a revised State constitution, not to the citizens but to the populace at large, and averred that a majority of the latter had 'ratified' it. In pursuance of this farce a person called Dorr was 'elected' by the revolutionary faction to the office of Governor. Legally and morally, of course, he was simply a pretender without the shadow of right or authority. By force or surprise he seized the State arsenal—a manifest 'overt act' of rebellion. The authorities called out the militia; the rebels dispersed, again mustered in arms, and were again sent to the right-about without serious resistance, only a single life being lost. The Supreme Court of the Union laid it down that the legitimacy of a State Government was a question of State law, wholly beyond its jurisdiction. The legislature took upon themselves to enfranchise nearly all native adults, and called on them to elect a convention, which substituted a written constitution for the Charter of 1663, till then the fundamental law of the State. The self-styled Governor Dorr was arrested, tried for treason, and sentenced to imprisonment for life. His party, however, speedily secured a complete victory at the polls, and the rebel received his pardon.

New York, two years later, was the scene of much more serious disturbances, which are conveniently forgotten by those who claim for American democracy the credit of enforcing the law and protecting life and property as efficiently as the constitutional or despotic monarchies of Europe. A protracted attack upon the Irish immigrants in the streets of the Empire city was allowed to

continue till a number of Irish dwellings and churches had been burned, fourteen people killed and forty wounded. A grosser scandal revealed the insecurity of property where the law is made and can be enforced only by the consent of those classes who covet the property of others. Of the old Dutch patroon families, among whom vast landed estates had been distributed to be settled and cultivated by their servants or tenantry, the wealthiest and most powerful was that of Van Rensselaer, whose estates extended over the greater part of the counties of Albany and Rensselaer. Their lands were divided into farms of moderate size and leased in perpetuity for a certain quantity of wheat, a few fowls, and one day's service with waggon and horses in each year. The tenants were also liable to fines on alienation, and to certain other conditions not unlike the survivals of feudalism in English copyhold tenure. Stephen van Rensselaer had been in possession from 1780 to 1840. He had allowed a great part of his rents and fines to fall into arrear; and these arrears, to the amount of two hundred thousand dollars, were bequeathed by his will. The tenants not unnaturally considered these claims barred by lapse of time, and resented the revival of debts they had almost forgotten. The Courts decided in favour of the landlord; but the execution of their decrees was at first passively and at last forcibly resisted. In 1844 anti-rent riots of a violent character broke out in Rensselaer and Columbia counties. The rioters scoured the country in arms, extorting a pledge from the law-abiding tenants to support their cause, and tarred and feathered or otherwise outraged the recusants. In Delaware County the Deputy-Sheriff was murdered in the execution of his duty; and it was not till August, 1846, that the State Government restored order, proclaimed the county of Delaware in a state of insurrection, and had the ring-leaders brought to trial and condemned to death. But the agitation continued in a more pacific form, and the tenants at last obtained from a partial and dependent Court a decision in their favour. In the end the great landowners were deprived by naked force and legal chicanery of great part of their undoubted rights, and this evidence of the insecurity of such property has tended ever since to discourage the investment of wealth in real estates too large to be cultivated by their owner. It has not prevented the accumulation of land in the hands of individuals or companies, many of whom own estates larger than those of the wealthiest English families; but these estates are cultivated, not by independent tenants, but by hired labourers.³

³ There are a great number of rented farms in some of the States, but they are, I believe, like those of Flanders, held by small proprietors—families which can no longer cultivate them, mortgagees, &c., and let because it was not convenient to sell them—not parts of large estates.

BOOK V.

DISUNION.

CHAPTER I.

THE REVOLT OF TEXAS.

Settlement of Texas—Mexican Revolutions—Santa Anna—Texan Rebellion—Mexican Barbarity—San Jacinto.

THE formal dominion of Mexico, as defined by the Spanish Frontier Treaty, extended along the Pacific coast as far as 42° N.L., including that comparatively narrow strip between the Rocky Mountains and the sea which now forms the State of California—blessed with the richest soil, the most varied resources, and the most genial climate within the Union—and the vast area between the western boundary of the Riverine States and the Rocky Mountains, apparently doomed by its geographical conformation, climate, and drainage¹ to remain as then, a desert with a few pastoral oases. The greedy successors of Cortez and Pizarro had trodden with careless feet the golden sands of California, and left unexplored and unopened the silver-mines of Colorado and Nevada. A few *rancheros* occupied immense tracts of unimproved land, feeding thousands of cattle; but no plough had ever touched wheat-fields even more valuable than those of Illinois and Indiana. The independent Government of Mexico, scandalised that two-thirds of its dominion should remain a waste, inhabited only by a few predatory bands of savages, offered liberal inducements to settlers from abroad. But the adventurous spirit of former generations had wholly died out in Spain and Portugal. The great European immigration had not yet begun. None but the restless and enterprising citizens of the Southern and Western States responded to the liberal invitation of Mexico, and in 1835 the greater part of the scanty population of Texas was of North-American birth and English speech. The settlers yielded no practical obedience, owned no willing allegiance to the authori-

¹ The Colorado and its tributaries run, for a great part of their course, in deep, narrow clefts or cañons 1,000 feet below the surface, rendering irrigation impossible.

ties set up by successive revolutions, and after various ineffective movements, which those authorities prudently or contemptuously disregarded, formally declared their independence.

Mexico, like all the Spanish Republics, had been induced, under the impulse of revolutionary enthusiasm and necessity, to promise and take decisive steps towards the emancipation of the negro, Indian, and half-caste slaves or serfs. The pressure of popular feeling within, strengthened by the gathered force of public opinion throughout the world, precipitated the total abolition of slavery. To this, as to previous laws on the same subject, the slave-owning settlers paid no regard whatever; but it contributed not a little to their growing determination to shake off the almost nominal authority of the Mexican Government. Under the Federal system, borrowed by Mexico and Central America from the United States, the Texans had enjoyed substantial self-government, unvexed by that corrupt or simply perverse official interference which Anglo-Americans could ill endure at Mexican hands. But one of the innumerable revolutions of that anarchical country overthrew for a time an organisation altogether artificial, without root in the history or justification in the circumstances of Mexico. The establishment of a strong centralised government threatened the cherished liberties and contributed to precipitate the revolt of the Anglo-American colony.

Santa Anna, the ablest and perhaps the only able statesman and soldier that Mexico has yet produced, exerted himself vigorously to put down a revolt which, if successful, threatened to sever from the empire of which he was just now the absolute chief the larger part of its territory; since, if Texas secured her independence, Sonora and Chihuahua were likely, and California and the rest of the northern provinces all but certain, to follow. But though drill and discipline can make of the Spanish-American half-castes by no means contemptible soldiers—brave, obedient and stubborn—and though, except that of the pure-bred Spanish aristocracy of Chili, the Mexican army of that time was perhaps the best they have produced, that strange inexplicable superiority of race which gives irresistible ascendancy in war had given to the rude, untrained, lawless Anglo-Saxon adventurers of Texas a conscious mastery, like that which assured Clive and Hastings that no numerical advantage could make the warrior-nations of Hindostan—Mahrattas, Rajpoots, or Mysoreans—a match for sepoys led by English officers and backed by a few English soldiers.

At San Jacinto, on April 21, 1836, the Texan army, under General Houston, recruited by a number of sympathisers from Louisiana, Arkansas, and Mississippi, routed the greatly superior forces of Santa Anna and took the commander-in-chief prisoner. He was presently released on signing a treaty, which, as soon as he

returned to the capital, he repudiated as extorted by compulsion.

The Mexican commander-in-chief behaved with that true Spanish ferocity which, in the civil wars of the Peninsula and of South America, revolted the civilised world by wholesale massacres of defenceless captives. In one of the first engagements in Texas five hundred insurgents were taken and shot in cold blood. In another instance, the Mexicans hoisted the black flag over a town attacked by the Texans. But the lawless adventurers of the South-West could not be provoked to refuse quarter to a white enemy, and accepted the surrender of those who had threatened them with massacre. Another position, known to Americans as the Alamo, was held by Colonel Travis with 450 Texans. It was besieged by Santa Anna on February 24, 1837. By the end of the first week in March the garrison, reduced to one-third of its original number, offered to capitulate. Terms were refused. The defenders endeavoured to cut their way out through tenfold numbers. This last effort of heroic despair failed, and Colonel Travis and his men were put to the sword. When the Mexicans entered, only six men and one woman were found alive. These butcheries aroused keen sympathy and passionate indignation throughout the States. A considerable party, especially in the North, had condemned the insurrection as unprovoked and ungrateful, regarded with sympathy the determination of Mexico to reassert her undoubtedly legal claim, and deprecated all interference, national or individual, in a quarrel whose right was clearly with the latter. But even these were alienated and exasperated by the cold-blooded slaughter of their countrymen. Many families throughout the South had friends and kinsmen among the victims, and could hardly have endured to see their compatriots conquered and exterminated by such an enemy.

In 1837 the insurrectionary Government was formally recognised by the United States. The Republic of Texas maintained its independence for the next eight years, rather against its will. Mexico had failed, and would probably always fail, to conquer her lost province; but nothing save the irresistible intervention of the United States would induce her Spanish pride to acknowledge its independence or leave it in peace. Texas had neither the physical, the political, nor the material strength to stand alone. Annexation, not independence, was from the first the aim of her ablest leaders, of the great majority of the *bona fide* settlers, and of the whole of that body of adventurers to whose co-operation her temporary success was mainly due.

CHAPTER II.

SECTIONAL CONFLICT. TEXAS AND OREGON.

Balance of Power—Oregon Boundary Question—American Treatment of Mexico—Southern Interests.

UNDER the Presidency of Van Buren and of Tyler (1837-45) the question of annexation was constantly agitated in Congress and throughout the country, and assumed greater and greater prominence in the political field. The Whigs of the North, and especially of New England, were, from jealousy, interest, and principle, opposed to a step which threatened to strengthen the Democrats and to turn the Senatorial balance in favour of the South. The Democrats had to the last a strong, and sometimes predominant, influence in some Western and Middle States. The Whigs retained, to the close of their existence as a party, a very powerful Southern following. The North was never united on sectional, much less on party issues; down to 1856, both the contending parties claimed a national character. But, except in Presidential elections, when the consideration of 'the spoils' predominated, sectional interests and antipathies tended more and more to override the nominal ties of party.

State sovereignty, slavery, the recognition and protection of their property in the territories and in the national capital, the admission of new Slave States, the right of territorial expansion, were to the South matters of life and death. Within the Union—and none were yet prepared for secession—the sole security of the South, the sole bulwark against the ever-increasing preponderance of Northern wealth and population, in the House and in the election of the Executive, lay in maintaining the balance of power in the Senate; and Adams, snatching at some wild talk on both sides about the possible division of Texas into four separate States, fiercely accused the South of conspiring to seize and maintain for years to come an artificial preponderance. In itself, could it have been based upon any tenable and constitutional ground, could it have been acquired by the natural creation of new Slave States of adequate size and population, Southern

preponderance in the Senate, counteracting the overwhelming Northern majority in the House, would have been the best security of the Union. It would have allayed the alarms which exasperated the temper of the one section and reacted to irritate and alienate the other. But at least a generation, probably two or three, must elapse before the division of Texas could come into question; and Adams was well aware that Florida and Texas could hardly gain a single march upon Iowa and Wisconsin, while an indefinite number of Northern States must be ultimately formed out of the extensive region between the Mexican and English frontiers, the Missouri and the Pacific.

This territory was, when the independence of Texas was recognised, imperfectly defined. The frontier of British America from Lake Superior to the Pacific had been left unsettled at the close of the war of Independence. It could not well have been otherwise. The country was unknown, unexplored, inhabited only by vast herds of buffaloes and a few Indian tribes who lived upon them. The country between the Mississippi Valley and the Rocky Mountains had not been penetrated even by hunters and trappers, when Missouri at last acquired the rank of a State. Twenty years later they had but explored its verge, repelled by the waterless, treeless, hopeless expanse of the great Alkali Desert, glittering with salt, distressing alike to eyes and nostrils.

The whole American territory of Great Britain, a narrow border along the Lakes and the St. Lawrence excepted, was in the hands of the Hudson's Bay Company, which possessed a monopoly of the Indian trade. Here and there, at vast distances, were posts to which the Aboriginal hunters brought their valuable furs, and were supplied in exchange with rations, traps, clothing, firearms, and ammunition. But the immense wilderness between Lake Superior and the Rocky Mountains was unknown even to the agents of this great and enterprising body. On the coast of the Pacific, and especially on the Columbia River, it had established some posts where the few products of civilisation invaluable to the intelligent savages were exchanged for buffalo robes. The Company's monopoly, judiciously managed, had secured to the natives all the benefits, with few or none of the evils, of that intercourse with Europeans which has generally been the bane, and often the destruction, of excitable, quarrelsome, and intemperate barbarians—had been a civilising and improving influence. American enterprise was not likely to leave so lucrative a monopoly untouched. Yankee traders, and especially Jacob Astor, had established themselves at the mouth of the Columbia. The rival claims had been taken up by the several Governments; and a compromise had been arrived at, under which

the indefinite coast of Oregon between the Spanish and the Russian frontiers had been jointly occupied on behalf of England and the United States. Out of that joint occupation petty disputes had arisen, and the restless and aggressive spirit of the American people had led them to get forward pretensions so extravagant that they would have excluded Great Britain from the Pacific and brought the claims of the United States into direct collision with those of Russia.

That England had a right, the best that any of the three Beggars could show, to a large part of the contested region, no impartial person would deny. But the cry "fifty-four forty," or "fifty," in the winter of 1845—a threatened to sweep the Union and oblige the Government to sustain untenable pretensions by an unnecessary war. That England could submit to such a pretension by an American who knew the history of her title and looked at the map ever imagined. The diplomatic position of America was clearly bad, and the military position was exactly the opposite of that which American vaunts and English self-depreciation now take for granted. The disputed country was equally inaccessible from Illinois or Missouri and from Upper Canada. Its immediate possession must be won and held from the sea; and England was better able to defend Canada against the vastly superior land forces of the States than the States to wrest a strip of the Pacific coast from the first of maritime Powers. The Commerce of England might have suffered severely from American pretensions; that of America would have been simply annihilated by the British navy; and a war in which both parties must have suffered more than either could gain, for an object which the aggressor could neither win nor keep, would have been an act of national insanity. The frontier of 49° N. L., which gave to America the largest part of the disputed territory, with its one great river had been suggested by American and accepted by English Diplomats; but the latter insisted on the free navigation of the Columbia, and on this point the negotiations were broken off. Congress actually called upon the President to terminate the joint occupation, but the Executive Government naturally shrank from a step which meant war—and which must compel England to take possession of the whole disputable territory; in which case only a strength as feeble as that of 1782 could wrest from her a single foot of the Pacific coast.

England had offered all that which America had even a plausible claim. The statesmen of the South, firmly maintaining the utmost to which America could honestly pretend, refused to join in an insensate and unmanly appeal to the worst passions of the populace. The Government speedily repented the bluster, which

had only been intended to frighten the weak and timid Foreign Secretary who had proved so pliable in the case of the North-Eastern frontier. England once more offered the forty-ninth parallel, with the right of the navigation of the Columbia from its mouth a few degrees further South. The offer was accepted, and the forty-ninth parallel from the Pacific to Lake Superior became the northern boundary of the United States.

Webster retained his office as long as the acceptance of the Ashburton Treaty was in doubt. That momentous object once secured, he retired from the Cabinet, which had already been broken up by the resignation of all his Whig colleagues. The quarrel between the party and the President of its choice rather than its choice had long before been openly declared, and waged with irreconcilable bitterness. The Whigs had called on the Secretary of State to resign, but his former constituents of Massachusetts approved his reasoning and acquiesced in his determination to complete the diplomatic business he had undertaken.

His retirement finally threw the President into the arms of his old Democratic and Southern friends. Throughout the intestine contests of eight years, under Van Buren and Tyler, the acquisition of Texas had been kept steadily in view. Webster and his colleagues had held the President in check, but, no less than Tyler and Van Buren, had thrown over the infant Republic the shield of the United States, had threatened direct interposition if Mexico should endeavour feebly to recover her lost dominion, and had treated her feeble and divided Government with diplomatic rudeness and downright violence, such as even the United States had never used to equal Powers, such as European States of the second rank, like Spain or Holland, could hardly have endured with self-respect. Van Buren's tone, if not deliberately calculated, was obviously likely to drive Mexico to the last, wholly hopeless appeal. Well as her rulers knew that war, instead of regaining Texas, might cost her the rest of her Northern provinces, the Spanish pride of the nation would have risked national existence rather than submit to national dishonour. Her Ministers met the imperious demands preferred, in terms studiously offensive, by the American representative with signal dignity, temper, and skill. The United States insisted on the satisfaction of their demands upon the instant, allowing at first but a fortnight for the investigation, though the list included a long string of unconnected claims for damages on account of injury suffered and property destroyed in the course of military operations, amounting to *seven million* dollars—an amount reduced on enquiry by *seven-eighths*. The Mexican Government protested in calm and reasonable language, and appealed to arbitration. The American case was so bad, the tone of Mexico so moderate, and her propo-

sals so obviously reasonable, that Van Buren, though he might have forced on a collision, could not have made out a plausible case for Congress, much less such a pretext for instant resort to arms as would have silenced the indignant remonstrances of Christendom. The American claims hung on unsettled for years, and the threatened declaration of war was not so much averted as indefinitely postponed.

The question of annexation was, of course, complicated with, if not dependent upon, that of slavery. The South-Western States alleged, with reason, that the presence on their frontier of a free State sure to be also unfriendly, offering an easy and accessible refuge to fugitive slaves, would be an intolerable menace to the peace and industrial order of Louisiana and Arkansas. This inconvenience had begun to be felt on the Northern side by the Border States—Missouri, Kentucky, Maryland and Delaware. But in the two latter there were few or no great plantations; no gangs of slaves brought from a distance, personally unknown to their masters, without feeling of hereditary attachment, forced to a harder and less healthy labour than that to which their youth had been accustomed, or left to the care of overseers chiefly anxious to obtain the best crop that could be extorted from slave labour. The slaves of Maryland and Delaware were chiefly domestic servants and farm labourers, employed in small numbers under the master's eye. Kentucky and Missouri were protected from the neighbouring Free States by great and not easily passable rivers. The country on both banks was settled and tolerably if not densely peopled, and a fugitive was likely to be seen, easily followed up, and generally caught. From the scattered sugar plantations of Louisiana, the half-cleared cotton-fields amid the forests and swamps of Arkansas, a slave might easily escape, hide himself in the woods, and make his way across the Sabine. The obvious, immediate, and pressing interest of the Slave States forbade them to permit the re-establishment of the hostile Mexican Power; and equally forbade the prolongation of the present state of insecurity and uncertainty, which was tending to the disappearance of slavery in Texas itself.

The Free-soilers on their side made the most of the domestic record of Mexico, the illegality of Texan slavery, the abomination and injustice of planting the 'peculiar institution' in a country once devoted to freedom. This theme was better suited to declamation than to argument; for the vast northern region over which Mexican pretensions extended was no more devoted to freedom than Australia before the English occupation. The few scattered settlements on its maritime prairies and fertile oases were little affected for good or evil by the paper decrees of the Central Government.

CHAPTER III.

ANNEXATION.

The Election of 1844—The Session—Consequent Annexation of Texas.

TOWARDS the close of Tyler's Administration, it became evident that the party in power was determined to wait no longer. In March 1844 a meddling intriguer, without the President's knowledge, offered the Secretaryship of State, vacant by the accidental death of its last occupant, to Calhoun. Calhoun accepted the place, avowedly for the sole purpose of bringing the Texan business to a conclusion. Tyler, informed of the offer and its acceptance, dared not offend Calhoun and alienate the only party for whose cordial support he could possibly hope. He pocketed the affront and allowed the first place in his Cabinet, the control of his foreign policy, to be conferred by a wholly unauthorised intrigue. Of re-election, the reward of which he had ventured to dream, for which he had laboured and endured so much, he was, as a matter of course, disappointed. By the Whigs, as a traitor to the party which had brought him into power, he was more detested than any Democrat. The Democrats, if they forgave his temporary desertion, had never thought his services worthy of such an acknowledgment. No local influence, no party connections, compensated his personal insignificance. The last person whose right to a renomination would be acknowledged was he who had reached the Presidential chair by a subordinate intrigue and a personal accident.

It was rather by chance—by the signal failure of Van Buren, the death of Harrison, and the weakness of his successor's position—than by an active or even conscious change in public feeling, that the tradition of an eight years' Presidency was broken. Of Van Buren's predecessors, the elder and the younger Adams alone—the one for mixed personal and party reasons, the other from the absence of party support and the popular ascendancy of his vindictive rival—had been discarded at the end of their first term. Jackson held power for eight years, almost as a matter of course; and even Van Buren received the nomination of his

party for a second term. But the interest of 'the machine,' the organisers and wire-pullers of faction, was opposed to a principle which gave the President a position so independent, an authority so substantial and so personal; and after 1845 the single term became a rule as general as the double term had been down to 1837. Since then, only two Presidents, Mr. Lincoln and General Grant, have been re-elected, as till then only two had been rejected, at the end of the first four years.

Mr. Clay received from the Whig convention of 1844 the nomination of which four years before he had been deprived by the manœuvres of the professional politicians—the last instance in which the natural leader of a party has been chosen as its candidate, as Adams was the last statesman of the first rank who actually filled the chair. Calhoun knowingly sacrificed his chances by his rupture with Jackson. Webster's career failed in grandeur and ended in eclipse and mortification, because it was throughout the career of a Presidential aspirant. Since his death, lack of political eminence—in American political slang, the want of a record—has become the primary and almost indispensable qualification of candidates for the chair of Adams and Jefferson. The Democratic convention of 1844 illustrated and helped to establish the rule that a proposed President must be a distinguished soldier or an undistinguished politician. It soon became evident that none of the candidates designated by public opinion could command a majority. The anticipation of a particular candidature sufficed then, as has commonly happened since, to prepare its defeat; leading to the formation of a cabal resolved to reject 'the favourite.' Each 'group' or fraction, if it cannot carry its own man, is determined to exclude his rivals; the more eminent the individual, the less willing are other aspirants to give him so great an advantage, and the smaller the chance of a favourable combination. His mortified adherents, in their turn, put a veto on each of the candidates whose friends have united to defeat him; and thus one by one the names that were prominent in the first ballots successively disappear. Then a little group of intriguers, personally acquainted with him, or confident of their power to manage or make terms with him, bring forward some distinguished soldier without political knowledge, antecedents, or connections; or the name of some respectable but obscure politician is suddenly sprung, at a suitable moment, on the wearied and jaded convention. All the factions, content to defeat their opponents, unite on a choice that excites no jealousy, a record blank alike of offence and merit, and the people receive with equal surprise and complacency the order to vote for a man of whom few or none have ever thought, of whom the great majority hardly remember to have heard.

Such in 1844 was the position of James K. Polk of Tennessee, a respectable citizen and determined annexationist, a man of no great personal ability and still less political influence, but a thoroughgoing partisan upon whom Democratic politicians—and especially those Southern statesmen who, from the days of Jackson to those of Buchanan, were always the intellectual flower of the party—could confidently rely. In November, 1844, the great Whig statesman, weakened by the divisions and disorganisation of his party, was decisively beaten at the polls by the unknown champion of the Democracy. Massachusetts went so far as to declare through her legislature, in the teeth of the Louisiana precedent, that Congress had no power to admit a foreign State or foreign Territory, and that such admission *was not binding on herself*—a disclaimer to which nothing short of secession could have given effect, and which was therefore a threat of secession or an empty and absurd protest. But for such a threat the time and occasion were ill-chosen.

Had the question been one of merely domestic interest, the Free-soilers¹ would probably have been victorious. In the case of Missouri, Northern sectionalism had prevailed over constitutional principle and obvious equity. Since 1830, and especially during the last ten years, anti-slavery feeling and sectional animosity had been steadily gaining ground. But in the case of Texas, national pride and international jealousy were enlisted. The cause of the South was that of the Union; the anti-slavery was the anti-patriotic party. The failure and intestine divisions of the Whigs had greatly strengthened the Democrats, and a rumour of intended English interference clenched the matter. England had offered to mediate between Mexico and Texas. The Texan Government, mortified and alarmed by the hesitation and reluctance with which their offers had been received in the United States, had drawn closer to England, and were looking for English capital and for a loan which might restore their ruined finances—finances so utterly disordered by the expenditure of the intermittent war with Mexico that at one time the Government could not pay for its stationery. It was believed—and Lord Aberdeen's cautious and qualified explanation strengthened and perhaps justified the belief—that emancipation would be the price of English support: a price which Texas was not wholly unwilling to pay. The South took the alarm, and appealed successfully to the jealous vigilance of America. The intemperate fervour of Free-soil speakers like Adams, however well adapted to inflame the passions and harden the obstinacy of sectional antagonism, was calculated rather to

¹ Anti-slavery men who were too cautious to adopt the name or cry of the Abolitionists, who went with the latter as fast and as far as popular favour was inclining to go. The name came into general use at a somewhat later period. Technically, it designated those who declared themselves hostile to the extension of slavery and the admission of new Slave States, but disclaimed Abolitionism.

irritate than to check the impulse of national pride and ambition, and contributed to their signal defeat in the Presidential election.

After such evidence of the popular disposition, the collapse of the Congressional Opposition was a matter of course. A treaty of annexation had been signed by Calhoun on April 12, 1844. It was rejected by the Senate; and Santa Anna, President and Dictator of Mexico, forthwith prepared to assert the claims of his Government by force of arms. Calhoun had declared that the invasion of Texas 'while the treaty was pending' would force the United States to interfere. Mexico on her part had announced that the ratification of the treaty would be considered as a declaration of war. The treaty was formally disposed of after its rejection by the Senate, but Calhoun denied the right of Mexico to take cognisance of the intestine disputes of the different branches of the American Government, and acted on the practical fact that the business was still open if not 'pending.' Constitutionally, neither the President nor the Secretary of State had any right to persevere with a measure upon which a coequal constitutional authority had put its veto, or so to pledge the national faith that in the last resort it could only be redeemed by war. But with the Constitution of the United States foreign Powers had no concern; nor could Mexico well deny the right of her too powerful neighbour to interfere by force in a question which so deeply concerned her interests. Scarcely fourteen years had elapsed since France had interposed to protect Belgium, a few months after that country had revolted from Holland, and declared an independence which it had utterly failed to maintain. The American case was very much better than that which Europe had permitted France to maintain by force in defiance of an European settlement barely sixteen years old. Texas had now been practically independent for seven years, had been recognised by the United States and by other foreign Powers. The Government at Washington was not interfering in the internal quarrels of Mexico, but intervening, though in an unfriendly manner, to maintain an international *status quo* in the immediate vicinity of her own frontier.

The Democratic Administration assumed, not unreasonably, that the election of Mr. Polk by a decisive majority over a far more distinguished opponent was to be construed as a popular endorsement of their course, a virtual *plebiscite* in favour of annexation. To so decided a manifestation of public opinion the Congressional Opposition had no answer to make. The majority stood out on some minor points. They insisted, for no very obvious or important reasons, that Texas should be annexed by treaty, as with a foreign Power, and not incorporated as a State of the Union in the usual form, by a joint resolution of both Houses. But on an alleged understanding that the latter method should only be employed if the former proved impracticable or inconve-

nient, the necessary resolutions were passed through the Senate and the House of Representatives, and received by Mr. Tyler late on March 3, 1845, the last day of his Presidency. Mr. Polk, ignoring all secret transactions, authorised or unauthorised, real or imaginary, proceeded to act upon the resolutions. On June 23, 1845, Texas accepted the proffered admission, and took her long-desired place as the twenty-eighth State and fifteenth Slave State² of the Union. The thinly peopled territory of Florida had just before been organised and admitted as a State, with a constitution authorising slavery; and the admission of Texas gave the South for the next three years a clear majority in the Senate.

In 1840, the population of Texas appears to have consisted of some fifty-four thousand whites, chiefly Anglo-Americans, and about twelve thousand negro slaves. These were almost entirely confined to the seaboard region, which alone was partially settled and cultivated. Over the interior roamed a variety of Indian tribes, whose number, variously estimated, may perhaps have exceeded that of the civilised inhabitants of the State—Comanches, Apaches, Kickapoos, and broken fragments of the Creeks, Cherokees, and other exiled tribes expelled from the States east of the Mississippi, owing no allegiance to either the Mexican or American Government; fierce, warlike, and predatory, prone to plunder Mexican *ranches* and Texan farms with perfect impartiality.

On receiving information of the action of Congress, providing for the annexation of Texas, the Mexican Government suspended communication with the American envoy. It had previously offered to recognise the independence of Texas on condition that that Republic should never be annexed to the dominions of any foreign Power. Before this offer was finally disposed of by the resolution which constituted Texas a member of the Union, a revolution of more than ordinary significance had taken place in Mexico. Santa Anna was deposed and imprisoned in December, 1844, and shortly afterwards banished. Twelve months later a second revolution overturned his successor Herrera, and placed the 'Monarchist' Paredes in power. The boundaries of Texas were altogether unsettled, and, both by constitutional inference and by express stipulation, the question of frontier was one to be adjusted between the Governments of the United States and Mexico. The *de facto* Southern border of Texas was the river Nueces; the *de facto* Northern frontier of Mexico in that quarter, the Rio Grande. The country between the two rivers was almost uninhabited. The few *ranches* scattered on the left bank of the Rio Grande belonged to Mexican owners; but Texas had always claimed that river as its boundary, and its claim was upheld as a matter of course by the Federal Government.

² Slavery still lingered, under laws directed to effect a gradual emancipation in several Northern States, which nevertheless ranked themselves and were counted among the Free States.

CHAPTER IV.

THE MEXICAN WAR.

Constitutional Issue—The Whig Policy—War Commenced and Declared—Palo Alto, Resaca de las Palmas, Monterey—Armistice—California—Offensive or Defensive?—Buena Vista—Vera Cruz—Occupation of the Capital—Peace.

THE annexation of Texas was an open challenge to the punctilious Spanish pride of Mexico. The honour of the nation was directly touched. However unequal the contest, the glove thus thrown in her face must be taken up. Nor were her people fully aware of the utter hopelessness of their cause. Adams himself had not scrupled to speak of the numerically superior regular army of Mexico, the certain defeat of the Texans, the possible if not probable invasion of Louisiana and Arkansas by the victorious Mexicans. Such outrageous extravagance only showed that in the bitterness of party and sectional hatred, under the sting of impending defeat, the Northern champion had lost his head. So direct an insult to the common sense, so wild a challenge to the public spirit of his countrymen, coming from an ex-President of the United States, could only operate to render war a point of patriotic pride, to annihilate his own influence, and afford the less resolute and passionate advocates of peace an excuse for abandoning a lost cause. It may not have contributed to encourage Mexico in a determination only too congenial to the wounded pride of an excitable and sensitive people, but it must have tended to silence the misgivings of responsible statesmen and practical soldiers.

Polk was determined on war, and omitted nothing that could help to force on Mexico the alternative of glaring national humiliation or a desperate conflict with the overwhelming power of the United States. There could be little doubt of her choice. Jackson had twice attempted to purchase the long-disputed territory between the Sabine and the Rio Grande, and his offers had been not merely refused but resented. The American army, under General Zachary Taylor, was pushed forward on to ground dis-

tinctly claimed by Mexico and never actually held by Texas. President Polk was sharply and justly arraigned on the charge that, in commencing hostilities with Mexico, he had anticipated if not usurped the functions of Congress. The Constitution expressly reserved for that body the question of peace or war. Only in case of absolute necessity, in actual self-defence, was the Executive absolved by the imperative logic of facts rather than the mere language of the Constitution from the obligation to await the decision of the Legislature. In no other case was he entitled to place Congress under duress; to present to it the alternative, not of engaging in hostilities, but of withdrawing from hostilities in which the honour of the flag, the safety of the army, the interests of the nation might be already deeply involved. Polk and his Cabinet, in which James Buchanan was Secretary of State, and Marcy of New York Secretary for War, had a technical answer to this accusation. They claimed the frontier of the Rio Grande, and claimed, therefore, that they had acted on the defensive.

By which party the first shot was fired, by which war was technically commenced, was of no practical moment. It was notorious that by ordering the army to stand fast upon the Nueces the President would have covered the most advanced Texan settlements and avoided that collision which, when the two armies were once brought face to face, was certain to occur. But the Opposition were placed at a logical disadvantage, and showed but little skill in argument, and almost as little regard for principle, in the conduct of their case. They allowed themselves to be impaled on the horns of an argumentative dilemma. If war had not been commenced, the constitutional charge against the President was untenable; if war existed, then (the majority maintained) there was no choice but to prosecute it to a decisive issue.

Had the Northern spokesmen been sound, well-informed and lucid jurists, they might have extricated the Whigs without difficulty from this technical alternative. Hostilities do not necessarily involve war. War is not legally made till it is declared, or till the formal action of the belligerent Governments has superseded the necessity of a declaration. History furnishes many signal instances in which the outbreak of hostilities has long preceded the declaration of war, and even the suspension of diplomatic relations.¹ In some cases, after hostilities have begun and have been continued for some time, war has been averted by mutual concessions and apologies or by a reference to arbitration. This subtle distinction would no-wise have excused the President in commencing unnecessary hostilities, while it would have secured to Congress the right and power to pronounce against war, to

¹ *E.g.*, the war commenced by Washington and Braddock, and waged for months, while England and France were formally at peace. *Supra*, i, p. 104.

offer an armistice, and to settle the dispute by negotiation or arbitration. But the Whigs preferred political to moral considerations, the interest of their party to those of humanity. To oppose to the uttermost a gratuitous, wanton, and wicked war (as they considered it), but a war already thoroughly popular, was an honourable and conscientious but an eminently unprofitable and perilous course. To accept the necessity and permit the prosecution of the war, while throwing the whole responsibility on the President and denouncing his unconstitutional usurpation, was a safer and less unpopular if far less high-minded and righteous policy; and such was the policy of the Whig party.

On April 4, 1846, the Mexican general, Arista, was ordered to cross the Rio Grande. Two American advanced parties were defeated and several prisoners taken. Hostile operations actually commenced on April 25. On May 13 Congress, at the instance of the President, declared war on Mexico. The position of the Mexican Republic were imperfectly known even to their own Government, but their number was probably not less than twenty-five nor more than thirty thousand. The whole regular army of the States consisted of two regiments of dragoons or light cavalry, four of artillery, and eight of infantry—at most 7,000 or 8,000 men. The number of each company had been cut down by economical reductions to forty-two rank and file. The officers, since 1812, had received a thorough professional education in a four-years' course at the Military Academy of West Point, upon the Hudson, and were perhaps, in theoretical knowledge of their profession and such practical competence as could be acquired in the camp, in Indian warfare and on frontier duty, the best trained body of officers in the world. Unfortunately, the absence of a retired list had filled the higher ranks with superannuated and incapable veterans. Most of the Generals and field officers were worn out. The real duty had long been done by juniors, with or without brevet rank. General Taylor had with him fewer than thirty-six hundred men, with an admirable staff of scientific and combatant officers. He had called for five thousand volunteers from the neighbouring States; but as the existing law only permitted their enlistment for three months, he had naturally postponed the summons till the last possible moment, and had in his first operations to rely exclusively on his small regular force. Indeed the three-months' volunteers were never brought into the field. Congress authorised the President to call for fifty thousand volunteers for twelve months or for the war, and the ranks were speedily filled by men accustomed to an outdoor life and to the use of firearms, and in the Southern States, which furnished two-thirds of the whole, admirable horsemen. Unfortunately their

regimental officers were elected; so that only the higher commands, the staff appointments, and those in regular regiments were filled by the highly-trained pupils of West Point, and the discipline of the volunteers was at first scarcely better than that of Washington's early levies.

The Mexicans were easily driven across the Rio Grande and out of Matamoras; and before war had been declared Taylor was already established on undisputed Mexican ground, relying for his supplies almost exclusively on his maritime communications with New Orleans. The Mexican army had been kept up to a high standard of numbers and a very tolerable level of discipline and efficiency by the political ambition of which, after the traditional Spanish fashion, it was made the instrument. Revolutions were effected and repressed by the military alone. The men were brave, steady, and obedient; the higher officers were habitually insubordinate, and those of lower rank much inferior in quality and training to their American antagonists. The cavalry was far superior even to the American regulars, who were but dragoons in the original sense of the word—accustomed to dismount and use the rifle, but unpractised with the sword and lance. Except the Texan volunteers, Taylor had no light cavalry comparable to the Mexican lancers. His artillery was far superior both in material and *personnel*, and so disproportionate in number to his strength and his needs that more than one battalion of artillerymen were practically employed as infantry.

The first battle of the war was fought at Palo Alto on May 8. Had the Mexicans been well commanded, numbers and superiority in cavalry would probably have given them the victory. But the infantry were kept massed in the rear of their guns under the overwhelming American artillery fire; and when their General at last discerned his error and endeavoured to bring them to close quarters, their heavy losses and the sense of being ill-handled and sacrificed had disheartened though not demoralised them. The infantry behaved well, the cavalry still better, but their *élan* was lost; and after a stubborn conflict, maintained till dark, the army fell back upon Resaca de las Palmas (Vale of Palms). Taylor followed them up the next day, and, after several hours' hard fighting, completely defeated a force greatly superior in numbers and, save for its officers and artillery, not far inferior in quality to his own.

This defeat broke the confidence if not the spirit or determination of the Mexicans. For many months the military operations in this quarter languished. On the one hand, the Mexican army was discouraged, the people exasperated, the Government tottering and undecided. The feeling both of the nation and of the soldiery demanded the recall of Santa Anna, the one Mexican

soldier and statesman of high proven capacity ; and in the autumn he was once more installed in power. On his part Taylor had no temptation to advance. He wanted reinforcements, and the volunteers who flocked to his camp wanted discipline, organisation, and practical training. It was dangerous to advance into a barren, thinly inhabited, and roadless country till stores of ammunition, forage, and food should be accumulated and a secure base established on the north-east coast. During the previous operations the invading army had had no nearer base than New Orleans. Their maritime communications were, however, uninterrupted. Mexico had neglected her navy, which could not be employed in intestine *pronunciamientos*, and had no marine adventurers capable of waging a guerilla warfare by sea.

Political and administrative embarrassments contributed to Taylor's inaction. Polk thought that, having beaten the Mexicans in the field, it might be possible to attain his further objects by negotiation. He offered to purchase the north-western provinces of Mexico, Upper California and New Mexico, for a sum of twenty-five million dollars. The Mexican Government, however, refused even to receive his envoy. The Federal Administration had, moreover, contemplated the transfer of the Mexican command to Winfield Scott, the senior General of the army. But Scott was a Whig and a possible candidate for the Presidency, and the purpose was therefore suspended, if not dropped. Meanwhile Scott had availed himself of his ambiguous position to send Taylor instructions hardly compatible with those he received from the War Department. Secretary Marcy wanted to know whether Taylor thought it expedient to advance upon the capital ; while Scott, taking this for granted, sent to the commander on the spot directions based upon that assumption.

Santa Anna was permitted to pass safely through the cruisers and blockading squadron of the United States, in the belief that he would adopt a policy of peace ; but once restored to his country, seeing the supreme power within his grasp, the ex-Dictator preferred to appeal to the yet unbroken spirit of his countrymen. Polk, who could never understand their Spanish pride and chivalric disregard of consequences, who despised the Mexicans as a semi-civilised population and their Government as a continuous anarchy, found to his dismay that his manœuvre had simply given them the one leader capable of acquiring and using an absolute military and civil supremacy, the one man whom the nation would trust and whom the Generals were obliged to obey.

In September, 1846, with a picked force of some six thousand men, Taylor marched almost due west on Monterey,² which com-

² Not the important Californian town of the same name, which figures in detailed histories of the war,

manded what was considered the most practicable direct route to the capital. The Mexican commandant had availed himself of the respite afforded him to strengthen his fortifications to the utmost, and his garrison was larger than the force brought against it. Taylor relied somewhat too much upon the superior daring, dash, and weapons of his men and the strength of his artillery. The small arms of the Mexicans were of an antiquated pattern, while the Americans were provided with the best rifles then known. The artillery with which the defences were mounted was of varying calibre and inferior construction, but on the whole, for siege purposes, scarcely less effective than that of the assailants. The consequence was an equal, obstinate and sanguinary contest. It was impossible to invest the place; the principal defences had to be carried by assaults, of which some were repulsed and others but partially successful. Constant and desperate fighting continued from September 20 to the evening of the 23rd, by which time the assailants had established themselves in more than one commanding position. Unable to hold out, but seeing his line of retreat open, the Governor offered to capitulate, and extorted from Taylor—a stern, resolute, and by no means over-generous antagonist—terms which prove how dubious was the issue, how grave the mistake committed in assaulting so strong a place with so weak a force. The garrison surrendered the town and the greater part of their artillery, but retained one complete and well-mounted battery, their colours, and all the weapons of the infantry. They secured an unmolested retreat, and an armistice which allowed the shattered army and revolutionised Executive of Mexico time for recovery and reorganisation. The victory of the Americans, then, though highly honourable to the courage of the soldiery, was incomplete and unprofitable.

Meanwhile General Kearney had occupied New Mexico and the city of Santa Fé with little or no fighting. Fremont, a lieutenant in the army, with a small exploring expedition, had reached the western slope of the Rocky Mountains, when the news of war was brought to him by Lieutenant Gillespie, who carried no despatches, but some verbal suggestions rather than orders, from Washington. After some delay and hesitation, Fremont, supported by Commodore Stockton with a small naval force, raised the American settlers against the Provincial Government, and on August 13 entered Los Angeles, the capital of Upper California. After some further desultory operations between forces, neither of which numbered a thousand men, a virtual truce was concluded, and the Californians dispersed to their homes. The American commanders assumed that the provinces they had occupied already belonged to the United States, and proceeded to organise not only a provisional and military but a civil Government, ex-

acting from the local officials an oath of allegiance to the United States.

The armistice of Monterey excited much disapproval and disappointment throughout the States; but the policy of the Government was still uncertain, and political and sectional parties were already quarrelling over the division of the spoil. Calhoun, who understood the temper of the North, and well knew that a vigorous and determined effort would be made to deprive the South of all share in the conquered territory, had been from the first opposed to the war. As a sound, earnest and consistent constitutionalist, he had joined the Whigs in protesting against the usurpation of the President. He had even refused to vote upon the declaration of war, making out a strong, and indeed unanswerable, case of indecent and unwarrantable pressure. The despatches announcing the commencement of hostilities had arrived on Saturday May 9, had been formally referred to Congress on Monday the 11th, and Congress was called upon to take action upon them within less than forty-eight hours, and before copies had been printed and distributed. He now insisted on a defensive line; that is, on confining the army to the defence of the territory already conquered, the utmost which the Government proposed to annex. On military grounds, Taylor had given the same advice; and the Administration had, up to the last moment before the meeting of Congress, inclined to that course. As might be inferred from the counsels of a statesman like Calhoun and a General like Taylor, the defensive policy was not so absurd as it seems. It was obvious that Mexico would persist indefinitely in reclaiming her lost territory. It was not improbable that she might attempt to recover it. It was almost certain that she would be defeated; but it was clear that, so long as her claims were practically asserted, the United States would be compelled to maintain, at enormous expense, a large force for the defence of the new frontier. That force must be scattered at wide intervals along a line of several hundred miles. Without roads, with insufficient water communication, the transport of supplies would be difficult and costly in the extreme, and concentration almost impossible. Volunteers would not engage in such a service. It would be necessary to increase enormously the numbers of the regular army. Moreover, such garrison duty in a desert country, in an unhealthy climate, without active employment, yet with constant liability to be harassed by raids, guerilla attacks, and possible assaults in force, would have more or less demoralised the best disciplined army in the world. This reasoning seemed conclusive. On the other hand, the prospects of an aggressive war, waged in order to force Mexico to accept a disadvantageous peace, were scarcely more promising. To reach the capital by any route was a dangerous,

costly, and uncertain undertaking; to reach it from the North all but impossible. And success, however complete, might fail to attain its object. Suppose the Mexican army beaten and dispersed, the capital taken. The first result would be the dissolution of the Central Government, civil and military anarchy throughout the country; probably a prolonged, fruitless, and harassing guerilla warfare, to which, in the absence of any Government entitled to conclude peace and able to ensure the obedience of the local authorities of each province, there would be no visible end.

Popular feeling rather than public policy induced the American Government to elect the latter horn of this perplexing dilemma. The greater part of General Taylor's force was withdrawn from him—as the Opposition declared, because Taylor was now the most formidable military candidate for the Presidency. With the troops thus detached, and with powerful reinforcements, amounting in all to about 13,000 men, General Scott was despatched by sea to attack Vera Cruz, the most important city on the east coast, and, having occupied it, to make it his base and force his way to the capital. Scott supposed that his approach would divert the Mexican forces; that Santa Anna, with an army of some twenty thousand men, would abandon his march against Taylor and return to cover the direct route to the capital, if not to oppose the landing of the new invaders. This natural expectation was disappointed. Taylor, with 7,000 men, had to meet the attack of Santa Anna's undiminished army. The former, who had advanced some distance to the southward, fell back and took up a very strong position on a line of hills known in military history by the name of the neighbouring *hacienda*³ of Buena Vista. Here, on February 22, 1847, he was attacked by Santa Anna with nearly threefold numbers.

The first day's fighting was indecisive. The battle of the 23rd was perhaps the most obstinately contested, and to both parties the most honourable in the war. The Mexicans, after desperate fighting, turned the American left and drove several regiments of volunteers in headlong flight towards the *hacienda*. The dragoons of Arkansas and Kentucky, under Colonel May, one of the most distinguished soldiers whom Maryland can boast, were overwhelmed by the Mexican cavalry, driven in confusion, with severe loss, to the very walls of the extensive farm buildings, and only saved from extermination by the fire of their comrades who held the position. Colonel Jefferson Davis, with a splendid Missis-

³ *Hacienda* is a farm or plantation, generally extensive, with barns and buildings. *Rancho* is best translated by the Australian 'run,' a wild rude grazing ground. The former generally suggests comparative wealth and civilisation. But the words are loosely used, especially by Anglo-Americans. In a military aspect the *hacienda* is distinguished by the possession of buildings more or less defensible.

sippian regiment, backed by one from Illinois, turned back the tide of fight by a desperate and decisive attack, ventured on his own responsibility. The artillery of Captain Braxton Bragg, splendidly handled, and holding its ground with desperate courage, mainly contributed to the repulse of the Mexican left. The Mexican right, grievously compromised by its headlong advance, was withdrawn into safety by a not very honourable use of flags of truce. More encouraged by their partial victory than dismayed by their repulse, the Mexicans again assaulted the American position, and, though they failed to carry it, the second night fell upon what seemed a drawn battle. Even had it been so, as the Americans actually on the field were a little more than one to four, Buena Vista might well have been regarded as one of the most glorious names in the military history of the United States. It certainly entitles May, Davis, and Bragg to rank with the best and bravest soldiers of the Wars of Independence and of 1812—with Greene, Putnam, and Harrison. But under cover of darkness Santa Anna fell back, and retreated in no little confusion towards the capital, leaving the uncontested honours of victory to General Taylor, or rather perhaps to those subordinates who, at first during his absence, afterwards with little direction or guidance from him, had maintained the position of his choice.

On March 8 Scott effected a landing at Vera Cruz, placed his army in position across the peninsula on whose extremity the city stands, and invested it by sea and land. The fort of San Juan d'Ulloa, on an island or sand-bank covering the harbour, protected the city from a direct naval attack. The defences were strong but of old date and character, and without adequate out-works; the lines drawn far too near the city to protect it from the fire of modern artillery. Well provided with mortars and siege guns, Scott directed his fire not upon the fortifications, but upon the public buildings, churches, hospitals, and larger dwelling-houses of the town. The havoc was frightful. The slaughter of men, women, and children utterly terrified the civil population and appalled the soldiery. Despite the cruel pressure put upon its defenders by this effective but unsoldierly policy, Vera Cruz held out longer, perhaps, than if its antiquated works had been assailed by regular approaches and direct fire at close quarters. On March 29 the garrison capitulated, and were released on parole, not to serve again till exchanged. The next position held by the Mexicans in force was Cerro Gordo, a pass commanding the great high road to the capital where it enters the spurs of a line of hills not far from the coast. The foremost and most strongly fortified part of the Mexican position was turned, the immediately supporting force defeated and routed; and no fewer than three thousand men, their retreat cut off, surrendered as prisoners of war.

This battle was practically decisive. After some skirmishes of no great importance, the last of which was fought immediately in front of the city, the Americans occupied Puebla, next to the capital the largest town in Mexico. By the end of May General Scott found himself with ten thousand men within three days' march of the city of Mexico, where Santa Anna had collected a total force of thirty-six thousand. The Mexican commander amused General Scott with negotiations of a very ambiguous character; offering, for a bribe of one million dollars, to betray a part of his lines, and on their occupation to treat for peace. He certainly did not keep his promise, and there seems no reason to suppose that he ever meant to play coward and traitor. The ground immediately in front of the capital afforded strong if not impregnable positions, and these were resolutely defended. Scott at last left Puebla on August 9, and, after some minor encounters and much trying and difficult marching, fought on August 20 another desperate battle at Cherubusco. General Valencia, Santa Anna's second in command and would-be rival, insisted on maintaining a position from which his chief desired to withdraw him; boasted loudly of certain insignificant advantages he had obtained; magnified the retirement of a reconnoissance into the defeat of an attacking force; and at last positively refused to obey orders. The result was the total defeat of a force considerably superior to that of the Americans, on ground which, if properly occupied and firmly held, should have been all but impregnable.

Santa Anna still maintained his defence, and contested with equal obstinacy and skill the determined advance of the invader. But a final battle at Chapultepec broke the heart and strength of the resistance, and on September 13, 1847, the American General entered Mexico. The next forty-eight hours were a reign of terror for the unfortunate citizens. The retiring army released some two thousand convicts, who maintained a vexatious and exasperating but ineffective struggle, and at the same time plundered and outraged their defenceless countrymen. The citizens at last turned upon them and aided the invaders, who maintained a better discipline than could have been expected from a victorious army harassed and irritated by such an irregular and illegitimate defence, in restoring order. The capital, in whose streets it is said nine hundred dead bodies were annually found, among whose population of 130,000 occurred yearly two hundred and twenty proven homicides, four thousand five hundred more or less murderous encounters, and about two thousand four hundred robberies, enjoyed under the martial law proclaimed by the conquerors a degree of peace and order it had never known. Santa Anna still endeavoured to prolong the war, but the spirit of his troops was crushed. The people, tired of a resistance which had well

redeemed their honour and of a war which, like all guerilla wars, afforded occasion for reciprocal atrocities, were impatient for peace; and a month after he left the capital the Dictator was again a fugitive. Mr. Trist, the chief clerk of the State Department, who had accompanied General Scott as the diplomatic agent of his Government, sent home a treaty signed by the Provisional Government, which owed its authority chiefly to the support of the American army, at Guadalupe Hidalgo on February 2, 1848. By this treaty Mexico ceded the territories of New Mexico and Upper California and received a payment of fifteen millions for a country of which the conquerors were already in full possession, the impossibility of whose recovery was obvious even to the national vanity of the Mexicans themselves,

CHAPTER V.

FIGHTING FOR THE SPOILS.

Northern Aggression—The Wilmot Proviso—The South stands by the Missouri Compromise—Refused—Election of 1848—General Taylor chosen President—Political Position of the South.

CALHOUN'S gloomy anticipations were fully verified. The Mexican war was the signal of a yet fiercer and more obstinate intestine conflict; the first chapter of the long, yet unwritten, and generally misunderstood history of the disruption of the Union. The sectional struggle began almost with the commencement of the war. Before the spoil had been secured, indeed before it had been won, almost before the direction and extent of the intended conquest had been defined, the quarrel over its disposal had broken out, and had been carried far enough to foreshadow the ultimate consequences. In the second session of 1846 the application of the Government for a vote of two million dollars towards the purchase of Mexican territories had given the signal; and the North had declared and commenced a conflict no longer of parties, but of sections, by proclaiming its determination to deprive the South of all share in the joint conquest, of any advantage from a war commenced in Southern interests and sustained in much more than due proportion by Southern volunteers.

The House, in which the three-fifths rule applying to the slave population of the South had given the North an even exaggerated ascendancy, insisted on appending to the appropriation what is famous in American history as the Wilmot Proviso: excluding slavery for ever from every part of the territory to be wrested from Mexico. The annexation of Texas had given the South a majority of two votes in the Senate. It was therefore clear that no such proviso could pass that always more thoughtful and conservative assembly. It was equally certain to provoke the veto of the President, and its adoption by a sectional vote at this stage of the question was simply a Northern declaration of war upon the institutions, the interests, the honour, the constitutional equality and territorial rights of the South. That herein the North was guilty of pure aggression admits of no question. The South had

joined in asserting the national claim to the northernmost frontier to which the United States could show a shadow of a title. She had secured for the Union a territory as large and apparently much more valuable than any that could be acquired from Mexico, and had yielded it, not without dispute, but after a dispute maintained on merely formal and legal grounds, to the North. No Southern leader seriously dreamed at this time of claiming any part of the vast region between the old Mexican and the new British frontier for the South, or thought that slavery could be established in any territory north of the dividing line of $36^{\circ} 30'$. If the Missouri 'compromise' deserved that name, if it were aught but a thinly-veiled proclamation that the weaker party should derive no benefit whatever from the Union, the South had a clear right to all territory below that line. That engagement apart, she had a good title to the greater part of the Mexican conquests and purchases; first, as an equivalent for the vast country between the Spanish line of 42° and the English frontier of 49° secured to her partner; and again, because she had been deprived of it by Adams's frontier treaty. It was the very territory which had been considered throughout the earlier discussions on the 'compromise line' as the equivalent she was thereby to secure. That line could never have been drawn had it not been assumed that the Rio Grande rather than the Sabine was her southward limit. The Federal bond itself had placed slavery and freedom, as American institutions, upon a footing of absolute equality. However the awakened conscience, antagonistic sentiment, or self-interest of the North might now regard them, those compacts, express and implied, were none the less binding so long as the Union should endure. On its dissolution the Territories must be equally divided. Had the present pretensions of the North been whispered in 1787, no Southern State would have entered the Union. If the new Northern interpretation were tenable, the South had been deceived; if not, she was now to be robbed by naked force.

The contest lasted with varying fortunes, but with constantly increasing mutual exasperation, for four long years. The Wilmot Proviso was defeated in the summer session of 1846 by a mere accident. It was believed that its friends had a majority in the Senate; but Davis of Massachusetts, one of its most violent partisans, insisted at the last moment on making a speech in its defence, and was interrupted by the announcement that in pursuance of a previous arrangement the House of Representatives had adjourned *sine die* and the session was at an end. In the next session—December, 1846, to March, 1847—the South offered to extend the Missouri compromise line to the Pacific; but the offer was instantly voted down. It is obvious, then, that the South

asked nothing but her due, a reasonable division of the Territories. To that offer the North simply refused to listen, though it would have secured to her and freedom a large part of the conquered territory. The Wilmot Proviso was again passed by 115 to 106 votes in the House. On March 1, 1847, it was rejected in the Senate by 31 to 21 votes, and the House finally, by 102 to 97, resolved not to insist upon it.

But the contest raged none the less fiercely, though interrupted rather than inflamed by the Presidential campaign of 1848. Polk's Administration had scarcely a party in Congress or in the Union. Webster, Clay, and Adams were its avowed opponents. Calhoun had broken from it, and declared himself against the war which formed its sole distinctive policy and *raison d'être*. Clay was again thrown over by the Whig convention, in favour of General Taylor; who, never having expressed, nor probably formed, a political opinion of any kind, might serve as a neutral rallying-point for all the dissatisfied fractions. A large slave-owner, a man of Southern birth and sympathies, a soldier who, it was said, had never cast his vote in a State or Federal election, his only point of contact with the Whigs was his resolute and purely military Unionism. The profound sectional divergence, the irreconcilable conflict between slavery and freedom, the aggressive designs of the North, the prospective danger recognised more and more clearly by every competent Southern statesman, were utterly beyond his grasp. In bringing him forward, solely on account of his military fame, the Whigs at once renounced their condemnation of the war and left their political principles in abeyance.

The discovery of gold attracted to California tens of thousands of reckless emigrants, the lawless scum of society—American and European, Northern and Southern, English and Irish. Congress could not give them a Territorial organisation, because that organisation must either admit or exclude slavery. The consequent anarchy was terrific and intolerable; and Taylor, ignoring all constitutional principles and sectional consequences, alive only to the present and pressing necessity, encouraged this wild population to form a State Government and demand immediate admission to the Union. His action was probably unconstitutional. The organisation of a State which had never been an organised Territory was unprecedented. But Taylor recognised only that California must be governed, and that Congress would not provide for its government. An extensive territory below the 36° 30' line was thus wrested from the South. The Californian Convention unanimously resolved on the exclusion of slavery. There was no excuse for the attempt to deal in a similar way with the vast area, disputed boundaries, scanty and half alien population

of New Mexico; but Taylor attempted it, though in vain. He died July 9, 1850, soon after the close of his first year of office; and was succeeded, like Harrison, by a chance Vice-President, the insignificant and almost unknown Millard Fillmore of New York.

Meanwhile the sectional struggle and the consequent deadlock continued. The South had no choice; she was standing with her back to the wall. The growing strength of the Abolitionists, the constantly rising pretensions of the North, the repudiation of constitutional restraints hitherto held inviolable, of principles never before disputed, had brought home to the clearer-sighted statesmen of the South a peril hitherto undreamt of. That slavery within the States was beyond the scope of Federal interference had hitherto been recognised by all parties. But the present temper of the North reminded far-sighted men that the letter of the Constitution had set but one limit to the power of constitutional amendment. No State could be deprived of her equal representation in the Senate. This restriction showed that the Constitution never contemplated an amendment interfering with the individuality or independence of the States. But the Free-soilers had disregarded inferences quite as clear and unquestionable. To allow the North to monopolise the Territories and the power of creating fresh States, thus acquiring a majority in both Houses, was to place the institutions, the sovereignty, everything but the nominal individuality, of the Southern States at her mercy. If so monstrous a pretension were pressed, the Union was at an end. Calhoun had always maintained that its permanence was in danger not from disruption but from consolidation. With this peril in view, the South had incomparably more at stake than in the War of Independence. At any time she would rather have remained a dependency of England than a subject province of the North; and the Territorial question was now one not merely of interest and honour but of national existence.

On many of the separate issues, on two or three of the advanced positions taken up during this contest, the Southern leaders seem to have been clearly in the wrong; though more than one of their extremest pretensions was afterwards sanctioned by the Supreme Court. The absolute sovereignty of Congress over the Territories, including the power to admit or exclude slavery, seems hardly contestable. But even Calhoun, clear, thorough, and profound as was his mastery of every question of practical statesmanship, never seems to have definitively realised the double meaning of constitutionality. From the equality of the Sovereign States—their equal right in the common possessions—he justly inferred the constitutional title of the Southerners to carry their human property with them into the Territories; and hence he was led to

deny to Congress a power obviously granted by the Constitution, because its exercise would be in the higher sense of the word unconstitutional.¹ He would gladly have seen the Territories fairly divided. Yet he advanced a theory which would have made such division, the one safe and peaceable settlement of the question, impossible.

A yet more preposterous doctrine was extorted from the embarrassment of the Northern Democrats. Cass, the late Democratic candidate for the Presidency, not daring to offend his constituents by affirming the equal right of the States and supporting the division of the Territories, now invented a new theory, and asserted the right of the first chance settlers of a Territory to admit or exclude slavery at pleasure. The monstrous falsehood and political absurdity of such a dogma were conclusively exposed by Calhoun. Some six years later, in the course of a long and tortuous retreat from the strong and safe ground of the Constitution, the leaders of the Northern Democrats formally adopted and developed this extraordinary dogma under the name, or nickname, of 'squatter sovereignty.' Its unconstitutional character was at last denounced by the Supreme Court; its practical and only possible interpretation was written in blood on the prairies of Nebraska.

¹ At a later time the Republicans, in yet more glaring disregard of the constitutional sovereignty of Congress in the Territories, denied its right to *admit* slavery.

CHAPTER VI.

SLAVERY, THE BIBLE, AND THE CHURCHES.

Coloured Seamen in Southern Ports—The Envoy of Massachusetts Expelled from South Carolina—Disruption of the Churches—Pro-slavery Divinity and Abolitionist Denunciations.

A STATE of tension, which would have led to war between independent Powers, had existed for twenty years between the leading States of the two sections. It had been forcibly illustrated by a quarrel between Massachusetts and South Carolina, which, after causing much irritation and leading to communications far from amicable, reached its culmination in 1844. South Carolina, like some other States, had passed regulations of police intended to exclude free negroes from her territory, and even from her harbours. Vessels bringing such persons into her ports, whether as passengers or members of the crew, incurred very serious liabilities. So long as the ship, foreign or American, lay in port, such coloured men were imprisoned; the captain bore the cost of their imprisonment, the coloured seamen, if not paid for and taken away when the ship sailed, were liable to be sold as slaves. This law was passed in 1820. In 1824 England protested, and the Federal Government pronounced the law unconstitutional. South Carolina then forbore to enforce it against foreign nations, whose trade was comparatively small and which employed few coloured seamen, but maintained it strictly against the Northern States, among whose crews free men of colour were numerous. That such a law *prima facie* infringed upon the exclusive jurisdiction of Congress over foreign and inter-state commerce, seems, in spite of some ingenious special pleading, undeniable. The imprisonment, and above all the conditional enslavement, of their free coloured citizens was a wrong and affront which touched the Northern States almost as closely as the resistance to the admission of Slave States, the Liberty Laws, and the attempt to monopolise the Territories touched the South. But the experience of States which had refused to adopt so severe a precaution, and had relied on the constitutional loyalty and public faith of their Northern confederates, was such as to show that the latter had no right to

complain of any restriction placed on their intercourse with Southern ports. In 1839 three coloured seamen from New York conspired to effect the escape of a Virginian slave. The offence had been committed within Virginian jurisdiction, and was therein an act of theft. The Supreme Court, moreover, by the mouth of Judge Story, had pronounced that property in slaves was recognised by the Constitution. Virginia therefore justly claimed the surrender of the offenders for trial. Governor Seward of New York peremptorily refused the demand. The Carolinian law was thus proved to be only an act of reasonable self-defence. It was obvious that if the coloured seamen of New England and New York were admitted into Southern harbours, the strongest sympathies of race and instinct would prompt them to abuse the privileges of quasi-citizenship and the opportunities they would enjoy; and yet more obvious that no redress was to be expected from their Governments.

In November 1844 the Government of Massachusetts despatched one of her most distinguished citizens, Mr. Hoar, to remonstrate with the authorities of the Palmetto State. The latter had a clear and conclusive answer to Mr. Hoar's argument. Massachusetts was the first aggressor. She had never delivered a single fugitive slave. She was detaining at that moment a large quantity of stolen South Carolinian property, and her demand, if complied with, led directly to further deprivations for which it was notorious that no satisfaction could be obtained. It became the dignity of South Carolina to receive the envoy of a sister State with formal courtesy; and this was the easier as the retort which his complaints invited was the more complete and crushing. But Carolinian temper had been goaded by the bad faith and incessant insults of Mr. Hoar's employers beyond the control of reason or policy. The envoy was not only refused a formal hearing, but was hooted and menaced. The citizens of Charleston threatened to expel him by force, and might have put their threats in execution but that he was accompanied by a daughter. Southern chivalry shrank from applying even constructive force to put Miss Hoar with her father on board a Northward-bound steamer. But the people were determined to avenge the invectives of the New England press and pulpit, of Massachusetts Senators and Representatives; and Mr. Hoar, fearing that his daughter's presence might ultimately fail to protect him, yielded to moral compulsion, entered the carriage sent for him, and went on board the vessel prepared for his reception. Carolinian intemperance enabled him to effect a far more dignified and honourable retreat from a false position than if his reclamation had been laid before the Government and Legislature, and received a reply veiling righteous indignation and

contempt in the language of diplomatic courtesy. Union between States so exasperated against one another that their mutual complaints could not be exchanged in the decorous forms observed by foreign Powers, that even the persons of their ambassadors were not safe from popular violence, was no more than the shadow of a name.¹

A yet more signal evidence of the hollowness of the Federal bond, of sectional consolidation, and political disunion was afforded by the gradual division of most of the Protestant churches into Northern and Southern branches.² In less than twelve years from the commencement of Garrison's agitation Presbyterians, Methodists, Baptists had broken up into Pro-slavery and Anti-slavery sections. No political dissension could be permitted to trouble the peace of that great Church whose unity has endured for centuries the strain of protracted international wars, of gigantic revolutions and unexpected theological developments. Moderation and mutual tolerance, facilitated by an Erastian laxity of discipline, and perhaps the correspondence of her dioceses with political divisions, enabled the bishops, clergy, and congregations of the Anglican communion to agree to differ. These excepted the strongest bonds of sect—bonds strengthened by habit and tradition, by affections social and local, personal and hereditary, welded by the memory of past persecutions and present antipathies, by theological animosities and jealousies, by the pride of leaders in their influence and of followers in their number—snapped under the strain of the anti-slavery agitation. The characteristic 'discipline' and inveterate intolerance which had done much to consolidate their power in the past, shattered it now. They had meddled in family life, dictated the tone of social intercourse; had forbidden theatres, concerts, and novels; had punished dancing with excommunication; and if they could not make teetotalism a condition of 'fellowship,' had made it a point of clerical decency, of feminine self-respect, and a test of 'real godliness'—till young men found it difficult to steer a safe course between reprobation and hypocrisy. When once, therefore, Abolitionism made its way to the pulpit—when it could no longer be treated as a symptom of heresy at large—when slavery was denounced as an abomination hateful to God and man—they were forced to take a side. Did the Eighth Commandment apply to human chattels? Was it a painful duty, or a mortal sin, to relegate a Christian brother—or sister—to life-long bondage? The Churches were loth to pronounce, slow to speak; but they had

¹ Von Holst, vol. iii. p. 137.

² Really if not formally and nominally such. In more than one instance the anti-Southern branch had slave-holding members and forebore to interfere with relations directly sanctioned by Divine recognition, by apostolic injunctions and by the uninterrupted practice of Christendom. The Quakers had gone far to put down slavery within their communion. See Greeley's *American Conflict*, vol. i. p. 10.

forfeited the right of toleration, the liberty of silence. Those who had fearlessly passed judgment on waltzing could not leave slavery an open question. American opinion had dis severed Church and State, had done its best to disconnect religion and politics; but common forms of worship, common sectarian interests and partisanship, were among the strongest of those personal and social ties, uniting distant localities and distinct classes, which help to create and maintain a common national life; and the sectional separation of the Churches was among the most significant auguries, and not least potent secondary causes, of national disruption.

As the sectional contest waxed hotter and fiercer, as the slavery question was placed on higher grounds and appealed to more imperative considerations, the Northern pulpits rang frequently and more loudly with denunciations, not only of slavery and slave-owners, but of those false brethren, those apostate ministers, those hypocritical divines, who pretended to find in Scripture a sanction for the bondage of the negro.

Bearing carefully in mind what the issue actually was, it must surprise an unbiassed critic to find this charge preferred by, rather than against, the orthodox preachers of New England. That issue was not the justice, the humanity, the economy, or the morality of slavery; not even its compatibility with the Christian civilisation of the nineteenth century, or the essential spirit of the Master's teaching—but its claim to literal sanction and Biblical authority. That those who advanced such a claim should be loudly and confidently charged with palpable hypocrisy and conscious bad faith, shows that the state of mind of the accusers—of a majority of the Puritan ministers and professing laity throughout the North, of half the earnest-minded men, and more than half the 'religious' women of New England, was that which careful thinkers call distinctively fanatical—that frame of uncaused conviction and passionate, uncontrollable enthusiasm to which reasoning is intolerable, reflection impossible, and contradiction simply maddening. No one familiar with the astounding facility with which devout and constant readers find in either Testament all they believe ought to be there, and their yet more astounding ignorance of the actual contents—with the carelessness of the true sense of the language of the Authorised Version which characterises many of its popular expounders, will impute the denunciatory invective of abolitionist divines and their lay assistants to conscious dishonesty. But thinking men must have known that their Southern brethren had been quite as honest, true, and pure as themselves, and, since they rather than the Southern Churches had changed their ground, that the latter were entitled to be credited with perfect sincerity. Cool controver-

sialists, they must have examined the evidence, and having done that, must have been compelled to silence or moderation. The appeal lay to the text of the Gospel and Epistles. On no other question was Northern and especially New England orthodoxy then disposed to appeal from the letter to the spirit. Both parties assumed that the actual Scripture, the recorded acts and words, the literal precepts, parables, reasonings, examples of the Apostles and their Master were the ultimate standard of eternal and unalterable truth, the rule of Christian life. Such was the fundamental postulate of all the divided Churches, of nearly all Protestant men and women, North and South, who called and believed themselves religious. And no man of intelligence and candour who had once referred to this ultimate authority could doubt that the pro-slavery divines had much more than that tenable, plausible, *prima facie* case which would suffice to refute the charge of hypocrisy. Such a man, reading with constant reference to the original word translated by 'servant' must have felt that the case of the Southern Churches was more than arguable. A little further study would lead him to fear that the charge of *mala fides* might be retorted with terrible effect.

The Southern divine claimed that every word directly relating to slavery, from the first verse of Matthew to the last of Revelation, was in his favour. Where, he asked, was the exception to be found? It might be easy to make 'a case for the jury' out of antiquated interpretations and misapplied prophecies, easy to baffle an adversary who appealed to the impiety of Ham and the curse of Canaan. 'The hireling,' said the Southern theologian, 'is mentioned to compare his treatment and his conduct unfavourably with those of the slave. The Parables illustrates God's relation to man by that of slave-owner and slave oftener than by any other save that of father and child. The duty of obedience, contentment, submission to his condition, whatever its origin, is enforced upon the slave. The master's right is taken for granted. He is incidentally told to treat his slaves kindly, but never advised to liberate them. Emancipation is not even, like voluntary poverty, a "counsel of perfection." The silence of the Gospels and Epistles is even more significant than their speech. The Roman slavery of that day was incomparably worse than that of the negro. It did not civilise, educate, and protect an inferior race. It was the bondage of equals to equals—of Greeks, Italians, Spaniards, often of highly educated men and delicately nurtured women, to men of the same blood and speech. Prisoners of war, debtors, victims of kidnapping and piracy, and their children to the tenth generation, became and remained slaves. Southern law recognised the slave as a person, that of Rome placed him on a level with his master's ox or ass. Of the horrible cruelty even of

Roman domestic slavery it is needless to speak. The worst plantation gang was a paradise to the Roman *ergastula*. The servitude of a Campanian farm was far worse than that of an Alabama plantation. It was Roman slavery which St. Paul and St. Peter had before their eyes; which they explicitly and tacitly sanctioned.⁷

It is easier to understand the Abolitionist who revolted from Scriptural authority because it unquestionably sanctioned slavery than the divine who denied that it did so. To current prejudice it seems a paradox, but to those who have studied the subject and understood the people, it is an obvious and natural fact, that from 1830 to 1865 the Scriptural sanction was the strongest and firmest bulwark of Southern slavery. Natural religion, theoretical morality, the instincts of justice, revolt from the institution; feminine purity and masculine principle from many of its inevitable incidents. Nevertheless the men, and yet more the women, of the South firmly believed in the one and tolerated the other. No one can follow Calhoun through his lifelong struggle against tremendous odds, his almost prophetic sternness and severity of rebuke, his dauntless reliance upon his cause, without feeling that he and the people in whose name he spoke were convinced that their case rested on no mere legal technicality, no mere treaty obligation, no constitutional inference, but on the eternal laws of right; that their conscience was clear and strong in the faith that God was on their side.⁸ Orthodox Christianity, undoubting faith in the verbal inspiration and literal authority of Scripture, were characteristic of the South; while Unitarianism, Universalism, and scepticism prevailed widely among the grandchildren of the Puritans. Nothing but the conviction that slavery was in itself righteous, humane, and above all Christian, could have reconciled the countrymen of Washington and Calhoun, of Lee and Stonewall Jackson, to the harsh restrictions, the invasions of political and civil liberty, the restraint of free speech and printing, the difficulties imposed in the way of emancipation, the prohibition of education among the slaves, the exclusion of negro evidence, the severe precautions of every kind by which, especially since the commencement of the Abolitionist agitation, it was found necessary to secure and protect slavery.

⁷ I speak of slavery, and negro slavery in particular, as an institution, not of the slave codes or of some common consequences. There are utterances of the Christian Churches on some points—as upon the validity of slave marriages—which, if truly quoted, are simply appalling. Thoughtful and Christian Southerners regarded the abuses of slavery as religious English men and women regarded the revelations of the Divorce Court—*corruptio optimi pessima*.

CHAPTER VII.

THE COMPROMISE OF 1850. TESTAMENT OF CALHOUN.

Disunion in Sight—Alarm of the Statesmen—Last Speech and Death of Calhoun—The Compromise Measures—The Fugitive Slave Law—Speech of Webster—His Motives and his Fate.

THE struggle continued, bringing the peril of disunion ever nearer, till, blind as the Northern masses still remained, the eyes of statesmen were opened perforce. The dreaded spectre stood, distinct and palpable, right across their path, and its appalling immediate presence terrified them into another of those so-called compromises by which they yielded the principle to win the substance, giving the form of victory to one section and the fact to the other, mortifying the North and cheating the South. It might have been foreseen that such a policy could only tend to exacerbate the resentment and inflame the mutual animosities of both. The South had nothing to retract or concede. But the petty differences of party prevailed over the great issue, whereon every Southerner felt and thought alike; and Calhoun's defeat in an attempt to unite Southern Whigs and Democrats on a common platform confirmed the Northern populace in the delusion that the South was neither resolute nor unanimous; that disunion was a dream or a game of brag. The statesmen, better able to gauge the comparative significance of the common conviction and the formal division, were thoroughly alarmed. They saw the danger; one only among them discerned at once the peril which was plain to them and the vanity of all their remedies, the depth and breadth of the gulf that yawned between the fundamental principles, the rooted determinations, the ingrained moral convictions of the North and South. Calhoun alone understood both the Abolitionists and the Southerners; realised the irrepressible conflict of which Seward afterwards talked; saw and avowed at last that no compromise could appease it or long postpone its issue. If he did not draw the true inference, acknowledge the inevitable consequence he had so often indicated, it was because he *would* not see—because his feelings were too strong for his logic, his Unionism too profound and passionate to endure the con-

viction that the Union was doomed. That it could not much longer endure the strain of sectional conflict, he knew and proclaimed; that the Abolitionists would not and the South could not yield he plainly declared; but he refused to believe that the encroachments of the North would be pushed to extremity. He would hope against hope that when the alternative was brought home to them, the patriotism, the constitutional sense, the interests, the conscious obligations of the Northern people would reduce the fanatics to silence—would crush the Abolitionist agitation rather than drive the South to secession. He knew that no pressure would have silenced him; he failed to perceive the equal impossibility of silencing the enthusiasts of emancipation, probably because he judged the Garrisons, Lovejoys, and Greeleys whom he did not know by the Searws, Chases and Websters he knew to the inmost core.

On March 4, 1850, occurred one of the most picturesque and pathetic scenes in American history; a scene which has its nearest parallel in Chatham's dying vindication of the integrity of the British Empire. The greatest of American statesmen—the author of Nullification, the arch-champion of State rights and Southern interests, the patriot so often charged with disunionism, whose one fatal mistake was his determination to believe, in the teeth of fate and fact, that attachment to the Union was compatible with his supreme allegiance to South Carolina, his devotion to the interests of her sister States—uttered his last warning, bequeathed his final counsel, the last remaining hope he could discern of perpetuating the Union in rendering the South secure within the lines of the Constitution, to the assembled Senators who represented the majesty of thirty sovereign States. He was dying, and he knew it; and the truth came suddenly home to his hearers when they found that that thrilling voice was already hushed—that they should never again hear the eloquence of profound and passionate conviction, of devoted and unselfish loyalty and patriotism, of a wisdom almost prophetic, from the lips that had never paltered with the truth, never pandered to selfish interests or popular passion, never shrunk from utterances wounding to party spirit and fatal to personal ambition. Calhoun sat pale, feeble, and suffering, the fire in those dark eyes contrasting the wasted form and worn face, while his last speech was read, amid the deep silence of intense attention and universal emotion, by Mason of Virginia.

'I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion.' Thus, with the plain direct statement of the obvious truth, the unreserved utterance of a warning a hundred times reiterated in softer words to deaf ears and

stubborn consciences, began the last deliverance of its greatest statesman in the darkest crisis of the nation's life. By the admission of the most intemperate, virulent, and one-sided of anti-Southern and anti-slavery historians, every word of that great speech was carefully weighed. It contained not a syllable of angry declamation or even covert menace; yet its warnings were explicit, definite, peremptory.¹ The lingering hopes were avowedly slighter than ever before, the apprehensions darker as the South was weaker, the agitation against her far stronger than at the date to which Calhoun assigned the commencement of the fifteen years' battle. 'Is it not certain that, if something is not done to arrest it, the South will be forced to choose between abolition and secession?' That choice would not be immediate; years must elapse before the alternative could be thrust upon the States: before the strong ties of interest and sentiment, of historic pride and present patriotism that held the Union together could be snapped one by one. Disunion must be the work of time; but the sand-glass had been turned.

Not less striking than the calm solemnity of this political testament of the great Conservative leader was the moderation of the claims preferred on behalf of the South by her dying champion. The Union could yet be saved, for the North had only to will it: to do justice by conceding to the South an equal right in the acquired Territories, to fulfil her own express obligations, to refrain from agitating the slavery question, and so to amend the Constitution as to restore that sectional equilibrium which was its original basis, which, till the commencement of this contest, had been carefully preserved. What Calhoun aimed at in this last suggestion was a remodelling of the Executive, which should prevent its assuming a sectional or party character and give to South and North a separate veto on Federal legislation; in a word, to change the Presidency into a Consulate. It might be said that this was not so much to restore the Union as to recognise and formulate division. But the division was a fact, and the special characteristic of Calhoun throughout his career was his clear discernment and unflinching recognition of facts, however painful. This it was that distinguished him in life from the ablest of his rivals. This was the cause of his unpopularity among a generation which persistently refused to look facts in the face, to acknowledge their inevitable tendency and unquestionable meaning. To this he owes his posthumous rank among American statesmen. This gives to his every utterance, even on the chance questions of the day, its historic interest and importance. The profoundest orations of Clay and Webster on the gravest questions have a significance little more than ephemeral; in the

¹ American Statesmen: Von Holtz's *Life of Calhoun*.

most ephemeral utterances of Calhoun we see passing events treated from the standpoint of history; that present and future which are now long past traced by the voice of political prophecy as clearly, truthfully, and forcibly as historic experience can trace them. This dying effort, this final summary of the counsels and warnings so often spoken in vain, this last legacy of a statesmanship only too profound and far-sighted, was after all an unwilling and unconscious confession of despair. Calhoun himself could hardly dream that the warning would be heeded, the remedy adopted; yet the generation which heard him was not to pass away till all should be fulfilled.

Among those who listened in awe and emotion were many of the great actors in the final scene of the tragedy whose outline and issue were mapped out before them by him whose part was done. There sat the Abolitionist leader who, more than any other man, forced on the South the last extremity of self-defence, the final choice between submission and secession; there, other Free-soil statesmen who were to tear up the Constitution in order to maintain the Union, and trample out the liberties of the North as the first step to the coercion of the South. There, with eyes intently bent on his face, were Calhoun's political heirs, his successors in the championship of Southern rights destined to dissolve the Union in a last attempt to maintain the Constitution. Around the reader sat Seward and Chase, Jefferson Davis and some of his ablest coadjutors. Among the eager listeners who crowded the gallery may well have been many of the rising soldiers—the elder of whom had won honour under the common flag on the battle-fields of Mexico, and, with the boys beside them, were to achieve a world-wide and eternal reputation as the leaders of armies arrayed against one another on American soil for the Union on whose behalf Calhoun pleaded for the last time, or for the State and section whose rights and honour alone were dearer to him than the Union. None can have listened with deeper feeling, with graver anxiety, or with more wilful incredulity, than the two great rivals with whom he had been so often allied, against whom yet oftener pitted, throughout a long public career: engaged at this moment in a final endeavour to achieve his object by the methods he once more pronounced vain and hopeless, by the last of those compromises between contradictory creeds and antagonistic principles which had so often proclaimed peace where peace was not and could not be: like Calhoun, saddened by repeated disappointment and conscious of failure, but more keenly wounded, more soured and embittered inasmuch as their ambition was more selfish, their course less direct, consistent, and honest, their disappointments more personal than his. Doomed within two or three years to follow him to that grave to which he

was visibly descending, Webster at least must have been awed by the presence of that which was wanting to his own last moments; the assurance wherein Calhoun found consolation for a career of constant defeat, a failure darker and more complete than that of which his rivals were yet conscious: the righteous conviction that he had served his cause loyally to the last. On March 13 the dying statesman made his last appearance in the Senate. On the 31st, the network of telegraphic wires recently stretched over the Union carried to East and West, to North and South the tidings that John Caldwell Calhoun had passed from the strife of politics—that a life of stainless honour and selfless public service had reached its close. His last conscious words lamented the dangers closing round the South.

Meanwhile the compromise to which Calhoun, though with little hope of immediate and none of ultimate success, had given the sanction of his high authority, had been eagerly and vigorously pressed. Clay's last attempt to reconcile the irreconcilable contained as usual, and it might seem more obviously and certainly than usual, the seeds of speedy and inevitable failure. California was to be admitted with a Constitution forbidding slavery; thus violating the accepted construction of the Missouri Compromise. New Mexico (including Arizona and a good deal more) was to be organized as a Territory under a law which neither admitted nor excluded slavery; thus referring to the Supreme Court a question unfit for and incapable of judicial decision, if only because no such decision could be accepted by the party which it must deprive of advantages already secured.

Next, the slave trade was to be suppressed in the District of Columbia; a concession which humiliated the South without affording any solid satisfaction to Northern anti-slavery feeling. Finally, the constitutional obligation of the Free States to return 'fugitives from labour,' runaway slaves and apprentices, like other fugitives from justice was to be enforced by Federal law. The fourth article of the Constitution, which provides for the reciprocal rights and duties of the several States, the interchange of citizenship and the mutual surrender of criminals, also enacts that 'no person held to service or labour in one State under the law thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labour, but shall be delivered up on claim to the party to whom such services or labour may be due.' This odious obligation was a part, and a most important part, of the conditions by which the accession of the South to the Union of 1789 had been purchased. The Northern States had got all, and more than all, for which they proffered that shameful price. Yet not only had they never returned a fugitive slave, but they had passed laws expressly de-

signed to make such rendition simply impossible. Northern Courts were not called upon to recognise the right of property in man, but to remit 'persons held to labour by State law' to the proper local jurisdiction. Yet Judges sworn to execute that law had openly declared that they would not do their duty or keep their oath 'unless the claimant could show a bill of sale from the Almighty.' The purpose of Clay's law was to take the matter out of the hands of law-breaking legislators and forsworn tribunals, and place the jurisdiction in the impartial hands of Federal Commissioners. Despite heavy penalties imposed on the abettors or rescuers of a fugitive, the danger or interference was obvious; and the authorities were empowered and enjoined to call for any requisite civil or military support. A fine of not more than a thousand dollars, with imprisonment for not more than six months, seems at first sight a ruthless penalty for the mere concealment of a runaway. A further liability, if the slave escaped, to pay his owner (as by way of liquidated damages) one thousand dollars, the value of a good field hand, was simply just. From the standpoint of the law and the Constitution the fugitive slave was exactly on a par with other stolen property; and receivers of stolen goods are liable in almost every civilised country to severer punishments.

Unhappily, in spite of the deliberate engagement of the North to ignore it, no man, slave-owner or Free-soiler, could keep the human element in the stolen chattels out of sight. Slave-hunters and slave-traders were odious in the South, and those who most firmly and conscientiously believed that slavery was as a rule beneficial to the negroes, felt that the terrible risks and hardships incurred by the fugitive went far to establish an exception; to prove that he or she had found a bondsman's life intolerable. It was provided, not as has been alleged that the accused should not be heard, but that, like other prisoners at the bar, he should be incompetent as a witness in his own behalf. A *bonâ-fide* coloured freeman could have no difficulty in bringing forward abundant evidence of his status and identity. The decision of the Commissioner did not necessarily relegate the fugitive to slavery, but simply transferred him to the jurisdiction of his native State. It was impossible, if the Union were to subsist, to legislate on the monstrous assumption that Southern Courts would wittingly sanction the enslavement of free men. Massachusetts was entitled to have the status of an inhabitant tried within her jurisdiction, in the neighbourhood where he resided and where his witnesses would be at hand. When an impartial Federal official had decided that the accused was a fugitive from South Carolinian slavery, his State was in her turn entitled to demand that he should be remitted to her control. With a question between Carolinian

slaves, freedmen, and citizens Massachusetts had no concern. The fears professed for the liberties of *bonâ-fide* coloured citizens betrayed either insincerity or violent and unreasoning prejudice. In one of the earliest cases tried under the law, a fugitive was sent back to Maryland and restored to his supposed master, who at once released him, declaring that he was not the Emery Rice for whom he was mistaken. Southern partisans declared that he was after all a fugitive slave though not the right one; which would seem an extravagance of party spirit, worthy of as much credit as the Abolitionist stories of successful conspiracies to enslave coloured Pennsylvanians and New Englanders—if the Abolitionists had told us who the man really was.

The rendition even of fugitive criminals has always been unpopular. Few men and fewer women would take an active part in restoring a runaway schoolboy to a hated master; and the Fugitive Slave Law of 1850 rendered every citizen of the Middle States liable to a cruel dilemma. The appeal of a runaway slave might at any moment enforce upon him a choice between penalties almost ruinous to a man of small means, and the pangs of wounded feeling if not the tortures of remorse. Such was the price New England had engaged to pay, and still submitted to owe, for the benefit of the Union. The States and the majority of their people had no cause to complain, but the hardship to individual consciences was no less distressing.

One only provision of Clay's proposed law was clearly bad. The bias of every human being must be in favour of liberty. The Commissioners were to sit in States whose adverse feeling was intense; which had systematically violated their public faith, whose citizens had broken their oaths as magistrates and legislators, State officers and jurymen, wherever the law of rendition was in question. Every decision in favour of a claimant would expose the Judge to odium and insult. To countervail these adverse influences it was provided that the unpopular decision should be rewarded by a double fee; as if twenty shillings (\$5) extra would ever turn the scale when the freedom of a fellow-Christian was in the balance! No Abolitionist could have devised a surer means, without affecting a single judgment, to throw distrust and odium upon all.

The struggle in Congress was obstinate and protracted. It was decided by the unexpected and exceedingly unpopular course of Daniel Webster, now Senator for Massachusetts. I cannot doubt that Webster was in this case thoroughly disinterested, patriotic, and conscientious—more so perhaps than in any other act of a long and distinguished if not always scrupulous career. The Presidency had been the darling object of his lifelong ambition—the pole-star of his political course; the election of 1852 offered

his best and probably his last chance. Calhoun was dying; Clay was 'out of the running;' Webster was the one great figure left on the public stage, towering high above all possible rivals. When, therefore, on March 7, 1850, three days after Calhoun's last great speech had been read to the Senate, Webster delivered in defence of the Compromise a speech marked by all Clay's effective popular eloquence—by a strength of clear, sustained, cogent, constitutional argument inferior only to Calhoun's—by that power to persuade the heart and convince the mind of judges and juries, populace and Senate, wherein the speaker had no living master—those of whose rooted and growing hostility to the South, to Southern statesmen, claims, ideas, and institutions, of whose selfish interests and sectional enthusiasms he had been so long the spokesman, were bitterly mortified. The passions of the Abolitionists and Free-soilers was inflamed to white heat by the Fugitive Slave Law; the meaner spite of the party politicians—whom a great leader's fervid appeals to Northern feeling might have borne into power—was exasperated; and both denounced him with unsparing and unforgiving virulence as a traitor who had sold his conscience and his constituents for the Southern vote. Only the reckless fury of Jackson's clientage ever ventured to impugn the honour and integrity of Adams, Clay, or Calhoun. Unfortunately, Webster's lax political morality, his self-indulgent temper and extravagant habits—together with a certain want of delicacy in money matters, which disposed him to consider himself, in public life as at the Bar, an advocate entitled to the warm gratitude of his clients, and not averse to receive substantial marks thereof—laid him open, on those rare occasions when party spirit is fanned by the magnitude and sacredness of the issue into furnace heat, to suspicions never whispered against men like Pitt and Burke, Washington and Hamilton.

Like all moreover who, as the spokesmen of factious intemperance, sow the wind, he reaped the whirlwind for his harvest. He had been so fierce against those with whom he was now allied: he had denounced so vehemently the claims he now pressed; pressed so far those he had now to rebuke and moderate. As usual in such cases, the rank and file, astounded by the peace negotiated in secret while war seemed at the hottest, felt themselves betrayed and deceived. As is commonly the fate of statesmen, the punishment due to the sin was visited on the repentance. For twenty, thirty years Webster had been the foremost champion of those extreme doctrines and unconstitutional aggressions which, or the principles on which he justified them, he had now to repudiate and renounce—of the exclusion of Missouri, the Force Bill of Jackson, the onslaughts on slavery in the District and in the Territories. He had ridiculed the warnings of Cal-

houn, resisted the mediation of Clay, laughed to scorn the threats of secession—and he was now a Saul among the prophets of disruption, the last of the Union-saviours! The people were still as blind as their leaders had chosen long to be. They could not discern the signs of the times, read the handwriting on the wall which had appalled into a conversion—far less sudden than it seemed—those who looked in the face the statesmen of the South, and knew too well the meaning of their sad, stern, resolute countenances.

Few men of Webster's intellectual power could have gone so near the verge of destruction without realising it. Advocate not only by profession but by nature, he had never learned to weigh hostile argument and evidence, while he could answer them. He contradicted himself as freely, from different standpoints and in diverse phases of public life, as a great pleader in different cases. He had spoken, hitherto, from his brief as the retained attorney of New England: it is to his honour that, when his eyes were opened, when the gulf of disunion yawned at his feet, he recoiled with such instinctive and unhesitating decision. He had never, probably, been at heart an Abolitionist; he had in him nothing of the fanatic, and little enthusiasm that survived the parting cheers of audiences which had swayed as much as they had been swayed by him. But on one point he felt keenly and passionately. The United States, not the North, not New England, not Massachusetts, was his fatherland; his pride in the name of America—in the past, the present, the future of his country—was the one permanent and spontaneous passion, the one political instinct of his nature; and Canning or Palmerston would have borne the restoration of the Heptarchy as easily as he the dissolution of the Union. None perhaps had done more to endanger it; he sacrificed all—even to his life—to retrieve that unconscious error of a lifetime.

Was it *not* sacrifice, but miscalculation? Is it credible that, in reversing the course and breaking the ties of thirty years, he hoped to achieve the culmination of a consistent ambition by one act of supreme and glaring inconsistency? Far from playing for the Presidency in the speech of March 7, did he not know at least that he was endangering, not promoting, that cherished dream of his life; that he staked his party leadership, his sectional popularity, even his seat in the Senate, upon the issue? The tone of his speech certainly suggests that his advocacy of the Fugitive Slave Law was the result of a profound if somewhat sudden conviction. Forced for once to regard the sectional dispute as a judge, not a special pleader, he could not mistake the plain meaning of the Constitution. There was no choice for an honest man but to fulfil the Constitution or renounce the Union;

and he could as soon have renounced his salvation. He argued the question from this point of view ; with a disregard of all others which shows that he had never shared and never understood the passionate feeling of his more extreme supporters. He vindicated the measure, not as a prudent and calculating politician would have done—as the most painful sacrifice that New England and her spokesman could make to the exigencies of justice and fraternity, to the claims of sister-States, the obligations of public faith, the maintenance of the Union—but as a plain, simple, obvious matter of law with which sentiment had no concern ; as he would never have argued such a claim in Court with the fugitive before his eyes. He was surely as thoroughly earnest and sincere as he had ever been in his life ; but it is said he was not above taking a pecuniary reward for the performance of a public duty.²

Seldom was political error or political conversion visited with a more cruel and crushing punishment than befell the idolised leader of the Northern Whigs, the spoiled child of New England. The poetic reproach of Whittier, perhaps the bitterest piece of invective to be found in the whole range of political verse, exhibits with terrible truth and cruel pathos the actual position of Webster's last years, the utter alienation of public sympathy from a man to whom the admiration of the country, the confidence of his own people, the love of friends were the breath of life.

ICHABOD.

So fallen ! so lost ! the light withdrawn
Which once he wore !

The glory from his grey hairs gone
For evermore !

Reville him not,—the Tempter hath
A snare for all ;
And pitying tears, not scorn and wrath,
Befit his fall !

O, dumb be passion's stormy rage,
When he who might
Have lighted up and led his age
Falls back in night.

Scorn ! would the angels laugh, to mark
A bright soul driven,
Fiend-goaded, down the endless dark,
From hope and heaven ?

Let not the land once proud of him
Insult him now,
Nor brand with deeper shame his dim
Dishonoured brow.

² See his life in Houghton's series of American Statesmen, and contemporary journals and correspondence.

Of all we loved and honoured, naught
But power remains;
A fallen Angel's pride of thought
Still strong in chains.

All else is gone; from those great eyes
The soul has fled:
When faith is lost, when honour dies,
The man is dead!

Then pay the reverence of old days
To his dead fame:
Walk backward, with averted gaze,
And hide the shame!

After long and stubborn fighting, the Compromise of 1850, as it is called, was carried through Congress. The North, as usual, got the oyster, in the shape of the richest Southern region in the Union, the State of California; and, as was then supposed, all the rest of the Territories except the still desert wastes of Arizona and New Mexico. The prohibition of the slave trade in the national capital attached a stigma to Southern institutions. The Fugitive Slave Law was a yet more stinging mortification to Northern feeling; a very tardy and, as it proved, a very empty recognition of a right for which the South had paid twice over, and which no honest man could for a moment dispute. New England was formally convicted of a persistent breach of faith, and ordered to pay her debts for the future. Had the acknowledgment of wrong been frankly made by Northern votes on behalf of the North—had the operation of that 'underground railroad,' by which it was alleged that the Border States lost human property to the amount of \$200,000 a year, been really suppressed—the measure might have been, as its authors meant it to be, a proof of fraternal feeling, a satisfaction to the insulted dignity of the Slave States. But carried against the votes or by the absence of Northern members, in the teeth of passionate protests from Northern Legislatures, Churches, and peoples, the sole effect of the Compromise was to exasperate ill-will and render justice impossible.

Slavery was forced, in its most odious and repulsive aspect upon the eyes and consciences of the Northern people; and this was all that was purchased by the irrevocable surrender of the whole habitable territory of the Union to their exclusive possession. Nothing did so much to inflame and envenom the feud as this last of the long series of the Northern conquests disguised under the name of compromises. Mr. Davis of Mississippi, the ablest of Calhoun's successors, disapproved the so-called settlement of 1850 no less warmly than the Abolitionist Hale, who truly announced it as 'a cry of peace where there was no peace.'

Only two Northern senators dared to vote for the fulfilment of Northern engagements ;³ a significant evidence of the 'good-will' entertained by their constituents and expressed by the bill!

The Fugitive Slave Law was most earnestly demanded by those to whom the return of fugitive slaves was least important: those cotton and sugar States in which slave labour was perhaps most valuable, but from which escape was almost impossible. Coupled with the prohibition of slave-trading under the shadow of the Capitol, it was meant for a display of mutual good-will—the redress of a wrong rather than the suppression of a practical mischief. The disappointment was signal, immediate, and disastrous in the extreme. Northern mobs rescued fugitives, and Northern Courts, in open violation of law and oaths, acquitted the rescuers. Northern Legislatures passed State laws more offensive, violent, and unconstitutional than ever to prevent the execution of the 'supreme law,' the fulfilment of recently renewed engagements, for which they had secured a new and enormously exaggerated consideration.

The divisions on the 'settlement' had rent the Whig party into antagonistic sections. Henry Clay lived to see his last compromise on the verge of failure. The sectional animosities he had striven to allay broke out in new fury and more envenomed bitterness. He died in June, 1852. His great rival thus withdrawn, Webster, who now held the Secretaryship of State under Fillmore, hoped for, if he did not confidently expect, the Presidential nomination of his party in the coming Convention. But the North had not forgiven and the South declined to trust him. The Convention was divided between Fillmore, the representative of the moderate, and General Scott, the favourite of the anti-slavery section. The quarrel was settled by the adoption of the pro-slavery 'platform' and the anti-slavery candidate. And Webster, refused even the compliment of a strong minority vote in the last ballot, died before the election was decided—a baffled, disappointed, and broken-hearted man.

The attempt of the Whigs to suppress the irreconcilable divisions of their party by nominating a Liberal candidate on a Conservative platform failed as it deserved. There remained no pre-eminent leader, no statesman of repute, character, or ability comparable to the chiefs of the former generation, in either party. James Buchanan of Pennsylvania, Stephen A. Douglas of Illinois, and Cass of Michigan were the foremost figures on the Democratic side; but no one of them could lay claim to a pre-eminent authority, to high statesmanlike capacity, or even to a great national reputation. Each of them was strong enough to defeat the others, none of them able to secure his own nomination. Once

³ Von Holst's *Const. History*, vol. iii. p. 551.

more, at the last moment, a name hitherto unthought of and almost unknown was thrown before the weary electioneers. Franklin Pierce of New Hampshire had earned a respectable and honourable position as a soldier in the Mexican war, as Speaker of the State Legislature, as Governor and Representative; but had withdrawn from the political field, and was little known or wholly forgotten beyond the limits of his own State. A stainless private character, a consistent previous record, the education and demeanour of a gentleman, above all a mediocrity which was thought likely to render him a pliant tool in the hands of the party managers, were his sole claims to the chair of Washington. As a soldier he had no pretension to compare with Scott; even as a politician he had been less prominent; but the disruption of the Whigs, the dissolution of their party organisation in the North, rendered it unnecessary for the Democrats to trouble themselves about the fame or popularity of their candidate. Not their own strength, but the weakness of their rivals, ensured their triumph. The electoral majority for Pierce was one of the largest ever thrown. The popular vote, though decisive, was not so unequal as would have of itself driven the defeated party to despair. It was the absence of a common principle, the existence of deep, permanent, irreconcilable divisions in their ranks, and not their defeat in the Presidential campaign, that practically dissolved the Whig party, after an existence of some thirty years.

CHAPTER VIII.

THE FILIBUSTERS.

Lopez and Crittenden—Cuonan Intervention—Executions—American Feeling—Central America—Clayton—Bulwer Treaty—Walker—Inter-oceanic Canal and Railways.

THE Mexican war had given a new impulse to filibustering. 'Manifest destiny' seemed as good a title as discovery or conquest. For prescription a nation younger than some of its living citizens—a people whose every institution, whose very existence, was a thing of yesterday, which knew no 'time whereof the memory of man ran not to the contrary'—had little respect. Indeed the public law, the existing rights and boundaries of the New World had no prescriptive sanction. Everything had been established by violence within the memory of men still young and adventurous. Save the British empire in Canada and the European ownership of the Antilles and Guiana, the Union of 1789 was actually the oldest existing fact within their ken. The Spanish dominion in Cuba, with its unparalleled antiquity of three centuries and a half, was but the last relic of a dominion torn to pieces before their own eyes. This 'Pearl of the Antilles' was a rich jewel in the hands of a senile and semiparalytic owner. Its wealth, its position, its misgovernment, its actual feebleness and possible strength; the resources so mismanaged by its present possessors, the vast and indefinite capabilities which nothing but American enterprise was needed to develop, which would render it in their hands the very garden of the New World—rendered it a natural and almost legitimate object of American covetousness. As Great Britain had long claimed the dominion of 'the narrow seas,' American pride affected to speak of the sea that washed the Antilles as—in the national sense of the ambiguous term—'American waters'; and Cuba was 'the key of the Gulf.' That key 'ought' to belong to the owners of Texas and Louisiana, of the Mississippi and the Rio Grande. Its possession had long been to the more aspiring and aggressive statesmen of America all that Constantinople, the Bosphorus, and the Dardanelles have been to the successors of Peter the Great.

But the first forcible attempt was made, if under less legitimate auspices, under colour of a better cause or more plausible pretext than mere lust of conquest. Lopez was no pirate, no mere soldier of fortune. He had fought in the South-American wars, under the flag of his native Sovereign, as a champion of legitimate authority. In exile, he assumed and sustained to the last, with unquestionable consistency and apparent sincerity, the character of a Cuban patriot. In that character he was not to be severely blamed for enlisting the aid of foreign sympathisers. There was less excuse for the adventurers who gathered round his standard; but among these were doubtless many who believed themselves actuated as much by national as by personal interests. His second in command was the son of Mr. Crittenden, then representing Kentucky in the Senate of the United States. On May 7, 1850, a party of some 600 men under Lopez himself sailed from New Orleans. Their final arrangements were made on a desert island off the Mexican coast, and on the 19th they landed at and seized Cardenas, a small port on the north-western coast of Cuba. The people, however, showed no disposition to join the intruders, and on the same evening a Spanish force drove Lopez and his party back to their steamer, the *Creole*. They were pursued by a Spanish man-of-war, but reached Key West, a naval station of the United States off the west coast of Florida, and disembarked there in safety. The *Creole* was seized by the Customs officers. A few days later Lopez was arrested at Savannah and put on his trial, but discharged, amidst the enthusiastic cheering of the people. In July a second ineffectual effort was made to bring him and his associates to justice at New Orleans, where the expedition had been fitted out; where, therefore, the actual violation of the neutrality laws passed by Congress in 1818 had taken place.

A new and more formidable expedition was set on foot in the summer of 1851. The steamer *Pampero*, with some 500 men, left New Orleans, touched at Key West, and on the morning of August 12 landed at Cubanos. Lopez doubtless believed, with the usual credulity of exiles, that on his first success his countrymen would rise and place him at the head of a real Cuban insurrection. He was bitterly disappointed. Discontent, however general, was not ready for rebellion. To Hispano-Cuban pride and jealousy the American intruders were more odious than the official oligarchy of native Spanish birth and language. Their sympathy was suspicious, their interference wholly unwelcome. Few or no natives joined their standard. On the day after their landing the invaders were attacked and broken up. A small party under Crittenden retreated to the sea-coast, while Lopez marched on into the interior. After two sharp encounters, in which vastly superior Spanish forces were repulsed with the loss

of 500 men, Lopez sought refuge in the recesses of the mountains. But a severe storm ruined his ammunition, his band was routed and scattered, the survivors with their leader hunted down and captured. Crittenden reached the coast, seized some boats, and put to sea, but was taken and carried to Havannah, where he and his men, about 50 in number, were forthwith shot. Lopez was garrotted, insisting with his last breath that he died a martyr to the liberties of Cuba. The rest of the prisoners, about 150, were condemned to ten years' hard labour on the public works of Spain, but at the close of the first year were pardoned by the Crown.

The expedition was 'not only a crime but a blunder.' On the other hand, the execution of Crittenden and his party was a yet more fatal mistake. It was in strict accordance with Spanish and Spanish-American usage; the wholesale execution of captives was the regular practice of their civil wars, and the followers of Lopez were of course pirates rather than rebels—as were the Garibaldian Thousand in Sicily, and yet more distinctly the Pan-Sclavonic adventurers who formed the strength of the so-called Servian insurrection which furnished a pretext for the last Russian invasion of Turkey. But Crittenden and his comrades were by the instinct of the civilised world ranked with Drake or Grenville rather than with mere robbers like Kidd; and that instinct was outraged by the butchery of fifty such prisoners in cold blood. The subsequent lenity of the Spanish Government by no means appeased the resentment excited by the massacre of men among whom were the sons and brothers of distinguished American citizens. From that moment the national feeling of the two countries became bitterly hostile, and the relations of the Governments were strained to a degree which threatened the peace of the world.

Other considerations were of course at work. National ambition sought a pretext to seize the citadel of the Antilles; unscrupulous statesmanship saw a chance of restoring the equilibrium of the Union. The extreme Southern party coveted Cuba as a prize more valuable, till the gold discoveries of California, than all that had been wrested from Mexico: a country rich, undeveloped, inviting American immigration, yet already peopled; a country in which slavery was established and whose annexation might countervail the impending creation of new Free States in the Northwest. But it was the enterprise and fate of Crittenden and his comrades which made the acquisition of Cuba a point of honour, an object of ambition, with the nation at large.

American companies had obtained concessions for inter-oceanic railways and canals which involved them in frequent quarrels with the ephemeral Powers of the Isthmus. Under the rule of Fillmore and Pierce the storm of intestine conflict and the absorb-

ing interest of domestic questions threw all issues and incidents of foreign policy, except the abortive scheme for the annexation of Cuba, entirely into the shade. But more than one important question deeply and permanently affecting the foreign relations of the United States had been settled during those seven eventful years. The Clayton-Bulwer treaty of 1850 pacified the mutual jealousies of England and the United States by a joint renunciation of all pretensions, present and future, to any sovereignty over Central America. The question had assumed an apparent importance in consequence of a projected canal, by way of the San Juan River, across Nicaragua; a scheme which, abandoned for more than thirty years, has been recently revived. But Great Britain had claimed for some two centuries a protectorate over the Mosquito Indians, an insignificant tribe of barbarians whose Territory marched with those of Honduras, Nicaragua, and Costa Rica. Lord Palmerston maintained that this protectorate was not renounced by the treaty of 1850, since in 1848 England had taken possession of Greytown, or San Juan, on behalf of her savage *protégés*, and since the language of the treaty spoke only of the 'occupation' of colonies or the exercise of 'dominion.' The United States contended that Greytown had been in possession of Nicaragua, and that it had been recovered for the Mosquitos by British interference. The unfortunate town was destroyed by an American captain in 1854; and this violent and high-handed proceeding was popularly ascribed quite as much to international pique, and a desire to demonstrate the supremacy of the United States, as to the petty grievances of an American company which furnished the immediate pretext.

Again, in 1841, the superintendent of Belize, a British colony in the Bay of Honduras, had taken possession of the island of Ruatan and some neighboring islets, and these in 1852 were formally organised as a British colony under the title of the Bay Islands. The American Government disregarded the fact of previous possession, and the claim of Great Britain that the establishment of a colonial government was a mere matter of internal administration; and demanded the restoration of the islands to Honduras and the abandonment of the Mosquito protectorate. The question remained long unsettled, a proposal for arbitration being rejected by the Government of the United States.

Meanwhile a much more signal violation of the treaty was committed by a party of American adventurers. In September 1855 Colonel Walker, at the head of some thirty filibusters, supported by some scores of native half-castes, interfered in one of the perpetual civil wars of Nicaragua, and after a complete victory established his *protégé* Rivas as president of the Republic. Rivas proceeded to annex the Mosquito Territory, and declared war on Costa Rica. In this war Rivas and Walker, reinforced by four

hundred American adventurers, gained three signal victories over enormously superior Costa Rican forces. But Walker quarrelled with the American Transportation Company, in whose interest and with whose support the expedition appears to have been undertaken. Abandoned and opposed by them, he was ultimately overpowered, and in August 1857 the last of his adherents made their escape to New York.

From 1850 to 1860 the foreign policy of the Union and the enterprises of its more speculative capitalists, equally with such attempts as Walker's, were animated by the desire to secure the control of the most convenient route between California and the Atlantic States. The Panama railway was a speculation of this kind, rendering the protectorate of the Territory through which it passed a legitimate object of American diplomacy. The gold discoveries, the rapid development of California, the growing importance of the Pacific Coast, stimulated the ambition alike of speculators, politicians, and engineers. The constantly increasing traffic between the East and West rendered the control of its temporary routes an object of national importance. But it was obvious that American enterprise and policy would in the end be satisfied with nothing less than a direct line wholly within American territory. The vast distances, the uninhabited and barren deserts of the interior, the lofty passes and impracticable ravines of the Rocky Mountains, interposed obstacles such as European engineers had never confronted, never dreamed of overcoming, till, after the close of this history, the success of the Union Pacific Railway demonstrated the power of human energy and invention to subdue the most formidable resistance that nature could offer. Three lines of railway now connect the great cities and harbours of the Atlantic and Pacific States. With the completion of the first of these the Central American route sank, as far as the United States were concerned, into insignificance. The transit across the Isthmus became an international object, in which Europe, and especially England, was chiefly interested. American commerce has found a nearer and safer channel, and has surrendered to the national pride and engineering ambition of France the construction and control of the canal by which the two oceans are one day to be connected. That canal will shorten by one-third the practical distance between England and the Indies—will, if successful, be the future route of the vast traffic between Western Europe and Eastern Asia; but hardly convey a single passenger or a single bale of goods from Baltimore to San Francisco, or from New York to the growing ports of Oregon. The United States are less interested in the development of Central American resources, the political and social future of the Isthmus, than the new commercial states of the Mediterranean or the problematic empire of France in Indo-China.

CHAPTER IX.

'UNCLE TOM.'

Its Opportuneness—Reasons of its Popularity—Dramatised—Essential Falsehood of the whole Picture—Note on the Realities of the Subject.

THE development of a nation's literature is an important part of its history; but once only in the annals of mankind has the publication of a single book, and that book a mere work of fiction, marked and largely contributed to the crisis of a great political contest. In the latter half of 1852, in the midst of the Presidential campaign, appeared a picture of plantation life and Southern society—professing to trace the actual working of slavery, its influence on the character and fortunes of master and slave—by a hitherto almost unknown authoress. Brought up in New England, the writer had but little knowledge and less experience of the society she undertook to describe, of the institutions and the people among whom her scene was laid. Setting aside books that belong to an immeasurably higher grade, with which it would be ridiculous to compare the clumsy, polemical caricatures of Mrs. Stowe, no work of fiction of the same order has taken a deeper hold of the popular imagination—has become a greater favourite with the many, especially with children, and with the classes whose narrow experience, limited interests, child-like simplicity and credulous fancy assimilate their literary tastes to those of childhood. Never was publication so exactly opportune, taking the tide of public feeling on the turn. The current of conscientious Unionism, respect for plighted faith, that had followed the powerful and unanswerable appeals of Clay and Webster, the ebb of sectional excitement following on the supposed settlement, had but just begun—still felt a need of excuse, or of such incentives as might dispense with excuse. The story appealed at once to the best and worst passions of the largest reading public in the world; swept aside the considerations that divided and bewildered them; ignored all they wished to forget, presented powerfully the view they wished to take. It kept their faults studiously out of sight, and misrepresented the position of the adversary with

the utmost ingenuity of party advocacy. It supplied the Northern reaction with the stimulants it needed; satisfied the want of the moment, consciously or unconsciously felt by those who wished to shake off the hampering doubts, the undeniable obligations, the awkward sense of conflicting rights and duties, that checked the indulgence of their rising impulse. It gave the Northern masses a popular passionate statement of their case, deliberately ignoring the claims reluctantly acknowledged by jurists and divines, statesmen and moralists. The Fugitive Slave Law was equally odious to their private and binding upon their political conscience. They wanted a plea which would enable the former to choke the voice of the latter.

Their story was dramatised and the fugitive slaves were represented by a skilled actor and actress of pure white blood and Northern education. They exhibited to an excited and sympathetic audience, *not* half-breed runaways from slavery, but an Anglo-Saxon husband and wife, father and mother, bred in freedom and only now threatened with enslavement. Such a case—falsely represented as that of the real fugitive—came home to the heart of the coldest and most indifferent spectator as that of actual runaways with half negro features, with the manners, feelings, language, and ideas of born bondsmen and bondswomen, could never have done. Uncle Tom was a *possible* negro; the result of a peculiar religious teaching, of a literal faith in the maxims of the Gospel as interpreted by orthodox Unitarianism, acting on a simple, impulsive, affectionate and submissive nature, idealized to the utmost.

Every character in his part of the story was possible—not, however possible with the training and surroundings ascribed to them. The selfish, shiftless, well-meaning, unprincipled Shelby; the listless, dreaming, unconscientious infidel St. Clair; his heartless, worthless wife; the brutal Legree; the unsympathetic, hard, practical, semi-Puritan Ophelia, with her theoretical pity and instinctive loathing for the black child, whose very touch she would not bear; the fiery, resolute, unscrupulous Alfred—might all have been found in Southern society. But the story is none the less false, the picture none the less a monstrous caricature. Not one of the characters is common, much less representative. No single type of the average Southerner—no conscientious, benevolent, vigilant master, sensible of his tremendous responsibility and hardly less anxious to do his duty by his slaves than to exact the service and obedience due to him; in a word, no Southern Christian and gentleman—is to be found in the book. In 'Uncle Tom' and 'Dred,' works avowedly controversial, studiously odious caricatures of conceivable pro-slavery statements are put into the mouths of Southern clergymen, planters, and politicians;

the real arguments with which Mrs. Stowe could hardly help being familiar—which she heard from Northern lips and read in Northern newspapers—are totally suppressed. No one would learn from 'Uncle Tom's Cabin' that characters like Lee's and Taylor's, views like Calhoun's and Davis's ever existed; that any slave-owner defended slavery as the best thing possible under the circumstances: much less that the greatest leader of the South maintained it to be a positive good.

But the popularity of the book was not wholly dependent upon the anti-slavery element. It appealed skilfully to religious and sectarian prejudices, especially those of the most numerous class of English-speaking 'Evangelicals.' Above all, it was the one fiction permitted to the youth of those stricter dissenting families who might be numbered by hundreds of thousands in Great Britain and by millions in the United States. Its political purpose, its religious tone and language, the fact that it contained no love story, overcame the scruples which banished Cooper's and Marryat's novels from the family library, which kept even Scott under lock and key, anathematised Bulwer, and expurgated Dickens's Christmas stories for schoolroom reading.

NOTE.

The Northern and Republican historian of the war, the archapologist of the Northern cause in its worst aspects, admits that the South confidently relied on the loyalty of the negro, and that her expectation was on the whole fully justified by the experiences of the war: that till the Northern armies swept the plantations—it must be added, always strove to enlist the negroes, incited them to outrage, and often carried them away by force—they remained faithful and obedient. He claims that many Northern prisoners were helped to escape by slaves, that fugitive slaves proved reliable informers and trustworthy spies. It is more certain that many and many a slave risked death by Yankee rope or rifle for a master in the Confederate army, and this even when the Confederate cause was notoriously hopeless. The temperament of the African, gentle and compliant under kindly discipline, fully accounts for the charities received by Northern soldiers: his mobile and excitable temper, the savage passions easily roused in him by the superior race, for the number of slaves and freedmen persuaded or forced into the Northern service. Except the half-castes and that exceptional minority of Africans, too intelligent to be content in slavery, or maddened by brutal usage, to which the fugitive slaves of the days prior to the war belonged, there was no Northern party among the bondsmen of the South. When actually and individually reached by the invading armies, for one man who took arms at their instigation a dozen hung on their camps, loitered, pilfered, starved, perished of want, exposure, and pestilence from sheer indolence. Not one negro in ten would work hard if he could help it. They worked no better and no more willingly for Northern pay than under Southern compulsion. Bitter partisans like Draper, ruthless soldiers like Sherman, who expressed a desire to massacre the whole male population of the South rather than concede their independence, admit that the household slaves at least were thoroughly well treated.¹ Admissions fatal to the whole case of Abolitionism regarding the treatment of the slaves

¹ Draper, vol. ii. p. 99. Sherman, vol. i. p. 149.

may be found here and there, involuntarily extorted by the personal experience of passionate and obstinate partisans. Dr. Draper bears emphatic testimony to the conduct of the Southern ladies, ascribing to them exclusively, in his bitter hatred of the Southern clergy, the thorough Christianisation of the negroes. The white mistress, he says, 'took an active interest in the eternal well-being of those who were cast upon her hands' (plantation as well as household slaves), 'administered consolation to the aged, the sick, and the dying, and imparted religious instruction to the young. The annals of modern missionary exertion offer no parallel success.' This is an unconscious and reluctant but conclusive testimony to the devotion of the clergy and the character of the planters. The women of every society are what the men make them.

One point requires to be borne carefully in mind in judging the effect of slavery on the fortunes of the negro race: the indelible badge of alienage and inferiority stamped upon them by colour and features. This rendered the absorption of the freedmen impossible, and the existence of a large class of 'free negroes' in a Slave State a social and political anomaly, a source of actual evil and possible danger. Roman slavery was incomparably worse than that of the South, and the fate of the great mass of Roman slaves was quite as hopeless as that of the lowest negroes. But for the higher order of slaves, especially for those intimately associated with their master and his family, emancipation was probable and easy. The freedman was a denizen, and his children might be citizens. Emancipation was common in the South, as the large free black population of 1860 proves. The freedman moreover was, like his Roman analogue, his master's client: he had a protector; he was not left to starve or become a burden on the public or relapse into slavery. His condition was incomparably better in the South than in the North, where his class were aliens, loathed, despised, and ill-used by the lowest whites, and virtually unprotected by the law. But the number of freedmen was great enough to be dangerous, and hence Southern law discouraged and hampered emancipation. It was well that a master could not free his slave without providing for him: it was a great evil that emancipation by will was in several States rendered all but impossible. The law worked very harshly in the case of the mixed or 'coloured' race. A man had no little difficulty in freeing at his death a quadroon mistress—wife she could not be—or her children, and in some States he could hardly manage to bequeath his property to them. Cases like those so often found in fiction, where girls nurtured in freedom and refinement are sold as slaves on their father's death or insolvency, were unknown in real Southern life: they are taken, I suspect, from West Indian experience and tradition. But I believe that one such case did occur, and in the whole history of Southern slavery there may have been one or two more. Southern readers of a story in which the case was treated as almost unprecedented, unhesitatingly assured me that within their experience it *could not* have happened. The feeling of the public would not have endured it: the bidders would have been restrained by fear, and the girls redeemed at reasonable prices. Apart from such horrors, however, there can be no doubt that, after Abolitionist outrage and negro outbreaks excited thereby had exasperated Southern feeling, emancipation became rarer and more uncertain.

There was in the South none of that hatred and loathing for the negro which characterized the North. But neither in South nor North would men of sense and sound instinct tolerate the co-education of white and negro girls, or the disgusting spectacle of white women hanging on the arms of blacks in public, with which Garrison deliberately outraged the instincts of his countrymen on the only occasion on which he was ever 'within measurable distance' of lynch law. Nor, were there a considerable negro element in London or Liverpool, do I think that the association of white and negro children—especially female children—or of black men and white women, would long be tolerated by English instinct.

CHAPTER X.

PIERCE'S GOVERNMENT—THE KANSAS-NEBRASKA BILLS.

Failure of the Compromise—Schemes of Annexation—Irresolution of the Cabinet—Douglas's Nebraska Bill—Its Studied Ambiguity—Squatter Sovereignty—Rendition of Burns.

IF the Fugitive Slave Law had ever been a practical reality, Mrs. Stowe's book might claim, as her admirers boasted, to have repealed it. Argument was silenced, public faith howled down, political principle, patriotism, and practical prudence swept away by passions which found articulate expression, a written creed, a popular manifesto, a serviceable definition in 'Uncle Tom's Cabin.' The storm of anti-slavery demonstration, the tempest of invective, denunciation, and menace which swept the North, the counterblast of indignation and resentment provoked in the South, terrified politicians who had inherited from Clay, Calhoun, and Webster the traditions of a mightier generation, the task of 'saving the Union.' Now for the first time their very object was called in question. That the Union was worth saving was openly denied by thousands: that it could be saved was inwardly doubted by millions. For the first time the alternative to which the hypothetical answer had been given in Calhoun's dying speech—the choice between slavery and Union, submission and secession—was forced upon the mind of the South as an imminent reality.

There had been at one moment a very general disposition to accept the so-called Compromise of 1850 as a real settlement. The North had gained so vast a substantial advantage; the South seemed to have saved her dignity and self-respect. A settlement of the actual issues of the day it might have been. In the irrepressible conflict proclaimed by Seward, recognised by Calhoun, and waged with ever-increasing determination by the extreme parties on both sides, it could at least be an armistice; and events soon proved that even an armistice was impossible. The Sumners, Greeleys, Chases, and Garrisons would hear of no truce with slavery. The defenders of Southern rights were forced to

feel that no peace was to be permitted them. They had to fight with an ever-growing party avowedly bent on their ruin. The question of secession was raised in South Carolina and Mississippi; but the time was not ripe for such a movement. Quitman, its boldest and most outspoken leader, was compelled to withdraw from the contest for the Governorship of Mississippi in favour of Jefferson Davis, who, reluctantly avowing that secession might become a necessity, regarded it as a last resort, not to be contemplated or threatened while a hope remained that the South could defend herself and her rights within the Union. Quitman and Troup of South Carolina formally admitted the decisive character of their defeat.

Equally complete, however, was the failure of the last 'Compromise' attempted in the name and in the spirit of union. The construction of Pierce's Cabinet and the comments it provoked showed that, while the cohesion of the Whig party had been completely shattered, that of the Democrats was only maintained by adroitly-worded agreements meant but to cover a radical divergence. The ambiguity of these verbal compacts was their sole merit; they were possible and useful only because their terms admitted of a double interpretation, and enabled each section to deny that it had yielded the point at issue. Marcy, now Secretary of State, represented the Northern wing of the party, whose last word was presently to be spoken; who had found it hopeless to bring their constituents even half-way to the position of the Southern Democracy represented by Jefferson Davis. As Secretary for War, nothing would induce the latter to forego the Southern claim to an equal enjoyment or an equal division of the Territories. Nothing would now persuade the Democracy of the North and West to listen to either. The Attorney-General, Caleb Cushing, was a typical trimmer and time-server; a 'Northern man with Southern principles' so long as Southern principles could be made *in any wise* compatible with Northern votes. The Democracy of Marcy's own State was divided. The 'Hard' and 'Soft' factions [thoroughgoing and half-hearted on the slavery question] hated one another as bitterly and differed as widely as Democrats and Whigs.

Between his colleagues and his constituents, the traditions of the party, and the present opinions of its Northern section, the course of the Minister charged with the foreign policy of the United States was vacillating, irresolute, and necessarily ineffective. The Government was bent on the acquisition of Cuba, by force or favour, by menace or by purchase. But Marcy, frightened by the protests and the divisions of his supporters in New York, always halted at the critical moment. He went far enough mortally to offend the pride of Spain, to provoke the anxiety of

France and England, to violate every rule of diplomatic decorum, every principle of international law; far enough to revolt the conscience of the North; but not far enough to serve the interests or satisfy the expectations of the South. The Spanish authorities showed a temper, acted with an imprudence which afforded a pretext for American threats and pressure—a pretext of which the President and the Cabinet at large were inclined to avail themselves. But Marcy's half-heartedness effectually thwarted a policy which could only derive a chance of success from the most determined and stringent measures. Rules practically obsolete were revived at Havannah to embarrass and oppress the American coasting trade. The wrongs of the United States were made the basis of proposals for the settlement of all disputes by the purchase of Cuba. The Cabinet at Washington believed, or pretended to believe, that Spain was about to 'Africanise' the island, whether by the abolition of slavery or by the introduction of indented negro labourers; and intimated that any such measure would be so dangerous to the interests and security of America as to justify and compel her interference. It was instantly obvious that Spain would not sell except under the most stringent coercion, and would be supported in her refusal by France and England.

In the autumn of 1854, the representatives of America at the Courts of St. James's, the Tuileries, and the Escorial held a conference at Ostend on the means of forcing Spain to part with the most cherished of her colonial possessions. This open menace, which inflamed the resentment of Spain to the uttermost, outraged the public opinion of Europe and disgusted the moderate and scrupulous classes of the United States. The deterioration of American statesmanship could not have been more strikingly exhibited. Clay, Calhoun, or Webster might have entertained the idea of annexation, as they had entertained schemes hardly more scrupulous; but they would have recognised after the first refusal that they must either frankly forego the end or boldly adopt the sole available means; that Cuba could be obtained only by war; and that in such a war of unprovoked aggression the United States could not be sure of having to deal with Spain alone. The policy of Pierce placed his country before the world in an attitude equally hateful and contemptible; his blustering demeanor and bullying tone ended in ignominious collapse and humiliating failure.

In Congress, the incapacity of the new Democratic leaders was, if possible, yet more signally illustrated. The time had come when the working of the Missouri Compromise was to be put to a test which might have been foreseen from the first, and if foreseen must have stamped it as utterly impracticable. An

agreement whose effect was to surround the new Slave State of Missouri with free Territories, to render it a Southern *enclave* in the very heart of the North, must break down as soon as it began to work. A settlement which unsettled its one immediate result, whose provision for the future must inevitably disestablish the one thing established in the present—the existence of slavery in Missouri—was a contradiction in terms. It had been adopted in spite of Southern protests, because, like most political compromises, it simply postponed the inevitable for an indefinite period. It had worked so far smoothly and successfully where it worked in favour of the North, because the Free States it created were remote from the frontiers of slavery, which never acquired a firm hold in the northern counties of Missouri. But now the country lying along her whole western frontier was to receive a Territorial government. Senator Douglas astonished Congress and the country by announcing that the Compromise Acts of 1850 had—tacitly and at unawares—repealed the elder Missouri Compromise of 1820; but this was a matter of no great moment, for a very small part of the Territory in question had been at the earlier date in possession of the Union. When the Pact of 1820 was finally ratified, the Union had no considerable territory south of $36^{\circ} 30'$, except Arkansas and Florida; which, apart from any law or bargain, belonged to the South as certainly and necessarily as Michigan and Wisconsin to the North. It was only when the Treaty of Guadaloupe Hidalgo added to the Union the vast regions of New Mexico, Utah, and California¹ that the compromise assumed a practical aspect. The South had then claimed the spirit of the compact, had proposed to extend the border line to the Pacific. That offer the North had peremptorily refused. That refusal, and the admission of California as a Free State, obviously released the South from a bargain of which she had been refused the benefit as soon as it could avail her. In refusing to permit the organisation of a Free Territory along the whole of her western frontier, Missouri was acting purely in self-defence. It meant the confiscation of her most valuable property—a property expressly guaranteed by the Constitution and by the law of 1820. In such confiscation neither she nor her sister States of the South could be expected to acquiesce.

But it was not by the South or by Missouri that the question was raised. The Kansas-Nebraska Bills of January, 1854, were introduced in both Houses by the Northern Chairmen of the Standing Committees on the Territories. The author of the measure in its original form, the leader of its supporters through-

¹ Including Arizona, Colorado, Nevada, and in general all the country west of Arkansas and south of 42° N.L.

out a contest of almost unparalleled obstinacy and violence; the resurrectionist of the doctrine on which it was based—that doctrine of ‘squatter sovereignty’ so contemptuously laughed into annihilation by Calhoun—was Stephen A. Douglas of Illinois, the leader of the Northern Democrats. The Bill as first laid before the Senate did not contain the critical 21st Section, but as finally printed on January 10, that section, which, as Douglas alleged, had been omitted by the carelessness of the copyist, was added. That a copyist should have made such a mistake—should have stopped short with the penultimate clause of the Bill, and omitted its concluding portion—was obviously in the last degree improbable. And the demand made on the courtesy or credulity of the Senate was aggravated by the striking character of the omitted (or added) section. That section contained a preamble declaring it to be the true meaning and intention of the Act to carry into practical operation the principles established by the Compromise of 1850. Those principles were laid down in a form wholly new to many, probably to most, by whose votes that Compromise had been carried. All questions pertaining to slavery in the Territories, and in the new States to be formed out of them, were to be left to the decision of the residents therein through their appropriate representatives. All cases involving title to slaves were referred to the local tribunals, with an appeal, of course, to the Supreme Court; and the Fugitive Slave Law was to be enforced in the Territories as in the States.

It is necessary to observe carefully the wording of these propositions, because a question of the highest Constitutional and practical importance depended on their construction. At what time, and *in what stage* of their constitutional being, were the residents of the Territories to pronounce upon the admission or exclusion of slavery? Who were the ‘appropriate representatives’ to whom this momentous question was relegated? The members of the first Legislature assembled under the Territorial organisation, or those of the convention, which—when the Territory should have acquired a sufficient population—would have to frame its constitution and apply for its admission as a State? All precedent, all constitutional principle and usage pointed to the latter interpretation; the former was palpably monstrous. Constitutionally, the Territories were in *statu pupillari*. Practically the population of a newly organized Territory was not a community, but a small number of incoherent adventurers without common political ideas or interests, alike unfit and disintitled to determine the character and govern the fortunes of the future State. Their choice must of necessity be a matter of chance. In the actual circumstances of Nebraska it was sure to be a scramble, eminently likely to be decided by a free fight. Yet if this were not the meaning of the Bill, what was to

be the *status* of slavery during the Territorial existence of Nebraska, and why was the act silent on that vital point? The letter of the clause appeared to refer this question to legal arbitrament. But as history and common sense, usage and constitutional principle alike indicated, the question was not legal but political; one which Congress had always determined at its discretion or by reference to previous compacts; had settled in favor of slavery or freedom, according to geographical and practical considerations. Virginia had expressly stipulated the permanent exclusion of slavery from the States to be formed between the Alleghanies and the Mississippi, the Ohio and the Lakes. In the case of Tennessee, North Carolina had made an exactly opposite stipulation. Slavery had existed in Florida and Arkansas, had been excluded from Iowa, during their Territorial pupilage, by the authority of Congress.

Moreover, no judicial decision could possibly be satisfactory. The Supreme Court, if it did not relegate the question to Congress, must determine absolutely and without reserve in favour of one or the other section, and must adopt one of two general propositions. It must declare that the Constitution recognised slavery only as a State institution resting on State law alone, *or* that the equal rights of the States in the common territory covered the claim of the Georgian or Carolinian slave owner to carry his property into the Territories at large. Either conclusion must brand the institutions of half the States admitted since 1790 as illegal in origin, and half the Territorial legislation of sixty years as founded in usurpation. Douglas and his supporters were thoroughly worsted in debate, were beaten from one untenable position to another, driven to rely on subtleties of which they themselves were half-ashamed. They commanded a majority, but that majority was only held together by the suppression at once of principles and intentions. The North was assured that squatter sovereignty must everywhere be hostile to slavery; the South that the judgment of the Supreme Court must protect slavery for the present, and that where once established it could hardly be expelled. In the course of the contest one half of the territory in dispute, under the name of Nebraska, was practically surrendered to the North. The Southern portion, bordering on the slaveholding Southern counties of Missouri, was to be separately organised as the Territory of Kansas; and for this the struggle was waged till, on May 30, 1854, the Bill received the signature of the President.

Almost at the same moment the arrest and condemnation of a fugitive slave excited to the utmost the Abolitionist sympathies of Massachusetts. The rescue of Anthony Burns by main force from the operation of the law and the custody of Federal troops was

deliberately arranged, and failed only because the intemperate zeal of the more hot-headed conspirators anticipated the concerted signal. The prison was actually attacked, and one of the law-abiding citizens, summoned to protect it was murdered by the Abolitionists. The city police, militia, marines, and regular troops—one-third, it is said, of the whole Federal army—were under arms; the streets were lined with soldiery, the Court House protected by cannon loaded with grape-shot. On the other hand, the party of resistance, apparently a large majority of the population, made a formal demonstration of mourning only less significant than the unprecedented spectacle of overwhelming military power arrayed to enforce the law. The houses were draped in black, thousands of men and women decked with the emblems of bereavement crowded the windows, balconies, and pavements. Amid the parade as of a people oppressed by foreign force, recalling the days of the 'Boston massacre' and the British occupation, the victim was marched manacled to the port, and the bells of every church tolled as the Federal vessel reconveying the fugitive to bondage left the shore. The storm of anti-slavery and anti-national feeling found expression in curses such as a vanquished nation had seldom heaped upon the conqueror's standard.

'Tear down the flaunting lie,
Half-mast the starry flag!
Insult no sunny sky
With hate's polluted rag!'

CHAPTER XI.

A FALSE ISSUE.

Immigration—Romanism—Reaction; the Know-nothings—Their False Position towards Slavery—Their Dissolution—Sectional Contest for the Speakership—Formation of a Party on the Basis of Enmity to the South.

AN artificial issue superseded for a moment the paramount question upon which the feelings, convictions, and interests of the people were irreconcilably divided. For the last time a national question was propounded; an 'American' party raised a standard under which men of Northern and Southern birth and feeling might once more stand together, with a show of common purpose not veiling a double sense. In the elections of 1854 the Administration sustained a sudden and wholly unexpected defeat from a new opponent and on a novel issue. The Irish famine of 1847, the abortive European Revolutions of 1848-9, had given a new impulse to the westward movement of population. The character of the emigration was changed. It was no longer a handful of adventurers already half-denationalised, eager to cast in their lot with the country of their adoption, and easily absorbed. Irish fugitives from famine, pouring in by hundreds of thousands, resented the compulsion which had driven them from the homes to which their hearts still clung. German refugees from political oppression brought with them new ideas, alien passions, and corporate interests. The latter, attracted to the boundless prairies of the West, founded communities of their own, not assimilated by but assisting to form the character of a yet unorganised population; and, flinging their strength into the anti-slavery scale, they hastened the breach with the constitutional traditions they had never shared. The Irish, lingering with reverted eyes on the Eastern shores, swelling the poverty, discontent, and squalor that always haunt the purlieux of great cities, hanging on the outskirts of civilisation, remained a separate, foreign, and dangerous element, antagonistic to the best traditions and highest interests of the community.

American instincts were alarmed by the intrusion of a power so alien and so disciplined; and the alarm was aggravated by

the extreme pretensions and rash avowals of the Catholic clergy. Upon two points of the deepest and most immediate significance, they put forward demands wholly new and exceedingly offensive to American ears. They denounced the common-school education which, to a people divided into a multitude of Protestant sects, seemed none the less unsectarian that it had naturally assumed a Protestant character. Not content with calling for the withdrawal of obnoxious books or heretical passages, the priests asserted their right to control the education of Catholic youth, demanded schools of their own, and when refused exerted their whole influence to secure the withdrawal of their flock from the 'godless' schools of the State. State laws inspired by the all-pervading spirit of Democracy, and quite accordant with the temper and practice of American Churches, vested the ownership and control of ecclesiastical property—of religious endowments, educational and charitable—in trustees appointed by the several congregations. Episcopal supremacy being, if not a dogma of faith, a fundamental principle of ecclesiastical polity, the Roman Catholic Bishops insisted that the whole property of the Church should be placed under their control. The States would have acquiesced in any cession voluntarily made by the congregations; but many old Catholic organisations resisted, and appealed to the law, which promptly decided in their favour. The quarrel became so grave that the Pope deputed a prelate of high rank (in charge of a dignified mission elsewhere), invested with full Legatine authority, to settle it. This dignitary was received by the State and Federal authorities with the honours due to his diplomatic and spiritual rank, his function in the United States being informal. But the recalcitrant congregations refused submission; and the popular bigotry of the North broke forth in demonstrations at once inhospitable and indecent. The Envoy ignored with equal dignity and prudence affronts for which no satisfaction could have been obtained; but his mission, the first open interference of the Papacy in the internal affairs of the American Church, and the pretensions to which it had given a formal sanction, provoked a formidable reaction.

The Know-nothings (so called from the words of their oath) were a secret order pledged to maintain the laws, traditions, and customs of America against the encroachments of Popery and the dictation of an ignorant, alien, and intrusive multitude. They were sworn to vote only for native candidates, to exclude foreigners, and even native Catholics, from Federal, State and municipal offices. After ten years of obscure and unnoticed action, they suddenly rose into factitious importance. The prevalence of corruption, jobbery and misgovernment, the extent to which the municipal control of the great commercial cities had fallen into the

hands of the worst class of demagogues, largely depending on the Irish vote, justly provoked and alarmed the more thoughtful, sober, and respectable citizens. Native pride revolted from foreign ascendancy, from the perversion of their traditions of democratic self-government by an organised alien element manipulated by ecclesiastical and political wire-pullers. The Know-nothing organisation furnished them with a rallying-point, and became the nucleus of a powerful political party, whose original platform proclaimed an absolute neutrality on the issues connected with slavery—a question too practical and too exciting to allow of neutrality. The Know-nothings, however, had no real hold upon the South. Even in Baltimore, there was no Irish element powerful enough to challenge that national pride which was stronger perhaps in the Slave than in the Free States, nor had any Catholic encroachments there provoked a Protestant reaction. Except in Maryland and Louisiana, the Church mustered at most a few scattered congregations; and the descendants of Lord Baltimore's English refugees and of the French Catholics of the Creole State formed a respected and influential minority in the hereditary aristocracy of their respective communities. Moreover, slavery had given to the South a leisured and cultivated upper class; and the unbroken traditions, hereditary attachments, stability and solidarity of thought and interest, which characterised Southern society, with the obvious fact that they represented the dominant political ideas of the people, had preserved their political influence. The leadership which in the North had been usurped by professional politicians was in the South still retained by men of position, fortune, education, and local ascendancy.¹ Such an aristocracy was moved to contempt by the fantastic parade of oaths, passwords, ceremonies, and secrecy which had taken hold on the imagination of the Northern populace. Throughout the Southern States all the signs, rites, and secrets which distinguished the Know-nothings from other political organisations were dropped perforce, as utterly repugnant to the haughty manhood of the people and the natural good sense of the leaders. They were no longer an order, but a party; and a party

¹ Judge Tourgee notes 'the influence of family position and social rank' as one of the most distinctive characteristics of the South. 'Every family there has its clientelage, its followers who rally to its head as quickly, and with almost as unreasoning a faith, as the old Scottish clansmen summoned by the burning ("fiery") cross.—*A Fool's Errand*. This savours strongly of caricature; the truth is that the Southern tradesmen, farmers, and the middle classes generally, like those of English counties and rural towns, were firmly attached to the 'old families' by traditional affection as well as by personal obligations and mutual kindness; that the name of a Lee or a Hampton appealed to the memories, the feelings, the imagination, the hereditary confidence of a Virginian or South Carolinian like that of a Cavendish to those of North Lancashire, a Lowther or a Russell to those of Westmoreland and Bedfordshire. In the absence of a titular rank, birth and family, not wealth or intellect, gave social position; the aristocracy of the South, especially of Virginia and the Carolinas, was distinguished alike for simplicity, unostentatious hospitality, and gracious courtesy, and for that exclusiveness which necessarily characterises an aristocracy of birth under a democratic government which has renounced the power of recruiting it. Nothing but political service could secure for a man born outside the charmed circle a firm footing within it.

compelled to disown one of its two essential and distinctive tenets, while the other had no practical meaning south of Mason and Dixon's line.

In the North, however, the native and Protestant cry was for the moment thoroughly popular. In the Eastern States and in some Western cities the Know-nothings swept the field. But their success provoked a rapid reaction. The Irish domination, the ecclesiastical pretensions, which had fired the American spirit, were, save in New York and a few other great commercial towns, a mere scarecrow. Above all, the vain attempt to reconcile irreconcilable views and parties upon a platform deliberately ignoring the paramount question of the day, was necessarily doomed to ignominious failure. The Order was forced to make a choice. Their fundamental principles and ruling ideas were essentially Conservative; and the Council, in June, 1855, drew up a declaration of neutrality which necessarily pledged it to the defensive side. The 12th section of the new programme, adopted at their instance by the party convention, pronounced that the 'American' party could not be held responsible for the action of Whigs and Democrats. The old parties had, by the systematic agitation of the slavery question, placed North and South in irreconcilable antagonism. As a remedy for that antagonism, the Know-nothings had nothing better to offer than the recognition of the existing laws as a final settlement; and this with the fact before their eyes that these laws had brought them to the verge of civil war; that the so-called settlement, or its sequel, the Nebraska Act, simply unsettled everything. The immediate result was the secession of twelve Northern States from the Know-nothing Convention—Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, Connecticut, Ohio, Illinois, Indiana, Michigan, Wisconsin, and Iowa. Pennsylvania and New Jersey hesitated. The only Free States whose delegations fully accepted the 12th section were California and New York. The party had already sustained a crushing defeat in Virginia. The disruption was followed by several State elections, and the Know-nothings were successful only in the Border States of Kentucky and Maryland.

Popular reaction exercised, of course, a powerful influence on the Congress, which, elected in the autumn of 1854, assembled for its first session in December, 1855. The Democrats, who had to a great extent recovered their position in the country, were a minority in the House of Representatives; but the Opposition was composed of several incoherent sections without a common purpose, none of which at first possessed such separate organisation as might have made alliance, compromise, or co-operation practicable. Nothing could be done till the Speaker had been elected, and the standing orders required for his election an abso-

lute majority of the total vote. Even the Democrats were at first divided, but their connection with the Administration gave them a rallying point. The main body were firmly united upon the old Conservative platform, the minority were accustomed to concession or compromise; and the whole party presently combined to support Richardson—Douglas's lieutenant in the Kansas struggle—as the 'regular' candidate. One hundred and thirteen votes were necessary to a choice, and the Democrats commanded more than a hundred; while they believed that in the last resort the Southern Know-nothings would join their standard rather than that of the Opposition. The protracted struggle cleared the views and prospects of the disunited majority; their only possible standard was that of 'Free-soil,' or, more accurately speaking, of antagonism to the South. Not that the sincere 'friends of freedom,' as Chase described them, were united; perhaps hardly a dozen among them could have agreed to what point their hostility to slavery could properly or prudently be pressed. Many of the Opposition were *not* 'friends of freedom;' but the Northerners least inclined to anti-slavery counsels knew that resistance to Southern pretensions was in favour with their constituents. The people were blind to a danger that became daily more and more obvious to the politicians, the danger of dividing parties finally and definitely on the geographical line. To this everything was tending; this, the union of Abolitionists, Free-soilers, Northern Whigs, Know-nothings and recalcitrant Democrats upon a sectional issue must finally accomplish.

The formal organisation of the recognised parties was as yet distinctly national; but upon sectional questions, upon every issue which touched the interests of slavery—and there was no issue of importance in which those interests were not directly involved—the ties of party yielded to the force of sectional feeling. The Democrats alone were true to their colours; and the Democrats had maintained their union only by yielding to the representations of the minority, and allowing themselves to be dragged by Douglas and his Northern followers on to ground constitutionally unsound, politically unsafe, and, as every day's news from Kansas more and more clearly showed, practically untenable. They took their stand not on a principle but on a formula—'non-intervention'—which covered two incompatible interpretations. The Territories were to be Free-soil or Pro-slavery as they chose—but *when* were they to choose? This vital point was kept open. The Whigs were yet more deeply divided, the Northern and Southern factions taking diametrically opposite views upon the leading and pressing question of the hour. The demonstrated unpopularity of the Know-nothings hastened *their* inevitable disruption.

The contest for the Speakership, the disorganisation of the House, lasted for two months; and it was not till February 2, 1856, that Mr. Samuel Smith, a Tennessean Democrat, moved on the 129th ballot that, if three further ballots should produce no result, the Standing Order requiring an absolute majority should be set aside. The motion was adopted, and upon the 133d ballot N. P. Banks, the candidate of the 'friends of freedom,' received 103 votes against 100 given to Aiken, who had been adopted as the second choice of the Democrats, and eleven 'scattering' votes. The division was significant, but less significant than the protracted conflict. The result proved that there no longer existed a majority; that the strongest coherent party was still that of the Democrats, and that they could only command on a strict party vote 100 members in a House of 225. The conflict had shown that all other ties, traditions, and interests were secondary to the dissolving force of sectionalism. This struggle, therefore, was the first decisive step towards disunion.

The organization of a Northern party upon an anti-slavery platform—pre-signified by the union of the Congressional Opposition—meant a life and death contest in the coming autumn, to be renewed every fourth year, in which the equality, the honour, the safety, the property, the political existence of the fifteen Slave States would be at stake. This was obviously the beginning of the end of the Union, as a voluntary combination of Sovereign States. Even in 1856 few men dreamed, still fewer dared to talk, of a Union based, as it has been based since 1865, upon military compulsion. The mere irritation and exasperation of repeated attacks, even should they be invariably repelled, was intolerable, worse than the worst apparent consequences of formal disunion. The victory of a sectional party, the ascendancy in Congress, the seizure of the Executive Power, by a faction in which the South *was not represented*, would leave her no choice but between secession and subjugation. It mattered nothing that the subjugation would be effected by brute ballots instead of brute force, effected under perverted Constitutional forms. To subjugation—to an alien and hostile rule—no high-spirited, sensitive, self-respecting people has ever submitted, no community numbering six millions of freemen ever will submit, till the spirit of freemen has departed, without an appeal to the sword. And such an appeal can be decided only when the stronger party is weary of loss, waste, bloodshed, and defeat, or the weaker drained to the last shilling and the last drop of blood.

The conflict was precipitated by the mutual ignorance of the contending parties. The North was convinced that the South could not and dared not secede; the South, that the North would never press her to that last alternative; that secession would not

mean war ; that in civil war her inferiority in numbers would be compensated by superior discipline, unity, energy, and courage, and above all by the enormous inequality of the stake—the fact that the North would be fighting for empire and the South for existence. Already an invitation had gone forth to Northern States alone to send delegates to a convention which should organise a so-called ‘National’ Republican party on an anti-national basis—a party from which fifteen States of the Union were as a matter of course excluded, and which, therefore, must, if victorious, rule them as hostile and conquered provinces.

CHAPTER XII.

KANSAS—THE SWORD DRAWN.

The Scramble—Emigrant Aid Societies—Missourian Reprisals—Anarchy and Civil War—The Free-soilers Disciplined Invaders—Reciprocal Crimes—The President's Message—The Republican Platform Declares War on the South—The Example of California.

THE contest for the Speakership had postponed for nearly two months a document anxiously awaited by both parties, the Message which should set forth the President's views of what was passing in Kansas. Douglas's ambiguous doctrine of squatter sovereignty had produced its obvious and only possible consequence. The Act which had called that Territory into political existence could never have been passed but for the exactly opposite construction placed upon it by its Northern advocates and their Southern allies. This ambiguity, carefully preserved in the Kansas-Nebraska bills and the language of Douglas through months of debate, produced the effect which might have been foreseen from the open adoption of 'squatter sovereignty' itself—a scrambling race for possession, inevitably ending in a fight.

Almost before the Act was passed, Emigrant Aid Societies had been organised in Massachusetts, and had spread throughout New England and great part of the North. Their prospectus did not mention Kansas, much less the means by which Kansas was to be appropriated. The partisan committee which afterwards enquired into the matter laid great stress on the fact that they had not required any pledges, and that no charge for arms or ammunition was to be found in their accounts. None the less, their emigrants were fierce anti-slavery partisans or mere rowdies. They went armed, prepared and intending to fight.¹ Their antagonists were belied if they were one whit more scrupulous. The Northern emigrants were, from the necessity of the case, actual though not *bonâ fide* settlers. Their adversaries came from the border counties of Missouri, and, having their homes at hand,

¹ Von Holst, 1854-56, cap. iii. This is almost the sole case in which Von Holst in his violent partisanship has misstated or misrepresented facts. But to those who read between the lines, even his account of the Emigrant Aid Societies reveals their character and fixes on them the priority of aggression.

were not careful upon this point of form. Morally, both parties were exactly on a par. Politically, the Missourians had at the outset the better case. They claimed that the spirit of the Act dividing the Territory and giving Nebraska to the North, following exactly the precedent of the Missouri Compromise, had assigned Kansas to the South. Of the *bonâ-fide* settlers, some six or eight thousand in number, three-fifths were of Southern birth. Therefore, both in regard to their own security, imperilled by the plantation of an asylum for fugitive slaves at their back door, and the wishes of the real population of Kansas, the Missourians were acting on the defensive; the Free-soilers were mere aggressors.

But the real guilt rested with those who had deliberately and consciously thrown Kansas as a prey to the party which should be the first to seize it. Douglas can hardly have supposed that the North would, or that the South could, stand inactive in the scramble and leave the future character of Kansas to be settled by chance. At the original elections the 'Border Ruffians' of Missouri, having a start of a thousand miles, won the first heat. District after district cast twice or thrice as many votes as there were legal voters on the register. Of the latter about one-half voted, and of these a narrow majority cast their votes for the successful Pro-slavery candidates. Governor Reeder, the President's nominee, denounced the intrusion with a vigour that refuted all imputations on the good faith of his chief. But, allowing only five days for the reception of election petitions in a wild country and anarchical society, he granted certificates to the successful candidates whose return was not challenged within that period. Thus the Missourian intruders obtained an overwhelming majority in the Legislature; and the latter, when constituted, became the sole judge of the returns. Its first act was to adjourn to a more convenient meeting-place, Shawnee. Reeder picked a quarrel on this point, which was so clearly within the sole competence of the Legislature that he must have determined to break with them on any pretext. He speedily found that neutrality was impossible, and threw himself into the arms of the Free-soil Ruffians, whose force was concentrated at Lawrence.

All parties proceeded with all possible haste and violence to put themselves, beyond hope or doubt, legally and morally in the wrong. The Shawnee Legislature hurried through the forms of law-making necessary to root slavery formally and deeply in the provisional institutions of Kansas. In their eagerness, they afforded an amusing illustration of the proverbial distinction between haste and speed. They passed in a few weeks such a mass of statutes, public and private, as could hardly have been written or read aloud, much less considered, in the time. The hurry of the over-worked printers betrayed the secret of such prolific dili-

gence. When the Code appeared, it turned out to be a simple reprint of the laws of Missouri, so perfect that in many places the word 'State' had been retained where Territory should have been substituted. But the legislators added to the Missouri slave-code some special devices of their own, so stringent that Senator Clayton of Delaware exclaimed, 'Under the laws of Kansas, J. C. Calhoun himself could not have escaped the Penitentiary!' They imposed upon officials and even voters tests unknown in other Slave States or Territories, and utterly repugnant to American usage. The 'Organic Statute' was the foundation of all law, order, and authority in Kansas. That the obligation to give up fugitive slaves and criminals applied to the Territories, though the Constitution, framed before a single organised Territory existed, spoke only of States, was obvious. But an oath to uphold the former seemed invidious; and when the latter was added, the purpose of disfranchising the Free-soilers was obvious. Proscription, unsupported by force or terror, always recoils on its authors.

These extravagances gave the better disciplined 'ruffians' from New England and their wily chiefs exactly what they needed, an excuse for repudiating the law, for separate organisation, withdrawal from the polls, and other extremities directly tending to civil war. They went so far as to hold illegal elections of their own, to choose a Governor and so-called Legislature, and even to claim for Kansas admission as a State under a 'Constitution' of their own device. But long before they reached this last extravagance the Territory was in a state of civil war. Brawls led to bloodshed; the execution of the law was resisted by armed mobs, and could only be enforced by a partisan Militia. Reeder had been removed on a charge of fraudulent speculation; his successor, Governor Shannon, made a vigorous effort to enforce the law, and called in the Federal troops. But the dragoons stationed in the Territory were commanded by Colonel Sumner, a vehement partisan, confident in the personal and party interest he commanded. He refused to comply with the Governor's call, disobeyed the instructions of the Secretary of War, and evaded the direct orders of the President, until the mutual exasperation and reciprocal outrages of the contending factions had left not laws to be enforced but rebellion to be quelled and anarchy to be repressed. The Border Ruffians, though led by an ex-Senator of the United States, had never been more than an armed mob; the Southern majority of *bonâ-fidè* settlers were demoralised by their association; and the so-called Militia consisted in such large part of mere intruders that it lost the advantage of legality, broke loose from control, and terrified the very Government that rested on its support. The Free-soil Ruffians, equally lawless, came in organised bodies under the guidance of a few skilful and well-advised

political chiefs, who knew how to present their story and how to act a story that could be plausibly presented. They had the advantage of discipline, comparative coolness, and unlimited resources; their ready-made battalions were leavened by enthusiasts of Puritan descent and temper; true children of the Calvinist crusaders who consecrated the gifts of the Fiend to the service of God, and indulged the worst passions of humanity—gloomy ferocity, savage hatred, and ruthless cruelty—under the mask of zeal for any cause they chanced to favour and chose to christen by a sacred name. Man for man, the Missourians afterwards proved themselves superior; but in Kansas they had degenerated into a drunken disorderly banditti before they were matched against half-seasoned, organised, and well-commanded Irregulars.

Open hostilities commenced with a midnight assassination; the victim being a sheriff who had tried to execute a warrant of arrest in Lawrence, the Free-soil headquarters; the murderer a Free-soiler, whom his party repudiated but made no attempt to detect or punish. The first serious act of war was the surprise and deliberate butchery in cold blood of a body of Pro-slavery men at Pottawattomie, upon no better pretence than that some of their number had warned the afterwards notorious Free-soil Ruffian John Brown to leave the Territory, and 'insulted' his family. The Border Ruffians swept the counties nearest to Missouri, robbing, beating, and occasionally murdering. Their rivals from New England acted with much more steadiness and concentrated purpose, under desperadoes like John Brown and Robinson of Lawrence, shed blood with equal recklessness and much more purposelike determination. Lawrence was entered and pillaged by the former. An organised battalion of Free-soilers from Iowa, under a leader named Lane, invaded Kansas, stormed the town of Franklin and plundered the post-office.

Sumner had done his work; had prevented the enforcement of the law, such as it was, against his friends till all pretence of law had been cast to the winds, and all that his superior, General Smith, could do was to interpose the Federal troops between the contending factions. The responsible leaders of the South repudiated Missourian violence and outrage; the worst crimes of John Brown and his associates did not deprive them of the energetic and unflinching support of their Northern allies and employers. The cause of the former was, in form at least, that of the recognised Legislature and established law of Kansas. The Free-soilers were legally and formally rebels. But Shannon, bent on the restoration of some sort of law and order, was forced to negotiate with those against whom he had lately invoked the support of Federal troops, as the only local party which could answer for the obedience of its followers.

In the midst of this ferocious if not very sanguinary conflict the President's Message, irresolute and half-hearted as had been throughout the policy of the Government, insisting upon a law founded upon illegality, applying the technical forms of civil and the restraints of constitutional government to a country where there was and had long been no rule but that of force, simply exasperated the quarrel. The Free-soil majority of the House, under the guidance of Banks, appointed a Committee of Three, one of whom was a strong, but, as his language on the subject showed, a sober representative of the Pro-slavery feeling of Missouri, and the other two passionate and thorough-going Free-soilers, to investigate on the spot the Kansas troubles. The 'majority report,' of course, was simply a violent statement of the Free-soilers' party case. Nothing was to be hoped from the debates of exasperated sectional politicians, at whose instance their countrymen were engaged in open civil war.

On February 22, 1856, the birthday of Washington, a convention summoned by the Republican Committees of eight Northern States assembled at Pittsburg, Pa., and laid down a platform amounting to a declaration of war upon slavery and the South. The Republican leaders, beaten from the ground of the Constitution, had invented an utterly unheard-of theory whereby to nullify its plain decisive language. Into the Federal compact of 1789—the formal, carefully expressed, accurately-drawn compromise, anxiously discussed in principle and detail by the chosen statesmen and jurists of America, closely and eagerly scrutinised, deliberately and solemnly ratified by the several States in their sovereign character—they presumed to read the loose phraseology, the declamatory periods, the excited nonsense and unmeaning platitudes of Jefferson's silly Declaration of Independence; an angry manifesto drawn in the tempestuous passion of an inchoate rebellion by the most extravagant of doctrinaires, and adopted, with an enemy at their gates, by a body which, whatever the misty halo cast around its memory by events in which it had little share, was regarded with almost unmixed contempt by those who heard it in debate and saw it in action. Men like Seward and Chase, versed alike in law and politics, masters of political controversy like Greeley, Sumner, and Weed, appealed from the Constitution to a prior authority as they had appealed to a higher law, only because they were well aware that by the Constitution the doctrines of their party were condemned in spirit and letter, in principle and detail.

No Federal sanction or support for slavery, no toleration of it save within the jurisdiction of the several States, no division of territory—*i.e.* the exclusion of half the States from all interest in the possessions of the Union; the proscription of their institu-

tions in the common capital, actually ceded by one of them, and in the centre of Slave-holding States; no compromise, no recognition of legal or equitable rights on the part of the Southern States—such was the programme of a party whose very organisation was a formal conspiracy to exclude the South from political power and Federal privileges, whose triumph could only mean the disruption of the Union or the violent annihilation of the Constitution. How near the last extremity had been brought, the antagonistic demands of the two parties with regard to the immediate questions of the day might have indicated to any who were not obstinately blind and wilfully deaf to the significance of the facts forced on their eyes and ringing in their ears. The Republicans demanded the admission of Kansas as a State, under a Constitution framed by a gathering of Free-soilers, without either legal or popular warrant, known as the Topeka Convention; and this years before the Territory could possibly have the population required to justify her enfranchisement; demanded, in short, that a few thousand rowdies should be allowed not only to govern the Territory at their discretion and to make it an asylum for stolen or fugitive Missourian negroes, but to neutralise the vote of Missouri, with her million of population, in the Senate. Douglas, on the other hand, introduced a measure practically recognising the Shawnee Legislature, postponing the decisive contest, and virtually maintaining slavery in the Territory till the requisite population should have been attained and the recognised Legislature should order the election of a legal convention. This meant the recognition for the present of the monstrous legislation of the Pro-slavery party, and either the continuance of the present anarchy or its suppression by military force. Either proposal was palpably iniquitous and monstrous. That of Douglas preserved the form of legality only by ignoring the facts of the case. That promoted by Sumner, Senator from Massachusetts, and his associates set facts and law, reason and justice, at open defiance.

Neither the reciprocal outrages nor the party recriminations they provoked at Washington, however, scandalised the self-respect or appalled the conscience of the nation.

News from California reached the Eastern States tardily and in fragments. The crimes of violence, the robberies and murders, the lawless acts of retribution rather than of justice, heard of months after their perpetration, had excited little interest. Practical anarchy had reigned for months, life and property had become altogether unsafe, a State Government partly dishonest, partly timid and wholly impotent, had fallen under the control of the lawless class, and had at last been quietly set aside by a silent rising of the respectable or comparatively respectable and

honest majority. A Vigilance Committee, self-elected, the very names of its members unknown, had assumed and wielded an absolute dictatorship; had summarily hung or banished a number of the worst characters, had overawed the rest by significant warnings and severe examples, had restored order; and had then quietly laid down a power resting on the tacit consent of the community and the active support of a party whose real strength was matter of mere conjecture. These events had not revolted the law-abiding people of the settled States. No political issues were involved, and the result justified to the common sense of the American people the strong measures by which it had been obtained. They had become accustomed to regard anarchical outrage and lawless repression as the normal condition of the new communities of the Far West. But for their party and sectional aspect, the outrages of the Missourians, the invasion of Lane, the storming of Lawrence, and the massacre of Pottawattomie, would have troubled Congress and the people less than the butchery of a ship's crew by Polynesian islanders, the murder of settlers and the retaliatory slaughter of a black tribe on the borders of Queensland, troubled Englishmen of the same generation.

A single outrage in Washington, a personal brawl in the Senate Chamber, rang through the world, and roused a storm of reciprocal indignation and mutual reproach throughout the Northern and Southern States incomparably louder than the echoes of open war from the Nebraskan plains, the horrors of Californian anarchy, or the lawless reaction which had restored the reign of law.

CHAPTER XIII.

A COSTLY CANING.

Sumner's Speech—Personal Insult to Brooks's aged uncle—Brooks's Character—Sumner's Superior Strength—The Thrashing—Sumner's Submission—Violent Sympathy shown by their Sections for either offender.

ON May 20, 1856, Mr. Sumner delivered in the Senate a diatribe of most unparliamentary violence, applying to slavery and the South the favorite metaphors of Exeter Hall,¹ the choicest rhetoric of Billingsgate. Such a speaker, in the most licentious Continental Assembly, would have had to answer for his taunts with sword or pistol. In England he would have incurred formal censure, if not committal. Mr. Sumner was applauded by the worst or most extreme Free-soilers and heard in silence by the exasperated gentlemen of the South because, according to their universal sentiment, they would have lowered themselves by accepting any satisfaction but that which the offender was notoriously determined not to afford. When he passed from universal to individual denunciation, his gross personal attack on Senator Butler, of South Carolina, a man whose stainless character and veteran fame commanded the reverence of the whole South, was felt as a deliberate outrage, a wanton insult to the State, and a direct challenge to themselves, by all her younger representatives.

Among those representatives none stood higher in personal and political reputation than Preston S. Brooks.² Brooks was no fire-eater, no brawler of the type always characteristic of the West, and in the present virulence of political strife finding place among the tag-rag and bobtail of both extremes. His demeanour, both in the House and in society, had been dignified and courteous. His language and conduct, especially on the subject of political duelling, had been those of contemporary English gentlemen. 'It did not,' he had said, 'accord with his ideas of honour to assail those who, in obedience to a local sentiment, were averse to such a resort.' 'It is a cheap display of chivalry

¹ Von Holst (Lalor's translation), 1854-56, pp. 315 *et seq.* The writer is as abusive as Sumner himself, and exults in the senatorial outrages lavished on the South.

² So Von Holst, in reviling him, distinctly admits.

to insult when no responsibility is incurred. And, for my own part, I would prefer the condition of him who bears the wound rather than of him by whom under such circumstances it is needlessly inflicted.' The same feeling rendered him intolerant of the 'cheap chivalry' which made conscientious scruples the shield of licensed outrage and privileged slander. The Senator for Massachusetts was a man in the prime of manhood, of very exceptional strength and stature.³ Brooks was a man of average size and vigour. The insult to his aged uncle and revered political teacher, Southern feeling and opinion, as that of every country but England, required him to resent. He endeavoured, but in vain, to encounter Sumner in the street; and on May 22, accompanied by a colleague, he entered the Senate Chamber.

The Senate had adjourned, but several of its members were busy at their desks. Brooks addressed Sumner in clear emphatic tones, and warned him that he was about to chastise the slanderer of Senator Butler. Such a warning gave Sumner ample time to spring up and defend himself. Brooks fully expected to be overpowered, to have the cane wrested from him and applied to his own shoulders. For that reason, as he afterwards said, he had chosen the cane rather than the cowhide,⁴ since, according to his fantastic ideas of honour, the use of the horsewhip must have been avenged in blood. Sumner, however, declined to avail himself of his antagonist's ample warning, or of his conscious physical superiority. He did not even rise, but received the intended thrashing in a sitting posture. Consequently one or two blows intended for his back fell on his head; and as he was assisted out of the Senate Chamber, leaning on his friends with the air of a severely injured man, the blood trickling from his wounded scalp afforded the pretext for the diligently-circulated calumny that Brooks had intended murder rather than chastisement.

The breach of privilege was the graver as committed by a member of Congress. The impunity of parliamentary libel is to the uninitiated perhaps the most irritating and most inexplicable of the artificial necessities of politics. But cowardly, as the North chose to call it, Brooks's act certainly was not. Sumner was neither taken by surprise nor at a disadvantage; nor could anyone anticipate that he would carry his noncombatant principles to the point of passive submission. He well knew what he had to expect. He received at the time a notice which gave any man of ordinary promptitude abundant opportunity. To one who could not read the Senator's mind, the chances were all in his

³ Von Holst, 1854-56, p. 319.

⁴ 'Knowing that the Senator was my superior in strength, it occurred to me that he might wrest it (the whip) from my hand, and then—for I never attempt anything I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life.' Brooks was as utterly incapable of falsehood or equivocation as a typical French or English gentleman—an Althorpe or De Tocqueville.

favour. A man of average size and strength, armed only with a cane, who undertakes to speak some thirty words of menace to a seated opponent of exceptional stature and powerful frame, may be considered fortunate if he escape with a severe thrashing; and the man who, so menaced, sits still to be thrashed—not being crippled, deaf, or blind—will, as a rule, meet with more of contempt than sympathy. The bitterness of sectional feeling was shown as much by the Northern determination to make a martyr of the beaten Senator, as by the unanimous outburst of Southern admiration for the beater. Every Republican newspaper represented the burly Senator for Massachusetts as a powerless victim of Southern brutality. Meeting after meeting throughout New England and in most of the North and West acclaimed the Confessor of Abolitionism. With even greater unanimity the press and people of the South applauded the chastisement of an insolent and cowardly cur. More than one journalist and speaker disgraced himself by recommending that the Abolitionists should be systematically thrashed into silence, and indicating by name the most appropriate objects of such coercion. Northern deputations condoled with Sumner on the outrage he had suffered, without reference to that of which he had been guilty. Southern deputations presented Brooks with ‘canes of honour,’ which he had not the sense or the dignity to refuse.

Congress was worthy of its constituents. No Republican Senator had the self-respect to protest against the insult given by or the honours paid to Sumner; no Southern Democrat repudiated on behalf of his section the sympathy lavished upon Brooks. The Committee appointed to deal with the case reported that the Senate was powerless to punish a Representative—that Brooks’s act must be reported to and dealt with by the House. A purely party majority, falling short of the required two-thirds, voted for the expulsion of Brooks, and of Keitt who had accompanied him to prevent interference. Thus technically acquitted, the offenders immediately appealed to their constituents, and were instantly returned by an almost unanimous vote.

CHAPTER XIV.

THE PRESIDENTIAL CAMPAIGN, 1856.

Sectional Temper—The Republicans—Democrats—Know-nothings—Buchanan and Fremont—Significance of the Results.

OUTRAGES far more gross and lawless had from time to time disgraced the House of Representatives. An interchange of blows had interrupted its debates, and infuriated combatants had rolled upon its floor in the rough-and-tumble fashion of the Far West. But the offenders had been mere rowdies of low personal character and no political standing. The violation by a Southern Representative of the Chamber in which the majesty of his own State and of her sisters Northern and Southern was formally represented, a deliberate caning inflicted by a Southern gentleman of breeding and reputation upon a leading Northern Senator, was a novel and ominous incident. The intemperate partisanship of both sections left little prospect of any rational discussion or practical treatment of the exasperating questions at issue. When such was the temper not of mobs but of States, such the spirit of grave legislators and recognised leaders, the name of the Union had already survived the fact.

The Presidential campaign of the autumn revealed the completeness of the disruption. The party whose growing strength proved that the future, proximate if not immediate, was theirs—the party of Seward and Sumner—hastened to demonstrate the revolutionary violence of its passions, the extravagance of its principles and the absence of a guiding mind, or a purpose at once intelligible and avowable. One point they were compelled to define: the geographical limitation of 'National' Republicanism. Practically for the first time, the fundamental principles as well as the formal decencies of American self-government were cast aside; a faction based on exclusion and proscription claimed to rule the Union while representing only a section. By hook or by crook, delegations from the Southern States were brought to complete the party Convention; but no one affected to believe that one-third of these delegations repre-

sented a Republican minority, however insignificant, in the States whose names they assumed. Nor could the Convention recommend to the popular choice a representative candidate—a responsible statesman, or, in default thereof, a distinguished soldier. Formed as it was by the coalition of half a dozen distinct fractions or fragments, each with leaders, traditions, and antipathies of its own, none willing to yield precedence to its rivals or accept the nomination of a former opponent, Seward, Sumner, Chase, Hale, and Banks—names that represented ideas or popular influences—were successively set aside. Before the Convention assembled it had become clear that none but a neutral candidate could have a chance; and the choice lay between McLean, an aged Judge of the Supreme Court, and Fremont, the conqueror of California, unknown as yet in politics, and owing his extrapolitical notoriety to his romantic adventures as an explorer and the still more 'available' romance of his last exploit—his elopement with the daughter of Senator Benton of Missouri. For Fremont 359 votes were cast, 196 for McLean, while Sumner had two, and Seward and Banks one each. Contrary to all custom, the candidate for the Vice-Presidency was also a Northerner—a selection the more significant that it was so signally impolitic and so obviously involuntary. No Southerner whose name would not have covered the party with ridicule, or worse, could be found in its ranks.

The Democrats were wiser or more fortunate. Their choice—for the grave and experienced statesmen who guided their councils could not at this crisis commit the fate of the party and the country to a puppet or a harlequin—lay between Stephen A. Douglas and James Buchanan. Buchanan was the survivor of a generation whose leaders loomed as giants beside the electioneering politicians and sectional fanatics of the present. A veteran diplomatist, a former Secretary of State, the contemporary and associate of Clay and Adams, Webster and Calhoun—he had no living superior in practical experience and official reputation. Like most of those who thus rise by seniority to the foremost rank, he was distinguished rather for gravity than for wisdom, and enjoyed that credit as a safe man which is seldom earned save by cautious weakness and pliant mediocrity. Douglas had just proved himself the most unsafe of public counsellors by the daring ambiguity of the Kansas-Nebraska scheme and the popular extravagance of squatter sovereignty. The choice fell upon the former. Douglas, though disappointed, was still young enough to wait. Buchanan's supreme merit was his Pennsylvanian citizenship. Alone among the greater States of the original thirteen, Pennsylvania had never given a President to the Union. Buchanan could secure her vote, and on that vote the victory of the

Conservatives and the maintenance of the Union were but too likely to depend.

The Know-nothings still maintained a party name and organisation, which had ceased to have a practical meaning. Unable to find an available candidate in their own ranks, they brought forward Millard Fillmore, who as Vice-President had succeeded on General Taylor's death. A Whig, but never a Know-nothing, Fillmore hardly affected to accept the Nativist and anti-Catholic dogmas which formed the avowed and only distinctive creed of his supporters. Like them, however, he chose to ignore the political situation—the certainty that the Conservative Democracy was the only party capable of defeating the subversive Republicans. The Union could only endure while the South was secure against aggression; but Fillmore, as a Northern Whig, could not hope to play a part on the political stage if he accepted the two cardinal points of the Conservative programme—the equal rights of all the States in the Territories, and in the District of Columbia. Professing a paramount regard for the Union, he wilfully divided at this moment the forces that held the Union together.

The popular vote left no doubt from which section came the danger of disruption. The disunionist party, which had made the repudiation of every compromise, including those of 1789, its first principle—the party of avowed aggressive sectionalism—received in the Northern States alone just one million and one-third of suffrages. Of 886,000 cast for Fillmore half a million were given by the South; showing that three-fifths of the strength of the only party which was for the Union before all things lay in the States which stood solely on the defensive; that there was no element in the North from which that forbearance, that moderation which might restrain the aggressions and use for pacification the strength of the stronger section, could be hoped.

It is a signal proof of Southern caution, endurance, and patience that even this lesson did not drive 'the solid South' into the Democratic ranks. The Democrats, North and South, gave 1,851,000 suffrages for Buchanan. Of 296 electoral votes, Fremont, the representative of pure sectionalism, received 114, Buchanan 174, Fillmore only the eight cast by Maryland. The figures were ominous indeed. The party whose victory meant disunion had been beaten, but by means which promised at no distant date a reversal of the present decision. It had secured a majority in the House and a strong minority in the Senate, the control of New England and several of the most important Northern States, and was gaining ground from day to day. Upon the paramount issue, to which all others were now completely subordinate, the Republicans were united; while none knew better than the Unionist statesmen who directed the counsels of the Democracy with what

extreme difficulty its internal differences had been covered by ambiguous phrases; how unreal and artificial was the co-operation which, partly through traditions of party discipline, partly because the 'spoils' were at stake, had been secured for that Presidential campaign alone. It was barely possible to keep the party together for four more years without driving its more distinctly Northern adherents to revolt. Its cohesion was constantly tried by the quarrels that broke out on every debate that touched the burning questions. And the defeat of the Democratic party meant the rupture of the last links that held the Union together. The question would then be not between Union and disruption, but between peaceful secession and civil war.

It soon became apparent that Congress was incapable of any impartial, honest, practical endeavour to settle the affairs of Kansas. Governor Shannon had been superseded; his successor recognised the Pro-slavery Legislature as having at any rate the form of legality on its side. The ascendancy of parties depended on the seasons. Winter arrested the flow of those large Northern reinforcements on which the strength of the Free-soilers depended. The Pro-slavery Government recovered the ascendant, imprisoned the leaders of their opponents, exiled many of their followers, and closed the roads by which their recruits attempted to enter the Territory. Thus, when the Democrats in Congress offered a *primâ facie* reasonable compromise, by which the obnoxious laws and tests should be set aside, the Territory reorganized, and its government left in the hands of *bonâ fide* settlers, who should have been actually established in the Territory on July 4, the Republicans declared that this date concealed a fraud. Sumner's dragoons had expelled not only the Missourians but a number of Southern settlers; *per contra*, the few peaceable men who had migrated from the North had left a country given over to anarchy, and the victorious party had driven out hundreds of the intruders engaged by the 'Emigrant Aid Societies.' The Republicans demanded time for the former to return—time to pour in fresh swarms of Free-soil rowdies. Between factions thus mutually distrustful no settlement was possible.

The struggle culminated in the attempt of the Republican majority in the House to impose a rider on the appropriation for the support of the army, forbidding the employment of Federal troops to maintain the law in Kansas till certain Republican demands should have been satisfied. In America, as in England under William III., the practice of 'tacking' political measures to money grants in order to override resistance or preclude debate, though obviously unconstitutional, had been tolerated for convenience sake till it was grossly and openly abused to coerce an independent branch of the Legislature. The Senate—having what has

been wrested from the House of Lords, the right to amend money-bills—could not thus be placed under duress. It could strike out the rider, cut the ‘tack,’ and throw on the aggressors the responsibility of resistance—of paralysing the Government or dissolving the army in the hope of crushing Senatorial opposition. The session closed without the passage of any vote for the military service. Pierce was compelled to convoke Congress in extra session on August 21, 1856. The contest was renewed, and the House yielded at last by a majority of 101 to 98. Beyond the appointment of the Committee at the beginning of the session, nothing had been done for Kansas, though a fresh abuse of power imperatively demanded the interference of the Federal Legislature. In pursuance of instructions from the Bench, a partisan grand jury had indicted for ‘constructive’ treason several of the foremost Free-soiler leaders. That doctrine of ‘constructive’ treason, long since obsolete in Great Britain, had been negatived in the plainest and most explicit terms by the Constitution of 1787, which knows no other treason against the United States but levying war against them or adhering to those who do. Treason against a Territory is conceivable only as treason to its sovereign Power, the United States, and is therefore limited by the terms of the Federal Constitution. Even the possibility of treason against a State has been questioned—absurdly, it would seem, while the States were sovereign.

CHAPTER XV.

KANSAS SETTLEMENT. DRED SCOTT CASE.

Mr. Buchanan's Efforts to reconcile the Kansas Factions—Perversity of the Free-soilers—Settlement—Case of Dred Scott—Decision of the Supreme Court—Repudiated by the Republicans—Helper Manifesto—John Brown.

ON Mr. Buchanan's accession to power, March 4, 1857, he found the Kansas question in his view predetermined by the action of Congress. Every organised Territory elects a delegate to the House, with the right of speaking on Territorial questions, but not of voting. The seat claimed by ex-Governor Reeder, the nominee of the Topeka assembly, had been accorded to Whitfield, the representative of the regular or Pro-slavery Legislature. By this, and by other acts recognising the latter as the lawful authority of the Territory, the President regarded that question as finally decided. It was not for him to dispute the decision of Congress on a point so clearly within its jurisdiction. The Free-soilers were maintaining a rebel Government and bogus Assembly of their own, and thus defying, not only the local authority, but Congress and the President; were, in very truth, rebels in arms against the United States, save that the United States Government chose rather to ignore than to put them down. A new Governor, R. J. Walker, had been appointed; and under strong pressure from Washington, the regular Legislature on February 27, 1857, passed an Act convoking a Convention to frame a State Constitution, and providing for the election of delegates on the third Monday of June. The test oaths were abandoned; the only qualifications required were citizenship of the United States and three months' residence in the Territory. The qualified voters, 9,251 in number, were freely registered, the requirements of common sense and equity were fully satisfied. If the Free-soilers were, as they claimed, a clear majority of the *bonâ-fide* citizens, they had only to vote and regulate the Constitution of the future State at their pleasure. But under the encouragement of the Republican leaders at Washington, they refused to abide either by the law or by the ballot, and maintained their appeal to naked force. They elected a Governor, and organised a rebel militia under General Lane, the chief

of the Iowa filibusters. Mr. Buchanan, anxious above all things to avoid bloodshed, forbore to order the Federal troops, now under the command of General Harney, to disperse the rebels; but, as bound in duty and in law, protected the legal Convention, which assembled at Lecompton. Through the wilful abstention of the Free-soilers, the Convention contained an overwhelming majority of Pro-slavery members, and drew up a Pro-slavery State Constitution. They so far complied with the President's urgency as to submit the question of slavery to the people. The Free-soilers again abstained, and an overwhelming popular vote sanctioned the Lecompton Constitution with slavery. The Topeka men, as aforesaid, drew up a rival Constitution of their own, and demanded the admission of Kansas as a Free State. States had been admitted under constitutions not framed in pursuance of law, enacted by conventions unauthorised by the prior act of Congress which alone could give them legal authority. California afforded a recent precedent strictly in point. But in every such case the irregular act had been that of the people as a whole; the convention had represented all the inhabitants of the Territory, and the proposed constitution was the genuine expression of a free public opinion. In no case had a convention assembled in resistance to that called according to law presumed to submit an opposition constitution. Congress could not, without stultifying itself, reject a constitution the result of free election under the action of the reorganised Government. But the Republicans would listen to neither law nor reason. When the Lecompton Constitution was submitted to Congress, they not only resisted its acceptance, but fought resolutely and stubbornly for the recognition of the Topeka assemblage.

In the meantime State officers and a State Legislature had been elected under the Lecompton Constitution in January, 1858. This time the Free-soilers yielded to the repeated advice urged by Mr. Buchanan with equal earnestness and forbearance. They cast their votes and secured a large majority. The President now recommended Congress to admit Kansas under the Lecompton Constitution, on the express ground that the Free-soil Legislature could at once appeal to the people and that a new convention could, if the electors of Kansas so desired, amend the Constitution by the prohibition of slavery. The common sense and legality of this proposal were equally obvious. The question was no longer between the Border and Free-soil Ruffians, but between the latter and a Free-soil Government *bonâ-fide* representing the people at large. Yet the Republicans continued to sustain the rebels; and only at the beginning of May, 1858, was the Bill admitting Kansas under the Lecompton Constitution carried by a strict party vote. It was a significant omen of the future

that Douglas in the Senate and two or three of his followers in the House now deserted the Democratic colours. Kansas, however, postponed her own admission by stickling for an unprecedented donation of public land—everywhere the property not of the State but of the Union—and remained in her ambiguous position as an inchoate State till the withdrawal of the Southern Representatives and Senators left the Republicans absolute masters in Congress, when she was admitted under the ‘bogus’ or ‘hole-and-corner’ Constitution of Topeka.

On March 6, 1857, the Supreme Court gave judgment in a case which directly involved the most fiercely contested issues of the sectional conflict, bringing the political aspects and relations of slavery—its position in the Territories, the power of Congress, the Fugitive Slave Law, the antagonistic legislation of the Free States—to the test of constitutional principle and legal precedent. Dred Scott, with other slaves, had been carried by his master into a Territory north of the Missouri Compromise line; and, being carried back into Missouri, claimed his freedom. Southern tribunals had repeatedly decided that slaves carried into Free States by their master, and thus legally brought under the State jurisdiction, thereby recovered their freedom, and did not lose it by being carried back into a State where slavery was recognised. Extending this doctrine to the Territories, the Circuit Court of Missouri had decided in Scott's favour. The Supreme Court reversed the decision, and laid down that the Territories were held by the Federal Government during their Territorial condition for the common use of the States; that the Territory being part of the United States the Government and the citizens alike entered it under the authority of the Constitution, with their respective rights defined and marked out thereby. The Fifth Amendment provides that no person shall be deprived of life, liberty, or property without due process of law. The Federal Government, therefore, was bound to protect the property of citizens within the Territories. There was no difference between property in a slave and other property, save that the former had been distinctly and separately recognised by the Constitution. The right to traffic in such property like an ordinary article of merchandise had been guaranteed by the Constitution to the citizens of every State that might desire it, down to 1808. The Federal Government was thereby pledged to protect that property. It was tacitly assumed that the slave had already been ‘deprived of his liberty’ by due process of law—*i.e.* by the legislation of his native State; an assumption which can hardly be disputed.

Upon such considerations, fully and ably set forth, the Court pronounced the Missouri Compromise unconstitutional and void. That Compromise had already been repealed by the Kansas-Ne-

braska Act, but that Act had left open the question as to the position of slavery in other Territories. The judgment of the Supreme Court legally settled this long-contested issue; laid it down that the Southerners had a legal right to carry their slaves into the Territories, and could not be deprived of that right till each Territory was organised into a State—a doctrine fatal alike to ‘squatter sovereignty’ and Congressional control.

The inference drawn from the Constitution may have been right or wrong, as a legal enactment might be just or unjust; but the decision of the Court was law, just as the attainder of Strafford was law till reversed. But a majority of the people of the North as individuals, and the Republican party as a party, set the law at open defiance. The next Republican Convention proclaimed as a fundamental principle of its policy the exclusion of slaves from the Territories. Within the Union, that is, and while claiming all its benefits, they declared themselves resolved to elect a President pledged, in disregard of his oath of office, to use the whole power of the Federal Government to defeat the law and nullify the Constitution.¹ In the meantime the party was using every means in its power to exasperate the conflict. Senator Seward of New York, their recognised leader, and Abraham Lincoln of Illinois (whose name had first been heard in the Convention which nominated Fremont, and seemed to hesitate for a moment between Dayton and Lincoln for the Vice-Presidency) harangued Northern audiences upon the ‘irrepressible conflict’ between slave and free labour; and pronounced that either the cotton, rice, sugar, and tobacco of the South must be cultivated by free labour, or the wheat-fields of Massachusetts and New York surrendered to slave culture! It was not by alarms so palpably absurd that the thriving yeomanry of New York or Ohio, the wealthy manufacturers and intelligent artisans of Massachusetts and Pennsylvania were roused to unreasoning passion: it was the furious passion of the day that gave circulation—not credence—to nonsense which no newly entered student of Harvard, much less shrewd lawyers and experienced politicians, could soberly propound.

On March 9, 1859, the leaders of the Republican party, backed by sixty-eight members of Congress, with Speaker Colfax at their head, put forward on behalf of the party a manifesto the like whereof is only to be found in the annals of the Jacobin Club and the Commune.

It is a signal revelation of the political morality, the constitutional loyalty, the regard for positive obligations, which charac-

¹ Throughout the conflict the only legal course—to obey the law till repealed by a constitutional amendment—was never dreamt of or glanced at either by Republicans or Douglas Democrats. This was all the South required, and it was this that the North refused.

terised the Republicans ; of the boundless unexampled vituperation, the menaces, outrages, and insults which goaded the South to fury ; which above all rendered sober discussion, compromise, confidence in the most solemn assurances, henceforth impossible. Such a manifesto of itself proclaimed the ascendancy of its authors and the maintenance of the Union for ever incompatible. This document—written by one Hinton Helper, an Abolitionist of Southern birth, in the language of actual madness rather than of political frenzy—threatened the South with wholesale confiscation, servile insurrection, invasion, and massacre. In every page the author foamed at the mouth with incoherent abuse, slander, and sheer ribaldry at which Jeffreys or Ludovic Muggleton would have stood aghast.² The Republicans printed, recommended, and circulated by hundreds of thousands a declaration of war, proscription, and spoliation against the slave-owners of the South ; ‘ineligibility of slave-owners for every office great and small ; no co-operation with them in religion or society ; no patronage to pro-slavery merchants ; no guestship in slave-waiting hotels ; no fees to pro-slavery lawyers, physicians, parsons, or editors ; no hiring of slaves.’ Such was the declared policy of men like Seward, Chase, and Colfax towards fifteen confederate States ; such the language they held to the foremost statesmen of the Union, to their colleagues in Congress, to almost every gentleman, politician, soldier, planter, merchant, and professional man south of Mason and Dixon’s line. The law of America, Colonial and Federal, had recognised slavery for more than two centuries—had encouraged men and women to invest their money in slave property. New England rather than South Carolina or Georgia was responsible for the slave trade. The former had sold to the South thousands of Northern-born negroes and stolen Africans, and derived no small part of her mercantile wealth from the traffic. No point of morality is more absolutely clear, no principle of political and social justice is more firmly established than this—that if the State repent its laws the State must pay for the liberation of its conscience ; that the confiscation of proprietary rights once established by law, without full compensation to their holders, is naked robbery. But now the Republicans of the North, addressing the slave-owners in terms of the foulest and coarsest abuse, informed them that they must not only emancipate every one of their slaves, but pay each of them sixty dollars in hard cash ! There could not be a more absolute repudiation of the Federal compact, a more definite declaration of war. The Southerners would have deserved the worst that could befall them had they

² I quote a very few of the least extravagant and revolting sentences. No man who has read the work, or a fairly chosen series of extracts, will dispute the literal accuracy of this description.

remained in the Union after the endorsement of this party manifesto by a majority in the Northern States. This was obvious to Seward, Greeley, Colfax, and their associates; and the reply of Mr. Seward was, 'If you take the South out of the Union we will bring her back, and if she goes away with you she will return without you.'³ And the meaning of this sentence was not left to conjecture. The Republican Senators, Representatives, and candidates for the Presidency plainly threatened the chosen leaders of the Southern people. 'If you dare stand on your defence against our scheme of subjugation and spoliation, you shall pay for it with your lives.' Such was the programme formally adopted, and never after repudiated, by the Republicans; a programme which would be held to put any other political party beyond the pale of human sympathy. Suppose Peel, Wellington, and Lyndhurst thus to have menaced their Roman Catholic countrymen with proscription, confiscation, and ruin; suppose the Tories in 1828 to have gone to the country on such a manifesto, and to have received a plurality of British votes: who would not have despised Ireland if she had *not* rebelled? And for such purposes the analogy between Slavery and Popery is perfect. Both were held in intense abhorrence by millions; both were held with sincerest faith by their defenders to be just, righteous, and sacred. The former finds far the more direct and explicit vindication in the supreme authority to which both North and South appealed. Both are survivals of a recent age when no one doubted the doctrines of either.⁴

Some six months later, this authentic exposition of Republican faith and morals received a striking practical commentary. John Brown of Ossawatimie was reputed the most ruthless, lawless, and fearless of the Free-soil desperadoes of Kansas. He stooped to no quibble of *bonâ-fide* settlement, he avowedly sought only an opportunity of indulging a savage party spirit. Like Torquemada and Cromwell, Alva and Endicott, he robbed, fought, butchered prisoners in cold blood A.M.D.G. He was universally believed to have been the author of the cruel and dastardly massacre which commenced the war at Pottawattimie. His denial is of little value; the pretexts assigned for that atrocity attest his intimate connection therewith. One of his last exploits in Kansas was a midnight burglary in Missouri, in which he carried off several slaves and horses. This outrage he avowed in Cleveland, Ohio, where he sold the stolen animals by public auction. Every citizen of Ohio was bound, every magistrate sworn, to arrest such an offender and hold him for extradition and trial in the State where the theft was committed; but not one man had the

³ Helper's own words.

⁴ Helper's *Imperial Crisis*, pp. 89, 90 *et passim*. Buchanan's *Administration*, pp. 50, 60.

will or the courage to do his duty. Law and public faith had lost all meaning among those who presently went to war to 'maintain the Union and enforce the law.'

After peace was restored in Kansas, with moneys obtained from Abolitionist friends—for what sort of use the subscribers could not doubt—Brown purchased pikes, rifles, and revolvers enough for a thousand men, which could have no other destination than the hands of insurgent negroes or filibustering desperadoes. Relying, as Greeley himself declares,⁵ on a negro rising in his favour, on Sunday, October 15, 1859, with a gang of twenty-one filibusters, Brown entered the village of Harper's Ferry, immediately on the Virginian side of the Potomac, seized the great unguarded Federal arsenal there situate, cut the rails and telegraph wires, attacked a train and murdered a negro. He next entered the houses of several gentlemen, seized arms and horses, liberated slaves, arrested some fifty white citizens, and murdered one armed and four unarmed men. Brown's denial of any desire to excite a servile insurrection only shows that no reliance can be placed on his word. To mere fugitives the 'Underground Railroad' was open, and a few miles walk would at any time have brought them into practical safety. If he spoke the truth on this point, his conduct was that not of a fanatic or a madman but of an idiot. The seizure and occupation of the arsenal could only be meant to arm insurgent slaves and afford the signal and centre of a negro rising; the ignominious collapse of the enterprise was owing simply to the failure of this, its essential basis. Abolitionist libels brought to ruin the man who believed them and acted on his belief. The slaves in the Shenandoah Valley were conscious of no grievance, and had no mind to rebel. The militia of Virginia mustered fast; a force of marines under Colonel Robert E. Lee arrived from Washington, the arsenal was stormed and the filibusters captured.

The prisoners were treated with signal indulgence. The grisly Kansas fighter, the Abolitionist fanatic, had certainly heard the story of Hayti. He knew what servile insurrection meant, and had made up his mind to sweep Virginia at the head of a horde of savages, burning, robbing, outraging women and young girls, and butchering defenceless men. He was no child, no sentimentalist like Emmett or Lord E. Fitzgerald, but a man of iron nerve and conscience, ready for any atrocity, as for any peril, in the cause in which his worst passions and his highest aspirations were alike enlisted. He would have wished to restrain his followers from the more hideous forms of licence; but he was too familiar with outrage and civil war to fancy that he could so. By the universal maxim on which all human

⁵ *American Conflict*, vol. i. p. 291.

justice proceeds, he must be held to have intended the natural consequences of his acts; and it is impossible, therefore, to exaggerate his guilt. But it was the guilt of an unscrupulous fanatic, like Booth or Balfour of Burley, whose bitterest animosities were hallowed by his sincerest convictions, and to whom nothing was criminal that could serve his cause. His courage—though, on his own showing, mere physical insensibility—his undaunted firmness and undoubting faith, commanded the respect of the Virginian chivalry. As the prisoners were marched through the streets, Governor Wise sharply rebuked and silenced the angry cries of the populace. The culprits were allowed full time to prepare their defence. Taken red-handed in a scheme to consummate at Harper's Ferry all, and worse than all, the worst horrors of Cawnpore and Delhi, they received a trial whose perfect fairness John Brown himself admitted. The avengers whose lives he had attempted, whose wives and children he had devoted to the hideous brutality of insurgent Africans, spared him all personal indignities, all moral torture. Few among his intended victims approved the righteous sentence passed on him and his accomplices more heartily than they joined in the prayer that followed it—'may God have mercy on your souls!' He had earned a felon's death; it is not for those who cannot read the heart to express more than a hope that he had also earned a martyr's crown.

No such charity is due to the subscribers who sent John Brown on his fearful errand, or to those who in cold blood paraded their sympathy for the culprits, and honoured the armed invaders of a sister State with all the signs of public mourning bestowed on the most distinguished soldiers who have died for their country. Such deliberate insult offered by one foreign State to another would bring them within twenty-four hours of war. Nay, the offence of Massachusetts was grosser, in proportion to the solemn obligations which bound her to Virginia, the consideration for which she exacted to the last dollar. With individual violators of the Fugitive Slave Law no Southerner could at heart be angry; for few indeed were the Virginian planters, the Kentuckian farmers, who, meeting a footsore fugitive or a runaway mother carrying a child she sought to save from the slave-dealer, would not have shut their eyes and ears, or, if questioned, chosen like the Scotch loyalist to 'trust their souls to God's mercy,' rather than the fugitive's body to the tender mercies of the hunters. Few but would have respected and accepted a declaration from the Northern States—this law is an abomination we cannot endure; we renounce every advantage purchased at such a price; we break the bonds which imposed such a burden upon our consciences, 'peaceably if we can, forcibly if we must.'

Of Garrison, Wendell Phillips, and other ultra-Abolitionists, the worst that could be said was that their denunciations of the Southern people were unchristian and ungentlemanly; that their ribald abuse was, though not wilfully false, unpardonably careless of truth.⁶ In their attacks on slavery *as an institution* they were honest, conscientious, and consistent. For those who insisted on retaining the profits of the bond while repudiating its obligations—the position of the Republicans at large—whatever partisanship may plead, history can find neither defence nor palliation. Repudiation deepens the infamy that clings to such promises; the unspeakable baseness of the bargain blackens the shame attaching to so foul a breach of faith. The hatefulness of the law has nothing to do with the question. Slavery and the Fugitive Slave Law were the price of the Union; none but a swindler ever dreams of retaining both the purchase and the purchase-money.

⁶ Garrison habitually called all opponents, slave-holders or not, by the foulest names—'liars, cowards, ruffians, murderers, man-stealers,' &c., *ad libitum*. See his *Life*, by his children.

CHAPTER XVI.

THE BREAK-UP OF PARTIES.

Situation of 1860—The South had *Led* the *Union* where the North now Claimed to *Govern* the *South*—Slavery Doomed by Separation—The North Deceived by its Leaders—Full Notice Given—Division of Parties—Democratic Convention—Conduct of Douglas—The Election—Its Significance.

THUS far, the formal cohesion of the Democratic party alone postponed a direct sectional conflict—the declared and open division of parties on a geographical line, which was the penultimate step to separation, peaceable or forcible. The principles, the traditions, the standpoint of the Democratic party were essentially constitutional and conservative. It stood upon the Constitution as interpreted by the Supreme Court, or it had no *locus standi*. And in the cohesion of the party on that ground was the sole hope of the Union.

The position of 1860 was utterly different from any that had existed or could have existed prior to the election of 1856. It was not a question of party defeat such as the Southern majority had endured in the election of Adams, Harrison, and Taylor. The Whig party, when strongest in the North and weakest in the South, was a national party, based on national principles and on *bonâ fide* even if mistaken constructions of the Constitution. The Republican party was Northern and Northern only; had no organisation, no journals, no leaders, scarcely a single supporter in the fifteen Southern States. The country had been governed by Southerners, but never by the South—never could have been governed by a party which had not at least a very powerful minority in the North. Since 1789 a great many of the Presidents, of the Speakers of the House of Representatives, of the Judges of the Supreme Court, had been men of Southern birth, but had not owed their position to Southern influence, had been carried to their high places by a thoroughly national vote. Nor did they even represent the influence of the South in that party which had, since the election of Jefferson, generally controlled the patronage of the Union. Whig as well as Democratic magistrates and leg-

islaters, judges, ministers and envoys had been taken from the Southern States. Of the first six Presidents, four had been Virginians, two citizens of Massachusetts; simply because Virginia was then the chief school of American statesmanship, and Massachusetts her only rival. Washington, Jefferson, Madison, and Monroe no more owed their election to their Virginian birth than the elder and younger Adams were indebted for theirs to the fact that they represented the most powerful State of New England.

It was not that the North had not politicians as able as their Southern rivals, and gentlemen of hereditary character, fortune and culture fit to mate with the Cavalier and Huguenot families of Virginia and the Carolinas; but as a rule the politicians were not gentlemen, and the gentlemen had learnt to hold themselves aloof from politics. Hence, Federal offices which demanded more than mere political training and intelligence—in which dignity and breeding, refinement of manners and character, were essential qualifications—were conferred by natural selection rather than personal choice chiefly upon Southern men.

It was plain that if the Republicans should persist and prevail, the South could not remain a proscribed, subjugated, humiliated appendage to what would then be not an equal Union, but a Northern empire. Her pride, her public spirit, her honour, her very safety forbade it. The prestige of indomitable self-respect, of unconquerable will, was the foundation of her social order. None the less did she realise the grave, complicated, incalculable, and illimitable consequences of secession. It was no trifle to renounce the position of the South as part of the one great American Power, unassailable save by her confederates; and this was the least of her sacrifices.

To say that the South seceded and fought for slavery is to accuse her of political imbecility. How long could slavery, at least in Virginia, Maryland, Delaware, Kentucky, and Missouri, survive the dissolution of the Union? Every fugitive would see a safe asylum at hand and thousands of ready hands outstretched to help him to reach it. Incendiary manifestoes would be distributed wholesale from the presses of Philadelphia and Cincinnati. For one John Brown hanged ten would operate safely from beyond the frontier. What, in such a state of things, would be the value of slave property, of any property, in the border Slave States? What along the banks of the Mississippi, if its navigation were, as it must be, open to Northern traders? Abolitionist emissaries would run swift steamers of light draught into shallow bayous and hidden inlets; and—till the truth as to the fate of fugitives in the North slowly filtered down, till their influx was felt as a practical nuisance, and checked by the summary processes that gave effect to the will of the people—the negroes of the

South would have been kept in a state of constant excitement and dangerous effervescence. Had slavery been what Yankees and Englishmen commonly supposed, it could not have survived six months of civil war. Being what it was, it could hardly have survived six years of separation. The same considerations, however, tend to show that the same antagonistic ideas which rendered it impossible for South and North to work together in the Union would have made their peaceful coexistence as independent Powers equally impracticable. One alone, but the greatest, ablest, and most trusted of the Southern leaders, recognised and avowed that disunion meant war; that those who had denounced the Union as 'a covenant with Hell' would show themselves as resolute as Pharaoh 'not to let this people go.'

The distribution of parties rendered the alternative for which the Southern people were already prepared, the probability whereof their leaders, however reluctantly, were compelled to recognise, the most likely result of the coming Presidential contest. The ignorance of Southern feelings, the pretensions to a law higher than the Constitution, a morality superior to obligations, which had prompted the Republicans in their long course of political aggression, blinded them to its consequences. The tone of Southern warnings and remonstrances was, as violent Unionists have since admitted, grave, earnest, and alarming; the tone befitting leaders of men who saw their country forced to the very edge of a precipice. It was no longer the wild talk of 'fire-eaters,' as hot and hasty as they were soon to prove daring and desperate; but the stern, quiet, low speech of statesmen and soldiers in deadly earnest—of Englishmen who, in a probable event, meant fighting, and were resolved not to fight by mistake. Then the quality of the Republican leaders was shown. Webster or Adams, Clay or Marshall, would have known what the South meant. The North would have learnt from them the alternative before her—equal union or open separation, loyal peace or war *à outrance*. The Swards and Sumners, Lincolns, Chases, Weeds, and Greeleys did not or would not know. They mocked the warning; and, when it was fulfilled, excused themselves by denying its utterance, complaining of 'surprise,' 'conspiracy,' 'hurry,' and the like. They deceived their people, and evaded their wrath by charging deception on others. Buchanan's testimony is conclusive, even did not the files of their own journals convict them out of their own mouths. The President saw what was coming; he knew the South and her leaders too well to doubt that they were the more terribly in earnest because they had endured so long.

But the Republican orators would not hear. To acknowledge the consequences of victory was to ensure defeat. Whether or no the South were prepared for disunion, the North was not. Had

her eyes been opened in time, she would have recoiled; Pennsylvania, New York, the Pacific States would have protested, as they did protest when it was too late; the thousands who in March and April 1861 denounced the Radical policy would have revolted in October 1860 from the Radical standard; the election would have been lost and the Union saved—for the time. The men who had given their signatures to Helper's manifesto were not troubled with scruples. They appealed to the Northern people to kick the South into submission by reiterated assurances that 'in no case could she be kicked out of the Union.' The mutual ignorance of the two sections, but especially of the North, was such as has seldom existed between neighbouring nations, never perhaps between contiguous people of the same blood with a common language, literature and history.

The South believed that 'cotton was king'; that the North would never risk its monopoly of the Southern trade, its protectionist tariff, its tribute of interest and commissions, the supplies which fed the mills of Lowell, the Southern market in which Massachusetts calico, Northern tools, machinery, and wheat sold for twice their value. The North believed that the South was afraid of her slaves; that disunion would be the signal of servile insurrection; above all, that slavery was repugnant to the feelings as to the interests of the non-slave-holding classes—to the conscience, the religion, and the experience of the slave-owner. From these false premisses popular instinct drew the logical conclusion—that the South would not fight. No ruling aristocracy half so capable¹ ever went into war against fivefold odds with a half-hearted yeomanry at its side and a disaffected peasantry in its rear. No nation ever challenged a duel to the death in a dubious cause—appealed to the God of Battles to make right compensate might, and courage prevail over numbers and resources, but with a clear conscience; no Teutonic race ever staked life and all that makes life worth living, lands and liberties, families and fortunes, on a chance so desperate—assuredly none ever fought to the last after hope had vanished and when all was lost but honour—unless convinced in its inmost soul that Divine justice if not Divine providence was on its side.

The Republicans, acting on the aggressive, hoping all and risking nothing, would listen to no terms, abate no jot of their demands. They were not a majority; but they were the popular party of the stronger section.

The Southern Democrats were equally resolute to accept nothing short of equality and self-government, or to secede 'peacefully if they could, forcibly if they must.' The Conservative Democracy of the North, on clear grounds of constitutional convic-

¹ See *A Fool's Errand*, chaps. xxxiv. xxxix. *et passim*, for an enemy's testimony to the consummate political capacity of the Southern gentry.

tion, common tradition, and party attachment, held with the South. One-half the North was already arrayed under the Republican standard: if once the Northern Radical wing broke away from the Conservative Democrats, the last link of union would be severed. It rested with one man whether this should be. The law, as defined by the Supreme Court, had interpreted the ambiguous language of the Kansas-Nebraska Act in the Southern sense—denying, in so far as slavery was concerned, both Congressional and ‘squatter sovereignty’ in the Territories. Would Douglas, the author of that Act, accept its legal interpretation? He might have done so, for he had studiously avoided to define the meaning of the Act—the time at which the self-determination of the Territory should take place. But the Congressional debates on the Lecompton Constitution had forced him to speak out; and his speech and his vote had committed him. He with the Radical Democrats of the West, insisted on squatter sovereignty as he had at last chosen to define it. He had to choose, in effect, between the temporary allegiance of Illinois and the permanent cohesion of the Democratic party. Without the former, he would not be the man to profit by the latter. The Union might be saved, but he, in losing his own State, would have lost his chance of the Presidency. He chose: he kept Illinois, he broke up the Constitutional party, and sacrificed the Union. He pronounced that ‘squatter sovereignty’ was his last word, after the irresistible logic of facts, the experience of years, had translated that ambiguous phrase into the vernacular of the West, as ‘a big scramble and a free fight.’

One only platform was more gratuitously perverse and mischievous. There was still a Whig, Know-nothing, American, or, as it now called itself, ‘Constitutional Unionist’ party, which professed to stand on the Constitution and to abide by its legal interpretation. But upon the one issue of the day, the Constitution legally interpreted, the Constitution as the Supreme Court had laid it down, meant the Dred Scott decision. That decision was the creed of the Conservative Democracy, and in standing aloof from that Democracy the professed Unionists *par excellence* clenched the fate of the Union. The last hope lay in the traditional discipline, the immemorial loyalty of the Democrats; the possibility that they would, as on former occasions, compel the waiver of all individual pretensions, all local factions, and stand together on the one intelligible ground—‘the equal rights of the Sovereign States, the Constitution as constitutionally interpreted.’ Senator Douglas and his creatures proceeded to convert this very forlorn hope into utter despair. The man staked his own fortunes, his party’s, and his country’s on the chance that if his minority would not yield to the majority, the majority would submit to be dragged through the dirt by him.

On April 3, 1860, the great Democratic Convention met at Charleston. It was attended by delegates from all the thirty-three States, each State delegation having as many votes as in the Electoral college. This arrangement gave a totally false representation of the party; assigning an irresistible majority to those States whose delegations the Douglasites controlled—States from which the nominee of the Convention, be he who he might, could hardly hope to receive fifty votes. The Northern wing, insignificant in the field, were the stronger in the Convention, and, as the event proved, were resolved to ruin or to rule the party. The Committee instructed to draw up a platform consisted of one delegate from each State. As the largest States were mostly Republican, the real force of the Democratic party was much less inaccurately represented in the Committee than in the Convention itself. The division at once revealed how the Douglasites meant to use their artificial advantage. The seventeen assured Democratic States (assured if the Democratic party held together), the fifteen Slave States, with California and Oregon, were on the one side; fifteen Northern States on the other; Massachusetts, by the vote of Benjamin F. Butler, virtually sided with the latter. The 'majority report' firmly enforced the doctrine of the Dred Scott decision. The minority, recognising in its preamble that 'differences of opinion existed within the party respecting the Territorial position of slavery,' proclaimed the intention of the Convention 'to abide by the decision of the Supreme Court upon questions of Constitutional law.' As the only Constitutional question in point was that decided in the Dred Scott case this refusal to adopt the explicit language of the majority must mean evasion or bad faith. Butler desired to observe absolute silence on this paramount issue. The former report commanded a majority in the Convention, if the votes were taken on any consistent principle—a majority of the States and a majority of the delegates. But by a perversely artificial and illegitimate method of taking the votes (the Pennsylvanian, New Jersey, and Delaware delegates voting individually, while the entire vote of every other State was cast by the majority of its delegates), an artificial majority was secured for the Douglas report. The victorious faction presently amended their platform by striking out the disputed paragraph, falling back on Butler's proposal, and thus simply ignoring the decision of the Supreme Court, the rights of the South, and the main issue of the campaign.

Hereupon the delegations of eight Southern States seceded from the Convention. The Border States of Virginia, Tennessee, and Kentucky endeavoured to heal the breach, proposing to reassert in a simpler form the principle of the Dred Scott decision, the inviolability of slave property in the Territories; but the Douglas-

ites, now masters of the situation, refused to listen to any compromise, stood on their formal right, and howled down the motion for reconsideration. They forced on the nomination of candidates in the absence of half the sure Democratic States; but under the rule requiring two-thirds of the whole number of legal votes, 202 out of 303, Mr. Douglas could only obtain $152\frac{1}{2}$, of which 110 came from Republican States. It was now certain that he could not be elected, since he could command at most 42 electoral votes, and honour, loyalty, and patriotism clearly required him to withdraw. But he persisted. On the motion of Virginia the remnant of the Convention adjourned, and reassembled at Baltimore on June 18, avowedly with a view to reunion. But the Douglasites refused to readmit the seceding delegations, and, secondly, rejected the motion to reconsider the platform. Hereupon North Carolina, Tennessee, Kentucky, Maryland, California, and Oregon withdrew. Massachusetts followed, because the Convention had ceased to represent the party. The Rump, which could not command the votes of five States, swept all rules aside, and nominated Douglas. To the reckless egotism of one unprincipled politician, and the unscrupulous intrigues of adroit and servile wirepullers, the real will of the Democratic States, the object of the Convention, the future of the party, the last hope of the country were deliberately sacrificed. Douglas had secured, by the secret arts in which he had no rival, the control of the Convention; he had snatched by a fraudulent count a nominal majority; he had pushed the advantage thus won to the utter dissolution of the party. He knew that his election was impossible—he had lost the control even of his own State; but he obtruded himself as a Democratic candidate in order that no other might have a chance of success. In one word, he wilfully betrayed the Conservative cause and the safety of the Union, and handed over the election to the Republican minority.

The latter assembled at Chicago a Convention unprecedented in the history of American party politics. Only twenty out of the thirty-three States were nominally, only seventeen really, represented. The preposterous title of 'National' was not, henceforth, much paraded on the manifestoes of a faction which had thus proclaimed its purely sectional character. This significant fact disposes at once of the complaint that the South, after so many party victories, seceded upon a party defeat. Here was, for the first time in American annals, a party confined to one-half of the States pretending to rule the Union. The thing was incompatible with the very idea of union, the first principles of Federal government. Such a party, if installed in power, must govern the excluded States, so far as they were governed from Washington, as foreign and subjugated if not as hostile provinces.

It had, in Helper's manifesto, proclaimed its desire to invade their liberties, rob them, attack their interests, their rights, their dignity and independence by any means however lawless. It was now in full sight of power; and its first measure was a declaration of hostility. It denounced the law of the land, the judgment of the Supreme Court, as 'a dangerous political heresy, at variance with the explicit provisions of the Constitution and with legislative and judicial precedent, revolutionary and subversive.' The 'platform' went on to dispute the sovereignty of Congress over the Territories in an exactly opposite sense; denying the existence of any power competent to establish slavery therein; flinging at one-half the States a distinction equally injurious and insulting. It coolly designated the illegal self-constituted assemblage of Free-soil rowdies at Topeka the legitimate Government of Kansas, and demanded the admission of that State under a Constitution in which its people had had and were to have no voice; and finally pronounced in favour of protection and internal improvements—taxation of the South for the benefit of North-eastern capitalists; and of an enormous Federal expenditure on a railroad to the Pacific Ocean—a flagrant bribe to the States of California and Oregon.

The Convention then proceeded to ballot for candidates. Out of 365 votes, Mr. Seward received on the first ballot 178; the only candidate who came near him was Abraham Lincoln of Illinois, who had recently 'stumped' that State against Douglas with signal effect, displaying a coarse humour, a pithy phraseology, and a wealth of rude anecdotes and apt vernacular parables which marked him as an ideal demagogue. The eminence of Douglas raised the local antagonist, who had confronted him without disadvantage, within sight of the whole North. On the third ballot Seward received 180 and Lincoln 231½ votes. It was clear that the statesman had no chance against the demagogue; the educated, tried, and responsible leader against the self-made stump-processor and ex-railsplitter of the West. A number of scattered votes sufficient to give the latter a majority were at once transferred; and according to custom the nomination was then 'made unanimous.' The non-national character of the party was displayed by the selection of another Northerner, Hamlin of Maine, as candidate for the Vice-Presidency—a plain confession that there was no respectable Republican to be found in all the South.

Immediately on the dispersal of the Douglasite Rump, the seceding representatives of the seventeen Democratic States and of Massachusetts held a convention of their own, and unanimously nominated Vice-President Breckenridge of Kentucky for the first, and General Lane of Oregon for the second place. The 'Constitutional Unionists' put forward a colourless platform, with

Bell and Everett (the latter a distinguished Massachusetts lawyer and statesman) as candidates. Douglas had predetermined the result of the campaign; its issue, and the consequences became daily more obvious during the stormy progress of the contest. The national majority had been broken up into three fractions; all of which, as against the sectional minority, occupied substantially the same ground.

This fact deprived the election of that moral weight, that species of decisive authority, which American political superstition attaches to the definitive verdict of a powerful popular majority. The Revolutionary minority cast for Lincoln and Hamlin 1,857,000 votes, not one of which came really from the South. Of the odd 57,000, almost half were cast within the boundaries of Southern States by communities of Northern origin and feeling. The large German colony in and about St. Louis and those Missourian districts which belonged by settlement and character to Illinois gave them 17,000; the 'Panhandle,' and other fragments of Virginia, Maryland, and Delaware which were geographically, morally and naturally Pennsylvanian, more than half as many. The South was absolutely unanimous against them. But the minority carried 80 Republican electors out of 303. Nearly 1,300,000 votes, of which 59,000 were given by Missouri, 25,000 by Kentucky, and about 75,000 in all the other Southern States, gave 12 electoral votes for Douglas. Breckenridge received 850,000 popular votes, of which less than 280,000 were given by the Free States, and 72 electoral votes. To the former number, however, should be added the whole popular vote of South Carolina, whose electors were chosen by the Legislature. The 'Unionist' party received 39 electoral votes from Virginia, Kentucky, and Tennessee, and 646,000 popular votes, of which only 130,000 came from the North. Since the distinctive badge of the Douglasites was their refusal to abide frankly by the Dred Scott decision, it appears that the loyal and law-abiding citizens of the North—the men who were loyal to the Union, with its advantages and its obligations—were but a miserable minority of 410,000; less than one-fifth of the whole Northern electorate. The Unionism of the South was incomparably stronger and warmer, since of 1,270,000 Southern votes 515,000 (more than two-fifths) were cast for Bell and Everett, who received but 130,000 out of 3,200,000 Free State votes.

CHAPTER XVII.

THE MORMONS.

Joe Smith—The Book of Mormon—Unprovoked Anti-Mormon Atrocities—Murder of the Prophet—Brigham Young—The Exodus—Salt Lake City—Saints and Gentiles—Federal Policy—Mormon Morals.

WHATEVER virtues may be ascribed to American democracy, it certainly cannot be credited with toleration, religious or political. The history of the Mormon community—the Church of the Latter-day Saints—is one long record of persecution, popular and official, State and Federal; persecution by law and mob-law, by Congressional legislation and Executive partisanship. Those who study the earlier part of that record will find that the theocracy rather than the morality of the Mormons was the original cause of popular animosity. The ruder methods of repression drove the Saints from one home after another within the settled limits and *de facto* jurisdiction of the United States; the organised hostility of a Government obedient to the impulses of popular hatred pursued them across the wilderness, harassed them in the remote oasis created by their industry, threatened them with destruction by military force, and finally wrested from them the liberty they had sought at a greater distance, and at heavier sacrifices, than the Puritans who found in New England an asylum from the tyranny of Strafford and the bigotry of Laud. The cases are nearly parallel. Polygamy was an excuse gladly seized for a persecution which had done its worst before a system, appealing, like Puritanism itself, rather to the Old Testament than the New, was completed by a return to the practice of Abraham and Jacob, Saul and Solomon. Whether the suppression of polygamy by legal persecution and popular violence be consistent with perfect religious equality is at least questionable. The most tolerant Government on earth, that of British India, has decided the question in the negative. But polygamy was no part of the original teaching by which in the fourth decade of this century Joseph Smith, a dreamy, ingenious, restless, half-educated peasant youth, gathered around him a knot of ardent disciples, and presently founded communities whose discipline, union and pros-

perity astonished and infuriated the populace of Ohio, Missouri and Illinois.

Those who have made themselves most familiar with both will trace a close resemblance between Mormonism and so-called Spiritualism, and more than one Spiritualist has pronounced Smith a medium possessed or inspired by spirits of that type with which the attendants at physical séances are best acquainted. Contemptible imposture as it is, the Book of Mormon contains as much sense, truth and grammar as the revelations taken down by writing, rapping and trance mediums from the dictation of inglorious but not mute Shakespeares and Miltons. Experience has taught even Spiritualists that no reliance can be placed on the veracity of their supernatural visitors, and intimate familiarity with the Bible might have reminded the Western Prophet that lying spirits have been permitted to speak through the mouths of his predecessors. The golden plates he alleged himself to have found, from which he miraculously deciphered the history of the Lost Tribes of Israel, seem to have resembled some subsequently discovered in the same region. It is said, on dubious authority, that his accounts of the Israelitish descent of the Red Indians and of prehistoric American history were derived from a very dull unpublished novel with which he intermixed his own revelations and prophecies. But in ignorant, excitable, mystical dreamers, as in children, close imitation is no proof of conscious plagiarism. The religious teachings of the Prophets Moroni and Mormon, interspersed with the record, are nowise original or impressive; and it was not on the Book, but on the revelations directly vouchsafed to himself—and probably on a magnetic influence seldom possessed by mere impostors, and generally associated with that mystical enthusiasm which has characterised every founder of a new faith, from Buddha to Wesley—that Smith's ascendancy over a rapidly increasing band of devoted disciples, and the distinctive principles of the Mormon creed, were founded. What that creed actually is or was is by no means clear; for how much of it Joe Smith was really responsible is yet more doubtful. What seems certain is that, as first presented to the ignorant and unlearned, it struck them as a practical and consistent realisation of the religion they had learned in the chapels and Sunday-schools of the more extravagant and less enlightened dissenting sects—as not differing greatly, save in fidelity to its ideals, from the tenets of the Baptists and Primitive Methodists as presented by illiterate preachers.

No prophet, probably, ever doubted his own inspiration: none of those who have established a permanent hold on mankind were other than passionately truthful men—teachers of great and luminous truths, whose defect lies in what they neglect rather

than in what they enforce. The simple, stern veracity of the Apostle of Arabia no reader of the Koran can mistake. He was perhaps the greatest human genius that ever combined the mystic with the man of action. Joe Smith belongs to an infinitely lower type—that in which it is hard to distinguish between insanity and imposture. He was saner, and therefore probably less honest, than George Fox or Ann Hutchinson, but there can be little doubt that he had deceived himself before misleading others. The distinctive peculiarity of his career was that, like more than one partially successful modern fanatic, he aspired to be founder as well as prophet, and his leading idea was to gather the Latter-day Saints together in an industrial community under a strict theocracy. Nearly all his experiments promised success, had their peaceable development been permitted. From Kirtland in Ohio, from Jackson county in Missouri, the Latter-day Saints were driven by brute force inspired by a jealousy political rather than religious, by democratic hatred of the powerful vote wielded by a single despotic leader. No attempt was made by the lawful authorities of the State to protect peaceable, well-behaved citizens from the worst atrocities of mob law. As soon as the hive was built and honey worth stealing stored, the populace of the neighbouring districts, supported in Missouri by the Governor at the head of the State militia, expelled and plundered the Mormons, butchering men, outraging women and young girls, robbing, burning and murdering. The Mormons were as yet a people whom any of the Western States, whose prosperity depended on the rapid filling up of their fertile land with an industrious population, might be glad to invite. They obtained a promise of security, a grant of land and a municipal charter of extraordinary liberality, securing to them the self-government, almost the independence, of a State, from the Legislature of Illinois, and there built under the direction of the Prophet the City and Temple of Nauvoo. No more moral, quiet, sober, harmless community, none which if left to itself promised to thrive more surely and deservedly, was to be found in the whole State. They were hunted by their Missourian enemies with writs of arrest on charges notoriously and impudently false; but their charter enabled them to protect themselves till, in 1844, the city government was rash enough to imitate the repressive methods in fashion with its neighbours, and to extinguish by force a paper started in Nauvoo by certain Mormon apostates. The injured parties complained; the municipal court of Nauvoo set aside their suit. Their hostile neighbours, who had no legal or practical concern in the matter, mustered in force, the militia were called out, and Governor Ford took part with the aggressors. Joe Smith, his brother and another of his associates went to Carthage, the chief seat of their

enemies, to answer for the suppression of the paper. They were tried, and released on bail of \$500 to come up for judgment. Immediately one of the gang of law-breakers, at whose disposal Governor Ford had virtually placed the military force of the State, obtained a writ and arrested the Mormon leaders upon an utterly ridiculous but unbailable charge of treason. The Governor left the brothers with two other Mormons in prison under the charge of a detachment of militia, while he went to Nauvoo. Ford had personally pledged himself for the protection of the prisoners, but it is very doubtful whether he were not aware of what was intended. On June 27, 1844—in his convenient absence—the gaol was forced with only a simulated resistance. The Prophet could have escaped, but scorned to do so, because he had been charged with cowardice for evading a previous arrest, intended to afford an opportunity of assassination. He and his brother were butchered and their companions left for dead. Ford pretended to prosecute the murderers with vigour, but the trial resulted in their acquittal. The assassins, aided by the Governor, extorted from the surviving Mormon leaders a promise to abandon their city and their lands, and betake themselves to the Far West. Such was the manner in which the Governor, the Legislature, and the people of Illinois gave a willing sanction to a treacherous murder, and confiscated the fruits of the industry of invited, confiding and unoffending guests.

By this time the revelation of polygamy had been given to Smith, but was kept strictly secret. Mormon missionaries in Europe, some honestly and some dishonestly, persisted for years in denying its existence. Their theocracy had fallen into stronger hands than those of Smith. With a decent education, Brigham Young might have been one of the foremost public men or generals of the Union. Few ever combined so signally the magnetic influence of a great leader of men with consummate administrative skill and instinctive statesmanship. The bold conception of a march across the Western desert, the foundation of a community outside the dominions and beyond the reach of the United States, was of course sanctioned by a revelation ascribed to the Prophet. The business-like sagacity of the plan, defective only by lack of knowledge, the daring of the venture and the skill with which it was carried out, bear the stamp of practical genius sustained by fanatical enthusiasm rather than of a man like Smith, half mystic, half impostor. Expelled from Nauvoo, robbed of nearly all they possessed, the afflicted people moved slowly westward, and their pioneers established camps on the sites of more than one of what are now the most thriving cities of the Far West. At last, at the bidding of Brigham Young, in the spring of 1847, the great body of the Mormons—men, women and children to the number of

twenty thousand—undertook an exodus among the most trying and terrible recorded in history. Accompanied by waggons and cattle, they actually made their way across a barren waste of sand and salt which afterwards tried and broke down a military expedition sustained by all the resources of the War Department. Their sufferings and their losses were of course appalling. Their chief at last arrested their steps and chose their new home by the Great Salt Lake, in a desert which only elaborate irrigation could render habitable.

The Mexican war had broken out. It was no time to waste strength in the pursuit and destruction of the unhappy fugitives, and it may be that the President and the more respectable members of the Government at Washington were ashamed of the long series of lawless outrages by which the States of Illinois, Missouri, and Ohio had belied the favourite vaunts of American civilisation, and showed not only that law was impotent and justice hopeless, but that the boast of civil and religious liberty was a mockery and a snare. The Mormons were persuaded or compelled to furnish a battalion for the war, to whose services the conquest of California was largely attributable. The pay, furnished to them in advance, helped at least to sustain their families during their absence. In the meantime the colonization of Deseret—the Mormon name of Utah—or rather of the country around Salt Lake City, had proceeded with marvellous rapidity and, considering the character of the soil and climate, with marvellous success. The country was one in which no secular community dependent upon agriculture would have attempted to settle; one which nothing but concerted labour on a great scale could have rendered productive. The organized working force of the colony, inspired by religious enthusiasm with a steadier and more resolute industry than men so ignorant and inexperienced, working for themselves, would have displayed, was brought to bear, to water the arid soil and turn the waste into a garden. The city was laid out and built, the fields planted with wheat, potatoes and vegetables, not by a number of isolated families, but by a force of many thousand labourers acting in energetic co-operation and strict subordination under a single head; a head gifted with marvellous powers of organisation, with unquestioned authority and with the most valuable of all a ruler's qualifications, instinctive tact and judgment in the selection of men. Before the provisions they had brought with them were exhausted, the Mormons had secured crops such as could under no other circumstances have been extorted from that soil. Their chiefs were too often greedy and selfish; forbore to share, as the chiefs of a religious society were above all men bound to share the hardships and privations of their followers. But Brigham Young had contrived

to combine with a burning and unquestioning zeal a stringency of discipline which silenced all murmurs, a faith in himself which kept up the hopes of his people in the deepest adversity and in spite of the darkest omens.

Fortune favoured him in the speedy discovery of the Californian goldfields. Caravans that could not carry sufficient provisions for the journey across the continent speedily learned to rely on Utah for the latter part of their route, and opened to the Mormons a market at the highest prices for all the produce they could spare from their own needs. Their converts were taught to look to the New Zion as their earthly home, to make every effort, to endure every privation, face all risks, in order to attain the land of their promise. Emigration was to them all, and more than all, that the pilgrimage to Mecca is to the Mahometans, that the visit to Jerusalem is to a great part of the Greek Church; a paramount religious duty as well as the beginning of earthly peace and prosperity. They were promised all of which such emigrants feel their need, for want of which so many whom emigration would transfer from penury and want to abundance and to hope remain at home. They started under the guidance of chiefs familiar with the route, in organised bodies, bound together by the tenderest charities and the warmest mutual regard, to be received on landing by friends who were to take immediate charge of them, and convey them by the railways of the settled States and the caravans of the desert to the home already prepared for them, to a society where they would be received not as strangers but as brethren, a community of which they were already members.

How far these promises were kept is a point bitterly disputed, as indeed is almost every important point of Mormon history, every question affecting the character, conduct and motives of the leaders of the Church. All available information comes from sources tainted by apostasy, by unscrupulous zeal or by evident ignorance. That the Mormons have been from the first calumniated by renegades, to whose instigation some of the worst outrages in Missouri and Illinois can be directly traced, is beyond question.¹

¹ No one, for example, can read Mr. Stenhouse's *History of the Rocky Mountain Saints* without being struck by its virulent unfairness and bitter personal feeling. The very tone in which the writer speaks of the unprovoked expulsion of the Mormons from Missouri and Illinois, his wholly different language in describing the outrages committed by the anti-Mormons of the Prairie States, and the vengeance mostly taken at a time when Utah was threatened with a military invasion by the Federal Government, would suffice to stamp him as a blind and bitter partisan. He gives anonymous authorities for his worst charges. He declares that he has not used information acquired by him in Brigham Young's service, or afforded to him by persons similarly situated, while his keenest insinuations and most damaging accusations, especially those affecting the personal habits and pecuniary integrity of the autocrat, can obviously have been derived from no other source. The *Englishwoman in Utah* discredits herself from the first by her unconscious self-revelations. Her sketches, true or false, of the home life of Brigham Young, the personal history of his several wives and of his domestic preferences, troubles, and mortifications, belong to the lowest kind of gossip. Messrs. Remy and Brenchley write as men who have done their best to get at the truth with very scanty opportunities. They were shrewd enough to feel that no mere imposture ever took so deep a hold on the faith and feelings of tens of thousands; that no creed obviously base, selfish and sensual ever inspired the zeal of martyrs by the score and confessors by the hundred;

If the Mexican war secured the Mormons of Salt Lake City from molestation, the peace was the beginning of troubles. Its terms deprived them of the security they had sought at so terrible a sacrifice, the independence for which they had abandoned the homes created by years of patient industry in Ohio and Illinois, and had undertaken a march not less perilous than Napoleon's invasion of Russia and infinitely more arduous than Lord Wolseley's expedition to Khartoum. Utah belonged, or had belonged, to Mexico, but its only population consisted of a few wild Indian tribes. The authority of the feeble Government of the Mexican Republic had never really extended north of a line drawn from the mouth of the Mississippi to that of the Colorado. In the whole of the vast region between 32° and 42° N. lat., including Nevada, Arizona, New Mexico, Utah and Colorado, with a great part at least of Kansas and Nebraska, there was neither government, regular settlement, nor cultivation. It was still open to any adventurer who should repeat with larger resources and better organisation the attempt of Aaron Burr, and found an independent power upon the slopes of the Rocky Mountains. The peace transferred the whole of this vast territory to the jurisdiction of the United States, and replaced the Mormon emigrants under their former persecutors and tyrants.

At first the jurisdiction was exercised with prudent forbearance. Utah was not worth coveting, and, bitter as was the animosity of the North-Western States, they could hardly find excuse for its further indulgence. President Fillmore adopted a policy which at once pacified the immediate alarms of the Mormons and secured a formal recognition of the Federal authority, which could at any convenient season be made the basis of its violent or gradual assertion. For the present, the actual chiefs of the Mormon community were invested with formal authority as representatives and agents of the Federal Government. Brigham Young himself was appointed Governor of the Territory of Utah, and the subordinate administrative and judicial offices with

that no mere scoundrel ever achieved those marvels of industry and organization, or acquired that thorough hold on the trust and obedience of a people, which testify to the power and character of Brigham Young. But their reasonable incredulity made them credulous, induced them to lend too ready a belief to the self-vindication of calumniated men, to suppose that, because the apostles, high-priests, and elders of the Latter-day Church were not mere self-seeking, sensual impostors, there was no taint of imposture or insincerity in their conduct and reasoning. No man or woman of decent education and intelligence could have swallowed the Book of Mormon. Its votaries, taken with few exceptions from the lowest and most ignorant classes of Europe and America, were sincere in exact proportion to their ignorance, folly and fanaticism; and, like most fanatics, acted, consciously or unconsciously, on the belief that the end sanctifies the means, that religion is more sacred than truth, that the suppression of scandals damaging to the credit of the Church is an obvious religious duty. The prolonged concealment and even denial of the revelation of polygamy is sufficient to brand all Mormon witnesses to Mormon virtue, to the immaculate character of the saints and the veracity of their chiefs, as wholly untrustworthy. I give in the text what, after much reading and pondering, I believe to be the truth; but that truth is extracted from a number of witnesses, of whom few indeed are at once competent and honest, and none un-biased. And for no single statement, except those which relate to the treatment of the Mormons before their emigration and to the conduct of the Federal Government and authorities towards them, would I venture to vouch as for any other part of this history.

few exceptions, were bestowed upon candidates of his choice, all of them liable at any moment to summary removal at the pleasure of the President. The gold discoveries, the rapid and enormous emigration, the filling up of California, the establishment of a regular route across the plains and through the passes of the different ranges of the Rocky Mountains, brought Utah year by year practically nearer to the States, subjected the Territory, and even the settlements in the neighborhood of the Salt Lake, to Gentile intrusion, and drew insensibly around the Mormon community the meshes of the Federal power. The Gentile officials first appointed (1851) were, by the confession of bitter partisans and of converts like Mr. Stenhouse, taken from the lowest and most unprincipled class of place-hunters. Honest men did not want to go; and Utah afforded a convenient means of providing for adherents and rewarding services too discreditable to be recognised near home. As Salt Lake City became a pleasanter place of abode, Territorial offices were sought by men less notoriously disreputable; but it was always a convenient sink for the worst offscourings of party. Governor Cumming, whom Captain Burton² found in office in 1860—and who made it a condition of his acceptance that there should be no active interference with Mormon institutions—was a rare exception, and was vilified accordingly.

Brigham was too clear-sighted not to discern the danger, when his rooted policy of isolation was thus thwarted by circumstances, and at the same time far too shrewd to give occasion of offence to public opinion or provoke the interference of the Federal Administration. If the Gentiles were not welcomed, they were not persecuted. A quiet moral and social pressure restrained the more prudent among them from active hostility to the Church. To the Californian immigrants such a half-way station was simply invaluable. The city itself lay many miles out of their route. The traffic brought the Mormons those ordinary comforts of life, tea, sugar, clothing and tobacco, which, even when amply provided with all the necessaries their industry could produce, they had sorely missed. The supplies they furnished lightened by a third the load with which the emigrants must otherwise have laden their waggons, drawn by oxen, among which a team of mules was a distinction as signal as a coach and six in the pre-railway and pre-turnpike days of England. But the old bitterness of social and political rather than religious prejudice, the resentful American hatred of polygamy and theocracy, rapidly revived with the renewal of communication. Reports of the growing wealth of the exiled community excited the greed and envy of their ancient enemies. The strict moral police of the Salt Lake City irritated the Gentile intruders, and numerous stories of per-

² *City of the Saints*, chap. iv.

secution or ill-usage, most of them false, all of them exaggerated, inflamed the ill-will of the Eastern populace and excited clamorous demands for Federal interference, such as in any other Territory would have been deemed oppressive and unwarrantable.

It might be assumed without proof that the Mormon rulers, like the first settlers of New England, discouraged by every indirect means they could safely employ the settlement of strangers in the country which they had made their own, and that few of the intruders were desirable members of a religious community. Brigham was probably aware of the existence of valuable minerals in the mountain ranges which traversed his dominion, and anxious as far as possible to prevent or retard their development. The Mormon theocracy was a government only suited to a simple agricultural society. The independence, enterprise, and separate interest, the individual wealth, intelligence and enquiring spirit encouraged by mining and mercantile adventures, the character and temper of diversified society, were unfavourable to the strict ecclesiastical discipline, the inquisitorial despotism, the paramount devotion to the Church and community required by the Mormon system. On the other hand, while its mineral resources were still generally unknown, Utah offered no attractions to peaceably disposed, inoffensive, respectable unbelievers. Those who came came prejudiced against and prepared to defy the Church, ready to engage if necessary in a life of conflict. The best among them were a few restless and eager fortune-hunters, hoping with considerable risk to grow rapidly rich at the expense of a simple and ignorant people, wealthy in the absolute necessities of life and easily induced to pay exorbitant prices for its comforts and luxuries. For the vast majority of the Gentiles, Utah could only be an asylum. Its one attraction was an isolation agreeable only to fugitives from Eastern law, or from the yet more summary proceedings of California justice. Around these naturally gathered the most dangerous, if not always the worst, of its proper settlers, men and women who had been drawn thither by the secular rather than the religious promises of Mormonism, and whose faith had consequently broken down under the arbitrary demands made upon them by the Church or the vexatious interference of its chiefs. In the earlier days of the Salt Lake City the position of apostates had been exceedingly trying and perilous. Excommunication was at first a yet more effective and terrible sentence than in the days of mediæval Romanism, and flight across the desert scarcely more possible than escape from the worldwide despotism of the Cæsars. With the growth of a Gentile community the renegades, whose tales, true or false, were greedily received by the enemy, and whose former position in the Church gave them a certain influence upon the weaker brethren,

became dangerous ; especially when one or two of the nearest relations of the original prophet, naturally envious of the actual heir of his power, and relying on an hereditary sanctity which Brigham himself was forced to respect, ventured to set up an opposition within the Church, to deny the polygamic revelation ascribed with apparently indubitable truth to their father, and to denounce his successor as an usurper and impostor.

Pierce in the later days of his term had shown a growing hostility to the Mormons. Buchanan's first measures indicated a determination to force the Saints to choose between open revolt and submission to an alien authority. In 1857 a formidable military force was despatched to instal a Gentile Governor and a set of Gentile authorities in Salt Lake City. But their cavalry, the most essential arm in such a service, was detained by the troubles of Kansas ; and Brigham Young harassed and delayed their advance in a manner which displayed consummate practical prudence and no inconsiderable military genius. The Mormons were forbidden to come to an open engagement, but instructed to use all their efforts to stampede the enemy's cattle and deprive him of the means of progress. This programme was carried out with skill and success ; and the expedition was detained for a whole winter in a position of no common distress and danger about half-way on its route, as far from its base of supplies on the banks of the Mississippi as from its objective on the Great Salt Lake. Of the political adventurers, avaricious traders, and other civilian camp-followers a great majority are said to have perished, and few will be disposed to pity their fate. The appointment of Colonel A. S. Johnston, one of the very ablest of the senior officers of the small regular army, produced a signal change in the face of affairs. He at once recognised and obtained the resources necessary for such a march. In the meantime Colonel Kane, an officer whose loyalty to the Federal Government was as unquestionable as were his gratitude and good-will to the Mormons, to whose kindness he had been deeply indebted, visited Salt Lake City and laid before Brigham Young a practical soldier's view of the situation. Despite his positive prophecies of victory, the confident assurances he had given that the miracles of the Jewish conquest of Palestine should be renewed on behalf of the Latter-day Saints, Brigham was too practical a man to trust the spiritual arm, or the enthusiasm of a brave and devoted people, against the military resources of modern civilisation. He had not, like Mahomet, the instincts of a warrior chief, nor could he, like Mahomet, repose a soldier's trust in religious enthusiasm as against mere numbers armed with the same weapons and practising the same rude strategy. He gave way, accepting the new rulers ; and Governor Cumming, escorted by a body of Mormon troops,

entered Salt Lake City and assumed his functions. In so doing he quarrelled with Colonel Johnston, and during his period of office the civil executive of the Territory and the judiciary, backed up by the military, were at constant feud. Colonel Johnston insisted on marching his army in triumph through the city, which by Brigham's order had been evacuated by the Faithful, every house being filled with combustibles. But the understanding arrived at between Brigham and Governor Cumming saved the Mormons from a new emigration, which must have involved yet more cruel sacrifices and a yet heavier loss of life than those to which they had been previously forced.

While the Federal invasion was impending, more than one caravan of Californian emigrants had passed through the Mormon country. One of these had given special provocation. It is said that some of the murderers of Mormon missionaries and martyrs, if not of the Prophet himself, were recognised among the party; that they indulged, after the loud-voiced, boastful fashion of the Far West, in vaunts and threats directed against Brigham and the Mormons in general. The immediate consequence was that Brigham employed his authority to inflict a perfectly legitimate and very effective retaliation. The emigrants had relied on Mormon assistance and supplies.

The Mormons were forbidden to trade with them. They could obtain nothing. Not even a sack of flour or of potatoes could be bought on any terms.³ Had the vengeance of the Mormons stopped here, it would not only have been fully justifiable, but a signal example of forbearance on the part of those who were now threatened with expulsion from the third or fourth paradise of their own creation. For some inscrutable reason the total destruction of the caravan was resolved on. The Indians, who were on excellent terms with the Mormons, were to share in this exploit. The emigrants formed a corral—a square covered by their waggons, with their cattle and families inside—and maintained a three days' obstinate fight for life. Unhappily they had chosen a position some fifty or a hundred yards from the nearest spring, which was commanded by a rocky covert, occupied, or liable to be occupied, by the Indians. This was a fatal mistake. The Indian rifles might have cost them a few lives; the want of water

³ The temper of Mr. Stenhouse and of the readers to whom he appeals is vividly shown in the language in which he speaks of this regular and bitterly provoked boycotting. The Mormons were under no obligation to sell, and their chief was perfectly entitled to use his secular and spiritual influence to prevent their doing so. Yet his quondam secretary and would-be son-in-law denounces this measure of peaceable severity in stronger language than he applies to the murderous outrages and deliberate preparations for wholesale massacre by which the Mormons were driven from Nauvoo. As regards the sequel of the story, Mrs. Stenhouse cites John D. Lee's confession as supporting her own story, and even ventures to print the confession in an appendix, evidently trusting that no reader would study it so carefully as to see that it gives the lie direct not merely to the principal details but to the substance of her narrative. For Lee, on whom she charges the whole responsibility, emphatically repudiates it, and declares that he bore but a passive and unwilling part in the deed in which Mrs. Stenhouse makes him the chief and most ferocious actor.

compelled them to surrender. Every man and woman, and, it is said, every boy and girl thought old enough to give an intelligent answer, was butchered in cold blood. The little children were spared, and this humanity was immediately seized as evidence that the massacre had been directed and controlled by the Mormons. No Indians, it was said, probably with truth, would have forborne to complete their tale of ghastly trophies with the scalps of harmless and helpless infants. That the massacre was, if the first attack were not, committed under Mormon control and supervision there is no longer any reasonable doubt. Atrocious as it was, it was less atrocious than the crimes which Mormon apostates and Christian enemies of the Mormon Church excuse or pass over with perfunctory condemnation. The sufferers of Nauvoo, Kirtland, and Jackson County were unoffending victims, 'in the peace of God and the State.' The emigrants were the kinsmen and countrymen of those whose hands were red with Mormon blood, citizens of a country actually engaged in the invasion of Utah; and no reprisals, however sanguinary and treacherous, can fairly be placed on the same level of atrocity as the wanton deeds of blood that had provoked them. The Federal Judge called on the Mormon Grand Jury to present the authors of the Mountain Meadows massacre and of other crimes committed in the interest of the Church. The Grand Jury of course returned no true bills, and the Judge denounced them in no measured terms.

While the Federal troops remained in the neighbourhood of Salt Lake City several plots seem to have been laid for the arrest and trial, if not the deportation, of Brigham Young and other Mormon leaders. The outbreak of the Secession War compelled the removal of the regulars, and secured four years of peace to the Mormon community. They were nevertheless wantonly insulted by the encampment in their vicinity of volunteer forces, whose presence could have no other effect than to inflict annoyance or provoke collision. The Mormons could have destroyed them at a blow; and even the influence of Brigham was strained, during the whole period of the war, to prevent a conflict which would have afforded a pretext for a Federal crusade and another expulsion or extermination. The Civil War and the high-handed measures of reconstruction that followed it annihilated the last scruples of respect for constitutional principles, for American theories of civil and religious liberty, which had hitherto helped to protect the people of Utah. Congress has never dared to interfere with the divorce laws of Illinois, which practically render marriage a contract terminable at will; but it has not hesitated to pass penal laws against Mormon polygamy, which, however, the want of evidence and the convictions of local juries have

hitherto rendered inoperative. It has been proposed, by a test oath which no Mormon could take, to pack the juries, bringing the Saints, in fact, to trial before their declared enemies; and such a measure would be in perfect keeping with the principles of civil and religious liberty exemplified in the treatment of the Mormons for the last forty or fifty years. Utah has been retained in Territorial pupilage, while neighbouring territories with one-third of her population have been admitted to the rank and independent privileges of States; a distinction expressly and avowedly based upon the religious tenets and practices of the inhabitants, and one which, whatever its practical justification, utterly falsifies the vaunt of American writers and Fourth of July orators that no man in the Union is deprived of any civil right or political privilege on theological grounds, that all religious sects, Christian or non-Christian, stand upon an equal footing before the law.⁴

⁴ That the general morality of the Mormons was theoretically and practically stricter than that of average Christian societies, though relaxed by enforced association with strangers, admits of no reasonable doubt. But for the Gentiles 'the great sin of great cities' would be unknown in Utah. The honesty of the Saints, the sincerity of their faith, their mutual kindness and charity and implicit devotion to the Church, are beyond question. That polygamy nowise conduces to the domestic happiness of women educated in Europe—for comparatively few of the later Mormon converts have been drawn from the States—may be naturally supposed. The fact that polygamy is one of the oldest, most widespread, and most stable of human institutions; that orthodox Christianity recognises in its Master the last representative of a polygamic house, and canonises the patriarchs, princes and warriors of the Old Testament, polygamists by Divine permission—are arguments familiar to the minds of Mormon women and not without effect upon them. What is doubtless with many a more practical consideration, the plural wives of Utah were drawn from communities one-third of whose women are compelled by the social conditions of the age to forego the hope of marriage. The last consideration may account for the thousands of annual converts latterly made by a religion of which polygamy was a leading principle and notorious tenet. The truth concealed under Mrs. Stenhouse's sweeping exaggerations is doubtless this: that women like herself, married under monogamic law, have naturally resented and seldom forgiven the subsequent lapse of their husbands into polygamy.

Before pronouncing the Mormon system a mere phase of lawless sensuality, the masculine reader who cares to be just and candid on such a subject should at least consider the physiological argument in its defence cited by Messrs. Remy and Brenchley: not for the value of the reasoning but for the light it throws on the professed character of Mormon polygamy. The theory at least is calculated to present itself to a predisposed convert as anything but licentious (*Journey to the Great Salt Lake City*, vol. ii, pp. 101-2). These writers, while bearing strong testimony to the general morality of the Mormon adults, allow that their children are far from being models of innocence. 'But as far as external experiences go Utah is the most moral country in the world. All the males in it are usefully employed; we met neither sluggards, idlers, gamblers, nor drunkards?' After ten years' travelling they would, but for the moral condition of the male children, pronounce the Mormon society the most remarkable for public order, pure morality, external decorum they had ever seen (vol. ii, p. 159). They testify, however, to rare instances of gross brutality and shameless injustice. It must be remembered that of the male population of Utah in 1858 only 3,600 were actually polygamists.

CHAPTER XVIII.

CHARACTERISTICS.

New England and Virginia—Puritan and Cavalier—English Character of the Border States—The West—The South-West—Slavery in Virginia and in the Gulf States.

THE tone of American manners, life, character and society, even at the close of the colonial period, varied greatly from State to State, and has undergone during the last century a signal and yet more varied development. There was in 1790 a marked distinction between the North and South, between the New England and the Middle States, between the Border and Southern Slave States. 'Mason and Dixon's line,' as it was called from the surveyors to whom the demarcation of the artificial frontier between Maryland and Pennsylvania was entrusted, was the boundary of two essentially different and constantly diverging civilisations. No phrase is of more frequent occurrence in American history, politics and satire. It is used seldom or never in its strict geographical sense, as marking the State line commencing with the Delaware and ending on the Upper Ohio, but as the border between North and South, between slavery and freedom. It acquired this use, while as yet slavery existed, legally and practically, in many of the so-called Free States. In this sense it divided nations of common blood and language, but in character, thought, social institutions, economy, industrial organisations, more unlike than France and Spain, Germany and Russia. The distinction between East and West was, if less profound and permanent, superficially no less marked and unmistakable. But while the former border line was fixed the latter was ever shifting. In a broad general sense it was defined by the crest of the Alleghanies; but while some of the Eastern States extend to the westward of that range, there were long, and perhaps are still, extensive regions on the Eastern side essentially Western in circumstances and character. In New England itself the lumberers of Northern Maine had more in common with the backwoodsmen of Ohio than with the farmers, manufacturers and traders of Massachusetts and Connecticut.

The characteristic peculiarities of Northern and Southern civilisation were, and still are, most marked in Virginia and New England. These have the longest history, the deepest rooted traditions, and retained, down at least to 1860, with the least alteration the original features of the colonial period. A strange accident gave to the Cavalier and Puritan emigrants of the seventeenth century respectively, countries congenial to their several temperaments, such as must develop in appropriate and divergent directions their distinctive qualities and hereditary tendencies. The gloomy and sullen hardihood of the Puritan had a close analogy with the unproductive soil, the ungenial climate, the bitter winters and bleak springs of New England. The fertile and well-watered soil, the numerous broad and navigable rivers, the favouring seasons, the warm but not relaxing air of Virginia, were equally suited to the daring, enterprising, sanguine spirit, the energetic rather than laborious temper of her original settlers. The former became perforce a land of moderate-sized farms, of settlements drawn together by the common tastes and habits of the people, and above all by the necessity of self-defence; of independent democratic communities, of moderate fortunes. A varied industry was ensured by the comparatively scanty fruits of agriculture, the temptations of the fisheries and the trade they created. The poorest families were independent; the richest could command but little hired labour, and that little at home and abroad they must share as well as direct. Their children were from infancy obliged to assist, the boys in the lighter field work, the girls in their mother's domestic duties. The long winter was their school time, and the teaching of the school was encouraged, supplemented, explained and enforced, by the yet more valuable training of a strict, a religious and a busy home life. The conditions of that life kept the children constantly in company and sympathy with their parents, associated them with the family interests, and familiarised them in daily converse with the faith and the morals of their parents. Their social surroundings, the atmosphere of their homes, protected them against that reaction which has elsewhere proved fatal to the hereditary influence of Puritanism. The yoke was released by intelligence and experience, not broken by violent and sudden revolt. In the larger seaports the accumulation of wealth created, with hereditary fortunes and, to a certain degree, hereditary leisure and culture, a quasi-aristocracy; gradually divorced by intercourse with the world, wider knowledge and reading, different interests and higher tastes, from the social and political traditions of a community still Puritanic in tone and temper. Thanks to the length and severity of the winter, the poorest families enjoyed a literary schooling almost equal to that of Scotland, an enforced leisure

which kept up in after-life the habits of reading acquired in youth. Their literature, if not abundant, was select; their taste was formed, their thought developed and deepened by familiarity with the best works of the past, and a fortunate ignorance of the rubbish of newspapers, magazines and circulating libraries. The minister, the schoolmaster and a few others maintained in every village a standard of cultivation to which the better born and bred among their neighbours naturally aspired. The strict domestic discipline, the respect for elders, parents and teachers enforced upon the young, maintained a degree of good manners, marked alike by self-respect and respect for others, the absence of which is nowadays the most striking characteristic of a colonial society. The Revolution had a deteriorating influence. Of the natural aristocracy of Massachusetts, her elder political and commercial families, a great proportion were driven into exile. The breach with tradition, the revolt against authority, which is the very essence of rebellion, almost invariably lowers the tone of society and the standard of manners. The growth of cities, the development of manufactures, the progress of democracy, the immigration from Europe, the emigration to the West, the rapid accumulation of wealth, for the most part in the hands of self-made and self-educated or uneducated men, greatly changed between 1820 and 1870 the industrial, moral and social character of the people of New England. The old hereditary homes wherein families of very modest means maintained, with the simple life and tastes of farmers, the bearing and repute of gentlemen, have almost disappeared. In the general society of the last two generations the Winthrops, the Winslows, the Eatons, and those of their grandchildren who, with a wider culture, emancipated from their gloomy bigotry, inherited their elevation of character, breeding and bearing, their tastes and manners, would find themselves very ill at ease. Such families, however, still exist, though generally in very different condition and fortune. In cities like Boston and Cambridge, or here and there in rural villages which have acquired a reputation of their own from the presence of two or three men of social and literary name, they form the best but the most exclusive society in America, a society to which unfortunately the English traveller finds rare and difficult access.¹

Of pure English blood, consisting in large measure of younger sons and English gentlemen of broken fortunes, reinforced under the Commonwealth by an influx of men of birth and station who had lost everything in the royal cause, the planters of Virginia—

¹ Many Englishmen knew one typical representative of this class—the late Richard Grant White. In his comparisons of English society with that in which he was born and bred, the reader will find abundant warrant for my general description, to whose truth, moreover, writers like Lowell and Whittier, Longfellow, Thoreau and Hawthorne bear unconscious and incidental, but none the less telling, witness.

living, as the minor English gentry generally lived until the beginning of the present century, on their estates, with an Irish lavishness of hospitality and a certain tinge of Irish heedlessness in pecuniary matters—formed perhaps the finest and most characteristically English type of the Anglo-Saxon race.

The chivalric spirit and punctilious courtesy of a former day have been preserved by the appeal to the duel still sanctioned by Southern opinion. Their society is that in which an Englishman finds himself most speedily and perfectly at home. Educated from boyhood in the exercise of authority on the one hand, and on the other accustomed to equal discussion of local, State and practical politics, in whose issue the safety of the country, the interests, and perhaps the fortunes, of every citizen were at stake—used even more than the aristocracy of England to the saddle, to field sports and to an outdoor life—the Virginians enjoyed for generations an unequalled mental and physical training, and proved themselves socially and individually, in the highest qualities of citizens and soldiers, equal to any English community in the world.

Pennsylvania, New Jersey, and New York—the city of that name, the commercial capital of the United States, cosmopolitan rather than American, and more Irish than English, excepted—are perhaps the most inherently American part of the Union. The interior of New York State is remarkable for its agricultural wealth; the characteristic and dominant element of its population, though generally swamped in politics, to its no small irritation, by the urban vote, consists of thriving farmers, owners of the soil they till, and, like those of England, almost always within easy reach of an urban market. The same may be said of New Jersey. Pennsylvania, with her vast mineral wealth and dependent manufactures, compares more fairly with a Midland district. But, unlike the latter, her politics—owing perhaps to her Quaker traditions, her geographical position, and her diverse interests—are marked by a prudence and coolness often approaching to indifference, rather than by the genuine moderation more properly ascribed to Virginia and Kentucky. The name of the Keystone State indicated her close connection both with North and South. The large Irish and German element attracted by her coal mines and factories unites Teutonic stubbornness with Irish turbulence, and her frequent industrial quarrels have been pushed to unprecedented extremities. Secret societies only less formidable than those of Connaught and Munster have terrorised the quiet and law-abiding part of the industrial community. Strikes have assumed the magnitude and even the form of insurrections: the State militia has been called out to enforce the law and protect property, not by military parades and harmless volleys, but by the serious use of rifles and bayonets, and even of artillery. On

one memorable occasion the railways of the State and their great central depôts have been held by armed and organised insurgents. Bloody battles have been followed by havoc such as an invading army might have inflicted, the forces of the State have been repulsed, and the appearance of the Federal flag and uniform—resistance to which has since the civil war assumed the odious character of treason—was necessary to restore order. The Quaker enthusiasm, so marked in the earlier history of the State and even in the crisis of the Revolution, has died away as in the mother country; but, as in England, may still be traced in the pre-eminent devotion of the Keystone State to the national worship of the almighty dollar.²

The West, in American social and political geography, means not the Pacific States, nor yet the rude mining communities of Colorado and Nevada or the vast grazing and wheat farms rapidly springing up in Dacotah, but the West of Colonial and Revolutionary days, the Prairie States between the Alleghanies and the further border of the Mississippi valley. Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri and Kansas were at the beginning of this century as remote socially and morally, in time if not in miles, from Boston and New York as Natal and Queensland now are from London and Liverpool. This region is the America of European readers. The popular notions of American life and scenery, manners and society are drawn from that West as it was when Mrs. Trollope and Dickens visited it some sixty and forty years ago.

Their descriptions no more apply to Chicago, St. Louis and Cincinnati as they now are than a description of Botany Bay in 1800 to the capital of New South Wales in 1886. Virginia is English, Massachusetts Scotch, California Australian, 'with a difference.' But the America which interests the economist, the political philosopher, the emigrant, the speculator—the America where all the resources of Old World civilisation are brought to bear upon an unlimited area of fertile land, in which the great experiment of social as well as political democracy is on trial, the vast cornfield and grazing ground which feeds yearly a larger and larger proportion of the overcrowded population of the Old World, the boundless market for Old World manufactures, still half-closed by the protectionist zeal of the East—lies between the Alleghanies and the central desert. Its institutions, its policy, its universal education, its common schools, its colleges and universities, adapted to modern ideas and to the needs of a new country, are American in origin and idea, are derived from those Eastern States in which, as writers like Mr. Grant White insist, the

² But to scorn such i-dollar-try 's what very few do,
And John [Bull] goes to that church as often as you do.—LOWELL.

American character and the traditions of the original Anglo-American nation are to be sought. But the population of the West is rather cosmopolitan than American, consists in enormous proportion of men whose very names and features attest their Irish or German descent, and is constantly recruited by fresh swarms of Irish, German and Scandinavian immigrants. The America of vulgar caricature, of the bowie knife and the revolver, of daily murders and monthly highway robberies, of lynch law, of vigilance committees, must be sought—if anywhere—beyond the furthest border of the elder West, on the upper waters of the Missouri and the Red River, along the cañons of the Colorado and the gold and silver bearing spurs of the Rocky Mountains, or on the boundless plains of Texas.

The South and the South-West, again, have and have had from the first a character of their own. The Cotton States of the Atlantic seaboard and the Gulf, from Cape Hatteras to the Sabine, resemble Virginia and Maryland less than New York and Pennsylvania resemble Massachusetts and Connecticut. The French and Spanish influences—insignificant as is the proportion of French and Spanish blood—are far more apparent in their social and political character than those of the more numerous Hollanders in modern New York, or those of the Swedes in Delaware. Slavery, moreover, which in the border Slave States was seldom a dominant, and never an exclusive social, political or industrial influence, was the governing element that formed the character and determined the political and economic organisation of the Carolinas, Alabama and Louisiana, Mississippi and Tennessee. As Virginia and Maryland are essentially English, Arkansas and Missouri are essentially Western. Mississippi and Tennessee are Western communities deeply modified by the peculiar institution of the South. Slavery itself presented a different form according to the different influences of nationality, social character and civilisation with which it was brought into contact. The Southern races of Europe, Frenchmen and Spaniards, have never shared that natural aversion and contempt for the negro which characterises the Anglo-Saxon. Small as was the French population of Louisiana, early as was the stage in its growth when that colony was transferred to the United States, the traces of French ideas, French laws and manners were visible in 1861. New Orleans was, while slavery existed, 'the Creole city.' It contained a class which could hardly have grown into existence or toleration in any other Southern city, a permanent free half-caste *demi-monde* whose recognition and semi-legal relations with the dominant race were characteristically French, and neither American nor Southern.

Slavery assumed, perhaps its worst aspect, certainly was most

liable to gross and atrocious abuse, when the rude energy, impatience and hardness of the West were brought into collision with negro indolence and shiftlessness; when men trained in a life like that of Kansas or Colorado at present sought to work a plantation in Mississippi or Arkansas as they had run a prairie farm in Illinois or Indiana; when men unhumanised by culture, untaught by hereditary tradition and domestic experience to govern an inferior race, men—to use the emphatic Southern phrase—not ‘brought up with niggers,’ sought to make a rapid fortune out of the labour of helpless and unresisting dependents; when masters used only to the rudest forms of equality were suddenly left in absolute control of slaves, remote moreover from that control and restraint which custom and public opinion exercised in the denser settlements of the Atlantic Slave States. Southern slavery in the elder States resembled the patriarchal form of the institution with which Southerners habitually compared it, rather than those gigantic and unnatural developments, due to constant war and the accumulation of wealth in a few hands, with which Greek and Roman history has familiarised us. A few rich absentees might count their bondsmen by hundreds, but the ordinary planter knew every slave he employed, lived among them, saw to their health, food, clothing and comfort, picked from among them his house and stable servants, the confidential attendant of his wife and the nurses of his children. His family visited their quarters, looked to the aged and the sick, watched vigilantly over the rearing of the children, heard and reported the complaints of neglect or ill-usage, checked the zeal of the overseer, civilised and Christianised their people, and brought the influence of education, humanity, feminine tenderness and purity to bear upon a race which, whenever left to itself, sinks into slovenliness, dirt and squalor worse than that of the worst Irish hovel. From the Abolitionist platforms, pulpits and press, men who had never seen a Virginian home or Alabama plantation poured forth a flood of declamation and anecdotes of brutality, license and profligacy, generally exaggerated in atrocity and always in number. Absolute power must sometimes fall into hands unfit to wield it. The superiority arrogated by the lowest class of whites and felt by the negroes, the opportunities inseparable from subordinate authority however controlled, inevitably encouraged a form of license due not to legal power, but to the inalienable ascendancy of a higher and the irresistible instincts of a lower race. But there were among the Abolitionists a few well acquainted with Southern society. These men knew the high principles, strong convictions, and domestic influence of Southern women, the character of the Southern gentlemen whom they encountered in politics and commerce. These and other facts which must have fallen within

their knowledge should have suggested misgiving and enquiry. It was said—it may possibly have been true—that the blood of a Vice-President of the United States ran in the veins of slaves. It was true that, especially among the household slaves, there were several whose complexion and features at once attested their mixed parentage; men whose Anglo-Saxon blood revolted from the indignity of bondage, women and girls whose beauty was their misfortune. But few indeed of these inherited the instincts or the pride of cultivated parents. Stories of men enriched by the sale of their own offspring, of delicately-nurtured illegitimate daughters condemned to slavery by the intestacy or insolvency of their parents, rest on no evidence, and are out of keeping with Southern manners and feelings. Such a fate occasionally befell mistresses or illegally-married wives and their offspring, but these belonged, with very few verifiable exceptions, to the lower classes, to whom domestic service or field labour involved little hardship and no degradation.³ The abuses of slavery apart, its worst consequence was the ignorance to which it consigned not merely the slaves, but no inconsiderable number of the poorer class of whites.

In those States and districts where the vast majority of the labouring population, of those for whom in an ordinary state of society common schools would have been intended, were slaves, there was and could be no effective provision for the education of the scattered white families who could not afford to employ teachers at home or send their children to boarding schools. The laws which prohibited the instruction of the negro were inspired less by the motive commonly suggested, a fear that education would prove incompatible with contentment in slavery, than by a desire to repress promptly and completely the indirect or secret working of an Abolitionist propaganda. They were directed to prevent the circulation of incendiary books, tracts and newspapers, and doubtless to afford a sharp and summary means of dealing with Abolitionist emissaries. It was easier to prove the fact than the character of their teaching. Whatever the law, Southern ladies did educate their favourite attendants. Men naturally preferred domestic servants who could read the address of a letter, and keep the accounts of the household marketing often entrusted to their charge. Northern testimony puts it beyond a doubt that a large number even of the plantation slaves could read the Bible, while not a few could scrawl a rude letter to the wife or children from whom fortune might have separated them.

This separation of families was doubtless one of the most cruel incidents of slavery; incident, however, not to slavery itself, but

³ On this point the *Key to Uncle Tom's Cabin* is really valuable, not for the instances given, but for the extreme difficulty with which a credulous and eager feminine partisan has been able to find as many isolated examples as might be counted on the fingers of one hand.

to the constant migration characteristic of a new country and a rapidly increasing population. As the best soils of the older States were occupied, capital and labour, masters and slaves alike moved westward and southward. But the necessity which in the case of the freeman was moral and economical fell upon the slave with all the hardship of sudden and cruel compulsion. The strong domestic and local affections of the negro rendered this liability to involuntary transportation a peculiar terror. Sale to a new master even within the same State was generally felt as the severest of all punishments, the resort of masters too indolent or indulgent to maintain an effective discipline, the doom of restive, worthless or unmanageable servants. Again, the separation of the slave from his home was complete and final. The master could always correspond with and frequently revisit those among whom he had been born and bred. The terror with which the negro of the Border States regarded the Far South was in great part purely superstitious. Between Tennessee and Louisiana, South Carolina and Alabama there was little to choose. The labour of a Virginian farm was doubtless lighter, the discipline less strict than that of a sugar or cotton plantation in the Gulf States. Above all, the change often meant removal from a higher to a lower civilisation, from that family servitude softened by personal knowledge and hereditary ties which characterised Virginia and Maryland to the rough life and mechanical discipline, the discomforts and hardships of a large promiscuous slave gang, in an unsettled country and an unfavourable climate; among the bayous of the Mississippi or the swamps of Louisiana. Such might not be the negro's fate, but was always his fear; and most of the runaways from Virginia, Maryland and Kentucky seem to have been goaded by that fear rather than by any actual suffering, any discontent with their present condition on 'ole massa's plantation.' Even in Abolitionist works, more than one fugitive frankly avows that he had nothing to complain of. He had lolled under the verandah of the plantation house, he had shared 'young massa's' play but not his tasks; as he grew to the age for work he had been the favoured, well-dressed, indulged groom and valet of his former playmate; he had fallen in love and been promised a comfortable cabin; but *he was never safe*. Massa might die; the establishment might be broken up and the slaves divided. He might not fear, while the inheritance remained with the old family, to be sold or parted from his wife, but he knew that there were already as many hands as the land could employ. His children, like the younger members of his master's family, must go South. Such foresight, such willingness to run the present and terrible risk of recapture and punishment was of course especially exceptional in the African race. But these rare instances

betray the half-conscious uneasiness that overhung the happiest slave family in Virginia; the calamities that change, death, quarrels, commercial misfortune in the owner's family might bring like a thunderbolt upon a hundred thriving, contented, attached and well-treated bondsmen, better clothed and fed, as well housed and far more lightly worked than Dorsetshire labourers or Flemish peasants.

The Southern planter of birth and family, of culture and good-feeling, regarded his relation to his slaves with the same sense of grave personal responsibility that an English squire feels for his tenantry and cottagers. He was bound to them as they to him; he had no more right to neglect or starve them than they to run away. Hereditary ties were quite as close and strong as on an old-fashioned English estate. The master was more reluctant to sell a negro born on the plantation than an English country gentleman to evict a tenant who, with his father and grandfather, had 'done his dooty boy the lond,' as the risk was greater, the possible, however improbable, hardship and cruelty incomparably worse. The slave-dealer was looked upon much as an English butcher or publican, scavenger or hangman—contemned for the voluntary choice of a necessary, lucrative, but odious and demoralising avocation. But the position of the Southern slave-owner was more precarious than that of the English squire. Misfortune might compel him to part with slaves he loved and valued; and, worse, the custom of division at death, coupled with the rapid growth of a population so well cared for as the negroes of Virginia, must force most families in the course of a generation or two, if not to sell their slaves, yet to divide and send a number of them to new homes with the more adventurous of their master's sons. Again, some of the younger among them might form part of a daughter's dowry. The abolition of the African slave-trade had exercised an invaluable softening and humanising effect upon American slavery; but the internal slave-trade was an inseparable and unavoidable evil, the one element in the condition of the negroes in Virginia and Maryland which troubled the consciences of their owners.

If the negro might see his children as they grew up transferred to the Far South, he had no fears for his old age. His would not be the cruel fate of a crippled or invalided peasant, the imprisonment of the workhouse or the degrading name of a pauper; he could safely trust that he would not be discarded by the master who had enjoyed the loyal services of a lifetime. He was not liable to short time, scanty clothing and scantier rations, if the demand for Carolina rice or Virginia tobacco were suddenly diminished. His condition, so far as it depended on his master's will, was such as the master might compare not unfavourably

with that of almost any European peasantry, and for the occasional accidents which were his misfortune and not his fault the master did not reproach himself. The institution was there. Those who best understood it shrank with deepest reluctance from any attempt to abolish it—quite as much for the slave's sake as for their own. They dared not face the terrible difficulties, the tremendous responsibilities of emancipation. That such were their feelings, such their motives, is clearly proved by the fact that—vehemently as they resisted negro suffrage and everything looking towards negro equality—none of those who were ruined by emancipation, when imposed by force, ever expressed or displayed a wish to restore slavery. 'We are well quit of it,' was, without a single exception, the conviction of every Southerner to whom I ever spoke upon the subject—even of those who thought that freedom had been no benefit to the negro.

The rapid progress of America after the establishment of its independence is to be seen at once in the population-records of the decennial census:—

1790	3,929,214.	1840	17,069,453.
1800	5,308,483.	1850	23,191,876.
1810	7,239,881.	1860	31,443,321.
1820	9,633,822.	1870	38,558,371.
1830	12,866,020.	1880	50,155,783.

In 1840, Mr. Giffen puts the city population at 8.5 per cent. of the whole; in 1860 at 16 per cent., and in 1880 at 22.5 per cent.

BOOK VI.

THE WAR OF SECESSION.

CHAPTER I.

SECESSION.

Strictly Legal Character of the Movement—Withdrawal of the Southern States—Of their Senators and Representatives—Mr. Davis—Comparison with the War of Independence.

THAT the North was astounded by the consequence of its determination no one who remembers the successive incidents of the eventful winter of 1860–61 can doubt. This astonishment affords the strongest proof of the blindness of the voters and the disingenuousness of their leaders. The Southern Democrats were the ablest statesmen in the Union. Knowing what the disruption of their party meant, they yet accepted that disruption rather than vote for Douglas. That those who would not accept Douglas should submit to Lincoln was obviously incredible. The Southern Democrats as a party, the 'Cotton States' at least as States, stood committed by the applauded declarations of their leaders and of their press, by the formal resolutions of popular meetings, party conventions, public bodies and State legislatures, to treat the seizure of the Federal Government by men pledged to use all its powers for the injury of the South, as a virtual dissolution of the Union. That men so acutely sensitive on the point of honour, that a people high-spirited, courageous and determined to a fault, should tamely eat their words and trail the honour of their States in the dust, none who knew them could deem possible. Unfortunately the North did not know them. Even the politicians who had met their leaders in Congress, had had opportunities of learning their tenacity of purpose, their indomitable pride, their punctilious dignity and self-respect, fancied, or pretended to fancy, that the stern, grave, earnest warnings of men like Jefferson Davis and A. H. Stephens meant no more than their own stump-threats and diplomatic bluster, or the re-

tort of the fire-eaters who promised to 'call the roll of their slaves on Bunker's Hill.' The very writers who talk of conspiracy, popular delusion and passionate haste tell us in the same breath that secession was no new idea, that it had long been familiar to the Southern mind, first as an open question of policy, and latterly as a question mainly if not solely of time. The truth is that a great majority, in the Cotton States at least, had of late made approval of secession, in the last resort, a test of thorough-going loyalty. It had been discussed till nothing remained to debate but the sufficiency of the occasion. How fully and freely this last issue had been debated may be learned from the vote for Bell and Everett, the position of Unionists like Alexander H. Stephens of Georgia, who exerted their utmost eloquence to appease the indignation they admitted to be just, who laboured to save the Union as Greeley and Garrison, Seward and Sumner laboured to destroy it. The question had been mooted and contested in many a State campaign, and hitherto negatived on the ground that the time was not ripe nor the provocation yet intolerable. No national act was ever more deliberately considered, more patiently forborne, more reluctantly or more resolutely adopted. None was more distinctly the act of the people and not of the politicians, still less of the leading statesmen.

The North, and not the South, had departed from the old conception, the old traditions of the voluntary union of sovereign States. The gradual change of Northern feeling and opinion on this point is intelligible enough. The conviction, in her earlier days, was as strong in New England as in the South. Massachusetts, then the leading State of the North, was in 1788 as jealous of her absolute sovereignty as Virginia herself. But New Hampshire, Maine and Vermont¹ were younger children of the Bay State; no distinction of character or interest kept alive the distinctive State feeling of Connecticut and Rhode Island, and Massachusetts morally absorbed New England. Had the latter been a single State, it would have been the most separate, the proudest, the most jealously independent State in the Union; as it chanced to be cut up into six States, its unity of character and feeling substituted sectional pride and a sectional policy for the self-assertion of State independence. The antagonism between the cosmopolitan city of Manhattan Island and the Dutch-Puritan yeomanry of the interior, its vast territory and incoherent population, had dissolved the unity of the Empire State. No man felt for New York as a Scot feels for Scotland, or even a Victorian for Victoria. The old State pride of Pennsylvania had died out with the ascendancy of Quakerism. New Jersey had

¹ Territorially an offshoot of New York.

never possessed that distinctive colonial character out of which State distinctions grew. In the North-West strong State feeling was impossible. Ohio, Illinois, Indiana and Michigan were from the first—what ultra-Republican jurists, ignorant or wilfully forgetful of history, allege that American States are or should be—mere artificial divisions of an empire too large, with interests too diverse, to be governed from a single centre. They were but fractions of one vast prairie, peopled by American settlers whose local affection reverted to their native States, by Germans, Englishmen, Irishmen and Scandinavians, accustomed to regard 'America' as their future country, their home, the scene of their hopes or the refuge of their need, before they learnt the very name of their State. To the North proper, New England and the Northern Atlantic States, State sovereignty and the right of secession were matters of historical evidence and legal reasoning—traditions of the past, incompatible with the facts of the present and the boast of the future. To the West they were pedantic political theories or offensive party inventions. To the South they were the supreme realities of political and national life—facts deeply rooted in a history whose continuity had never been broken.

Hardly any born Southerner doubted for moment that his allegiance was due to Virginia or Louisiana; that the fealty sworn to the United States by military and civil officers was binding only through that constitutional compact to which Virginia and Louisiana were parties, and ceased in right when that Constitution was violated, in fact whenever Virginia or Louisiana should recall their adhesion. The citizen of South Carolina owed nothing to the Union, no debt even for past benefits that had not been more than cancelled. The State claimed and exercised the right to compel his obedience, to guard his property. The State protected him in life and limb; the State legislation defined, the State courts enforced his rights. The State defined felony and misdemeanour, capital and non-capital crimes. The State could imprison him for fraud or hang him for murder. The State sanctioned his marriage, the State alone could annul it; State law regulated his privileges and duties as husband and father, fixed the conditions of a valid will or determined the devolution of an intestate's inheritance. The State might send him to represent her equal majesty in the Federal Senate, the interests of her people in the House.

The Army and Navy, arsenals and fortresses belonged not to the Union but to the States united. Through the assent of the State he was bound to obey a few Federal laws, with which, unless he were a merchant, an official, or a lawyer engaged in the Federal courts, he had no practical concern. True, that citizen-

ship was interchangeable between Massachusetts and South Carolina, as it had been between Athens and Plataea, between Corinth and Argos. True, that the Federal Government regulated the conditions of naturalisation; but only as the citizen of Missouri or Kansas, of a State or a Territory, could the naturalised foreigner become a citizen of the United States. The plural sense of that phrase was ever present to the minds of the colleagues of Jefferson Davis and Alexander H. Stephens, as to the contemporaries of Washington, Henry, Jefferson, and Madison. Not only the Southern people, but the Southern Senators and Representatives, assumed both that the States had the right to secede and that that right would be unquestioned, as they believed it unquestionable.

That because the Gulf States could secede legally they would be permitted as a matter of course to secede peaceably one leader only doubted; but, though comparatively reserved and silent, that man was perhaps the soundest, most thoughtful, most experienced and observant statesman of the South. He had served with distinction in the field; had held—in the one crisis in which, as yet, the enforcement of the law and the maintenance of peace had depended on Federal troops—the supremely important office of Secretary of War. Jefferson Davis had as good a chance of the Presidency as any of his contemporaries; but he knew it too well to covet it, and had forbidden his name, the most respected in the South, to be put forward in the Charleston Convention. ‘Seen from behind the scenes, it was an office in no wise desirable, an office of great responsibility and greater labour, vexation and disappointment. Few had left it as happy as when they entered it. Worn by incessant fatigue, broken in fortune, debarred by public opinion and prejudice from future employment, the wisest and best who had filled that office had, as he knew, retired to private life to remember rather the failure of their hopes than the success of their efforts.’ He had nothing to aspire to, holding already that Senatorial position which, in the estimation of judicious and rational ambition, is the highest and happiest that the American statesman can fill. He held it in all probability for life. His State had thrice re-elected him as her ambassador to that august assembly, and her confidence had in no wise diminished. He felt assured that the North would not let the South go; that she would endeavour to enforce by the sword the obligations she had broken under the forms of peace. As soldier and War Minister he knew what war meant. He was satisfied that the South could achieve her independence only through a long, sanguinary and destructive conflict. Thus assured, he could not be an ardent, uncompromising or forward Secessionist. Only when convinced that the honour, the rights, the freedom and the interests of the South could no longer be defended

within, could he be willing sword in hand to fight her way out of the Union.²

South Carolina was the first to act. Regular, pacific, heedful of precedent as was the English Revolution of 1688, the Southern secession of 1861 preserved yet more closely the continuity of law and history. The Legislature of each State was regularly convoked, and passed in due form a resolution summoning its people in Convention, the only power in America which pretended to sovereign authority. The people of South Carolina in Convention assembled traced a continuous unbroken existence to the days when it framed the State Constitution, which it had subsequently amended at pleasure. It had accepted on behalf of the State the Union and the Constitution of 1787. Meeting on December 18, 1860, it forthwith rescinded the 'resolution of May 23, 1788,' whereby the Constitution of the United States was ratified, together with all Acts and parts of Acts of the Assembly of the State ratifying the amendments of the said Constitution; and declared the Union heretofore subsisting between South Carolina the other States dissolved.

With the same observance of legal form and historical continuity, with equally careful reference to the several circumstances under which they had entered the Union, Mississippi followed suit on January 9, 1861, Florida on the 10th, Alabama on the 11th, Georgia on the 18th, and Louisiana on the 26th. Texas was not far behind them. On the other hand Maryland, Delaware, Virginia, North Carolina, Kentucky, Tennessee, Missouri and Arkansas, without disputing the right, refused for the present to follow the example of their Southern sister States.

The Senators and Representatives of the seven seceding States, on receiving the formal notification of the Acts which repealed the ordinances creating the Union and practically revoked their commission, withdrew from Congress. The farewell speech of the senior Senator from Mississippi possesses especial significance and historical interest. 'If,' he said on January 21, 'I had not believed there was justifiable cause, if I had thought that

² None of the Republican libels which blacken the records of the sectional conflict—and only a professional critic of American literature can form a conception of their multitude and grossness—not even Mr. Lowell's unpardonable disparagement of Confederate valour and devotion—more directly and glaringly reverses the truth than the suggestion that the Southern leaders sought in a separate Confederacy higher honours than they could hope for in an unbroken Union. Nearly every Northern writer has repeated this slander, necessary to give plausibility to the current misrepresentation of the secession movement. But the authors of the received *History of the War* and of *A Fool's Errand* have ventured to challenge enquiry by defining and individualising the charge, attaching it to names which, while they still appeal to living memory, suffice to refute it. In 1860 no office in the Union was beyond the recognised claims and legitimate aspirations of Mr. Davis; professional and official esteem had designated Colonel R. E. Lee as the fittest successor of Winfield Scott, the future Commander-in-Chief of the United States army. His only possible rivals were his after-colleagues in chief command of the Confederate forces—A. S. Johnston and Joseph Johnston.

Mississippi was acting without provocation, I should still have been bound by her action.' He proceeded to distinguish between nullification and secession as antagonistic principles, denied the right of a State to remain within the Union yet defy the laws by which within the Union it had agreed to be bound, vindicated its withdrawal as an act of sovereignty which, as every contemporary authority clearly laid down, had existed before the Union and had never been resigned. Mississippi found that her safety required her to protect her rights outside of the Union; 'surrendered all the benefits, and they are known to be many, deprived herself of the advantages, and they are known to be great, severed all the ties of affection, and they are close and enduring, which had bound her to the Union, and claimed to be exempt from any power to execute the laws of the United States within her limits.' Mr. Davis reminded his colleagues that in the height of the Fugitive Slave quarrel he had denied the right to coerce Massachusetts; had pledged himself, if she chose to secede rather than fulfil her hated obligations, 'to vindicate her right, and wish her God-speed in memory of the past.' He expressed on behalf of his State and of her sisters an earnest hope for future peaceable relations; but if the North would not have peace, appealed to the God who had delivered their common fathers from the power of the lion to protect the South from the ravages of the bear. In a concluding paragraph of signal dignity and pathos he offered an apology for any pain which in the course of long service and sharp discussions he might have inflicted, and declared that he carried away no hostile remembrance of any offence received. Such was the temper—as every man who can realise the gravity of the crisis, the awful responsibility of the leaders, will fully believe—in which, not passionate women or high-spirited boys, but the great mass of the Southern people dissolved the bonds that had secured for eighty years domestic peace and external security, and prepared to stand alone in the midst of an unsympathetic and censorious world; to protect their own interests, to guard their own obnoxious institutions, and, if need should be, to defend their homes and families, their property and their rights, the honour and independence of their States to the last, against five-fold numbers and resources a hundred-fold greater than theirs.

That they still hoped for peace, nay, still disbelieved in the probability and almost in the possibility of war, shows how strong was their faith in their constitutional creed, in the indisputable clearness of their right. The Union was founded on the principle of the right of a people—not of 'a nation,' according to the gross which Mr. Greeley and less skilful Northern advocates would

now put upon the text, for the Americans in 1775 were but a part of the British nation, but of any geographical fragment of a nation—to repudiate even a *sovereign* authority which has abused its powers. If this be, as Mr. Greeley afterwards urged, a revolutionary right, it is no less clear, as he observed at the time, that that which one party has a right to do, no other can have a right to prevent. If England were wrong in 1776 in striving to recover her sovereignty over a revolted people, the North was evidently far more wrong in attempting to coerce seceding Confederates in 1861. At every point the case of the South was far the stronger. The sovereignty of the king and Parliament was complete and indisputable. No sovereignty had ever been claimed for a majority of the people of the Union at large over a minority of the States. They who denied the sovereignty of the State had never ventured to assert that of the Federal Government. Their plea was that sovereignty was *nowhere* resident in the American system—a tenable argument, since there are things which no power in America can do. If Parliament had unjustly taxed the Americans, Congress by a Northern majority had done the same to South Carolina. The South had been taxed from first to last for the exclusive benefit of the North. It was a grand and special grievance that the King had threatened to raise the slaves against their masters. The North had gone very far in that direction before war began, and in war went further than George III. If the Colonies were entitled to judge their own cause, much more were the Southern States. Their rights—rights not implied, assumed or traditional like those of the Colonies, but expressly defined and solemnly guaranteed by law—had been flagrantly violated; the compact which alone bound them had beyond question been systematically broken for more than forty years by the States which now appealed to it.

A large number, probably a majority, of the Northern people, certainly a vast majority of the educated and law-abiding among them, up to this moment believed that secession was lawful, or at least, which came to exactly the same thing, that coercion was illegal. If the Constitution had not provided for the former, it had distinctly forbidden the latter. All powers not given were withheld, and this power had been discussed and advisedly withheld. If Hamilton had doubted whether a State could ratify conditionally, reserving the right to secede at pleasure, and if Madison had answered in the negative, the private correspondence of two Federalists however eminent cannot be cited to sustain, however valid to limit or deny, a Federal claim. Madison's doctrine, moreover, was negatived by the action of his own State and the acquiescence of her associates. Virginia had expressly reserved

the right to annul her ratification in the very way and on the very plea on which South Carolina annulled it, if the Federal powers were used to the injury of the people, and the 'people of the United States' (used unquestionably in the plural sense) thought fit to revoke them.³

³The right to decide for herself upon the infraction of engagements to which she is a party, and upon the remedy she will employ, is the essential and inalienable right of a sovereign State. The infraction was not seriously disputed. The right to annul the violated compact was inherent in the sovereignty of the States. Had this sovereignty ever been called into question, had the idea of coercion by a majority ever been publicly suggested by the authors of the Constitution, its ratification would have been impossible. No one can study the debates of 1787-88 without being struck by the insistence of both sides, but especially of the Federalists, upon this critical point. The Articles of Confederation declare that each State retains its sovereignty, freedom and independence. The original Constitution of Massachusetts and the revised Constitution of New Hampshire expressly declare the people of those States 'free, sovereign, and independent bodies politic.' Madison declared in the Virginian Convention of 1788 that 'we the people of the United States' are 'we the people of thirteen sovereignties.' Alexander Hamilton laid it down in the *Federalist* again and again that the attributes of sovereignty were enjoyed by every State. Franklin defended the equal suffrage in the Senate as 'representing the sovereignty' of the several States. Wilson, of Pennsylvania, said that sovereignty was in the people and remained in them; and by the use of the phrase 'thirteen independent sovereignties' showed that the people of whom he spoke were the people of each State. Gouverneur Morris, the extremist Federalist in the Convention, and Roger Sherman, of Connecticut, both speak of the Constitution and the Federal Government as the works of sovereign Powers or sovereign States. Vattel lays down as a principle of international law that the members of a Federal Republic are, or may be, perfect States, in words that exactly expound the Federal Constitution as understood by the Secessionists of 1861. He says that common deliberation offers no violation to the sovereignty of each member, though they may [do] in certain respects put some restraint on the exertion of it in virtue of voluntary engagements. See Davis's *Rise and Fall*, vol. i. pp. 144, 145.

The *History* of the Count of Paris is throughout a partisan work, the apology of a Prince who had to excuse his own unprecedented enlistment in a foreign service. But his account of the political transactions is that of a foreigner who did not understand the questions at issue, who took his facts from the most extreme and unscrupulous party libels, and made no attempt to correct them by reference to impartial or adverse authorities.

CHAPTER II.

CONCILIATION. REPUBLICAN OB DURACY AND SOUTHERN
FORBEARANCE.

Reaction in the Middle States—The Peace Convention—The Crittenden Compromise—The Republican Leaders bent on War—Conduct of Southern Statesmen, Soldiers, and People.

FROM the moment when secession had become a visible probability, an impending reality, a large proportion of those who had voted for Abraham Lincoln were appalled by the completeness of their own victory; dismayed to find they had done the one thing they were not prepared to do, that the warnings they had disregarded as empty threats were true to the letter. The Northern Democrats and the little body of declared 'Unionists' exerted themselves to profit by the moment of terror and repentance, and made a last energetic effort to save the Union.¹ Unhappily it was obvious from the first that the success of any such effort, the feasibility of compromise, the possibility of conciliation depended on the course of the Republican leaders. Those who had given the power into their hands *could not now recall it.*² Before a single State had taken a practical step towards secession the principal organs of the Republican party had asserted their right to do so.³ The *Albany Evening Journal*, Mr. Seward's organ, pronounced secession indefensible only on the ground that Mr. Lin-

¹ In February, 1860, Mr. Davis had submitted to and carried through the Senate, by a majority varying from two-thirds to five-eighths (36 to 18, 35 to 21), resolutions asserting that the States adopted the Federal Constitution in their independent and sovereign character; that slavery was one of the institutions inherited from that time, and that no change of feeling in the free States could justify any attempt upon it; that all such attempts were a breach of faith; affirmed the rights and privileges among the States, and expressly reaffirmed the doctrine of the Dred Scott decision. By 36 to 6 the Senate agreed that the Fugitive Slave Laws should be faithfully and honestly maintained and observed by all who enjoyed the benefits of the Union, and that all acts of individuals or State legislatures to the contrary were hostile in character, subversive of the Constitution, and revolutionary in effect. This emphatic condemnation of the Republican policy was resisted only by six Northern senators, among whom were four—Chandler, Hale, Wade, and Wilson—who almost avowedly preferred abolition to the Union.

² This is the distinctive characteristic of Presidential as against Parliamentary Government.

³ 'If the Cotton States shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. Whenever a considerable section of our Union shall deliberately resolve to go out we shall resist all coercive measures to keep it in. We hope never to live in a Republic where every one section is pinned to the residue by bayonets.'—Greeley in the *New York Tribune*.

coln would observe his oath of office and administer the law. But by the Chicago platform, on which Mr. Lincoln was elected he was committed to disregard the law as laid down by the Supreme Court. Mr. Seward and the other leaders of the party were committed to resist the Dred Scott decision and the Fugitive Slave Law. By Helper's frantic manifesto, fully endorsed by them, they were pledged to forcible uncompensated emancipation, to the confiscation of all property held by slave-owners. Had Mr. Lincoln meant to execute the law, his first step should have been the explicit renunciation of the platform and the manifesto. While silent on these significant utterances, his vague promises of course obtained no credence. The great majority of the influential journals of the North, while clinging to the Union, either affirmed the right of secession or denied that of coercion.

Philadelphia had given Lincoln a majority at the polls. A vast meeting of her citizens assembled on December 13, 1860, a few days before the secession of South Carolina, in Independence Square. The Republican mayor denounced the impertinent interference of the North with the domestic system of the South, the misplaced teachings of the pulpit, the rhapsodies of the lecture-hall and the exciting appeals of the press. 'These things must be frowned down by a just and law-abiding people.' Another Lincolnite insisted on the faithful execution of the Fugitive Slave Law in its fullest intention and spirit.

Secession was ascribed to the deliberate violation of constitutional engagements by the North. Other speakers denounced the Personal Liberty Laws as 'mean evasions of the plainest duty,' and rebuked 'the inflammatory appeals which had filled with dread and apprehension the once quiet and happy homes of the South.' All these Republican confessions—inconsistent as they were with Republicanism—were enthusiastically applauded. The meeting resolved that every Pennsylvania statute which invaded the constitutional rights of sister States should be at once repealed, pointed with pride to the punishment of slave rescuers in their city, accepted the past and future decisions of the Supreme Court, and condemned all denunciations of slavery and slave-holders.

On December 4 Congress received the last annual message of President Buchanan. It dwelt on the dread of servile insurrection, with its unspeakable horrors, which the Abolitionist agitation had diffused throughout the South. He called on the North to recognise and enforce the law, and declared that the coercion of the seceding States would utterly destroy the whole theory upon which they were (had been hitherto) connected. Unfortunately he talked about holding Federal property and collecting customs within the ports of the seceding States. This was a

monstrous paradox. The forbearance of the Southern States alone had left the Government any forts or property to hold; and the attempt to levy duties or employ Federal troops within a State which had declared its independence was simple coercion, and must inevitably result in instant war.

Mr. Crittenden of Kentucky, than whom no anti-Republican in the country was better entitled to the respect and deference of the Republicans,⁴ proposed to amend the Constitution by re-enacting the Missouri compromise line, depriving Congress of power to abolish slavery in forts or garrisons within the limits of the Slave States, or in the District of Columbia while it continued to exist in Virginia or Maryland, or to interfere with the inter-State slave-trade; and, further, to secure that the Federal Government should pay the value of slaves forcibly rescued, and recover the costs from the county which had failed to put down the rioters. He proposed further that no future amendment of the Constitution should affect these rules, or give power to Congress to interfere with slavery in the States. He called upon Congress to resolve that all resistance by States or individuals to the Fugitive Slave Law was illegal and unconstitutional; that the fee of the Commissioner should be the same whatever his decision; that the African slave-trade should be more effectually repressed. Mr. Greeley admitted that had the Crittenden compromise been submitted to the people it would probably have been ratified.⁵ The compromise was referred to a committee of thirteen, of whom five were Republicans; but it was clear that no compromise to which the new President and the Republican party were not more deeply pledged than to their own platform would give the South the shadow of security. It was understood, therefore, that the committee should report no conciliatory proposal in which the Republican members did not concur, and they concurred in none. The Republican party were asked simply to engage for the fulfilment of the law and non-interference with slavery in the South, and they refused both. In a word, they would have no terms; they would rule or ruin the Union. Amendment after amendment, proposal after proposal was made, only to be rejected or staved off till the retirement of the Cotton States had left the Republicans masters of the field, when they peremptorily voted down every proposal incompatible with their own unconstitutional and illegal platform.

The Border States made one last effort. They called a Peace Convention, presided over by ex-President Tyler. The Republican chiefs were unwilling to attend it. They knew that the people desired peace, and exerted themselves to the utmost to thwart

⁴ Greeley, *American Conflict*, p. 378

⁵ *American Conflict*, p. 380.

the popular will. Chandler, of Michigan, expressed in a private letter his desire to prevent the Northern States from sending delegates; but as more moderate Republicans would send them, 'something must be conceded to these erring brethren.' The party must exert itself, and 'send stiff-backed men' to defeat all proposals looking to peace. '*The Union will be worth nothing without a little blood-letting.*' So spoke a Senator of the United States, an intimate colleague and friend of Seward and Sumner, a favourite counsellor of Abraham Lincoln; and such was the spirit of his chief and colleagues. The compromise recommended by the Peace Convention, substantially that of Crittenden, was bitterly opposed by the Republican delegates; and when it reached Congress, in which the Republicans were now dominant, it was dismissed with far less attention and respect than would, in the better days of the Union, have been accorded to any scheme of sectional conciliation recommended by the sovereign State of Virginia alone. The House of Representatives passed resolutions pronouncing the 'Liberty laws' unconstitutional—as if any sane man had ever affirmed them to be otherwise—recognising the existence of slavery within the Slave States, and acknowledging no authority outside of a State to interfere with slaves or slavery therein; requesting the States to punish the invasion of other States, refusing to recognise any right of secession, and proclaiming the duty of the Federal Government to enforce the laws, protect Federal property and preserve the Union. This was in effect a purely Republican programme, insolently ignoring the Dred Scott decision, and affording no sort of guarantee against fresh violations of constitutional law. But it was too constitutional for the feelings of the extreme Republicans. The utmost that, on Mr. Greeley's own showing,⁶ his party ever dreamed of conceding was the hopeless idea of a Convention of the States, originally proposed by Kentucky—a Convention in which the secession of the Cotton States would have given the North an overwhelming majority; a remedy obviously far too slow and too cumbrous to meet the crisis, and which common sense must presume was offered for no other reason. Twice the Republicans were asked simply to execute the existing law, and sustain in the future that exclusive constitutional right of the States over their internal affairs and that equality in the common Territories which scarcely admitted of rational dispute; and twice the party pronounced against the least that the South could safely or honourably accept.

The seven seceding States met in Congress at Montgomery, Alabama, early in February, 1861. Spontaneously and almost

⁶ Report of Seward and Republican minority in the Peace Convention. *American Conflict*, I. 402.

unanimously every State delegation named Jefferson Davis, the representative of the Moderates, as President, wholly contrary to his wish and expectation. With equal spontaneity and unanimity they named as his Vice-President and possible substitute Alexander H. Stephens, the recognised leader of the Union party; its foremost and boldest statesman, who had insisted in the House of Representatives, in the public discussions which preceded the action of his State, and in the Convention of Georgia, that the Union could and should be maintained, but had recognised as distinctly the paramount and absolute claim of Georgia to his allegiance under any circumstances and against any enemy whatsoever. Except in South Carolina, there had been in every State a powerful Unionist minority. On the day on which the edict of secession passed that minority disappeared. Among those who received the decision of their State with deep regret and painful anxiety, there was scarcely a man of character and reputation who did not sustain it, who was not prepared to peril life and limb, fortune, the safety of his home, the comfort, the bread, the happiness of wife and children, in its defence.

To none was that decision more painful than to the Southern officers of the Federal Army and Navy. To both, but especially to the former, the South had furnished a very large proportion of its most distinguished officers. The Union boasted no seamen more deservedly honored by their countrymen, more revered in their profession, than Raphael Semmes; Maury, the highest living authority upon ocean storms and currents, and upon the whole science of meteorology; Buchanan, and Tatnall, dear to the whole English race, who, when our soldiers and seamen were retiring in confusion and disaster under the tremendous fire of the Chinese forts, exclaimed that 'blood was thicker than water,' and acted on the feeling. The Army of the Union boasted but one soldier equal in reputation and stainless honour, in proven courage and skill, to A. S. Johnston, Joseph Johnston of Georgia, G. P. Beauregard of Louisiana, and Bragg, the hero of Buena Vista; unless we should except General Scott—respected for professional skill and success, but ridiculed for exorbitant egotism—the present Commander-in-Chief. The opinion of the army and the War Department had long since designated as his successor Robert E. Lee of Virginia, the ideal of a Christian soldier, the typical representative of Southern chivalry. Among the elder officers still in the prime of manhood, none ranked higher than the eccentric Puritan T. J. Jackson, Hardee and Jubal Early. Ripley and Rains were masters of the highest science of their profession. Needless to lengthen the list of names with whose glory the world was presently to ring. To every one of these men the Stars and Stripes had been as dear as the Union Jack to those who fought under

Nelson and Wellington, Collingwood and Moore. To them, as to no other Southerner, the Union had been their country, their Northern comrades as dear and intimate associates as those from their own States. But, Scott excepted, not one of these men doubted for a moment what their duty was, or hesitated, at every sacrifice of personal and professional feeling, instantly to fulfil it. Southern captains, with here and there an exception, carried their ships into Northern ports,⁷ handed over the command to men henceforth to be strangers and enemies, and returned home to place their swords at the service of their native States. Nearly every Southern soldier resigned his commission and awaited the commands of the one authority which had henceforth the right to claim his services, without stipulation for rank, pay or position. If such was the conscientious conviction and such the conduct of soldiers and seamen, much more clear, confident and unhesitating must have been the conscientious sincerity with which every Southern civilian of character and repute acknowledged his sole and absolute allegiance to Virginia or Maryland, Georgia or Louisiana.

During the last weeks of Buchanan's administration most forts and arsenals within the seceding States, generally inhabited only by a storekeeper or a corporal's guard, had been quietly occupied. The case was different with three positions of signal importance. The Isle of Key West was strongly garrisoned, and was wholly out of the power of Florida or of the Confederacy. Pensacola was the greatest naval arsenal of the Union. Most of its unguarded works were occupied by militia or volunteers from Florida and Alabama, but the principal fort could not be secured without a collision which, however confident of success, the Confederate Government were resolved to avoid at almost any risk. The same policy of forbearance allowed Major Anderson, with a hundred men, to retain unchallenged possession of Fort Moultrie, in Charleston harbour. Before the Confederate Government was installed, that of South Carolina had offered, and Mr. Buchanan, while refusing to bind himself by any formal engagement, was supposed to have agreed, that the *status quo* should be undisturbed till the whole question of peace or war, recognition or coercion, should be submitted to Congress, the only power legally competent to deal with it. The proverbial danger of verbal understandings is doubled where political, popular and personal pressure is daily and hourly brought to bear upon one of the parties. The State Government, relying on the arrangement, for-

⁷ Not that the ships belonged to the North—far from it; but that professional honour required them to resign their charge to the authority from which they received it—the Federal Government. That Government was, on the same principle, bound in honour to hand over to the seceding States their fair share of the armaments created at the common expense; but it was guided by very different considerations.

bore to seize Moultrie. Anderson, fully aware that they could do so at any moment, destroyed whatever he could not remove, and transferred his garrison to Fort Sumter, a position more defensible and capable of being reinforced by sea.

The State Government assumed that Anderson's breach of an arrangement by which he had so long profited would be promptly disavowed. Mr. Buchanan—who acted throughout with an anxious desire to keep the peace, to abide by the constitutional doctrine that coercion was illegal, and to reserve the whole question for Congress, so long as he could do so without incurring bitter reproach and dangerous unpopularity in the North—sustained with some hesitation the action of his subordinate, and even authorised an attempt to throw supplies and supports into Sumter. But the language of his message had put the Carolinians on their guard. The defences of Charleston harbour had been vigorously pushed on; the commanding points were occupied by batteries strongly manned and armed; and the *Star of the West*, arrested by a warning shot, turned back without attempting to communicate with Anderson.

An act of unquestionable hostility had now been attempted, and the longer presence of a Federal garrison in the midst of Charleston harbour was not only an insult to the State but a very practical danger to the city. Still the Confederate Government adhered to the policy of forbearance. It would not begin the war; it would do nothing to embarrass by anticipation the legal and pacific settlement which the history and principles of the Constitution entitled it to expect from the new Congress.

Mr. Buchanan, in his last message, laid down with equal emphasis two practically contradictory propositions, both of them constitutionally arguable: that a State had no right to withdraw from the Union, and that the Union had no power to coerce a State. The Union was, like all intimate alliances and most treaties, formally perpetual; as was the bond between Holland and Belgium which France sanctioned in 1815, and violated by force in 1831; or that earlier American Union under the Articles of Confederation from which eleven States deliberately seceded, leaving North Carolina and Rhode Island out in the cold. Much more significant and straightforward was the President's language on the second point. Coercion, he said, could only be legal if the power to make war upon a State had been granted to Congress; and this question he decided in the negative.⁸

⁸ A clause authorizing an exertion of force against a delinquent State came up for consideration in the Convention of 1787 on May 31. Madison argued that the use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts. On his motion the clause was set aside. A week later Madison said that 'a Government formed on the supposed practicability of using force against the unconstitutional proceedings of the States would prove visionary and fallacious.' Buchanan, p. 128.

Mr. Buchanan subsequently attempted to explain away his explanation. The Federal Government could not coerce a State, but it could execute the laws by force in defiance of State resistance—a distinction without a difference, an implicit contradiction of the constitutional and practical doctrine that force used against a State meant war. Mr. Lincoln afterwards took the same distinction, and went so far as to ignore the whole past and present, to invent a new set of facts, an unreal situation, in the formal proclamations and public despatches by which he levied vast armies to suppress ‘conspiracies,’ declared war on ‘rioters,’ and blockaded the coasts of ‘lawless assemblages.’ Facts were too strong alike for faction and fiction. Secession was the act of the States through the identical Conventions which had brought them into the Union, the recognised Executive Governments and Legislatures which had ruled and represented them therein; and on this inconvenient truth, the moment they passed from words to deeds, the minority President and the Republican rump of Congress had to act.

No attempt was ever made to ‘execute the laws’; war, and war against the States, invasion, blockade, regular hostilities waged against the Confederate States as a foreign Power, belied all constitutional evasions, and compelled the Federal Government to contradict itself by claiming the privileges while striving to escape the consequences of belligerency. The special pleadings of Mr. Buchanan and Mr. Lincoln only served to prove their conviction that war against a State was a thing too clearly illegal to be avowed. Hence much of the illogical and inconsistent hectoring which made the Northern cause so unpopular with nearly all educated and well-informed foreigners. The North was in a moral dilemma. If secession were a nullity, she was violating the Constitution in waging war on the States. If she were legally at war, secession had in fact dissolved the Union.

Some hot-headed Southern fire-eaters and logical doctrinaires had declared in favour of the re-opening of the African slave-trade. This is the sole pretext for the allegation often made at the time, and casually repeated by one English writer from whom respect for historical facts might have been expected, ‘that the desire to develop as well as preserve slavery’ was the very mainspring of secession. The Constitution of the United States left the question open after, and only after, 1808. Till then Congress was forbidden to interfere with the trade. The constitutional Convention of the Confederate States—such was the title assumed by the seven seceders and the six States which subsequently joined them⁹—made the prohibition of the slave-trade a clause of

⁹ They claimed that Missouri—whose lawful Government was actively Secessionist—and Kentucky had formally joined the Confederacy.

the Constitution, a law practically irpealable. The accusation then is not only not true, but the exact reverse of the truth. Otherwise the constitution elaborated at Montgomery follows closely the main outlines of the compact of 1787, only explaining in unmistakable language every point which seemed controvertible or which had been controverted, and introducing a few amendments whose wisdom almost every political thinker entitled to respect has unhesitatingly approved. The President was to hold office for six years, and was not to be re-eligible. Congress was permitted to provide for the admission of Cabinet Ministers to a seat on the floor, *i.e.* to a position like that of Territorial delegates, with the right of speech but not of voting. In the midst of a struggle for existence, it never found time to carry out a purpose better suited to the ordinary course of public business in peace than to the exigencies of war.

CHAPTER III.

REPUBLICAN DUPLICITY. THE TRUE STORY OF SUMTER.

Lincoln's Strange and Ambiguous Speeches—Negotiations—Evacuation of Sumter repeatedly promised by the Federal Government—Treacherous Attempt at Surprise—The War forced on the South by Republican underhand dealings—The Motive.

As the new President made a triumphal progress to Washington through the States which had elected him, he delivered speeches, brief indeed, but from their very brevity more significant and more ominous. He admitted at Indianapolis that 'the marching an army into South Carolina without the consent of her people and with hostile intentions towards them would be coercion and invasion; but if the United States were merely to recover their forts and property, collect the customs duties and assert the powers which the Federal Government claimed, was this coercion or invasion?' Mr. Lincoln knew that he could not recover Moultrie or levy a dollar in Charleston till he had laid the city in ashes. Was *that* coercion? He knew that thirty thousand men could hardly instal a Federal judge in Columbia. Was *that* invasion? Such playing with double-edged words—and words that flung fire among flax—would have been ridiculed in a debating society, and was unpardonable in one whose words must affect the action of Governments, the motion of armies and the temper of nations. A still more startling sentence followed: 'If a State and county were equal in extent of territory and number of inhabitants, in what was the State better than the county? What mysterious right had the State to play tyrant?' He might as well have asked, Why should Belgium enjoy any privileges denied to Lancashire? Was he really ignorant of the leading facts of American history, the first principles of American law? or was the question a claptrap appeal to ignorance and faction? If it meant anything, it suggested a subversion of the existing order, sure to be forcibly resisted by two-thirds of the States and more than half their population. To insinuate revolution, to hint civil war in terms like these, indicates the man as yet unimpressed by responsibility.

Even as a matter of taste, what would be thought of an English statesman who should ostentatiously declare that Scotland was of no more account than Sussex, or put Ireland on a par with Derbyshire? How would such an orator, during an access of Scotch or Irish feeling, be received in Glasgow or Dublin?¹ No public man, after a similar insult to the excited pride of a free people, could hope to enjoy in any great city a reception agreeable to his dignity; and Mr. Lincoln was prudently advised to avoid the streets of Baltimore, and to pass through Maryland in a sort of incognito. He was in no danger of such treatment as a Royalist Chief Justice had undergone from the mob of Boston; the assassination plot devised to explain his evasion was a pure fiction; but it would not have suited the President-elect to be hooted through the only Southern city he had to enter.² Mr. Lincoln appeared in Washington, to be installed without disturbance or demonstration of hostility on March 4, 1861. His inaugural address maintained his ambiguous attitude, and yet committed him to grave and glaring usurpation.

Whatever Mr. Lincoln's opinion on the legality of secession, he knew it to be a doubtful problem, on which immeasurably superior lawyers held the Southern view. It was either a subject falling within the reserved powers of the sovereign States, as the South held, or, from the Northern standpoint, a question of law to be decided by the Supreme Court. Had that Court pronounced against the legality of secession, the action to be taken was a question for Congress. Even the despotic Jackson had appealed to Congress before threatening South Carolina with a military 'enforcement of the law.' By proclaiming his intention to 'execute the laws,' seize forts and collect taxes within the seceded States, Mr. Lincoln not only decided the question of law in contempt of the proper tribunal, but deprived Congress and the Northern people of their right to decide, coolly and at leisure, whether they would endeavour to reconstruct the Union on the novel principle of compulsion. They elected him on positive and emphatic assurances that his election did not mean separation; they were now cheated out of their opportunity of reconsidering the case under the new light which had done so much to sober and startle them, while half of them still believed coercive war illegal, and a moiety of the other half abhorred it as foolish and wicked.

¹ Mr. Lincoln's levity was incomparably worse. Some English counties are older than England. An American State is the oldest and only essential element in American polity; a county is the last and most purely artificial of American political divisions. There was a studied insolence in the comparison which only an American as familiar with Americans as a cultivated Englishman with English traditions could fully appreciate. See de Tocqueville, *Democracy in America*, vol. i. p. 86 *et seq.*

² Even Mr. Greeley virtually admits that this was all the President had to fear. See *American Conflict*, i. p. 420, and especially the note.

At the same time Mr. Lincoln threw his glove in the face of the Southern people. He told them that he would act in a manner which, as the facts stood, meant a war of invasion. Yet he had deprecated the idea of war, and, if his words meant anything, had nullified his own menace by renouncing beforehand the only means of executing it. If, as he declared, he would not place intruders in the Southern customs-houses, appoint intrusive judges, marshals and attorneys, or support them by armed force, he could collect no duties and execute no laws. The inaugural speech, like its predecessors, contradicted itself at every turn. For Republicans of Mr. Chandler's type the speech meant war. Hesitating Conservative Unionists inferred with equal justice that it promised to avoid war. Democrats saw that the President had given a pledge which nullified his threats of coercion. The Southern people saw that they had been insulted, but saw that the challenge given in one sentence had been retracted in another. Southern statesmen drew the true conclusion—that the speech meant anything or nothing, and must be interpreted by the temper of the North. But that temper was uncertain. A straightforward speech would have steadied it, would have elicited a cry for war or a peremptory demand for peace; and for that reason Mr. Lincoln and his advisers had been carefully ambiguous.

The selection of the Cabinet was significant. The Secretary of State was the chief of the violent Republicans who had countersigned Helper's abusive and menacing manifesto. The Treasury was filled by Salmon P. Chase, of Ohio, an Abolitionist less desperate than Sumner and less scrupulous than Greeley. The War Department was in the charge of Simon Cameron, of Pennsylvania, a 'professional politician' of whom it could only be predicted that he would favour whatever course promised the largest opportunities of lucrative jobbery, the most lavished and the most uncontrolled expenditure. Every post of importance was given to the North. No State south of the Potomac and the Ohio was represented in the Cabinet. Blair of Maryland and Bates of Missouri were Southerners only as was Lincoln himself, by chance of birth; their nomination to insignificant posts emphasised the anti-national character of the Government. Such a Cabinet was another proof of the utterly unparalleled nature of the situation, the anti-Unionist attitude of the victorious party. Never had a Cabinet consisted solely of Southerners, with an insignificant Pennsylvanian and Indianian stuck into insignificant places. Never had the Union been ruled by a party in whose Conventions the Northern States were not represented, or which had not received a Northern vote tenfold larger than the whole South had cast for Lincoln.

Peace at any price, so it were peace with honour, was the inter-

est of the Confederacy and the policy of its Government. It was fortunate that its President was at once a soldier and a statesman, thoroughly familiar with the military resources of the North, with the strength of the Navy, with the character of Northern politicians. He appreciated the motives which might induce the Republican leaders to precipitate hostilities and was anxious to avert them if possible, and if not, to throw the whole responsibility, visibly and unquestionably, upon the party which had all to gain by war.

The first important act of his Government was to send Commissioners to Washington. Their formal instructions of course looked to the recognition of the Confederate States, the provision to be made for the common debt of the Union, the transfer of the forts still held by Federal troops within Confederate jurisdiction, and the settlement of all reciprocal claims. The immediate object was the maintenance of peace on the lines of the *status quo*. Mr. Crawford, the first of the Commissioners, arrived before Mr. Buchanan retired; but the latter had lost his head amid the incessant menaces and denunciations of the Radicals, more excusably and less completely than his successor. Mr. Lincoln might have been hooted through Baltimore; Mr. Buchanan was reasonably afraid of personal outrage on his homeward road, short as it was, and thought it not unlikely that he would find his modest Pennsylvanian country-seat in flames. Nothing was done till the new Government came into power on March 4, 1861. Mr. Seward refused to receive the Commissioners. This was needless discourtesy; the reception of eminent citizens of Southern States in no wise prejudiced the question whether those States had now become a foreign power. The envoys were men of standing too high to quibble with him on points of etiquette. An informal letter from Mr. Crawford to Mr. Forsyth, a public man of the highest character and station, opened their mission on March 12. Couched in the usual terms of diplomatic courtesy, it was answered by Mr. Seward in a long, argumentative, offensive paper, refusing the requested interview with the President. Mr. Seward, in a long public life and a subsequent official experience of eight years, showed a statesman's adroitness in discriminating between those whom it was necessary to court and those whom it was safe to insult. The nature of the man was indicated by the story—true or well invented—that he gratuitously told a great English statesman (attending the Heir to the Crown on a complimentary visit to the States) that his first act on coming into power would be to quarrel with England. Mr. Seward would never have so blustered before a French statesman or a private Englishman. With the like adroitness he kept his letter on March 15 for private display and subsequent publication; and, to amuse them till the

Northern Government was ready to act and the Northern people wrought into a different mood, opened an indirect communication with the Confederate Commissioners through Judge Nelson and Judge Campbell, of the Supreme Court.³ The question of Sumter was urgent. Mr. Seward knew that without express assurances from Washington the Confederate Government could not much longer forbear its reduction. The Judges warned him upon their own authority, supported by that of the Chief Justice, that it would be impossible, without serious violations both of the Constitution itself and of express Congressional statutes, to attempt the coercion of the seceding States; also, that the refusal of a recognition to which they held themselves clearly and instantly entitled might lead to irrevocable and very unfortunate incidents. The Secretary's tone was such that the Judges believed him to be restrained even from recognition rather by the state of public feeling in the North than by his own judgment.

However that might be, Mr. Seward's language about Fort Sumter was as explicit as possible. 'The evacuation of the fort is as much as the Administration can bear.' This was the immediate and pressing issue. Mr. Seward authorised the Judges to say that, before a letter could reach Mr. Davis, the latter would learn by telegraph that the order for the evacuation of Fort Sumter had been given. As for Fort Pinckney and Pensacola, no change should be made. Judge Campbell communicated this assurance to the Commissioners. They required that the pledge should be reduced to writing. This was done by Judge Campbell; the written statement was approved by Judge Nelson, and the whole transaction reported to Mr. Seward by letter. In consideration of this express engagement to leave the status of Fort Pinckney unaltered and forthwith to evacuate Sumter, the Confederates made two concessions of vital moment. They refrained from pressing the demand for recognition—a point on which Mr. Seward showed great personal anxiety; and they forbore to reduce the forts, then clearly in their power. All this occurred on March 15. Seward's pledge obviously implied that the evacuation of Fort Sumter should be ordered within two or three days. On the 20th the Commissioners learned from General Beauregard, commanding at Charleston, that Sumter had not been evacuated, and that Major Anderson was still working on its defences; a breach of the truce which would have entitled the Confederates to compel an instant surrender. The despatch was submitted

³ The narrative is given in full in Mr. Davis's *Rise and Fall of the Confederate Government*. Draper suppresses all the important part—Mr. Seward's pledges and their violation. Mr. Greeley slurs every essential point, and omits the name of Judge Nelson—a Northern witness to Judge Campbell's interviews with Seward, and the originator of the indirect verbal negotiations. As the facts were published and the charges made during the war the absence of reply and the evasion of the best Northern historians bear conclusive testimony to the accuracy of the authorities quoted below.

to Mr. Seward by the Judges above-named. He pleaded that the delay was accidental, and repeated his promise. This assurance was again given in writing to the Commissioners by Judge Campbell, who again communicated to Mr. Seward in writing what had been said on his behalf. Mr. Seward then repeated, on March 21, his absolute pledge to evacuate Sumter and leave the *status quo* of Fort Pinckney undisturbed.

Meantime Mr. Fox, afterwards Assistant Secretary of the Navy, had urged upon the Government a plan for the violent or surreptitious relief of Fort Sumter. Finding, as he said, the President and Mr. Blair disposed to sanction his plan, Fox proposed a visit to Charleston to ascertain its practicability. By Mr. Lincoln's orders he left Washington on the 19th, and reached Charleston on the 21st (the day on which Mr. Seward repeated his promise that the fort should be immediately evacuated). Mr. Fox recorded that he had obtained from the Governor of South Carolina permission to visit Fort Sumter. How that permission was obtained he was careful not to tell; but that it was given on an understanding that his purpose was pacific there could be no question. What actually passed is told in the Governor's report to the State Legislature. The pass was given 'expressly upon the pledge of pacific purpose.' Fox's legal status, then, was that of a spy, liable to be hanged on detection. Morally he and his Government⁴ were in the position of men using a flag of truce to cover a concerted surprise—a crime which the opinion of all nations and the customs of civilised war brand with especial infamy. A few days later a second spy, Colonel Lamont, employed by Mr. Lincoln, expressly informed Governor Pickens that he was sent to arrange the removal of the garrison. He obtained a pass. On his return from Sumter he asked if a war vessel might enter the harbour to remove the garrison. The Governor refused. Lincoln's 'confidential agent' then suggested an ordinary steamer, to which the other agreed. This transaction was reported by Pickens to the Commissioners by telegraph. The Commissioners sent the message through Judge Campbell to Mr. Seward, who on the next day, April 1, repudiated Lamont in language which suggested that he had been kept in ignorance of the transaction. Mr. Seward, however, engaged *in writing* that the Government would not undertake (attempt) to supply Sumter *without giving due notice* to Governor Pickens. Judge Campbell noted the inconsistency, and asked, 'Am I to understand that there has been a change in your former communications?' *i.e.* the engagements to

⁴ They knew (1) that Mr. Seward's promises implied the pacific character of Fox's mission; (2) that his pass could have been obtained on no other understanding. (3) The publication of Pickens's message put them in full possession of the facts. Yet Fox's scheme was secretly pressed forward, and its author rewarded with high promotion, which he retained long after his final exposure. It is, further, a significant fact that Anderson (a high-minded soldier) was kept in ignorance of plans which concerned him so intimately.

evacuate Sumter. 'None,' replied Mr. Seward. On April 7, learning that the Federal Government were making secret preparations for the naval attack planned by Mr. Fox, the Commissioners again addressed Mr. Seward in writing (using the signature of Judge Campbell, since Mr. Seward had throughout refused to communicate with them), directly enquiring whether his assurances were to be relied on. The Secretary replied in writing—'*Faith as to Sumter fully kept; wait and see.*' At that moment the secret expedition was ready, and was expected to reach Charleston within forty-eight hours. On the morrow after this last explicit pledge, at the moment when the fleet was supposed to be off the harbour, Mr. Chew, *a clerk of Mr. Seward's*, accompanied by a certain Captain Talbot, read to Governor Pickens and General Beauregard at Charleston a paper said to have been delivered to Chew by President Lincoln on the 6th, *the day before Mr. Seward's last promise* to evacuate the fort, notifying the State Government that an attempt would be made to supply Fort Sumter with provisions, and that if not resisted no attempt would be made to throw in men, arms or ammunition without further notice. Even had it been properly signed and accredited, the paper was a confession of foul play. It ignored Mr. Seward's solemn and repeated engagements. Its delivery was obviously meant not to give warning, but to cover a surprise; and even its promise, coming from Seward's chief and Fox's employer, was dishonoured on its face. The notice was a declaration of war—the despatch of the expedition the commencement of active hostilities.

Mr. Lincoln's Government thus unquestionably began the war, and by a signal act of treachery. Mr. Seward's first pledge to evacuate Sumter was given March 15, the last April 7. In the interval the question was discussed in the Cabinet. On March 19 Mr. Lincoln sent Fox to scheme an attack; on the 23rd or 24th he ordered its preparation; on April 6 the fleet had set forth; on the 8th it was expected to enter the harbour; and not till that moment were the Confederate authorities warned that an attack was intended. Even had Mr. Seward's promises been unauthorised, the President was bound by them till abundant notice had been given of their repudiation. Even on this utterly absurd supposition, the attempted surprise of April 8 was a foul treason. But it is as certain that Mr. Seward dared not and did not act without his chief's full knowledge and sanction, as that such an offence would have compelled his immediate dismissal.⁵ His retention in the highest Cabinet office and in Lincoln's full confidence suffices to fix the latter with previous cognisance and entire approval of his pledges. Mr. Lincoln's personal share of responsi-

⁵ The fact that Mr. Lincoln's measure, repudiating or ignoring Seward's pledges, was delivered by Seward's own subordinate leaves no reasonable doubt that the two were acting in collusion or concert throughout.

bility for the false promises, the deliberate and protracted deception, and the treacherous surprise which that deception covered and prepared, is matter neither of importance nor of doubt. For nearly a month the Government of which he was the absolute chief were keeping the Confederate Government from action by pledges which at the same time they were preparing with all possible energy to violate.⁶

This treachery had made the capture of Sumter an immediate necessity. Yet it was not summoned till April 11; then, after long parley, Anderson refused to surrender, and was reduced, when the enemy's fleet was in sight, by a thirty-six hours' bombardment, wherein, strangely enough, no man on either side was hurt, though casemates, guns and parapets suffered severely. The Confederates had obviously done their very utmost to postpone or avert hostilities. Mr. Lincoln, Mr. Seward and their colleagues intentionally and deliberately forced on the collision, determined to leave the South no choice but between surrender at discretion and instant war. They gained their end. Northern feeling would not sanction an offensive war till every effort at peaceful settlement had been exhausted. Hence it was imperative, if Lincoln's Presidency were not to be signalised by the immediate dissolution of the Union and to bring the Republican party into universal odium and contempt, or the Chicago platform to be ignominiously retracted, that the North should be hurried into war on false pretences. The authors of the collision, the men who had publicly pledged themselves to peace while secretly preparing war, profited by their own duplicity, and concealed the transactions which had rendered the reduction of Sumter an instant necessity of self-defence. The North was persuaded that the South had struck the first blow—had 'fired on the uniform,' 'had insulted the flag.' The imperious self-will of a dictatorial democracy was successfully inflamed to fury; and from this point it would be as profitable to trace the sequence of fancies in a fever dream as to follow the unreasoning impulses of a deluded people.⁷

⁶ The whole of this narrative is vouched by official documents, by a letter of Judge Campbell's to Mr. Seward (April 13, 1861), and by a full statement subsequently placed on record by the former. Every communication made in Mr. Seward's name was forthwith reported to him in writing. The final pledge—given when he believed that effectual measures had been taken to falsify it—was in his own handwriting. The whole history of the transaction had been long notorious, and stood on record, when Draper and Greeley wrote, and their evasion puts it beyond question. They knew how the facts had been stated by the best possible authority, and would have contradicted Judge Campbell had there been the shadow of a question as to his accuracy.

⁷ All Northern writers, from Greeley and Draper downwards, repeat that 'the South began the war.' But not one of them tells us what the South could have done, after the promised evacuation of Sumter had once been peremptorily refused, when an enemy's fleet was threatening to enter the harbour which Sumter commanded. Let any reader with my account in hand look at their narratives of the first few weeks of Lincoln's administration; he will hardly escape the inference that they knew this story and dared not face it. Half-hints, fragmentary quotations, partial allusions and sudden suppressions receive their connection, elucidation, completion from the above narrative, which might otherwise seem unreasonably full and tediously accurate.

Mr. Lincoln actually ventured, in his message of July, 1861, to deny that the reduction of Fort Sumter was an act of self-defence. Reverse the case: suppose France allied with the Confederacy; a Confederate garrison holding—in spite of repeated engagements to evacuate it—a commanding fortress in New York Bay; a French squadron, long expected, at last signalled as in sight and bearing down to their aid. Suppose a defensive policy in high favour at Washington. Would orders to ‘remain on the defensive’ have saved an officer responsible for the safety of New York if he had not reduced the fort, if he had waited till its guns and those of the fleet were turned upon the defenceless city? How would a court-martial have dealt with such a case? and how long would Mr. Lincoln have hesitated to sign the death-warrant of the soldier who had acted according to the Presidential interpretation of ‘self-defence’?

CHAPTER IV.

THE CHOICE OF THE STATES.

Mr. Lincoln proclaims War—Compels the Border States to take a side—Heroism of Virginia—Maryland betrayed by her Governor and enslaved by surprise—Kentucky and Missouri, Arkansas, Tennessee and North Carolina—West Virginia and East Tennessee—Comparative Resources—Southern Geography—Threat to hang Southern seamen—Medicines declared Contraband.

ON April 13, after the fall of Sumter, Virginia demanded what policy the Federal Executive intended to pursue towards the Confederate States. Mr. Lincoln replied by repeating the story about holding forts and collecting duties. 'Further than might be required to do this, there should be no use of force against the people.' He gave the Virginians to understand that while he claimed the abstract right to regain 'Federal property,' he would not resort to armed invasion; and pledged himself most distinctly to confine his efforts to harbours, coast and border defences, and so forth.¹ In forty-eight hours he had changed his mind and broken his promises. On April 15 he issued a proclamation calling for 75,000 men to put down 'combinations too powerful to be suppressed by law,' and commanded the said combinations (that is, the Governors, legislatures and people of seven States) to 'retire peaceably to their homes'!

The North was wild with patriotic fervour. Five minutes' enquiry would have enabled any journalist of five years' experience to detect the untruthfulness of the story issued from the White House—a glance at a map of Charleston harbour would have suggested something like the truth. What was the Federal fleet about? What had passed between the Governments? Why had the long forbearance of the Confederates suddenly ceased? These questions should have occurred to any intelligent reader of the most unscrupulous Republican organs; these once publicly asked and pressed, Mr. Lincoln was lost. But very few sober men were left; and of these none could have commanded a hearing unless they could have told the story of the secret negotiations at once, before the North was committed.

¹ Greeley, i. 452.

A few weeks before, military coercion was a word that the Chandlers and Chases feared to utter aloud. Meeting after meeting, attended by those to whom Lincoln owed his place, by the leading citizens of the great commercial cities, unanimously denounced the idea as hateful, wicked, illegal, abominable. Mr. Lincoln had been told, amid thunders of applause, that a Republican army marching upon the South would be destroyed by a fire in its rear. In an instant, in the twinkling of an eye, all this was changed for a passion that would listen to no facts, a war fever as fierce as that of Chandler and his associates.

The double policy of the Republican Cabinet—the peace negotiations, the war measures of Lincoln and Seward—had served their double purpose; had baffled the earnest efforts of the Confederates to keep the peace, and hidden those efforts from the great majority of the Northern people. The South had been forced, the North tricked into war. The players of that double game have gone where ‘all hearts are open, all desires known.’ Their secrets cannot long be hidden from the scrutiny of biographers and historians; already enough is known to reveal, not perhaps their individual intentions, but their collective responsibility.

It is the business of history to judge them in their political rather than in their personal character. One whose memory retains the clue can best sum up the evidence; it must be left to a generation which did not share the tremendous passions, the intense and often agonising interest of that Titanic conflict, to pass a final judgment upon the actors. The North was deluded—with its own consent. *Vult decipi, et decipiatur.*

The Border States had watched the course of events and understood their significance. They saw that the Federal Government had been the aggressor, and—as they on strong *primâ facie* grounds believed, and as is now proven—the wilful, calculating, treacherous aggressor. They saw through the thin veil thrown over offensive invasion and fratricidal war. Their State pride, their constitutional traditions were outraged by the impertinence which treated sovereign States as ‘lawless combinations.’ From Maryland, Virginia and North Carolina, from Kentucky and Tennessee, from Missouri and Arkansas came one unanimous cry of disgust, contempt and indignation. They had adhered to the Union in spite of unnumbered insults and wrongs. But the Union to which they adhered was the Union of Hamilton, Washington, Randolph and Jefferson; a voluntary Union of sovereign States, excluding the very idea of compulsion. Forced to choose between secession and coercion, with one voice the Border States, Delaware scarcely excepted, refused to join in a war of aggression. Kentucky proclaimed herself neutral. Missouri followed

the same course. Governor Hicks, of Maryland, refused to convoke the Legislature or appeal to the people. In so doing he betrayed his trust. It was not for him to decide the course of Maryland, but to obey her will as it should be declared by her sovereign people. If he believed that that will was in favour of secession, he was bound *se soumettre ou se démettre*. His offence was especially grave, for the power of the Government to precipitate war depended on the action of Maryland. It was for her to say whether she would allow the invaders of a sister State a passage through her territory. Hicks's subsequent conduct affords strong reason to think that he was from the first a traitor to his State, disposed to go as far in the Federal interest as he could without risking deposition and punishment. But even under Hicks Maryland stood side by side with her sisters. If fight they must, they would fight for the weak against the strong, for independence against oppression, for law against usurpation. That they had really no alternative but to join the seceding States in the resolute defence of their liberties and independence, or to be dragged by the North into a war purely offensive and—as they almost universally believed—wicked, gratuitous, illegal and criminal, a war of aggression and conquest, was abundantly and speedily proved. The States which were persuaded or tricked into 'neutrality' found to their cost what Mr. Lincoln's explicit and repeated assurances were worth. Maryland, Kentucky and Missouri trusted and repented in chains, under a reign of terror. Virginia, North Carolina, Tennessee and Arkansas better understood, as events proved, the Government they had to deal with, the crisis which its proclamation had created. That their proceedings were hurried and informal was not their fault, but Mr. Lincoln's. That secession was the act of a people now all but unanimous, the President, his 70,000 volunteers, and the millions who were presently called upon to retrieve their defeat, received convincing proof.

The action of Virginia deserves especial notice. She, above all, was forced by the Washington Government to a cruel alternative. She had no mind to secede, but it left her no choice. It could reach her sister States only through her side. She must be the accomplice or the first victim; and in the latter case, be the issue of the Northern appeal to the sword what it might, she must inevitably be ruined by the costs. Never, since the Athenians abandoned city and country, and furnished two-thirds of the fleet which saved the calculating and cowardly Peloponnesians from the same fate, has history recorded so noble, so generous and so glorious a choice. Unless Maryland should act with instant and most improbable energy, depose her treacherous Governor, call a Convention, pass an ordinance of secession, and bar

the invader's road, all in a few days' time, Washington would be the headquarters of the enemy's chief army, and the war be waged, from first to last, on Virginian soil. No other Southern State was similarly exposed, and none had so much to lose. Virginia was a rich, civilised and prosperous country, a land of thriving towns and valuable plantations, of well-tilled and well-stocked farms—the Flanders of the South.

Eighty years before she had been the martyr of the war of Independence, enlisted in the quarrel, wasted and ruined in the service of Massachusetts, ever since her bitter enemy; her industry disorganised, her rising towns fired, the wealth accumulated through a hundred and fifty years of peace and prosperity plundered and destroyed, while the Colonies which had begun the war, for whose rights, rather than her own, she had drawn the sword, were safe from invasion and slow to answer her call. The elder statesmen and soldiers of the present generation had heard the story of those days in childhood at the knees of fathers² who had shared the struggle against Cornwallis. Her younger citizens remembered the tales of their grandfathers, the family legends of suffering and terror, of slaughter and conflagration. She counted the cost. The Federal Government would have given her her own price for a support which would have secured Maryland and Kentucky, and opened the way to the heart of the South. But Virginia chose rather to suffer than to share the wrong. The proclamation had put before her a plain choice between honour and safety. At once her course was determined. Her Convention met, and the Old Dominion renounced her fellowship with the West, which owed to her its being, with the North, for which she had done and suffered more than all the Northern Colonies, and cast in her lot, calmly, legally, and decisively, with the Southern sisters whose intemperance she had often rebuked, whose haste and fire she had constantly tamed and controlled, whose present action she had deprecated, but with whom lay the right, as every man of whom America was proud had laid it down; the right defined by the pen of Jefferson, achieved by the sword of Washington, and maintained by Madison, Monroe, Randolph, Calhoun at the bar and in the Senate.

Had the statesmen of the South designed, as Northern writers recklessly allege, to seize Washington, they might have done so. They might have liberated Maryland, and thrown back the war on to the soil of Pennsylvania. But they were resolute to await the first blow, to act only in self-defence; and they suffered severely for their self-restraint. The garrison of Harper's Ferry began hostilities by destroying as far as they could the arms there stored. The naval arsenal of Norfolk was fired at midnight on

² General Lee was the son of the famous 'Light Horse Harry.'

April 20; one great ship of the line, two frigates, and four smaller vessels were sunk, and property to the value of millions of dollars destroyed by the order of the Federal officer in command.³

It must be remembered that the property of the Federal Government was the property of the States at large. The navy, the army, the ships, the cannon, the small-arms, the ammunition, the arsenals, the machinery did not belong to the President, to Congress, or to the Northern States. The forts must necessarily go to the States on whose soil they were placed; of all else, the South had at least as good a right as the North to seize her share, pending a settlement of accounts. Unhappily nineteen-twentieths of the military and naval material of the Union was within Northern reach, and was forcibly appropriated by the North. This advantage was partially compensated by the personal quality of those respectively at the head of affairs. Mr. Davis understood incomparably better than any of his antagonists the business of war. Had he long contemplated or 'plotted' secession and civil war, the promptness with which he acted when installed in office leaves no doubt how effectively the South would have been armed. As it was she had neither stores nor factories, neither ships nor cannon, rifles nor sabres. Of powder she had not enough for a three months' campaign. In taking the money stored in the Mint of Louisiana, the arms and ammunition in the arsenals, two or three revenue cutters lying in her harbours, a score of ungarrisoned old-fashioned forts, and finally in compelling the Federal troops on the Texas frontier to surrender and hand over their cannon, rifles, ammunition and transport, the seceding States only took their own, and a very small part thereof.⁴

Governor Burton, of Delaware, in reply to Mr. Lincoln's proclamation, simply stated with indubitable truth that the laws of the State did not permit compliance. Hicks, of Maryland, found himself compelled to affect a more decided loyalty; he pledged himself to send no troops from the State unless for the defence of Washington. He reminded the people that they would soon have an opportunity of expressing their opinion as to whether they should remain in the Union or their desire to see it broken up.⁵ But inaction under the circumstances was action of the

³ It is said that the Northern arsenals had been depleted by Floyd, Secretary of War under Buchanan, for the benefit of the South. Documents and statistics prove that the charge is utterly false. The Southern States had not even their fair share of small arms, and these were mainly worthless. Everything else, except the artillery, arms and stores of the army on the Mexican frontier, was within Northern control. See Buchanan's *Administration* and Davis's *Rise and Fall*.

⁴ Mr. Floyd had resigned on account of Mr. Buchanan's refusal to fulfill the engagements given to South Carolina; but the President had previously required his resignation on account of a financial transaction, irregular in the last degree, but which brought no sort of advantage to the South, to Floyd, or anyone connected with him. We have seen how lax had been the financial administration in former times. Buchanan, p. 186.

⁵ Thus acknowledging the right of secession, and the unright of coercion. Coupled with his subsequent conduct [*v. infra*, p. 233] this language seems to fix upon him, in no technical or ambiguous sense, the character of a traitor.

most important kind. Neither the Legislature nor the people had any mind to afford a free way to an army on its way to attack the sister State of Virginia; and when, about noon on April 19, the 6th Massachusetts regiment with other troops, the vanguard of the North-Eastern invaders, coming by rail, marched through the streets of Baltimore, the Marylanders instinctively felt themselves betrayed. These troops had and could have but one errand. They came to wage war on the South, of which Maryland was part; their instant objective was Virginia, 'her ancient and faithful ally.' Their presence on such an errand was either a constitutional outrage or an act of treacherous hostility. Both by public and by constitutional law, as a sovereign Power and a member of the Union, Maryland was bound to expel them. The cultivated, high-bred, hospitable aristocracy and the indomitable populace of the Marble City were of one mind: the appearance of the invaders called them at once to arms. The temper of the intruders was that of Chandler. Before a single shot had been discharged (though one of them is said to have been hurt by a stone) the troops deliberately fired a murderous volley among the people, killing eleven and severely wounding many more. This outrage was the commencement of a conflict in which the invaders lost three or four men killed, and a few sufficiently hurt to be sent to hospital. The influence of Kane, the deservedly popular chief of police, at last secured the unmolested departure of the soldiers—a service which Messrs. Seward and Lincoln never forgave. After the blood of her citizens had thus been shed by an invading force, under the President's orders, the Governor of Maryland was content—instead of demanding satisfaction and providing for the prevention of similar outrages in future⁶—to 'request' that no more troops should be sent through Baltimore. The President replied, in sublime disregard of facts, that the troops were required and intended for the defence of Washington! Mr. Seward added some impertinence about the time when 'American troops were welcome in Maryland.' Both stooped to a transparent fiction. The errand of the troops was one which at any period would have ensured them a hostile reception in Maryland, the invasion of Virginia; and while Lincoln refrained from aggression Washington was as safe as Boston. Mr. Lincoln, with the Governor's complicity, poured regiment after regiment into the State under the command of the afterwards notorious General Butler; occupied Annapolis in order to prevent the meeting of the Legislature at the State capital, and on May 13 seized Baltimore and all the railways leading through the State by military violence. Mr. Greeley himself admits that

⁶ The President's legal authority to call out the militia of New England was dubious. The Constitution he had sworn to observe forbade him to bring them into Maryland, except at the request of her legislature.

but for these acts of fraud and force the State of Maryland would have gone out of the Union as promptly and by as great a majority as Virginia or Tennessee. The Legislature met at Frederick, a stronghold of the Unionists, and with calm courage passed a vote of censure upon the war and its authors. The military arrest of a large number of its members obliged it to adjourn on May 14.⁷ On the same day Governor Hicks threw off the mask, broke his oath of office, his solemn recent pledges, and called for four regiments of volunteers under the proclamation he had officially denounced as illegal!

On April 19, while protesting to Maryland that he designed no invasion of the South, that he was only calling for troops to defend Washington, Mr. Lincoln ordered the invasion of Virginia. He sent the steam frigate *Pawnee* with 450 Massachusetts volunteers to seize the navy-yard at Norfolk; but the ships had been already sunk and the guns disabled, and the Federal officers thought it prudent not to await an attack. In a few hours the Virginian flag was hoisted over the ruins; many of the guns were unspiked; the officers left to fire the navy-yard were captured, and the *Merrimac*—one of the sunken frigates—was recovered, to figure in one of the most important of the many brilliant actions performed by the tiny navy of the Confederacy.⁸

The South had one or two great moral advantages. A large majority of the officers educated at West Point adhered to the North, but the flower of the army were those two hundred Southern officers who, as Mr. Greeley reluctantly admits, could not possibly have fancied that they consulted their own ease or comfort—or, an honourable foe would add, their personal or professional advantage—in so doing. They knew—none so well—how Northern men could fight, and what odds Southern volunteers could confront and conquer. They alone could fully gauge the terrible

⁷ In most American Chambers a majority is required for a quorum.

⁸ Mr. Draper and Mr. Greeley have stated, with prudent avoidance of details and figures, that the South was well armed, and armed at the expense of the North. The fact is as I have stated it: the exact quantity of arms, caps, and pounds of powder are given from official documents in Davis's *Rise and Fall*. Mr. Greeley scrupled not to relate anecdotes and conversations, reflecting on men in every respect at least his equals, without voucher of any kind. For instance, he relates a story imputing the meanest and most purposeless falsehood to General Magruder. According to this tale the General was alone with Lincoln—a notorious inventor of good stories: but Mr. Greeley did not even allege Mr. Lincoln's or any other authority. Professor Draper seldom gives authority for statements which only the most explicit reference to accessible documents could warrant or excuse. His account of the origin and course of secession is a figment of his own brain. Both of these authors write on occasion as if they had attended not only the secret sessions of the Confederate Congress, but the meetings of Mr. Davis's Cabinet, and the midnight councils that were never held by conspirators who never conspired. Where the adverse facts are notorious, as in the case of the alleged intention to reopen the African slave-trade, they invented explanations which are not only untrue but at once disproved by reference to dates and details. A rule made when Virginia was protesting against disunion by two to one was part of 'the secret compact' by which Virginia entered the Confederacy! They get rid of the constitutional prohibition by the wild suggestion that any Southern State might secede from the Confederacy, and so get rid of the Constitution; that is, (1) the great statesmen of the Confederacy contemplated its speedy dissolution; (2) Virginia sold her accession to the Confederacy, with invasion and ruin full in view, for a promise of no apparent value; (3) Texas, *e.g.*, dreamed of standing alone against England, the North, and the Border States, and repudiating a treaty which half a dozen English frigates could have enforced!

significance of their numerical inferiority. The indolent, the stolid, the inefficient, as Mr. Greeley says, clung to the North. The Confederacy might fail; the Union, if beaten, would remain strong enough and rich enough to reward them. The bitterest of Abolitionist fanatics testifies to the reckless courage with which the generals of the South exposed their lives on the field, and explains the early disasters of the North on the ground that, where the troops are equally raw, the bravest and most determined officers will conquer. 'The rebels were seldom beaten through pusillanimity, never through the treachery of their leaders.'⁹ Such were the leaders of 'that incomparable Southern infantry' whose marvellous achievements and matchless endurance have wrung from the bitterest foes reluctant testimony to their unrivalled martial quality. A Northern woman, characteristically impressed only by their physical appearance, speaks of some prisoners taken when sheer exhaustion and overwhelming numbers overcame the army, which had driven the Federal troops to cover under the shelter of their gunboats in the first day's fighting at Shiloh. 'How awfully they were dressed! They had carpets, ladies' quilts, bed-covers for blankets, slouch hats, children's hats, little girls' hats, but not one a soldier's cap.' Yet, says the bitter Abolitionist who can find no terms too abusive for the statesmen of the South, this was 'that magnificent infantry which had nearly wrenched victory from Grant, had faced without flinching famine, nakedness, the hospital and the sword. Would to God they had had a different enemy and a different cause.'¹ Is there a better cause than that of the soldier who fights for land and laws, for hearth and home? Or can an enemy be more clearly in the wrong than he who, with every advantage of numbers, wealth and stratagem, fights to enforce on others a compact whose every obligation he himself has shamelessly broken?

Victrix causa diis placuit, sed victa Catoni.

Every individual Southerner instinctively felt that his was the cause of law and justice, of country, independence, right and manhood. The Northern invader might convince himself that he was in the right, but those obvious facts that impress the conscience and the moral instincts of ordinary men were all against him. He was an aggressor, an invader. He was emphatically doing as he would *not* have been done by.²

⁹ Greeley, i. 506. The whole passage is a reluctant and unconscious concession of the moral, physical and political inferiority of the Northern soldiery.

¹ Draper, vol. ii. 166.

² Needless to say that this does not apply to the small minority of Abolitionist crusaders. The truths above indicated may be read between the lines of Draper's comparison of the two sections in the early part of his second volume, and even of Greeley's declamation on the same subject.

The population of the North, entirely available for military service, was nineteen millions, increased by that large element in Missouri and Kentucky which, Western rather than Southern, was soon to show itself 'strong upon the stronger side,' to more than twenty millions. The population of the seven original seceding States was about five millions, of whom rather more than half were white freemen. Virginia, Tennessee, Arkansas and North Carolina had about 2,800,000 whites and 1,300,000 blacks. Including the exiled recruits from Missouri, Kentucky and Maryland, the white population, alone available for military service, fell short of five millions and a half. The support derived from the three millions and a half of negroes, who could be employed to cultivate the soil and otherwise set free the white men for service in the field, was soon greatly reduced by invasion, deportation and demoralisation; its value was fully compensated by the drafts which the North was able to make on the waste manhood of Europe—the restless, starving populace of Connaught and Munster and the adventurers of Germany.

At the very outset, the deduction to be made from the nominal strength of Virginia was demonstrated by a political farce, whose constitutional absurdity in no wise diminished its practical effect. No State can be dismembered save by her own consent. The disaffected representatives of a few Western counties, together with a number of self-selected associates, came together in Convention, without a shadow of legal or popular authority, and resolved that Western Virginia should form a separate State. Then the same persons, calling themselves the Legislature of Virginia—ignoring the real Legislature, sitting, as before the Act of Secession, at Richmond—in that character affected to sanction the separation of the Western district. A more impudent fiction was never devised in Wall Street. Congress and the President, associating themselves with this fraud on the Constitution, admitted the 'bogus State' of West Virginia into the Union. It still retains the name and privileges of a State, a monument of the great shipwreck of law and order from which, after twenty years, the Union has imperfectly recovered.

Eastern Tennessee was a geographical prolongation southward of Western Virginia, and contained, like the latter, a number of Yankee immigrants, generally hostile to secession, and, unlike the rest of the Southern people, unwilling to abide by the decision and share the fortunes of their State. Nor was the desertion of so many of her white population the whole injury which the South sustained by the disaffection in these two sections. They opened a deep rent in her north-eastern frontier, by which a Northern army might one day pass through a friendly country and reach Chattanooga, the key of her second defensive line, connect-

ing its Eastern and Western divisions. These lines depended on and covered the two great railway communications between the Atlantic and the Mississippi; the only roads by which, over such vast distances, and through so thinly peopled a country, the East and the West could be held together; by which the one great military advantage of the South, the possession of interior lines, could be effectively utilised.

In mere military arithmetic, then, the South was outnumbered by four to one. But this was not the worst. The material resources of the North were simply infinite, while those of the South were limited in the extreme. The former could import arms and ammunition to any extent. All the factories of Europe were as fully available as if they had been planted on Northern soil. For any such purpose the wealth of the South was almost absolutely useless. Cotton enough to have purchased everything that she needed was locked up in her ports and on her plantations till it became spoil of war. She had not a single factory for the manufacture of arms, hardly even forges where rails might be wrought for the repair of her railways. She had to create, and did create with marvellous skill and rapidity, manufactories of small-arms, cannon and powder, of all of which the North had abundant supplies. The whole Federal navy, except two or three revenue cutters, fell into the hands of the stronger section. All the shipyards of the Union and of Europe were at its command; the South had not a single ship of war nor the means of building one. She had no iron, and no foundries wherein to construct the flotilla necessary to the defence of her rivers. The North could build as fast as could England herself, and built as England might have done with six or twelve months to prepare for the assertion of her maritime supremacy.

The geographical character of the South, together with her hopeless naval inferiority, constituted a second disadvantage only less telling than her weakness in men and material. The navigable rivers which contributed so largely to her prosperity in peace were a source of especial danger in war. The Mississippi cut the Confederacy in twain, and had to be defended chiefly by shore batteries against river squadrons of unlimited potential strength. The Confederate Government acted in this, as in almost every other point, with astonishing energy. Incomparably inferior in skill, in labour power, in wealth, material and weapons, it had fortified the river at several points before Mr. Lincoln had even assembled, drilled, uniformed and armed his forces for the attack. Island Number Ten, Fort Pillow and Vicksburg defended the upper course of the stream. Two powerful forts guarded the chief of its many outlets. The character of the banks, as a rule low and flat, especially at those points where important commer-

cial towns demanded protection, was a great embarrassment to those responsible for the construction of defensive works. The islands were also low. The bluffs, where they commanded the water, were often so precipitous as to render it easy for strongly-built vessels to run by close under the mouths of guns that could not be depressed to reach them. A defence depending on fortresses, however strong, against fleets or armies is always a disadvantage. It involves the discouragement of garrisons compelled to act always on the defensive, and aware that they cannot hold out for ever. Either the commanders evacuate the works to save the garrison, or they sacrifice the latter, and perhaps a campaign, to an over-estimate of the particular position in their charge. The Western campaigns afford instances of either error. The river fortresses of the South had to be placed upon ground often lower than the water-line, their first tier of guns being thus at best level with those of the ships. Such was the situation of New Orleans and a considerable part of Louisiana, so that the chief city of the South must surrender to the enemy's fleet if once they forced the passages above or below it. The neutrality of Kentucky, which the South was compelled to respect till the North should choose her own time to violate it, protected the whole course of the Ohio; and that river, with the Upper Mississippi, afforded a continuous inviolable shipyard in which the invader could construct his flotillas, a safe retreat in disaster. Upon the Mississippi, the South must stand absolutely on the defensive against an enemy who held both ends of the line, and at both was unassailable. The Tennessee and Cumberland rivers, traversing the Confederate lines of defence, lay open to a flotilla established on the Ohio; and if forced enabled the victors to take the defenders of the Mississippi in the rear. Western Virginia, with its eastern mountain range, flanked the army defending Richmond. On its other flank the enemy commanded the Chesapeake, the estuaries and inlets which penetrated deep into the rich coast land of the State, and enabled the invaders to land whatever force they chose in the rear of the main Confederate army. The principal ports of the Gulf and Atlantic coasts could be closed by improvised blockading squadrons.

The only geographical advantage enjoyed by the South was the 'double coast' of Georgia and the Carolinas; an outer barrier of islands behind which lay a channel navigable by light vessels, whereto access was given at numerous points by narrow navigable passages well known to the local pilots, but unfamiliar to the officers of the Federal Navy. The efficiency of the blockade must depend, therefore, rather upon captures at sea than upon an actual and *bonâ fide* closure of the numerous natural harbours. The situation of the South, as Professor Draper points out, was

that of a beleaguered district of indefinite extent; but a beleaguered place open at almost every point, with an enceinte fifty-fold as long as the defenders could possibly maintain. It bore an ominous resemblance to the position of France during the campaigns of 1814 and the Hundred Days, with superior armies in Belgium and on the Rhine, an irresistible enemy in possession of the sea, and a hostile Spanish host on the south. Mr. Lincoln could choose his points of attack on three sides; from the Potomac and Ohio on the north, the Gulf of Mexico on the south, and the Atlantic on the east. He could land wherever he would an army twice as strong in numbers, four times as strong in available force, as any that the South could possibly oppose to it. Every such army had a line of communication absolutely secure, and could establish before operations began an impregnable second base. One line of attack was marked out by nature. It should be the first business of the North to force the Mississippi, to occupy Louisiana and Arkansas. An army of a hundred thousand men established in possession of the western bank would hold the Gulf States at its mercy and turn the defences of Tennessee.

Mr. Lincoln's virtual declaration of war and blockade was coupled with two acts which cast a glaring light on the often-vaunted humanity of the North, and the personal tenderness of nature and freedom from vindictive passion ascribed to the President. The latter ordered that Confederate commissions or letters of marque granted to private or public ships should be disregarded, and their crews treated as pirates. He also declared medicines of all kinds 'contraband of war.'

Both acts violated every rule of civilised war, and outraged the conscience of Christendom. The attempt to deprive the South of the right of self-defence at sea, after the recognition of her belligerent status by the proclamation of blockade, was either an empty menace or an atrocious crime. The Federal Government snatched the earliest opportunity of proving that the murderous threat was seriously meant. The crew of the first Southern war-ship captured were imprisoned as felons, and would have been hanged had not the defeat of Bull Run, and the detention of a favourite Federal officer in irons, frightened the Northern President and Cabinet into their senses. The latter were none the less guilty in intention; and their crime was, in spirit and in consequences, no venial one. They knew that war by sea and war by land stand on the same footing; that the Confederates were, even from a Northern standpoint, no more 'rebels' than the soldiers of Mahomet Ali or of the Sonderbund; and, finally, that the act they threatened meant a war of mutual extermination—a total refusal of quarter.

Atrocious as was the guilt from which the fortune of war alone deterred them,³ the other decree implied a yet deeper and more revolting inhumanity. There exists in public law no accurate definition of the phrase 'contraband of war.' But the penalty of its carriage to an enemy's port is forfeiture of ship and cargo; and all naval Powers accept the general principle that this penalty attaches only to practical participation in the war. Thus breach of blockade involves forfeiture, because it is a direct attempt to thwart an operation of regular warfare. By parity of reason 'contraband' must contribute directly to the enemy's *military* resources. Thus, corn has been declared contraband when its destination indicated that it was meant to feed an army, not to replenish the stores available to soldiers and civilians alike. So hemp and ship-timber are contraband, as chiefly serviceable in war time to the hostile navy; but nothing that merely benefits a hostile army as part of the population at large, as food, stimulants, luxuries or clothing (except uniform), carried to a commercial port, is contraband. Still less can anything be contraband at sea which it would not be legitimate to seize and destroy on land. A vessel attempting to enter a blockaded port is on the footing of a convoy destined for a besieged city. But the presence of contraband goods renders the ship and her whole cargo prize of war on the high seas; taints with the darkest guilt, affects with the heaviest penalty, a wholly innocent enterprise. This is absurd, unless 'contraband' be such that its carriage is itself an act of war. The rule has often been strained, but only once in the history of war strained for a purpose of pure malignity, the infliction of intense suffering upon the sick and wounded. Robespierre and Napoleon alike would have shrunk from denying to the enemy's hospitals medical and surgical appliances of cure and relief. Modern civilisation has exempted surgeons, hospital attendants, and others engaged in the care of the wounded from capture or intentional injury; and the general or statesman who should deliberately destroy supplies of chloroform, laudanum or lint intended for the enemy's wounded, or curative drugs bound for a town infected by small-pox or yellow-fever, would incur the unanimous reprobation of Christendom.

³ See Macaulay's *Essays on Barrere* for an exactly parallel example—the order of the Terrorists that no quarter should be given to the English: and the universal abhorrence thereby excited in men of no squeamish or scrupulous temper, and in an army which had forgiven the massacres of September.

CHAPTER V.

OPENING OF THE WAR. MANASSAS.

The Proclamation of Blockade—Missouri and Kentucky—Presidential Usurpations—Military and Political Situation—Battle of Manassas Junction—Rout of Bull Run—Absence of Pursuit.

MR. LINCOLN'S first step was to close the Southern ports. He would fain have done this by a mere edict, but some one about him, acquainted with the elements of public law, warned him that such a pretension would not be allowed and would not serve his purpose. It would be little less than a defiance to the civilised world, a challenge which the maritime Powers must take up. The closing of a great port or a natural highway by its lawful owners is an outrage which modern feeling will hardly tolerate; the closure by one party to a civil quarrel of ports belonging to the other was a thing unheard of. And what was to be done with ships that disregarded it? At most they could only be warned off and arrested for a second attempt; they could not be touched on the high seas. The President, therefore, proclaimed a blockade of the Southern ports, equally, but not so obviously and glaringly, illegal. On April 19, when he pretended to seal up the Southern ports from the Rio Grande to Cape Hatteras, he had not one available war vessel to every hundred miles of coast, or to every five convenient harbours. In recognising this preposterous paper blockade, the maritime Powers conferred an invaluable and most undeserved favour on the Northern States; and that favour was, as Mr. Seward well knew, due to the influence of England. The recognition of the blockade involved the recognition of the Civil War and the belligerent *status* of the Confederacy; a measure for which Mr. Seward bitterly reviled England, while adopting a very different tone to France, which had acted throughout in strict concert and accord with her. France, as he knew, would have been willing to go much further; she would gladly have carried England with her in a course which would have crippled the North at once; and it was necessary to treat with respect a Power so 'ready with the pistol.' Meanwhile, whatever the legal effect of the proclamation of blockade, which, as Northern Courts afterwards decided, declared the existence of

hostilities, the North had actually engaged in war, and had now, as a preliminary measure, to determine with whom.

The western attack was hampered by the neutrality of Kentucky and Missouri. Openly to disregard that neutrality was to force them into the enemy's arms. The first step was to throw them off their guard, to deceive, amuse and surprise them as Maryland had been surprised. The fate of Maryland, and the absence for such a pretext for defensive advance as Washington had furnished, rendered the game delicate and dangerous. Federal troops could not cross the Ohio or the Mississippi save as open invaders. Captain Lyon, commanding the U.S. forces about St. Louis, collected 6,000 rowdies from Kansas and Iowa and partisans from Northern Missouri. He despoiled the arsenal, sent its stores and arms into Illinois, and then fell by surprise upon the State militia assembled for their usual training. Attacked by five-fold numbers and utterly unprepared, the legal force of the State was compelled to surrender to the illegitimate levies. The character of Lyon's men was revealed by the cold-blooded massacre of a number of on-lookers and disarmed prisoners.¹ Lyon's superior, General Harney, engaged for the neutrality of the State, and thus induced its Government to disband the militia and permit the Federal forces to occupy St. Louis (where there was a strong body of foreign Unionists) and the Southern Proslavery counties. Missouri thus disarmed, Mr. Lincoln disavowed the agreement, recalled Harney, and poured armed forces from Illinois and other free States across the border. Thus betrayed and overwhelmed, the Missourians sprang to arms. Unprovided with military rifles, cartridges, bayonets and swords—many of them carrying fowling-pieces or squirrel guns (rook-rifles)—they inflicted several humiliating defeats upon an enormously superior enemy, well armed and provided with artillery.

General Price, a consummate leader of irregulars, long kept up the contest with varying fortune. When at last overpowered by irresistible numbers, thousands of Missourian exiles, armed with rifles taken from captives or abandoned by fugitives on the field, sustained the honour of their State on the battlefields of Arkansas, Tennessee and Mississippi. After quieting and baffling her awhile with fair words, Mr. Lincoln sent garrisons into Kentucky,² established camps of instruction for Unionists in arms against the laws and Government of the State, and repudiated her claim to neutrality. Thereupon the Confederates seized Columbus, in the south-western corner of the State; and, supported by a powerful minority of her people, even when driven from her soil, forced the invader to garrison Kentucky as a hostile territory.

¹ *Battlefields of the South*, i. p. 38, the work of an eye-witness. The fact is not denied, and the excuses of the other side are obviously incompatible with the situation.

² Confessed by him in despatches to the Governor, August 24, September 4, 1861.

The Confederate Government had been transferred to Richmond, Va. ; one of several instances in which Mr. Davis was compelled to subordinate military to political considerations. Mr. Lincoln and his advisers allowed the plan of their first campaign to be determined by the position of the rival capitals. They had seized the commanding heights of Arlington on the Virginian bank of the Potomac, and thus secured Washington from bombardment ; since half a dozen gunboats sufficed to close the river against an unaided land force. But the Federal Government were always in terror for the safety of the capital, and this terror constantly hampered the discretion of their Generals and fettered the movements of their armies. Confronted at most by 50,000 men, to whom, having made new and larger calls, they could oppose nearly 100,000 drilled and thrice as many enlisted troops, they made Richmond their objective point ; apparently believing that a single battle would give them possession of the Confederate capital and decide the fate of Virginia, if not the issue of the war. Mr. Seward loudly boasted that ninety days would witness the close of the contest and the surrender of the South. The Government, acting in the spirit of this schoolboy vaunt, enlisted volunteers for three months' service. Four distinct armies threatened Virginia. McClellan commanded in Western Virginia, opposed by Garnett with less than one-third of his strength. Winchester, commanding the Shenandoah Valley, was the base of the Confederate General J. Johnston, who, with some 15,000 men all told, confronted Patterson's 30,000 Federals. Beauregard with 20,000 Confederates, covered Manassas Junction, the central point of the railways communicating with Washington, Richmond and Winchester. Some 50,000 Federals under McDowell held the positions around and opposite Washington, connected by the great bridge over the Potomac. Huger and Magruder, occupying Yorktown with a small force, barred the famous isthmus to a fourth Federal army.

Several minor encounters had taken place in May, June and the earlier part of July. In most of these the Federals were decidedly and sometimes disgracefully defeated. On one occasion they ran at the first appearance of the enemy within 400 yards, spiking but not removing their loaded cannon, a prize of the greatest value to the ill-provided Confederates. The occupation of Alexandria was marked by an incident which shows how little either party yet understood the rules and limits of war. A certain Colonel Ellsworth saw a Confederate flag floating over an hotel. An English gentleman would have given a quiet hint to the owner, a Prussian martinet would have ordered a corporal's guard to remove it. The Yankee colonel dashed at the defenceless symbol as noisily as if it had waved over a battery, and tore

it down. The owner shot him dead, and was of course killed by Ellsworth's followers.

Southerners not yet disciplined by martial experience applauded the hotel-keeper, whose want of soldiership and common sense was at least atoned by his defiance of death. But Ellsworth, for the exploit of an ill-conditioned schoolboy, was celebrated in prose and verse, and honoured by a public military funeral, at the head of which Mr. Lincoln had the bad taste to parade in person! He learned better by severe experience and the counsel of real soldiers; but no born 'leader of men' could have made so undignified a blunder, have set so mischievous an example. Both sides disgraced themselves at first, in spite of their West Point officers, by the cruel and senseless practice of shooting down sentries on their posts. But as both became used to war, they learned to treat armed enemies with soldierly frankness and courtesy.

In Western Virginia General Garnett, who had proved his capacity and courage on the staff of General Zachary Taylor, relying on the loyalty of the people he came to defend against invasion, sustained two minor defeats from a vastly superior enemy guided through secret paths by local partisans. On July 11 his second in command was attacked, and on the 12th obliged to retreat. General Garnett, thus exposed, was compelled to fall back and was overtaken by McClellan, and killed in the attempt to rally his rearguard. General R. E. Lee took temporary command in this department.

On July 14 the newly-elected Congress, in which, through the retirement of Southern members, the Republicans had an overwhelming majority, assembled at Washington. Mr. Lincoln's message, of course suppressing the transactions above related, represented himself as forced into war by the bombardment of Sumter. The President proceeded to narrate, in no apologetic tone, his repeated violations of the Constitution; violations the less pardonable that he could have called Congress together at any time after March 4. In the fourth week of April, needlessly usurping the Congressional prerogative, he had declared a blockade of the ports of nine States, and thereby placed the country in a state of war. On May 3 he had illegally added 8,000 men to the regular army and 18,000 to the navy. On April 27 and May 10 he had again usurped the exclusive prerogative of Congress by authorising military commanders to suspend the writ of Habeas Corpus in Maryland and Florida.

If the illegality of military coercion needed proof, it now stood confessed by the President himself. He could not, on his own showing, even prepare to coerce the seceding States without trampling under foot his oath of office, the supreme law of the

land, the most unquestionable State rights and the guaranteed liberties of the American people. He forbore to tell how General Banks—ex-Speaker—had dealt with a majority of the legislature of Maryland, his lawful masters while he intruded on the soil of that State, as Louis Napoleon dealt with a minority of the French Assembly. It is scarcely necessary to say that every one of these acts was a political offence, for which the President, equally with the lowest of his subalterns, was liable to legal punishment. These things had been done under the pretext of ‘executing the laws,’ for as yet he did not pretend that war had suspended or altered them; the ‘war power,’ under which he set aside the Constitution which alone gave him or Congress any right to act or exist, was a much later invention. Indeed, he still clung to the childish notion of ‘dispersing combinations,’ and so forth. His ministers dealt with realities. The Secretary of War announced that when the three months volunteers were disbanded there would remain 280,000 men under arms, and asked for 400,000 more. The Secretary of the Treasury demanded \$320,000,000, of which a small part was to be raised by taxation, a larger sum by loans, and the rest by paper money. Congress, suppressing all discussion, proceeded to grant more than the Government asked; voted more than half a million men and \$500,000,000 of money; expelled the remaining Southern Senators, thus recognising the validity of secession, since no State in the Union can be deprived of its equal voice in the Senate; and, sweeping the Constitution aside, voted down a proviso that the Army and Navy should not be used to subjugate States or reduce them to the condition of Territories, and gave its illegal sanction to all the illegal acts of the President. In abolishing the whole law of the United States, and placing the liberties of the people under the feet of a military despot, Congress occupied just thirty-three days.³

In the meantime, the power to which the President and his adherents in Congress had appealed had passed a practical judgment on their proceedings. The wisdom of the dictator, the capacity and intelligence of his ministers, the ability of his favoured Generals, the quality of their boasted troops had been tried in the balance of actual war. Mr. Lincoln was the only man who may be credited with sincere belief in the theory, since elaborated in his defence by party apologists—that, with 50,000 men and an overwhelming artillery collected for its protection, the presence of 20,000 Confederates some thirty miles off was a menace to the safety of Washington. Every one of the Confederate armies was immediately confronted by an enemy of at least two-fold numbers. But their President was a trained soldier and statesman. The

³ All done in this direction was of course simply null, not to say criminal. Congress had no more power to legalise Mr. Lincoln's usurpation than had any street mob or party club. Had the next House impeached him, or had he been arraigned before the Supreme Court, the votes of Congress would not have been admitted as material to his defence.

general plan of defence had been ably laid, and was to be executed by the most consummate soldiers in the old Army of the Union. Joseph E. Johnston held Winchester and Thoroughfare Gap in the Blue Ridge, through which passed the same railway line which connected Manassas and Washington. Patterson had strict orders not to let him escape, and 30,000 men wherewith to enforce them; such odds as the champion of the chess tourney might safely give to a school-girl. Beauregard advised the Government at Richmond that M'Dowell with 35,000 men was advancing by way of Centreville upon Manassas. Davis, who knew his men, fully relying on Beauregard's interpretation of the enemy's movement, telegraphed to Johnston on July 7, 1861, to abandon the valley, evade Patterson, and bring his forces at once to repel the attack on Manassas. The manœuvre was executed with consummate ability. Patterson and his 30,000 men were amused and fooled by an insignificant rearguard, and Johnston's arrival brought up the total force at Manassas to some 30,000 men, before M'Dowell with 35,000 reconnoitred the Confederates, who held the line of Bull Run, and prepared to turn their left. The original arrangement of the troops was Beauregard's; the plan of the battle which was *not* fought was his; but the superiority of numbers and the offensive he assumed gave the initiative to M'Dowell, and the actual command of the Confederates belonged to Johnston.

There was a skirmish on the 18th; on the 20th the two armies confronted one another; and on Sunday, July 21, at 10.30 A. M., Johnston and Beauregard learned from the sound of cannon that the Federal right wing were pressing their left and driving back their line. The character of the ground had greatly screened the invaders' movements, and thus given them, with their superior and concentrated artillery, a decisive advantage. A few Confederate regiments, turned and broken by several brigades, were driven from the fords of Bull Run and pushed back upon the plateau above, till they stood at right angles to the rest of their force. There they found General T. J. Jackson, just arrived with five splendid Virginian regiments from Thoroughfare Gap, 'standing like a stone wall.' Seven thousand men with thirteen guns confronted 13,000 with at least sixteen cannon of superior calibre. The Confederates held their own, though with extreme difficulty; the shattered regiments rallying, under the personal direction of Johnston and Beauregard, to right and left of 'Stonewall Jackson.' The brigades of Holmes, Early, Bonham, and Ewell were brought up in succession, and at last 10,000 men, largely consisting of beaten and broken regiments, were opposed to 15,000 fresh or victorious troops, some of them regulars.⁴ The charge of the 4th

⁴ So says Draper, whose figures are shown, by comparison with the best Northern authorities, to be those of blind partisanship. Neglecting the statement that 2,000 Federals had retired to refill their cartouche boxes, the numbers at this critical place and moment may be fairly reckoned as two to three.

Alabama scattered the New York Fire Zouaves, who were presently ridden down by a few Confederate horsemen, and ceased to exist as a regiment. Fresh Federal battalions were ordered up and driven back. Thrice rallied and reinforced, they were thrice vigorously repulsed. So far, for raw troops, both sides had shown firmness and courage.

The Federal left was also deeply engaged, and the battle was at its height, neither lost nor won, when Kirby Smith, who had just landed from the train at Manassas Junction with 1,700 fresh troops from the valley, came to the support of the extreme Confederate left. The Federals had been repeatedly baffled in their attempts to carry the plateau; they were already wavering, and Smith's appearance threw their whole line into confusion. More than half their army turned their backs and fled for their lives, deserting their cannon, flinging away their arms, packs and coats, and running unpursued as fast and as far as their legs would carry them. So abject was the panic, so complete and disorderly the rout, that a brigade of cavalry and horse artillery might, in all probability, have destroyed or captured two-thirds of the beaten army. They were saved by a series of accidents, only one of which was due in any degree to the steadiness of the troops or the skill of their Generals. The line of flight was such as to be screened from the observation of the Confederate commanders. It passed through or behind Centreville; and at Centreville the unbroken part of the army stood fast, chancing to present the aspect of a rearguard protecting an orderly retreat. The Confederates had as yet very few cavalry; their infantry had nearly all been engaged and were wearied out. The officer who chanced to bring authentic tidings of the abject panic of the fugitives to President Davis, who had now joined the victorious Generals, had gained a military sobriquet as an author of cock-and-bull stories. For these reasons there was no prompt pursuit; and when the morrow revealed the track covered with deserted waggons, packs, rifles and other signs of panic, the Confederate General—who probably credited his antagonists with a prudence and energy resembling his own—supposed the fugitives safe under the strong entrenchments of Washington, and supported by fifteen or twenty thousand fresh troops. But the condition of the victorious army was a more critical consideration, of which he could speak less freely; and no soldier will be surprised that 30,000 recruits, after a hard-fought battle and a stupendous victory, were not in such order, discipline and *morale* that a veteran General would choose to launch them against a vastly superior force, believed to be protected by field-works bristling with artillery.

CHAPTER VI.

ORGANISATION OF THE FEDERAL ARMY.

The North benefits by Defeat—The South half-demoralised by Victory—Appointment of M'Clellan—Quality and Condition of Northern Soldier.

IT is said by Northern writers that both armies were fairly beaten at Manassas. This is true only in so far as it must always be true of new troops after a well-contested field. The Federals were not merely beaten, but disgracefully routed; turned into a demoralised and terror-stricken rabble. The Confederates were so far 'beaten' that they were physically and mentally exhausted, and too much disordered by victory itself to be fit instantly to press its advantages to the utmost. But if the battle itself ended in a Northern rout felt by the North itself to be disgraceful, the humiliation was a wholesome lesson, turned to excellent account. Indignant and mortified, but not in the least discouraged, the youth of the North flocked in ever-increasing multitudes to the standard whose honour they were bent at once and at all hazards to redeem. There was no such cry of treason, no such disposition to turn upon their Government or their Generals as consummated the disaster of Sedan, and branded the lower orders of Paris, from the commencement to the close of the siege, with indelible shame. The people felt, and justly felt, that the defeat and disgrace were theirs; that their Generals and Government were responsible only in so far as both had yielded to the ignorant clamours of the press and politicians for immediate action. The most shameful incident of the story was that determination to construe the terms of their brief enlistment in a spirit of legal pettifoggery, rather than sheer cowardice, evinced when two regiments on the very day of the battle, deaf to the entreaties of their chief and the jeers of their comrades, had marched off the field to the music of the enemy's cannon.

Mr. Seward alone was not cured of his inveterate bragging, renewing the 'bills at ninety days' so signally dishonoured. But his chief and colleagues acted with vigorous sense and spirit. If Mr. Lincoln forbore to rebuke the misconduct of the troops, he

probably felt that it was not for the civilian Commander-in-Chief to measure the trials or reproach the misbehaviour of those who had actually faced the perils of battle. Not one of the defeated Generals was dismissed or superseded. The only commander who had succeeded in the field, though his success was due to the numerical weakness of the enemy rather than to his own merits, was summoned to Washington and placed in supreme charge of the army. The selection was not merely politic, since it was a primary object to regain the confidence of the people and the troops, but judicious in itself. George B. M'Clellan was believed to be a master of the science of his profession, and proved himself possessed of the one quality instantly needful—that power of organisation which is one of the rarest of human gifts, involving a very uncommon combination of intellectual and moral qualities; a gift of which many able administrators, first-rate strategists, and splendid leaders in the field are wholly devoid. The North could furnish the raw material of soldiery in abundance, and of good if not of first-rate quality. M'Clellan accomplished admirably the supremely difficult task, not merely of turning a mob armed with rifles, such as were now most of the Northern regiments engaged at Manassas, into disciplined soldiers, but of organising regiments into brigades, brigades into divisions, divisions into an army. The creation of an administrative and military staff, the selection of subordinate officers for divisional and brigade commands, was an exceedingly embarrassing business, especially for a young General suddenly promoted to the highest place, in fact if not in name; even if none but professional considerations had been brought to bear upon him.

He had at his disposal a number of worn-out veterans of rank, of semi-superannuated majors and lieutenant-colonels, of junior officers tried only in command of companies in the Mexican War, fourteen years before, and in small independent commands on the Western frontier, in repressing Indian raids or Kansas riots. He was harassed by the claims of three classes of civilian aspirants—wretched intriguers like Butler; popular and able men who had done much to raise regiments, who had been placed at their head, and whose dismissal would be a grave discouragement to recruiting, many of whom, with a brief practical training, would make very good officers—the flower of the class from which the vast number of regimental officers needed for a protracted war and a great volunteer army must perforce be drawn, while, on the other hand, a considerable proportion were morally or intellectually incompetent; and ambitious or patriotic politicians, whose interest had pushed them into the highest commands before they had learned the rudiments of their duty, and whom Lincoln could not or dared not offend. Of this last class ex-Speaker Banks was an

average representative; less corrupt, perhaps, than the corrupt and incapable majority, more incompetent and less honest than the select few. From among these classes M'Clellan in the East, and afterwards Halleck in the West, had to form a body of officers sufficient for an army of half a million. West Point and the old Army, together with the large number of officers or students who had passed into civil life, might have furnished officers for a regular army of fifty or sixty thousand men; but ten times as many were needed, and needed for novel and much more difficult work. They had to make soldiers, not merely to command them; to teach subordination, obedience, exact discipline to multitudes whose instincts and education had taught them to regard subordination as humiliating, and to confound obedience with servility. Nearly every man who had proved his fitness to command a brigade was too old for active service. Of those who had enjoyed a military education, a majority must be judged exclusively by their college record, or by a brief experience as ensigns and lieutenants. No small number of the highest, nearly all the lower, and a large part of the intermediate commands must be filled by men of whose military aptitude those who knew them best could form but a rough and doubtful conjecture from their extra-military reputation. Hate, jealousies, personal interests, and party influences interfered at every step. M'Clellan's every measure must be commended to men profoundly ignorant of military qualifications and conditions, very imperfectly aware of their own ignorance, far too prone to meddle, and forced by political influence to meddle where they had no sinister interest of their own.

The Secretary of the War Department, Cameron, of Pennsylvania, was the worst member of the Cabinet; a professional electioneer or wirepuller, much maligned if he could be expected to sacrifice the political, personal and pecuniary interests of his allies to any military or public consideration—the last man whom a scrupulous and well-informed Chief Magistrate would willingly have entrusted with the control of an enormous and sudden expenditure, or with whom high-principled officials or high-minded soldiers could work cordially or satisfactorily.

The creation of the Army of the Potomac deserves, perhaps, more credit than its employment in the field during the next three years. The indiscipline and insolence which M'Clellan and his subordinates had to put down may be illustrated by a single incident. General Sherman, who after a little military experience had worked as a merchant, banker and lawyer in California and elsewhere, and had just resigned the charge of the State Military Academy of Louisiana, was one of the Generals of Manassas. He had held a command in the unbroken wing, and his division had sustained a heavier proportionate loss than almost any in the

army. An officer of field rank, like many of the three-months volunteers, held that his time had expired, and informed Sherman that he was going home on furlough. When told that none had been granted him, he intimated his intention of taking it. Sherman ordered him back to his post, and threatened to shoot him if he left it. On the same day Mr. Lincoln visited the army. After addressing the troops in language by no means suggestive of a great and disgraceful disaster just sustained, he finally expressed his willingness to listen to the men's complaints. The aggrieved officer, in his commander's presence, said, 'I spoke to General Sherman this morning and he threatened to shoot me.' 'Did he *really?*' drawled the President. 'Yes, sir, he did.' 'Well, then,' Lincoln replied in nasal, Yankee tone, and with his slow, drawn-out Western accent, 'if I were you, and he threatened to shoot me, I wouldn't trust him, for I believe he'd do it.'

While McClellan was necessarily making daily changes in the subordinate commands, a group of officers collected at Arlington House, which had been appropriated as the Adjutant-General's office, were talking together when a young subaltern brought in a list of new brigadiers, containing the names of Heintzelman, Franklin, Sherman and others who, ranking as colonels, had shared the 'stampede' of Manassas. Heintzelman exclaimed, 'By God! it is all a lie; every mother's son of you will be cashiered.' They were promoted, nevertheless; and most of them amply vindicated the soldierly justice of their new chief and the forbearance of the President.

CHAPTER VII.

THE CONFEDERATE WESTERN DEFENCES SHATTERED.

Fremont, Halleck, Sherman and Grant—Fort Donelson—Island Number Ten—River Battles—Two days' Battle of Shiloh—The Confederate Situation.

ON the death of Lyon, Fremont had been appointed to the command of Missouri. He distinguished himself by preposterous personal display, ridiculous military ostentation, extensive contracts given to personal friends from California and elsewhere which furnished ground for subsequent serious charges of corruption; but thought to secure a support which would protect him in case of need by a proclamation confiscating the slaves and property of so-called 'rebels.' His recall, abundantly justified by his general conduct and vindicated by his subsequent failure as a soldier, was of course ascribed to this act of unsoldierly presumption and insubordination, which rendered him exceedingly popular in the North. Halleck succeeded him, and was entrusted with a general charge of the Western armies. To him General Sherman attributes the admirable selection of the line of operations in Kentucky, whereto the first Federal successes in the West, which did much to govern the subsequent course of the war, were primarily due. In conversation with Sherman, Halleck traced the first Confederate line of defence, and in discussing where it should be broken fixed on Bowling Green; but observed, significantly, that the line of attack coincided almost exactly with the course of the Tennessee river. That river was closed by Fort Henry; the neighbouring and parallel line of the Cumberland by Fort Donelson, an entrenched camp, commanded by General Floyd, the late War Secretary, under whom were Pillow and Buckner. Secretary Cameron, visiting the West, took the opportunity to display his signal unfitness for the charge of the War Office or of any important office whatsoever. Sherman remarked in private conversation that the expulsion of the Confederates from Kentucky would need 60,000 men, and the conquest of the South-West at least 200,000. Mr. Cameron ridiculed the idea, and communicated it to the press as a proof of Sherman's military insanity.

The word was caught up, and actual madness was long ascribed to a General, who, as it proved, had erred only in underrating the minimum force required for either purpose.

After several changes, General Grant of Illinois, who had retired with the rank of captain after the Mexican war, received the chief command in Kentucky; and the first important operation of the war in that quarter commenced by the seizure of Paducah, which at once arrested the advance of the Confederates, and placed a vastly superior force in front of their extreme left at Columbus. At the close of January or the beginning of February, 1862, a powerful flotilla—already including four ironclad gunboats, so rapidly had the invention of northern engineers and the energy placed by Western manufacturers at the command of the Navy Department worked to create a new and almost unknown species of naval force—moved up the Tennessee to attack Fort Henry, with its armament of seventeen guns and a garrison of some 2,500 men. At twelve o'clock on February 6 the bombardment commenced. Very speedily some of the strongest guns of the garrison burst. Resistance was absolutely impossible, and the commander directed the garrison at once to retire on Fort Donelson. He himself surrendered, with some sixty men, to Commodore Foote.

Grant had commenced his operations, as was his way, with a blunder. He was too late to intercept the garrison, and the result of this ill-concerted expedition was only the capture of an utterly untenable, however momentous, position. But its fall exposed Fort Donelson, and Fort Donelson and Fort Henry together formed the key of the Confederate defences. Strongly reinforced from the second Federal army in Kentucky, Grant moved at once upon Donelson. The Confederate commanders well understood the nature of the crisis. Donelson occupied some hundred acres on a bluff whose highest point was about a hundred feet above the river. Intended to command the river, its defences on the land side were distinctly weak.¹ As soon as a land attack was threatened, the Confederates exerted themselves to the utmost to strengthen their works, the soldiers labouring upon them day and night. Their numbers were then insignificant. The garrison of Henry came in on February 7. Three days later came Pillow's brigade, next that of Buckner, and last, on the 13th, that of Floyd, who as senior officer took the command. Before Floyd entered the place, Grant had already completed his lines, placed his batteries and brought his troops into position. The weather was

¹ It must be remembered that many forts, so-called in the history of this war, at least on the Confederate side, were little more than open and hastily constructed field-works. It is hardly too much to say that every work closed at the gorge was called a redoubt, however slight its profile, however small the space it occupied; and almost any work to which English engineers would have given that name is, in the despatches of American commanders as well as by non-military historians, described as a fort.

bitterly cold; the bivouacked troops had no tents and no fires. The first attack on the outworks was repulsed, and the Federal wounded suffered cruelly through the long night under a bitter storm of hail and snow. On the 15th four ironclads and two wooden gunboats ventured within range of the Confederate batteries on the bluff, whose plunging fire speedily compelled them to retire, though with trivial loss.

But Floyd understood the weakness of his extended position, two miles and a half in length on the land side. Without exposing themselves to the fire from the bluff, Commodore Foote's gunboats might discover that they could bring their guns to bear upon a great part of the ground occupied by the enlarged garrison. The rest could be swept by Grant's artillery; and by seizing a point higher up the river the retreat of the Confederates might be cut off. The error of the latter seems obvious and vital. Their position combined the disadvantages of a fort and a hastily entrenched camp. A fort is meant to be held by a small garrison till it is relieved or taken. Its capture involves, as of course, the loss of its garrison, but such a loss can be afforded as the price of a prolonged defence. An entrenched camp can only be held by an army; and therefore its defenders, like other armies, must have an open line of retreat. The Confederate commanders had thrown an army into a weak position, liable to be attacked by a far superior force, from which retirement was, or ought to be made, impossible. Prolonged resistance was out of the question. The only chance was to save the army, which was cooped up within, rather than protected by, its extensive untenable lines.

The Confederates weakened their right in order to throw two divisions on the right and right-centre of the enemy, with a view to open the only road by which they could withdraw. The attempt was as bravely executed as daringly conceived. By 9 A. M. on February 17 Grant's right wing had been broken and driven from its grounds, his right centre forced, and the road completely opened by the Confederate left. Wallace, who commanded the Federal centre, sent one of his brigades to support the right. It shared in the defeat of its comrades. A single brigade stood fast, but this held a position at right angles to the main body and flanking the Confederate retreat. Behind this force their defeated comrades rallied. The Confederates, encouraged but also disordered by this victory, renewed the attack, and were repulsed with a slaughter which threw them into confusion. At this moment Grant came upon the field. 'I saw,' he said, 'that either side was ready to give way if the other showed a bold front,' a common case with untrained and inexperienced troops. He ordered a general advance; the few troops remaining on the Confederate right were overpowered before Buckner,

who had been withdrawn to force the Federal right-centre, could return to his position; and the enemy gained possession of high ground from which the entire right of the Confederates might be enfiladed. Buckner's retirement disheartened the Confederate left; Wallace attacked them at that very moment; they were driven back within their works, and darkness only prevented the enemy from entering with them. Each party had lost about 2,000 killed and wounded. The latter lay helpless on the field in utter darkness and intense cold. The thermometer standing at 10° or 12° F., many were actually frozen to death.

The defeat of the Confederates was complete, their escape hopeless. The evasion of a small part of the army might be possible; the main body must surrender or be massacred with the break of day. Floyd's Northern accusers impute his conduct to his personal fears; absurdly, since in any treason of his Buchanan must have been an accomplice. General Tilghman, in a similar position, had dismissed his troops and himself held Fort Henry to the last. Floyd turned over the command through Pillow to Buckner. Pillow crossed the river alone; Floyd carried over his Virginian brigade. To secure the escape of the largest possible number who could retire from the fated fortress unseen was the imperative duty of the Confederate commander, but nothing should have induced him to accompany them. When their retreat was secured General Buckner offered to capitulate. Grant insisted on unconditional surrender. Buckner had no choice but to accept what he justly called 'these ungenerous and unchivalrous terms.' Grant was stung by the well-merited taunt, rode over to Buckner's quarters and agreed on formal terms of military courtesy. Between fourteen and fifteen thousand men surrendered to a land force of twice their numbers backed by a formidable flotilla. The disaster was terrible, and the disgrace had been enhanced by Floyd's personal conduct. Both he and General Pillow were severely reprimanded by President Davis and temporarily removed from command.

The whole first line of defence was thus broken. Polk was compelled to abandon the powerful fortress of Columbus. Bowling Green, at the other end of the line, was also evacuated; and Nashville, the capital of Tennessee, fell into the hands of Buell, commanding the second Kentuckian army.

On the night of January 17 General Zollikoffer, with less than 5,000 men, attempted to surprise a Federal force of 8,000 commanded by General Thomas. The surprise failed; the Confederates attacked with desperate valour, but after a two hours' battle were driven into their entrenched camp at Mill Spring on the Cumberland and shelled until night, escaping under cover of darkness.

After the evacuation of Columbus, the most advanced point of the Confederate defences on the Mississippi was Island Number Ten. The river here makes a sharp bend to the southward, and again to the north, enclosing a large tongue of land. The island lies at the bottom of this bend; New Madrid at the north-western extremity, on the right bank, where the river turns again to the southward. The enemy attacked the latter, established a battery below the city² to close the river against reinforcements from the southward, and brought siege guns against the town. Its garrison were driven out and escaped to the island, abandoning a large quantity of arms and cartridges. On March 15 Commodore Foote appeared before the island with eighteen gunboats carrying thirteen-inch shell-guns, of which seven were armoured. The bombardment was sustained for nearly three weeks; three thousand shells were discharged and fifty tons of gunpowder burned, almost without injury to the garrison. By the advice of General Schuyler Hamilton, a canal was cut across the bend, turning the tongue into an island. Through this canal, twelve miles long and fifteen feet wide, Pope's Federal troops were ferried over to Tennessee on the left bank. The gunboats silenced the batteries at the landing-place, and their defenders were so hotly pursued that they were driven back upon the swamps, and compelled to surrender on April 8. Hereupon the garrison of the island capitulated, sacrificing one hundred siege, twenty-four field guns, and an enormous supply of military stores. The motive or excuse for so hasty a capitulation it is difficult to discern.

After this surrender, which was perhaps more severely felt by the Confederate Government and people than that of Donelson, the only work which closed the road to Memphis—the most important town of Tennessee and the most prosperous port between St. Louis and New Orleans—was Fort Pillow, defended by forty guns and, according to Northern writers, by some 6,000 men. Pope, with more than 20,000, on April 13 approached and prepared for an attack. Three days later his force was withdrawn and ordered to join the vast combined army under Halleck around Cairo.

A small Confederate flotilla which lay under the guns of Fort Pillow came out on May 10 to attack that of Commodore Foote. The Confederates had eight so-called iron-clads, sheathed probably with railway iron, but as helpless against the strongly armoured vessels and tremendous guns of the enemy as the *Warrior* or *Gloire* against the last improved ships like the *Inflexible* or *Impregnable*. One after another the feeble improvised river-boats of the Confederacy were blown up or sunk; not one was taken. The Federal river fleet was largely reinforced, and on

² A city, in America, is properly equivalent to the English 'borough,' but the word is often applied to mere hamlets.

June 5 there was fought another desperate battle in which every Confederate ship but two was destroyed. One was captured, one escaped, and Memphis lay at the mercy of the conquerors.

After the fall of Fort Donelson Grant's army was vigorously pushed forward. The second line of the Confederate defence was established by Beauregard parallel to the Memphis and Charleston railroad. A powerful Confederate force under General Sydney Johnston was gathered at Corinth. Its full strength amounted at the utmost to some 40,000 men. Grant's advance, under Sherman and Macpherson, occupied a strong position, both its flanks protected by deep unfordable rivers, at Pittsburg Landing on the Tennessee, about thirty miles north of Corinth. Their actual strength was 40,000, but one division did not come up in time. The armies were roughly equal in numbers engaged, considering the deductions which any competent military critic would make from Johnston's nominal total. Close in Grant's rear was Buell with 40,000 more.³

At dawn on Sunday, April 6, commenced the battle known from a small church on the field as that of Shiloh. Grant's outposts were at once driven in by the Confederate advance under the command of General Hardee. Grant came on the field at 8 A.M.; at 9 one Federal division was completely broken, its camp captured and plundered. Sherman held his ground with much more firmness, and it was not until after noon that he and M'Clelland were hurled back, the greater part of their men in utter confusion. Hurlbut and W. H. L. Wallace had also been broken up by a succession of desperate charges. By two o'clock the Federal army had been crowded into a space of less than four acres on the very verge of the Tennessee. L. Wallace's division, the one which had not been engaged, was marching and countermarching within hearing and almost within sight of the firing. Five camps had been taken, guns lost, regiments utterly broken, and thousands of men disabled.

General Sydney Johnston was a worthy rival of the most successful captain in the Federal service. He had planned, and was about to execute, a movement which would have turned the Federal left, seized Pittsburg Landing, and captured the whole army. But, like too many Confederate Generals, he thought it necessary

³ The Federal divisions numbered 8,000 men, and five such divisions formed Grant's army. Professor Draper's figures, here and everywhere, are open to Mr. Lincoln's famous criticism that, if the returns received from his Generals were true, the Confederate armies must number two millions, since his own one million were always 'crushed by numbers.' The Professor's estimates of the Confederate strength, even when he refers in general terms to Confederate authorities, are utterly worthless. A comparison with trustworthy Federal accounts suffices to expose him. I rely with confidence on Confederate official figures for Confederate numbers. About the Federals there is more uncertainty. Some Generals were more recklessly inaccurate than Dr. Draper, one or two only less trustworthy than Mr. Davis or General Lee. The Confederate President's prejudice against General Joseph Johnston affects his estimate of numbers at that General's command in 1863-4; and Draper's bitter enmity to M'Clelland so counteracts his usual bias as to bring his figures, in the account of the Peninsular Campaign, 'within measurable distance' of the truth.

to lead and not merely to command. He was in front, under a tremendous rifle fire, when a bullet struck him in the leg and severed an artery. Had he acted as any Federal General, any European Commander-in-Chief would have done, had he recognised the supreme importance of his own life, the immediate application of a tourniquet—a resource which needs little or no medical knowledge—would have saved him and won the battle. But all turned on minutes, and those minutes were lost. The General rode slowly towards the rear unattended, fainted, dropped from his horse, and died. The advance was checked. Beauregard, the second in command, had been left sick in bed. Messengers sought him, and found that, hearing the firing, he had risen and ridden towards the front. Two hours elapsed before he was found; two hours' respite was secured to the routed army. The choice between reorganisation and destruction was obvious even to the demoralised soldiery. Some of the best officers in the Federal service were in command, and order was partially restored. Even now, had Beauregard known the condition of the enemy and the plans of his late chief, those plans might have been carried out. The attack was renewed; Grant's defeat was completed. More than three-fourths of his army were routed; but the rest held, with a long line of cannon and a terrific rifle fire, a ravine which covered the wreck of their forces. Again and again the Confederates were hurled back to the bottom of this ravine, where they were torn by the plunging fire from above and enfiladed by the heavy artillery of the enemy's gunboats.

Throughout the night, with senseless cruelty, the latter kept up a heavy fire on ground where more than 12,000 wounded men of both armies were lying. Of deliberate purpose their shells set the woods on fire. The underwood burst into flames; the fire caught the rotten bark and wood of the older trees. The Federal commanders should have foreseen that they would surely cause thousands of helpless men, Federals as well as Confederates, to be burned to death.⁴

The perpetrators of this enormity, even more than its victims, had cause to bless the providential rainfall that drenched the ground and extinguished the fires. It is only fair to assume that both Grant and his naval colleagues had lost their heads, and fancied that only this incessant bombardment could avert their destruction. In truth, Beauregard, unaware of the neighborhood of Buell, imperfectly informed of the confusion of the enemy before him, and deeply impressed by the terrific slaughter and the shattered condition of his own troops, had recalled them from the attack. At dawn, he meant to fall upon the remnant of the hostile army and sweep them into the river. With that remnant he

⁴ Draper, vol. ii. p. 297.

could easily have dealt; but he had lost 10,000 killed and wounded. His exhausted and wasted battalions had flung themselves on the rich plunder of the captured camp; too many had spent the night in revelry, and the whole effective force he could muster for action on the morrow did not exceed 20,000 men.

On the other side Buell and L. Wallace had joined. Grant was reinforced by 27,000 fresh troops; and a force of more than 55,000, of whom barely half had been engaged in the first day's battle, confronted the worn-out Confederates. The latter, two to five, kept up a desperate but utterly hopeless conflict. Step by step—a Federal General says from tree to tree—from position to position, the Southern lines went back. Along their front, like Johnston on the previous day, under the hottest of that terrific fire, outflanked, outnumbered, overwhelmed, General Beauregard rode from regiment to regiment encouraging his troops, and maintaining with undaunted heroism a defence more glorious than the victory which had preceded it. Had the quality of the troops been equal, or anything like equal, the 20,000 exhausted, ill-armed, half-clothed Confederates must have been overwhelmed at once by sheer force of numbers, well-fed and unwearied. Two hours elapsed before they began to give way; their slow and stubborn rearward movement occupied many hours more. At last Beauregard saw that all was over, and turning to General Breckenridge, late Vice-President of the United States, whose division was the least completely shattered, gave him the charge of the rearguard. 'General, this retreat must not be a rout.' Breckenridge pledged and kept his word. The shattered relics of the Confederate army withdrew, not exactly in good order—that after two days' fighting in front of threefold numbers, was perhaps never accomplished by the finest veteran army in the world—but defeated and not routed. In the whole course of battle and retreat a few hundred prisoners fell into the hands of the victors. The retreat was so effectually covered by a rearguard tenfold outnumbered and utterly wearied out, that Grant's 50,000 victorious troops dared not pursue.⁵ The loss of the Federals considerably exceeded that of the Confederates. Draper puts them at 12,600 and 10,700 respectively. In the first day's fighting the forces were fairly matched, and the defeat of the Federals was crushing. Nothing but the double accident of Johnston's death and Beauregard's delay saved them from destruction. They had nothing to boast of in the second day's victory of fifty over twenty thousand men. [Thirty thousand, if every man not disabled by wounds be included.]

But, glorious as was the battle, the defeat was no less disastrous. It completed the ruin wrought by the fall of Donelson and

⁵ Draper, vol. ii. p. 301. I quote this writer only as the most hostile and reluctant witness to Confederate courage and Federal failures.

the capitulation of Island Number Ten. The former broke to pieces the first Confederate line of defence, and gave to the victors the whole of Kentucky and the northern part of Middle Tennessee. The latter broke through the defences of the Mississippi, and—coupled with the advance of Grant and Buell and the defeat of the Confederate flotillas, involving the fall of Memphis—gave all that part of Tennessee from which, as Southern in feeling and interest, the South had drawn men and material to the enemy. The invaders had reached the frontier of the Gulf States, and turned, though at a distance which rendered the operation of little practical moment, the first and even the second defensive line of the Eastern armies.

The frontier of the country still controlled by the Confederates was now a zigzag, running along the northern frontier of Arkansas, Mississippi, and Alabama, turning thence northwards, following the western mountain border of Eastern Tennessee and the Shenandoah Valley, and at or south of Winchester turning sharply south-east to the Atlantic. The country between this last line and the Potomac was neutral or disputed ground.⁶

⁶The reader who wishes to see how these operations were represented by the Federal chiefs engaged should consult Grant's and Sherman's Memoirs. Neither is candid; but they do not contradict the above narrative on any point of importance.

CHAPTER VIII.

ANTICIPATIONS OF THE VIRGINIAN STRUGGLE.

Terrors of the Federal Cabinet—Interference with Military Plans—Outrage on the *Trent*—English Forbearance—Butler at Fort Monroe—Battle of Hampton Roads.

IT has been pretended by Northern writers, in the teeth alike of evidence and of probability, that the capture of Washington was the original purpose of the Confederate Government, the persistent object of Confederate strategy. The motive for the obstinate reiteration of this fiction is not historical but political. Mr. Lincoln's reputation is deeply involved. The secession of Maryland would have given Washington to the South. Its capture, following on the victory of Manassas, would have exercised a very important influence on domestic and foreign politics. But, this occasion lost, the idea of taking it by storm or surprise was no part of the Confederate scheme of defence or reprisal. It was of far more service in the enemy's hands; for the terrors of Mr. Lincoln and his Cabinet constantly distorted their military policy, crippled the offensive operations of the Army of the Potomac, and detained from fifteen to thirty thousand men in practical inactivity. It would have been easier for the South to reach Baltimore and raise the exasperated people of Maryland; which once accomplished, as it would have been accomplished had Lee been victorious at Antietam or Gettysburg, Washington would have fallen of itself. The strategy which would have wasted ten thousand lives in storming instead of turning a huge fortress outside the line of operations, and defended by an army—a place which tethered General after General to a false line of advance against Richmond—savours of the newspaper office and the professorial study. It was the nightmare of Lincoln and Stanton; not the deliberate policy of a soldier-statesman like Davis, or of the consummate commanders of the Army of Northern Virginia. But to own the truth is to convict Lincoln of false pretences in the first instance, and of subsequent perverse and mischievous interferences with the operations of every commander of the Eastern army, from M'Clellan to Grant himself; and this, Republican tradition and the canonisation of the 'martyr-President' as yet forbid.

M'Clellan had created at Washington an army powerful enough, if properly employed, to bring the capture of Richmond, and even the expulsion of the Confederates from Virginia, within the scope of military probability. The Army of the Potomac, splendidly clothed, armed, and supplied, consisted on December 1, 1861, of 200,000 men, but this number included the large force employed to hold down under arbitrary rule the high-spirited people of Maryland. The flower of her well-born youth were in the Virginian army.

On October 19, 1861, M'Clellan directed General Stone, who commanded on the Western bank of the Potomac, to reconnoitre the position of the enemy. Stone threw a force of 2,000 men under Colonel Baker over the river at Ball's Bluff. The Confederate cavalry charged them and literally threw them into the river; 300 were shot or drowned; 700, many of them wounded, were taken prisoners. For this disaster Stone was imprisoned for months by the civilian chief of the War Department.

The Army of the Potomac was organised in brigades of four regiments and divisions of three brigades. Four field-batteries of six guns each were assigned to each division, giving in theory twenty-four, in practice perhaps twenty, guns to 10,000 men. A siege-train of enormous power for that day—one hundred guns, including two two-hundred pounders, five one-hundred pounders, and ten thirteen-inch mortars—was attached to the army. On March 8, 1862, the Government, interfering, for political ends, with a military organisation based on professional considerations, insisted on dividing the active portion of the army into four huge army corps, with a fifth including the divisions of Banks and Shields, at that time employed in Western Virginia and the Shenandoah Valley. Such a distribution, before any of the new Generals had been tried in active service, could only impair M'Clellan's authority, hinder the promotion of young, able and active officers, and incur the strongest suspicions of political favouritism. By this time all the Federal armies were splendidly, and even lavishly, equipped and supplied.¹

For a few months, while the disaster of Manassas was fresh in Northern memory, M'Clellan was permitted to work at leisure. But as the army was recruited to what seemed an overwhelming strength the impatience of the populace revived, and found expression in the Cabinet. The Administration had motives of their own for desiring in every possible way to weaken the au-

¹ Dr. Draper quotes General Pope's testimony to the contrary; but no other author would dream of relying on Pope's evidence. M'Clellan's mortal enemy, already famous for his reported capture, after Shiloh, of 10,000 Confederates (whom he must have eaten also, since they were never paroled, exchanged or released, and nowhere figure in the prison records), Pope wished to suggest that the Western armies, in which he had achieved that and some minor distinctions, had been sacrificed to pamper the unsuccessful Army of the Potomac.

thority of the Commander-in-chief. He was a soldier and a gentleman, and waged war after the usages and laws of Europe. He was no Radical and no Abolitionist; he was not amenable to the political motives which were paramount in the Cabinet, and, if successful, his name would furnish the War Democrats with a rallying-point, and render them exceedingly formidable at the next Congressional election. Weak as yet in experience, Mr. Lincoln allowed himself to forget the lesson of Manassas, and once more, at the instance of men as ignorant as himself, undertook to direct the course of armies. As early as November the Executive had begun to echo the vulgar clamour; to harass the responsible chief of the army with remonstrances based on the assumption that raw recruits were to be counted as soldiers, men of three months' training as veterans, and political agitators as competent strategists. It had, however, become evident to the President that Mr. Cameron was a mere intriguer, a politician in the worst American sense of the word. He was too influential to be simply dismissed, but was consigned to retirement in a high diplomatic position.

On January 13, 1862, Edwin M. Stanton, a lawyer notorious only as a violent Republican and bitter enemy of the South, was appointed to the War Department. He resembled the President in stubborn self-will and indomitable confidence. Under his direction the Department, no matter at what cost, did its proper work and did it well, though with utter recklessness of waste and peculation. In the West the soldiers had already gained the upper hand, and all that the Government could do was to take credit for the successes of Halleck and Grant, who were perhaps as much indebted for their good fortune to their distance from Washington as to their own skill, and the hardihood of troops drawn from a more martial population than that of the North-Eastern cities. At Stanton's instance Mr. Lincoln issued an order that on a day of especially good omen (February 22, the birthday of Washington), without regard to weather, condition, supplies, or the position of the enemy, all the military and naval forces of the United States—the troops of Butler, M'Clellan and Rosecranz in Virginia, the armies of Halleck, Buell and Grant, and the river flotillas—should be ready to move and should proceed to the attack. Needless to criticise such an order; to insist on the moral and intellectual weakness it betrays more certainly than far graver practical blunders. What must be the state of mind of two men, with absolutely no knowledge of war, who could thus presume, irrespectively of all military and meteorological considerations, to select by the almanac a 'lucky day' on which half a dozen armies were to commence offensive operations in as many different quarters?

Thus far M'Clellan had done all that organizing genius and military skill could achieve. The moral firmness with which from the beginning of October to that of March he resisted the constantly increasing pressure of an ignorant President, an equally ignorant and bitterly hostile Cabinet, and a noisy people—a firmness which no covert threats of removal, no newspaper abuse, no official insults could disturb—would suffice to prove him a man of calm judgment, of imperturbable temper, of strong, conscious and dauntless courage.

His plan of operations may have been good or bad. It was so deliberately sacrificed to that paramount terror for the safety of Washington which dominated the policy of the Government from first to last, that its failure might almost have been predicted by the General's warmest admirers. Of the state of things at Manassas President and General were alike uninformed. But from sheer timidity or perverse self-confidence, the Government urgently insisted that M'Clellan should take not that line which promised success, but that which would most completely shelter the White House and the Capitol. When M'Clellan persisted in choosing the Yorktown peninsula as his base—a preference fully warranted by the judgment of Cornwallis as well as of Clinton and the home authorities in 1781, the North having, as England then supposed herself to have, undisputed mastery of the sea—Lincoln suddenly withdrew from him, in addition to the 20,000 men the General deemed adequate to garrison the strong and well armed entrenchments of Washington, a whole army corps, needless and useless there, while sorely wanted in the field. The General had kept his secret to the last possible moment, but Lincoln's interference made it public; and it needed none of those imaginary 'female spies,' to whose agency the leading historian of the North ascribes the foresight of Confederate leaders and the invariable detection of any scheme once divulged to the Federal Government, to warn a General like Johnston of what was known to every one of the hangers-on of the White House and War Office, and every influential Republican editor in the North. The Confederates had been throughout the winter in terrible danger, but their secrets were better kept.²

² The supposed despotism of President Davis is a pure fiction of Northern animosity. The true spokesmen of the South were silenced for ten years after the war by public rather than by personal considerations. Their archives, military and civil, were captured, and access to them was refused by the Federal Government to all but a few trusty partisans. The only Southern writers who ventured at first to speak out were those whose personal hatred of their chief atoned in Northern eyes for their political heresies. The truth, therefore, was suppressed, and falsehood monopolised the ground till most of those witnesses to whom America and Europe would have listened with deserved and implicit faith had passed away. The truth is that the Southern Congress discussed and opposed the measures of the Administration quite as freely as at such a crisis was at all justifiable. While the very existence of their country was at stake, the press and Opposition orators enjoyed far greater freedom of speech than was allowed to Northern partisans of peace. But Congress had the sense to keep its debates secret, and it was not till the appearance of Mr. Davis's elaborate vindication in 1881 that those who knew the truth had full and authentic means of proving it.

Victory had demoralised the army of Manassas more thoroughly than defeat could have done. The soldiers supposed that they could have taken Washington but for the over-caution of their chiefs, and the chiefs forbore to discourage the idea. The troops fancied, moreover, that the enemy were completely crushed and disheartened, that Virginia was safe for the time; and went home in such numbers that, despite the reinforcements forwarded by the Government at Richmond, the army melted away till at the re-opening of the campaign it was weaker than on the memorable 21st of July. The defeats in the West, however, had done something to sober, little to frighten, and nothing to discourage the people of the South.

It was not till April 10, 1862, that the first conscription law was passed, enrolling every man between eighteen and thirty-five in the Confederate army. Reinforcements thus obtained could not, of course, be rendered speedily available, and the great Virginian campaign of that year was fought out chiefly by volunteers, with total numbers never exceeding 75,000. Of these 8,000 were stationed under Generals Huger and Magruder at Yorktown. Some 10,000 more under Stonewall Jackson held the valley of the Shenandoah. It was the misfortune of General Banks, not the worst of the politician-Generals of the North, to be confronted by an antagonist of whom the ablest and most experienced veterans of the Federal Army were presently the most afraid. In forty-eight hours of rapid retreat and vigorous pursuit Banks was ignominiously chased across the Potomac, abandoning to the victors invaluable supplies—from which he derived the nick-name of ‘Jackson’s Commissary’—3,000 prisoners and 9,000 stand of small-arms.³ In the first week of March M’Clellan learned that the main Confederate army had been withdrawn from Manassas, and following it to that point discovered with no little mortification that a line of slender earthworks defended by ‘quaker’ cannon (logs painted to resemble guns), and at one time manned by fewer than 15,000 men, had kept ten times that number at bay for three or four months.

In December, 1861, the Confederates had received a bright but momentary gleam of hope from one of those gratuitous outrages into which the example and encouragement of men like Seward and Stanton often led the military and naval commanders of the North. The Confederate Government had accredited James Mason of Virginia, and John Slidell of Louisiana, a Northerner by birth, to the Governments of England and France respectively. They safely ran the blockade, and embarked from a British port

³ These were lost, according to Dr. Draper, by a force numbering *in toto* 6,000 men. This statement sufficiently illustrates the value of this historian’s figures. The losses and the language of the defeated General (who gives no hint that he had left half his force behind him) show that the army must have been superior to Jackson’s, at least 12,000 strong.

for Europe on board the British mail steamer *Trent*. This vessel, on a voyage between two neutral ports, was stopped, and the envoys taken out of her by main force, by Captain Wilkes of the *San Jacinto*. Wilkes's self-justification demonstrates that he acted *in crassa ignorantia*—knowing nothing but the temper of his Government. He appealed to passages in standard works of international law which applied solely to the arrest of ambassadors in their own or the enemy's country; which meant that Seward might have seized Mason and Slidell in Virginia or New York. The only historical precedent available, and that a very imperfect one, was the impressment of British seamen on board American vessels fifty years before; a violence which America had made a ground of war, which Webster had subsequently pledged the United States in a formal despatch to treat in future as a *casus belli*, and which England had long ago abandoned both in theory and practice.⁴

The naval authorities approved and rewarded with exceptional promotion, the House of Representatives with formal thanks, an act which displayed neither skill nor courage. In short, both ostentatiously gloried in the insult offered to England. But the tone of the English ambassador drove Mr. Seward to an instant disavowal, and the first news from England showed that Mr. Lincoln's Government had to choose between submission and ruin. That Government was in a dilemma. It had vaunted and absurdly rewarded, in a manner wholly unprecedented in civilised States, an outrage which must be at once disavowed, or punished by the recognition of the South, the destruction of the blockading fleet, the blockade of all the Northern ports, and the final dissolution of the Union. France was more than ready to support England by force; Europe expressed emphatic and unanimous disapproval of the offence. England was in a position to demand whatever reparation she would, on pain of vengeance as complete as she chose to exact. The North and Mr. Lincoln deserved no forbearance at her hands. Mr. Seward had resented the inevitable recognition of Confederate belligerency—a recognition justified in any case, and rendered instantly imperative by Lincoln's declaration of blockade—in language unknown to European diplomacy; and had drawn a most unfriendly distinction in favour of France, whose action had been identical and concerted, and whose temper was notoriously far more hostile. Rarely indeed in the history of nations have such advantages been renounced, such provocations condoned. The first draft of Lord Russell's despatch was as courteous as if the offending Power had given no previous cause of distrust. It was of necessity submitted to the Queen; and the last act of the Prince Consort's life of

⁴ As in the Crimean War.

silent public service was the modification of the very few phrases that could possibly wound the pride or exasperate the temper of the Northern people. England demanded only the restoration of the captives and a salute to her flag. This poor reparation was granted and accepted without form or parade, in a manner ostentatiously quiet and almost secret. Instead of despatching a squadron to New York or Philadelphia, and exacting atonement in the face of the world, an English gunboat approached almost unobserved an out-of-the-way fort, took the restored prisoners on board, and vanished so quickly that scarcely a dozen Northerners knew, save from the newspapers, that their Government had quietly stultified itself. Secure from retort, Mr. Seward followed his reparation by a boastful despatch, declaring that he would have kept the prisoners if the President had felt sure that the law was on his side, and taunting England with the surrender of her own favourite theory of maritime rights. Mr. Lowell's habitual unfairness does not characterise the regrets he puts into the mouth of the Confederate President :

'Twas a beautiful dream, and all sorrow is idle,
 But—ef Lincoln *would* ha' hanged Mason and Slidell!
 They aint o' no good in European pellices,
 But think what a help they'd ha' ben on their gallowses;
 They'd ha' felt they wuz truly fulfillin' their mission,
 And oh! how dog-cheap we ha' gut Recognition.

The energy displayed by General Butler in overturning the Government, imprisoning the legislators and leading gentlemen of Maryland, setting at defiance her fundamental laws and solemnly guaranteed liberties, had earned him military promotion. True that he had never proved himself able to handle a company in the field; but if one attorney were allowed to direct the movements of great armies and override the plans of soldiers like M'Clellan, another might well claim to be entrusted with a division. At the head of 12,000 men, Butler was placed in command of Fort Monroe, on the projecting tongue of land between Hampton Roads and Chesapeake Bay. This fort practically closed the mouth of the James and held the Confederate Navy Yard of Norfolk under blockade. Magruder at Yorktown confined this vastly superior force to garrison duties which might have been as well performed by a single regiment. On one occasion Butler assumed the offensive; but rightly forbore to expose, in doing work to which any trained soldier or student of West Point was competent, a life so useful in those more delicate functions for which he had already shown himself especially qualified, and in which he was to earn a reputation that will not be forgotten while the Civil War is remembered. With a just appreciation of his own powers, he preferred to commit the charge of an attack on the Confed-

erate outposts to subordinates with some theoretical knowledge of war. He could scarcely have done worse in person. They blundered, mistook each other for the enemy, stumbled upon the wrong points and by ill-chosen roads; and the disaster of Big Bethel, June 10, in which they sustained some loss and more disgrace at the hands of an inferior force, allayed for a time the martial eagerness of the General and his troops. Twelve thousand men remained inactive and, after the abandonment of Norfolk, absolutely useless during the Peninsular campaign, within a few marches of the enemy.

The same superiority in numbers which had given M'Clellan the opportunity of earning a reputation in Western Virginia secured to Rosecranz an ascendancy over troops commanded by the ablest officer in either army. With subordinates like Wise and Floyd devoid of practical experience in the field, with utterly inadequate force, starved, ill-armed and baffled by a hostile population, General Lee failed to achieve anything, or even to hold his own, in Western Virginia during the winter, and was presently despatched to take charge of the fortification of Charleston and other points on the South Atlantic coast; a duty for which the best engineer officer in the 'old Army' was specially qualified.

The frigate *Merrimac* had been raised by the Confederates soon after the occupation of Norfolk. The Federal officers in charge having scuttled as well as fired her, the one process of destruction had arrested the other, preserving her hull intact. The Confederates, wanting at once iron and steel, skilled workmen and machinery, were compelled to resort to very rude and primitive devices. They knew, however, that while useless as a wooden frigate, with scarcely a chance of passing through the blockade, and sure to be followed up and destroyed by the superior force of the enemy, she might by the very imperfect protection it was in their power to give her be rendered a match for several wooden vessels. In this, as in many subsequent instances, the imperfection of the result is the best proof of the ingenuity and perseverance brought to bear. Well-rolled plates, solid impenetrable armour, ironclads of elaborate construction, properly armoured gunboats or ships of war were the monopoly of the North. The South could, at best, construct such floating batteries as had been found useful for defence or attack in the later phases of the Crimean War. They gave the *Merrimac* a sloping iron roof and sloping sides, so arranged that, according to the belief of skilled artillerymen, an ordinary shot would glance off. The armour of the hull met that of the roof at a sharp angle close to the water line; so that the vessel looked and steered much like a floating haystack, or barn submerged to the gables. The best built wooden frigate would have no chance but in out-manœuvring or out-sail-

ing her, which was not difficult. Against a regularly constructed ironclad she would be in her turn utterly helpless from the comparative weakness of armour, artillery, moving and steering power.

On March 8, 1862, she came down the Elizabeth River into Hampton Roads, armed with eight eleven-inch broadside guns and a hundred-pounder Armstrong at either end. The sailing frigate *Congress* and the steam sloop of war *Cumberland* with twenty-four guns occupied the channel. Their shot, from nine and ten-inch guns, 'glanced from her armour like so many peas.' The ironclad, now called the *Virginia*, charged the *Cumberland*, whose commander apparently lacked the promptitude or wisdom to evade her; struck her about midships, and made a hole large enough for a man to enter. Morris, who commanded the *Cumberland*, fought his guns to the water's edge, hoping against hope that a lucky shot might find a weak place. In thus doing he sacrificed his own life and one hundred of his crew; who, either disabled by the Confederate fire or caught between decks, went down with the ship. Captain Buchanan, of the *Virginia*, one of the ablest officers of the old Federal navy, then turned his attention to the *Congress*. The commander of the latter, failing to dispose of two or three armed river steamers which accompanied the *Virginia*, and which one well-aimed shot would have sunk, had run his ship aground. The *Congress* was soon in flames, and nearly half her crew were killed or wounded. Her commander, killed early in the engagement, was not responsible for the unwarrantable delay in striking her flag after her guns were silenced. Such a suicide, in face of an honourable foe, is a mere display of rage and spite in a single officer; the sacrifice of a disarmed and helpless crew is simply criminal. The Stars and Stripes were hauled down at last, and the *Virginia* sent a steam tug to take possession. The captors were fired upon from the shore; but the captive crew were permitted to escape. At a later hour the *Congress* was fired, and blew up. The steam frigate *Minnesota* had run aground in an attempt to charge the *Virginia*—luckily in water so shallow that the latter could not approach within a mile—and two other Federal frigates (one a steamer) had escaped. At dark the victor retired.

Two hours later the first of Ericsson's new ironclad turret-ships, the *Monitor*, reached Fort Monroe. She was all but unseaworthy, and during the three days' voyage from New York her crew had had a narrow escape from suffocation or drowning by the heavy seas that continually swept over her decks. Within the smoother waters of the roadstead she was, however, safe, and anchored alongside of the stranded *Minnesota*. With morning the *Virginia* returned. The *Monitor* held her position, and fired her two guns, throwing shot of 168 lbs. each, into the enemy. The *Vir-*

ginia had practically no mark save the turret, nine by twenty feet, to fire at, and this was too well constructed and too thickly armored to be pierced. Nearly every shot glanced off; only one struck the turret squarely, and that broke off short, the head sticking in the plate. The *Virginia* on her part furnished a splendid mark for the heavy guns of the *Monitor*. Five times she attempted to run the latter down, each time receiving at a distance of a few feet two of her enormous shot. After repeated failures, after twice lying aground, while her antagonist fired into her at leisure, and receiving two broadsides from the *Minnesota* which would have blown any wooden vessel out of the water; finding one enemy inaccessible and the other invulnerable, the new commander of the *Virginia*—Buchanan having been disabled in the first day's fighting—gave up the terribly unequal combat, and withdrew his shattered and waterlogged vessel, her beak wrenched off, her armour pierced, bent and broken, to her former moorings.

The battle of Hampton Roads was the beginning of a revolution in naval construction and maritime war. The extremely defective character of both vessels—the one being as rude a substitute for an ironclad as need could produce, the other invulnerable to the enemy, but dangerous to her crew in anything like rough water—rendered their several triumphs the more significant. It was plain that for the future the line-of-battle ship must be succeeded by the armour-clad frigate; that wooden cruisers must be built not to fight, but to run from the smallest armoured antagonist. The effect of the *Virginia's* charge suggested a reversion to the naval tactics of Athens. With armour strong enough to remove the traditional dread of a raking fire, the ram was a more certain and destructive weapon than the gun. But it was left for other Powers, for France and England, Germany and Italy, and even Turkey, to read the lesson of which America had but given the hint, to test the comparative value of the turret and the broadside, and to reconcile armour incomparably heavier than that of the *Monitor* with first-rate sea-going qualities, in vessels thrice as large as the *Virginia*.

CHAPTER IX.

FALL OF NEW ORLEANS.

Federal and Confederate Naval Resources—Position of New Orleans—Defence—Hostile Expedition—Farragut and Butler—Bombardment of the Forts—Naval Encounter—Surrender—Butler's Government—His 'Woman Order'—His Recall.

THE Federal Government was from first to last especially fortunate and admirably served in the Naval Department. Whilst the best officers of the army, men of Southern birth, had sacrificed everything to their State allegiance, the Navy retained the services of men equal in quality and much superior in number to their Southern adversaries. The Navy had two great advantages. Political interest tainted the whole Federal administration in every department; but ignorant and incapable politicians could not be placed in naval command. The odds, varying on land from two to ten for one, were on the water a hundred or a thousand to one. The South had not a single regular fighting ship, and could not build one. She had not a dockyard or naval arsenal, Pensacola being untenable against maritime attack. She had few competent constructors and no skilled artisans; she lacked alike the material and the machinery which enabled the inventors of the North to execute their ideas with equal exactitude, rapidity and facility. Her ports were in a few weeks blockaded by a swarm of vessels which, though an English corvette might have sunk a score of them at once, were swift, carried heavy guns and to unarmed vessels or converted tug-boats were as formidable as regular cruisers. All the public and private works of the North pushed forward, under the joint stimulus of emulation, patriotism and enormous profits, the construction of a war navy, neither intended nor able to cope with European ships, but aptly devised and admirably constructed for their proper work. Before the war was twelve months old the North had vessels of one kind or another, able to sink improvised rams and converted river steamers,¹ to bombard defenceless cities, to blockade not only

¹ All the latter had the engines above water, nearly all paddles or stern-wheels, and few of them were as available for war as a Thames passenger-boat.

Southern but English ports—it was not safe so to try the patience of France—to make their way up unprotected rivers and inlets, to burn and destroy, to intercept communications between the cotton growers of the South and the cotton manufacturers of Europe; and to achieve that which should have been the first object of Northern strategy, the command of the Mississippi.

The Confederate Government had done its best for the defence of New Orleans, the most important and most exposed city of the South. It lay at some distance from the mouth of the river, between the Mississippi and Lake Pontchartrain, on ground much of which was actually below the level of the stream, and protected only by a continuous *levée* or gigantic dyke. The whole country is a sort of floating delta, formed by the *débris* brought down in the course of ages by the Mississippi, the Missouri, the Ohio, the Arkansas, the Red River and other great tributaries. In the soil of this delta the digger strikes water at from two to six feet. Graves must be built not dug, and the construction of forts is rendered difficult in the extreme by the absence of high ground on which to place, or of firm material whereof to construct them. The mouth of the great river lies in a low, sandy, projecting land of its own creation. The all but floating soil occupies less space than the innumerable shifting channels, through half a dozen of which ships may enter the main stream. At the neck of this peninsula, on opposite banks of the main channel, were placed Fort St. Philip and Fort Jackson, armed with 126 fairly powerful guns. Between them the river was barred by a sort of boom, a chain resting upon eight hulks, with wide intervals between them and spars trailed astern to admit the passage of driftwood, but oppose the ascent of boats. The naval defensive force consisted of a rudely constructed ironclad battery, the *Louisiana*, thirteen armed river steamers, and the ram *Manassas*. Fort Jackson, the larger of the pair, would hardly have been formidable at the mouth of a harbour where it might have had to encounter the broadside of a heavily armed ship of the line, with guns of the new type. Of the vessels, the *Manassas* alone might have encountered, at considerable disadvantage, one of the new Ericsson monitors; and of the rest half a dozen regularly constructed gunboats should have made short work.

Towards the close of February, 1862, a powerful expedition was sent to attempt the capture of the great seaport of the South-West, the *entrepôt* of the commerce of the Mississippi valley. It consisted of four so-called sloops—practically frigates, as American frigates in the war of 1812 were really ships of the line—seventeen gunboats and twenty-one bombships, under the command of the best officer in the Federal navy, Admiral Farragut; with transports conveying an army of 18,000 men under Mr. Lin-

coln's favourite civilian General. To entrust the safety of an army corps to one who had never handled a battalion in action, to expose him to encounter Southern troops under command of a real soldier, would have been an act of folly such as, even at this early period, it would be unfair to impute to Mr. Lincoln. But Butler and his army were not sent to fight. They could not enter the river till the passage was forced, the forts silenced and the Confederate flotilla sunk, when resistance would have been suicide on the part of the military, and would have exposed the women and children of New Orleans to wholesale massacre. For the work which he was sent to do Butler had already proved his qualifications. On the two or three occasions when he came within sight or hearing of Confederate cannon, he succeeded quite as well as a London lawyer of his age, suddenly snatched from his desk to lead 20,000 volunteers against Von Moltke's best pupil at the head of a Prussian army corps, might do. But, considering the character of the duties he was required to perform at New Orleans, the selection was perhaps the most judicious Mr. Lincoln ever made.

The first difficulty was to force the heavier vessels over the bar at the mouth of the river. At the shallowest part there were but fifteen feet of water, and the *Brooklyn* had to be dragged over by main force. On April 16 Commodore Porter brought his twenty-one bomb-vessels up the river, and, lying below the woods that secured them from observation, prepared to bombard the forts. On the next day the Confederates sent down fire-rafts, a mode of attack always extremely uncertain, and which proved a total failure. On the 18th the bombardment commenced. For six days and nights Fort Jackson was pelted without pause with gigantic shells, penetrating the earth to the depth of *twenty feet*, and exploding with the effect of an earthquake. Fifteen hundred such shells were thrown into the forts every twenty-four hours. Never before had flesh and blood, human hearts and nerves endured so prolonged and so terrific a trial. The mere concussion of the air and water broke the windows of houses thirty miles away, and stunned or killed a multitude of fish in the river. The guns of Jackson were repeatedly silenced, and as repeatedly reopened their fire.

On the fourth night of the bombardment Farragut attacked and broke the boom. Five ships and twelve gunboats, carrying three hundred guns, more than twice as many and far heavier than those of the forts, forced the passage in the night or early morning of April 20. They had the tremendous advantage of a large and immovable mark which the clumsiest gunner could hardly miss, while they offered a small and constantly moving target to the Confederate batteries. As soon as the flagship *Hartford* had

passed the broken boom she brought to bear upon Fort Jackson such broadsides of grape and canister as no garrison could have sustained. The tremendous odds which the forts had had to confront may be measured by the fact that the broadside of a single ship drove the garrison from their guns. The *Manassas* now charged the *Hartford*. She failed. A small unprotected Confederate vessel, with desperate heroism, dashed at the flagship, intending to board, and was blown up by a single shell. The *Brooklyn* in her turn silenced Fort St. Philip, evaded the *Manassas* and destroyed another steamer. The resistance of the Confederate mariners was visibly and utterly hopeless—that of naked children to men in armour; but they fought to the last with suicidal valour. The *Manassas* smashed into one of the Federal ships, making a hole seven feet long, but only four inches wide; and, riddled by repeated broadsides, was at last run ashore and destroyed. Twelve of the Confederate flotilla were sunk or burned, the forts were silenced, the batteries at the water level which the fleet successively encountered were crushed by the overwhelming broadsides fired from the vantage height of the gun-decks.

The fate of New Orleans was inevitable. The water was so high that the ships commanded every work thrown up for its defence. Few of the exploits of Nelson, Collingwood or Cochrane will bear comparison with the resistance of the Confederates. Two rudely-constructed, ill-armed, unwieldy, half-armoured craft were opposed to five powerful men of war, each of them superior to half-a-dozen *Louisianas*; a few clumsy, slightly strengthened passenger-vessels, hardly equal to the 'penny steamboats' of the Thames, to a numerous fleet of regular gun-boats. An English squadron of twice the Confederate strength, attacked by such a fleet as Farragut's, would, unless fighting like the Confederates in defence of an all-important position, have scattered or struck. The nearest parallel case is the comparatively passive resistance of the Turks at Sinope.

On April 25, at 1 P. M., having passed up a river crowded with burning ships, and witnessed the conflagration of the merchant vessels, river steamers, cotton and coal, on and beside the *levée*, Farragut anchored off New Orleans. His cannon covered the defenceless city, and could have utterly destroyed it in a few hours. The Confederate troops under Lovell had, as a matter of duty and of mercy, evacuated a town they could not protect. Farragut sent to the Mayor, demanding the surrender of the city and the display of the United States flag on the public buildings. The latter demand was a gratuitous insult, on which a man like Farragut could not insist. Having received the surrender, he sent a party of his own men to hoist his flag on the Custom

House, Post Office and Mint. A mob, ignorant of the situation, hauled down the Stars and Stripes from the last named point, and Farragut thereupon warned the Mayor to remove the women and children—of a community of 150,000, with a single blocked railway line at command—as he would bombard the city within forty-eight hours. It is a pity that a gallant seaman should have disgraced himself in a moment of temper by the utterance of a threat which, to do him justice, he was the last man in the Federal service to have fulfilled.

On May 1 General Butler, who with his troops had listened at a safe distance to the roar of that unprecedented bombardment, received the surrender of the forts and took possession of the city. Before landing he had displayed his ignorance or contempt of military law and usage by putting under close arrest the Confederate officers who, *before* the surrender of the forts, had in pursuance of their duty destroyed the *Louisiana*. While the squadron ascended the river, took possession of some defenceless towns and demanded the surrender of Vicksburg—which, having even then some defences thrown up and guns mounted, was left unmolested—General Butler was displaying his qualifications at the expense of the women and children of New Orleans, and the few men, too old or too weak for military duty, who had remained behind. His first act of importance was to arrest and hang a gentleman who was alleged to have hauled down the flag from the Mint at a time when the city at large was as yet unaware of the surrender. The ladies naturally refused to speak to or answer the remarks of his officers and soldiers, crossed streets to avoid them, and showed with that quiet art in which the sex excels their natural and righteous detestation of the invader.²

Butler was probably ignorant what outrages the gentlemen and soldiers of England had endured for months from the populace of Boston, instigated by the favourite heroes of the Revolution. One single act of rudeness is even alleged to have been committed by any woman in New Orleans. It was their quiet scorn and dignified silence that Butler could not endure. Instead of arresting this single offender of the lowest class and giving her a week's deserved imprisonment, he issued the following order:—'As the officers and soldiers of the United States have been subjected to repeated insults from the women (calling themselves ladies) of New Orleans, in return for the most scrupulous non-interference and courtesy on our part' (New Orleans told a very different tale), 'it is ordered that hereafter, when any female

² General Butler alleged, and Dr. Draper repeats, as usual without authority, that *one* woman *on one occasion* spat upon a Federal officer. It is tacitly admitted that this was the worst and the only valid complaint that Butler or his officers had to make. No other act unbecoming a lady is put forward in excuse of his edict. Greeley, while using the most opprobrious and indecent language, has nothing to allege except verbal discourtesies, of which he gives neither evidence nor example. *American Conflict* ii. p. 100.

shall, *by word, gesture, or movement*, insult or *show contempt* for an officer or soldier of the United States army, she shall be regarded and *held liable to be treated* as a woman of the town plying her vocation.'³ It is scarcely necessary to characterise a proclamation which excited at the time first the incredulity, then the astonished disgust and abhorrence of the civilised world, the applause of New England and the cordial approval of Abraham Lincoln. The words in italics show that the President's favourite General had in view no indecent or offensive acts, but quiet or silent and thoroughly ladylike manifestations of natural aversion. A lady who left the pavement free to swaggering or drunken soldiers was liable by Butler's express order to the foulest of all outrages. That this was the intent of the order is as plain as words can make it; nor did the author himself disavow its unmistakable purport, nor does his historian dare to do so. Some Americans then in Europe were so stung by the horror and loathing of their warmest sympathisers, so felt the shame reflected on their Government, their country and themselves, as to invent an interpretation of their own. 'Butler's soldiers were New England Puritans. Drunk or sober, they would have nothing to say to a woman of the town plying her vocation.'⁴ Their European friends shook their heads. The language of the General was infamous in itself, and too likely to be acted upon by the soldiers whom such a General would form. Apart from their plain literal intention, the terms of the proclamation sufficed to stamp the character of its author, and reflected disgrace upon his Government, which neither rebuked nor disowned him. The unanimous judgment of European soldiers pronounced him a dishonour to his profession. It is not recorded that any Federal officer ever took occasion to manifest his sense of the fact that Butler had disgraced his uniform and his comrades.

Butler next distinguished himself by a reply of studied impertinence to Mrs. Beauregard, who requested leave to quit the city and join her husband. He was also involved in some commercial or quasi-commercial transactions which led to an enquiry, out of which, as a matter of course, the political interest which had made him a General brought him scatheless, if not stainless.

The indignation of the South found vent in an order by which President Davis justly pronounced Benjamin F. Butler a 'felon and outlaw,' to be immediately hanged if taken, and further directed that the officers of his command should if captured be reserved for execution. As to the sentence upon the criminal himself, the only comment it suggests is that it should have been

³ Draper, vol. ii. p. 344.

⁴ Greeley affected surprise and indignation at the literal and natural construction of the order, but was careful not to give one of his own. For the foul and filthy insult offered to the ladies of New Orleans he had no word of disapproval. See last note but one.

anticipated by his own Government; but till his order should have been obeyed by a number of his soldiers, no general military reprisal seems justifiable. Any man of sensitive honour would have broken his sword, rather than serve under the author of the New Orleans Proclamation. But public law does not entitle belligerents to require that the enemy's officers should be gentlemen, much less to enforce that requirement by summary execution. Mr. Davis naturally, but somewhat hastily, assumed that such an incitement to outrage had been but too effectual; but it appears that a great majority of Butler's officers and privates declined to accept their General's invitation.⁵

There was but one exception to the license of language and conduct enjoyed by Federal diplomatists, civilians and commanders, naval and military. Napoleon III. was not a man to be trifled with. It was known that only English opposition prevented his interference, and while never missing a chance of outraging the patience of England and the rights of feebler States, the Northern Government was careful to give no offence to a Power so able and so ready to punish it. Of this exception to his otherwise unlimited discretion General Butler was not aware till he had quarrelled with the French Consul, and published a series of offensive charges in the most offensive language. The Consul was recalled, and Mr. Lincoln received an informal but significant hint which was respectfully obeyed. Butler was removed, for this fault alone; and the duty of harassing, oppressing and insulting the unhappy citizens of New Orleans transferred to another civilian. General Banks was distinguished alike as a successful politician and an unsuccessful soldier. He was too cautious to entangle himself in illicit transactions; it was said that he readily consented to wink at the greed and license of the swarm of civilian plunderers and jobbers which always followed the Federal armies.

Butler issued a characteristic address to his victims, full of the most extravagant boasts of his own humanity and generosity. He compared the Confederate soldiers to the mutinous and mur-

⁵ Butler was accused, as his ardent admirer Dr. Draper admits, of tampering with the money in the banks, of speculating in confiscated or stolen property, carrying on dishonest, if not actually treasonable, traffic in sugar and cotton—in a word, of turning his position to profit by corruption and extortion. A commission which sat at New Orleans to investigate the transactions excused his misdeeds on the plea of 'patriotic zeal,' and of his desire 'to the extent of his supposed power to punish all who had in any wise contributed to' the defence of their country.

Coming from such a quarter, this amounts to an admission of lawless brutality; and when a partisan like Dr. Draper fails to offer answer or denial, he must be held to admit the other charges against his hero. Mr. Lincoln showed his entire approval of the 'Woman Order' by the favour and protection which, to the last hour of his life, he extended to its author. His warmest admirers observe a discreet silence on the subject; but the impunity of such an outrage would suffice to blacken indelibly a reputation on which there was no other stain. Unhappily this is not Mr. Lincoln's case. The Confederate Government repeatedly called attention to crimes of every kind, outrages upon the laws of nations and of war, from robbery and brutality to women up to cold-blooded murders. *In not a single instance* is it alleged that the offenders were censured or punished; but it stands on record that the remonstrances of Lee and Davis were received with sulky silence or returned with insult.

derous sepoys of Delhi. He had had a right to hang or blow from guns every inhabitant of New Orleans, but he had 'only' imprisoned those who were *not* punishable by law with hard labour on a barren island—that is, had inflicted on Southern ladies and gentlemen, whom even he accused only of loyalty to their country, the treatment of the worst felons. His account of the 'Woman Order' is worth quoting, as perhaps the most magnificent extant specimen of that 'genus *Mendacium*' which Macaulay has so brilliantly described⁶ and illustrated. 'Some of your women flouted at those who came to *protect them!* (from what?) By a simple order I called upon every soldier of this army to treat the women of New Orleans as gentlemen should deal with the sex ("as women of the town plying their avocation!").' He appealed to the 'just-minded ladies of New Orleans' to say whether they had ever been safer than since 'their streets had been held by an invading army.' The answer of the women of New Orleans and of the South was the epithet which clings to his name in all contemporary stories of the Civil War, and attests the feeling with which 'Beast Butler's' rule is still remembered by fifteen States of the Union. A lapse of twenty years has consigned to oblivion the cruel slaughter and wholesale ravages of the most ruthless war waged on a kindred people since the days of Charles V. Southern soldiers have borne the pall of Grant, and may hereafter attend the funerals of Sherman and Sheridan. But there are names beyond oblivion or pardon; and among those names pre-eminent in shame and odium stands that of Benjamin F. Butler, of Massachusetts.⁷

⁶ See his *Essay on Barrere*.

⁷ Lowell's 'unfairness.' Mr. Lowell's personal popularity is even greater and better deserved than that of his poetry; and the latter has few closer readers or warmer admirers than myself. But it is well for his reputation that those who remember the conduct of Southerners in the field forget such lines as

'Gettin' our (Confederate) sogers to run *t'other way*
And nut be too overpertickler in tryin'
To hunt up the *very las'* ditches to die in.'

'Who'd ha' thought that them Southerners ever 'ud show
Starns with pedigrees to 'em like theirn to the foe;
Or when the *vamosin'* came, ever to find
Nat'ral masters in front, and mean white folks behind.'

Or such exultation in Lincoln's worst act of pure vindictiveness as

'If we had only gut recognition
You'd have hed all you wanted. . . .
Quinine by the ton 'gainst the shakes when they seize ye.'

These taunts have been deliberately reprinted, without a word of apology, for twenty years after the close of the war.

CHAPTER X.

THE PENINSULAR CAMPAIGN, APRIL—AUGUST, 1862.

Relative Strength—M'Clellan's Delusions—Confederate Retreat—Richmond—Battle of Seven Pines—Lee's Appointment—His Arrangements—Confederate Attack—The Six Days' Flight—Malvern Hill—Ruin of the Peninsular Army.

THE available forces, scattered over the Confederacy from Richmond to New Orleans, from the frontier of Arkansas to the Everglades of Florida, can hardly have numbered, in April, 1862, 150,000, about one-fifth of those of the North. The Army of the Potomac outnumbered by three to one the utmost force that could be opposed to it. At the commencement of the campaign the Federal Government seized the occasion to humiliate the Commander-in-Chief,¹ by relieving him from that office and confining his command to the department of the Potomac. With a force of more than 100,000 men, subsequently largely increased—with an unlimited number of transports, men-of-war, and vessels loaded with stores, crowding the estuaries on his right and left—M'Clellan landed on the famous Yorktown Peninsula at the beginning of April. In his front was a line of thirteen miles very imperfectly fortified, and held at first by no more than 8,000 men, afterwards by twice that number. M'Clellan proceeded to fortify his base, to construct miles of trenches and batteries, and, what was far more necessary, miles of corduroy roads. On May 6 he was prepared to open fire upon the works in his front. On the 4th, however, the Confederates quietly abandoned their position and retired up the Peninsula. At first one, and at last two divisions had kept at bay for a whole month a vast army, with cannon, transport, and siege-train, and general military resources which multiplied the odds enormously. M'Clellan sent a strong force in pursuit, which came up with the Confederate rearguard, and, after nine hours' fighting on equal ground, was repulsed by inferior numbers with a loss of more than 2,000 killed and wounded. Fifty miles still intervened between Williamsburg, the last point retained by the Confederates, and Richmond. The utter inefficiency of the Federal cavalry allowed M'Clellan to report that General J. Johnston was in his

¹ So ranked since Scott's resignation in the previous autumn.

front with a superior force (i.e., more than 100,000 men!) and very strongly entrenched.² The Federal advance compelled the withdrawal of the Confederate force from Norfolk, the destruction of the famous ironclad *Virginia*, and the abandonment of James River as far as Fort Darling, where the Confederates had established, and maintained almost to the end, works which closed the river against the attempted operations of the Federal navy.

After their repulse at Williamsburg, the Army of the Potomac moved with even increased caution towards Richmond. That city stands immediately on the left bank of the James. At a distance of about a mile and a half to the north runs the Chickahominy, a small but wide-spreading and swampy stream, flowing east by south, and falling into the James several miles below. Between this and the city rises a low ridge, completely covering the latter from the north. This, falling steeply towards the James, slopes smoothly and gently towards the Chickahominy. On the further bank of that stream the ground rises again somewhat more steeply and to a greater height. Along the slope south of the Chickahominy, about half-way down, ran the line of the Confederate defences, consisting of a rampart some eight feet high and perhaps twelve in thickness at the base, with a ditch of corresponding breadth and depth, turning after a while to the southward, and covering Richmond on the East at about the same distance. M'Clellan's forces were established on both sides of the Chickahominy. His headquarters were exactly opposite Richmond, at the White House, some half-mile from the bridge which gives its name to the New Bridge Road, running north-east from the city. FitzJohn Porter's corps lay to the immediate right; to the left, still on the northern bank, were those of Franklin and Sumner. On the right and left of the latter were thrown two solid bridges, lower down were the railway bridge and Bottom's Bridge. In the wooded and often swampy ground south of the river, and facing west, were Casey and Couch in advance, supported by Heintzelman; the former facing south-west and nearly parallel to Sumner, the latter across the Williamsburg Road in the immediate rear of Couch. Casey and Couch both belonged to Keyes's corps. Only a vast superiority of numbers would justify, according to the general rules of strategy, the separation of the two wings of an army by a stream generally shallow and easily forded, but with swampy banks, and liable to be overflowed at any moment by a sudden rainfall. That superiority M'Clellan possessed. The whole force at Johnston's command was not more than equal to half the Federal army; and, under

² Draper, vol. ii. p. 382. The writer, contrary to his invariable practice, overrates the strength and underrates the difficulties of M'Clellan. Johnston had at this time fewer than 50,000 men. He was not in any proper sense 'entrenched'—see *infra*, p. 298. The defences here described were chiefly of his successor's construction.

ordinary circumstances, two or three hours would suffice to bring strong reinforcements to the wing upon which the first attack should fall.

A very heavy thunderstorm fell during the night of May 30; and, foreseeing the rise of the Chickahominy and the temporary isolation of the Federal left, Johnston determined to throw his whole force upon Keyes's advanced corps. The Confederate centre was commanded by Longstreet, the left by Gustavus Smith and the right by Huger. The latter covered Richmond on the south-east. Casey, whose division was the most advanced, was attacked in the afternoon of the 31st, and caught unprepared. This ought not to have been, as the air-balloons freely used by the Federal army should have revealed the advance of the Confederates. Casey, after a gallant struggle, was forced back upon Couch, losing his camp and six guns. Heintzelman came up, and the Federals stood fast at Seven Pines. Sumner, with Sedgwick's division, crossed the Chickahominy to their support. This movement was of supreme importance. The Federal left rested on Whiteoak Swamp, and was consequently secure from flank attacks; but the Confederates had turned the right, and if their movement succeeded the whole left wing of the Federal army must have been driven back on the swamp, to choose between surrender and destruction.³ It chanced, however, that Sumner—acting under orders from M'Clellan, who, ill in bed, knew what was passing only by report—brought some 15,000 men and twenty-four guns on to the field exactly at the right moment and the right point. He came purely by chance upon the left flank and rear of the Confederates, as the swiftness and success of their own attack threw them into some confusion. A battery of twenty-four Napoleon twelve-pounders and the fire of a long line of infantry swept at close quarters the column which, turning the former Federal right, was pushing on for Bottom's Bridge. Thus taken at a terrible disadvantage, the Confederates behaved with the steadiness and courage of veterans. The South Carolinians charged the battery again and again; but no troops in the world could storm such a battery supported by five or six-fold numbers. Their left was repulsed and driven back upon Fairoaks, a part of the Federal position already conquered.

At this critical moment the mistaken feeling of the Confederate army, and that reckless self-exposure of their chiefs which only such a feeling could have justified, entailed upon them a misfortune like that which saved Grant's army at Shiloh. General J. Johnston was severely wounded by a shell. The command fell upon Smith, the chief of the worsted left wing, and the Confederate advance was arrested all along the line. The attack was

³ Draper, vol. ii. p. 387. By the 'left wing' I mean the force south of the Chickahominy; 'the right,' in this passage, is the right of *that wing*, the part nearest to the stream.

renewed in the morning, but without success. About noon the Confederates retired into Richmond, carrying off the spoils. R. E. Lee had been appointed General-in-chief in March, and now that Joseph Johnston was disabled, he was at once called on to command the army in front of Richmond. He judiciously resolved to strengthen the fortifications as far as possible, so as to liberate the main body of the army, yet secure the city and Government against a sudden surprise. Mr. Davis's cordial support of this plan presents one more signal contrast between the rival Presidents. 'The man of the people' kept a whole army idle at the most terrible crisis, to protect the strongly fortified capital, the Departments and the White House; the soldier-statesman postponed everything to success in the field, thought little of Richmond and nothing of his own safety.

M'Clellan's whole force was about 160,000, with 115,000 actually present for duty. Lee had scarcely half the latter number, and all the forces within his reach in Virginia would not give him half the former, yet he resolved to take the offensive and repeat the manœuvre which had decided the battle of Manassas. Stonewall Jackson, who had then brought up the last considerable body of Johnston's army, was now in Johnston's place as commander in the Valley, where he had baffled and scattered three distinct armies under Fremont, Shields, and Banks, each probably equal to his own. Jackson's successes had terrified Lincoln and his Cabinet out of their self-possession, had caused them to recall M'Dowell when on the point of joining M'Clellan, to telegraph Fremont to join M'Dowell, and to despatch panic messages to the Northern States to send all the militia and volunteers they could muster for the protection of Washington—threatened by 10,000 men and protected by five times as many.⁴ This happened at the end of May, contemporaneously with the battle of Fair Oaks or Seven Pines. Jackson had thrown the whole North into a panic, neutralised a force of 60,000 men,⁵ diverted large reinforcements from M'Clellan, taken from an enormously superior enemy several guns and a thousand prisoners, with a total loss of 1,200 killed and wounded. He was master of the situation. The battle of Fair Oaks had paralysed not the Confederates but the Army of the Potomac, and during the greater part of June M'Clellan lay idle, fortifying his left wing on the south of the Chickahominy, bridging the stream, repairing the almost useless roads, and securing a retreat in case of disaster to the shelter of the gunboats on the Lower James.

General Stuart, the Rupert of the Confederates, with 1,500 cavalry, rode round the whole army of M'Clellan, cut his com-

⁴ Draper, vol. ii. p. 395. What he admits to Lincoln's discredit is absolutely indisputable.

⁵ *Ibid.* p. 397.

munications for the moment, captured supplies much larger than he could carry away, with a number of prisoners, and returned unopposed to Richmond. This operation thoroughly frightened M'Clellan, and still more completely frightened his Government. He had failed to carry Richmond when guarded by some 50,000 men alone; he was not likely to force his way over the same army and through entrenchments constructed by a consummate engineer. He must concentrate on one or the other side of the Chickahominy. He had lost all reliance upon his communications with Washington, and must either fall back or attack Richmond from the east, on the southern bank of the Chickahominy. This move required the destruction of all his stores at White House and Mechanicsville, and nothing but the fact that the Confederates held no bridge over the stream within ten miles of that point gave him time for the operation.

Lee's plans were complete. He summoned Jackson from the Valley to strike the enemy's right, and on Thursday, June 26, A. P. Hill—next to Jackson and Longstreet the ablest of his lieutenants, though scarcely more than thirty—crossed the Chickahominy and, after waiting till afternoon for Jackson, attacked but failed to carry the strong fortified position which covered the extreme Federal right. On the 27th Jackson came up. D. H. Hill and Longstreet crossed the Chickahominy at Mechanicsville, seized the remnant of M'Clellan's stores, and fell upon Porter, who covered his chief's retreat on the northern bank, while Jackson moved forward on their left. Five days of desperate fighting, costly but glorious to the Confederates, disastrous and, in a military sense, almost ruinous to the Army of the Potomac, began with the battle of Gaines' Mill. This battle was fought between Porter, with supports that brought his strength up to 35,000, and Hill and Longstreet, afterwards supported by Jackson, on the Confederate side. Considered as the rearguard of a retreating army, Porter did his duty admirably.⁶ According to Northern writers, Lee had been reinforced by a large number of the conscripts, who formed a great proportion of the assailants and who had never been under fire.⁷ If so, those conscripts were better soldiers than any of M'Clellan's year-old troops. They charged up to the muzzles of the guns, and, mown down like grass, repeated their charges for an hour and a half, and finally carried the left of the position, driving Porter's whole force in utter confusion across the Chickahominy with a loss of 9,000 men and twenty-two guns. Nothing but the simultaneous arrival of night and a strong division of fresh soldiers, gallantly led by Meagher (whose conduct

⁶ The numbers were about equal, for only a part of the Confederate army was engaged, and its *total* did not, as Dr. Draper pretends, amount to double Porter's force.

⁷ The Act had not been three months in force, and any levies obtained under its provisions must have had less than a month's instruction.

as a Federal soldier here and at Fredericksburg effaced the shame of the Irish rebel and parole-breaker), saved Porter's command from utter destruction. The loss of the Confederates was considerable, but the Federals lost the whole of their ground north of the Chickahominy, with stores worth millions of dollars. Yet M'Clellan wrote next day to the Secretary of War—*that* he had been overwhelmed by vastly superior numbers—*that* with 10,000 additional men he could take Richmond to-morrow—and *that* if he saved his army it was in spite of his Government. On the same occasion on which these singular contradictions betrayed the disturbance of his mind, he explained the 'strategic movement' or 'change of base,' to which the strange coincidence of Lee's attack gave, in the eyes of both armies and of the world at large, the appearance and effect of a disastrous retreat before a victorious enemy.

With twofold numbers and enormously superior artillery, the only hope of the Army of the Potomac was escape across twelve miles of swamp and forest to Malvern Hill. There they might make a stand with unequalled advantages of ground, and if victorious might escape to the protection of their gunboats on the James. Jackson was pressing on their rear, Longstreet and A. P. Hill moving to intercept them, Magruder and Huger to strike their flank. But the 'strategic movement' was too rapid and the enemy's force too superior for the successful execution of this plan. The fugitive army abandoned or destroyed the munitions and supplies that could not keep up with its march, abandoned its wounded and sick, fired its trains, and kept ahead of the pursuers. On the evening of Sunday, the 29th, Magruder caught up Sumner, and, with a small division against an army corps, pressed on till dark, when Sumner escaped into Whiteoak Swamp, leaving 2,500 sick and wounded to the enemy. At four on the next afternoon Longstreet and Hill came up with the retreating line near Frazier Farm. M'Call, upon whom they first fell, bears testimony to the unequalled impetuosity of the Confederate attack, the failure of the most destructive artillery and musketry fire, which mowed them down at short distance, to check them for an instant. Advancing under that fire over six hundred yards of open ground, they carried the battery and inflicted tremendous loss upon the retreating army.

But on Tuesday, July 1, the latter was concentrated on Malvern Hill, a position of enormous strength; an elevated plateau, perfectly clear, one mile and a half in length by half a mile in breadth, sheltered on the north-west by a ravine extending to the James River and liable therefore to be enfiladed by the enormous guns of the Federal flotilla. The long, smooth, gradual slope by which the Confederates must attack was not only swept by the

fire of three hundred guns,⁸ many of them heavy siege pieces, but was intersected by defensible ravines. Both flanks of the Federal army rested on the James, and were protected by the gunboats. The Confederate army had only half M'Clellan's strength, and but a small part of their force was actually brought to bear. It would seem that Lee relied too implicitly on the demoralisation of the enemy, for the defences were such as no dash or daring could overcome, the advantages of position and number such as ensured victory to any troops who had but the heart to stand fast behind their impregnable shelter. Chinese could have held them against Englishmen—if they would.

'There were crouching cannon waiting for them, and, ready to defend all the approaches, sheltered by fences, ditches, ravines, were swarms of infantry. Tier after tier of batteries were grimly visible upon the slope, which rose in the form of an amphitheatre. With a fan-shaped sheet of fire they could sweep the incline, a sort of natural glacis, up which the assailants must advance. A crown of cannon was on the brow of the hill. The first line of batteries could only be reached by traversing an open space of from three to four hundred yards, exposed to grape and canister from the artillery and musketry from the infantry. If that were carried, another and still another more difficult remained in the rear.'⁹

The Confederates held back until late in the afternoon, probably because the divisional Generals recoiled, as well they might, from such a position. Magruder and D. H. Hill seem to have been ordered to advance as soon as their batteries had broken the Federal lines. Magruder anticipated the signal, misled Hill, and both made desperate efforts to rush through the overwhelming shower of fire. The assaulting columns burst through the sheet of canister and shell poured upon them from the batteries, and actually closed upon the guns, only to be repelled with terrible loss of life, and, what mortified them more, of prisoners and colours, by the overwhelming numbers of the Federal infantry.

The repulse was a cruel disappointment, a most mortifying close to six days of incessant fighting and constant victory. It enabled the Government at Washington and its historians to claim the most ruinous and costly disaster they ever sustained as an equal contest, or, as M'Clellan called it, 'a voluntary change of base successfully carried out.' The beaten General knew better. Malvern Hill was an almost impregnable position, but not one that could be converted into a permanent camp. Within two hours after the Confederates had drawn off, with a loss of 2,000 men, the Army of the Potomac continued its retreat in a confusion

⁸ Chesney. Draper says 70!—perhaps a misprint for 700. *Vide infra.*

⁹ Draper, ii. 411.

almost as great as that of M'Dowell's memorable rout, and escaped under cover of night to Harrison's Landing.

Here they were secure. Up to Fort Darling, eight miles from Richmond, where they had sustained a repulse which left them no inclination to renew the attempt, the river was in the undisputed possession of the Federal fleet. But the result of the continuous battle from Mechanicsville to Malvern Hill was the practical ruin and utter demoralisation of the Army of the Potomac. Of 120,000 men¹ who had followed M'Clellan from the peninsula or joined him on the march or in camp, he reported only 50,000 remaining with the colours. He overrated his actual losses, but of the 30,000 additional men whom President Lincoln found present on his visit to Harrison's Landing, the great majority must have been stragglers and demoralised fugitives, who would not for weeks to come be available soldiers. The losses from June 26 to July 1 were officially reported at 17,500; the actual total must have been very much greater. The Confederates had captured at least 8,000 men, sixty guns and an immense quantity of stores. The campaign cost the North from 30,000 to 35,000 men, and an incalculable quantity of artillery, small-arms and material destroyed and captured, to say nothing of military reputation. The French Princes, who had served on M'Clellan's staff, and had shown high courage and some military aptitude at the commencement of the retreat, acknowledged the completeness of the disaster by leaving Harrison's Landing the day after they arrived there. As between two equal Powers the blow would have been decisive; but the difference of strength was such that no losses, however severe, made any practical impression on the overwhelming numbers and resources of the North; while victory, no matter how complete, cost the Confederates more than the gain of ground, prestige and strategic advantages was worth.

Three months after the ruin of their greatest army the Northern forces within call from Washington were as strong as ever. The conscription had by that time brought the whole male population of the South between eighteen and thirty-five² into the field, and the utmost efforts of the Government at Richmond could hardly do more than restore the original number at Lee's command. The course of the war thus far, though encouraging to the troops and people, must have inspired grave misgivings in the statesmen and Generals of the South. Northern numbers could not win a battle or force lines held by a resolute soldiery, but if properly handled they could neutralise victory in the field and ensure success in a campaign. Together with the results of the war in the West, the Peninsular campaign taught another lesson of terrible significance.

¹ Draper says 100,000.

² The conscription was afterwards extended to boys of seventeen and men of fifty.

No troops could face superior forces backed by the tremendous artillery of the river gunboats. To the Confederates a navigable river in front or rear might be made an impassable obstacle. The Federals, with such a river in their rear, instead of being liable like other armies to be driven into it, were sure to find shelter on its banks. Again, the whole territory of the Confederacy was so pierced and intersected by navigable rivers that this single advantage must suffice, if properly used, to decide the issue of the war. No part of the South was safe. Even if the invading armies were repulsed, cavalry raids and naval expeditions could penetrate the inmost recesses of the country, reach its principal cities, burn, waste, plunder and destroy at will. McClellan was the last Northern General who waged war like a soldier, a gentleman and a Christian, who endeavoured to protect the persons and property of non-combatants. To this, as much as to the negative results of his strategy, must be ascribed the animosity of the Republican party and the ingratitude of the Government, which owed to him its salvation at two moments of extreme peril, the creation of an army and the preservation of the Capital. The favourites of the War Office were renowned for an exactly opposite temper and policy. McClellan's immediate successor was equally distinguished by the vigour of measures and menaces directed against non-combatants, and for his signal failure in the field; and the indulgence shown to Pope, Milroy, Hunter and other commanders of the same school, in spite of defeat and disgrace, presents a signal contrast to the severity with which Generals of the earlier and better type were treated after such disasters as Gaines' Mill, Fredericksburg, and Chancellorsville.

CHAPTER XI.

WEST AND EAST.

Comparative Quality of the Federal Armies—Lincoln's and Davis's Choice of Men—Battle of Corinth—Holly Springs—Failure of the Campaign—Capture of Arkansas Post.

THE contrast between the Western and the Eastern campaigns, the invariable failure and disaster which attended the Federal arms in Virginia, the success, chequered with defeat and disgrace, of the Western armies, are not to be explained by any difference in the skill of the several Generals or the quality of the Confederate troops. Grant, when first confronted with Lee, fared little better than Burnside, Hooker, and M'Clellan. The distance from Washington, which now protected the former from the incessant interference of ignorant civilians, was almost compensated by the greater resources and far shorter lines of communication enjoyed by the Army of the Potomac. Sydney and Joseph Johnston were only inferior to Lee; and Hardee, Polk, Bragg, and Beauregard were fairly equal to the Virginian captains, Stonewall Jackson excepted. Buell and M'Clellan, if less open to reproach for inaccuracy and boastfulness than Hooker and Pope, enjoyed equal opportunities of displaying the same military deficiencies. The Virginians were unquestionably the flower of the Southern people, perhaps of the English race; but, the Virginians excepted, the Western and Eastern armies of the Confederacy were recruited from similar material and subjected to fairly equal discipline. Bragg was hated as the nearest approach to a martinet in the service. The signal contrast in the fortune of war must apparently be ascribed to a radical difference in the material of the Northern armies. The Germans, who were perhaps the *corps d'élite* of the West, were better military material than the Irish immigrants whose martial spirit hurried them in disproportionate numbers to recruit the Eastern armies; but the Irish were among the best troops that M'Clellan and his successors commanded. The truth seems to be that the manhood of the Far West consisted largely of picked adventurers or their immediate descendants: daring, energetic, and, though in a less degree than the Southerners, accustomed to

the use of firearms and a rough hardy outdoor life. The manufacturers of New England, the miners of Pennsylvania, the city populations of Boston, Lowell, Buffalo, New York, Philadelphia and Pittsburg were, if not degenerate, physically and materially inferior; partly because the flower of the Eastern population had been constantly drafted to the West. Few of them had learned to sit a spirited horse; few had the opportunity and fewer the taste for active sports. The officers were worse than the men; not unfrequently of a lower social grade and moral character, often promoted by interest and intrigue, and so ignorant that the introduction of an elementary professional examination weeded them out in numbers, even after some months of drill and experience in the field.

The favourite education of the Southern gentry was that of State military schools. The planters and their sons and a large proportion of the poorer white population were commonly splendid riders and admirable shots, delighting in hunting expeditions, during which they 'camped out' for days together among their extensive forests; the best possible preparation for war. The officers taken from the former class were respected by their men, and confirmed that respect by courage carried to the point of recklessness. Incident after incident told by hostile witnesses testifies to the supreme and unrivalled daring of that matchless Southern infantry, on which the North itself bestowed the epithet of 'incomparable.' Even the men of Illinois and Ohio were broken, like all other troops, by the moral effect of wholesale slaughter. Again and again their antagonists displayed an utter fearlessness, a sheer indifference to death, and charged, like the Highlanders at Culloden, through a fire that failed to daunt till it had destroyed them. During the first two years of the war the Northern, and especially the North-Eastern, cavalry was inefficient in its special functions, and inferior in action. It never equalled the splendid cavalry of the Virginian army under Stuart, Hampton and Fitzhugh Lee, or the admirable mounted guerillas of the South-West under Forrest, Imboden and Stephen D. Lee.

Immediately after the battle of Shiloh, Halleck, superseding Buell and Grant, took personal command of the overwhelming Federal army, and deprived Grant of employment by leaving him the nominal rank of second in command. The rest of April and the whole of May were spent in reorganising and reinforcing a soldiery half of which had been completely demoralised. With more than 100,000 men opposed to one-third of that number, Halleck took six weeks to march less than thirty miles, entrenching himself at every pause. On May 21 his advanced artillery was but three miles distant from Corinth; but it was not till the 26th that Beauregard commenced the evacuation of a position he had

no means to maintain, and not till the 30th did the invaders enter the counterfeit fortifications and occupy the 'quaker' batteries.¹ President Davis, whose large experience both in military administration and in actual service gave him far greater right and far less readiness than Mr. Lincoln's to meddle with military operations or pass judgment on real soldiers, now committed his first great mistake: superseding Beauregard, who had temporarily withdrawn from extreme ill-health, and placing Bragg in chief command. The latter was a thorough soldier, a sound tactician and a strict disciplinarian. But, though chargeable with no obvious professional fault, he had the worst faults that can render a General's talents useless: he incurred and never overcame the dislike of his men, and he was unlucky in the field.

It is curious that both Presidents, at nearly the same time, committed the same error in converse forms. The one discountenanced, thwarted and finally superseded the only General who retained, in spite of disaster and disgrace, the confidence as well as the affection of the Army of the Potomac; the other appointed a General who could never win the regard of his troops. Northern Republican commanders were sure of support and promotion till their proven incapacity had led to disasters signal and serious enough to compel their dismissal. Democrats were got rid of at the first failure, or kept in the background, like Hancock, in spite of proven superiority and a faultless record. The paramount rule of the Federal War Office was that, after M'Clellan, no Democrat should have a chance of rising to a commanding position and reputation.

Mr. Davis is charged with persistent injustice towards two of the best Southern Generals.² His quarrel with the commanders at Manassas began a few months after that battle, and it seems clear that he never overcame his prejudice against them, even when compelled by popular, military or cabinet urgency to employ them. Both Presidents were self-willed men, actuated and justified in their own sight by the sense of a tremendous and inalienable personal responsibility. 'In the last resort,' said Mr. Lincoln, 'it is I who must decide.' But that tremendous and ultimate authority had devolved upon him by chance; ignorant of the first elements of the business of war, he ought to have sought and relied upon the best military advice. He was governed by two Secretaries of War of his own choice, both scarcely less ignorant and much less patriotic than himself. Even the madness of faction would not have intentionally charged Mr. Lincoln with the conduct of a great war; Mr. Davis had been chosen expressly

¹ Draper, vol. ii. p. 307.

² The tone of his defence betrays strong personal prejudice, and though Mr. Davis, unlike Lincoln, yielded his own bias to public feeling and private counsel, all I have read and heard satisfies me that the above charge was substantially true.

as the fittest man for such a charge. Mr. Davis never made an indefensible, and but thrice what seems to have been an injudicious appointment.³ Of Mr. Lincoln's selections for high military command, three were excellent, but of these only one was really voluntary;⁴ most were influenced, as his fiercest champion is forced indirectly to confess, by political—i.e. culpable, if not corrupt—motives; and for several no defence, hardly an excuse, can be preferred. His naval appointments, with which politics could not interfere, were generally good; the difference should probably be ascribed to the different characters of Welles and Stanton.

The second Confederate line had been broken at Shiloh. Its abandonment was completed by the evacuation of Corinth, and the army fell back on the third, running from Vicksburg through Jackson, the capital of Mississippi, to Meridian and Selma in Alabama. The Confederates still held, however, the extreme right of the second line, the railway junction of Chattanooga, which Buell endeavoured in vain to attack. A gang of twenty spies sent in disguise to destroy the railway between Chattanooga and Atlanta were captured; but the Confederate Government, with a lenity which distinguished it to the last, only hanged eight of the party. At this moment Halleck was withdrawn to advise the Government at Washington—as events indicated, in order that M'Clellan's disgrace might not be the apparent act of two mere civilians. Seldom indeed has a choice so bad, alike in motive and in judgment, been so richly rewarded. Halleck had given no proof of capacity, and the interference of the War Office, after his appointment, with the Virginian campaigns was more persistent and not less disastrous than before. But the issue was to be determined on the Mississippi, not on the Potomac, and the disasters of Fredericksburg and Chancellorsville were amply compensated by the removal of Halleck from the scene of decisive operations, devolving the command on the ablest officer, with one or two exceptions,⁵ in the Federal army.

The Government did its best to thwart fortune; but a series of chances—the death of one competitor, the self-exposure of another, his own steadfast patience and the development of events—secured to Grant a larger command, a more important field and a wider discretion than was permitted to any of his rivals. Ill-treatment and mortification had nearly led to his retirement just before Halleck's removal; and if Sherman's remonstrances materially influenced his decision, the North and its Government were indebted to the latter for a greater service than the famous 'march to the sea.'

³ Those of Bragg, Pemberton and Hood.

⁴ Those of M'Clellan to organise an army, and of Grant and Sherman in 1864. As to Halleck, see (e.g.) Scribner's *Campaigns*, vol. iv. (Army under Pope), p. 147.

⁵ I incline to rate M'Clellan, Sherman and perhaps Meade higher than Grant.

The whole of Kentucky, two-thirds of Tennessee, part of Mississippi, and the northern frontier of Alabama were now in the hands of the invaders. But the 'terrible energy'⁶ of the Confederate Government, seconded by the perversity of its opponent, turned the course of events. The conscription had strengthened both the great armies of the South till, though enormously outnumbered at every point, their just reliance on the superior quality of their men enabled the commanders to take the offensive. At the beginning of July Grant sat still in Southern Tennessee, having pushed his advanced posts into Mississippi and Alabama, with more than 100,000 men; M'Clellan's 80,000 or 90,000 lay utterly crippled on the James; while their antagonists, unknown to them, were preparing to drive back the tide of war to the Potomac and the Ohio.

The delay of Halleck and the mistake of Grant permitted Van Dorn and Price to bring into close approximation, at Iuka to the south-east and Holly Springs to the south-west of Corinth, their respective forces, chiefly consisting of new Mississippian levies and troops from the Transriverine States. Rosecranz attacked and was worsted at Iuka. Van Dorn fell back to effect a junction with Price at Ripley, intermediate between Iuka and Holly Springs, and thence made a vigorous attack upon Corinth, which had been strongly fortified and was held by Rosecranz with more than 20,000 men. Grant's army was within a few hours' distance by railway, in overwhelming numbers. The absurd representation of Rosecranz, that the Confederates outnumbered him twofold, would cast grave reproach upon the Commander-in-chief. But the figures of Rosecranz and his compeers are in a multitude of individual instances refuted by the clear and careful evidence of subsequent Northern military writers, and seldom do they appear more absurdly false than when the former represented Price and Van Dorn as commanding 40,000 men. Grant would not have left Rosecranz to be thus outnumbered.⁷ The real strength of the united Confederate armies did not, as Rosecranz has tacitly admitted while this page was in type, exceed 22,000. They attacked with equal numbers an enemy holding a fortress rather than an entrenched camp, with 60,000 men within supporting distance, most of them within less than twenty-four hours' journey. The extreme dissatisfaction expressed by Grant himself with the result shows that in his belief the available strength of Rosecranz was far superior to that of his antagonist.

⁶ Draper.

⁷ Davis, *Rise and Fall*. The military arithmetic of the Federal Generals involves their apologists in a hopeless dilemma. They had three-fold or four-fold numbers at command, an advantage increased by their power of choosing the point of attack, while the inferior numbers of the Confederates were necessarily dispersed to defend all parts open to invasion. If, then, the former were not the stronger at each critical place and time, their Government and chief commanders stand convicted of sheer imbecility. The evidence entirely clears them on this score. The Federals never lost a battle through numerical inferiority, and hardly ever conquered save in greatly superior force.

On the morning of October 4, 1862, after a brief cannonade, Price attacked in column. That column advanced in the form of a wedge, swept as it pressed forward by a cross and enfilading fire at once of cannon and musketry.⁸ Undismayed it came on, opened out to right and left, sweeping the enemy before it, carried one of the strong forts constructed by the Federals, and captured Rosecranz' own headquarters. No Northern, and hardly any European, soldiery ever attempted the like. Before a flank fire alone the hardy columns of the Czar dissolved in a few moments; nor were the Highlanders who thus crushed them on the Alma disposed to contemn them for their instant discomfiture. Military science assumes that no massed troops can possibly stand when exposed to a fire in front and flank. Missourians, Arkansans and Creoles, completely enveloped in a sheet of infantry fire, torn through and through by cannon shot, not merely stood fast, but advanced and prevailed. Their ranks were, not morally or metaphorically but actually, shattered to pieces; and when, after passing through this terrific ordeal, they found themselves caught between two fresh bodies of troops, and attacked in front and flank, they were crushed by sheer physical force.

The Confederate attacks were meant to be simultaneous. Van Dorn, delayed by the ground, erred in attacking after Price had been repulsed. His Texans and Mississippians, however, advanced in column, their line of march taking them right under the guns of two forts. With an audacity that extorted the warm admiration of their enemies, they advanced till within fifty yards of one fort, which poured into them, when almost under the muzzles of its guns, a murderous shower of grape and canister. Even this could not shake them; they pushed on, till the Federals, who had lain sheltered and steady until the charge had almost reached them, poured in a musketry fire so destructive that the assailants reeled and fell back. In that encounter one Ohio regiment lost one-half its number killed and wounded. The Confederates rallied, advanced up to the edge of the ditch under the flank fire of the forts; but again the terrific hail of musketry at close quarters shattered their ranks, and two fresh regiments springing up and at them chased their broken fragments back to the woods.

The magnificent heroism of the attack throws lustre on the defence, and nothing but the misrepresentations and vaunts of Rosecranz could have cast ridicule on his victory. His arithmetical statements were not merely absurd but inconsistent. He claimed to have pursued forty miles in force with infantry and sixty with cavalry, yet he confessed that the enemy had carried off at least 230 prisoners. He estimated the Confederate wounded at 5,000, and pretended that the officers captured by himself rep-

⁸ This is Draper's admission—the extorted confession of a witness whose prejudice is bitterer than Macaulay's.

resented sixty-nine regiments and thirteen batteries, though he took only 2,000 prisoners! Even if all these were disabled—and, whatever their number, this is eminently probable—the ‘routed’ Confederates in a ‘chase of sixty miles’ must have carried off more than half their wounded! Whatever the truth might be, the lieutenant’s report justified his superior’s censure. Had his victory been half as complete as the former represented it, he ought, as Grant told him, to have captured or destroyed the whole Confederate infantry, even if their cavalry had escaped. In truth the victory had been very narrowly won; and terrible as was the slaughter of the assailants, and small in comparison that of the sheltered defenders, the latter had been appalled by the desperate heroism from which their fortifications had barely saved them, and were naturally careful not to press too closely the retreat of the wounded lion.

The victory was so far real that Grant seized Holly Springs and made it a grand depot and hospital, in which he stored enormous supplies of every kind. Nearly 2,000 men were left to garrison it, while Grant advanced towards Vicksburg. At the same time Sherman, with four divisions organised at Memphis, embarked on board river transports; convoyed by the gunboat flotilla under the command of Commodore Porter, and intending to co-operate with Grant in the reduction of the great Mississippian fortress. It was not till the middle of December 1862 that the invading army, the greater part of which had remained inactive since Shiloh, and the whole for nearly five months, ventured to move forward. By this time Pemberton had been sent to take command of the Confederate forces—i.e. of the remnants of Price’s and Van Dorn’s command and other chiefly local levies (their main army being engaged elsewhere)—to check the enemy’s advance. The number of the invaders was, of course, utterly overwhelming, and no direct encounter in the open field was possible. But the combined attack of two armies, each numbering at least 30,000 men, with as many more in reserve, was disconcerted by a small force of Confederate cavalry. Van Dorn, imitating the exploits of Stuart, passed round Grant’s army and fell upon Holly Springs. The place was captured, and stores to the amount of more than two million dollars destroyed.⁹

This ruin of the base on which one wing relied threw the whole invasion out of gear. Grant at once fell back, but without warning Sherman. The latter pressed on, landed among the innumerable bayous, swamps and streams north of Vicksburg, and fell on some Confederate entrenchments on the Chickasaw Bayou—mere fieldworks unconnected with the main defences of the city. Sherman attacked with vigour, knowing that the enemy’s forces in

⁹ Draper, vol. ii. p. 320.

his immediate neighborhood were very scanty, as the main body must be detained about Vicksburg to confront Grant. Bragg was at a distance, utterly beyond communication, and the numbers that could be spared to defend these outworks must be exceedingly limited. Nevertheless the assailants were beaten off with the loss of more than 1,000 killed and wounded and 750 prisoners, a confessed total of nearly 2,000. A few Confederate battalions had defeated and thrown back, with inconsiderable loss to themselves, a great Federal army. But Sherman could not acquiesce, without another attempt to redeem his honour, in so mortifying a defeat. At the critical moment he was superseded by M'Clermand, who brought the announcement of Grant's retreat from Vicksburg. Sherman with considerable difficulty extorted permission to attack a fort called Arkansas Post, some forty miles up the Arkansas River, on the west bank of the Mississippi, from which the Confederates had repeatedly threatened the river communications of the invaders, and had recently intercepted a large convoy of ammunition despatched from Memphis to Sherman's army. Supported by Porter's gunboats, which easily silenced the artillery of the fort, and sweeping over its outworks, Sherman's 30,000 men overwhelmed a garrison of 5,000, losing, however, 1,000 killed and wounded. The expedition then retreated, and joined Grant at Milliken's Bend.

From that time till July 4, 1863, Grant was in immediate command of the whole army, to which the Confederate commanders could not oppose more than one-half its number, and even these imperfectly armed and ill-provided. The latter were charged, moreover, not only with the defence of Vicksburg, the last great river fortress held by the Confederates, but with the protection of Mississippi and Alabama.

CHAPTER XII.

LEE'S AUTUMN CAMPAIGN, 1862.

The Iron Shroud—The Southern Offensive—Plan and Purpose—Pope's Appointment, Vaunts, and Ignominious Defeat—M'Clellan Recalled—Lee enters Maryland—Capture of Harper's Ferry—Antietam—Quality *versus* Numbers—Panic inspired in the North—M'Clellan's Mortal Sin—Close of the Campaign.

IN July, 1862, the real character of the struggle, the tremendous geographical and strategical disadvantages against which the Confederacy had to contend, as well as its weakness in men, stores, arms and resources of every kind, had become clearly apparent. The South was, as aforesaid, beleaguered by overwhelming numbers. Two great armies, indeed, were paralysed or inactive. The wreck of the Army of the Potomac cowered under the shelter of its gunboats on the James. Grant had penetrated to the heart of the Confederacy, but the ground in his rear was imperfectly secured, and a vigorous attack on his communications might force him to retreat. At least, he did not seem inclined for an active and immediate advance. But the Mississippi, save in so far as Vicksburg still closed the passage, was in the hands of the enemy. They held New Orleans and ravaged Louisiana, and could at any moment throw a force of any amount northward, southward or eastward, from a base absolutely secure. Banks might be succeeded by a soldier, who, leaving a small garrison to hold down the people of New Orleans, would ravage Southern Mississippi and Western Alabama, or, in a more soldierly and practical spirit, push forward along the coast to take Mobile in reverse. Pensacola afforded another, if not equally advantageous, base for the invasion of Eastern Alabama and Georgia. The Atlantic ports of the South were sealed; the Federal navy held the sea, and had seized three or four points upon the coast, from any of which an invading army, supplied and reinforced from Washington or New York, might march westward at its own will. Of the Gulf of Mexico, opening Texas, Mississippi, Alabama and Florida to a similar invasion from the sea, the enemy held undisputed possession. On the northern frontier, behind the Potomac and the Ohio, they were mustering men to recruit existing or create new armies, and could

at pleasure assemble for defence or attack five times as many as the South could raise to meet all the countless demands upon her strength. The enemy could choose their point and there concentrate what must be an irresistible force, or they could prepare for a series of destructive raids. No part of the South was so safe that it could be left unguarded. No victory could do more than relieve her for a time at the points where the pressure was most heavily felt. Even if the invading hosts could be hurled back and deterred for the present from attempting to penetrate her vitals, they had only to close on the defending armies in overwhelming numbers, and to crush the Confederacy like the victim in Poe's horrible story of the Iron Shroud.

The only political hope lay in a defence which should exhaust not the strength but the patience and courage of the North, or provoke European intervention. The only military chance lay in an offensive which, carrying the war on to Northern soil, bringing home to the enemy the varying fortunes of war and the horrors of invasion, might revive the opposition practically quelled by the fierce intolerance of the Government majority, and retaliate in part the terrors, if not the ruthless cruelties, which made the life of Southern families an existence of incessant alarm and privation, and frequently of intense suffering. A vigorous 'offensive' was concerted by the Government at Richmond with the commanders of the armies, now reinforced by the conscription which had swept the whole manhood of the South into the camp. Bragg was to move north through Tennessee and Kentucky, and, if possible, to threaten Cincinnati.

The Army of Northern Virginia was at the same time to do all that was possible with a superior though a conquered enemy on its flank, a great fortress guarded by an impassable river and by huge levies of new troops in its front. It would be a great triumph to penetrate into the eastern counties of Maryland and to raise her people, whose pride had been stung to the quick by a surprise as treacherous as that by which Napoleon momentarily subjugated Spain, and whose secessionist inclinations had been vindicated, intensified and embittered by finding themselves helplessly ground under the heel of a military despotism, administered by the worst of Mr. Lincoln's creatures. Could Lee reach Baltimore, the whole of the State—that narrow western strip excepted which was Pennsylvanian by political bias as by geographical character—would be in arms, Washington would be taken in reverse; the politicians would seek refuge on board the ships that crowded the river, the huge garrison must either disperse in similar fashion, fight *à outrance*, or surrender at discretion. So complete a success was hardly within the present purview of responsible soldiers and statesmen; but it was notorious how easily

Washington was thrown into panic, and how certainly the approach of retribution—the transfer of hostilities to their own soil—threatening the mine-owners and manufacturers, the prosperous farmers and pacific capitalists of Pennsylvania—would reduce the factitious popularity of the war and the War Government to its natural proportions.

Not that the North was not in earnest, that the many grudged any sacrifice yet demanded by a war for the Union, or that Abolitionists flinched from the cost of a crusade against slavery; but the truth stood as Lord Russell had stated it. The North was fighting for empire, the South for independence; the one for national pride, for vengeance, for great political objects, for rights or pretensions which it would be a bitter mortification to forego; the other for hearth and home, for property and freedom, for the self-government enjoyed for ages, and which in case of defeat must be exchanged for insult, degradation and bondage; the one for political and moral luxuries, the other for all that made life worth living. The North therefore could and would yield when wearied by failure, or convinced that, even were her object attained, it was not worth the cost. The South would and must fight, not while hope remained, but while she had strength to stand. The braver and more patriotic spirits of the North would have given their lives for victory; the prayer of the Confederate soldier was that he might not survive defeat. The capture of Memphis and New Orleans no wise affected the determination of Tennessee and Louisiana; the occupation of Baltimore or Philadelphia would have called forth a cry for peace throughout the North; the fall of Cincinnati or Washington would have rendered that cry irresistible if not unanimous.

From a military point of view the venture was hazardous, and recommended chiefly by the wealth of the North and the exhaustion of the Southern border States. A foray by half-starved, troops was sure, if even temporarily successful, to bring in abundance of desperately needed supplies. To encourage the soldiery by an offensive movement, to spoil the spoiler, to humble the invader, was worth a great risk; and to renounce the offensive was almost to renounce hope. Confederate leaders had special dangers to run as well as a tremendous obstacle to overcome. The Army of Tennessee must have a formidable and, on the whole, victorious enemy in its rear, hoping at best that the terror of the North-West and the weakness of the Federal Government would compel Grant to relax his hold and follow his adversary. The Army of Northern Virginia must leave the slender entrenchments of Richmond manned by one-fifth the strength of the hostile force which still lay within a few miles. Both Grant and M'Clellan were exempt from those imperative considerations which com-

monly compel invaders so far advanced to fall back upon their ultimate base when an enemy threatens it. Their communications by the sea and the Mississippi were unassailable. Lee and Bragg had each, moreover, a dangerous adversary in his front. Both on the Ohio and the Potomac the North could concentrate superior forces without recalling a man from M'Clellan or Grant. The Confederate commanders had, therefore, to rely on the superior quality of their troops, the discipline and devotion of the men, their own promptitude and decision, and the interference of the panic-stricken Government at Washington.

The first measure of Halleck and Stanton was to send for General Pope, a favourite of the former, and to place him in command of all the troops that could be gathered from the Valley, from Western Virginia and from Maryland, as well as the large force that official fears had detained around the Capital when so sorely needed elsewhere. Pope's army was intended primarily for the defence of Washington, and therefore once more tethered to a line of operations which must cover that point, viz. the line between Alexandria and Centreville. Pope hastened to demonstrate his gratitude, his claim to further favours and his fitness for command, by a series of orders which delighted the politicians and appalled the soldiers who read them. He had heard much of lines of communication and lines of retreat; the only line about which he as a General would trouble himself was—that with which such Generals seldom find themselves concerned—the line of his enemy's retreat. M'Clellan had waged war like a civilised soldier and Christian gentleman, war upon the enemy's armies and defences. Pope's first operation was directed against non-combatants. If the brunt fell upon women and children, it was not his fault that the men of North-Eastern Virginia were in the Confederate army. He ordered his troops to subsist on the country, plundering a people who had necessarily been reduced to the verge of starvation by the inevitable sufferings of the civil population of a seat of war. If a soldier chose to suppose himself to have been fired upon from a house, that house was to be burned. Virginians suspected of loyalty to their State must either take the oath of allegiance to the invading Government and give security for good conduct, or be sent South, under penalty of death if they should return. Lee of course remonstrated in due form, and gave the Federal Government occasion to show itself as heedful of the courtesies as of the usages of civilised war.¹

¹ Lee's formal communication was returned without reply, but with an offensive comment. The incident was characteristic of Mr. Lincoln and his entourage in their intercourse with 'rebels,' and is important only as fixing on them full responsibility for Pope's acts and threats. There is an amusing unconsciousness of the relative character and position of the two men—to say nothing of their critic—in the language of the historian who boasts of the 'rebuke' administered by a Halleck to a Lee; but Dr. Draper has the prudence to suppress the letter of the Confederate General. It is needless to say that that letter was in every respect that of a highbred gentleman and soldier. As to Pope's orders see Scribner's *Campaigns*, vol. iv., Appendix A.

The Confederate Government very properly warned the offender that the execution of his orders would lead to summary reprisals.

On August 4 President Lincoln issued a call for 300,000 men, in addition to the enormous forces already at his disposal. The patriotism of the North was so far cooled that neither bounty, pay, nor public spirit could be any longer relied on; and the new enlistments were to be provided by conscription—not like those of the South, by a levy *en masse* for self-defence, but by those familiar methods which practically exempt the well-to-do and select the victims from the lower classes by chance or favour. Pope encouraged his army by a boastful proclamation, in which he recounted his own achievements and implicitly disparaged those of his predecessor. He came from the West, where he had seen only the backs of the enemy; and, he might have added, very little of those. Those who had heard of the Western campaigns were forced to infer that Pope had never approached the battle-field save when victory had been finally achieved. He discarded contemptuously the idea of taking up and holding strong positions—still less, of course, could he hope to hold weak ones. He cared nothing for bases of supply—which may account in some measure for the disasters and sufferings of his troops. These boasts and sneers were doubtless intended to gratify the official hatred of McClellan; but they could hardly have proceeded from a sound mind in stable equilibrium. Pope's self-esteem and self-confidence, always extravagant, were excited beyond control by his sudden elevation. He probably fancied that he had really achieved something entitling him to look down on Lee and criticise McClellan, or he could hardly have failed to anticipate the effect of his vaunts and taunts upon troops who knew him only by his Western reputation. They would dim the lustre of a really brilliant success; come such failure as any other soldier might retrieve, they would damn him to unsparing sarcasm, boundless contempt and never-ending ridicule, render his name a laughingstock and a mockery while the story of the war should be remembered.

The best estimate of the numerical strength of the combatants will be found in a very full, and on the whole, very candid appendix to Mr. Ropes's history of the army under Pope.² The whole force at Lee's command is calculated by competent Northern writers at 54,000 men. The best Southern authorities, in this instance peculiarly trustworthy, make it 47,000 or 49,000. We may be sure that it did not much exceed 50,000. Pope systematically underrated his strength, and exaggerated his earlier losses. It is admitted that from first to last, including the reinforcements brought up from various quarters, of which some 20,000 were

² *Campaigns of the Civil War*, vol. iv. Appendix E.

taken from the Army of the Potomac, he obtained at least 81,000 men, the great majority of whom were well-drilled soldiers, perhaps half of them veterans who had seen hard if not brilliant service. The allowances made for straggling, deserting and other causes diminishing the strength of the different corps certainly seem excessive; and it may be assumed that Pope's total force from first to last amounted to 85,000 men.

He was opposed, however, by the best General and several of the best officers of the South. General R. E. Lee was the foremost citizen of Virginia, connected by marriage with the family of Washington, and representing in his own right one of the oldest and most distinguished families of the Virginian aristocracy. He had served with great distinction in the Mexican War, had been Scott's Chief of the Staff, and contributed as much as any subordinate to the successful advance and signal victories of his chief. Longstreet, his second in command, was a South Carolinian; had, like Lee, been wounded at Chapultepec, and was, with a single exception, the ablest, surest, and most perfectly trustworthy of the many admirable corps commanders or lieutenant-generals of the South. He had charge of the First Corps (at this time always much the largest) of the Army of Northern Virginia. The Second, varying in number from 18,000 to 22,000 men, was commanded by the yet more famous Stonewall Jackson, of Virginia. Some four years younger than Longstreet and thirteen years junior to Lee, he had acquired a high reputation in the Mexican War; but till he gained his glorious sobriquet at Manassas—a sobriquet which testified to the discipline and splendid steadiness of his brigade as much as to his own personal merits—had been known rather by his eccentricities than by his professional qualifications. By his pupils of the Military College of Lexington, Va., he was as much laughed at behind his back as feared and respected when present. He was a soldier of the old Puritan stamp—the men who keep their powder dry *because* they trust in God—distinguished above all by the absolute confidence and passionate devotion of his men, by their desperate daring, rapidity of movement, dauntless valour and patient endurance. Stuart, Ewell, and A. P. Hill had already acquired a fame which constantly rose with each campaign or battle, skirmish or fray, and was only second to that of their immediate superiors. Trimble, Whiting, Evans, Pickett and Roger A. Prior, the last a civilian of family and fortune, Kemper of the artillery, Fitzhugh Lee, W. H. Lee and Wade Hampton of the cavalry, all proved themselves first-rate soldiers and thoroughly competent commanders. Turner Ashby, the chief of Jackson's cavalry, and Pelham, who commanded his horse-artillery, had achieved a brilliant reputation before their early death. In Pope's army, Reynolds and Kearney,

Sumner and Franklin, Heintzelman, and Porter were, if not equal, yet not unworthy antagonists of the Virginian heroes. At every stage of the campaign Pope's numbers were largely superior; at no time did he command fewer than 60,000 men, to whom Lee could oppose on different occasions from 20,000 or 25,000 to 50,000.

When Pope first took command his forces were somewhat scattered; their right resting on the Potomac, their left practically in the air. Before fighting began, they were drawn together upon the left bank of the Rappahannock, which flows south-eastwards from the eastern slope of the Blue Ridge towards the Chesapeake, approaching the Potomac where the course of the latter turns from south to east at Acquia Creek. At this point the Rappahannock, swollen by the waters of the Rapidan, formed a wide and, save for a single railway bridge, an impassable obstacle in front of Fredericksburg.

M'Clellan, with some 86,000 men, a quarter of whom were afterwards dispatched to support Pope, still lay at Harrison's Landing, detaining the larger part of Lee's army. Jackson, with some 18,000 men, was thrown forward to deal with Pope, and secure the upper crossings of the Rappahannock and its tributaries. Pope, who had at least 35,000 immediately at his disposal, contrived, by his own account, to be inferior at the point of actual collision to an enemy who had but half his strength. However this may be, it is certain that he opposed to Stonewall Jackson the most incapable corps commander in his army, who had already received from the hand of the same antagonist the brand of signal ill-luck—the ill-luck of an elderly citizen snatched from his desk, pitched into the saddle and to the head of an army before he had learnt to handle company on parade, and confronted by the irony of Fate with a really great soldier. It matters not how many of Banks's corps were wanting. His own report suggests, to one familiar with such narratives, that he was, or thought himself, at first stronger than his adversary. A subsequent writer—not seeing the disgrace he throws on Pope thereby—allows his lieutenant only 8,000 men. Eight or twelve or twenty, it mattered not; Jackson disposed as he would of 'Jackson's Commissary.' The only point distinctly apparent even in Federal accounts is that the battle of Cedar Mountain on August 9, 1862, resulted in a Federal disaster.

M'Clellan had received orders to withdraw his troops from Harrison's Landing to Acquia Creek, some fifty miles below Washington. It was Lee's strategic object to strike, and if possible paralyse, Pope before he should be reinforced from the Army of the Potomac. As soon as the nature of M'Clellan's movement was clearly disclosed, Jackson was pushed up the Rappahannock;

and Early was sent with the advance guard of his force across the river on the 22nd. Pope is said to have planned a vigorous and judicious if not adventurous movement—to cross the river and fall upon the right wing of Lee's army. On the 23rd the river rose and cut that army's communications in two. The Confederate right was thus secured; but that part of the left which had crossed was absolutely at Pope's mercy.³ He could have thrown 30,000 or 40,000 men upon less than one-fifth of that number; but, disappointed by chance of the advantage on which he had counted, he neglected that which the same chance had placed within his reach. Stuart, passing round his flank, pounced on his headquarters at Catlett's Station, plundered them, and captured Pope's uniform coat and personal baggage, besides a quantity of more substantial spoils. Jackson crossed the upper branches of the Rappahannock, and, pressing northward, turned the Federal army at Thoroughfare Gap, and fell on Manassas Junction, where Pope had gathered enormous stores of every kind. Jackson seized a battery of eight guns complete with horses and equipments, ten locomotives, seven trains, and a great quantity of provisions, sufficient to keep his half-starved troops in luxury for some days to come.⁴

Aware that he confronted alone the whole of Pope's army—for Longstreet was still far behind him on the Rappahannock—Jackson fell back in the direction of Thoroughfare Gap. M'Dowell, on Pope's left, was endeavoring on his own account to delay or arrest the march of Longstreet and prevent the junction with Jackson, when he was ignorantly or perversely recalled by his chief. Concentrating the rest of his force, Pope pressed forward in pursuit of Jackson, not troubling himself to learn from M'Dowell where Longstreet was; and part of the Federal army encountered Ewell in the battle of Gainesville on the 28th. Pope claims up to this time to have lost 20,000 men, and that without a single pitched battle or serious encounter except those of Cedar Mountain and Gainesville.⁵ In the latter the Federals were worsted, and fell back on Grovetown, a few miles to the north-east, where they were again thoroughly beaten with a loss of at least 1,000 men. They were still confronted by Jackson alone, but Longstreet was approaching, and arrived in time to decide the next day's battle. Jackson had stood and fought against overwhelming numbers simply to give time for Longstreet's arrival. On August 30, he

³ So Early thought. A sharp interchange of messages is said to have ended in the retort: 'Tell General Jackson that old Jubal can die, if that's what he wants; but I'll be damned if this position can be held.'

⁴ Confederate soldiers mention with especial delight the 'real coffee' they tasted here for the first time during a long campaign; and the 'square meals' which, even during Pope's hasty retreat, almost consoled an unlucky comrade for his captivity.

⁵ That is, Jackson's corps had destroyed or disabled more than their own number of a vastly superior army. The nature of the battles puts this out of the question. Pope was speaking with his usual accuracy.

took up a strong position in sight of and including no small portion of the ground which had witnessed the first great battle of the war. Here he held his own until Longstreet's forces successively arrived on the field, and, after a sanguinary battle, the Federal army was utterly defeated.

Pope blundered, boasted, manipulated facts with his usual audacity, and threw the whole blame upon M'Dowell and Porter, claiming a victory while apologising for a disaster. But his army, half-starved through his mismanagement, and demoralised even more by distrust and contempt of their chief than by defeat and disaster, was in no condition to stand another battle. On the 31st Jackson again pushed on alone, separating himself from Longstreet with a daring which conscious superiority and complete victory alone could justify. Pope was again worsted, and on September 2, his routed army was chased into the entrenchments of Washington, having lost 30,000 men, with guns and colours in proportion, and quantities of small-arms and military stores simply incalculable. The Virginian infantry and artillery, which had at first been armed with antiquated cannon of various calibre, converted muskets, and a few obsolete rifles, had constantly supplied themselves at the enemy's expense, and were now provided with excellent weapons and first-rate guns, chiefly of European manufacture, captured in the field.

The panic in Washington and throughout the North-East was intense and general. Lincoln and Halleck had still at hand twice as many regular troops as Lee was able to muster after the Southern conscription had taken full effect, and all available reinforcements had been brought up by the unflagging energy of the Government at Richmond. The Army of Northern Virginia could never bring 75,000 men into the field; while behind the 150,000 men within Stanton's call were at least as many more, inferior in nothing except physique, morale and hardihood to the recruits who, after the losses of ten days' hard fighting, constituted one half of the Confederate army. But the fears of the Federal authorities doubled the enemy's numbers; and the boastful confidence which, in April, had promised the capture of Richmond within ninety days, and in July had relied on the soldiery of Pope to annihilate the conquerors of M'Clellan, ceased for a while to affect their calculations. Too staunch a partisan to be disgraced, Pope was dismissed to a safe command 'against the Indians' in the far North-West.

The Government, in the extremity and sincerity of their dread, gave reluctant testimony to their own comparative estimate of the men they had severally disparaged and exalted. M'Clellan had been consistently thwarted, baffled, interfered with, insulted; he knew that his dismissal was only postponed till some shadow of

success ascribable to the favourite of the politicians should give the President courage to degrade the favourite of the soldiers. His persecutors now appealed to him to save the Union and redeem their own shattered credit. No other General could organise an effective army out of the demoralised relics of the armies of the Peninsula and of Washington; no other inspire them with courage to meet the soldiers of Lee. It was M'Clellan's duty to save his country; it was his right to ruin the men who had sacrificed the country in their desire to ruin him. But in such an extremity he disdained to make terms, or even to exact guarantees. He might have enforced the dismissal of Halleck and Stanton; he consented to serve under these mortal enemies. He failed even to extort the release of Stone, who had been imprisoned by the malignity of the Secretary at War ever since the disaster of Ball's Bluff; or to rescue M'Dowell and Porter, presently picked out as the scapegoats of Pope's incapacity. Notorious as was Pope's recklessness of truth, two of the best officers in the army were deliberately sacrificed to throw a thin screen over his shame. To Porter, M'Clellan's friendship was even more fatal than Pope's enmity.

There was no time to lose. The Army of Northern Virginia was moving up the Potomac, threatening to turn Harper's Ferry and enter Maryland. At the beginning of September Lee seized the railroad at Point of Rocks, cut off the Federal forces which held the famous arsenal, crossed the river, occupied Frederick, and sent his cavalry to seize Chambersburg in Pennsylvania. The Pennsylvanians were panic-stricken. They knew something of the doings of their own army. By the established law and universal practice of reprisal, the State should have been wasted with fire and sword as far as the Confederate arms could reach. Grant's wholesale plunder of Mississippi, Sherman's license to burn and plunder wherever 'insult' or 'discourtesy' could be alleged,⁶ Pope's brutalities, if not Butler's unspeakable atrocities,

⁶ Sherman's *Memoirs* are not so much a narrative as an apology. He wrote when he had learnt what soldiers and gentlemen throughout the world thought of the acts in which he had exulted at the time; and he does his utmost to evade, slur over, and deny particular charges. But the contemporary orders he cites—though selected to suit his purpose—put it beyond doubt that he deliberately waged war against the Southern people as much as against the Southern armies. Written with the charges of systematic incendiarism, pillage, and devastation blackening his name, the utter absence of effective denial is a general confession. Reading between the lines of his apology, with contemporary evidence from his victims, contemporary boasts from his officers, full in my recollection, I found one single specific accusation out of hundreds formally challenged. I refer to the burning of Columbia; and in that case the countercharge of which Sherman boasts at once shows that he cared more for its efficacy than for its truth. General Sherman has recorded his own declaration that no soldier who alleged discourteous treatment or hostile demonstrations on the part of his victims should be punished for robbery and incendiarism (*Memoirs*, i. 277-78; ii. p. 211 and chap. 20, *passim*). But *on ne cherche pas à prouver la lumière*. It is notorious that Sherman's 'march to the sea' was followed by a countless swarm of 'bummers'—half-thief, half-soldier. It is notorious that they pillaged and burnt every house worth plundering within their reach. How many of these scoundrels did Sherman hang? How many did he punish in any way? One hundred, or one score, or one dozen out of thousands? Before Sherman's book appeared, one of his principal staff officers had boasted that his march through South Carolina was a track of devastation, pillage and incendiarism—if I rightly remember—forty miles wide. Nor does Sherman venture to say that he took measures to suppress plunder or arson or outrage, or that he ever punished the 'bummers.'

had laid down the law to which Pennsylvania was now justly subject. But in Pennsylvania, as in Maryland, the Confederates observed the strictest discipline; no property was seized except by order, and all private property taken was paid for as in a friendly country.

The Army of Northern Virginia was scarcely 70,000 men; in Maryland and Pennsylvania Lee had not 50,000. The western counties of the former State, forming a narrow strip between Pennsylvania and the Potomac, to a great extent Northern in feeling and character, received the Confederate army as friends, but furnished only a few hundred recruits. Nor could Lee push forward towards Annapolis and Baltimore, and occupy that eastern part of the State whose whole manhood, as soon as released from the reign of terror maintained by Federal bayonets, would have flocked to his standard, till Jackson's corps should rejoin him. It was not till September 11 that the latter had succeeded in investing Harper's Ferry. It was only on the 6th or 7th that Lee himself entered Frederick; and on the latter day, M'Clellan with 100,000 men, organised in six corps, commanded by Porter, Burnside, Hooker, Reynolds, Franklin, and Sumner, and a powerful train of artillery, was ready to march from Washington. Lee fell back behind the range called South Mountain, near Boonsboro', leaving General D. H. Hill with a rear guard to keep the enemy in check.

On the 14th the Federal advance approached Hill's position, and threw upon him two corps outnumbering him by seven to two. At such odds Hill was compelled to fall back, but lost only a few prisoners, and speedily rallied upon a portion of Hood's division. Lee's main body took up a position at Sharpsburg, on the west bank of the Antietam creek or stream, with the Potomac in his rear, and his right in communication with the forces left on its southern bank at Harper's Ferry, the river here turning almost at right angles from south to east. On the evening of the 15th, Mills, who commanded at Harper's Ferry, had been driven from the Maryland Heights into a position commanded by Jackson's batteries, and compelled to surrender. The garrison consisted of 11,000. These, with 73 guns, 13,000 small-arms, and invaluable stores, fell into the hands of the Confederates. Jackson at once pushed across the river with characteristic speed.

According to the best Federal account,⁷ the odds were such as few European Generals would willingly confront, or be justified in confronting, on ordinary ground. The position of the Confederates was advantageous, inasmuch as they held a line of low hills with a small stream in front, but not such as materially to affect

⁷ Scribner's *Campaigns of the Civil War*, v. The writer's object is to show that the Confederates were not, according to a current boast, one to three. Since this was written, it has been confirmed by Longstreet himself. See next note.

the chances or control the issue. Lee's total force when Jackson joined him did not reach 40,000; M'Clellan sets down his own numbers at over 87,000. The latter is of course a *minimum*; the Federals were five to two. General Lee, then, the best possible judge of the comparative quality of the two armies, thought that against such odds he had more than an equal chance of victory. He fought for an unmolested retreat with the captured arms and forage, and he won it. He fought probably for a chance of liberating Maryland and laying Southern Pennsylvania under contribution, and he lost it; but the general belief that he fought with such a hope shows that the total defeat of the Federal army was reasonably probable. He fought with a broad, deep and rapid river, passable only at two points, in his rear. Retreat in face of a victorious enemy would have been highly dangerous and difficult; a confused and disordered retreat, such as follows even a partial defeat, impossible. He must have considered, then, that complete victory was quite within reach of hope—'upon the cards'; that he might reasonably reckon on the decisive repulse of the enemy; that he would in all probability hold his own, and that there was no serious risk of even a partial disaster. That is, he virtually counted each Confederate as worth two Northern soldiers; the two armies practically accepted his estimate, and the event completely verified it. This is, I conceive, a far greater superiority of soldierly quality—of military morale—than any European people seriously claims over a recognised rival. *Corps d'élite* apart, has any State 40,000 soldiers with whom her best General would *choose* to hold a low wooded ridge against 80,000 French, Germans, Italians, Turks, or Russians? Yet such was Lee's election at Antietam; and such, looking to numbers and results, seems the comparative value of Northern and Southern soldiers upon the whole throughout the war.

Hooker, a factious subordinate, too prone to depreciate others and extol his own feats, an incompetent General-in-chief, but whose nickname of 'Fighting Joe' bears witness to his popular fame as a dauntless and even reckless leader, led the attack on the left with a view to turn the Confederate flank. M'Clellan could have spared a corps to outflank the latter and yet outnumber his enemy along the whole line. By a series of attacks, feigned or real, he could have prevented Lee from strengthening or extending the threatened wing. The Confederate position, concealing the rapid transfer of troops from wing to wing, the depletion of the centre, the employment of the same brigades to reinforce one threatened point after another, together with his original and obstinate exaggeration of their numbers, blinded M'Clellan to his advantage. On the other hand, Lee detected, with his marvellous strategic intuition, the tactics of his adversary. He saw that

M'Clellan intended to withhold his centre, and did not hesitate to reduce his own to the utmost in order to sustain his wings against the successive assaults he anticipated.

On the 16th Hooker crossed the Antietam beyond the range of the Confederate artillery, and, encountering only skirmishers, pushed forward till nightfall closed the contest. Had M'Clellan inferred, as Lee in like case might, that Longstreet was alone, and pressed him energetically and resolutely, Lee could hardly have held his ground till Jackson's arrival. But by the morning of the 17th a considerable part of Jackson's force was in position, and the rest came up during the battle. Hooker was driven back. Sumner's and Mansfield's corps came up to his support, and with some 45,000 men drove back to their original ground antagonists who had scarcely half that number. Mansfield was killed, Hooker wounded and carried from the field. Not content with the credit he had earned, Hooker claimed the whole honour of the day, asserting that had he been properly supported he would have driven Jackson into the Potomac—Jackson, who had beaten him with half the Federal army at his back. The truth is that his chance was lost before he discerned it, by his failure to detect the error of his chief and seize the ground beyond the Confederate left on the previous evening. Sumner, now commanding the three corps, held his own with threefold numbers against Jackson till noon, when a Confederate charge drove him back to his position of the night before. Thus far the Federals had sacrificed a large number of men without gaining a step; but when Franklin came up with a fourth corps, the Confederate left, physically worn out by the protracted conflict, was in turn repulsed.

After Hooker's attack had been repelled, M'Clellan flung Burnside with his whole corps upon the Confederate right. But Lee, while himself holding the centre with little more than the show of a line of battle,⁸ stripped to the uttermost to strengthen Jackson, had charged Longstreet in person with the defence of the wing which covered the road to the crossing of the Potomac at Shepherdstown. Burnside's corps made way so slowly, that it was two o'clock before his troops began to mount the hill slopes held by Longstreet with a scanty line of wearied troops. At this moment A. P. Hill brought up the last battalions from Harper's Ferry and completed the Confederate total. Longstreet led his men to the charge, and Burnside was driven in confusion back to the bridge by which he had crossed the Antietam. The four corps on the Federal right (opposed to Jackson) had no fight left in them, but M'Clellan, with Porter's corps, which had formed his reserve, barred the Confederate advance. Neither army was

⁸ Longstreet says that at one moment his staff had to serve the guns of a battery which, with a regiment whose cartridge pouches were emptied, was the only defence of the position. *Century*, July, 1886.

in a state to deliver, nor perhaps to endure, a vigorous onslaught. Lee's troops had been doing a double or treble duty, as fresh Federal battalions were constantly hurled at an army, every man of which was already engaged. M'Clellan, fancying that the Confederates would presently take the offensive, felt it absolutely necessary to keep Porter's untouched corps in hand to meet them. This admission betrays his conviction how far the day had gone against him. He knew that all his own attacks had been repulsed; he knew that the five beaten corps were quite incapable of repelling an enemy who had been hotly engaged since early morning. He knew of nothing, except Porter's corps, to prevent their driving him from the field. A plainer confession of defeat was not to be expected from any Northern commander.

From a tactical standpoint, and regarding merely the events of the day, Antietam, or Sharpsburg, as the Confederates call it, must be counted as the last of the Southern victories constituting the campaign of the Fall of 1862, the final defeat of the combined Armies of the Potomac and of Washington. The Confederates, standing on the defensive two to five, had held their own, and only by their permission could the Federals bury their dead or remove their wounded. Lee remained in position as long as he chose, and retired at his leisure, carrying with him a mass of spoil, sending his trains before him in perfect safety. The abandonment of 300 men, too badly wounded to be removed, is not to the point. At South Mountain and Antietam the Federal armies had lost at least 15,000 killed, wounded and prisoners. The Confederate return of 2,000 killed and 6,800 wounded at Antietam, with a few prisoners, and with the loss at South Mountain, does not bring up their total to 12,000.

Between the two Generals there can be no comparison. If Lee had not made the very most of his 38,000 men, he could not have won the day. If M'Clellan had made the most of 87,000—if his attacks had been simultaneous instead of successive—he had no business to lose it. So, if the Southerners had not fought incomparably better than their opponents, 40,000 men, coming up piecemeal, could not have beaten back 90,000; one corps could not have conquered four. As their historian naïvely confesses, the Yankees, men and officers, were too comfortable to *like* fighting. Chesney doubts whether on Lee's part the battle was not gratuitous. But—to avoid problems upon which Lee's judgment is to Chesney's as Chesney's to mine—this criticism overlooks the possibility of a decisive victory, and even the political necessity of making a vigorous effort for the relief of Maryland. In so far as that was the object of the invasion, it was a failure. But the expulsion of the Northern armies from Virginia, the capture of Harper's Ferry, the supplies drawn from the enemy's country, were worth no small sacrifice.

Above all, the moral effect of the campaign must not be overlooked. If Bragg had been equally successful it might well have terminated the war. The hope of the South lay not in forcing, but in wearying or frightening the enemy to let her go; the Maryland campaign did more in this direction than that of the Peninsula. The Confederate dead had not died in vain, though they had done no more than impress upon the North a dread from which it never recovered during the next two years. Thereafter every victory achieved by the defenders of Virginia spread panic throughout Pennsylvania and New York—sent up the price of gold by ten, twenty, or even fifty per cent.; and the approach of a Confederate force, however small, to the upper Potomac gave rise to a cry for peace, and a fever of alarm and discouragement, utterly unwarranted by the facts of the military situation or the comparative strength of the two Powers. These considerations fully justified the offensive of the autumn of 1862, as conceived by Mr. Davis and carried out to the utmost of their powers by Lee and Bragg.

M'Clellan's strategic deficiencies were venial; his military virtues were unpardonable. He was an exception among the commanders of the Army of the Potomac, a scrupulous professional soldier, prepared to expend as to take life freely for any adequate advantage, but never to waste it for the selfish ends of party government or to satisfy a clamorous populace. Cautious and methodical by temperament, his natural bias had been confirmed by experience. No numbers could secure victory in the field. At odds of seven, six or five to three, a pitched battle between the Army of the Potomac and the Army of Northern Virginia was, according to the significant rule of the German war game, a cast of the dice, in which neither party could expect to throw double-sixes. While the Confederates could win battles, they could not reap the fruits of victory. The true use of Northern numbers and resources was illustrated in Sherman's later campaigns; when—confronted by a better soldiery and a yet abler captain, who made up for numerical weakness by entrenching himself in strong positions—the Federal General employed one-half or two-thirds of his force to contain the enemy, while using the remainder to outflank or turn the position, and thus secure again and again, without a battle or in spite of defeat, all the strategic advantage of victory. But M'Clellan, by recognising the international character of the war, and acting upon the truth, had incurred the lasting resentment of the extreme faction then and long after dominant. He waged war against opposing armies, and not upon a defenceless population, nor, like Butler and Hunter, upon women and children within the bounds of invaded districts and captured cities; still less, like the Executive, upon the enemy's sick and

wounded. What more stinging lesson could a soldier have inflicted on the civilian who had commenced the war by forbidding to the rebels, so far as he could, the aid of medical science and surgical art—by ordaining that bullets should be extracted and limbs amputated from bodies quivering with full consciousness of the impending and actual agony—had done his utmost to exclude chloroform, opium and quinine from Southern hospitals? Was it in human nature that the authors of that edict should pardon the professional soldier who spared the defenceless homes and protected the non-combatant people of Virginia?

On September 20 M'Clellan attempted a reconnaissance. The forces he threw across the river, taking it on the word of their Government that the Confederates were demoralised and in full retreat, ventured within reach of Jackson, and were cut to pieces. Evidently the Confederates were nowise discouraged by a loss twice as severe as that which, to M'Clellan's knowledge, had left five of his six corps in no state for a renewed encounter with a resolute foe. It would be madness to attack, in a chosen and perhaps entrenched position, recruited and reinforced, the General and the army who with half his strength had just repulsed him in the open field. This was little to learn by the sacrifice of a couple of brigades; the less, that the conviction could not be enforced upon the mind of Halleck, Stanton or the President. M'Clellan collected his army along the Potomac, endeavouring to restore their discipline and confidence, and waited till the reinforcements constantly coming in should give him an absolutely irresistible superiority.

Lee had drawn back to a defensive position; his right, commanded by Longstreet, was thrown back towards Winchester; his left, under Jackson, reached nearly to the Potomac. The Army of Northern Virginia was now regularly organised in two great infantry corps under these celebrated chiefs. The cavalry formed a separate division under Stuart, and patrolled the country with such diligence that it was impossible for the enemy to advance unperceived. M'Clellan could cross at Harper's Ferry or Shepherdstown, but could not push further up the Valley without either exposing himself to a flank attack or fighting an offensive battle on ground chosen by his antagonist, with his back to the river, in a position where defeat might involve destruction. Time told against the Confederates, whose supplies had to be transported by carts and horses over country roads in very bad condition, for a distance of ninety miles. When the supplies drawn from Maryland and captured at Harper's Ferry were exhausted and the winter approached, Lee would be compelled to fall back to a position nearer Richmond

M'Clellan, therefore, resisted steadily the importunities of Halleck and Stanton, importunities prompted less by military than by party considerations. The ruinous results of their interference, the disgraceful failure of their favourite General, the danger to which the Middle States had been exposed in consequence, from which M'Clellan had barely saved them, had deeply discredited the Government, and rendered the defeat of the Republican party at the impending elections alarmingly probable. To retrieve their own popularity and avoid a political disaster, the President and Cabinet were disposed to push the army upon perils from which its commander flinched, and upon adventures which, as was presently to be proved, were hazardous in the extreme

CHAPTER XIII.

BRAGG'S NORTHWARD MARCH.

Movement in concert with Lee—Its Objects—Its Dangers—Inaction of Grant—Mismanagement of Buell—Invasion of Kentucky—Enormous Supplies obtained—Confederate Victories of Richmond, Perryville and Murfreesborough—Close of 1862.

THE months of August, September and October, 1862, were about the brightest period in the history of the Confederacy. Its armies had taken the offensive with signal military and political results. Lee had not only worsted but defeated, demoralised and expelled from Northern Virginia a total force, including the recruits brought up from the North, of from 150,000 to 180,000 men. Six weeks had witnessed M'Clellan's retreat from the Peninsula, the rout and all but destruction of Pope, enormous loss of men and means inflicted on the enemy, the invasion of Maryland, and the battle which, claimed by some Northern historians as a victory, had completely paralysed an army of 100,000 men, with all the reinforcements it had since received, for nearly as long a period.

A simultaneous advance had been made, under less advantageous circumstances and with far less decisive results, in the West. Grant's army in Northern Mississippi was confronted by a very limited Confederate force under Van Dorn and Price. Their main army, under Bragg, had anticipated Buell's attempted surprise of Chattanooga and thrown him back towards Corinth. All the armies, roughly speaking, were ranged upon the railway from Corinth to Knoxville. Buell was in Northern Alabama, holding the railway line through Nashville and Bowling Green to Louisville. Bragg occupied Chattanooga. His total force, which the most reckless of Northern writers only ventures to put at 50,000,¹ consisted of three corps: the right, at Knoxville, commanded by Kirby Smith, whose timely arrival and judicious use of the opportunity had mainly contributed to the Federal rout at Manassas; the centre and left under Hardee and Polk, the former an experienced South Carolinian soldier, the latter a student of West Point and subsequently an officer of the United States Army, and who had since taken orders, and was at the outbreak of the war Bishop of Tennessee.

Various Federal forces, all under Buell's control, were scattered over Tennessee and Kentucky. Bragg's route crossed the upper

¹ Draper, vol. ii. p. 353, though he afterwards, without explanation, brings it up to 60,000.

Tennessee and the Cumberland Mountains, parallel to which, some eighty miles further north, ran the upper course of the Cumberland River. The latter turns north-westward at Nashville, passes Fort Donelson and falls into the Ohio. In the whole country between the Cumberland and the Tennessee, there was no railroad west of the line from Louisville to Nashville and from Nashville to Chattanooga. The latter, till near its south-eastern extremity, was firmly held by the Federals; so that Buell, though in actual distance a little further than Bragg from Louisville, the ultimate objective of the Confederates, was within four or five days of any point on that line which Bragg could reach in thrice as many fatiguing marches. Unless completely outgeneralled and kept in the dark, he should be able to anticipate and confront his antagonist with an unwearied army, enormously superior both in numbers and artillery. The Southern General, moreover, exposed his left flank to an enemy commanding a railroad parallel to his line of march, and thus enabled to fall perpendicularly on his route without the usual risks of 'forming front to a flank.' Yet Bragg without serious resistance reached Mumfordsville in Kentucky, about midway between Louisville and Nashville, seizing the railroad and capturing a considerable Federal force. Kirby Smith, moving parallel to his chief, came up at Richmond, Kentucky, with a Federal army superior to his own, which was completely routed, losing 1,000 killed and wounded, 5,000 prisoners, nine guns, and 10,000 stand of arms. Buell was thrown back upon Louisville, where his forces were brought to a strength which must have much exceeded 100,000 men.²

In face of overwhelming numbers, Bragg was compelled to act rapidly and somewhat peremptorily. The attempted neutrality of Kentucky at the commencement of the war had shown the Southern leaning of the people; the invasion of the State, the conduct of the Federal soldiery and the license given to their partisans had rendered the Federal Government deeply and generally odious. But the flower of the youth of the better classes, the natural leaders of the rising anticipated by Bragg, had already fled their State, had fallen or were serving under the Starry Cross. The elders were discouraged by the course of the war in the West, and however welcome the Confederates, it was beyond hope that they should be able to hold the country for more than a few weeks. The Kentuckians, therefore, shrank from committing themselves, at the risk of exile and confiscation. In grain, in cattle, in horses, in all those agricultural products of which the Confederate need was especially pressing, Kentucky was perhaps the richest State of the South, and Bragg was compelled to take what the people were sometimes unwilling and oftener afraid to

² Even Draper gives it that number.

give. He paid for everything in Confederate money, but in a State so firmly held by Federal armies that money was of little present value. With trains of invaluable supplies, and followed by curses rather loud than deep, the Confederate General fell back even more slowly than Buell moved in pursuit. The centre and left of the latter outmarched his right, and on October 8, at Perryville, the Federals sustained a severe and damaging defeat. Buell himself confessed to a loss of more than 4,000 men and ten guns. But Bragg could not await the reunion of the enemy's overwhelming forces.

He had fought to secure the withdrawal of his trains. It was said that that convoyed by Kirby Smith alone was forty miles in length, contained a million yards of jean (a superior white cloth resembling ducks), quantities of other clothing, and above all of boots and shoes, the most precious part of the convoy, 15,000 horses, 8,000 cattle, hundreds of waggon-loads of pork and bacon, and herds of swine. Beside the two Federal armies surprised and shattered in Bragg's advance, a third, occupying a gap in the Cumberland Mountains not far from Knoxville, instead of intercepting or attacking in rear Kirby Smith's scarcely superior force, had retreated in a panic, blown up its magazine, burned its tents, waggons and gun-carriages, and fallen back upon the Ohio.

The disaster of Perryville was so decisive that Buell, despite the disparity of force, dared not again molest the Confederate retreat. Refusing to acknowledge defeat, he left himself no excuse for his prolonged inaction. On October 30 he was removed from his command, and Rosecranz, his successor, found his enormous army so dilapidated that he dared not venture to advance till largely reinforced from another levy of 600,000 men called out by the Northern President.³ The Confederate Government ordered Bragg, after securing his trains, to attempt another northward march, though the first had failed in one main object—to compel the retreat of Grant. Late in December Bragg had reached and halted with 35,000 men at Murfreesborough, while Rosecranz with 60,000 to 70,000 kept Christmas at Nashville.⁴

³ Draper, vol. ii. p. 353.

⁴ On Dr. Draper's showing Rosecranz must have found 80,000 men remaining from Buell's defeated host of 100,000, his reinforcements must have brought his force up to more than its original numbers, yet he had, this writer avers, only 43,000 men at Nashville. If Bragg had ever 50,000 they must have been reduced below 40,000, and the Confederates were in no condition to reinforce him. Yet Draper coolly, and without explanation, gives him 62,000 men. This historian's figures do not receive even the compliment of refutation from respectable and responsible Federal writers, such as are most of the authors of Scribner's series. The proportion of Federal and Confederate totals was at this time about one million to three hundred thousand. The South had never more than some 350,000 soldiers of all sorts, and after the grand conscription of the first spring (1862) her numbers were constantly dwindling. Her whole military population was under arms. In spite of Grant's vague suggestions to the contrary, each of the main Federal armies was now and subsequently as superior in numbers to its antagonist as the comparative means of the two Governments would lead us to infer. The resources of the Government at Washington, its numbers, its supplies, its means of transport, were simply inexhaustible, and Stanton employed them to good purpose. The South was even more hopelessly outmatched in transport than in any other element of military strength. The figures given in the text, if not accurate, err in underrating the advantage on the Federal side.

The Confederate outposts were driven in so rapidly that they could not even destroy the bridge they guarded, and on December 30 Bragg concentrated his army in front of Murfreesborough, facing west, with the exception of Breckenridge's division, which faced to the northward on the extreme right, divided from the rest of the army by Stone River. Both Generals appear to have intended an attack by the left. Soon after dawn on the last day of 1862 Withers and Cleburne, the last a former private in the British army, attacked the Federal right, crushed and swept away the two divisions first opposed to them, and fell upon the flank of Sheridan's. Rosecranz's intended offensive was already paralysed, but bringing his main force back to the right, he formed a new line in the shape of a half-circle facing southwest. After an obstinate defence Sheridan's division shared the fate of its predecessors; but meanwhile the Federal artillery had been massed on the point against which the Confederate attack was next directed. Four desperate charges in front upon the line of guns were attempted by the victorious but already half-exhausted Confederates. Four times they were repulsed, leaving nearly half their number *hors de combat*.⁵ Breckenridge's division, confessed by Draper to have been but 7,000 strong, was brought round from the left, and twice attacked Rosecranz's new left with effective success. Rosecranz was thoroughly beaten, but his superiority of numbers, and, above all, of artillery, enabled him to maintain his new ground.

The second Confederate attack had been pressed with characteristic Southern desperation, and had resulted in losses which left the army in no condition to renew it on the morrow. On January 2, 1863, Rosecranz threw a large part of his force across the Stone River and crowned the heights with artillery. Breckenridge, one of the finest divisional commanders of the South, with fewer than 5,000 men, flung himself once more upon numbers at least thrice as great as his own, and was again hurled back, not by those tremendous odds, but by a concentrated fire of artillery under which, by the enemy's account, he lost 2,000 men in twenty minutes. The Confederates stood fast throughout the 3rd. A violent storm excused Rosecranz's inaction. He owned to having lost 8,500 killed and wounded, 3,000 prisoners, and more than one-third of his guns. The Confederate losses were tremendous, proportionately heavier if numerically less than those of the enemy, but consisted almost entirely of killed and wounded. The loss of guns and prisoners suffices to prove that the victory rested with the Confederates. An army which, receiving the attack in a strong position, can neither keep nor recover a third of its artillery, is badly beaten. Bragg's retreat was the inevitable

⁵ I mean such statements to be construed as strictly as the conditions of each case permit.

consequence of an incomplete victory. The beaten enemy was still twice as strong as he. Grant's great army lay not far to his left rear, and the Federal forces in Kentucky and Tennessee, all of which were at leisure to fall upon him, were stronger than either. He was not there by his own choice: much was to be risked and nothing gained by remaining, and accordingly he fell back at his leisure to the exposed and all-important position of Chattanooga. Rosecranz was too completely crippled to venture a step in pursuit.⁶

⁶ So Draper himself confesses.

CHAPTER XIV.

FREDERICKSBURG.

Burnside supersedes M'Clellan—His Government bent on Fighting—Change of Base—Delays, Blunders, and Disasters—Battle of Fredericksburg—Defeat of the Federals—Why Lee forbore to attack them—Their Retreat.

THE beginning of 1863 marked the lowest ebb in the fortunes, if not in the hopes, of the North. Grant was still crippled by the disaster of Holly Springs, Sherman's army had been defeated before Vicksburg with a loss of 2,000 men by six Confederate battalions, and with the first days of the year came the news, whose real bearing could not long be concealed, of Murfreesborough. Every one of the main Federal armies was beaten, baffled, thrown on the defensive or in retreat. The Army of the Potomac had sustained the heaviest and most crushing disaster of the whole war, and lay shattered and mangled on the Rappahannock. M'Clellan had left a strong force to protect Washington from the spectral hosts, persistent and unreal as those of Longfellow's and Whittier's legends, that haunted the imagination of the President. Positive proof that North-Eastern Virginia had been stripped of troops to strengthen Lee at last persuaded the Government to release this corps, and it felt its way to the Rappahannock without encountering any enemy more formidable than the half-maddened mothers of starving children. It could not trouble Lee's position in the Valley without uncovering Washington; and President Davis was not to be frightened by a substantial menace to his capital into weakening the Army of Northern Virginia by a single regiment.

On October 2 Pleasanton, who had succeeded Stoneman in the command of the Federal cavalry, crossed the Potomac, came too near the Confederate lines, and escaped with difficulty and no small mauling of his rearguard, from the hands of Stuart. On the 10th the Confederate Rupert returned the visit. With some 1,500 horse and half-a-dozen light guns he fell on Chambersburg in Pennsylvania, seized large Government stores and a number of horses, pushed on to Gettysburg, doing much damage to public

but little or none to private property, passed completely around the lines of an army 140,000 strong and a cavalry force far larger than that of Lee, and returned in triumph without losing a single man, bringing in 600 remounts and clothing sufficient for his whole division.

On October 20 the huge Army of the Potomac, which McClellan had divided into nine corps (not including that acting under Sigel from Washington), was by Lincoln's orders organised into three 'grand divisions,' under Sumner, Burnside and Hooker. The only effect of the change was to weaken the control of the Commander-in-chief and the discipline of the army, and to place three very unfit men over the heads of their betters. Meanwhile the army was almost too big to feed or move; and if not big enough to conquer, of what avail could numbers be? McClellan resolved to place himself on Lee's right, so as to threaten his communications with Richmond; and crossing the Potomac, and clearing, after a few skirmishes, the northern passes of the Blue Ridge, he occupied Warrenton and recovered communication with Washington by the Manassas railroad. Lee meanwhile, carrying with him Longstreet's corps of five divisions, and leaving Jackson with A. P. Hill, D. H. Hill, Jubal Early, and Stuart's cavalry in the Valley, threatened McClellan's right flank, and took up a position on the south bank of the Rappahannock.

The result of the autumn elections showed that the favouritism, blundering and ill-luck of the Government had provoked the contempt of the Northern people. The feeling of the army was equally strong, and, despite McClellan's endeavours to silence its expression, equally notorious. The public called for a change of men and measures at Washington, insisting that military movements should be left to the commander in the field. The movers of the Republican 'machine' warned the President that nothing but McClellan's dismissal could save the party. Lincoln had to choose between the country and the Cabinet, to support or to ruin his future rival, to sacrifice the faction to the army or the army to the faction. The political considerations he thoroughly understood outweighed the military interests of which he was far less qualified to judge. On November 7, to the dismay of the army and the amazement of the public, McClellan received orders to transfer the command to Burnside: a gallant soldier, a loyal subordinate, unsuccessful in inferior and untried in high command, but a safe scapegoat in case of failure, and above all, one of whom success could not make a formidable political rival. At the same time Porter was relieved and ordered to Washington for trial. His condemnation was preassured by Pope's hatred and McClellan's friendship. Competent military critics pronounce that Pope's charges were as false as selfish and unchiv-

alric, and the best authorities evidently hold that Porter was sacrificed to political and personal animosities.¹ The moving influence was unquestionably that of Halleck and Stanton: but Mr. Lincoln's admirers cannot divest him of an equal responsibility. Their master when he so chose, he was, in his treatment of M'Clellan and of M'Clellan's most loyal friend, either their facile tool or their willing accomplice.

Burnside knew what was expected of him. He did not, of course, receive formal orders to fight at any hazard, but such was the known desire of the Government, and the only conceivable purpose of his appointment. To base himself on Acquia Creek and force the Rappahannock at Fredericksburg was the safest-seeming alternative that had not been tried and failed. Burnside knew too much of his profession not to remember the maxim, that an enemy is never so dangerous as when he disappears. He was ignorant of Lee's exact position and could not detect his plans, while by the excellence of the Confederate cavalry his great antagonist would probably divine and anticipate his movements. On November 17 the Federal advance, under Sumner, reached Falmouth, a suburb separated from Fredericksburg by the Rappahannock. On the 21st Burnside demanded the surrender of the latter on pain of bombardment within sixteen hours. This unworthy threat was withdrawn, and the time for the removal of the women and children of a whole community, with but one line open to them, extended to forty-eight hours. The people of Fredericksburg voluntarily abandoned their dwellings and property to destruction. But Burnside was detained for a fortnight on the north bank by the inexplicable negligence of Halleck in despatching the required pontoon train from Alexandria. Meanwhile the superiority of the Confederate cavalry was demonstrated by a series of exploits very discouraging to the expectant enemy. They guarded the fords of the Rappahannock, dashed into the Federal lines, captured convoys, surprised squadrons, seized pickets, and, in American phrase, 'played hell' with the inactive Army of the Potomac and its helpless cavalry.

Lee's whole army, numbering perhaps 70,000 men, lay strongly entrenched on the heights above the town. Burnside had 125,000 immediately in their front with a huge artillery train, besides a rearguard of 20,000 or 30,000 men protecting his communications and occupying the country between Falmouth and Acquia Creek. The town of Fredericksburg and the low ground on the southern bank of the river was dominated by the northern hills along which the overwhelming artillery of the Federals was posted. The southern heights approach within half a mile of the town, and lower down recede from the stream, leaving a plain some-

¹ E.g. *Campaigns*, iv. Appendix B.

what more than two miles broad at its widest. About five miles below the town they meet the stream. Lee's entrenchments were lined by a force sufficient to serve the guns and hold the works against surprise; the larger part of his troops were massed under shelter near the front, and so well placed that they could be brought up promptly to any endangered point.

A few companies of a Mississippian brigade held the town, confronting 180 guns, many of them of the heaviest calibre, so placed as not only to crush the city, but to command a great part of the heights. On December 11, 1862, Franklin, on the Federal left, under cover of a fog, threw two brigades over the river and prepared to cross. Hooker, in the centre, immediately opposite the town, was less fortunate. The fog lifted before the work was done, and 300 or 400 Confederate sharpshooters, occupying the deserted houses, compelled Hooker's three corps to abandon the attempt. For hours thirty-five Federal batteries, each of from four to six guns, rained shot and shell on this tiny band. The town was laid in ruins, the slaughter was heavy, but Barksdale's Mississippians held their own, and when the fire was suspended baffled a second attempt. Colonel Hall with 400 Michigan volunteers at length crossed the river in boats and seized the town. The Confederate guns remained silent, for in spite of feints Lee knew where Burnside meant to cross, and was not disposed to prevent him. On the Confederate right was Jackson, with Early and A. P. Hill in front and D. Hill in reserve. On the left, opposite the town, was Anderson, next him Ransom, M'Laws, Pickett and Hood joining Jackson's left. On both flanks were heavy batteries. The Confederate artillery, about 300 guns, was almost equal in number if not in calibre, to that of the enemy.

On the 11th Sumner's corps had occupied the town in strength. On the 12th the preparations for crossing were completed, and on the 13th, in the dense fog of the early morning, the Federal army was thrown across the river, and endeavored by a series of separate and concerted attacks to break the Confederate line. At one point a single raw battalion gave way before such overwhelming numbers; but Early, bringing up a reserve brigade, drove the assailants down the hill with terrible slaughter. Meagher's Irish brigade charged up to the muzzles of the guns on Marye's Hill, immediately above the town, and were well-nigh annihilated. When the Federals clung to the woods fringing the foot of the hills, the Confederate reserves sallied forth and drove them out at the bayonet's point. The attack was well sustained; the courage of the best Federal troops as signally displayed as the incapacity or ignorance of the Government which had sent them to certain destruction.

That night the defeated army lay heaped rather than bivouacked

or encamped along the southern bank of the Rappahannock, covered in some sense by its heavy artillery on the northern heights, but almost under the guns of the conquerors. Exhausted, broken up, confounded and disheartened, a majority of the corps were saved from utter rout mainly by the impossibility of effecting a retreat across the river. Those who had suffered least were so conscious of hopeless defeat that a counter-attack, and especially a night surprise, would probably have found them in no state to fight. But the Confederate leaders were, as usual, more fully aware of their own than of the enemy's condition. The courage and desperation of the assaults, the undaunted firmness with which they had been repeated, had made a deeper impression than the completeness of the final repulse. If half the enemy could be formed in line to meet the first charge, time would be given for the rest to rally; the Confederates, engaged in so close a conflict with superior numbers within a space so narrow, might be unable to extricate themselves, and if driven back the Federals might enter their lines along with them. By day their advance must be made, over a distance varying from half a mile to two miles, under a crushing artillery fire; and a night attack in force is notoriously one of the most dangerous and difficult of military operations, requiring a greater steadiness, a stricter discipline, than was then to be expected from the Army of Northern Virginia, the best disciplined in America, after a hard day's fighting. All the ordinary hazards of confusion and darkness were greatly enhanced by the common speech of both armies, the irregular dress,² the loose formation of the Confederates. The ordinary chances of missing the road, of delay or premature attack, of the failure of concerted movements, of firing upon friends, were more than doubled, and enhanced the risk of uncontrollable panic and irretrievable disaster.

Such were the varied and stringent considerations which led General Lee to refrain from pressing the greatest advantage of the whole war. He was much blamed for his caution, but the counsel ascribed to Stonewall Jackson was perhaps more calculated to indicate the hazards than to enforce the policy of the attempt. 'I recommend a night attack'—such, according to camp rumour, was the advice of that eccentric hero—'and to prevent mistakes I propose that we all strip ourselves stark naked.' *Se non è vero è ben trovato*. The *outrè* idea, fact or invention, is emi-

² In one of the Western battles General Polk's presence of mind turned a similar confusion to signal account. He saw what he took for a Confederate regiment placed perpendicularly to the flank of another and firing into it. He rode up to the front of the offending regiment and ordered them to cease firing. 'What regiment is this?' 'The — Illinois; and who the devil are you?' The Confederate Lieutenant-General had ridden right into the ranks of the enemy, many of whom may have known him in the pulpit, without detection. 'I will soon show you who I am; cease firing directly!' He rode along their front, every moment expecting a ball in his back, passed their flank, rejoined his men, and led them to attack and almost destroyed the confused and bewildered Federals.

nently characteristic of the man or of his reputation. An enterprise demanding so strange a precaution was hardly likely to commend itself to the Confederate Commander-in-chief. The Federal Generals expected an attack, and were disposed to accuse their antagonists of throwing away a splendid opportunity. They were naturally more impressed by their own condition and imminent danger than by the difficulties and drawbacks which presented themselves most forcibly to the mind of Lee.³ The morning of the 14th revealed to the Confederate leader the material, but not the moral, results of the previous day. But till noon at least he and his lieutenants, Stuart excepted, are said to have expected a renewal of the attack. Burnside actually proposed it, but was controlled by the protests of Sumner, Hooker and Franklin.

The Federals had lost some 13,000 killed, wounded and prisoners, about one-tenth of their whole number, but two-thirds of the loss fell on Sumner's command. The consummate skill with which the Confederate defence had been planned by Lee and conducted in detail by Hill, Stuart and Jackson—and especially by Longstreet, described by Johnston as a General almost infallible in an emergency, and by Lee as competent to fill any position in the army—was proved by the slightness of its cost. The Army of Northern Virginia had not lost 3,000 men; their wounded, moreover, had been carried to the rear, while those of the enemy still strewed the line of their advance, and most of their dead lay unburied. The Federal position was eminently critical, for they dared neither renew the attack nor attempt to recross the river. With an unfordable stream in their rear, and many of their bridges commanded by the enemy's artillery, an orderly retreat with a victorious enemy pressing them closely would have been impossible. The first fugitives would have crowded and blocked, if not broken down, the bridges; and the artillery on the opposite heights, heavily as it might have played on the Confederate approach, would have been powerless when once the armies were closely engaged.

Lee, as a veteran of the old army, perhaps overrated the comparative quality of the Federal troops, and judged the chances of the situation as if the latter had been little less resolute and determined than his own soldiery. It is impossible that he also overlooked the enormous moral influence which the destruction of the Army of the Potomac would have exercised. From the purely military standpoint, it would not have greatly affected, much less transferred, the balance of power. The North could better spare

³ Chesney says nothing of the possibility of a night attack. If any rumor of the suggestion had reached his ears, he probably regarded it as too preposterous for serious consideration. In concluding that Lee erred from over-caution, he refers to the inaction of the next two days.

100,000 men than the South 25,000 soldiers of the Virginian army. All strategic considerations pointed to the Mississippi as the true objective of the Federal attack. The weakness of the Confederate defence, considered as a whole, was in the left wing, which had already been driven back so as to sever the continuity of the line, and might be pierced. Should it be pierced at Chattanooga or in Mississippi, and a powerful Federal force poured through the gap, the strategic position of the South was desperate. But her true hope lay not in conquering the Northern armies, but in wearing out the spirit of the Northern people. The eyes of the North were fixed on Virginia. No victories in Mississippi, Louisiana or Texas could repair the moral effect of a disaster that might give Washington or Baltimore to the Confederates. This consideration governed, and thus far had rightly governed, the military policy of the Confederate Government. It might be pushed too far; Richmond might become a millstone around Lee's neck; but as yet a crushing blow delivered on the Rappahannock, laying Maryland and Pennsylvania again open to invasion, was the best if not the only chance of achieving the one object of the war. Overcaution formed no part of Lee's character as a General.⁴ It is only fair to infer that on the military facts presented to him in December, 1862, he judged correctly. The event proved that, acting on the dictates of military prudence, he lost the greatest opportunity ever afforded to the Confederacy.

On the 15th Lee permitted the removal of the enemy's dead and wounded without waiting for a formal request, which, greatly to Burnside's discredit, was not sent in until the 16th. On the evening of the 15th, a heavy storm of wind and rain from the southward intensified the darkness and drowned all ordinary sounds. Covered by the night and the tempest, Burnside, moving with all possible silence and with no common tactical skill, succeeded in carrying his army, guns and baggage across the river. Efficient and vigilant as was their cavalry, the duty of infantry pickets was never well performed in the Confederate service.

The frequent escapes of prisoners from stockaded and guarded camps is one proof of this. Once outside the lines, such an escape was less hazardous than it seemed. The negroes were not eager to hinder, and were easily bribed to guide them; the country, affording abundant shelter in primitive forests and districts desolated by the invaders, was almost stripped of men capable of beating the woods, of tracking, hunting down and arresting a party of well-armed fugitives.

Burnside's disaster gave license to the insubordination of those immediately under him, and Hooker's open disloyalty and actual disobedience soon left no alternative but the dismissal of the un-

⁴ Witness Chancellorsville and Gettysburg.

lucky chief or of the rebellious second in command; Mr. Lincoln's choice was soon made. Hooker was given to rash vaunts and promises; but not worse than Seward, and not so bad as Pope. All his prophecies of disaster had been fulfilled; perhaps his promises of easy triumph, were himself in command, might be also verified. Franklin was also withdrawn from service to await an enquiry into his conduct. Sumner, worn out by age and disappointment, retired only to die. All the principal commands of the army were thus vacated. The North had but two proven Generals. Grant could not be spared from the West, and M'Clellan, on whom all who cared more for the Union than for the dominant faction, and ascribed the disasters of the war to incapacity and political intrigue in high places, had fixed their hopes, was yet more formidable to the Government than to the enemy. Rather than give him another opportunity, Mr. Lincoln resolved to trust the principal army of the Union and the next Virginian campaign to the competence of an untried and distrusted man. Hooker, of all the Generals in the Army of the Potomac, was perhaps the last whom a European Government would have selected for the chief command. But he had acquired by daring leadership, reckless personal courage and sheer good fortune the kind of half-mistrustful popularity shown by his campaign sobriquet, 'Fighting Joe.' He was the only man whose appointment would not have called forth an irresistible clamour for M'Clellan. He was allowed to follow out his big words in his own way. The system of grand divisions and semi-subordinate commands was allowed to lapse. The Major-Generals commanding corps were placed in direct and sole subordination to Hooker, and his army was reinforced to a strength of 140,000 men; while Lee's was reduced by various details—above all by the detachment of Longstreet with the larger part of his corps to resist the Federal advance upon Knoxville—to a total of less than 50,000 men. Yet with nearly threefold numbers, Hooker was practically thrown on the defensive. Stuart repeated the raids which had already made him famous. The short line of communication between Falmouth and Acquia Creek was more than the gigantic Army of the Potomac could protect. W. F. Lee, the son of the Commander-in-chief, harassed the enemy's lines, and with the light artillery attached to his brigade actually fought and beat off a squadron of Federal gunboats with their heavy guns, when they endeavoured to take advantage of the swollen river and interpose between Hooker's left and the Confederate entrenchments. Fitzhugh Lee⁵ crossed the Rappahannock in its upper course, swept round the Federal right and rear, cut the few miles both of telegraph and railroad by

⁵ Nephew of the General, and first cousin of G. C. and W. F. Lee.

which Hooker communicated with his base on the Potomac and thence with Washington, and on February 25 dashed into the Federal camp and carried off several prisoners.

General Milroy, almost as great a favourite at the War Office as Butler, the object of his studious imitation, commanded in the Shenandoah Valley; but, like Butler, his 'vigour' and 'energy' failed him when confronted by men with arms in their hands. Two brigades of Confederate cavalry under Imboden and Jones harassed his troops and laughed his efforts to scorn. Jones surprised and cut to pieces two cavalry regiments belonging to Milroy's command, swept the Valley and carried his foraging adventures beyond the Potomac. Imboden carried the war into Western Virginia. The two commanders at last entered Pennsylvania, and though of course unable to remain, scared the inhabitants, frightened the State Government, carried away valuable supplies, and gave the North a very slight taste of the discomforts of invasion. No provocation could induce Confederate commanders to demoralise their men or disgrace their cause by retaliating the wanton havoc of Grant and Sherman, much less the deeds of Butler and Milroy.

Towards the latter end of April the total force under Hooker's command had reached, on Federal showing, 160,000 men, of whom 140,000, divided into seven corps, were held at bay on the Rappahannock by one-third of their number. After the lesson administered to Burnside, no odds seemed to warrant a direct attack. But a far smaller superiority of force gives to a competent general advantages which no superiority of quality, position or strategy can countervail. The situation was such that a force which, turning Lee's left, should push on vigorously, while a superior army still occupied him by menacing his front, would interpose itself between him and Richmond, and might fall either on his rear or upon the city. Hooker was so strong that, however divided, baffled or out-generalled, he could always be sure of meeting the Confederates with a vastly superior force, thus depriving them of the strategic defence proper to the situation. Lee could not so use the advantage of interior lines, the opportunity afforded by turning movements, as to attack and beat the enemy in detail. Either wing would outnumber enormously his whole army. Hooker moved 100,000 men up the river, to cross the Rapidan and the Rappahannock above their junction and debouch on Lee's left and rear with twofold numbers, while leaving 40,000 men under Sedgwick at Falmouth. If Lee remained in his entrenchments he would be surrounded and crushed; if he evacuated them they would be occupied and held, while the Confederate army would be utterly overwhelmed in the open, and a

force nearly equal to their own would seize their communications, intercept their supplies and threaten their retreat. Lee must conquer, one to two, in an offensive battle, or retreat in face of the enemy's threefold numbers so expanded as almost to envelop him.⁶ Neither alternative should, according to military science, present any prospect but annihilation.

Lee, however, knew how to take advantage of the country, aptly known as the Wilderness; of the tangled woods, difficult paths, hindering and screening obstacles which only bewildered and hampered his antagonist. Hooker's movements were precipitated by the knowledge that the two-years volunteer regiments raised in April and May, 1861, among the best in his army, would presently claim their discharge. The main army crossed the Rappahannock about eighteen miles from Fredericksburg, and halted on April 30 to concentrate at Chancellorsville. Sedgwick on the 28th threw a part of his force across the Rappahannock, but Lee detected the unreality of the menace; and on the 30th, having left 15,000 men to deal with Sedgwick, he moved with 35,000 to encounter the threefold force of Hooker. Hooker had informed his troops that the retreating Confederates 'were now the property of the Army of the Potomac'; yet he busied himself on May 1 and 2 in intrenching himself behind breastworks of felled trees, instead of taking that offensive which was the object and only natural development of his strategy, and awaited their attack.

Opposed to 140,000 men, separated, as has been seen, into two very unequal bodies, Lee confronted Sedgwick with 15,000 men, placed A. P. Hill's command along the front of the enemy's left and centre, and pushed forward Jackson with a full half of his whole army (about 24,000 men) so rapidly to his left, turning the Federal right, that at 5 P. M. on the evening of the 2nd Jackson found himself, with a quarter of Hooker's strength, on the right and right rear of the latter. The corps which first confronted him was that of Howard, unprotected by entrenchments; of which Sigel's German division—under the command of Carl Schurz, a famous Republican politician of Missouri—formed part. The Germans were shrewd enough to appreciate the capacity of their commander, and evidently lost all confidence on finding themselves transferred from the charge of a soldier to that of a demagogue. They made no stand; the whole corps fled in a panic at the mere approach of the Confederates. Howard, a gallant old soldier whose empty sleeve bore testimony to his services at Fair Oaks or Seven Pines, vainly attempted to rally the fugitives. Sickles, whose corps was next in line—another political General, known till then only by an assassination of the class pardoned by an American jury to

⁶ Chesney

marital revenge, whose acquittal public opinion hardly endorsed—caught some of the flying artillery waggons and closed with them the only opening in a wall which crossed the line of flight. This ingenious device arrested the rout for a moment; but the panic-stricken Federals owed their escape from destruction to the most lamentable of a numerous series of similar accidents.⁷ Jackson was riding along the front with his staff about eight P.M. in quest of a part of A. P. Hill's troops. Coming upon them in the closing twilight, the party were mistaken for a troop of the enemy's cavalry, and received with a volley whereby Jackson himself was seriously wounded. The adored leader was carried off the field amid the tears, sobs and imprecations of his involuntary slayers, heart-broken with sorrow and frenzied with self-reproach. Hill was himself disabled, and the attack was checked for the night, while Stuart was sent for to take command of the Confederate left. The Federal line had been thrown back so as to form an obtuse angle, the right joining the centre just in front of Chancellorsville.

The attack was renewed at daybreak all along the line, and the Federals were everywhere driven back. Hooker was struck about noon by a fragment torn from his own headquarters, and was for hours in too great pain to exercise the command he would not resign. The Federals, crushed and confounded, actually entrenched themselves to await with 120,000 men the attack of some 50,000. From Sedgwick Hooker had drawn 15,000 men, leaving 25,000 at Falmouth. Opposed to these were but 4,000 Confederates, for Lee had withdrawn to strengthen his centre the rest of the force left to hold the heights. Yet this little band completely imposed on Sedgwick with his sixfold strength. He heard the firing on May 1 and 2 at Chancellorsville, but did not venture to advance until the afternoon of the latter, and then waited the rest of that day and half the next ere he prepared for an attack on Marye's Heights. Barksdale's five regiments kept up a fire which cost the slowly advancing enemy 1,000 killed and wounded before the latter stormed the heights, captured 300 prisoners, and learned with shame the mere pretext of defence which had kept an army at bay for four critical days within gunshot of its powerless prey. At six P.M. on the 3rd Sedgwick ventured to push forward, but Lee was now at liberty to attend to him, and a small force under M'Laws was despatched to repeat Barksdale's manœuvre. A slight improvised breastwork and a steady rifle fire, shattering the ranks of the 95th New York, at once arrested Sedgwick's march. On the 4th, after being igno-

⁷ Both armies, owing to irregularities of uniform and absence of all other distinctions, were apt to fire on friends. But Federal Generals of such rank as Jackson's and Longstreet's were much less prone to expose themselves to the fire of their own advanced troops.

miniously beaten, first by a far weaker force which had been incessantly engaged, marching and fighting for five days, and then by a yet smaller body of Confederate cavalry, Sedgwick escaped across the river to the shelter of the heavy artillery on the northern heights, with 20,000 men; having lost in these scrambling fights 5,000 killed, wounded and missing.

The total loss of the Federals was not much less than 18,000. The Confederate army was probably weakened by two-thirds of that number. Hooker lost less than one-seventh of his whole army, Lee about one-fourth. Such must be the cost of a victory won over such odds by anything like hard fighting in the open. Every division, every brigade, almost every soldier, in the Army of Northern Virginia had, during that critical week, to do twice or thrice the work of the divisions, brigades and individuals opposed to them. The Confederate triumph was achieved, in a word, by their superior endurance of fatigue and slaughter, their hardier nerves and indomitable perseverance. Lee's superior strategy told chiefly by making smaller do the work of larger numbers, by rapidity of movement, by employing the same troops to strike successive blows against different antagonists, beating first Howard on the right, then Hooker in the centre, and finally Sedgwick on the left. Hooker's apologists vainly try to excuse him by casting blame on his subordinates, declaring that he did detect Jackson's march in ample time, and that Howard failed to prepare for the attack according to orders. But if so, why were not Lee's inferior and divided forces attacked and crushed? why was not his right destroyed while confronting sevenfold numbers? why was not Jackson's long straggling column taken in flank and cut to pieces? The Federal chief has no cause to thank the friends who clear him of bewilderment and want of perception by accusing him of utter incapacity. Hooker's ignorance and Howard's surprise are alike excused by the fact that so consummate a general as Lee counted upon them; ventured on the separation of his force and the long and hazardous flank march in the conviction that it would not be found out until too late.

That the Federal army was not merely beaten but confounded and demoralised is plain from Hooker's subsequent course. Their losses left the disproportion between the armies even greater than before; yet not only had he no thought of assuming the offensive, but he proceeded to entrench himself with as much caution as if awaiting the attack of a superior enemy; though it is said that some of his corps commanders who had been least roughly handled alleged, probably with truth, that the spirit of their own men was unbroken. That portion of the Federal army which had not been beaten, because it had not been seriously engaged, far out-

numbered the weakened Army of Northern Virginia. The initiative, nevertheless, was left to the latter; but they were in no condition to press their advantage. Jackson's corps was utterly worn out and temporarily disorganised at the close of the struggle. And though such veteran troops speedily recovered the exhaustion, physical and moral, produced by three days' constant fighting, prudence demanded a pause for rest and reorganisation before they were again called upon for extraordinary efforts.

The news of their leader's death was in itself a heavier blow than the loss of a battle. The prestige of Stonewall Jackson, his career of success, hardly chequered by a single defeat, disheartened the Generals and troops opposed to him, taught them to anticipate disaster, as his spirit and example taught his own men to undertake and achieve what seemed, and to others would have seemed, impossible efforts of strength, speed and endurance; to face the heaviest odds in full expectation of victory and incredulous of the very possibility of defeat. 'It were ten times better,' said Lee, on hearing of his lieutenant's wound, 'it were ten times better that I were disabled than he.' Jackson's death from the amputation of his shattered arm on May 11 was felt as a personal affliction, an irreparable national misfortune, by the whole South, and saddened the hearts of millions of English-speaking men, who felt that their race had lost another Nelson or Havelock; nay, touched with regret the nobler among his foes, who could hardly rejoice in the advantage to their cause purchased by the premature close of a career that had fixed the attention of the world, the loss of a character whose most striking traits were rather American than Virginian, and rather English, in the widest sense of the word, than American; which had more in common perhaps with the Puritan Fathers of New England, or the best of the Cromwellian Ironsides, than with the Cavalier aristocracy of the Old Dominion. It was a signal illustration of the feelings he inspired, the light in which he was regarded by all who boast the same blood and tongue, that the finest monument which yet preserves his exploits and his features in the recollection of his countrymen was erected by English admirers.

Hooker at last fell back across the Rappahannock. Lee's army was again drawn up along its southern bank, and the strategic results of Chancellorsville, the fruits of a campaign for which the Federal Government had furnished 160,000 men, were simply *nil*. The Confederates had established an ascendancy so complete that, had the issue of the war depended on the Eastern armies, on which the attention of the world was fixed, it would have been now decided. Chancellorsville had made it plain that no superiority in numbers and material, in cannon, transport and

supplies, would overcome the half-starved, half-clothed, bare-footed soldiers of Lee. Nor as yet did it seem practicable to wear them down by mere attrition; by the last brutal resource of military chess-players relying on enormous odds, the exchange of two lives that could for one that could not be replaced. Disastrous battles, disease and hardships intolerable to men, three-fourths of whom had been bred in the enjoyment of all the conveniences, ease and comfort of English middle-class life—artisans, tradesmen, clerks, with a leaven of thriving farmers—wasted the enormous hosts of the North faster than disproportionate losses, scanty food, shelter and clothing could thin the hardy, resolute, outdoor-bred battalions of the South. Lee's army could never be brought up to a higher total than 70,000 men, all told; but 50,000 had sufficed to defeat on their own chosen ground and on their own terms the largest army that could well be supported, moved and manœuvred on Virginian soil. It was clear that the South could not be conquered in Virginia; and had the people possessed the power of making their every change of will instantly felt by their rulers that belongs to a Parliamentary Government—had the party in office had as little as the nation to lose by a confession of defeat, or had not the Cabinet known somewhat better than the people what were the critical points, the decisive issues of the conflict—the North might probably have 'let the Union slide.' But Lincoln was master of the situation, and was determined to persist.

The South asked only for independence, and, this granted, would have conceded all else; all the interests which disunion was supposed to imperil, all for which, the hope of conquest once resigned, statesmen and men of business would have contended; the free navigation of the Mississippi, and such fiscal arrangements as might avert the nuisance of an internal customs-frontier. So despondent was the feeling, not perhaps of enthusiastic Unionists or resolute Abolitionists, but of that great mass of comparatively moderate politicians who had carried Lincoln's election and been tricked into war by the fancied insult of Fort Sumter and the humiliation of Manassas—so balanced was the scale—that another invasion of Pennsylvania, a single battle won on Northern soil, certainly the capture of Harrisburg or Baltimore, which might follow such a victory, would carry panic throughout the Middle States, dishearten the West, sicken the commercial classes of New York and New England, and give a deathblow to the already failing zeal, which had responded of late more and more unwillingly to each new draft upon the population. Fresh efforts, therefore, were made to reinforce the Army of Northern Virginia. Longstreet was recalled, the scattered garrisons of the

South-East and that of Richmond itself were weakened to the utmost point that prudence would permit, such new levies as could be obtained from a country to which the conscription laws had been rigorously applied were collected, and Lee's strength was brought up to a total of about 70,000 effective men.⁸

⁸ The source on which, with due allowance for a strong sectional bias, a careful historian will be disposed chiefly to rely for numerical totals and details, except those given from accessible data by Southern authorities, fails us as regards the campaigns of Chancellorsville and Gettysburg. The volume of Messrs. Scribner's series which deals with these operations is written by General Abner Doubleday, whose personal and professional partisanship betrays itself in every page. The author held a command in the Eleventh Corps, so unfortunately distinguished at Chancellorsville. His work, under the form of narrative, is simply an apology for himself and Hooker, and a bitter indictment of Howard, written in the tone and temper of an American party manifesto or an ecclesiastical history of the Eusebian type—that is, with a desire to elevate Hooker, to glorify the Army of the Potomac, to disparage Meade, and to detract from the laurels of the Confederate Generals and soldiery, paramount to every other consideration. No veteran critic can fail to detect the character of the work after half-an-hour's reading, the more so that it forms so marked, an exception to the usual—not universal—tone of the series. No soldier, knowing how wildly rumour lies, how signally memories differ, regarding the plainest facts of things so confused in themselves as campaigns and battles, how much pains and candour are required to get near the truth, will attach much credit to any statement of General Doubleday. Even when he is supported by the Count of Paris, it is to be borne in mind that H. R. H. is anything but 'an impartial witness.' He was so keen a partisan as to enlist in a quarrel that nowise concerned him or his, on the stronger and the aggressive side; it is for him a point of honour to cast over that cause such a halo as may seem to justify an alien, a stranger, a prince, an expectant sovereign of France, in so unusual an intervention; and he is *prima facie* a less trustworthy witness than any Northern soldier and gentleman who simply bore arms for his State and that which he considered his country. Colonel Chesney is a much better authority, but one too near the time to be a safe guide respecting numbers and details, motives and politics. He knew little more than the newspaper correspondents could tell. A similar disadvantage attached to Major Fletcher. Draper is never trustworthy. I believe that my estimates of numbers, men and events will be found to coincide as nearly as possible with the views in which such men as Longstreet and Hancock would have been able to agree.

CHAPTER XV.

THE BULL AGAINST THE COMET.

Lincoln's Original Professions—Acts of Illegal Confiscation—Lincoln's Bargain with Providence—How Fulfilled—The Emancipation Proclamation Confined to States over which Lincoln had no Power.

THE recent disasters in Virginia were intimately connected with the measure on which Mr. Lincoln's rank in popular history—i. e. in those current illusions which it is the office of history proper to dispel—mainly or solely rests; what he called his Bull against the Comet. The attitude he assumed towards the institution of slavery during the first two years of the war was in the last degree inconsistent and irresolute. He began by referring to his constitutional obligations and pledging himself to observe them strictly. The repudiation of those obligations was the essence of the Republican programme. But on his accession it was the object of Mr. Lincoln and his advisers to pacify the righteous indignation and natural alarms of the Border States by ignoring their party pledges, by appealing to the law and to the Constitution, and insisting that the President neither could nor wished to evade or violate them. In commencing the war he declared in most explicit terms that it was a war for the Union, a war against rebellion or secession, and not against slavery. Fifteen months later, in a letter to Mr. Greeley (August 1862), he said, 'My object is to save the Union, and not either to save or to destroy slavery.' The fate of the Border Slave States was now sealed. Maryland, Kentucky and Missouri were held as conquered provinces. Virginia, Tennessee and Arkansas had avowed that contemptuous disbelief in Lincoln's official oath and voluntary promises which after events fully justified, and had thrown in their lot with the Confederacy. There was little to be gained by further deceptions. Then the President said, 'If I could save the Union by leaving all the slaves or by freeing all the slaves I would do it—i.e. I will at need do that which I have no right to do, will confiscate the property not only of 'rebels,' but of the Unionists in Western Virginia and Eastern Tennessee.

The majority in Congress had been more daring and unscrupulous. The position of that majority was, on their own showing, questionable in the extreme. If secession were a nullity, Congress was a mutilated Rump, devoid of all moral and legal authority.¹ If secession were a reality, the South was a foreign enemy, with whose domestic affairs Congress had no concern whatever.

Rebellion, if the word were applicable to the Southern States, gave Congress no powers whatsoever except those in such case made and expressly provided by the Constitution, an exception so narrowly limited as hardly to be worth mention, an exception which certainly did not touch the question of slavery. On August 6, 1861, a Bill was passed to confiscate all slaves employed in the service of the Confederate Government; an act of open usurpation, not to say of political perjury, on the part of those who were sworn to observe the Constitution. In March 1862 President and Congress again set that oath at naught, ordering that every officer who obeyed the law requiring the return of fugitive slaves should be cashiered. In the next month they abolished slavery in the District of Columbia, with compensation to the owners. After the Peninsular disasters, their wrath and fear were evinced by an Act ordering the enlistment of negroes, slave or free. On the same day a general Act, confiscating all slaves of so-called rebels who came within the power of the United States, was passed by Congress and approved by the President. This and the subsequent measures of the President himself were beyond dispute void and legally criminal. Neither Congress nor Mr. Lincoln had the right to free a single slave, except in the District of Columbia. The Constitution expressly forbade the confiscation of property save on conviction for treason, and then only during the lifetime of the traitor. Mr. Lincoln's own excuse was that these were 'measures of war'—i.e. of foreign war—beyond the scope of the Constitution; a plea which confessed that the North was engaged not in putting down 'illegal combinations,' but in the invasion and conquest of sovereign States.

Mr. Lincoln's next idea was to detach the Border States from the Confederate cause by offering emancipation with compensation, and threatening them that if these terms were refused they should be deprived of their property *in toto*. During Lee's invasion of Maryland the President avowed to a deputation of fanatics the impotence of his threats and promises. What could a proclamation of emancipation do? He did not want to issue 'a Pope's Bull against the Comet.' Promises of emancipation had

¹ Because a Senate in which any State was deprived of representation was an illegal and unconstitutional assembly.

not brought over a single slave. (A very significant admission, by the light of which we must interpret the pretensions of Northern Generals to negro sympathy and support. Slaves intelligent enough to rebel or run away knew that the condition of the negro in the North was worse than that of slaves on an absentee plantation.) The President continued that he cared nothing for legal or constitutional restraints, he urged no moral objections to the horrors of servile insurrection and massacre, he only regretted that it was out of his power to spread throughout the South their unspeakable atrocities. But his last reason was the most significant of all. If he were to arm the blacks, the arms would in a few weeks be in the hands of their masters.²

The panic which upset his self-possession whenever the Confederate army approached within fifty miles of Washington prompted a sudden reversal of these views. He made a vow, as he afterwards declared, that if General Lee were driven from Maryland he would free the slaves. A narrow education and passionate party spirit blinded him to the irreverence and impiety of such a bargain with God. No one familiar with the inconsistencies of religious thought will venture to speak harshly of Mr. Lincoln's error; but the language in which subsequent writers have recorded it is hardly creditable to their sobriety of judgment.

To reward the Almighty for the victory of Antietam, Mr. Lincoln issued the first instalment of his Bull, proclaiming that the war was prosecuted for the object of restoring constitutional relations; next, that he would, in defiance of the Constitution, on January 1, 1863, designate the States which were in so-called rebellion and confiscate all their slaves. On January 1, 1863, he formally proclaimed the emancipation of the slaves in all those States *over which he had no power*. In those which he had surprised or conquered, slavery was to continue for the present. The righteousness or iniquity of slavery was, then, as indifferent to him as it is wholly beside the mark. No sane man pretends that an English or French crusade against Russian serfdom or American slavery would have been aught but a wicked, wanton and almost piratical aggression, an outrage upon every law, human and divine. The North was, in this matter, not merely a foreign Power, but a foreign Power bound by solemn treaty to recognise and protect slave property. Confiscation, prohibited by express and irrevocable law, was simple violent robbery. So far as the President, Congress and the Northern people were concerned, the slaves of the South were as rightfully and as strictly property as the land, the cattle and the crops. Few probably will affirm that an invader could confiscate these by right of war; while, as a

² Draper's report of the speech, ii. 606.

penalty for rebellion, confiscation could only be inflicted after trial and conviction, and then only during the lifetime of the convict. Were we, with Mr. Lincoln, to seek the judgment of Providence in the immediate sequel, the action directly brought about its own signal punishment. It was to give effect and significance to this bravado that the troops of Burnside were hurled upon the heights of Fredericksburg. It was to cover the President's policy from ridicule, as his warmest admirers hint, that 'Fighting' Joe Hooker was placed in command, to bring on a battle at any cost, and incurred the signal disgrace of Chancellorsville.³

³ See Draper's chapter on this subject, above quoted.

CHAPTER XVI.

GETTYSBURG.

Northern Civilisation and Southern Chivalry—Plan of Lee's Offensive Campaign—Its Strategic Character—The Valley cleared of the Federals—Meade Succeeds Hooker—Gettysburg—The Virginian Army saved by its Prestige alone—Its Successful Retreat.

PRESIDENT DAVIS, postponing as usual all considerations of personal safety, popularity and local interests, allowed Lee to leave in Richmond a garrison hardly sufficient to guard at most against a sudden raid, utterly inadequate to cope with the forces which, even if the whole Army of the Potomac were withdrawn northward, might have been—and actually were—mustered to threaten the Confederate capital. Trusting, and justly trusting, to the panic which his approach invariably inspired in the North, to the paralysis with which that panic smote at once all the forces scattered throughout Virginia, and to the prestige which repeated Federal disasters had attached to the defences of Richmond, Lee passed around the flank of Hooker, and leaving behind him an army numerically far superior in infantry, artillery and cavalry, entered the Valley of the Shenandoah and swept northward.

Milroy belonged to that class of military despots who had earned and enjoyed, by petty vexations and harassing exactions, the especial hatred of the Southern people. Not only were the latter plundered of every kind of property that tempted the greed or might serve the use of the invaders—of carriages and horses, servants, cattle and crops—but they were often forbidden to purchase the ordinary necessaries of life except on taking an oath of allegiance to the enemy's Government. The houses of distinguished Confederate officers were wantonly burned in mere unsoldierly spite. Northern feeling and tradition decidedly reprobated those worst outrages upon women which are but too common incidents of war, and for which French armies in particular have earned an evil name. In this one respect they behaved like German or English soldiers; *per contra*, no other troops have so delighted in humiliating, harassing and mortifying women, young girls and children. Such was the temper of the Northern people,

that such acts of unsoldierly malice were sure of applause. Northern party spirit invented, with strange unconsciousness of the true bearing of the story, an equally characteristic illustration of Southern patience and chivalry. The Stars and Stripes disappear from Frederick on the approach of the Confederates. Displayed by a silly old crone from an attic window, the hostile flag provokes a discharge from the insulted victors.

She leaned far out on the window-sill,
And shook it forth with a royal will.
'Shoot, if you must, this old gray head,
But spare your country's flag,' she said.
A shade of sadness, a flush of shame
Over the cheek of the leader came.
The nobler nature within him stirred
To life at the woman's deed and word.
'Who touches a hair of that gray head
Dies like a dog. March on,' he said.
All day long that free flag tossed
Over the heads of the rebel host.

Whittier brings out, the more forcibly because unawares, the contrast between the petulant impertinence of Mistress Barbara, and the forbearance, tinged with contempt, of the Confederate chief and soldiery. Such was the temper and such the discipline of the Southern troops, with scarcely an exception, throughout the war. No retaliatory rudeness or severity was inflicted on Northern citizens. In no case had the Pennsylvanians to complain of personal injury or even discourtesy at the hands of those whose homes they had burned, whose families they had insulted, robbed and tormented. Even the tardy destruction of Chambersburg was an act of regular, limited and righteous reprisal.

These truths are not to be found in Northern histories. Fresh as they are in the memories of that generation, numerous as were the instances of the simple courtesy of Southern and the exactly opposite conduct of Northern soldiers recorded in the ephemeral publications of the time, nine tenths of the evidence is now practically lost.¹ I speak from accurate recollection of an exceptionally wide reading, chiefly of Northern works, and of conversation with sufferers whose testimony none who knew them would dare to question; and all I say will be found confirmed by recollections of the war recently published in magazines like the 'Century.'

Generals of Milroy's stamp, and troops trained under such commanders, seldom distinguish themselves in the field. The rumoured approach of the Confederates so bewildered the Federal commander, that he had neither the nerve to prepare for attack

¹ Not so that it could not be recovered. I came, since writing the above, across a striking Northern testimony to the habitual, almost extravagant, courtesy of Southern soldiers, who would not even take water from a private back-yard without asking leave, when any other troops would have occupied the house.

nor the sense to run away. He doubted, he hesitated, boasted and trembled till it was too late for either course. His soldiery had made every man, woman and child in the whole country a mortal enemy. Milroy's cavalry brought him no information save of that which they had themselves seen.

The Virginian Army was now divided into three corps, besides the division of cavalry under Stuart. Longstreet still commanded the First Corps. The greater part of Jackson's men formed the Second under Ewell, the ablest of his divisional Generals, and a soldier as vigorous and enduring as any; though the amputation of his thigh, shattered by a shot, rendered his seat on horseback somewhat uncertain. General A. P. Hill, a brilliant graduate of West Point, who had risen step after step by distinguished services from the command of a regiment, was at the head of the Third Corps. Ewell's advanced guard caught up the enemy south of Winchester; but to spare the town, which had suffered cruelly from the incidents of border warfare and from the malice of the invaders, allowed him to make his escape to an entrenched camp some distance to the northward. On June 14, 1863, Milroy's detached troops were driven in from all directions; the entrenchments were forced with splendid gallantry, and the Federals were driven at night into a single large work, demoralised and almost surrounded. Milroy, by no means disposed to fall into the hands of an enemy who might hold him to account, attempted a night evasion, found his retreat intercepted, and after a scrambling defence fled for his life with about 1,600 men and escaped to Harper's Ferry, losing some 4,000 prisoners and the whole of his stores and artillery. His conduct resembled that of Floyd at Donelson, but Mr. Lincoln's Government was more indulgent to such exploits than that of President Davis.

Completely sweeping the Valley of Federal troops, and gathering up the spoils of the fugitives, Ewell's corps pressed on towards the Potomac, followed—as soon as Hooker's movements avouched the immediate safety of Richmond—by Hill and Longstreet. The Confederate cavalry were left on the eastern side of the Blue Ridge to ascertain the course of Hooker's movements, to cover those of Lee, and to protect his flank and rear. The adventure was perilous in the extreme, a movement violating all the established canons and many of the soundest maxims of military science. Against an equal, it could not have succeeded. Lee was attempting to turn the flank of a stronger enemy without the power of threatening their communications, abandoning his own, exposed during a long march to flank attacks through the passes of a mountain range guarded only by a cavalry force far weaker than that opposed to it. He was about to invade a hostile country, aiming at a distant objective, with a vastly superior army be-

hind him, able either to anticipate him by a shorter route or to fall on his rear, and with considerable bodies of troops and an unlimited force of drilled militia between him and his ultimate goal.

In the Kriegsspiel such play would incur certain, absolute and ignominious defeat. But the mimic strategy of pins and counters takes no account of that which so often decides the event of real war, the character of the antagonist, the qualities, the confidence and the spirit of the opposing armies. The North-Eastern troops were slow, luxurious, encumbered by heavy trains of baggage and artillery, justly distrustful of their leader, more disheartened perhaps by the clumsy failure of Chancellorsville than by the murderous disaster of Fredericksburg; their morale impaired by a defensive attitude and a paralysing inactivity in face of far inferior numbers. The Confederate army, consisting in the main of veteran soldiers, lightly equipped, admirably officered, trained to rapid well-concerted marching, exact manœuvring and desperate fighting, had a thorough and well-founded confidence in itself and its commander. The superior strength and improved quality of Pleasanton's cavalry were proved in several sharp skirmishes, in which more than one of the passes were seized or forced. The course of Lee's movement thus ascertained, Hooker moved to recross the Potomac and place himself between Lee and Washington. He sacrificed the advantage of the shorter line in the belief that not Ewell alone, but the whole Confederate army, was in the Valley, and might sally forth upon his flank. His movement allowed Lee to withdraw Longstreet and Hill from the Rappahannock and push on into Western Pennsylvania. Stuart, in covering the rear, had a narrow escape from being enveloped and destroyed by the vastly superior force of Pleasanton, who acted with notable skill and energy. Ewell had crossed at Hagerstown and threatened Harrisburg, the State capital of Pennsylvania. On June 24, while Ewell was concentrating at Hagerstown, A. P. Hill crossed at Shepherdstown, where the course of the Potomac turns from south to east, and followed Ewell towards Chambersburg; while Longstreet escorted the long waggon train to be filled with supplies, ammunition and clothing taken from the enemy. Harrisburg was roughly entrenched and defended by the militia of the State, of whom the Governor had called out 50,000. The ill-feeling between Pennsylvania and her neighbours to the north and east was such that their men could hardly be induced to co-operate for her defence. The excitement in Baltimore was intense, and nothing but the overwhelming force and ruthless repression of General Schenk, one of Butler's most successful imitators, prevented an actual outbreak.²

² The character of Schenk's government may be judged from the fact that his provost-marshal was sentenced by court-martial to a year's imprisonment for outrage and extortion which even the lax discipline and licensed lawlessness prevalent in 'occupied' States would not excuse. Chesney, ii. p. 27.

On the 24th Hooker was suddenly superseded by Meade, an experienced, conscientious, unambitious soldier, next to Hancock (just promoted to the command of a corps) the best officer in the Army of the Potomac. The motive of the change was the desire to silence a new clamour for the reappointment of M'Clellan, who retained the thorough confidence of the troops. The news that the whole Federal army had recrossed the Potomac arrested the further progress of the Confederates, and Lee instructed his corps to concentrate at Gettysburg, an important strategic position in Western Pennsylvania, not far from the borders of Maryland. Had he been as well served as usual by his cavalry, he would have known the exact position of the different parts of the Federal army, would have pushed forward and anticipated his antagonist in seizing the horseshoe-shaped heights which commanded the position. Unfortunately Stuart was engaged in one of his brilliant and daring raids in the enemy's rear, and those who commanded the cavalry attached to the several corps had less skill and experience in the paramount duty of serving as the eyes and ears of the army.

The consequence was that when on July 1 the Confederate advance approached Gettysburg, the ground was held by two Federal corps under the command, first of Reynolds, and after his death of Hancock. The fighting began with a vigorous attack by the small advanced force of the Confederates. Troops were pushed up by both sides, and the town and lower ground around it was the object of an obstinate contest. On the fall of Reynolds, a single brigade of Hill's sharply charged his discouraged corps, and with far inferior numbers sustained an obstinate hand-to-hand fight, which ended in a Southern repulse and the capture of several hundred prisoners. Hill now came up with Pender's division, and drove the First Federal corps back upon the Eleventh. Again the Federals turned, made a stand, and held their ground till the arrival first of Rodes' and then of Early's division of Ewell's corps drove them from their position. The Germans of the Eleventh Corps, who bore the reproach of its rout at Chancellorsville, were broken by Early's attack in flank, and fell into confusion. The Federals attempted a steady retreat, but one regiment after another, fearing to be cut off, fell back in disorder and crowded the road leading through the town. Hill now attacked with Pender's division the other flank of the retreating column, which made no attempt to return his fire. No small part of the First Corps and many of the Eleventh threw down their arms and surrendered, unable to face the tremendous storm of shot and bullets which enfiladed their retreat. Two of Early's brigades chased the flying column through the street and drove it up the heights. Slocum and Sickles came up with two more Federal corps, and

before dark they held a commanding position, with a large body of fresh men, and a total force almost equal to Lee's whole army.

The Confederate troops were exhausted with long marches and hard fighting; they had fired away most of their ammunition and were so much in advance of the trains that it was not easy to re-supply them. The whole Federal army, double Lee's total strength, was approaching—how near the Confederate commander had no means of judging. If half his army should be beaten and hard pressed before the rest could concentrate, there would be imminent danger of a great and possibly ruinous disaster. Lee therefore recalled his advance, and took up a position on the semicircular line of hills fronting the town.

Such was the result of the battle of July 1. During the night the main body of the Federals and Meade himself came up. The General recognised the strength of that position of which Cemetery Hill, the point on which the beaten corps had fallen back, was the centre. Strong in itself, it could be entrenched by the labour of a few hours so as to give to a defending army all the advantages of a fortified camp. The shape of the high ground was that of a horseshoe fronting outward, large enough to afford full room for the army, while permitting a General from the centre to observe every change of fortune and to transfer troops with facility from point to point. The line of heights to the northward, from which Lee must attack, was rudely semicircular; their crest was lower than that of Cemetery Hill; the town lying immediately in their front was a hindrance; the length of the position rendered mutual support difficult and concerted operations necessarily uncertain. In a word, the inferior army must attack from an outer, longer, concave line a very strong interior position held by vastly superior numbers. Every one of these features was a recognised and substantial tactical disadvantage; their combination formed the worst situation in which a weaker force could take the offensive; one so unfavourable that nothing but the impossibility of remaining or retiring, and a repeatedly justified reliance on the quality of his troops, would have induced General Lee to give battle. In the first day's fighting the First and the Eleventh corps had lost some 10,000 men, of whom nearly 5,000 with ten guns had been captured. On the morning of the 2nd the whole Federal army, with the exception of the Sixth corps, were assembled on the ground on which Meade had resolved to fight a decisive battle. He rightly judged that, short of ammunition and provisions, with great bodies of militia assembling and threatening to intercept his retreat, Lee must attack. During the night of the 1st the Federal troops had been employed in fortifying their position by entrenching, strengthening the stone walls with ditches and earthen covers, closing the weaker

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points by abattis; forming rifle-pits and strongly covered batteries, which swept the slope in their front and the valley across which the Confederates must advance with a terrific fire.

At eight A.M. on the morning of the 2nd two of Lee's divisions, numbering 12,000 men, were still absent, and one of the best in the army, that of Pickett, which guarded their rear at Chambersburg, could not arrive in time to share in that day's battle. Lee and Longstreet are said to have hesitated. They were men clearly to perceive, to remember and to weigh the various perils and disadvantages of their situation, the dangers of attack and the difficulties of retreat. To attack was not merely to give battle on ground chosen by the enemy, but rather to assail an entrenched camp defended by a much more numerous and well-trained army, and protected by an enormously powerful artillery. None knew better than Lee how much he had been indebted at Chancellorsville to the absence of artificial defences at the point first attacked by Jackson's flank march; that the Federal army had been saved at last by the entrenchments thrown up by its enormous numbers in the course of some twenty-four hours. The present situation was in a great measure that of Fredericksburg reversed. A defeat like Burnside's must be fatal to the Confederate army, encumbered with waggon trains, enormously outnumbered, with a river in its rear, and with no position upon which it could fall back. The alternatives of immediate retreat or prolonged detention in face of a superior and unbroken enemy were, for many easily discernible reasons, exceedingly unsatisfactory. The whole political advantage of the campaign would be thrown away even more completely than by the loss of a battle. Lee's younger subordinates were as confident, as fiery, and as eager for a fight as their men. The discipline, steadiness and endurance of the Virginian Army were proof against any trial—except, perhaps, that of a humiliating and seemingly needless retreat. Rumour alleged at the time that Lee yielded against his better judgment; but the truth is not and—considering the character of the Confederate commander, his loyalty, generosity, and forbearance to his subordinates—probably never will be known. Lavish of praise and encouragement, sparing of reproof, prompt to take blame upon himself and give credit to others, incapable of screening himself at the expense of his lieutenants, nothing could have extorted from him the story of that informal council of war. Of those who joined in it only one remains, and he probably shared the views and will imitate the example of his chief. Two of three Generals in charge of corps were new to such high command; and warmly as Ewell and Hill were loved and trusted by their men, the loss of Stonewall Jackson was severely felt.

By four o'clock in the afternoon of the 2nd, Lee's forces, with

the exception of Pickett's division, were in place. The Confederate artillery opened fire from flank to flank, and were answered by a heavier, more effective, and more concentrated fire from the opposite heights. The scene was terrific. It seemed to young soldiers that the whole air was filled by a continuous shower of grapeshot and fragments of shells, under which none could live. The strain of battle is a strain rather on the spirit than on the body. Slaughter itself produces its effect rather by breaking the spirit than by reducing the number of those upon which it falls; and a prolonged bombardment of sheltered troops anticipates the strain of actual conflict, exhausts the nerve presently to be tried by the much more destructive infantry fire. But the veterans of the Army of Northern Virginia had been cool and undisturbed under even heavier fire, ready to spring up at a moment's warning, expecting its cessation as the signal of that close assault with which the real trial of nerve and discipline would commence. The Army of the Potomac had been seasoned at Fredericksburg and Chancellorsville, and the bulk of either host regarded the thunder of five hundred guns, the rush of shot and blaze of shell overhead, as little as the more appalling roar and flashes of a tropical storm. About half-past five Longstreet gave the signal, and two of his divisions, advancing rapidly from under cover, charged through the deadly fire which swept the valley upon the extreme left of the Federals. At this point Sickles, in advance, was caught in flank by the divisions of Hood and M'Laws emerging from the dense smoke, overlapped, forced back and driven across the valley with tremendous slaughter.

The victors pressed on, capturing Sickles's advanced battery, and rushed up the ridge beyond under a death-shower from the dense line of guns ranged along the summit. Hill's troops on Longstreet's left pushed forward under a yet more terrific fire, swept away Hancock's corps and charged to the very muzzles of the guns. But two reserve battalions brought up at the critical moment poured through them an enfilading fire. Hood had been badly wounded, and Longstreet, leading the charge at the head of M'Laws' first brigade, had lost control of the action. The Second and Third Federal corps had been beaten, but the Sixth came up in time, and Meade stripped his extreme right to protect his endangered left. The right was seized by Ewell, but upon the left Longstreet was overwhelmed by numbers, had lost several of his best general officers, and was only able to hold the ground which he had won. The division of Hill's which had pierced the main Federal line had been enveloped, overwhelmed and driven back with heavy loss.

Night closed. The Federals felt themselves beaten; the Confederates believed themselves victorious, and the feebler spirit of

the stronger army might compensate the advantages of number and position. But Meade, calm and clear-sighted, accurately comprehended his situation and the practical results of the day's fighting. Ewell alone had got a real grip of the Federal position, and this on the extreme right; whither Lee could not transfer the attack for fear of abandoning his position and communications. On this advanced post Meade massed both infantry and artillery at five A.M. on the 3rd; and after several hours' hard fighting the Confederates fell back. The Federals pursued, encountered Ewell's reserves, and were chased back to their lines.

Here about eleven A.M. the battle died away. The Confederate attack was long delayed by want of ammunition, and it was not till afternoon that Hill and Longstreet were able to open a fearful artillery fire upon the Federal left-centre, at the apex of Cemetery Hill. After this had lasted some two hours came the supreme effort, the crisis of those terrible three days. Three Confederate divisions—perhaps 15,000 in all, Pickett's leading—were launched at the enemy's stronghold. Pettigrew's, swept by a fire compared to which the cannonades of Waterloo and Leipsic were trivial,³ faltered and gave way before a charge in flank. This exposed Wilcox, who also fell back, uncovering Pickett's flanks. Pickett's five thousand men had stormed the Federal lines, and held the conquered works in the teeth of fivefold numbers, only waiting for supports to break the Federal centre and achieve a decisive victory. But their supports were gone. They held on for ten minutes, embedded in the main body of two or three Federal corps—from 20,000 to 30,000 men. The column was completely enveloped, the brigadiers shot down, the soldiers falling by hundreds under the fire poured upon their front, flanks, and rear. The division was cut to pieces before Pickett gave the order to retreat. Even then he endeavoured to reform; but this delay was fatal to Armistead's brigade, which was cut off, its leader mortally wounded, and its main body compelled to surrender. The relics of a force which had displayed a courage never surpassed in the history of modern warfare³ retired slowly across the valley. The overwhelming force that hung on their rear had no mind to pursue. One of three brigadiers, a similar proportion of field officers, all save one wounded, and one-third of the men, with but two of the thirteen colours that had been carried into the Federal lines, represented what was left of that unequalled division. The charge of the Light Brigade was less desperate and its trial far less prolonged. The bravest among the victors of Inkerman or Albuera, of Worth and Gravelotte, might envy the glory of Pickett's defeat.

³ Chesney.

Almost every battery and battalion in the Confederate army had in the course of the three days' fighting been deeply engaged and frightfully thinned. The flower of Longstreet's and Hill's corps had fallen back mangled, crushed and disorganised from those terrible heights. Ewell's divisions were still unbroken, but were distant from the point of danger, and could at most occupy the right wing of the enemy, the remotest part of the Federal army. The right and centre of the long, thin, over-stretched Confederate line was held only by the relics of the three divisions which had just recoiled in shattered fragments from Cemetery Hill, and those which had suffered scarcely less in the carnage of the previous day. Meade could have held Ewell fully engaged with two corps, and have hurled the other five, flushed with victory, upon the wasted remnant of the Confederates covering their advance till they crowned the opposite slope by an overwhelming artillery fire. No troops in the world could after such a repulse have faced such a counter-charge. Lee and Longstreet rode along their line with serene courage, calm and even sanguine in manner and tone, but scanning with terrible anxiety the front of the enemy, while striving to restore at least the appearance of a line of battle along the northern heights.

The fight had been fought, the slaughter suffered on the glacis, so to speak, of the great fortress held by the Federal army, under Meade's own eyes. No natural cover, no opportune darkness, concealed the condition in which the shattered Confederates had retired. It was the name of Lee, the antecedents of the Army of Northern Virginia, which manned the confronting heights with a non-existent force, screened the broken remnants of the defeated army, and so cowed the victors that they disbelieved in their own security, much more in the completeness of their triumph. Even the unprecedented capture of eleven Confederate colours failed to enforce the realities of the situation. Every moment gained was invaluable. Every Southerner capable of shouldering a rifle was recalled to duty by the encouraging words, the stirring appeals, the very presence of their beloved chief. Officers like Wilcox, broken-hearted at the plight of his brigade, and Pickett, mourning the ruin for which he was not responsible, found from their commander no words of reproach or complaint, no blame thrown even on those who deserved it.⁴ 'This is my fault,' Lee said. Yet his position was one of appalling peril. An instant attack on Longstreet must have thrown the Confederates off their line of retreat. It was absolutely in Meade's power to throw himself across the Confederate communications and compel Lee to fight a second offensive battle with a broken army half as strong as his

⁴ Colonel Fremantle joined Lee and Longstreet at the very moment of the repulse, and was an eyewitness of the subsequent scene. (*Three Months in the Southern States.*)

own, with insufficient ammunition and with no choice but to conquer or surrender at discretion. But no Federal General who had learned his art on the battlefields of Virginia had nerve for such extremities. The Confederate army was left undisturbed throughout the afternoon, through the night, through the next day; while the long trains filled with captured supplies, the ammunition and the guns were slowly removed from the rear, and, as the roads were cleared, followed by the whole of Ewell's corps. Hill and Longstreet remained quiet, burying their dead and tending their wounded in the face of threefold numbers. And Meade inferred from the firmness of the front presented to him that Lee was taking up a new line and preparing for a second battle!

His cavalry should have ascertained early on the 4th that the roads to the rear were crowded with Confederate trains, and before evening that Ewell's position was deserted. That night, by roads deep in mud from heavy rain, and cut to pieces by the trains that had preceded them, the Confederate right and centre fell back. Only on the morning of the 5th Meade learned that no enemy remained in front of him. Even then only one corps was ordered to follow, and that corps retired on coming in contact with the Confederate rear-guard. It was not till the 7th that Meade ventured to break up his camp. Then, instead of following the retreat, he moved in the direction Antietam, probably with the idea of intercepting the enemy, who had already gained a two days' start. Kilpatrick's horse had captured some of Ewell's waggons, and even headed his column; but, while plundering, Stuart fell upon them, recaptured the waggons, and beat off the Federal cavalry in two or three sharp skirmishes. Meantime the new levies of Pennsylvania, under a very competent General, were closing on the Confederates from the north, while Meade was gathering his forces for an attack from the east, and the swollen Potomac lay on their rear to the west and south. Disastrous news poured in from all quarters; from Vicksburg, from Ohio—where Morgan, the most daring of border guerillas, had sustained a severe check, and was shortly afterwards defeated, captured and treated—of course with Mr. Lincoln's permission—not as a prisoner of war, but as a felon.

A yet more disgraceful act touched Lee to the quick. His son, W. F. Lee, had been left badly wounded at Beverley. A force was sent to surprise and capture him, for the express purpose of avenging on him any retaliatory measures taken by the Confederates. What would have been thought if the latter had kidnapped Lincoln's son and hanged him in retribution for one of the numerous cold-blooded murders of citizens and soldiers sanctioned by his father? The capture of General W. F. Lee bears an ugly likeness to that of the Duke of Enghien in intent if not in result.

Followed at a respectful distance by Meade, Lee had entrenched himself not very far from Antietam in a position about seven miles in length, covering the bridges he was constructing and the fords which would be available when the swollen Potomac should have fallen. On July 12 a Federal council of war declined the hazard of an attack, and on the 14th they found that the enemy had crossed the river at his leisure. Hill's rearguard taught a sharp lesson to the Federal cavalry, repeated on the 18th by Fitzhugh Lee. The Virginian army reoccupied the position it had held after evacuating Maryland in the autumn of 1862, and Meade kept the Potomac between himself and an enemy for whom the ablest Federal commanders always entertained the most distant respect.

CHAPTER XVII.

VICKSBURG.

Grant's Generalship—Importance of Vicksburg—Attacked in the Wrong Direction—Change of Base—Confederate Difficulties—Fall of Jackson—Assaults, Investment, and Fall of Vicksburg—Devastation—The Starry Cross.

I VENTURE to hold that the concentration of interest and attention on Richmond was the result of a popular illusion. That illusion was shared by many more competent judges; but probably most critics, civil and military, have been surprised to find it avowed by General Grant. He surely was not the man to underrate the comparative importance of the long series of operations by which the Confederacy was twice dissevered, and the Armies of Tennessee and of the Mississippi, whose names still recalled their original position on the left of the Southern line of defence, ultimately driven in upon the rear of the right. General Grant avows, in his posthumous memoirs, that he regarded the campaigns on the Potomac as the primary and decisive part of the Federal operations, at a time when his own successes on the Mississippi had brought about what—failing some miraculous change of fortune, or some unreasoning access of despondency in the North—must be 'the beginning of the end.' By one of the most extraordinary coincidences in history, the same day—the 'name-day' of the Union, which commemorates with appropriate speeches and fireworks, not the opening or the close of the Revolution, not Yorktown or Bunker's Hill, but the ill-timed bombast of Jefferson's Declaration—witnessed the retreat of Lee after the single victory of the Ever-Vanquished Army of the Potomac, and the culmination of the long and chequered struggle waged for the control of the Mississippi. In each case the 4th of July characteristically marked not a victory but its formal acknowledgment.

At the commencement of 1863 the Confederates, with a force which Grant greatly exaggerates, still held the central course of the river with a strong grip. Two powerful fortresses, Vicksburg and Port Hudson, still, as it were, bridged the passage between Arkansas and Mississippi. The Federal gunboats, built expressly

for such service, with enormously powerful machinery below the water line, and guns more formidable than the world had ever seen, could run the gauntlet of the Confederate batteries. But to transports or storeships, to troops and supplies, the river was practically closed. These two fortresses, of which Vicksburg alone was singly dangerous and powerful, were the object of the best concerted and best carried out operation yet undertaken by the Federal fleets and armies; a scheme worthy of the General who had broken the first line of defence at Fort Donelson, and wrested from the Confederacy the whole of Middle and Western Tennessee.

Grant's view of that first success does not enhance our estimate of his strategic survey—failing as he does to see any reason for the abandonment of the extremities of a defensive line whose centre had been broken by an enormously superior force. Nor do his battles, mostly won by mere brute force, and often lost in spite of it, indicate a great tactician. He was not, seemingly, a soldier by taste or a great master of military science. He owed his later opportunities to the temper which had saved him from offending such masters as Halleck, Stanton and Lincoln, till he was able to extort from them the unlimited means and unfettered scope which made ultimate success inevitable. His Virginian campaigns display little merit except tenacity; his Western successes suggest the General born, not made—a Cromwell rather than a Wellington or Soult; the practical common sense, the clearness of thought and the instinctive mastery of military geography on the grand scale, of the comparative importance of particular points and the effect of special conditions, which in elder days made successful warriors of men who never served an apprenticeship in war—which mark the military statesman rather than the strategist. He saw that Vicksburg was the key of the Confederate position in the West, that its fall would be a heavier blow than the loss of New Orleans, and that it could be taken only from the rear. He saw, moreover, that to reach its rear was a matter of extreme difficulty.

Its immediate vicinity afforded abundance of firm, dry and high ground unbroken by serious obstacles, but both to the north and south it was protected, though at a considerable distance, by the most difficult country through which a modern General ever was able to carry a numerous army. On the north especially that country was intercepted by deep narrow streams closely overhung by thick woods, through which an army based on Vicksburg might push forward skirmishers and light artillery, rendering the navigable watercourses impassable even to the powerful flotilla on whose zealous and well-concerted co-operation Grant

confidently and justly relied. Worse than the streams were the bayous—the local name given to the long river-like lakes formed sometimes by the deserted bed of the Mississippi, sometimes by the overflow of its waters in rainy seasons; often of great extent, but seldom deep. Grant groped his way, as usual, through repeated failures. Several attempts were made, now to dig navigable canals, now to clear a way along the narrow watercourses; but the canals proved useless, and the gunboats, after enormous labour and innumerable perils, landed themselves in a *cul de sac*. On one occasion a whole squadron were checked by a few infantry and light guns in a stream too narrow to allow them to turn. They had been permitted to advance unopposed to a point from which retreat seemed impossible, and it was with extreme difficulty that, by the aid of the land force, they backed their way to a position of safety.

Grant made up his mind at last that the rear of Vicksburg must be reached by landing far to the south, pushing eastward to Jackson, and fighting his way west along the line of railway which connected the two cities, till established on the high ground immediately outside the landward defences of Vicksburg. Fortunately for him, the main Confederate army was far away. He was encountered only by the garrison and such scattered forces and new levies as Joseph Johnston, who had just been charged with the chief command in the West, could bring to their support. Grant moved down the western bank till off Grand Gulf, a post between Port Hudson and Vicksburg, guarded by a small Confederate force. Here he crossed the river by aid of the fleet, and with a compact body of more than 50,000 men, afterwards largely reinforced, made his way to Jackson, meeting and beating in detail the small bodies that attempted rather to delay than to bar his route. Johnston's position was eminently embarrassing. He was in supreme command of the Armies of the Mississippi and the Tennessee, the latter concentrated under Bragg at Chattanooga, the other under Pemberton for the defence of Vicksburg. The magnitude and geographical extent of his charge deprived him of immediate control, and gave a dangerous independence to the subordinate commanders. Without withdrawing Pemberton's whole force from Vicksburg he could make no effective resistance to Grant's march upon Jackson; neither could he abandon that city, with its manufacturing arsenals and magazines and its important railway lines, without a struggle. He was compelled, with less than half Grant's strength, to fight a hopeless battle, which ended, as it only could end, in losses he could ill afford and in the occupation of the town. The city was burned; the arsenals, magazines and factories by order, the rest through

that license which had long characterised the Federal armies of the West.¹

With the fall of Jackson the issue of the campaign was practically decided. Johnston with some 12,000 men had been driven to the northward. Pemberton with a total of 30,000, of whom at most 20,000 or 25,000 might have been brought into the field, was covering Vicksburg from the east. The only chance of the Confederates was to combine these two armies, and this could hardly be done without uncovering Vicksburg. Pemberton, in charge of that city, with its all important position, with its magazines and artillery, thought of it alone. Johnston saw that nothing but a victory in the field could permanently save either Vicksburg or its garrison, and was anxious that the fall of the fortress should not involve the capture of an army. Only the promptest obedience that a soldier could render, such obedience as Sherman more than once rendered to orders of which he decidedly disapproved, could have carried out the concerted movement intended by Johnston. Pemberton hesitated till it was too late to obey. Separated from Johnston, he gave battle, was overwhelmed by Grant's numbers, and after a stubborn contest was driven back with heavy loss upon the city. Johnston again ordered him to abandon it. Supported by a council of war, Pemberton again refused to obey, and the enemy closed on Vicksburg.

Grant slurs over in a single paragraph the disasters that followed; disasters brought on by distinct blunders of his own. He accuses himself of yielding to the temper of his army, of twice flinging away hundreds of lives in attempts he knew to be futile. No General in the Federal service was less likely to be guilty of that dereliction of duty. Another and much more probable account ascribes his mistake to that exaggeration of their successes, that habit of measuring the enemy's quality by their own, which, till corrected by bitter experience, characterised the subordinate chiefs of the Western army, Sherman perhaps excepted. On May

¹ The burning of Jackson took place under Grant's own eyes, but his narrative entirely conceals the fact. He relates only what was done by order, some of which was questionable enough. Happily a more trustworthy and impartial witness entered Jackson as the Federal army left it, and Colonel Fremantle's testimony puts it beyond doubt that Jackson was as completely sacked and destroyed as time permitted. This signal instance of 'suppression' confirms the estimate which every critic familiar with Sherman's and other contemporary memoirs will, I think, form of Grant's. He acted when Northern feeling applauded every cruelty, every affront of which 'rebels' were the victims. He shared those passions, and indulged them to the full. He wrote when they had died away, and the rising generation were ashamed to be told that their fathers had made war after the fashion of Tilly and Louvois. His Memoirs, therefore, are essentially apologetic in tone and character. Readers guided by their memories of the time will read between the lines of Grant's and Sherman's narratives much that they carefully avoid to tell. The rising generation should study them with the distrust suggested by the fact that, in the one case where Grant's story can be confronted with that of an experienced English military eyewitness, it stands convicted of essential misrepresentation.

One private house was saved by the courage of its owner. He sat in the verandah with a double-barrelled gun across his knees, and as the incendiaries approached told them, 'I shall never be more prepared to die than now. There is nothing to prevent your going into my house, except that I shall kill the first two who move. Now, gentlemen, walk in.' They walked out.

18 Pemberton's forces, numbering according to Federal accounts about 20,000 effectives, with thirty-six siege guns and ninety-two pieces of artillery, were shut in within the breastworks of Vicksburg. Believing the garrison to be demoralised by defeats in the field, Grant ordered an immediate assault. It was made on the 19th, Sherman's corps leading the way, and Grant learned in a few minutes that the spirit of the Confederate army was still unbroken. Sherman was driven back with heavy loss, and the supporting corps never came near enough to the Confederate lines to create a diversion in his favour. Another assault was ordered at ten A.M. on the 22nd, preceded by a tremendous bombardment from all the guns of the army, while Admiral Porter with the heavy artillery of the gunboats engaged the water batteries, thus keeping the whole of the garrison on the alert and confining them to their posts. The assault was made all along the line, but principally pressed at three points, at all of which the Federal troops reached the ditch but could go no further. M'Clernand vaunted that he had 'part possession' of two forts, and thereby induced Grant to renew an attempt that had already been defeated, enhancing the utterly useless loss of life.

The Federals, twice badly beaten, had no stomach for any more such fighting. With a powerful fleet, and an army of 70,000 men with 248 guns, Grant fell back on the siege tactics of Sparta, and carried a line of circumvallation right round the defences of Vicksburg. After this Johnston could do nothing for the relief of the city. An attack by 25,000 men on 70,000 strongly entrenched, even were it supported by a counter-attack of 15,000 men from within the lines of Vicksburg, could only have led to useless slaughter. No magazines the South could have collected would suffice to feed a total of more than 40,000 men, women and children for many weeks. So narrow was the space within, so searching the enemy's fire, that both soldiers and citizens were driven to dig caves in the clayey bluffs and crowd into these improvised casemates. After five weeks of terror, slaughter and starvation, utterly worn out and hopeless of relief, the garrison surrendered. The total number of men paroled exceeded 30,000, but this included every man, sick or wounded, soldier or volunteer citizen, who had ever been able to hold a musket. They were paroled not out of generosity, but because Grant hoped they would return to their homes, whereas if sent north and regularly exchanged they would have passed *en masse* into the Confederate army. Mr. Davis, who knew what actually occurred, attests the eagerness of the Missourian troops, who formed the flower of the garrison, to return to active service. They, like all Southerners who had experienced the rule of the enemy, would rather have died than voluntarily returned to such subjection.

Grant had deliberately wasted the whole country within his reach on his march from Jackson to Vicksburg, had deliberately destroyed 'all that could be useful to an army,' that is, every atom of food, all clothing, all cattle and swine, standing crops, within an area of some 800 square miles. What troops so employed did beyond the scope of their orders may be well imagined.² The whole country had been as cruelly wasted as the Palatinate by 'the Most Christian Turk,' the people wilfully reduced to absolute starvation, the torch applied not merely to cotton, stacks and barns, but to dwellings.

Appalled by the consequences of this merciless havoc, mere humanity compelled its perpetrator, on his return, to restore to the mothers, who rather than let their children die of hunger came to implore his mercy, some scanty portion of his spoil.³ Such was the universal practice of the Western commanders, and of every General trained in their school; of Sherman, Thomas, and Sheridan, as of civilians like Banks and mere destroyers like Milroy, Turchin and Hunter; such the policy that everywhere attested the 'humanity' of the North and its rulers. The usages of war, the righteous and necessary rule of retaliation, required that the Confederates should have applied the torch throughout Pennsylvania. But neither Lee nor Davis would sanction reprisals as cruel as they were well deserved, and no invaded country suffered so little as the North at the hands of those whose families had been reduced to indescribable misery by Northern soldiers. To check these profitless cruelties and endeavour by threats of reprisal to compel the invaders to conduct the war in a more soldierly fashion, a conference had been proposed by the Confederate Government, which was to have been represented by Vice-President Stephens. But this offer arrived at Washington the morning of July 4; it was not answered till the news from Vicksburg and Gettysburg had been received, and was then rejected with scorn.⁴

² Sherman's incidental mention of exceptional instances and examples, Grant's language when off his guard, the passionate letters and orders of the former, and Grant's significant instruction about the Yazoo country (*Memoirs*, p. 543) fully bear out the statements of writers who had not their motives for suppression.

³ Indirectly admitted by himself, i. 577. To those who think while they read, the awful and systematic devastation that paragraph implies is horrible to realise.

⁴ Lincoln's personal responsibility is evident from this incident. See Davis, ii. p. 591, *et seq.*, for general charges against the Federals, which they refused to investigate and dared not deny; pp. 629, 634, 709-717, *et passim*, for special instances of their usual practice. The truth is not, of course, to be found in narratives like those of Grant and Sherman. But it is to be read between the lines, and in the temper of Sherman's orders and despatches; it is told boastfully in the narratives of Generals and staff-officers who wrote within three or four years of the time, and in contemporary newspapers; and it is fresh in the memories of those who saw and suffered, and of those who, like myself, followed closely the accounts of the exultant destroyers and of their victims. No one who knew the facts, and has a reputation to lose, will dispute the strict accuracy of the above statement. The facts were too notorious and too fully and vauntingly reported to remain unknown to the President. If he had hitherto supposed that he was only applying the extreme usages of war, the treatment of Pennsylvania must have undeceived him.

These two great victories saved the Republican Administration from the reaction which threatened a power now resting rather on the bayonet than the ballot. Volunteering had come to an end; a new conscription had been ordered, but it proceeded very slowly. Actual resistance had been offered in several places, and in New York the attempted draft had been brought to a standstill. Now that Lee and Johnston were both paralyzed, at least for offensive operations, 30,000 men under the notorious General Dix were sent to occupy the city, and from that time forth it was held by military force, in defiance of the protests of the State Government and of the Constitution which Lincoln was sworn to uphold.

While Grant's enormous force had closed on Vicksburg, Banks, advancing from New Orleans, had beleaguered Port Hudson. He had made little way, nor was it necessary. As soon as assured of the capitulation of Pemberton, Port Hudson was useless and its garrison surrendered. From this moment, though despatches and individual officers might cross the river, though the Confederates still maintained a vigorous defence in Arkansas and especially in Texas, they were isolated from the Government at Richmond and from the main Confederate force, and thrown entirely on their own internal resources. Blockade-runners brought them arms and ammunition; their forests and prairies were almost impenetrable; their population, if averse to discipline, as warlike as any in America; and the army of Kirby Smith, who had been placed in command of the trans-Mississippian Department, was the last that upheld the honour of the Starry Cross.⁵

⁵ The original flag of the Confederacy was the 'Stars and Bars,' a red flag crossed by a white stripe one-third of its width, with a blue 'Union' on which the seven stars of the first seceding States were arranged as a wreath or coronal. In heraldic language, 'gules a fesse argent, with a wreath of silver mullets on a canton azure.' This proved indistinguishable from the hostile flag, half-seen through the smoke and confusion of battle, half-furled or drooping. Many Western regiments adopted a blue flag, liable to be mistaken for a Federal banner with the further half torn or shot away. In the Virginian army Johnston is said to have recommended the battle flag carried throughout the latter years of the war; a blue saltire or St. Andrew's cross with thirteen stars, fimbriated white on a crimson field. The navy required a flag whose reversal conveyed an unmistakable signal of distress. The Starry Cross, however turned or reversed, presented the same appearance; and hence the necessity of placing it 'in dexter chief,' that is, next to the staff and uppermost, upon a white field. The white ensign with the crimson ground of the battle-flag showed the red and white, said to have been the party colours of secession. The 'Lone Star' was the emblem of Texas; whence the 'bonny blue flag' with a single silver star had become the popular badge of Southern feeling. But the theory of State sovereignty required the thirteen representative stars displayed on a blue ground, and hence the Starry Cross at once caught the fancy of the people and the army, and the first Virginian victories ensured its adoption in the naval form as the national emblem.

CHAPTER XVIII.

CHICKAMAUGA.

Burnside sent to Knoxville—Longstreet joins Bragg—Insubordination and Quarrels—Battle of Chickamauga—Grant to the Rescue—Ruinous defeat of Bragg at Chattanooga.

THE 'Valley of Virginia' is enclosed between the Alleghany Mountains on the north-west and the Blue Ridge on the south-east. These ranges run parallel for several hundred miles from the Potomac, where their course is south by west, to the southern border of Tennessee, where the trend is west by south. Winchester lies at the north of the upper part, known as the Valley of the Shenandoah, and Chattanooga at the southern entrance. The southern third of the Valley forms that district which is known as Eastern Tennessee.

The battle of Murfreesborough had paralysed for nearly six months the army of Rosecranz. At the close of June, 1863, Bragg with 30,000 men confronted Rosecranz with twice that number and a powerful force of cavalry on the Duck river, a tributary of the Tennessee, near the south-western skirts of the Alleghanies. The despatch of Burnside with an independent army down the Valley towards Knoxville, though he lingered as if reluctant to complete the concert which should have enveloped the Confederates, gave Rosecranz courage to advance; and Bragg fell slowly back before him, each position taken up being turned and evacuated, until he crossed the Tennessee, finally abandoned Chattanooga to the enemy, and retired into a hill country formed by three or four parallel ranges of heights, from sixty to a hundred miles in length, which ran thence due southward. Rosecranz and Burnside were alike dilatory and cautious. The latter, despite the urgent orders of Halleck, seemed in no hurry to exchange an easy and independent command for a subordinate place in front of a dangerous enemy, and under a chief even less successful than himself. The former halted to rest, entrench himself, await reinforcements and collect supplies; and it was the middle of September before he was ready to follow up Bragg. Meantime the danger of the situation had driven the Confederate President and

Commander-in-chief to a very daring measure. Chattanooga was connected by a railway line of 140 miles in length with Atlanta, the second city of Georgia, the central depot in which were collected the principal arsenals, foundries and military factories of the Confederacy. If Rosecranz knew his business he would strike for this all-important point, and he was strong enough to overpower Bragg by mere force of numbers. Aid must be spared to the latter, and Meade was so obstinately inactive that it might be spared, though it left Lee with scarcely one-third of the force opposed to him—not one-fifth of those which were gathered round him in Northern Virginia. The Confederate Commander-in-chief consented to send to Bragg's aid his eldest, ablest and most trusted lieutenant, with the first corps of the Virginian Army.

Longstreet's troops were invaluable; more valuable still, in the actual circumstances, was the presence of the General under whom they had served from the first. Bragg's authority in his own camp was not such as to enforce the prompt and cordial co-operation of his lieutenants, of whom D. H. Hill and Polk were especially at variance. Longstreet was Lee's right hand, loved and revered throughout the unrivalled Army of Northern Virginia; to him and Jackson the admirable discipline of that army was mainly, and doubtless justly, ascribed. Lee, with the clear-sightedness of consummate military genius, had that higher clearness and undistorted singleness of view which belongs to absolute unselfishness. He saw that Chattanooga and not Northern Virginia was at this moment the critical point, felt that he could hold his own with 45,000 men at least for the present, and willingly despatched to the support of Bragg a colleague whose renown must give him ascendancy in any Confederate army, and the flower of a soldiery that had no superior in the world. Burnside barred the direct road with superior numbers, and Longstreet therefore had to move by a circuitous route.

On September 19 his advance under Hood joined Bragg in Georgia, about twenty miles south of Chattanooga. Rosecranz had been moving through defiles and tangled woods, with a want of precaution due probable to his enormous superiority of numbers and his ignorance of the reinforcements sent to his antagonist. One of his corps had marched almost into the centre of the Confederate lines, and escaped only because Bragg's endeavour to occupy the pass through which they had advanced failed through some characteristic mischance or disobedience. On the 20th the Federal army was strongly entrenched on Missionary Ridge, the easternmost but one of the ranges, with the Chickamauga river in its front. Bragg's army was divided into two wings, the left commanded by Longstreet, the right by Polk. Longstreet had only a portion of his own corps and three Western divisions, to whom he

was personally unknown. Polk with five Western divisions, two of which, including Breckenridge's, the best of all, were under the command of D. Hill, an eminently unlucky officer, was to attack at daybreak. Through some want of concert, to be expected from the terms on which Hill stood with Polk, three or four hours were lost, which were diligently improved by the Federals in the completion of their entrenchments. The Confederate right, encountered by a shattering fire, were unable to force a position covered by woods which concealed the exact arrangement of the enemy. Scrambling up a steep slope obstructed by abattis, they remained for a long time under a fire of artillery and infantry to which they could make no reply, and soon after noon were driven back almost to the banks of the Chickamauga. But the Confederate left under Longstreet broke and routed the Federal right, and pressed on with such vigour that the whole right and centre of the enemy were soon a mass of panic-stricken fugitives. Had Polk then resumed the offensive, the Federal army must have been destroyed. But Bragg declared that none of his divisions on the right could be brought to charge again. Longstreet, pivoting his troops on Polk's left, wheeled them upon the victorious Federal left; and after long and obstinate fighting, when Polk renewed his attack at five P.M., the shattered remnant of the Federals who had stood fast under Thomas were driven from the field, saved from utter destruction only by the arrival of powerful reinforcements at the close of the day; which, but for Bragg's two fatal delays, would have arrived only to fall a prey to the victors. Rosecranz lost thirty-six guns, an immense quantity of stores and small-arms, 12,000 killed and wounded and 5,000 prisoners. The Confederates purchased their victory dearly, losing 12,000 killed, wounded and missing. But want of provisions delayed Bragg's pursuit till his trains were brought up from Dalton. Rosecranz fell back into Chattanooga, where he was almost beleaguered. The Confederate cavalry under Wheeler and Forrest swept round his position and threatened his communications, but were driven off by superior forces from Nashville.

Meantime reinforcements were pouring in to the rescue. Hooker with some 25,000 men from the Army of the Potomac, Sherman with an equal force from Vicksburg, Hurlbut with a third army, were closing in upon the Confederates; and General Grant on October 18 received the command of the entire Federal armies in the West, and appointed Thomas, who had commanded the left at the Chickamauga, to supersede Rosecranz. Grant's total strength must have far exceeded the 100,000 at which it is stated, and Bragg was compelled to contract his position and hold the hills overlooking Chattanooga. Believing his own force sufficient to check any advance of the enemy, he permitted Longstreet to

move against Burnside at Knoxville. The superior numbers of the latter were ill-placed for concentration, and in several engagements on the 14th, 15th, 16th, and 19th of November, Longstreet drove the enemy back into Knoxville, and reinforced by some scattered bodies of Confederate troops, having captured 1,500 prisoners and ten guns, shut up 20,000 men in the entrenchments round that town.

On November 27 he received news of the battle of Chattanooga on the 24th and 25th, in which Grant with more than 90,000 men had overwhelmed about half that number under Bragg, and driven them, after a heavy loss in prisoners and guns, broken and demoralised, into the interior of Georgia. This, the most decisive victory yet gained by the Federals in the open field, was not followed up, owing to the alarm inspired by Burnside's desperate position and the terror produced by Longstreet's 20,000 men. On the 29th the latter attacked the lines of Knoxville, held by a force equal to his own, and was repulsed with a loss of about 500 men. Meanwhile the Federal armies had been recruited by a call for 300,000 conscripts, a number equal to the total force of the Confederacy. Early in December Sherman moved up with a second Federal army, superior to Longstreet's, and effected his junction with Burnside. Before an enemy so strengthened, who nevertheless did not venture to press him closely, Longstreet fell back towards Virginia, and closed the campaign by a vigorous attack upon the Federal advance, in which he repulsed their cavalry, seized a large train of supplies, and once more retired across the Virginian frontier.

General Foster, an Abolitionist distinguished by his triumphs over the women, children and non-combatants of North Carolina, succeeded Burnside, and avenged tenfold on the loyal families of Eastern Tennessee all which their Unionist neighbours, as 'traitors to their State in its agony,' had suffered at the hands of the Confederates.

CHAPTER XIX.

CHARLESTON HARBOUR.

Seizure of Newbern and Port Royal—Destructive Raids—Attempts on Charleston—Signal Defeat of the Ironclad Squadron—Bombardments—Defence of Wagner—Of Sumter—Strength of the Federal Navy.

MEADE'S army, after Hooker's withdrawal, clung to the defensive in spite of its huge numerical superiority. Lee spent the greater part of October in driving it from the Rappahannock to Manassas, by manœuvres similar to those which had brought Pope to ruin. Meade's character was the exact opposite of his predecessor's. He was no politician, no partisan, no braggart, and it must be added, no favourite of the Government, which bitterly resented his refusal to hazard his army for the ends of party. He fell back in good order, fighting a series of skirmishes in which, as of course, the retreating army had the worst of it: but covered his communications, and took up at last a position so close to Washington, so strongly entrenched and so vigilantly guarded, that Lee abandoned the idea of forcing or turning it, and fell back in his turn. So ended the critical year of 1863. The Mississippi River, Southern Louisiana, Missouri, Kentucky and Tennessee were firmly held by the invaders. East Virginia, North and South Carolina, Georgia, Florida, Alabama, Southern Mississippi, a broad belt along the coast of the Gulf and the Atlantic, formed the whole of the contiguous territory left to the Confederacy; nor was this territory intact. With their irresistible superiority at sea and their overwhelming numbers on land, the Federals had seized a strong position at Newbern, on the coast of North Carolina; Port Royal, commanding one of the deepest navigable inlets between Savannah and Charleston; and St. Augustine and other places in Florida. The whole of the military population of that State—10,000 out of less than 80,000 men, women and children—was in the Confederate army. It is supposed that a levy *en masse* can at most bring one-tenth of the entire population into the field. Florida had contributed one-eighth of hers to the defence of the South at large, and was powerless against the invader.

The principle of action laid down by M'Clellan, Grant, and Sherman, and nominally accepted by the Government, was that

the power of the North should be directed, not to occupy cities or States, but to follow up the Confederate armies and crush them by force of overwhelming numbers. The practice was the exact reverse. Almost as many men were employed in holding down the people, in incendiarism, pillage and devastation, as in fighting. A force equal to that which held Gettysburg was dispersed at various points along the coast from Norfolk to Galveston, seizing points commanded from the sea and establishing fortified bases for marauding expeditions. From places like Port Royal and Newbern, as from Federal camps in the interior, light river gunboats or bodies of cavalry swept the defenceless country, drained of its entire population of military age; plundering, foraging, robbing; stealing watches, spoons, plate and feminine ornaments, negroes, cattle and poultry; destroying whatever they could not carry or did not want; burning houses and cornstacks, barns and stables, churches and colleges, and singling out as the special objects of destruction those which every other civilised invader spares—the dwellings of distinguished generals and statesmen, libraries, public and private, museums, State monuments and archives.¹ This was not all; they endeavoured permanently to destroy the irreplaceable gifts of nature and the great achievements of human genius and industry; cut *levées* to drown hundreds of miles of the richest and best cultivated lands, and sank fleets filled with stones in futile attempts to close for ever the mouths of harbours and navigable rivers. In the Savannah River they resorted to more legitimate means of blockade by fortifying an island below the city.

Charleston, as the cradle of secession, the focus of Southern patriotism, the capital of the mother State of Calhoun, was the especial mark of an unsoldierly and wantonly vindictive malice. If accessible, it would long ago have shared the fate of Jackson. But city and harbour were strongly fortified; the numerous and high-spirited people and well-trained garrison were resolute to endure the worst horrors of war rather than share the humiliation and slavery of Baltimore, New York and New Orleans. On April 7, 1863, Admiral Dupont, with an enormously powerful fleet, of which seven were ironclads or monitors, to which not a single Confederate vessel regularly built for war could be opposed, attempted to enter the harbour. The latter was blocked by powerful obstructions and commanded by some well-constructed and well-armed batteries. The weakness of the place consisted in the vast extent of open ground in rear of the defences, on

¹ Sherman boasts in his orders of 'making a circle of devastation,' 'devastating the land.' See his despatches to Grant and Halleck, *Memoirs*, chap. xxi and xxii., as to his intentions in Georgia and South Carolina. I can bear personal testimony to the destruction of colleges and libraries. See also Davis, vol. ii. p. 710 *et seq.*; Fremantle; Sheridan's *Report from the Valley*, and all contemporary records.

which a Federal land force might be thrown with perfect ease. The forts of Charleston were not like those unimpressible stone casemates which guarded the entrance to Sebastopol. Dupont's fleet was ten times stronger than that of the Allies, armed with incomparably heavier guns, and consisting of elaborately armoured ironclads, supposed to be simply invulnerable, and certainly not liable to be fired, like Lyons' ships, by a single shell. Their invulnerability was boldly put to the test. No ship was exposed to a severe fire for more than forty minutes, yet in that forty minutes the mighty fleet was completely defeated. So admirable was the Confederate aim that one monitor, affording the smallest possible mark on the surface of which two heavy guns could be placed, was struck *nineteen times*—once every two minutes—below the water-line. Her appalled or unskilful crew only fired three shots in return, or one in thirteen minutes. Two others were so squarely hit that their turrets were jammed and a shower of nuts and bolts sent flying among their crews. The whole iron-clad fleet displayed a signal inferiority in nerve and marksmanship. The fourteen guns which, as they admitted, they could bring to bear fired only 139 shots, whereas the seventy-six opposed to them fired 2,209. The Admiral made his way out of fire as fast as possible, sure that had the contest been prolonged for another half-hour every one of his vessels would have been sunk. They had not even made a decent fight.

Dupont was replaced by Admiral Dahlgren, perhaps the most skilful artillerist in the Federal Navy; and General Gillmore, with about 12,000 men and ninety-six guns and mortars, was charged to land on the 'islands' in the rear of the fortifications. On July 9, 1863, the troops were thrown ashore, while Dahlgren's fleet opened fire with 15-inch guns upon Fort Wagner, the outermost of the harbour defences. The walls were knocked to pieces. The outer works along the shore were carried as a matter of course. The Confederates lost sixteen officers and three hundred men, chiefly by the fire of the fleet. But on the next day an assault delivered by Gillmore's overwhelming force was met with dauntless courage and ignominiously repulsed. The enemy was driven to regular approaches. So completely were the works enfiladed by the enormous guns of the fleet, so terrible was the bombardment, that only two Confederate pieces could be served. Again the work was assailed by more than 6,000 men. Knowing his own troops, and appreciating the power of such a terrible strain upon the best soldiers, Gillmore supposed that the small garrison would hardly attempt to defend their shattered lines. He learned to know his antagonists better. The storming army, for it was no less, did its best. It advanced unmolested within two hundred yards of the parapet; then rushed forward under a

heavy fire, and was hurled back with a loss of 1,200 men. Gillmore pushed on his approaches by sap and regular siege works till, on August 9, after a fortnight's bombardment, the third parallel was opened less than four hundred yards from the works. But this parallel was exposed not only to the sharpshooters of Wagner, but to the fire of the batteries from Fort Sumter, and other points beyond the reach of the army, and which the fleet after its severe lesson dared not attack.

On the 17th Gillmore opened fire upon Sumter from twelve batteries armed with the heaviest guns, and threw 948 shot on that day and 876 on the next with great effect on the wall, three-fourths of the shells striking. Till the 23rd this tremendous bombardment continued. The guns of Fort Sumter were dismounted and its walls beaten to powder. The artillerymen were withdrawn, and a garrison of infantry placed to hold the ruin. On the 21st, despairing of progress by any legitimate method, Gillmore turned his heaviest guns at long range upon the distant city. He had been disgracefully beaten by a single outwork; he was appalled at the notion of assailing in detail the admirably constructed and mutually supporting batteries of which Fort Wagner was one, and directed his revenge upon the women and children of Charleston. A menacing rebuke from Beauregard arrested this unsoldierly proceeding.

On August 27 the trenches, protected by the fleet and unmolested by Fort Sumter, had been pushed within a hundred yards of Wagner, while guns twice as heavy as any till then employed in war continually played upon it. Calcium lights turned night into day, and on September 5 a new bombardment was opened, which reduced the fort to absolute silence and drove its garrison into their bomb-proofs. Forty *minutes* under a lighter fire had paralysed the hardy seamen of the Federal fleet: the garrison of Fort Wagner had endured a far heavier trial for forty *days!* No nerve could hold out longer. There was no hope that they could repulse another assault, and on the night of September 6 the fort was skilfully evacuated. General Halleck's unbounded praises of Gillmore's skill unconsciously reflect far higher praise on the little garrison which had baffled that skill and those enormous forces at close quarters for so long a period.

Attempt after attempt upon the ruins of Sumter, by boats, by the fleet, by night and day, had been repulsed by a battalion of infantry. Another night attack, the ironclads closing on the defenceless fort, was yet more unsuccessful. One of the monitors ran aground and remained at daylight open to the play of the distant Confederate batteries, and the fleet only got off with considerable difficulty. Meanwhile Dahlgren and Gillmore boasted to one another that they would assault the heap of rubbish with the

return of night. They had only to mount an earthwork without guns ; but were repulsed with a loss of one-fourth of the men engaged. All the engineering genius of Gillmore and the perseverance of Dahlgren only served to bring into relief the superior ability and matchless tenacity of the Confederates. In the annals of the Federal Army and Navy there is no exploit comparable to the defence of Charleston harbour. It would not be easy to match it in the records of European warfare.

At the close of 1863 the Federal Navy consisted of 476 steamers, of which no fewer than 75 were ironclads, with 4,440 guns, a tonnage of 468,000, and 34,000 seamen. Except in the co-operation of Porter's gunboats with Grant's army in the movements preceding the siege of Vicksburg, this enormous force had achieved nothing so creditable as the signal failure of Dupont and Dahlgren, nothing but victories over undefended coasts and a few untenable batteries.

CHAPTER XX.

AUXILIARY FORCES.

Confederate Cavalry—Morgan and Stuart—Federal Cavalry Raids—English Neutrality—Confederate Cruisers, English and Home-built—Story of the *Alabama*—Treacherous Capture of the *Florida*—The *Shenandoah*.

It is impossible, without giving twice the space of this history to the Civil War alone, even to mention the innumerable combats, raids, assaults, sieges and other minor operations in which perhaps one-third of the total force of either belligerent was occupied. The mounted and naval branches of either service are thus placed at an especial disadvantage. To do justice to Stuart's corps required a volume as large as this. They necessarily bore a minor part in those grand operations, those marvellous battles, which gave the Army of Northern Virginia a rank second to none in military history. But in exertion and fatigue, in incessant vigilance, in daily encounters with overwhelming odds, dashing exploits and desperate defences, more was required of them than of Longstreet's, Hill's and Jackson's 'incomparable Southern infantry'; and they were never found wanting. The infantry and artillery were allowed long periods of rest, the cavalry were required to be constantly on the alert. When their comrades were in quarters they were watching the front, flank and rear. Before the army moved they had to prepare its way by enterprises demanding—not only from leaders like Stuart, Hampton, the Lees, Imboden and Mosby, but from men whose names must of necessity be left in oblivion—valour, self-sacrifice, promptitude, presence of mind, skill in manœuvring, stratagems, venturous dashes and dangerous retreats, surpassing anything demanded from their comrades of the other arms. The death of Pelham, the chief of Stuart's light artillery, while still a mere boy, was severely felt by the whole army and by the Confederacy at large. In a word, the cavalry were continuously engaged, scouting, skirmishing, fighting, not occasionally but daily, and yet scarcely more than one or two of their most brilliant exploits were of sufficient individual importance to be recorded or remembered. The same may be

said of Stephen D. Lee, Forrest, Van Dorn, Morgan, and other chiefs, whose forces, chiefly consisting of cavalry, bore a very important part in the campaigns of the West, and especially in the hopeless defence protracted for nearly two years after the fall of Vicksburg.

The characteristic ingenuity, humour and foresight of Stuart and Morgan deserve especial mention. The latter, without achieving anything that really affected the issue of a campaign, worried, baffled, and harassed the Generals opposed to him, selected for the most part for other than military qualities and duties; and kept not Kentucky alone but Ohio in a constant alarm, not less exasperating for the strong tinge of ridicule that attended it. The mother wit of both these chiefs suggested to them at the very first the facility with which the enemy's extensive telegraphic lines might be turned against himself, and each kept a skilful telegraph operator in close personal attendance. Stuart more than once telegraphed his whereabouts to Washington, driving the enemy to send large forces in pursuit, thus opening his route and exposing the depôt on which he meant to pounce. Once he complained in his own name of the wretched quality of the mules supplied to the Army of the Potomac. They were so bad that they were not able to keep up with his troops, and he was therefore compelled to abandon the captured artillery! Morgan, moving with a rapidity which seemed utterly incredible to his antagonists, and seizing a telegraph office fifty miles from the point at which he had been last heard of, sent misleading information, despatched superior forces in the wrong direction and summoned detachments within his clutches, ordered trains fitted with the supplies he most needed to be sent to the General he had just routed or beguiled, waiting only to acknowledge their arrival before he appeared at some incredibly distant point and repeated the manœuvre.

The character of Stuart's cavalry has been much misunderstood even by competent military critics. It consisted of the very flower of the Confederate youth. No small portion of his privates were, like those of Claverhouse, or the Life Guards of Charles II., gentlemen by birth and education, most of them owning their horses, skilled and venturesome riders, accustomed to the use of firearms and quick to learn that of the weapons proper to cavalry. The cavalry of Stoneman and Pleasanton, though superior in number and better armed, needed long training and experience in the field before either horses or men could be trusted in close encounter with the chosen chivalry of Virginia and the Carolinas. Their inferiority in practice, physique and morale made them averse to deliver or to stand a charge. Relying on this characteristic, Stuart, Hampton and Fitzhugh Lee preferred whenever possible

to charge sword in hand, and most of the cavalry encounters in Northern Virginia and in the Shenandoah Valley were decided by the sabre or revolver. At the same time the cavalry on both sides were trained to act as dragoons in the old sense, and on difficult ground three-fourths of the command would dismount and act as skirmishers on foot, the other fourth holding their horses as closely in the rear as was possible without exposing them to fire. These tactics were dangerous, especially in presence of superior numbers, or of an enemy whose horsemanship and marksmanship made up for want of numbers. A flank attack upon the horse-holders either drove the skirmishers to a headlong retreat, or cut them off and compelled their surrender.

The cavalry forces of the West, and especially that of Grant and Sherman, were more properly mounted infantry. Stuart's famous raids were directly against the communications and magazines of an enormously superior army, protected by strong infantry and cavalry guards. Those of Sheridan, Wilson, Averill and Kilpatrick had generally for their object destruction, devastation and suffering of every kind, to be inflicted upon communities whose men were all in the hostile ranks. Kilpatrick boasted that he had left along the whole track of Sherman's famous march naught but brick chimneys to mark where the dwellings of rich planters and thriving farmers had once stood. I can avouch from my own eyewitness the claim of Sheridan to similar honours in the Valley of the Shenandoah.

The capitulation of Washington and the mock arbitration of Geneva require that the truth as to English neutrality should be told with some care, if this work is not to stereotype a fiction which has already obtained too general acceptance even among Englishmen. The propriety of the Queen's proclamation of neutrality has been recognised by every jurist competent to form a judgment on the subject. It was issued when two great nations stood face to face; when the Confederacy embraced a territory almost as large as that nominally remaining in the Union; when Maryland, Kentucky and Missouri had manifested a determination to throw in their lot with the South should Mr. Lincoln venture upon a war of conquest; when the Federal Government, though repudiating the name, had engaged in acts of maritime war which, had not England recognised the belligerent rights of the South, would have involved her in collision with the North. If his Government were not at war, Mr. Lincoln's blockade was an outrage, and the first English ship captured at sea or in Southern waters must have been reclaimed by force. But the neutrality of the great naval Powers—France followed the example of England—was as favourable to the North as an honest neutrality well

could be. Upon a great number of exceedingly important points neutrality admits of two equally legitimate interpretations. The same privileges may be granted to or withheld from both belligerents. It is the interest of the stronger belligerent that they should be withheld from both, and this was the course taken by the English Government.

The real complaint of the North was that England *was* neutral. As presented by statesmen and diplomatists, the reclamation was simply unintelligible. Its meaning was explained by irresponsible journalists and passionately urged by English partisans. The North fought to emancipate the slaves; so said Mr. Lowell and the Republican press, so said the *Spectator* and the *Daily News*. Mr. Lincoln contradicted his admirers with very scant courtesy. For the rest, the Northern claim to English sympathy was supported by language unprecedented in diplomacy, language which Mr. Seward did not use to the really unfriendly government of France, language which only Lord Palmerston's reputation could have induced England to endure. The North bought enormous military supplies, hundreds of thousands of rifles, cartridges and percussion caps by the million, enticed thousands of British subjects within her jurisdiction, and then forced them into her armies. She tried to contract, not for unarmoured merchantmen as well suited for blockade-runners as for cruisers, but for ironclad ships of war, and the contract only broke down on the question of terms. Yet Northern consuls complained that Southern agents purchased arms and ammunition, and the English Government allowed its customs officers to interfere with the shipment of these purchases, while one of the greatest English firms was notoriously shipping the same cargoes in much larger quantities for New York and Boston. The North blockaded English ports, seized and condemned vessels trading between England and her colonies in defiance of every law of maritime war, violated the neutrality of Southampton itself, and repeatedly fired shot and shell so far within the maritime league off West Indian Islands that they actually fell on British soil, to the imminent danger of the Queen's subjects.

England had the right to admit the vessels of war of both parties, with their prizes, to coal and refit in English ports. This would have been a heavy blow to the North, an invaluable service to the South. But the Government excluded prizes, and imposed every restraint that harrassed the blockaded South without inconveniencing the cruisers of the North. Whenever America had been at war she had fitted out privateers in neutral ports; when neutral she had allowed Americans to build, arm and fit out privateers, manned with American crews, to prey on the commerce

of England, Spain and Portugal. She had admitted their prizes and grown rich on their plunder. The South never equipped or armed a single vessel in English ports.¹ The *Alabama* was built by Messrs. Laird of Birkenhead, and left Liverpool in August, 1862, as an unmanned, defenceless vessel. The *Orcuto*, afterwards called the *Florida*, had been purchased as an unarmed merchantman, sent to Nassau, there detained, tried and released in the absence of any shadow of proof that she was meant for anything else. Both these vessels received their arms, their crews, everything that converted them from blockade-runners into ships of war, far outside of English jurisdiction. The *Florida* actually entered Mobile without having fired a shot. The case of the *Shenandoah* was even clearer. She was a sailing vessel built as a merchantman, purchased and sent out as such, and again armed and manned at a point wholly outside of British jurisdiction. According to American precedent, every one of these ships might have been armed, manned and sent out from Liverpool or Glasgow after a mere affectation of enquiry. By international law as it then stood, Englishmen had a right to sell any number of unarmed vessels to the Confederate Government, and could not be responsible for anything that occurred after they left English ports. By the law of nations, to which France or Germany might have appealed, the offence took place when the vessels were armed and manned, and that offence, in the case of the *Alabama*, was committed in Portuguese waters. The law was simply this, that every State was responsible for the departure of an *armed expedition* from her territory to attack a Power with which she was at peace.

Between the close of the war and the Treaty of Washington, the Federal Government permitted a piratical army to gather openly in the Northern States for the invasion of Canada, and made no attempt whatever to prevent or restrain it. England claimed that this open and unquestionable outrage should be submitted for arbitration along with the '*Alabama claims*,' and America refused. England offered to submit the American claims to arbitration, leaving both law and facts to the judges; the American Government confessed that it had no case by insisting that three new and unheard of rules should be laid down as the basis of the judgment. In view of these facts the so-called Treaty of Washington was a mere capitulation, the so-called arbitration disguised a surrender; and neither the one nor the other has any bearing on the historical question, the *bona fides* of English neutrality.

¹ See the innumerable blue-books and despatches of the time, and Bulloch's *Secret Service*. For illegal pursuit and firing on British land, *Counter-case*, pp. 63-5, 109-10. That the balance of aid given was greatly in favour of the North—Russell to Lyons, March 27, 1863.

When attempts were made to build ironclad rams for the Confederacy the case was wholly different. It was exactly parallel to that of Genet's privateers, except that the ironclads were not, like his vessels, armed and manned. But the English Government, with a perfect loyalty in signal contrast to the previous and subsequent conduct of America, held that the rams were *ipso facto* armed before a single gun was put on board. It was the business of the American cruisers to capture unarmed merchantmen designed, or supposed to be designed, for the Confederate service. The rams might have defended themselves from capture, and they were accordingly arrested.

During the first twelve months of the war, several small Southern cruisers—merchant vessels picked up by chance and feebly and hastily armed by the Government or by individual owners—anticipated or evaded the blockade. They made a few prizes, but, utterly unable to cope with a third-class Northern merchantman roughly adapted to naval service and carrying effective guns, were speedily sunk, captured or laid up. Two only—the *Sumter* and the *Nashville*, under Captain Semmes and Peagrim—achieved enough to alarm the merchant marine of the North, to send up the rates of insurance, drive the enemy's commerce to seek refuge under neutral flags, and earn a place in history. Even their career was very brief. The former put in to Gibraltar, was caught and blockaded there, and finding escape impossible was dismantled and sold. The *Nashville*, having burnt one or two prizes on her way, entered Southampton harbour, and was followed thither by the powerful U.S. cruiser *Tuscarora*, which would have sunk her tiny antagonist with the first broadside. The commander of the *Tuscarora* behaved with such open defiance of neutral rights and public law, and boasted so loudly of what he would do, that the Admiralty sent the *Dauntless* frigate, under Captain L. Heath, C.B., to prevent acts which England would have been compelled to punish. The *Nashville*, with marvellous audacity, claimed her right of twenty-four hours' precedence, ventured forth, and by skill and good fortune evaded her unscrupulous and irresistible pursuer. But, ill-constructed, carrying two small guns, and out-matched by every one of the enemy's swarm of converted merchant steamers, she was able to render no further service as a cruiser.

The exploits of the Confederate harbour and river marine—improvised ironclads and converted tugboats—were brilliant and heroic failures. Except the *Virginia*, they never had a chance; were invariably opposed at overwhelming odds to real armour-plated vessels built for war, with perfectly protected machinery, first-rate naval engines, and artillery to which their heaviest pieces

were mere popguns. Rams like the *Manassas*, the *Tennessee* and the *Albemarle* found their railway-plating torn like paper by 15-inch shells, while their shot 'glanced like peas or stuck like pins' when hurled at the turrets of the monitors. Unwieldy, slow, feebly-armed and worse armoured, they were little better than death-traps for their crews. For the 'mosquito flotillas' that accompanied them, a single wooden war steamer like the *Hartford*, a couple of the dozen or score of gunboats that attended Porter and Dupont, Farragut and Foote, were an overmatch. Yet at Mobile, at Charleston and elsewhere, as at New Orleans, the doomed crews carried their hopeless craft into action with an energy, skill and daring which Nelson and Cochrane could not have surpassed, which Farragut and Dahlgren had no chance to rival. One after another their vessels were sunk by a blow, sent to the bottom by one lucky shot, or blown to atoms by a single shell; none the less their consorts fought to the last, dashing at antagonists of tenfold power, baffling hostile numbers by reckless daring, desperate manœuvres and sheer stubborn determination, and seldom or never conquered till they were annihilated. In their completest victories the Federals hardly won a prize, and never one they could for shame have displayed as a trophy. When the battle was over, a few shattered wrecks, a quantity of floating débris, the remains of vessels sunk, burnt, stranded and blown up to avoid surrender, were all that remained of the vanquished.

In everything except the disposal of its cruisers, the Navy Department at Washington, under Mr. Gideon Welles, was tolerably administered and splendidly served. If the naval and riverine triumphs of the North must be ascribed, firstly to the marvellous inventive genius, practical skill and emulous patriotism of private engineers and constructors, the rapid, honest, admirable workmanship of lavishly-paid builders and mechanics, and, secondly, to the gallantry and professional skill of the officers who were furnished with such perfect instruments—such ironclads, gunboats, engines and artillery—the Department must at least be credited with a signal freedom from red tape, with promptitude in accepting and using the mental and material resources offered, and, above all, with a wise selection and steady support of the best men which presented a striking contrast to the conduct of the War Office.

The *Sumter* and her home-built consorts had frightened half the American merchant marine from the seas before a cruiser was built in England. The *Alabama* and the *Florida* only completed the work begun by native Confederate vessels. The former, under Captain Raphael Semmes, one of the ablest and most cultivated

officers of the old United States Navy, sailed for Galveston, where she expected to find a fleet of transports under Banks. But in the meantime Magruder with a small Texan force had recovered the city, and, manning two or three tugs and river steamers protected by cotton bales with dismounted cavalry, had surprised the blockading fleet and captured the most powerful of its vessels; the rest escaped by a treacherous use of flags of truce.² A serious attempt had been made to retrieve this disaster by despatching a large force, naval and military, against Sabine Pass, a fort manned by fewer than fifty men, who repelled the naval attack, crippled a gunboat, and compelled two others with the commander of the flotilla to surrender at discretion. The number of the prisoners was so much larger than that of the captors that the latter were compelled to resort to stratagem to take possession of them, lest the former, discovering their weakness, should turn upon them and capture the fort. This exploit and that of Magruder's 'horse marines' were among the most brilliant of the achievements, as next to the Virginians the Texans were the most resolute, and without any exception the most dashing and daring, soldiers of the Confederacy.

The *Alabama*, therefore, instead of the crowded transports, of which she might have sunk or captured several, found a small squadron of ships of war, nearly all superior to herself, lying off the city. Semmes, instantly appreciating the situation, showed himself, and provoked two or three to start in pursuit. Of these, the *Harriet Lane*, a converted merchantman, worse armed and constructed than her adversary, proved the swiftest; on the other hand, her crew had been trained, while that of the *Alabama* consisted almost entirely of English adventurers who had been but two or three weeks at sea. Luring her pursuer beyond reach of speedy help, the *Alabama* turned upon her; and after a thirteen minutes' fight the *Harriet Lane*, in a sinking condition, struck her flag.

It required no common exertion on the part of the *Alabama's* boats to save from drowning a crew almost as numerous as her own. Her business, however, was not to fight the enemy's blockading fleets, nor to seek out cruisers most of which were better built and better armed, but to play havoc with Northern commerce. The maritime States of New England furnished the best native sailors of the fleet, and proportionately by far the largest proportion of the Northern merchant vessels. They were the most bitter and ruthless enemies of the South, as they were the most remote from danger, and Southerners naturally desired to bring home to them some slight share of the cost of war. But

² See Magruder's Report, Davis's *Rise and Fall*, vol. ii. p. 235.

the skill and tact of Captain Semmes, the eminently judicious instructions he had received, and the character of his ship, built by one of the best firms in England, to be fleet under sail and independent of the coal it was so hard for her to procure, contributed less to her success than the mismanagement of Secretary Welles.

We must suppose that the latter was ignorant of those elementary facts upon which Semmes and Bulloch, the constructor and director of the European-bought Confederate marine, had relied. Commerce has on sea as on land its regular routes, its crossing points and junctions. At these it was the *Alabama's* purpose to lie in wait for her prey. At these she could exert a power tenfold greater, though at greater hazard, than by cruising at random over the ocean. An intelligent clerk at Washington might have thwarted her operations by the obvious device of placing a score of cruisers in pairs to guard the great ocean crossings. But the *Kearsarges* and *Tuscaroras*, of which the Government at Washington commanded as many as it pleased, were despatched to blockade neutral ports, to lie in wait for the *Alabama* where she was expected to put in for coal or repairs, and where they might hope to imprison her by force of numbers or weight of metal, rather than to protect their merchant marine by seeking an equal encounter. At no point where she might surely have been anticipated did the *Alabama* ever meet an antagonist. Every Confederate port was so closely blockaded that she could not justifiably run the risk of an attempt to enter them, in which, if detected, she must be instantly sunk. Her work was done almost entirely under sail, while the enemy's vessels were amply provided with coal, and able to purchase fresh supplies almost at will.

Such exploits are never likely to be repeated, as their conditions will never be renewed. A vessel swift enough to chase and strong enough to capture the great merchant steamers of England would cost five times the *Alabama's* price; her intended victims—armed as they would be in time of war—would have been too strong for the *Alabama*; and she could hardly elude, as the *Alabama* did, the cruisers that would be instantly sent in pursuit; to which must be added that her repeated visits to coaling ports, to say nothing of submarine telegraphs, must constantly indicate her position.

After nearly two years of unceasing work and wear, with few opportunities of coaling and none of repair, on June 11, 1864, like a 'weary foxhound limping back after a long chase, footsore and longing for rest,' the *Alabama* entered Cherbourg, discharged a number of prisoners, and applied to the French authorities for permission to refit. On the 14th the U.S.S. *Kearsarge*, under

the command of Captain Winslow, in perfect condition, armed with two 11-inch Dahlgrens against one 8-inch smooth-bore and one 7-inch rifled Blakely, and otherwise fully equal to the *Alabama*, came round from Flushing to Cherbourg. She asked the French authorities to send on board the *Alabama's* prisoners, a proposal obviously inadmissible.³

The *Kearsarge* was also protected by chain cables concealed by slight planking, and was in fact a partially armoured vessel. Her manner of entering and leaving the port was accepted by the *Alabama* as a direct challenge. The spirit of the captain, the quality of his crew, above all probably the insults and taunts to which they had been subjected for two years, overcame all regard to obvious disadvantages and all considerations of mere policy. The loss of the *Alabama* would be greater than the gain of the Confederacy by the destruction of half a dozen *Kearsarges*, which the enemy could replace at pleasure. But the honour of his ship and his flag were in question, and Captain Semmes resolved to fight. Having patched up as far as possible her worst defects and received a small supply of coal, the *Alabama* steamed out to encounter her enemy some seven miles from the French coast, on the morning of June 19, 1864. Two things were speedily made apparent. The powder of the *Alabama* had been spoiled, as powder purchased in the market always is, by lapse of time. A shell which should have sunk the *Kearsarge* stuck in her stern-post and failed to burst. The latter was so much faster that she could choose her own distance, and the *Alabama* in vain attempted to close and board. The 11-inch shells of the *Kearsarge* tore holes as big as a barrel through the *Alabama's* scantling close to the water-line, and after a little more than an hour's firing she was so evidently sinking that her flag was struck. Scarcely were the wounded placed in the boats ere the ship went down. The greater part of the officers and crew were picked up by two French fishing boats and an English steam yacht, the *Deerhound*, which had watched the battle from a distance. The *Kearsarge* was so slow in lowering her boats that but for this aid all but the strongest swimmers would have been drowned. Captain Winslow made no complaint against the French fishing boats, but was most bitter against the *Deerhound* for not handing over the rescued men, who but for her would have been left to drown; and declared that had he known her intention he would have pursued and sunk her. If the vaunt were seriously meant, it is

³ Prisoners on both sides were paroled till exchanged, but their Government had obliged every officer and man paroled by the *Alabama* to choose between the disgrace of breaking his parole and the extreme penalties of martial law. This fact, not admitting of excuse, is simply suppressed by Northern writers. The victims of this peculiar idea of honour were liable, by the law of all civilised nations, to be hanged on identification, if they again fell into the enemy's hands.

well for himself and his country that no attempt was made to fulfil it.⁴

The *Florida*, after a similar but less effective career, ran into Bahia on October 4, 1864. She found there the U.S. steam corvette *Wachusett*, the name of whose commander, Collins, should be recorded. The latter and the United States consul gave a solemn assurance to the authorities of the port that they would commit no violation of Brazilian neutrality. In reliance on that promise, on October 6, the *Florida's* officers and men were allowed to go ashore, and the watch was badly kept. The *Wachusett* ran into the *Florida*, overpowered the few men left on board, seized her, and escaped under cover of night. The captor, while neither denying nor extenuating the piracy, denied the falsehood. The event proved that he had rightly interpreted the character and feelings of the Government he served. The Brazilian Government demanded the immediate restoration of the *Florida in statu quo*. The Federal Government promised this, and gave secret orders to sink her. The officer employed in this discreditable service was promoted. Amends were made to Brazil, and the North reaped the fruits of this double treachery in the destruction of the only effective Confederate cruiser then afloat.

The *Sea King*, afterwards the *Shenandoah*, a stout sailing vessel, wrought havoc among the Northern whaling fleet in Baffin's Bay, without encountering a single Federal man-of-war, till she received authentic news of the close of the war; when her commander carried her into an English port, and she was handed over to the Federal Government.

The language of the American Government and of its diplomatists and naval officers was without precedent in history. The epithets applied to the Confederate cruisers even in grave despatches, the tone assumed by Mr. Seward, and imitated by men like Captain Craven of the *Tuscarora*, Winslow of the *Kearsarge*, Admiral Wilkes, and the generality of American consuls and envoys, were alike without precedent and excuse, often without rational meaning. Of the civilian offenders, few had served an official apprenticeship, and most had won their posts by stump oratory and electioneering services. It was not strange that under such a chief they should have given the rein to their tempers and reviled both enemies and neutrals in the style of American party oratory, employed language and thrown out imputations which outraged every rule of private and public courtesy in addressing English Ministers and officers of rank, restrained by self-respect and political duty from appropriate retort or resentment. To Governments which had recognised the Confederacy as a legiti-

⁴ Seward claimed it as the right of the *Kearsarge* that 'the pirates should drown.'—Appendix to U. S. Case, iii. 263 and 273.

mate belligerent, they spoke with intentional insult of Confederate men-of-war as 'corsairs' and 'pirates.' Admiral Wilkes, for example, addressed to the Governor of a great English colony a tirade so abusive and unmannerly that, if written or spoken in the freedom of private intercourse, it would have been forcibly cut short. Mr. Lincoln's confidential advisers and official representatives charged the English Government in grave despatches with dishonesty and treachery as well as hostility.⁵

⁵ It would be a waste of time and patience to quote instances of the usual tone of Northern despatches and official communications, but two incidents may be mentioned as illustrating the reliance to be placed on the deliberate statements of those Northern officials whose character stood highest in contemporary European estimation.

Mr. Charles Francis Adams, the American Minister at the Court of St. James, bears as high a reputation as any contemporary Northern statesman, soldier or historian. Such were, under Mr. Seward, the obligations imposed on American diplomatists of the highest rank, that Mr. Adams placed on record a statement—May 10, 1865—'that during the whole course of the struggle in America there had been *no appearance* of the insurgents as a belligerent on the ocean excepting in the shape of British vessels, constructed, equipped, supplied, manned and armed in British ports.' The writer knew better; no other man, the chief and European agent of the Confederate Navy Department alone excepted, had more reason to remember the facts he testified. First, as Mr. Adams well knew, *no* Confederate cruiser was 'equipped,' 'manned,' or 'armed' in British ports or within British jurisdiction. Here are three grave misstatements, each of the deepest significance. But the essential point, the substantial purport of this allegation, is yet more obviously untrue. Only four out of thirteen Confederate cruisers were of British origin. The *Sumter*, *Nashville*, *Calhoun* and six others sailed from ports within the Southern States, and had spread panic throughout the American merchant marine before the *Alabama* was built, and the names of the two first, at least, were as familiar to Mr. Adams as to their own captains.

The other case came under my own personal observation. In the course of diplomatic endeavours to persuade Lord Palmerston's Ministry that the Confederate Government was deliberately and systematically violating the neutrality of England, the United States Minister laid before Lord Russell what purported to be a Confederate State paper. A copy of this document was shown to me by a subordinate agent of the Confederacy. Its form and address, to anyone familiar with American constitutional practice, at once stamped it as a forgery. The same night, in the House of Commons, several leading Conservatives challenged the neutrality of the Government as in practice monstrously favourable to the United States, and operating most unequally against the Confederates. The Ministers retorted by quoting this proof that the Confederate Government was using illegitimate means to fit out naval armaments in English ports, if not to embroil England with the United States. The Opposition were taken unawares, and it was my fortune to advise them of the detection of the forgery. The hint that its authenticity was challenged obviously startled the Treasury Bench. Their subsequent silence was a confession that they had been deceived. It need scarcely be said that English Ministers would have felt bound to ascertain, and if possible vindicate, the character of a public document on which they had rested their answer to a charge preferred in the House of Commons. It is not easy to understand how an obvious point of American departmental usage common to both Confederations, which at once caught the attention of two men unfamiliar with the technicalities of office, could have escaped a veteran American publicist; and the incident renders it equally difficult to rely on the most authoritative Northern testimony.

Years after the close of the war, historians ashamed constantly to repeat such terms of mere abuse as 'pirate' and 'corsair' habitually described the Southern cruisers as 'privateers.' As the word conveys no reproach, and cannot therefore give the kind of relief which certain tempers find in irrelevant epithets and meaningless execration, we must suppose that many Northern jurists, professors and scholars are either ignorant that 'privateer' signifies definitely and exclusively 'a vessel equipped for war by private owners under Government license,' or else unaware that the *Sumter*, the *Alabama* and their consorts were regular national vessels of war belonging to the Government of the Confederate States, and commanded by commissioned officers of the Navy.

CHAPTER XXI.

THE END AT HAND.

Hopeless Military Situation of the South—Rout of Banks—Battle of Mobile—Fort Pillow—Fort Fisher—Grant in Chief Command—Concerted Scheme of Action.

THE interest attaching to the campaigns of 1864 is of a wholly different character from that which belongs to the first three years of the war. From a military standpoint the issue was now determined. The overwhelming and ever-increasing numbers of the North, the constantly dwindling strength of the Confederate States, which had already put every available man into the field, the loss of the Mississippi, of Missouri, Kentucky, Tennessee and Western Virginia, the stringent blockade of every Confederate port—the presence of victorious armies in overwhelming force upon the frontiers of Georgia, at the end of a line leading straight through the one Southern arsenal of Atlanta upon Savannah, the seizure of which line would once more cut in two the remaining territory of the Confederacy, and either divide its principal armies or enclose them in a net which mere superiority of numbers would draw together—left the South little or nothing to hope from the fortune of battle. Only the destruction of one of the great armies of the North could relax the tightening grasp of the invader. A Sadowa or Sedan was necessary, and a Sadowa or Sedan has never in history been won by greatly inferior numbers over disciplined, well-organised and well-supplied troops. The last hope lay either in foreign aid or in Northern weariness. The former was practically out of the question. The French intervention in Mexico had indeed deeply involved the political honour and interests of France; but if France had not ventured to interpose alone after Fredericksburg and Chancellorsville, it was vain to dream that she would do so after Gettysburg and Vicksburg, still more after the decisive overthrow of the Western Confederate army on the heights before Chattanooga.¹

¹ I am assured, on what seems to be sufficient authority, that had Lee been victorious at Gettysburg, the then Government of England, with the full approval of the Opposition, were prepared to join with France in recognising the Confederate States as an independent Power, if not in more active measures. If so, it is all the easier to understand why the great Virginian leader fought a battle at such terrible disadvantage.

Events showed that the hope of wearying out the North was somewhat more substantial. The eyes of the people were fixed on Northern Virginia, and so long as Lee repelled with unvarying success every attack on Richmond, so long as the depleted ranks of the Army of Northern Virginia held their own against whatever numbers within fifty miles of Washington, so long as a signal success might still enable them to enter Pennsylvania and avenge the ravages of Grant and Sherman, it was yet possible that the North might despair; that the cry for peace might be such as neither the sound judgment of the military commanders nor the stubborn resolution of the Government at Washington could resist. The military crisis of the struggle was long past; the crisis of Northern politics, the culmination of the struggle between the parties of peace at any price and war to the knife, was reached in the autumn of 1864, when M'Clellan contested the Presidency with Lincoln. The skill of the Southern Generals, the splendid valour of their soldiery, the heroic endurance and indomitable courage of the people, the dash and daring of such independent commanders as Forrest, Morgan and Stephen D. Lee, were more signally exhibited in the last agony of the country than at any previous period. So, indeed, military heroism and self-sacrifice are often shown most splendidly at the close of a lost battle, in the attempts to cover the escape of a routed army. But every writer, in proportion as he understands the meaning of war and honours soldiery, feels, with the last and not least brilliant of English military historians, that it is pure pain to record or read of the slaughter that takes place after resistance is over, the havoc wrought by cannon and cavalry among the broken ranks of a beaten army. Such is the moral character of the twelve months' warfare which finally crushed or slaughtered out the remaining armies, and reduced to sheer starvation the people of the South. The last exploit which, by connection and historical sequence, though not by date, belongs to the campaign of 1863, was the march in which Sherman swept before him the struggling remnants of the Southern forces, seized Meridian in Alabama, devastated the country with a thoroughness which at the time he claimed as a merit, but which in his Memoirs he studiously endeavours to slur over or extenuate, and destroyed the last elements of organised resistance in the country, leaving a strong force based on New Orleans to complete the work of destruction.

Banks with a powerful army, supported by Porter's fleet, moved up the Red River, with Shreveport on the frontier of Texas for his nominal objective, and the devastation and plunder of Louisiana for his immediate purpose. Banks belonged to that class of Generals who had never been and never became soldiers, whereof Butler was the typical representative. Their chief appreciated

their real qualifications, and employed them for the most part with no little judgment on service equally congenial to their tempers and suited to their powers. Butler had been placed at the head of some 12,000 men, the largest of several scattered forces numerous enough to constitute a formidable army, which were to close upon Richmond when Lee's army had crossed the Potomac. They had abundant time and superabundant strength; but somehow they never came in sight of Richmond till, learning that Lee was again within a few days' march, though with an enormously superior army in his rear, they allowed the whole scheme quietly to collapse. No Federal chief who had ever encountered Stonewall Jackson was in a position to reproach the unlucky 'Commissary,' and Banks was rather commended for saving a part of his army than called to account for the loss of prisoners, the cannon, small-arms, and quantities of stores that had supplied the need of the hungry, half-clothed and half-armed Confederates, in the Valley campaign of 1862. It had been his fortune to command at the siege of Port Hudson. He was therefore supposed capable of commanding in an expedition which hardly expected to encounter a formidable enemy. But to Banks a very small Southern force, under chiefs like Kirby Smith, Price and Richard Taylor was more than formidable. On April 8, 1864, his straggling army, encumbered by a train of plunder-laden waggons, suddenly encountered a 'long thin line of clay-coloured Confederates.' The Southern infantry dashed out of the woods, charged Banks's cavalry and hurled them back in ignominious rout. The Federal army ran for three miles, till they took refuge behind their rear-guard, strongly posted under a real soldier on the edge of an almost impassable ravine. Here pursuit was checked for the moment, and Banks had only lost some 3,000 killed, wounded, and prisoners, nineteen guns, and a large proportion of the trains and stores which accompanied the luxurious march of the Federal armies. On the 9th the Confederates again overtook him, and Banks escaped under cover of night, leaving behind him 2,000 more of his men and everything that could encumber his flight, including his dead and wounded, no small proportion of his rifles, and 1,200 horses and mules which the fugitives had not time to mount. The forces which thus summarily disposed of him were scarce a third of his own.

On the 10th a brigade of Texan infantry made a desperate attack on Porter's fleet, actually supposing that gunboats could be carried by infantry charges, a delusion of which they were not cured till a raking fire of grape and canister had disabled more than a fourth of their number. Even after this repulse, Porter had to exert no common ingenuity to save his fleet from falling bodily into the hands of an enemy who do not appear to have had

a single vessel of any kind, and one of his gunboats was abandoned and burned. Banks was consoled for his disgrace by burning Alexandria and carrying off with the aid of the fleet some fifteen thousand bales of cotton, worth 30,000*l.* to 40,000*l.* At the end of April another Federal army, which in co-operation with Banks had marched southward from Little Rock, the capital of Arkansas, was caught in its retreat by the Confederates and chased ignominiously back to its base, losing 400 waggons, eight guns, and more than 2,000 men. After these disasters General Canby was placed in charge of the trans-Mississippi Department and confined to the defensive. Another Federal army was sent on a raid into Florida, from whence nearly the whole population of military age had, as we have seen, been withdrawn. But aged men and schoolboys on this, as on other occasions, confronted with calmness and success the regular soldiers of the North. A hastily gathered force encountered the invaders at Olustee and completely defeated them.

On August 5, 1864, Farragut, who had long lain idle off Mobile, determined with fourteen wooden ships and four monitors to attack the forts that closed the harbour. The Confederates had but one rudely iron-plated ram, the *Tennessee*, and three improvised gunboats, the three together scarcely a match for the weakest vessel in the enemy's fleet; the *Tennessee* less effective than any one of the monitors. The forts were attacked by a large land force. The Federal fleet was armed with 9, 11, and 15-inch guns and one hundred-pounder rifled pieces. A dozen vessels at once set upon the *Tennessee*, which, charging again and again, damaged and defeated many of her assailants. At last, rammed by one vessel after another, receiving broadsides of 9-inch shot from the wooden vessels and from the iron-clads 15-inch bolts, which broke through her plating and wooden backing—her steering apparatus destroyed, her port-shutters jammed, one monitor firing at her stern, two others and the *Hartford*, Farragut's flagship, closing upon her—helpless and defenceless, she hauled down her flag. Buchanan, transferred to her from the lost *Virginia*, was again severely wounded. One Federal monitor had been sunk; and the fleet lost besides 52 killed and 170 wounded, chiefly during the contest with the *Tennessee* and her tiny attendants. In the course of a month the forts, having been reduced to a mass of ruins, were abandoned or destroyed. Farragut behaved with skill and courage, but the glory of the fight remained with the vanquished, who, with one rude ram and three so-called gunboats, fought four ironclads and fourteen wooden ships of war for four hours, and surrendered only to sixfold forces.

While Sherman marched upon Meridian, Forrest with some 5,000 cavalry swept into Tennessee and inflicted considerable havoc

upon the Federal stores and forces in that State. On April 12, 1864, he reached Fort Pillow, held by a body of guerillas and negroes, and supported by a gunboat which after the first attack retired to 'cool or clean her guns.' The latter not returning, Forrest, having driven the enemy into the works, summoned them to surrender under threat of an immediate storm. Soldiers who cannot resist have no right to inflict a useless slaughter upon the assailants before throwing down their arms, nor can they expect to escape retaliatory havoc after the works are carried. But the commander refused, and the fort was instantly stormed. The character of its garrison, and the treatment to which the country from which Forrest's troops were drawn had been subjected, would have excused the mere refusal of quarter. It seems to me clear that the stories told by Northern writers, and the report of the Committee of Congress appointed to investigate the matter, are grossly exaggerated. It must be remembered that a whole series of similar accusations made by Stanton, then in the Cabinet and supported by Congressional Committees at the close of the war, are now tacitly owned to be unfounded. But after all deductions are made, when the evidence elicited from negro witnesses, who knew that the worst charges would be most welcome to their questioners, is set aside, much remains which it is impossible to justify or even to palliate. That Forrest exerted himself to restrain the passions of his troops is proved by hostile witnesses; that his men were less disciplined and obedient than the regular forces of Lee, Johnston, Beauregard and Bragg is matter of course. That they were infuriated and uncontrollable, that they gave no quarter to men who hardly deserved it, is beyond question. A great majority of the garrison were killed after the post had been stormed, when they had ceased to resist because resistance was impossible. The stories of crucifixion, burning alive, torturing and mutilating, are founded on no better evidence than that of negroes afterwards released or exchanged—a fact which proves that there was no systematic massacre—and of a master's-mate from the gunboat which had so strangely deserted them. The place was set on fire, and many corpses were consequently burned; some wounded probably perished in the flames. That in the hurry and confusion one or two may have been buried alive is probable enough. Such things must happen on every battlefield. That they were done intentionally I find myself, after studying the evidence, unable any longer to believe. Had the Confederates shown a disposition to refuse quarter on the battlefield, no one could have wondered, considering all that they and their families had had to suffer. But no characteristic of the war is better attested than the soldierly humanity of the Southern troops, except the extreme and perhaps excessive unwillingness

of their commanders to resort to reprisals for the many cold-blooded executions and other violations of martial law committed by Federal Generals and troops—acts for which redress was repeatedly demanded from their Government and refused with insult. The story of Fort Pillow stands alone, the sole case of inhumanity even alleged against Confederate troops.

Wilmington, the last Confederate port open to blockade-runners, was defended by Fort Fisher, called by Porter ‘as strong as the famous Malakoff,’ and by several other batteries, none of them formidable, and all of them capable of being turned by land forces. The garrison of Wilmington had been reduced to the lowest possible point by the necessity of providing forces to attempt to resist Sherman’s march of devastation. On December 15, 1864, General Butler, with a formidable army, supported by Porter’s fleet, which carried 500 guns of the largest calibre—the most formidable naval armament ever collected—approached the fort. A boat stored with 215 tons of powder was run alongside the ramparts and fired on the 24th. It produced no effect; the fleet went in to attack, and boasted that in half-an-hour it had silenced the fort. Nevertheless, fleet and army were defeated, and on the 25th General Butler ordered the return of the expedition. Disgusted at the unsatisfactory result, which he ascribed to Butler’s incapacity, Grant sent back a still stronger force, which landed on January 13 under the terrific fire of the fleet. After two days’ bombardment, under cover whereof the troops worked their way by a series of trenches till within 200 yards of the works, they ventured an assault. For five hours the Confederates held their own, one to ten, in a hand-to-hand death-struggle, under a fire of grape and canister such as in itself might have sufficed to drive veteran troops from a strong position. The traverses were held long after the enemy had forced the shattered outworks. Not till the Confederates were expelled from the last traverse and hemmed in between the enormous guns of the fleet and the enemy’s land force, did they surrender. Their unequalled heroism extorted praise even from Mr. Draper—‘never,’ he owns, ‘had there been a more gallant nor, for the conquered, a more glorious defence.’ The unparalleled force collected to attack a single earthen fort bears yet more unwilling and emphatic witness to the matchless valour of the little garrison of 2,500 against whom it was hurled; to the belief of Grant and Lincoln that Confederate troops could only be conquered by the weight of immeasurable odds. The fall of Fort Fisher sealed the Confederacy hermetically against succour from without. Of corn and meat, powder, shoes and clothing, she had a very inadequate supply for a few months. Of coffee, tea, wine, spirits and above all medicines, she was henceforth almost absolutely destitute, as for many months she had received very precarious and exceedingly small supplies.

In the meantime Bragg had been relieved of his command and summoned to Richmond as the military adviser of the President. Public opinion compelled President Davis to replace General Johnston in command of the so-called Western armies.

At the beginning of May Grant was summoned to Washington to take charge of the gigantic hosts, more than a quarter of a million in number, gathered to overpower the Confederate forces in Virginia, whose total at no time exceeded 75,000 men. He was shortly after advanced to the rank of Lieutenant-General, with the command of the whole military forces of the Union. More than 100,000 men were scattered over Kentucky, Tennessee, Mississippi and Northern Alabama; as many more were mustered under Sherman at Chattanooga. To the former the Confederates could oppose a few bodies, regular and irregular, including the garrison of Mobile, which can hardly have amounted in all to more than 30,000. Johnston confronted Sherman in Georgia with fewer than 50,000.²

Hitherto the movements of the great Federal armies had been altogether independent. There was no concert between Grant and Burnside, Hooker or Meade; much less between these and commanders of large detached armies, employed or unemployed, at New Orleans, Charleston, Port Royal, Newbern and other points along the Southern coast or beyond the Mississippi. Grant concerted with Sherman a complete scheme of operations, suggested by their long experience and practical knowledge of the Far South and South-West. The Confederate line of defence was a mere shell, covering a country drained of men and military stores, with only two or three ports through which scanty supplies could be drawn from without. That shell once broken, the army of Johnston once destroyed, worn out or driven out of his way, Sherman had nothing before him, nothing between him and Savannah, but an open agricultural country, rich in food for men and horses, from which the whole of its military population had been withdrawn. The fall of Vicksburg had severed one-third of the Confederate territory from Richmond; another third was held more or less firmly by the armies in Sherman's rear, from

² Mr. Davis shows that Johnston greatly overrated the available numbers dispersed in the South-West, in regard to which the latter had no reliable means of information. As to the strength of the Virginian forces, Davis's statements, resting on contemporary reports of Lee and his lieutenants, are thoroughly trustworthy. As regards the garrisons and detachments in the Gulf States, no more than a conjectural estimate is possible. Special information received at Richmond from individual commanders shows that their strength was there grossly overrated. At one time, for instance, Forrest commanded one-third of the force ascribed to him by War-Office calculations, perhaps one-tenth of that reported by the General who encountered him. On the other hand, Mr. Davis is, as against Johnston, a distinctly hostile witness. Either the President exacted too much or the General achieved too little; which, is mainly a question of numbers. The maximum ascribed to Johnston after Polk's corps had been withdrawn from the South-West to reinforce him is 68,000 men. It seems certain that he had never 60,000 to oppose 100,000 under Sherman's command, and that the disproportion was constantly increasing. The numbers he handed over to Hood at the close of the campaign fell short of 40,000, of whom not 28,000 were actual effectives.

Louisville to Northern Alabama; and a victorious campaign in Georgia would cut the remainder in two, isolating Virginia and the Carolinas with a total strength, including the garrisons of Charleston and Wilmington and the detached forces guarding Lee's communications, scarcely exceeding 100,000 men, upon whose front, flank and rear the victors would be able to concentrate at least half a million. Grant's idea was to wear out the main Confederate armies by incessant fighting and sheer attrition, no matter at what sacrifice of life. Ten thousand Federal soldiers slain or wounded could be more easily replaced than two thousand withdrawn from the Confederate lines, behind which there was literally no residual strength—except a few thousand cravens who had obtained exemption on one plea or another—unless in the last resort the South should arm her slaves. Sherman, while accepting this idea, relied on his superior force, as available for flanking and turning movements, to drive Johnston out of the strong hill country between Chattanooga and Atlanta, and at the price of two or three pitched battles to reach the heart of the Confederacy and seize her last remaining arsenal.

The concerted campaign commenced in May, 1864, when Sherman commanded at least 100,000 men with 254 guns, and the utmost which even a writer like Draper ventures to ascribe to Johnston was less than one-half of that number. Sherman's lieutenants were Schofield, M'Pherson and Thomas, the two last hardly inferior in ability and resolution to their Commander-in-chief. Those of Johnston—whose army covered the Chattanooga and Atlanta railroad at Dalton—were Hardee, Polk and Hood, the last a splendid soldier peculiarly suited to the command of his reckless, daring, indomitable Texans, with whom he was a special favourite. Commander and men alike exaggerated the proverbial quality of Englishmen; they never knew when they were beaten, or when they must be. The position of Dalton was very strongly fortified. The discipline and skill of the Confederates as well as the genius of their commander were shown throughout the campaign by the rapidity with which they entrenched his admirably chosen positions in the mountain passes and on the rivers, at which alone it seemed possible to arrest the march of an enormously superior enemy. Their favourite defences consisted of parallel walls of felled trees filled in with earth, forming a rampart no less effective against artillery than an earthen parapet, but not presenting the like easy slope to an infantry assault.

Sherman knew the Confederate soldiery too well to venture on assailing them behind entrenchments with only two-fold numbers. He employed M'Pherson to turn the position, moving on Resaca, eighteen miles below. If Resaca were seized, Johnston would be placed between two armies each equal to his own, the second en-

trenched in a strong position across his line of retreat. If he fell back to avoid this disaster, Sherman hoped to force him to a disadvantageous engagement in the open. The plan failed. Johnston abandoned Dalton on May 12, and fell back upon Resaca, the enemy not being able or not daring to close upon his rear. This second position was attacked by the Federals on the 14th and 15th, but they were defeated with the loss of some 5,000 men. Johnston's far lighter losses were irreparable. Again the position was turned; a vastly superior force threatened the front, while about one-third of the invading army moved on the flank and rear of the defenders. Johnston paused again on the Etowah river and prepared for battle; but Polk and Hood are said to have remonstrated, and Johnston fell back across the river and took up another strong position in the mountain pass of Allatoona. Here Sherman dared not attack him, but on the 25th he pushed round Thomas towards Dallas, and followed with the main body of his army. In the course of the next two or three days several sharp encounters took place, in which the Federal advance was on the whole decidedly worsted. But rebridging the Etowah, repairing the railroad in his rear, and constantly moving by a flank, generally by the left, Sherman pushed back Johnston to a strong position already prepared in the Kenesaw Mountains.

Thus far Sherman had won, at no small cost, only a country long intact, where, finding a garden in his front, the invader left a desert. Besides the devastation deliberately wrought, the cloud of bummers (common thieves and incendiaries—a name adopted, a force acknowledged from this time by Sherman himself) which attended his army robbed, burned and wasted, filling their pockets and waggons with stolen teapots, spoons, watches, jewels and plate, firing barns and standing crops, slaughtering cattle, and leaving their victims to die of exposure and hunger. Sherman was as responsible for these deeds as for those he actually ordered; he was fully aware of, and at the time even boasted of them. He had three distinct objects in thus reverting to the worst usages of former ages and vying with the atrocities of the French army in Spain and Portugal. He desired to punish the non-combatants of the South, and especially the women, whose heroic spirit and passionate patriotism had done so much to recruit the armies and sustain their spirit.³ He hoped also to deplete the enemy's ranks by forcing his soldiers to desert in order to succour their homeless families. In this he succeeded but too well: veterans who, ragged, barefooted, and half-fed, had chased before them on a hundred battlefields the best provided armies in the world, were driven to desertion by the news that their wives and children were dying of hunger in the woods,

³ See his Atlanta Proclamation in his own Memoirs.

exposed to the license of revolted slaves and the brutality of an uncontrolled swarm of camp followers. Thirdly, Sherman obviously hoped to draw his antagonist to fight against his better judgment, through the pressure exerted upon himself, his army and his Government by the cries of the terrified women and children in his rear. Such methods are undoubtedly effective, but since the Thirty Years' War have been excluded from the practice of Christian belligerents. But Johnston could not be provoked to sacrifice the army which was the last hope of the South, the last power that could protect the people of Georgia and the Carolinas from such an enemy. On June 27 a battle was fought at Kenesaw, in which Sherman was defeated with a loss of 3,000 men at little cost to the victors. Once more he turned the line he dared not force, 'a line of parapets which, though made in two or three days, had all the essentials of a permanent work, ditch, parapet and embrasure, and the very best kind of abattis and palisade.'⁴

On the morning of July 3 the Confederates were compelled to abandon Kenesaw. In the same fashion, by a skilful use of overwhelming numbers and boundless resources, Sherman came in sight of Atlanta. The Confederate Government was thoroughly exasperated by a continuous retreat, whose necessity a soldier like Mr. Davis might have understood, or accepted on the authority of his consummate General; and, in spite of Lee's remonstrances, Johnston was removed from command and replaced by Hood. On July 20 Sherman closed upon the Confederate lines and fought an action in which the loss of both parties was about equal. On the 22nd Hood ventured, in spite of his numerical weakness, to turn Sherman's left. The movement was at first a complete success. Sherman was thoroughly outgeneralled, his left overpowered, its entrenchments repeatedly broken, and several of its strongest batteries captured. But numbers at last recovered the ground lost to reckless dash and desperate daring, and the Confederates were obliged to withdraw within their lines.⁵ A third battle was fought on the 28th, the Confederates again assailing strong entrenchments guarded by twofold numbers and protected by an overwhelming artillery. Four, five and six times their shattered forces renewed the attack, and failed to reach or cross the palisades which covered the enemy. Polk had been shot dead at Kenesaw; M'Pherson, Sherman's best lieutenant, was killed in front of Atlanta.

The comparative fitness of Hood and Johnston for supreme command was proved by the event. By the testimony of his

⁴ Draper, vol. iii. p. 285.

⁵ Draper's and other Federal estimates of the Confederate losses are simply ridiculous. If they were correct, Johnston's army, which had received no reinforcements, must by this time have dwindled to 30,000 men.

skilful adversary, Johnston's retreat was masterly; never beaten in the field, his flank invariably turned and his communications threatened by twofold numbers, he lost scarcely a straggler, a waggon, a broken-down horse or mule, and no guns except those necessarily abandoned in the entrenchments. Hood's defence of Atlanta was heroic, but costly and fruitless. Sherman was distinctly defeated, his heavy losses incurred in vain; and on August 16 he was compelled to do what he might have done three weeks before, to move his army to the south and cut off Hood's supplies. Firing and wasting as he went, he reached Jonesborough and cut Hardee's corps off from Atlanta. On the night of September 1 Hood abandoned the city, destroying his ammunition trains and the stores and rolling stock of the railways which he could not remove. Sherman had lost 30,000 men in actions not one of which achieved his immediate purpose or contributed to his ultimate end. If Hood had, as is alleged, 40,000 men left, the Confederates' loss did not exceed 20,000, and was chiefly incurred in the fearful slaughter of the battles round Atlanta, where Hood was striving to break a strongly fortified line held by enormously superior numbers. Atlanta was captured, like Dalton, Resaca and Kenesaw, by a flank movement, and the Federal loss was purely gratuitous. But, however obtained, the capture was of invaluable import.

Mr. Lincoln's exultation was manifested by a stupendous artillery salvo, Sherman's by the deliberate destruction of the city and the summary expulsion of all its defenceless inhabitants, amongst whom there was no man capable of military service. This act, unprecedented in modern war, was aggravated by a proclamation in which the aggressor, invader and devastator invoked curses on those⁶ who brought about the war, and complained of the wrongs inflicted 'on the hundreds and thousands of good people who only asked to live in peace at their old homes under the government of their inheritance.' Who would suppose that by the latter phrase Sherman indicated, not the people whom he had driven from their homes, but himself, his invading army and his bummers?

Besides the bummers, a vast crowd of real and so-called fugitive slaves hung on the rear of the Federal armies. Emancipation was never a dominant or general aim of the Northern people, nor of their captains in the field. With the Government at Washington, with the leaders of the Republican party, above all with the rank and file, military and civil, it was an instrument rather than an end. The passion that animated the volunteers of 1861-2 was national, not philanthropic; a passion for the Union which resented the Abolitionism of Greeley and Garrison as it resented the would-be neutrality of Kentucky and Maryland—as an intru-

⁶ *Memoirs*, vol. ii. p. 117, *et seq.*

sive impertinence, an obstacle to the attainment of the supreme object of the war. To the last, hatred of the slave-owner as secessionist and as aristocrat had far more to do with the Abolitionism which spread through the Northern people and armies than compassion or justice for the negro. The enlistment of coloured freedmen in the North and fugitive or stolen slaves in the South was seriously resorted to only when volunteering had broken down, and the intense unpopularity of the conscription had driven the North, and especially the unwarlike population of Massachusetts, New York and Pennsylvania, to seek for cheap substitutes.⁷ Before, during and after the war politicians and political Generals treated the negro race as the instrument of a selfish and cold-blooded policy, to which, whether it failed or succeeded, its tools were sure to be sacrificed. Gathered in helpless, confused, undisciplined swarms on the line of Banks's marches and Wilson's raids, swept into improvised camps, uncared for and unfit to care for themselves, men, women and children died like flies of disease and neglect, infected by the sickness which wasted the invading armies more rapidly than sword or fire. Worse treated than the prisoners of Andersonville, the victims of a contemptuous indifference more cruel than the revenge exercised against their owners, the war is said to have cost more lives of negro non-combatants than of Northern and Southern soldiers. Philanthropy or even mercy would have left them in their homes to abide the inevitable issue of the war. Ignorant, submissive, christianised and semi-civilised by the efforts of the master race, they reverted, when freed from the wholesome influence of the routine life of four or five generations, to the ineradicable hereditary type of African barbarism, excitable, licentious, animal rather than brutal—in a word, to that savage nature which, as the most successful missionaries have learned to their bitter disappointment, no teaching, no training, no length of civilised life can do more than repress; which has prompted the most promising missionary pupils, after thirty years' enjoyment of civilisation, to declare that 'it was not worth while,' and return to the squalor, privation and liberty of the wigwam and the woods; a reversion which barbarised Haiti, and is fast barbarising, in spite of white example and government, the coloured population of Jamaica. No drill, no encouragement, no leadership could make negroes a match for the Southern soldiery, any more than the efforts of first-rate French and Italian soldiers could enable the warrior races of Hindustan to face the white troops of Clive, Lake or Wellesley, of Gough and Hardinge.

⁷ This is admitted 'to the discredit of some of the free States' by Dr. Draper himself (vol. iii. p. 207), and this motive operated to a far larger extent than the professed apologist of the Federal cause can bear to allow.

After the occupation of Atlanta, Sherman's army lay comparatively idle, employing its cavalry and a part of its infantry in wholesale arson and pillage. Forrest meanwhile attacked the railroads, captured the garrisons and broke the communications in Sherman's rear. In October Hood undertook a similar movement in force, hoping, by means of a vigorous but desperate raid into Tennessee, to draw Sherman, as he had failed to drive him, out of Georgia. Sherman followed for some distance, but finally found that his communications were hopelessly cut, and resolved on a manœuvre which has been overpraised, but whose conception was as skilful as its execution was easy. Hood's whole army did not number 40,000 men; the Federal force which could be collected to oppose him before he could reach Kentucky outnumbered him fourfold. Nashville was his immediate objective; and at Nashville Thomas—the equal of Meade and Hancock, if not of Grant and Sherman, reinforced by the last named, and empowered to call up whatever troops he required from the scattered forces in Kentucky, Tennessee and Mississippi—awaited Hood's attack behind entrenchments which only a Confederate army, unless enormously superior in strength to the defenders, would have dreamed of assailing.

Sherman determined to repeat on a far greater scale, but at incomparably less risk, the famous flank march of Lord Raglan. He had to cut loose, like Lord Raglan, from his base and march to a new one; but he had not, like Lord Raglan, a beaten but still very formidable army before him, a strong fortress on his flank; and, instead of a virtual desert, he had to march through a rich and fertile country to reach a secure base and abundant supplies prepared for him by the Federal fleet. With the million soldiers at his command it was easy for Mr. Lincoln to oppose threefold numbers to each of the small armies into which the total Confederate force, scarcely numbering 250,000 men, was of necessity broken up. East of the Mississippi the Confederates had perhaps 70,000 men in Virginia, 36,000 in Tennessee, scattered bodies of cavalry and infantry which cannot have amounted to 15,000 men in the South-West; garrisons at Mobile, Savannah and Charleston just strong enough to deter the Federal forces in their immediate neighbourhood from attempting to storm these towns. Such was the position on November 12, when, with at least 60,000 infantry, 6,000 cavalry and a powerful artillery, leaving Atlanta in ashes, Sherman commenced his march to the sea, utterly devastating, as he passed, a tract of country some forty miles in width, encountering levies amounting on different occasions to some 5,000 or 6,000 men, but having, as he well knew, nothing like a substantial enemy in his front. On December 13 he reached and summoned Savannah. Hardee, who commanded there with a force utterly

inadequate to resist one-half of Sherman's army—aided as it was by a Federal fleet which, if more adventurous, should have rendered the city untenable—after a defence intended chiefly to delude the enemy as to his intentions, withdrew his forces towards Charleston. The completeness of his success reflects the highest credit on Sherman's perception of facts, but no military glory attaches to a military promenade through a country which contained not 10,000 men capable of bearing arms. Sherman took or burned 20,000 bales of cotton, ten million pounds of corn, and a proportionate quantity of meat, bread, coffee, soap, sugar and salt. Kilpatrick, who commanded the cavalry, boasted that a track forty miles broad was marked by the brick chimneys he had burned, and by no other sign of human habitation. The vaunt would seem exaggerated, were it not fully borne out by contemporary evidences. These were the achievements on which Northern Generals appear to have relied for approval and reward; these the means of subjugation on which the Federal Government, with a million and a half of soldiers under arms, chose to rely. The Confederacy was to be exhausted by devastation rather than conquered in fair fight; by driving aged men, refined and delicate ladies, and tenderly nurtured children and young girls to seek shelter in woods and swamps, to feed on roots and acorns and such remnants of their harvests as had escaped the invader. The temper of the time may be seen in the dispatches, in such books as Hans Breitmann and the Biglow Papers. The tone of Sherman's, and still more of Grant's, *Memoirs*, written after years of reflection, is wholly different. The treatment of France by the exasperated Prussian soldiery of 1814-15 and 1870-71 was tenderness itself beside the conduct of the Federal armies towards a people of the same blood and speech, who fought solely and exclusively in self-defence. At every point the warfare waged by the North upon the South finds not precedent or parallel, but striking and glaring contrast, in every other war of recent days between civilised combatants.

CHAPTER XXII.

CAMPAIGN OF THE JAMES.

Grant's First Resort to Brute Numbers—Why Effective in Virginia—Its Strategic Failure—Wilderness, Spottsylvania, Cold Harbour—Grant Defeated in every Battle, and in the Campaign.

MEANWHILE the Army of the Potomac had been engaged in a very different conflict. No modern soldier, unless we except Napoleon, was more reckless of human suffering, more lavish of human life to little purpose, than Grant. Throughout his last year of warfare he relied primarily on the brute force of limitless numbers, and chose to depend not on strategic skill but on sheer attrition; on wearing out the narrowly limited strength of the Confederate army by battles whose only effect was to kill and wound 20,000 Confederates who could not be replaced, at the sacrifice of thrice as many Federal soldiers whose places were immediately filled. The apologists of this policy, while extenuating its ruthlessness, have failed to mark the confession of inferiority it involved. Its adoption was a silent admission that nothing was to be hoped from his own generalship as opposed to Lee's, no reliance to be placed on the quality of his troops; that numbers must make up for morale, and Confederate heroism be compensated by boundless waste of Federal lives. He had shown himself, in the campaigns of Fort Donelson and Vicksburg, a capable if not a brilliant strategist. The blunder of Shiloh, where, with double numbers within a day's march, he had fought and been beaten on equal terms, had proved him no match for Sydney Johnston; and the fruitlessness of the next day's victory seems to rank him decidedly below Beauregard.

The opening of the Virginian campaign was marked by all his professional defects, and by none of the insight into essential conditions displayed at Donelson and Vicksburg. Even his successful circuit to the rear of the latter had been preceded and forced upon him by the failure of a previous blundering attempt, as his siege operations were reluctantly resorted to after the sanguinary defeat of two desperate assaults. In a word, his first appeal was always to naked force and brute numbers; and only when beaten in open fight did he fall back on strategy. This must have been the meaning of the speech he is said to have addressed to Meade

on first superseding him, that 'he never manœuvred;' if, indeed, Grant ever stooped to such a vaunt.

His campaign had been preceded in the early spring by an attempted surprise on Richmond, in which Kilpatrick, before his transfer to Sherman, Butler and Colonel Dahlgren—the son of the famous Admiral—had been employed. Papers taken on the latter, and immediately photographed, showed that the main object of the plot and expedition was the burning of the Confederate capital and the capture or murder of President Davis and his Cabinet. Dahlgren was shot in attempting a retreat, and the rest of the expeditions were ignominiously driven off. This is the substantiated fact around which a mass of falsehood on both sides has accreted. Richmond journals published absurd exaggerations of a design sufficiently atrocious in itself; Federal writers retaliated by accounts totally false of the indignities inflicted on Dahlgren's corpse.¹

Grant's plan was not so devoid of skill as, owing chiefly to his own language, it has been represented. Butler, with a force of 30,000 men and a soldier for second in command, was instructed to act on the south side of Richmond and to cut the railway between that city and the town of Petersburg, on the Appomattox, some twenty miles to the south. Later, Grant himself visited Butler, and instructed him to seize Petersburg and destroy the railroad to the southward, the main line of communication, supplies and retreat upon which the Army of Northern Virginia relied. On May 4 the main body of the Army of the Potomac, some 150,000 men, crossed the Rapidan under the immediate command of Meade. It was divided into four great infantry corps of 30,000 men each, with a vast body of cavalry consolidated into a corps under the command of Sheridan. Lee, with a total somewhat short of 60,000 men, still divided into three corps under Ewell, Hill and Longstreet, interposed between Richmond and this overwhelming host. The brilliant genius, the military instinct which never failed to anticipate the enemy's movements, were never more signally displayed than in these last hopeless campaigns. Never were the skill and devotion of his lieutenants, the matchless quality of his troops, the stern sense of patriotism and military duty, the boundless attachment to their chief which inspired them, more gloriously exhibited. On May 5 began the three days' fighting in what was called the Wilderness, a vast tract of tangled forest, part of which had been the battle-ground

¹ Mr. Draper repeats the latter falsehood. The truth is that Dahlgren was buried like any other officer killed in action. The paper taken on his body, of which a photographed copy was immediately sent by the Confederate Government to the enemy's headquarters, proved to be not that which his superiors had endorsed, but a modification thereof, in which the critical sentence had been inserted by himself. It is thoroughly in keeping with the passions ascribed by his admirers to a gallant, excitable enthusiast of twenty-one, happily saved by a soldier's death from an infamy which should justly have attached to his civilian teachers rather than to their credulous pupil.—Davis, vol. ii.

of Chancellorsville. The Federal army was completely defeated by the sheer hard fighting of an enemy at first outnumbered by three to one, and afterwards by five to two. Unhappily, Longstreet was severely wounded and withdrawn for some time from active service. Again the Federal army tried to turn the Confederate right, and again found Lee across their road at Spottsylvania. Here again the sixth day of very hard fighting, as Grant described it, ended on May 10 with a complete repulse, which Grant represented as 'much in his favour.' The battle was renewed on the 12th, and at a cost of 10,000 men Hancock effected a lodgment in a single advanced work of the Confederates. Throughout this fighting that General had borne the brunt; but, like M'Clellan, Hancock, though no politician, was suspected of Democratic inclinations, and though certainly the third best officer in the Federal army, very possibly lacking nothing but the opportunity studiously denied him to rival Grant or Sherman, he with difficulty forced his way to the command of a corps, and was never allowed to rise higher. Again Grant moved to the North Anna; again Lee anticipated and completely outgeneralled him, placing his army in an impregnable position between the two wings of his antagonist; each of them far superior to the intervening force, but each of them taught by reiterated, severe and recent punishment that no such numerical superiority could render them a match for the veterans of the Virginian army. Both Generals and both armies acted on the assumption that 35,000 or 40,000 Confederates would overpower 70,000 Federals, before the remaining 70,000 could crush the containing force of 20,000.

Sheridan had been wasting and destroying, this time the legitimate objects of such raids, stores and roads, and had had an encounter with an inferior force of Confederates under Stuart. He boasted with little reason of a victory, but gained more than a victory could have given him, more perhaps than the destruction of half his corps would have countervailed, in the death of General Stuart, assassinated rather than fairly killed by a Federal fugitive whose life he had spared. Butler meanwhile had established himself in the Confederate lines at Drury's Bluff or Fort Darling. But on May 16 Beauregard brought up the scattered forces he had been able to collect in North and South Carolina, according to the most extravagant Federal estimate less than one-half of Butler's strength, attacked him in the captured works, and hurled him back into his own entrenchments at Bermuda Hundred—protected by a Federal fleet. Here Beauregard actually imprisoned a Federal army half as large as Lee's whole force. The latter, with all the reinforcements that could be brought up to support it, never exceeded 60,000 men.

Grant, who had pledged himself to 'fight it out on this line'—i.e. to take Richmond from the north-east—'if it took him the whole summer,' delivered another desperate attack upon the Confederates, on finding them again across his front at Cold Harbour, a few miles north-east of Richmond. The field was a narrow plateau whose descending flanks were thinly covered with branchless pines. Across the plateau ran a ditch and parapet resembling a child's mimic entrenchment in the sand. An English girl of seven on a Shetland pony would have leaped it. A few hundred feet in rear was a ravine out of which no beaten army could have extricated itself without ruinous loss.² Behind the slight parapet, strengthened on the flanks by somewhat stronger works, the Confederate soldiers lay or crouched—they could not kneel. Grant on June 3 hurled against them the whole of his army. In half an hour that army was driven back, leaving the ground covered, to within a hundred yards of the trenches, with 8,000 dead and wounded.

Enraged by this last and most humiliating disaster, Grant furiously insisted on the renewal of the attack. He did not, as would most Confederate Generals under like circumstances, offer to lead it; and his officers and men, from the highest to the lowest, absolutely refused to stir. During the desperate fighting in the Wilderness, the Confederates lost for a time a critical position. Again and again they rushed forward to regain it, and were hurled back by an enveloping fire. It was absolutely necessary to recover the lost ground at any cost, and Lee came to the front: 'I will lead you myself.' The brigade refused to move. A murmur presently rose, a murmur swelling into a shout, 'Lee to the rear!' 'General,' said the Brigadier, 'go to your proper place; the men will not advance till they see you in safety. Then we promise to drive out the enemy.' Lee reluctantly turned his bridle; the men rushed forward and kept their word. So signally were the characters of the two commanders, the feeling of the two armies, contrasted within a single month.³

Thus, in the campaign north of the James, Grant had been completely and decisively defeated; he had lost in killed and wounded a number variously estimated at from 60,000 to 100,000⁴ men

² I speak from personal examination, and conversation on the spot with one who shared the fight.

³ This story is told in two slightly differing forms, and ascribed to two different brigades. It may, of course, have happened twice, but, unable to decide the point, I give no names or details open to question.

⁴ I believe the real loss to have been larger than the lowest of these figures—say 70,000. Grant puts it at 40,000! one of the very few instances in which he ventures to support by figures his loose general assertion that the Federal victories were not due to overwhelming numbers. The figures I have given—few of which Grant would have ventured to dispute—dispose of a statement *prima facie* improbable. The Federals had threefold and later tenfold numbers; they could choose the point of attack; the Confederates were necessarily dispersed to watch every endangered part. What did the North do with these advantages? I have shown, in each case, what the numbers were. When Grant explicitly contradicts me, it is as to the Confederate strength, of which he had no special knowledge.

without gaining a mile towards his ultimate objective, without coming a step nearer to the base he was finally driven to adopt. The Army of Northern Virginia had inflicted a long series of defeats on forces twice or thrice as strong, and had disabled more than their own number of the enemy. Judged by itself, the campaign was deeply discreditable to the beaten General. The Confederate loss certainly did not exceed one-fourth, in all probability not one-sixth, of that inflicted on the enemy; but while Grant's losses were immediately made up by reinforcements, the strength of the Confederacy was strained to the utmost to maintain the total of Lee's army, and after Cold Harbour it was impossible to recruit it to any extent.

On June 10, and again at a later period, Butler with a large army of cavalry and infantry, released by the compulsory withdrawal of Beauregard's small containing force, made another attack on Petersburg. Her men from eighteen to fifty were in the army; her boys and greybeards turned out to the support of the few regular troops available for her defence, and the overwhelming hordes of the enemy were ignominiously repulsed. The little church of that small country town contains a tablet to the memory of those citizens of Petersburg who perished on this occasion. Scarcely one was between seventeen and fifty, and after the war many a schoolboy's empty sleeve or wooden leg bore testimony that he had already done a man's duty in defence of his birth-place.

On June 15 the Federal army reached and crossed the James, while Grant proceeded to Bermuda Hundred to prepare for the capture of Petersburg. The total of the Confederate forces in Virginia did not reach 80,000 men, of whom not 60,000 fell back with Lee into the lines which now covered Richmond, Petersburg, and the railway between them, lines ultimately stretched to thirty miles and defended by a total strength of 1,500 men per mile of parapet. Besides 120,000 infantry under Grant's own command and Sheridan's huge cavalry force, the Federals had Butler's army, between 30,000 and 40,000; a third force varying from 10,000 to 25,000 men in the Valley; and a fourth in Western Virginia, which aimed at Stanton and Lynchburg, and threatened Lee's communications to the westward, as Butler should have cut the only Southward line.

On May 15 Sigel, moving up the Shenandoah with some 10,000 men, was encountered at Newmarket by Breckenridge with a small Confederate force, and routed. Averill and Crook, who commanded in Western Virginia, were as completely, if less ignominiously, beaten. Sigel was removed and succeeded by Hunter. Breckenridge having been withdrawn, and there being nothing deserving the name of an army in his front, Hunter ventured to

advance, achieved what he called a victory at Piedmont, and, joined by Crook and Averill, proceeded with 20,000 men to seize Lexington and burn part of the town, and especially the Virginian Military College, its buildings and library. A Confederate force less than half his own strength being despatched to meet him, Hunter fled precipitately into Western Virginia, unpursued, but leaving his road strewn with dead or worn-out horses, and for the time almost dismounting his cavalry.

A force of above 150,000 men was closing from the east and south upon the defences of Richmond and Petersburg, the latter so hastily thrown up, the whole so long and so feebly manned, that the better their character is understood the stranger it seems that the one army should have held them for months, the other flinched from an immediate attack. They were at best a mere line of ditch and parapet, strengthened here and there by open redoubts, eight to ten feet in height and perhaps twelve or fifteen in thickness at the base. The besieging armies had everywhere within a few miles inlets and harbours commanded by their fleet, affording impregnable shelter to their magazines and refuge in case of partial disaster. Richmond lay immediately on the northern bank of the James, which thence flowed almost directly southward. Petersburg was similarly situated on the south of the Appomattox, which fell a few miles below into the estuary of the James. Along its southern bank ran the railway to Lynchburg. To the south ran the Weldon railroad, communicating with the Carolinas. From Richmond, the Danville railway intersected or joined the Lynchburg line.

On June 14 another attempt was made on Petersburg, which seemed to contain no force capable of offering resistance. But the Federals failed to push on, a part of the Confederate army came up, and after three days' fighting, during which Grant hurried up vast reinforcements, the Federals were repulsed with the loss of 9,000 men. On June 21 they attempted to push round to the south-west of Petersburg and cut the Weldon railroad. General Hill's corps, less than 20,000 strong, fell upon the Second and Sixth Federal corps in the course of this movement. Hancock, who should have been in command, had been disabled by a wound, and the Federals were defeated in the open field on the 22nd and 23rd by an enemy not more than half as strong, with a loss of 4,000 men. Wilson's cavalry, pushing far to the south, escaped the Confederates, and cut up a considerable part of the Weldon and Danville railroads. In his retreat Wilson was encountered by an inferior force, and routed with the loss of all his artillery and trains and fully 1,000 men. His achievements, easy as they were, must have been grossly exaggerated; for in three weeks the injured railways were in working order.

The besieging army dared not assault the Confederate lines, and proceeded to counter-entrench itself and push a regular line of works, much stronger than those to which they were opposed, to the south and west, with a view of ultimately reaching the Appomattox, completely enclosing the garrison of Petersburg, and falling on the rear of the Army of Northern Virginia. At the point where the two lines approached nearest they were divided only by a deep ravine. Here, on the north-east of Petersburg, a mine had been dug right under the Confederate lines, with a shaft five feet in diameter and a lateral gallery running for eighty feet under the Confederate defences. On July 30, at 3.30 A.M., this mine was to be exploded, and the explosion to be followed by an assault sustained by 50,000 men, equal to the whole Confederate army guarding the twenty-five miles of defensive works round Richmond and Petersburg. Between the assailants and the town there was an untenanted hill sheltering the latter from view, and a Confederate force of at most a few hundred men. Burnside's corps were to form the advance; the actual storming force, some 10,000 strong, was led by General Ledlie.

Eight thousand pounds of powder exploded with an effect which appalled both armies, and paralysed every man on either side for some five minutes. To the astounded Confederates it seemed as if the Day of Judgment had arrived without warning. The whole atmosphere was one sheet of flame; two hundred feet of their works were blown to atoms, with their artillery and half a Virginian regiment. The stormers rushed in, followed by a negro brigade, better qualified to enhance the horrors of the storm than for any military purpose. Ten thousand men held the gap; on their left flank were a few disorganised Confederates, in their front no obstacle whatever. Forty thousand comrades were at their back. But they did not advance. One General was not to be found, another was hiding in a bombproof; their chief was sending messages to the front to know why they did not move, to the rear to assure Meade that they could not move. 'What hinders you?' asked Meade indignantly; and Burnside had no reply. Hour after hour passed.

The Confederates had no reinforcements within reach; only a few hundred men stood fast on the flank of the army that was yelling, shouting, howling and hanging back in full possession of their lines. Why did not Burnside go to the front and learn for himself why his men did not move? None can say. Longstreet or Hancock, if blocked by the division that held the gap, would have poured a whole corps over the lines on their flank. Meanwhile a Confederate brigade was falling back *man by man* from a distant part of the lines, lest their movement should be discerned by the enemy and the position they had abandoned carried with-

out resistance. At last, long after the day had broken, the head of a grey column was discerned moving through a covered way that skirted the height above mentioned. They deployed, received a scattering volley from the ten thousand in their front, and poured in their own fire. Down came the bayonets, and a long steel-tipped line charged a fivefold force, hurled it in panic confusion through the crater, down the glacis, over the edge of the ravine; and then fell back, unable to move without treading on wounded, dying, trampled or smothered enemies, and regained their lines.

Such was the exploit which has crowned General Mahone with a fame that no subsequent errors can obscure; such the darkest disgrace incurred by the Army of the Potomac. The whole story is simply inexplicable. What power had smitten 10,000 Federal soldiers with moral paralysis, their corps commander with imbecility, and his able superior with such weakness or slowness of judgment that he failed to repair the astounding errors of his subordinates, no court-martial could discover, no historian can venture to pronounce. The Confederates with more than usual reason ascribed their deliverance, when to human eyes all hope was lost, to the direct intervention of the God of Battles. Burnside received leave of absence. Subordinate defaulters were more severely visited. Four or five thousand Federals were killed, wounded or captured, and Grant himself could only deplore that an assault which promised such a brilliant success had terminated in disaster.

This severe check seems to have cured Grant of his taste for 'pounding,' 'pegging away' or 'fighting it out on a line' where he was sure to find the enemy strongly posted across his front, sure moreover to gain nothing that could not more easily be gained without serious fighting. During the autumn and winter the Army of the Potomac fought with the spade rather than with the rifle. Its operations were slow, uninteresting, inglorious, but all the more critical and decisive. Its cavalry wasted the country from which Lee drew supplies; its infantry, turning by force of overwhelming numbers the right flank of an enemy compelled to occupy a line of some thirty miles, pushed gradually forward to the west, cutting the Confederate lines of communication, entrenching itself across them, and slowly but surely working its way to the south bank of the Appomattox above Petersburg. Having reached this point it would be able to strike Lee's army in rear and cut his *last line* of retreat. Its programme was impeded by several sharp encounters, in nearly all of which it was worsted; but every defeat was retrieved by irresistible numbers. The Weldon railroad was cut, and a line of strongly-manned counter-entrenchments gradually enclosed the garrison of Petersburg. This consisted of Hill's corps. Lee, transferring his imme-

diate presence to each threatened point of his lines, always anticipated the moment of danger, and 55,000 men kept 180,000⁵ at bay.

There was no moment, from September to April, at which a vigorous attack in force could not have broken through those thinly guarded lines; none certainly at which two or three such attacks at different points, distracting the attention and dividing the scanty force of the Virginian army, must not have been successful. Grant speaks with singular *naïveté* of his original fear of the enemy, of the lessons during his earliest operations in the West which taught him that the enemy was as much afraid of him, and implicitly ascribes his ultimate success to the fact that he was not, as his predecessors had been with reason, mortally afraid of General Lee. But if he is to be judged by his actions, the defeats of the Wilderness, Spottsylvania, Cold Harbour and the so-called Crater had impressed him with a sense of inferiority, a belief in the practical invincibility of the Army of Northern Virginia and its renowned Commander-in-chief, quite as profound as that which had kept Burnside inactive on the Rappahannock, had paralysed Hooker at Chancellorsville, and had prevented McClellan and Meade from molesting Lee's retreat from the fields of Antietam and Gettysburg. He overrated Lee's strength, it would seem, by at least one-third; but he knew that the forces under his own immediate command, to say nothing of those which he could call up at any moment, outnumbered his antagonist's by more than two to one. The real disproportion was very much greater.

The same odds were thought essential and generally secured, the same tacit acknowledgment of the quality of the Confederate soldiery was made, in other and for the moment much more exciting and interesting, if not more critical fields. Even in Virginia the scene of action, the military interest of the conflict, shifts from Petersburg and Richmond to the Valley of the Shenandoah. Hunter's force, given by Federal returns at from 26,000 to 32,000 men, had—at the mere approach of Early and Breckenridge, whose total can never have reached 18,000, and probably never exceeded 12,000 or 15,000—fled across the Alleghanies into Western Virginia. Sweeping other forces of the enemy before him, Early cleared the Valley, entered Maryland, collected provisions and forage, levied contributions, defeated General Wallace at Monocacy, and on July 11 actually appeared before the entrenchments of Washington. That city was now so strongly fortified that a serious attack upon its works might seem to require a larger force than the whole of the Virginian armies could muster. They could have been held by the untrained defenders of Bunker's Hill against such sudden assault as Early could have

⁵ Including both Grant and Butler.

attempted. But once more the sight of Confederate uniforms on the left bank of the Potomac spread panic throughout the North. The Government piteously called for help, and two corps detached from the Army of the Potomac entered Washington in time to revive the spirit of the frightened Cabinet, and dispense with the services of the yet more frightened militia and reserves who garrisoned the capital, before Early could take advantage of their dismay. The Confederate General was of course unaware of their condition. No veteran soldier was likely to realise such panic demoralisation on the part of men with arms in their hands. Moreover, on actually arriving before it, he saw that Washington had been reinforced. The troops in his front were not the raw levies, half-trained recruits and confused detachments which had formed the garrison when he commenced his march up the Valley. Consulting his able lieutenants, he came to the just conclusion that he could not possibly force the powerful works before him without a loss which must expose his army to total destruction if met and subsequently assailed by a disciplined force. He fell back, slowly and irresolutely followed, carrying with him a large amount of much-needed supplies, having reshod and partly re-clothed his troops at the expense of the enemy; recrossed the river and returned down the Valley. Crook, with forces largely exceeding Early's, followed the retiring Confederates, encountered them at Kernstown, near Winchester, and was completely defeated. Early's cavalry cut the telegraph lines in several directions, swept into Pennsylvania and demanded a ransom in gold or greenbacks from Chambersburg. When refused the town was burned. The frenzy of rage and terror excited by this one act of unquestionably righteous reprisal through the Northern and Border States was natural enough. For the declamation of party, and especially of military, historians it is less easy to find excuse.

So great was the terror excited by Early's position and achievements that Grant himself—who, with the exception of Sherman, the only victorious and the last available General at Mr. Lincoln's disposal, was practically absolute in military matters—resolved to detach Sheridan to take the command in the Valley, overwhelm Early and render the route by which Washington had been repeatedly threatened unavailable for the future to Confederate armies. Federal returns show that the force under Sheridan's command amounted to scarcely less than 70,000 men. He himself estimated the enemy's strength at little more than 20,000, but did not dare to attack till that force should be weakened by detachments recalled to the defence of Richmond. He lay inactive, wasting and plundering the country within his reach, till September 15, when he learned that Early's force had been reduced, by the recall of a large part of his infantry and some of his cavalry,

to a total of at most 15,000 men, and that these numbers were scattered along a line of undue length to the northward of Winchester. Sheridan must have been weakened, if it be true that he had only thrice the force opposed to him. On September 19 was fought the battle of Winchester or of Opequan Creek; in which, after a desperate defence against a front and flank movement, the Confederates gave way. The Federals lost 5,000 killed, wounded and missing; the Confederates about 4,000, of whom 2,000 were prisoners cut off by the overwhelming numbers of the enemy.⁶ Early fell back on Fisher's Hill, some ten miles to the southward; and here Sheridan for the first time used with true strategic skill his numerical advantage, openly threatening the Confederate army with a far superior force, while marching one equal to its whole strength upon its left flank and rear. On September 21 he attacked in front, while one-third of his army, already concealed in the Confederate rear, burst from its ambuscade. The victory was complete. No troops in the world could have stood or retreated in order when caught in such a trap. This victory of 45,000 men over fewer than 15,000 was received with a burst of somewhat undignified exultation not only by Mr. Lincoln but by Grant and Sherman themselves. As much powder was fired away in boastful salutes as had been expended on the field. From the mouths of fifteen hundred guns the President and Lieutenant-General proclaimed that one Confederate soldier was worth three Federals. But if threefold numbers could secure victory, threefold numbers could be placed at the command of every Federal General.

The use made of the victory was consistent and characteristic. By orders from Grant himself, Sheridan wasted the whole Valley. It was the boast of the North 'that if a crow wanted to fly down that Valley he must carry his provisions with him.' The richest and most prosperous region south of the Potomac was deliberately turned into a desert. Sheridan reported that he had destroyed 2,000 barns filled with wheat, hay and farming implements, seventy mills filled with flour and wheat, more than 4,000 cattle and 3,000 sheep, and carried off a large number of horses. This was perhaps his most popular exploit, to which more than to his part in intercepting Lee's retreat he owes his subsequent fame and the command-in-chief of the Regular Army of the Union.

Early's troops were by no means so demoralised as the enemy supposed, as even a veteran army might well have been by such a defeat. After several indecisive combats, a pitched battle was fought at Cedar Creek on October 19. During the first hours of that day the Federal army, despite its vast superiority of strength,

⁶ Such is the authentic Federal account. The value of Mr. Draper's narrative is again illustrated by his adding 50 per cent. to these figures.

was decidedly worsted. The skill, daring and desperate determination of the Confederate attack hurled the enemy back at one point after another, capturing twenty-four guns and 1,400 prisoners. But their strength was worn out by the exertions which alone could have won success on the offensive against such odds. Sheridan, who had been absent during the first part of the fight, rallied his troops, and the exhausted Confederates gave way. Their loss scarcely exceeded 3,000, that of the victors was nearly double; a proportion which, together with the retention of Early's prisoners, shows how tremendous was the onslaught of the Confederates, how decisive the advantage which weakness prevented them from completing; while their loss of guns and of flags proves how completely they were overwhelmed when once Sheridan brought his threefold numbers to bear. The Confederate campaign was in itself finally unsuccessful; but it had detached to the Valley forces thrice as great as Early's, helping to hold inactive the Army of the Potomac, and had contributed more, perhaps, than even the severe defeats and tremendous losses of Grant's first Virginian campaign to the despondency of the Northern people.

That despondency reached its lowest point when, after threatening Washington and foraging in Pennsylvania and Maryland, a small Confederate army kept Sheridan's enormous force at bay between Winchester and the Potomac for several weeks. About this time the price of gold reached 250; the paper dollar, the only currency of the North, was worth but forty cents. In the worst crisis the price ran up to 270 and 290, and is said at one awful moment to have touched 300, threatening half Wall Street, not to say half the firms of New York, Philadelphia and Boston, with bankruptcy. The speculators for a rise were defeated by a manœuvre of the Secretary of the Treasury, who at the critical moment threw a vast quantity of gold held by the Federal Government upon the market. Such an intervention in Stock Exchange transactions would elsewhere be considered worse than questionable; but as the interests of party were concerned, as the 'Bears' took the sanguine or Republican, the 'Bulls' the despondent or Democratic view of the situation, the interference of the Federal Government on behalf of the former was applauded as at once a sharp financial trick and a stimulus to the patriotism of the Exchange.

The victory of Sheridan contributed not a little to retrieve the damaged credit of the Republican party, and their extravagant exultation may perhaps be explained by their sense of the political import of an exploit by no means remarkable in a military point of view. Mr. Lincoln had no popular rival in Congress or in the Administration, and Grant had yet to achieve the success which, justly or unjustly, placed him indefinitely above all military competitors. In the Presidential campaign of 1864, there-

fore, the former was once more the candidate of the Republicans ; the Democrats rallied, with real or affected enthusiasm, around M'Clellan. But nearly all the great Democratic States were either self-disfranchised by secession, or crushed under the iron heel of military despots like Dix, Schenk and Butler. An election, in which one candidate controlled several States by naked force, and admitted or excluded at pleasure the votes of others, was a political farce, but it may be allowed that Mr. Lincoln was on the whole the *bonâ fide* choice of the States which voluntarily adhered to the Union. In November, 1864, he was chosen for a second term, to commence on March 4, 1865 ; and Andrew Johnson of Tennessee, an ex-tailor and stump politician, was complimented with the Vice-Presidency as the fittest representative of Southern Republicanism whom the dominant party could select. Their choice was very limited ; and 'Andy' was at least honest.

CHAPTER XXIII.

THE LAST CAMPAIGNS OF THE WESTERN ARMIES.

Hood's Plan—Fails *ab initio*—Battle of Franklin—Battle of Nashville—Hood's Army Destroyed—Sherman's Devastation of the Carolinas—Johnston replaced in Command.

HOOD, as has been said, had thrown himself upon Sherman's communications, and, leaving Georgia and the Carolinas undefended, had striven by an attack in rear, an approach to the borders of Kentucky, to recall the invading army from Atlanta. Mr. Davis repudiates his responsibility for a disaster due to the substitution of Hood for Johnston. Sherman knew how small must be the force at Hood's command, how vast an army, before it could approach him, Thomas could collect at Nashville. The entire strength at command of the latter was fully 80,000. Hood's nominal strength was 36,000; the force which he was actually able to bring into the field in the decisive struggle did not exceed 27,000. The first serious battle was fought at Franklin, whither Schofield, commanding the advance of the Federal army, fell back; and where he stood fast and fought to cover the concentration of Thomas. The Confederates attacked his entrenchments with that desperate valour which in this campaign, as in so many others, had to compensate for inferiority of numbers and disadvantage of position. After several hours of hard fighting and tremendous carnage, they had at nightfall achieved and partially retained a commanding position, but at a sacrifice they could very ill afford; and at midnight on November 30 Schofield fell back to Nashville, having lost by his own confession nearly 2,400 men. The desperate courage and reckless devotion of the Confederates is shown by the list of eleven Confederate Generals killed or wounded. Among the former was Cleburne, once a British private, and one of the best of Hood's lieutenants.

Thomas held an enormously strong and heavily fortified position round Nashville with probably 70,000, certainly more than 60,000, men. With fewer than 28,000 effectives it would have been extreme rashness in Hood to attack such a force in the open;

to attack it behind entrenchments and natural fortifications would have been sheer madness. Yet if he could not attack, it is difficult to see with what intention he remained for many days in front of an army certainly twice if not thrice as strong as his own, and sure to be reinforced, while he himself was far beyond the reach of support. He threw up a series of counter-works, a process which Thomas did not interrupt. Early on the morning of December 15 the Federal commander, moving out obliquely, so as to strike the Confederates in flank, delivered a general attack. At nightfall the Confederates had been driven back, after hard but indecisive fighting, from a part of their lines. On the next day outflanked and taken in left and almost in rear by an enemy threatening to cut their last line of retreat, assailed also in front at several points by greatly superior numbers, the Confederate army was rather enveloped and crushed than broken, and the field was hopelessly if not ingloriously lost. Routed they were not, as in their retreat they stood and fought whenever they reached a tenable position; and it was not till December 27 that, having crossed the Tennessee, Hood found himself finally delivered from the enemy's pursuit.¹ General Thomas claimed to have taken 13,000 prisoners, Hood to have reassembled in the last days of the year more than 18,000 effectives. Probably Hood's total loss—killed, wounded and missing—was less than the number of prisoners claimed by his antagonist, but it amounted to nearly half of his army; and it may be doubted whether more than 10,000 men of that which had been the main Confederate army of the South-West were ever again available for active service. Thomas's losses at Nashville were set down at 3,000, of whom only 400 were killed; a proportion which, as he can have lost no prisoners, throws doubt upon all his figures. His total loss during the campaign exceeded 10,000 men.

On February 1, 1864, Sherman, with more than 60,000 men, commenced his northward march through the Carolinas, a march whose first and chief object was the ruin of the State which had incurred the vindictive hatred of the Northern people and Government. He commenced the work of devastation as soon as his army entered South Carolina. On February 7 General Wheeler wrote to General Howard: 'If the troops of your army be required to discontinue burning the houses of our citizens, I will discontinue burning cotton.' Sherman replied that he had given orders not to burn the houses which were inhabited by peaceful citizens, and thought his orders were obeyed, though the officers

¹ Draper claims that the Confederate army had been 'annihilated.' Another Federal estimate alleges that of the 28,000 men engaged at Nashville 25,000 afterwards reinforced Johnston's army in South Carolina. The truth is of course intermediate between these two contradictory extravagances, both inspired by the same bias.

of his own army have borne witness to the contrary.² But his true intent betrayed itself in the declaration that all Southern cotton was 'tainted with treason' since December 1860, and 'lawful prize of war.' Along his whole line of march his army was attended by numerous bands of incendiaries, foraging, pillaging and burning on their own account. Hardee was commanding in Charleston, and Beauregard was doing his best to collect an army. Wade Hampton, who had been detached to the rescue of his native State, and Wheeler were unable to offer serious resistance, and Sherman without a battle reached Columbia, the capital of the State, and one of the most beautiful cities in the South.

Wade Hampton denies that he burned the cotton, to which the destruction of the city has been ascribed by Sherman's apologists. His word is entitled to full confidence; the more so that, save for the danger to the town, it would have been his duty to burn what otherwise would be seized by the enemy as prize of war. After Sherman had entered the place a number of private houses were fired and the city burned to ashes. From this disgrace he strove to clear himself at Hampton's expense. It is certain that the fires were lighted, and those who attempted to rescue their houses were driven back by his soldiers with the sanction of their officers; clear that Sherman made no attempt to restrain and no serious effort to punish acts he afterwards thought it prudent to disown.³

Hardee was compelled to evacuate Charleston. The Federal officer in command of the beleaguering forces sent a party to hoist the Federal flag on Fort Sumter at nine A.M. on the fourth anniversary of the first action forced on the Confederate States with a parade which, under the circumstances, was hardly dignified or soldierly. On February 22 Kilpatrick reported that eighteen of his men, taken in the act of robbery and pillage, had been killed, or, as he called it, murdered, by Wade Hampton's cavalry. The killing of armed soldiers under any circumstances was of course fully justifiable. No one knew better than Sherman himself that it could in no case be a crime, much less a murder, and in ordering the execution of eighteen Confederate prisoners in retaliation he committed what the universal usages of war brand as murder. At last, with a force which at the lowest Federal esti-

² Draper, vol. iii, p. 543. Also Sherman's contemporary letters, and Scribner's *Campaigns*, vol. x, p. 36. As to cotton, see *Memoirs*, vol. ii, p. 264, etc. The quoted despatches are full of such phrases as 'We have swept the country well from Savannah to here' (Wilmington), and other evidence of wilful and wholesale destruction and pillage.

³ Sherman expressly contradicts himself by saying that in his belief the fire was accidental. The sufferers declare that Federal troops prevented them from putting it out. Sherman boasts that a plantation belonging to an Englishman 'was pillaged of course.' He wrote with the knowledge that Hampton had flatly denied his accusation.—Sherman, ii, chap xxii.

mate amounted to at least 65,000 men, Sherman learned that he had a hostile army in his front. All the forces which the Confederates could collect from every quarter for the protection of North Carolina had been placed under the command of General Joseph Johnston. They were far too weak to fight a pitched battle, even at the odds to which the Southern soldiery were accustomed, but strong enough to check the advance of the enemy and restrain the license of his incendiaries. A sharp encounter took place on March 21 at Mill Creek, at which the invaders lost some seventeen hundred men. Johnston fell back to protect Raleigh, the capital of North Carolina, and delayed Sherman's movements until April 10, when the devastating army renewed its advance. On the 14th the news from Virginia arrested their march and put a close to their destructive operations.

CHAPTER XXIV.

'HABET!'

The Net Closed—Five Forks—Fall of Petersburg—The Six Days' Retreat—Soundness of Lee's Strategy—How Baffled—Appomattox Court House, April 9, 1865—Character, Conduct, and Temper of Lincoln—His Assassination—Surrender of Johnston—Capture and Treatment of Davis.

It had been long obvious that the fate of the Virginian army was a mere question of time. It was, with the exception of that which Beauregard and Johnston were striving to collect, the last Confederate army in the field east of the Mississippi. Victorious in Tennessee, absolute masters of that State, of Kentucky and of Western Virginia, the Federals could bring upon the rear of the Army of Northern Virginia forces greater than those which, outnumbering it already fourfold, lay along its front. An equal force might if necessary have been mustered in Maryland. Georgia was lost, and South Carolina lay at Sherman's mercy. Lee was in fact enclosed by a cordon of half a million men, extending round Eastern Virginia and the Carolinas, and capable of being drawn closer and closer around the remaining forces of the Confederacy—Johnston's and Lee's; not amounting in all to more than 80,000 men. But a nearer and more obvious fate controlled Lee's immediate calculations. He had to defend, against an army of at least 125,000 men in his immediate front and half as many more within call, a line of thirty miles with a force estimated at from 45,000 to 50,000 men; while Sherman's 65,000 men might close at pleasure upon his rear, sweeping Johnston's motley host of perhaps 30,000 men before them. The last chance was to evacuate Richmond and Petersburg and force a way to rejoin Johnston; a very forlorn hope with an army of threefold numbers, well fed, well clothed, abundantly provided with transport, and with an enormously superior cavalry, sure to close upon his rear. The winter had been spent in a comparative inactivity harder to men so situated than even disastrous warfare. The army and the people within the lines, scantily and precariously supplied from an exhausted and constantly narrowing district, were on the verge of starvation. Shelterless, half-clothed, barefooted, the troops were compelled to guard their lines by night

and day. Neither relief nor rest were possible ; the whole strength of the army was needed to present even the appearance of an effective skirmish line along the front.

On February 5 Grant attacked some Confederate works at Hatcher's Run, and was repulsed with a loss of 2,000 men. On March 25 a desperate sally under Gordon—shortly afterwards promoted to the command of Hill's corps—with 5,000 Confederates, surprised the important outwork of Fort Steadman—within a hundred yards of the Confederate lines, so closely had the counter-entrenchments been pressed. It was a forlorn hope : simply because 5,000 men could not hold the works against 25,000, and Hill could spare Gordon no further supports if the Federals should rally. This they did, bringing to bear upon the works and upon the line of retreat a concentrated fire of artillery that no troops could face, backed by enveloping volleys from their countless infantry. Two thousand Confederates regained their lines ; 3,000 were killed, wounded or captured. On the 31st a last desperate sally was made by the cavalry under Fitzhugh Lee and two weak divisions of infantry under Pickett, in the direction of Five Forks, to the south-west of Petersburg. The Confederates were again at first successful, driving the advance of Sheridan before them, seizing and occupying for the night a position far within the Federal lines of the previous day. But on April 1 they were surrounded and overwhelmed by the enormous masses which Grant could throw upon any point he pleased. The very success of the previous day, the distance to which they had driven back the enemy, proved fatal. Crushed, enveloped and broken, they were driven back for more than six miles, losing four guns, a multitude of killed and wounded, and a considerable number of prisoners.

This victory, proving the extreme weakness of the enemy and the desperate resolves to which they were driven, gave Grant courage to attempt next morning what might have been achieved at any time within the last three months. An assault in force delivered at break of day discovered a thin line of skirmishers or sentries guarding the Confederate works ; the same line which, since the affair of the Crater, had held the whole Army of the Potomac at bay. There was no battle, for there were none to fight it. That thin line of sentries was the whole garrison of Petersburg, all that remained of Hill's heroic corps. Lee and Hill rode forward to rally their men ; but, meeting with no resistance, the Federals had swept over the lines and towards the Appomattox with such rapidity that the latter was immediately in their midst, and was shot dead. A sharp encounter had taken place at another point, but each Confederate force that attempted a stand was instantly enveloped by the rush of unresisted numbers upon

its flank and rear. The Confederate army was not broken, for behind the 'skirmish line' there was nothing to break. *Two hundred* Mississippians and Carolinians, cut off by the sudden rush of the enemy, threw themselves into a tiny redoubt outside the lines, a mere open earthen square. A whole Federal division swept on over an open plain to the attack. Again and again that division was hurled back by scarcely one-twentieth of their number. When at last they crowned the feeble rampart, not a score of its defenders could hold a rifle. The wounded had loaded and handed up their weapons to those still able to stand. The destruction of the tiny garrison had cost the assailants no fewer than *five hundred* killed and wounded.

The relics of Lee's force—the right wing of the Virginian army—were thrown back upon the heights at whose rear flowed the Appomattox. But so terrible was the sight of a Confederate force in line, so tremendous their prestige, that an enemy who could have easily thrown them into the river paused in all the excitement of victory, and allowed them to hold their own through the day and retreat under cover of night. Lee, who had been present throughout, called up Longstreet's corps, or such part of it as was beyond the river, to his aid. According to Grant, there was heavy fighting during the day, by which his army gained nothing. On the same night Ewell, who commanded at Richmond, withdrew with his forces. The Confederate Government fled, carrying with it or destroying the archives, blowing up ships, bridges, stores and magazines. On the morning of April 3 General Weitzel, who commanded the Federals on the north of the James, entered the city and put down the frightful disorder which the release of captives and criminals, and the license of the riff-raff of camp-followers and negroes, had produced.

The exact force of the retreating army it is of course impossible to ascertain. The effective strength of the defenders of Richmond did not, when Lee fell back within the lines, exceed 55,000 men. The remaining Confederate forces in Virginia, in the autumn of 1864, may possibly have brought up the total to 70,000 or 75,000 men. Early's losses in the campaign of the Shenandoah were severe; Lee's during the several combats from the Crater to Five Forks, must have exhausted all and more than all the strength drawn or driven in from the Valley and other quarters. At the end of March 1865, a few scattered posts, a few guerilla bands excepted, the whole Army of Northern Virginia was gathered within the lines, and numbered at most 45,000 men; of the exceptions the most important was the partisan battalion under Mosby, which even during the closing days of the war kept the Federals between the Rapidan and the Potomac on the alert, harassed their outposts and pounced upon their couriers.

trains and patrols almost within sight of Washington. Lee's numbers had been wasted by the hardships and perils of the trenches, by rations of Indian corn, pork and beef barely sufficient to keep body and soul together, without any of those comforts like tea, coffee, and spirits which are all but necessities of life to civilised soldiers, sorely tried by night and day duty, exposure and fatigue. Desertion had been frequent, not through weakness or lack of zeal, fear or despondency, but through the intense anxiety of Carolinian and Tennessean soldiers for homeless and starving families. It is needless to say that Generals compelled to withdraw from broken lines at a few hours' notice, in the presence of a victorious enemy, whatever the resolve and discipline of their men, could carry with them but a part of their strength of yesterday; that numbers of stragglers, willing or unwilling, prisoners, guards intercepted or compelled to remain till their retreat was cut off, must have been left behind. Yet more needless to observe that no trustworthy record could be kept during the six days' retreat. The only available lists are those of the numbers paroled, and these include of course every man for whom the Generals in command were responsible, every man they could bring within the protection of a military capitulation which afforded at least temporary security from political penalties.

Lee's object was to reach Johnston and concentrate a Confederate army strong enough to hold out for terms; Grant's immediate aim, to interpose between the relics of the two Confederate armies, and, throwing his irresistible numbers upon the broken forces of Lee, to compel their surrender. That in face of such a pursuing army, of a cavalry stronger than their own force of all arms, the shattered Army of Northern Virginia should have made good its retreat for six critical days reflects the highest credit on the skill of its commander and the discipline and devotion of his men. Hope was gone. The Confederacy had already fallen. All that remained of it east of the Mississippi—a few isolated garrisons and irregular bodies in the South-West excepted—was the remnant of Lee's splendid army, and that gathered by Johnston from the relics of a dozen broken forces and rescued garrisons. To reach the distant refuge which was their immediate goal must have seemed to Lee's soldiers little better than a dream:—a forlorn hope as desperate as any on which a few hundred volunteers, the picked heroes of a veteran army, were ever induced to venture. Yet the attempt was as gallantly carried out as daringly conceived. The railways forming the sole line of retreat met at Burkesville. Here the columns were to be concentrated, here they were to meet a train filled with supplies barely sufficient to subsist the army till, anticipating the enemy, it should reach the magazines which were now its last dependence. Sheridan, moving with his cavalry and a picked

force of infantry parallel to the left flank of the Army of Northern Virginia, cut them off from the south before reaching Burkesville. Lee had then no chance but to push for Lynchburg and Danville, and, gathering his remaining resources, endeavour from thence to carry out his junction with Johnston. Events proved that, but for one fatal accident, the first part of this design, desperate as it seemed, would have been effected. The scanty rations carried in the knapsacks of the starving Confederates were exhausted; and a bitter disappointment, natural enough in the confusion of such a disaster, awaited them. It is said that the train had been ordered on by telegraph from Richmond to take up the flying Confederate Government with the moneys, stores, and secret papers which it was their duty, if possible, to save. The order had been obeyed; the train had gone on without unloading; an error for which, if it occurred,¹ none but the subordinates immediately in charge were responsible; which neither Davis nor Breckenridge—one of the finest soldiers in the Confederate army, now Secretary at War—had ever contemplated.

This failure of supplies, whatever its cause, was fatal to the retreating army. They lost all and more than all that they had gained by forced marches, in the absolute necessity of waiting for some thirty hours to gather whatever stores might be found within their reach. By the time they renewed their retreat, with supplies so inadequate that men were reduced to chew the young shoots of the trees, to straggle in search of anything that might partially relieve their hunger, Sheridan had come up with and even passed them. Ewell's corps was overtaken, headed, cut off, and the greater part of his men compelled to surrender. Gordon and Longstreet—who had recently rejoined his chief, his severe wounds scarcely healed—commanded the scanty relics of two corps which still struggled to fulfil the last desire of their adored leader. On April 7 and 8 partial engagements, in which the assaults of the exultant Federals were repelled by the desperate valour of men to whom death was a release from suffering, an escape from humiliation, warned them that the enemy was closing on the flanks and rear.

Grant, by flag of truce, called upon Lee to surrender and spare the further effusion of blood; but the Confederate Commander-in-chief, faithful to the last, and obedient as any private in his army to the orders of his Government, still deemed it his duty to persevere. On the evening of the 8th he was within twenty miles of Lynchburg; and could he reach that point there was still a hope, not indeed of victory, but of prolonged resistance. The thirty hours lost at Burkesville decided the race. Sheridan's cavalry under Custer were pushed forward, reached Appomattox

¹ See Mr. Davis's vindication, throwing great doubt on the whole story.—*Rise and Fall*, vol. ii. p. 671, *et seq.*

station, and there seized the trains which had been sent from Lynchburg to meet the Confederate advance. At daylight on April 9 Sheridan's infantry had reached the same point and headed the Confederate army. Lee, hoping against hope that the force in his front consisted solely of cavalry, sent Gordon forward to break through it; but behind the horsemen, who gave way before his charge, were the bayonets of two infantry divisions, while, as he well knew, the rest of the army was closing around him.

Habet! the fatal cast is made,
The well-poised net falls true:
Hampering at once the trenchant blade
And the strong hand that drew.

In him who, spent and snared, lies low
Hate's self must own a noble foe!

Further resistance would have been suicide, not war. The position was more desperate, the net drawn closer, the force hopelessly enmeshed far weaker, the proportionate strength of the overwhelming enemy enormously greater than at Blenheim or Sedan. A white flag arrested Sheridan's impending attack, and Gordon sent a message to Lee, who, sitting by a camp fire upon a felled tree with Mahone and Longstreet, had already agreed that the failure of Gordon's attack must be the signal of surrender. Sadly anticipating his fate, the Commander-in-chief, whose usual dress was among the simplest in his camp, who seldom carried a weapon, had already put on a new uniform and wore the sword of honour bestowed upon him by the State of Virginia. Leaving Longstreet in command, he rode towards the picket line of the enemy, and there received a note from General Grant, sent in reply to one written by himself a few hours before, declining surrender but enquiring what terms Grant was authorised to propose. The reply intimated that the Federal Commander-in-chief had no authority to treat for peace, but that the terms on which peace could be had were well understood; that the South had only to lay down her arms.² Lee and Colonel Marshall, his chief of staff, entered the largest of the five dwellings which form the village of Appomattox Court House, and awaited the arrival of the conqueror. Grant, with that ostentation of simplicity which (as Jefferson knew) appeals so effectively to the lower instincts of a democracy, described the contrast presented by the two Generals. The true breeding and soldierly simplicity of a typical gentleman was displayed in Lee's clean and correct uniform, his military hat, buckskin gauntlets, riding boots and sword. Grant re-

² It is clear from this on what understanding the Confederates surrendered; but this point was yet more clearly brought out by the subsequent negotiations between Sherman and Johnston.

ported that, having ridden that morning thirty-seven miles, 'I was in my campaign clothes, covered with dust and mud; I had no sword, I was not even well mounted.'³ The details of his appearance, in the account of a companion, present a slovenly and unsoldierly figure.

But if deficient in the finer instincts of Virginian breeding, Grant showed a soldier's respect for a gallant enemy. No triumphal display, unbefitting the close of a contest whose honours lay mainly with the vanquished, gratified the exultation of victorious troops or the resentment of a faction; no military humiliation, no parade of piling arms or defiling before the conquerors, was imposed on the remnant of an army whose name will be remembered while martial courage and endurance are honoured among men. The arms, artillery and public property were, of course, to be handed over to the victors. The officers were to retain their side-arms, their private horses and baggage; and this provision was spontaneously extended to all those privates who owned the cavalry and artillery horses in their charge. For the rest, officers and men were to be paroled not to take up arms against the Government of the United States till properly exchanged; 'this done, each officer and man will be allowed to return to his home not to be disturbed by the United States authorities so long as they observe their paroles and the laws in force where they reside.'⁴ Nearly 28,000 men were paroled, but only 8,000 rifles, bayonets and sabres and thirty cannon were surrendered.⁴ The effective force which laid down their arms at Appomattox Court House did not therefore number 10,000 men.

General Lee rode back to his command. 'Men,' he said, 'we have fought through the war together; I have done my best for you'—the unstrained, spontaneous utterance of a heart full of the unspeakable bitterness, the darkness and despair of the hour, yet in that supreme agony more than ever thoughtless of self and thoughtful of its trust.

The Confederacy had fallen. The war as an international struggle necessarily closed with the loss of the Confederate capital and the surrender of the Virginian army. But this fact, clear as it appeared to those who looked back from the vantage-ground of six months' further experience, was by no means evident on the instant to the Federal Government, much less to the Northern armies and people. Least of all were the Northern Generals of opinion that their victory was complete. In their view the struggle was decided, but not ended. Even had Lee effected his junction with Johnston, there would have been no Confederate

³ This at the time. The account of the surrender in his Memoirs is in good taste and tone.

⁴ It is absurd to suppose that the Confederates took pains to secrete or destroy their weapons; and the proportion of cannon is nowise excessive.

army in the field which could confront in a pitched battle the forces of Grant and Sherman. Its utmost strength could not have exceeded 60,000 men, starving, worn out, and very scantily supplied with ammunition. Upon their rear, whatever their point of junction, must have hung eighty or a hundred thousand men, flushed with success, fresh, well fed, well clothed, with boundless supplies and secure communications; while in their front lay the army of Sherman, half again as strong as theirs, and enormously superior in condition, in stores and in artillery. So splendid were Lee's exploits of skill and daring, so often had he extricated himself when the toils seemed to have closed around him, so desperate were the hazards from which he had come off triumphant, that the historian, like the antagonists who confronted him, fears to assign a limit to his resources, to affirm confidently that under the worse conditions conceivable he might not possibly have achieved a victory or found an outlet. But, regarding the apparent features of the situation, it seems that the last Confederate army must have staked everything on the chances of a single battle, in which victory should have been impossible and in which repulse meant ruin. The fear of the Northern Generals was not that they could not crush the Southern army in such a battle, or destroy it in a regular campaign; but that such troops under such chiefs might yet escape their grasp, and broken up into bands that could subsist upon the country, sheltering themselves among its swamps, bayous and forests, might maintain for months, perhaps for years, a guerilla war; which, while it would be utter ruin to the South, would strain to the utmost, and might possibly wear out, the spirit of the Northern armies and the resolution of the Northern people. How weary were these of the war, Lincoln and Stanton, Grant and Sherman were well aware. Three out of the four at least were willing to concede almost any terms, military or political, that would terminate the conflict. And the ultra-Republicans, with Stanton at their head, could have offered no effective resistance to the President in a policy supported by the Democrats, accepted by the good sense and weariness of the North, and cordially approved by the victorious commanders in the field.

The last proclamation of President Davis shows that he still contemplated the possibility of a prolonged resistance, though in addressing a dismayed and despairing people he naturally exaggerated the chances and over-coloured the character of the war it was yet in his power to wage. The immediate and insuperable obstacle to guerilla warfare lay in the character and influence of the Confederate Generals. Neither Lee nor Johnston, probably none of their ablest lieutenants, would have consented to a useless and hopeless continuance of bloodshed, havoc and misery.

Chivalric, high-spirited, generous and conscientious soldiers, they had fought not only while there was hope, but while they commanded regular armies capable of making a stand in the field or behind entrenchments. They would not have consented to command a banditti they could not control, to accept the responsibility of acts they could neither approve nor restrain; and if they pronounced for peace, few indeed of those who served under them would have said them nay.

Grant, Sherman, Lincoln and Admiral Porter had held a conference at City Point, the headquarters of the Army of the Potomac, on March 27, 1865. No notes of such a conversation written down by one or more of the interlocutors, even if we could be sure that they had undergone no subsequent revision, can be accepted with absolute confidence. No reliance whatever can be placed upon narratives composed by partisan writers or personal panegyrists with political or hagiographical ends in view, even as representing the general purport of that which passed. Grant is said to have spoken but once, and that on a point of military detail. Silence would leave his hands free, and he had no occasion either to criticise or commit himself to the alleged views of the President. Porter's memoranda, professedly written at the time—confirmed by the silence of those whose subsequent conduct gave them a strong interest in contradicting them—ascribe to Mr. Lincoln a temper, tone and spirit diametrically opposite to those he had displayed from the commencement to the close of the war; but Sherman's subsequent action, and the concurrence of all the three survivors of that last Council of War, leave no doubt that the President really held the language imputed to him. 'Stop this bloodshed; get their surrender on any terms; what signify the terms so long as we get peace? Those people only want an opportunity to give up gracefully.'

I believe, in spite of the strange contrast with his former words and acts, that in this language the President was sincere. He had authorised glaring violations of the Constitution, military and civil misdeeds, which it has been my duty to record. But no one of the worst acts associated with his memory appears to have originated with himself. All that is clearly established against him is that he was a party to the treachery⁵ by which his Government precipitated the war; that he was the steady patron of Butler, Banks, Milroy, and Hunter; and that his instincts were not revolted by their treatment of generous enemies and defenceless women and children. But it may be that Mr. Lincoln's personal disposition and character should be judged rather by his words than by his acts. Yet he could not adopt the retort of Charles II., far wittier than the epigram that called it forth, and claim

⁵ See narrative of Seward's negotiations about Fort Sumter.—Book vi. chap. iii.

that 'his words were his own while his actions were his ministers.' To him far more than to any of his successors, more perhaps than to any of his predecessors since Andrew Jackson, the significant terminology of American politics, of formal Congressional documents, of constitutional jurisprudence, was literally applicable. The 'Executive' does not answer to the 'Crown' of English constitutional language; it designates the President individually rather than the Administration as a whole. Lincoln was the Executive; his Ministers were literally his servants, departmental chiefs absolutely subject to his orders. Such separate recognition and legal authority as now belongs to them, has been granted for the most part since the close of the Civil War. Every signal step, military and political, was taken under Lincoln's direction. For acts like the repudiation of naval paroles, Butler's insult to the women of New Orleans, the illegal seizure of Mrs. Lee's property at Arlington, the choice between starvation and perjury enforced upon non-combatants and women in occupied districts, the systematic plunder and incendiarism of the Western armies, Mr. Lincoln was so far responsible that he could have prevented most of them, and punished all.

In him the policy of the Republican party had been incarnate; he reaped to the full the popularity of its successes, and was liable therefore to reap the harvest of its evil deeds. For the South, indeed, he was simply the chief of the invading armies, the representative of the conquering Power, which had endorsed his measures and relieved him of personal liability. Her natural hatred was directed against the North at large or against individual oppressors and offenders; and of personal vengeance, save by military reprisal, no Southern statesman or soldier ever dreamed. To the malcontents of the North and of those Border States whose liberties he had confiscated by force or surprise, to the constituents of legislatures dispersed at the point of the bayonet, Lincoln held exactly the same relation as that of Napoleon III. to the French and Roman Republicans whose rights he had surprised or stolen. And in America, as in France and Italy, there were fanatics who held the slaughter of usurpers a public duty, analogous to the execution of a condemned criminal by process of law; the retribution most dreaded by such offenders, and most deterrent to lawless ambition. Theoretically, a majority of the Northern people would have pronounced tyrannicide a virtue, and the man who should have forcibly suppressed the liberties of Maryland and Missouri, the personal rights of citizens throughout the North, a tyrant richly deserving the fate of Tarquin or Cæsar. America had applauded the judicial murder of Charles I. and Louis XVI. Patrick Henry and Josiah Quincy had incurred no popular censure by open or thinly-disguised instigations to political assassi-

nation. Southern chivalry rather than Northern morality shrank from the stain of cowardice which human instinct always attaches to enterprises, however desperate the hazard involved, directed against the life of an unarmed and unsuspecting enemy.

It is evident that Mr. Lincoln's conscience acquitted him of guilt, cruelty or vindictiveness, even in regard to measures upon which his warmest advocates have preserved a prudent silence. His position during the earlier years of the war was very different from that in which the victories of the Northern armies and the vote of the Northern people had now placed him. He came into power by chance rather than by choice, an uneducated or self-educated country lawyer; a man almost unknown, placed over the heads of veteran politicians and experienced party-leaders, with almost as little tincture of statesmanship as of war. It was natural that he should defer to the counsels of experienced Senators, the influence of the real chiefs of the party that had placed him in power; he may at first have supposed the worst acts recommended by his advisers to be at least legitimated by military law and usage. Had he appreciated either the execrations which went up from the lips of millions or the vindictive passions which festered in a few ulcerated hearts, he who had been so often awestricken at the approach of hostile armies would not have ventured almost unguarded through the streets of a captured city, or have driven and walked unprotected in the midst of a capital full of passionate Southern sympathisers, of outraged Marylanders, of the kinsmen and friends of those who had been insulted, exiled, imprisoned, executed without law or pretext, by or under colour of his authority. That responsibility had sobered, that triumph had softened his own passions, that he no longer felt the implacable hatred of the injurer, entertained no fear of the far less bitter resentment of the injured, his simple unconscious fearlessness during the last few days of his life sufficiently proves. A man consciously thirsting for revenge would have been on his guard against the revenge he had provoked.

Half a dozen desperadoes—chiefly citizens of the State which above all others was naturally inclined to regard Lincoln not as an enemy but an usurper—were maddened by the final overthrow of the South, the triumph of the man they hated as the present incarnation of tyranny, the Cæsar, Cromwell or Napoleon of their day and country. At their head was John Wilkes Booth, a brilliant actor and a man of fiery temper, of bitter passions, of iron nerve, of dauntless courage. On April 14, 1865, Lincoln, his wife, another woman and his aide-de-camp, Major Rathbun, attended Ford's Theatre. About ten P.M., Booth, professionally familiar with all the passages of the building, entered Lincoln's box and fired a pistol within a few inches of his head, struck down

Rathbun, stood at the front of the box, and exclaiming ‘*Sic semper tyrannis!*’⁶ leaped on the stage. In so doing he caught his spur in a flag, was thrown down and his ankle broken by the fall.

The victim never even felt his death-stroke.

Sigh nor sob nor struggling breath
Heralded his way to death.
Ere his very thought could pray,
Unannealed he passed away.

His head sunk in instant unconsciousness upon his breast, and amid the consequent confusion he was carried to a neighbouring chamber, and there a few minutes later expired.

If the language of his last days truly represented his feelings and his policy there was a bitter irony in the incidents of the death-scene; in the fate which assigned the last ministrations to the instigator of his worst measures, the chief author of that vindictive, mischievous, corrupt party policy which presently reversed his last intentions. Edwin M. Stanton, Secretary at War, the bitterest and most ruthless Republican in the Cabinet, laid down the unconscious head and closed the glazing eyes.

Booth, despite his physical anguish, rose once more erect, faced the audience, exclaiming, ‘The South is avenged!’ dashed to the door, sprang upon a horse that stood ready and rode off. But for his wound he would probably have made good his escape. When compelled to abandon his weary horse he could go no further, and was forced to seek refuge in a barn or outhouse. Thither he was tracked and there surrounded. But his pursuers, eagerly as they desired to hang him, dared not close on the American Orsini, armed with a revolver. After repeatedly demanding his surrender, they stole within reach, and, taking him by surprise, shot him much as he had shot his victim.

While Booth undertook to despatch the President, one of his accomplices, Powell, forced his way into the chamber where Seward lay disabled by an accident, wounded his son, stabbed the Minister thrice with his bowie-knife, fought his way down the stairs, and escaped—to be afterwards taken and hanged. Three alleged accomplices—one a woman, whose guilt was more than doubtful—were executed with a vindictive parade of insult and ignominy. Three others were condemned to imprisonment for life; one of them a doctor, against whom there was scarcely any other evidence than that he had dressed Booth’s wound.

The new Government under Mr. Stanton’s instigation, hastened to signalise their zeal, to exasperate and inflame the excited people of the North by an act, in my opinion, yet more infamous, imply-

⁶ The spirit in which Americans of Washington’s day regarded political assassination is signally exhibited in the device of Virginia—a dagger with the above legend.

ing even deeper depravity, than the crime they thirsted to avenge. Without obtaining or awaiting any title or shadow of evidence, they issued a proclamation imputing the instigation and arrangement of the murder to President Davis and several other leading Confederate statesmen. As if to show that they intended a political murder as wicked and more cowardly than that committed by Booth, the Administration, after uttering the foulest of all charges against gentlemen of character and station fully equal to those of Palmerston and Peel, Guizot or Cavaignac, incited the pursuit of the fugitive leaders by setting a price of 20,000*l.* on the head of the Confederate President, and a proportionate sum on that of each of the accused; one of whom—the only one whose duty permitted him to do so, and who could hope to be arraigned on this charge alone—at once surrendered. Mr. Stanton had a few days before published another incitement to the zeal of the cavalry now scouring the South, by alleging that the Confederate President carried with him a large amount of public treasure. The party object was the same in both cases; to get at once into their power, while the angry passions excited by Lincoln's death rendered a fair trial hopeless, the chosen chiefs of a conquered nation. Stanton, who, since Chase had quitted the Treasury for a seat upon the Supreme Bench, and while the Secretary of State was disabled, was the leading spirit of the Government, had further political ends in view. He sought, by embittering the quarrel, as blood shed on the scaffold must have embittered it, to secure the ascendancy of that extreme Republican party to which he himself belonged, and to shape the necessary reorganisation of the South in its sinister interest. Mr. Lincoln is alleged by those present at the conference of March 27 to have expressed an earnest wish for the escape of the political chiefs of the Confederacy. In this, as in all else, Stanton did his utmost to thwart the policy of his dead leader.⁷

A few hours before Lincoln's death, Sherman received a note from General Johnston containing an offer to capitulate. Both Generals had already received the news of the treaty of Appomattox Court House. Sherman and his lieutenants were eager that a surrender should be obtained on any terms. They knew

⁷ Of these proclamations, and of the multitude of outrageous accusations diligently circulated by the Federal Government at the end of the war (*ib. infra*, p. 524, notes), no record whatever will be found in Mr. Draper's history. When he wrote their utter untruth was generally recognised; and while professing to give an impartial narrative of facts, he chose to suppress the facts which above all others exhibited the true character of the Republican leaders. A few pages later this writer ventures to represent the three years' imprisonment of the Confederate President, during great part of which he was subjected to personal insults and indignities, as intended 'for his protection.' Charges like those preferred against the Confederate chiefs, publicly advanced and silently dropped, leave their authors in a dilemma which no man of common honesty, to say nothing of sensitive honour, would endure for one moment if escape were possible. If deluded in a moment of passion by worthless evidence, the Republican leaders would have produced that evidence and apologised for their credulity. In the absence of any such apology I leave their character and their veracity to the reader's judgment.

their enemy, and after four years' fighting and marching 'had had enough of it.' Sherman replied, therefore, that he was willing to confer with Johnston on the basis of the conditions settled by Grant and Lee. But as he was about to leave Raleigh for that conference, the arrival of a telegraphic message delayed the train for a few moments. That dispatch brought the tidings of Lincoln's assassination. Sherman suppressed the news. The first person to whom he communicated the despatch was the Confederate General. To him he handed the paper, with the unsoldierly and ungenerous remark, 'It is especially damaging to your cause.'⁸ Johnston, who could only know that no Southern soldier or statesman had been concerned in a scheme of political assassination, read the paper with natural horror and dismay.

His situation differed from Lee's. His army held a position it could not hope to maintain, but from which it could effect an orderly retreat. He was confronted by a superior, not enveloped by an overwhelming force. Above all, he was in communication with the fugitive Government of the Confederacy. He had the power, if not the authority, to negotiate for the surrender of the whole forces of the Confederacy east of the Mississippi, forces still capable of sustaining a prolonged, if ultimately hopeless, resistance. Unacquainted, of course, with Mr. Lincoln's recent utterances, uninformed of that which had passed at the conference of March 27, he could shrewdly conjecture the views of soldiers like Grant and Sherman, of statesmen educated by the tremendous responsibility and the awful vicissitudes of the four years' war. He had that to offer which was worth purchasing at a high political price, which Mr. Lincoln had wished 'to obtain on any terms.' He secured a day's delay, in the hope of communicating with President Davis and obtaining orders for the surrender of all the Confederate armies.

At the second interview General Breckenridge, Secretary for War, presented himself. Sherman at first demurred to his presence, declining to negotiate except as a soldier with soldiers; but this technical objection was overcome by the recognition of Breckenridge's military rank. Sherman chose to ignore the fact that he was dealing with a soldier in everything but good fortune at least his equal, the commander of the rearguard at Shiloh, whose resolute attitude had checked Grant's fivefold numbers and prevented pursuit; the leader of a division distinguished for magnificent daring and invincible steadiness even in the Confederate army. He addressed Breckenridge as a 'politician,' and warned him and other civilian chiefs of the Confederacy that they must

⁸ He added a gratuitous suggestion that Mr. Davis was probably concerned in the crime. It is needless to characterise such an insult to a Confederate officer whose position forbade him to resent it. Sherman knew the South well, and stood exactly in the position of an Englishman who should ascribe the instigation of political assassination to Mr. Gladstone or Lord Salisbury.

fly their country if they would not be marks for the vengeance of the victorious Government. The soldier before whom Sherman's bravest comrades had fled passed over the affront with calm magnanimity. He was present to give authority to Johnston's offers ; to sanction proposals which, if accepted, would secure the peace so sorely needed by his country ; to ratify terms which, if loyally fulfilled, might have bound the States in a firmer union than had existed since 1836.

The capitulation, embracing other than mere military questions, and being therefore beyond the competence of the Federal General, was necessarily referred to his Government. It proposed that the Confederate armies should be disbanded and their arms deposited in the arsenals of their several States, subject to the future action of Congress. The existing State Governments were to be recognised on taking the oath of allegiance ; and the political rights and franchises of the States as well as the personal and proprietary rights of their citizens were to be guaranteed as far as the power of the Executive Government of the Union could secure them. These terms were rejected, in language which, but for Grant's high authority and the weakness of the new Government, would have been insulting to the negotiator, by Secretary Stanton. Grant was actually sent to *supersede* Sherman ; but on reaching Raleigh he declined to interfere in the military negotiations, and Sherman received the surrender of Johnston on terms identical with those granted to the Army of Northern Virginia. A few days later a bitter official censure upon Sherman's action appeared in the Northern papers, the convention itself being withheld and studiously misrepresented. With this last exhibition of Stanton's veracity, justice and respect for his betters, the character of the Minister immediately responsible for the conduct of the war may be left to the reader's judgment.

On May 10 a body of Federal cavalry, led by a negro spy, surprised and captured President Davis. The incidents of this capture were long and maliciously misrepresented. On discovering that the cavalry which had surrounded them were enemies, Mrs. Davis, with feminine presence of mind, threw her cloak over her husband, hoping against hope that he might pass unobserved through their ranks ; and the Republican papers accordingly announced that the ex-President had been 'taken in woman's clothes.' In the course of the same month the remaining Confederate armies surrendered on the terms accorded to Lee and Johnston. The captive President was the chief of a great people, the head of a *de facto* Government, the Commander-in-chief of great regular armies with which, despite their threats, repeated defeats had compelled the Northern Government to exchange the courtesies of war. He was sent, not as a prisoner of war, but as

a felon, to Fort Monroe; where every possible outrage and insult that an ungenerous enemy could inflict was heaped upon him. To put him on his trial for treason was too dangerous. It would have opened the question of the legality of secession, which no discreet constitutional lawyer cared to face. The judgment of a court-martial would have been flagrantly illegal, and might have exposed those who acted on it, on the restoration of law, to a charge of murder.

Mr. Stanton perseveringly endeavoured to bring the captive to trial on another and infinitely more odious accusation. The prisoners at Andersonville, the chief Confederate military prison, had suffered cruelly, though, as the unanswerable evidence of statistics shows, far less cruelly than the Southern prisoners safely held in Northern forts and prisons, for whose maltreatment no plea of necessity could be preferred. The former were sacrificed in the first instance to the cruel military policy deliberately adopted by Grant, who consistently stopped exchanges, as he wasted the lives of his soldiers at the Wilderness, Spottsylvania and Cold Harbour, on the calculation that the North could afford to exchange three or four lives for one.⁹ The Confederate Government could not feed its prisoners better than its own troops. Accustomed to privation, the soldiers of Lee and Johnston lived and fought on scanty rations of maize and pork. The Northern prisoners were used in their camps and bivouacs to ample and abundant supplies; furnished with regular rations of tea or coffee, salt and sugar, bread or biscuit and fresh meat; amply clothed and sheltered. Luxuries deemed needless by their Government were lavishly furnished by the voluntary kindness of their people, through the patriotic energies of the United States Sanitary Commission. When suddenly deprived of all these indulgences, cooped up by thousands in a prison, exposed to the inclemency of the weather, confined to very insufficient and sometimes irregular rations of corn, bread and tough or salt meat, such as were furnished to the Confederate soldiers in the trenches of Richmond and Petersburg, they naturally perished like flies. But after all they did not die so fast as did Confederate prisoners from privations and hardships for the infliction of which no excuse has or can be preferred. It was necessary to keep the former as far as possible out of reach of the cavalry raids which in the last year of the war penetrated the exhausted States of the South in every direction; necessary therefore to mass them in numbers which rendered the severest precautions imperative, and often defeated them. If the sick perished for want of medicine, it was the fault of their own Government. The Confederates actually offered to allow medi-

⁹ In a despatch to Butler (August 18, 1864) Grant avowed this policy of refusing exchanges—a flagrant breach of a treaty by which the North had profited enormously, as well as a frightful infliction of suffering on their own captive soldiery—in language even more distinct and explicit than that of the text.—*Rise and Fall*, vol. ii. pp. 596-600, &c.

cine to be sent to Andersonville in charge of Federal surgeons for the sole use of the prisoners. This generous offer was met with insulting silence.

That the condition of Andersonville and the sufferings of the captives were appalling, is amply proved by the reports of Confederate inspectors; but those reports suffice to show that the Confederate Government anxiously desired to alleviate the miseries they lacked the power to cure. They did their utmost to get rid of their prisoners, waiving one after another every point of etiquette, or even of substantial right, disputed by the North. They consented to exchange negro soldiers, contrary to the decisive precedent set by Washington, who treated the negroes found in surrendered or captured British posts or camps as runaway slaves. The business of exchange had been entrusted to General Butler, in the hope that the Confederates would refuse to deal on any terms with a proclaimed outlaw. Southern humanity¹ was too strong for Southern pride, and the insult was ignored. Grant's well-known estimate of the agent he employed confirms Butler's own declaration that he was appointed to carry out instructions, formal and informal, more safely entrusted to a political partisan than to a soldier.² It was necessary³ to conceal from the enraged relatives of the victims the real origin of their sufferings, and Wirtz, who had commanded at Andersonville, was selected as the scapegoat. After his mock trial and condemnation to death, he received directly, through his counsel, and through the priest who attended him, offers of pardon and reward if he would implicate Mr. Davis personally in the alleged maltreatment of the prisoners, so as to fix upon him a charge of murder.⁴ From whom this offer came, the situation of the new Government, the several characters of President Johnson and the members of his Cabinet, and the ascendancy at that time exerted by the Secretary at War, leaves no reasonable doubt.

Failing to take his life under judicial forms, the Federal Government subjected their illustrious captive to every kind of indignity and ill-usage that could most affect the bodily and mental health of a man advanced in life, of the highest character and refinement, worn by anxiety and already suffering severely from hardship and exposure. He was imprisoned in a casemate, on the rations of a common soldier, without any of the comforts or

¹ *Rise and Fall*, chapter 49—full of unanswerable proofs of the repeated efforts made by the Confederate and thwarted by the Federal Government to relieve the Federal prisoners. It stands beyond doubt or question that the sole responsibility for their prolonged detention and consequent sufferings rested with Mr. Lincoln, Mr. Stanton, and General Grant.

² See his official report, *ib.* pp. 603, *et seq.*

³ The more that a delegation from the prisoners had been sent to Washington to plead for exchange in the name of common humanity. Lincoln refused to see them, *ib.* p. 602.

⁴ Attested by the prisoner's counsel, by a Confederate officer within hearing, and by Father Boyle, the confessor.—*Rise and Fall*, vol. ii. pp. 498-9.

decencies of life. Not content with these insults, less to his person than his cause, the rulers of the North, the chiefs of the Republican party, actually proceeded, without shadow of reason or excuse, to put the President of the Confederacy in irons like a malefactor doomed to death! The same indignity inflicted on his European equals—on Thiers or Changarnier, Garibaldi or Bismarck, the Emperor of Germany or the prisoner of Sedan—would have been hailed by the whole civilised world with one unanimous burst of indignation and disgust.

BOOK VII.

RECONSTRUCTION.

CHAPTER I.

CONSEQUENCES OF LINCOLN'S DEATH.

State of Parties—Lincoln's Personal Ascendancy—His Successor—Condition of the South.

POLITICAL assassination is unhappily by no means always a blunder, as it is too often considered a venial crime. The Scotch Covenanters were assassins on principle, and it might be said by profession; so are the anarchists of Continental Europe; so were too many of the leaders of Italian revolution. Orsini's crime was at least in method more atrocious than Booth's; but it is said to have resulted in the liberation of Lombardy, and was excused if not condoned by popular feeling in England. The murderers of Henry III. of France, of Coligny, of the Duke de Guise, of William the Silent, and, to descend to modern times, of Alexander II. and General Prim, were, in the view at least of those who instigated them, political successes. But for the last-named crime, Amadeo I. might still be on the throne of Spain. The murder of Lincoln was not, like these, properly political; no rational hope of practical advantage can have actuated the assassins. In so far as the murderers were animated by sympathy for the South, theirs was an act of suicidal madness; a calamity whose immediate effect the South rued for ten long years, whose ultimate consequences may affect for generations the fortunes of the Union at large. The vast empire has, as in its early days of comparative homogeneity its framers felt, more to fear from consolidation than from defection; most of all, perhaps, from a forcible cohesion maintained by the domination of a sectional majority. Lincoln's life afforded the best, if not the one possible, hope of genuine reunion, the restoration of that ancient polity based on perfect local self-government, on the equal recognition of common and distinctive interests, which alone the statesmen of the Revolution deemed compatible with the liberties and suited to the divergent character of the States.

The abolition of slavery destroyed the one root of irreconcilable antagonism between North and South. Political schism and civil war had generated a fiercer, but a comparatively curable and ephemeral, hostility. It depended on the use of victory how long the resentment inspired by a war of devastation and subjugation should last. The merely material traces of that war were visible for many a year. In the tenth autumn after Sheridan's campaign the monuments of his warfare startled the traveller throughout the Shenandoah Valley. Brick chimneys, standing alone mile after mile along the restored railway, marked the track of an enemy more destructive than the Mohawk or the Narragansett. But an agricultural country rapidly recovers the mere material waste of war, however cruel. The inherent energies of civilisation speedily replace all that barbarism can destroy. Left to themselves, the people of the South, with that matchless genius for organisation and government which the most hostile observers are forced to admire,¹ would have retrieved the ruin and disorganisation effected by war and conquest, have reconstituted their shattered social and industrial system, and brought the enterprise, skill and vigour of the finest and most resolute portion of the Anglo-Saxon race to bear upon the tremendous task of reconstruction and repair.

Such was apparently Lincoln's hope and purpose, a hope which he alone could have realised, a purpose to which he alone could have commanded the assent of the conquerors. Truer spoke than meant was the statement that the South had made an army, a navy and a nation. The navy had vanished from the seas, the army was annihilated, but the nation remained; national in instinct, sympathy and resentment; national above all in pride and sorrow, in its mourning and its hatred, in its passionate, impenitent, unshrinking acceptance of national responsibility for secession and self-defence. Talk as Radicals would about 'rebels' and 'rebellion,' the concrete reality with which they had to deal was a conquered nation. A nation could not be arraigned at the bar of any court, civil or military. A nation might be punished, but the idea of punishment inflicted on a nation for political or social heresies offends alike the conscience and the common sense of sober and responsible men.

Those to whom such a truth could be brought home, even by the awful experience of four years' war, were of course a small minority. Never perhaps, except in the sheer insanity of the French Revolution, was a people so stubbornly blind to the realities of the situation as the Northern and Western populace in 1865. The leaders of the majority were unhappily, with scarcely an exception, bent on ends only to be attained by rousing the

¹ See *A Fool's Errand*, *passim*.

worst passions of the many. The Opposition were powerless. The Democrats who had been true to their principles had resisted the war; the 'War Democrats' were paralysed by a false position, by palpable inconsistencies and questionable antecedents. A few Republicans, mostly belonging to the extreme Abolitionist wing of the party, were free to speak and partially to discern the truth. To the inner conscience of men who had always been secessionists at heart, secession was no heinous crime. Rebellion was not an offence on which the accomplices of John Brown, law-breakers by profession and on principle like Garrison, Greeley and Gerritt Smith, could honestly be severe.² But these men, again, were powerless. Denounced as firebrands and fanatics in 1856, they were ridiculed as theorists and doctrinaires, impracticables and humanitarians, in 1865. One man alone had possessed the confidence of the many and the clear-sightedness of the few. Fictions in which Lincoln never thoroughly believed had been rendered transparent by stern experience to his shrewd and practical humour. He, less than any civilian, could remain blind to the stone wall of facts against which his head and heart had been so often vainly dashed and so nearly broken. He had been forced to know that he was dealing neither with conspiracy nor rebellion, but with sovereign States, with a nation in arms, no less conscientiously convinced and much more outspoken and straightforward than he dared to be. To him who had conducted the war to its successful close, who had broken all constitutional fetters, swept all legal cobwebs from his brain if not from his speech, who had shrunk from no means, lawful or not, to crush the 'rebellion,' the people would have listened without mistrust when he repudiated the notion of vengeance on conquered rebels. There were no terms he could not have granted, no amnesty however complete, no restoration, however full and absolute, of constitutional rights and self-government, that would not have been accepted at his bidding. No party could have demanded guarantees and securities he deemed unnecessary. The capitulation proposed by Sherman, within a few days of the confidential conference in which Lincoln's views had been set forth, was intended to and probably did embody them.

This fact has a very important bearing upon the subsequent treatment of the South, upon the conduct of her Generals and the censure thereupon implied in Mr. Davis's concluding chapters. The fugitive President believed that it was in the power of the South, if not to maintain the war for independence, at least to stand out for terms substantially identical with Lincoln's as interpreted by Sherman—the restoration of the States to their posi-

² Gerritt Smith contended in June, 1865, that the Government had neither the legal nor the moral right to try and punish as rebels those whom it had recognised as belligerents.

tion and privileges, *minus* slavery and the right of secession. It would be equally unjust to accuse Mr. Davis of a desire to prolong hopeless bloodshed, or to impute to General Johnston any lukewarm zeal for the rights and liberties of the Southern States. The truth is that Johnston and Breckenridge believed, on good grounds, that the surrender practically secured the best terms for which Mr. Davis would have stood out.

In discontinuing resistance, in surrendering on parole, they believed on Sherman's assurance that the faith of the conquerors was pledged to the recognition of the State Governments, the restoration of State rights and constitutional privileges, on the sole condition that slavery should be abolished and the right of secession resigned for ever. Had Lincoln lived, Sherman could have claimed his personal engagement for the fulfilment of those conditions; nor is there any reason to doubt that he whose expressed views the capitulation represented, who had bidden his Generals secure the surrender of the Southern armies 'on any terms,' would of his own free will have fulfilled the understanding.

As against rational and responsible enemies, Mr. Lincoln might have felt safe in the unpopularity and unfitness of his designated successor. Charles II. laughed to scorn his brother's frequent warnings. 'James,' he said, 'no one will murder me to make you king.' And the Rye House Plot, the only serious attempt during his reign, was intended to destroy both brothers at once, to transfer the crown to the Protestant children of the Duke of York. It was alleged—and since Booth, though half a madman, was no fool, it is probable—that his practical end, so far as he looked beyond personal vengeance, was to destroy the President, Vice-President, Lieutenant-General commanding in chief, and the heads of the Cabinet; to annihilate at one blow the military and civil government of the Union. Nothing less than this would have served even a temporary political purpose. But if such were his aim, nothing short of complete success could fulfil it. A single failure must bring to nought the whole scheme, and any brain still capable of reasoning must have recognised the moral certainty of more than one such failure. Even had the victims been assembled where they could have been destroyed at a single stroke, some among so many would in all likelihood have escaped. Each was to be separately reached and killed, and had each assassin possessed Booth's nerve, skill, strength and daring, no other had similar facilities for coming unopposed and unquestioned within a yard of his selected victim. Powell alone knew certainly where to find his man, and the chances were ten to one against Powell's reaching Seward's sick chamber. The rest were most unlikely to penetrate unchallenged to the presence of the

highest military and civil officers, and to find them alone and off their guard. If the assassination of Grant, Stanton and Johnson were planned, it was never even attempted.

I speak of these affairs as I might speak of Palmerston and G. C. Lewis, of the Irish Church and the Education Bill—things within my own knowledge. Certainly no sane man murdered Lincoln to make Johnson President. A Tennessean politician of the third rank, a Western demagogue of no education, fierce passions and low breeding, his zeal for the Union, his outspoken courage, the peril he had incurred in the earlier days of secession as a 'traitor' to his State and section, had secured for him the office of military Governor of Tennessee; where his administration was such as to win him the favour of the Republican party, and a nomination in the Convention of 1864 to the empty honour of the Vice-Presidency. His accession to the Chief Magistracy at the greatest crisis in the fortunes of the Union had never been contemplated, and struck the Cabinet, the party and the country with dismay. The one Minister whose experience and national reputation might have given him a claim to direct the councils of Congress and shape the measures of the Administration, if not dying, was disabled by injuries which must confine him to his bed for weeks or months to come. Politicians to whom the new President owed his advancement may have hoped to find him a pliant tool. The horror, dismay and confusion which attended his elevation might well confirm their hopes. His judgment and self-control, never strong or sound, were completely unsettled by his unexpected elevation from insignificance, silence and utter exclusion from the counsels of Government, to the chair which had just been filled by a virtual autocrat. His ignorance, his bewilderment, his fierce party passions, and the circumstances which had placed him at the head of affairs, threw him at first into the arms of the extreme Republicans, with their policy of revenge, proscription and military usurpation. The effect of Mr. Lincoln's death was not merely to disorganise the Government, to place an untried, unknown and incompetent man in the President's chair, but to overthrow the existing equilibrium, to remove the political centre of gravity; to transfer the initiative and control, which the events of the war and the tendency of public opinion had given to the Executive, to the hands of Congress.

In his desire to veil the nakedness of military despotism, Mr. Lincoln had created an obstacle to the immediate reconstruction of the Southern States which formed a practical embarrassment to his successor. In New Orleans, North-Eastern Virginia and Northern Arkansas he had set up opposition 'State Governments,' providing only that one-tenth of the people should take part in the elections, a condition easily fulfilled or evaded by the adven-

turers who followed the camp in quest of prey. To the true people of the States concerned, these intrusive nullities were more odious than the undisguised military despotism of the commanding Generals. In all the seceding States there existed real State Governments with a legal position and continuous history, the legitimate successors of those which had ruled the States as members of the Union. Tennessee, Kentucky, Missouri, Maryland and Delaware were in the hands of the Unionists, backed by Federal bayonets. In Virginia, Arkansas and Louisiana, the regular Governments and Legislatures were expelled or dispersed by military force in favour of Mr. Lincoln's artificial creations. In the remaining States they were the only civil Governments, the only powers capable of enforcing law or maintaining order, the only bodies through which the Federal Executive or the commanding Generals could secure peaceable or general obedience to their requirements.

The Federal volunteers were weary of service, and the people of their enormous cost. The feelings of the North, the exigencies of the Government, demanded the rapid reduction and speedy disbandment of more than a million men. Again, the most imperative social and industrial considerations required the immediate restoration of civil order throughout the South. A large proportion of the negro population, the sole labouring class throughout a great part of the country, had gathered round the Federal camps or swarmed into the occupied towns, demoralised and insubordinate, excited by insane hopes, and assuming that emancipation released them from the necessity of labour. The paroled soldiers of the Confederacy found their homes desolate, their farms wasted or ruined by neglect, their plantations overgrown with weeds, their ditches filled, their hedgerows straggling over the fields, many of their estates in the hands of the Freedmen's Bureau and other anticipatory confiscators. All proprietary and personal rights were practically doubtful. The currency of the country was annihilated; the investments upon which a large number of families, and especially widows and orphans, depended for bread, State and municipal bonds, railway shares and mortgages, had been rendered worthless. The planters had owed generally a year's produce of the lands, which without their cultivators were profitless, and many of them large debts whose real security was the value of the human property of which they had been suddenly deprived.

The emancipation proclamation was not law, as Mr. Lincoln himself well knew, but conquest had given it practical validity; and emancipation alone was the most crushing fine ever levied by a conqueror upon a wasted country and a ruined people. Europe stood aghast in 1871 at a war indemnity of two hundred millions

sterling, levied upon the richest country of the Continent. Wealth for wealth, the forfeit exacted from the South was equivalent at least to an indemnity of *fifteen hundred millions sterling* extorted from conquered France. True, the confiscated property was not destroyed; but confusion and uncertainty rendered it almost worthless, and its pecuniary value was actually deducted from the available wealth of a single class. Three hundred thousand families had lost human chattels worth 400,000,000*l.* sterling; in most cases all, or more than all, they possessed.

In a word, the whole agricultural aristocracy and middle class of the South were utterly ruined. The situation of her merchants and traders was hardly better. Only the peasant farmers who cultivated their own fields with their own hands, a few hundred shrewd and selfish adventurers who had purchased the protection of Northern Generals, a few score speculators, for the most part foreigners by birth, who had made fortunes by blockade-running or dealing in plunder under licenses procured from Generals like Banks and Butler, or through influential politicians at Washington, were solvent. A few who had contrived to keep hold of cotton and other produce, now saleable at exorbitant prices, had certain means of subsistence. If the fear of forfeiture, of arbitrary punishment, of military spoliation, were not speedily removed, the seed-time would pass, no cotton, rice or tobacco would be planted, no breadstuffs grown, and the Federal Government, already compelled to feed hundreds of thousands of negroes, would have to choose between furnishing rations for half the people of the South and permitting them to die of hunger. The devastation of the Palatinate hardly exceeded the desolation and misery wrought by the Northern invasion and the conquest of the South. No conquered nation of modern days, not Poland under the heel of Nicholas, not Spain or Prussia under that of Napoleon, suffered such individual and collective ruin, or saw before them so frightful a prospect, as the States dragged back by force in April, 1865, under 'the best Government in the world.'

CHAPTER II.

CONTEST BETWEEN THE PRESIDENT AND CONGRESS.

Johnson adopts Lincoln's Policy, but not his Spirit—Party Motives for Resisting it—The President's Measures—Contest with Congress—Impeachment—Congressional Reconstruction—Constitutional Amendments—Proscription—Negro Suffrage—Carpet Bag Governments—Reaction—Ku Klux Klan.

THE war had been undertaken and waged on the theory that secession was a nullity; a theory which had broken down in practice, but which few or none of the responsible leaders of the Republican party had ventured to retract or disavow. Upon that theory the existing State Governments of the South were legitimate, the Northern victory had restored those privileges of Federal representation which secession had renounced, and that supremacy of the civil law of the States, which had been suspended by the martial law of the Federal Government. Such was the understanding upon which the Southern armies had surrendered, in which the Southern people, crushed by physical force, had acquiesced. Such was the view of the Constitutional Democrats, such above all the doctrine held by that small minority of Southern Unionists whom coercion, invasion, pillage and emancipation had not converted from the principles on which they had supported Bell and Everett.¹ Of this view President Johnson was the representative.² Led away at first by the panic of vengeance which followed the murder of Mr. Lincoln, and confounded by his endorsement of their wholly groundless accusations with that worst class of Republicans to which the removal of the one man capable of controlling and resisting them had given ascendancy in the party councils, it soon became apparent that he agreed with them in nothing but their personal hatred of the military and civil leaders of the South; a passion for which he had personal excuses they could not plead. Inheriting, as he conceived, Mr. Lincoln's

¹ The Unionists proper, those who denied the right of secession and the supreme obligation of State allegiance, were an insignificant minority even among those whose votes had been cast for these candidates in 1860. They were not a party, except in East Tennessee and West Virginia and the districts held by the enemy.

² See note on Reconstruction, quotations pp. 526-7; *et supra* pp. 479-80.

position, he accepted Mr. Lincoln's policy.³ That policy unhappily involved embarrassments and contradictions which Lincoln would have swept aside, but which held his successor fast in constitutional and political meshes he had not the skill to unweave or the strength to cut. A President imposed on the party and the people by accident, Mr. Johnson's only chance was to stand upon the Constitution and restore at once and *de facto* the constitutional rights of the Southern States. This course he could not take. He had adopted emancipation in the light in which Mr. Lincoln had publicly represented it, as a purely military measure; an act of vengeance or coercion, to which, once adopted, legally or illegally, under the so-called 'war power,' the faith of the Executive, the honour of the North were absolutely pledged. The thousands of fugitive slaves who enlisted under the Federal colours, the tens of thousands who swarmed in the rear of the Federal armies or had taken refuge in their camps, could not be relegated to bondage. Constitutionally, both slavery and the State war debts were the concern of the South alone. To leave the freedmen at the mercy of their old masters was impossible, although the Southern leaders distinctly recognised their *de facto* emancipation and were willing to give it legal validity. Their last state, as the outcasts and pariahs of a prejudiced white society, might be far worse than their first, as bondsmen protected by the interests of individual masters. Unconditional restoration, moreover, would forfeit the opportunity of solving those problems which had embittered and perplexed the politics of the ten years preceding the appeal to arms; would throw away, as Mr. Lowell said, 'four years of war.'⁴

Moreover, the restoration of law threatened the chiefs of the Republican party with nothing short of ruin. The Courts knew nothing of a war power. Acts of Congress sanctioning Executive usurpations were legal nullities. Mr. Seward was liable to some hundred actions for false imprisonment. Generals like Dix,

³ President Johnson's plan of reconstruction was in form if not in spirit the same as that which Abraham Lincoln and his Cabinet had originated. William H. Seward, the Secretary of State under both Administrations, said on October 20, 1865, at Auburn, New York, 'We are continually hearing debates concerning the origin and the plan of restoration. New converts, North and South, call it the President's plan. All speak of it as if it were a recent development. On the contrary, we now see that it is not specially Andrew Johnson's plan, nor even a new plan in any respect. It is the plan which abruptly yet distinctly offered itself to the last Administration, at the moment I have before recalled, when the work of restoration was to begin; at the moment when, although by the world unperceived, it did begin; and it is the only plan which thus seasonably presented itself, and therefore is the only possible plan which then or ever afterwards could be adopted.'—*The New York World*, October 21, 1865. Quoted in *A Review of the Political Conflict in America*, by Alexander Harris, p. 411. New York, 1876.

⁴ 'But, oh, my patience! must we wriggle back
Into th' ole crooked pettifoggin' track.
When our artill'ry wheels a road heve cut
Stret to our purpose if we keep the rut?

Wa'nt there two sides? An' don't it stand to reason
Thet this week's 'Nited States ain't last week's treason?'

Banks and Butler might be arraigned on criminal charges, at the bar of State Courts by no means loth to avenge the high-handed violation of State laws. Yet more dangerous would be the admission of Southern Senators and Representatives. The pecuniary transactions of the Federal Ministry would not bear examination. Too many influential Republicans throughout the Northern States had been concerned in jobbery of the most flagrant kind. Nothing but an absolute Republican control of the Legislature for years to come could protect the chiefs of the governing party, their principal agents and most devoted supporters throughout the North, from enquiry, detection, ruinous exposure—perhaps from punishment. The whole financial administration—loans, naval, military and commissariat contracts, transactions great and small—was tainted with political corruption, gross extravagance or downright fraud. Mr. Johnson's hands were clean. Nothing could be urged against him but acts of military usurpation within the seceding States, for which, on both sides, an amnesty must of necessity be granted. It would have troubled him little had the whole network of political fraud been laid bare. Nay, bitter Republican as he still was, he would probably have felt a personal pride and patriotic satisfaction in bringing the jobbers to justice. A double breach between the President and Congress might therefore be confidently predicted.

The President's first important act was the appointment of a provisional Governor in each of the conquered States. The worst of these were the persons who claimed that office under Mr. Lincoln's bogus organisations. Those who had accepted office from the invader, and who only pretended to represent one-tenth of the people of each State, were by the necessity of their position the mortal enemies of their countrymen, who in defeat and humiliation did not cease to execrate them as traitors. Only the bitterest partisans or the vilest time-servers would place themselves in such a position—and the position would demoralise the best-intentioned men. Johnson's Governments, again, were in the eyes of all Southerners intruders, usurping the lawful authority of the elected State Executive and Legislature. They must rely on and govern through native Unionists; and in the Cotton States, at least, nine-tenths of the few self-styled Unionists were converts too recent and too interested to be trusted. On May 29, 1865, Mr. Johnson issued an amnesty proclamation from which the great majority were excepted, and whose benefits were confined to those who should take the oath of allegiance therein specified. The provisional Governors, supported by the military authority, were instructed to call Conventions of 'loyal' citizens in each State to amend its Constitution; and the word 'loyal' was so construed as to disfranchise in almost every State all its

best and a large majority of its respectable citizens. In Virginia only ten counties, which had been held throughout the greater part of the war under military subjection, were allowed to take any part in the Convention.

In these measures Johnson abandoned unawares the vital essence, while adhering to the outward form, of Lincoln's plan. The latter appears to have intended an appeal to the natural, and especially the military, leaders of the South to undertake the task of reconstruction upon two, and only two, obnoxious conditions—the abolition of slavery and the repudiation of the Confederate and State war debt. Johnson proscribed the very men on whom Lincoln relied, and relied on those of whose worthlessness and impotence Lincoln's experience had given him a shrewd idea. In 1865 and for years afterwards, a 'loyal' Southerner was of necessity open to imputations such as only those who are above or beneath suspicion will encounter; and while there were among the converts a very few of the former class, there were multitudes of that which—

Points to the footmarks of indignant scorn,
Shows the deep scars of satire's tossing horn,
And passes to its credit side the sum
Of all that makes a scoundrel's martyrdom.⁵

As soon as Congress met, a bitter and irreconcilable conflict threw back the whole South into anarchy and panic. Refusing to acknowledge Mr. Johnson's newly-created State Governments, and excluding their Senators and Representatives, the Republicans commanded a two-thirds majority in both Houses, and were able to carry any measures they pleased over the Presidential veto. Throughout the session the two branches of the Government were in mortal conflict.

The first resolution of the Congress which met December 4, 1865, appointed a Joint Committee of fifteen, with exclusive jurisdiction over questions concerning the Southern States and the admission of persons claiming to represent them. The previous Congress had propounded a Thirteenth Amendment to the Constitution, abolishing slavery. By the votes of the bogus Legislatures established by President Johnson, but with the general consent of the Southern people, this amendment was ratified December 18, 1865. The Fourteenth Amendment was propounded June 6, 1866, and ratified July 28, 1868. It enacted that all persons born or naturalised in the United States were citizens—a proposition of course intended for the exclusive benefit of the negroes—that the representation of each State should be proportioned, not to its resident population, but to the number of male adults enfranchised. It enacted that while the public debt of the North,

⁵ Whittier.

or so-called Union debt, should be paid, according to its terms, in gold, all State and local debts incurred by Southern authorities *during the 'Rebellion'* should be repudiated. As State and municipal bonds were, like Consols, the favourite investment of trust-money, there attached to this indiscriminate repudiation of debts contracted by authorities whose historical and legal character had been nowise affected by secession a taint of vindictive cruelty, as well as of injustice. The wrong was quite as grave as would be the repudiation of the Federal debt by some future Congress under Southern influence. The debt of the *Confederate Government* became waste paper when that Government ceased to exist.⁶

Finally, large classes of Southern military and civil officers were branded as incapable of holding office of any kind, executive, judicial, legislative or municipal. Those thus disfranchised were at least nine in ten of those personally fit for such functions, forty-nine in fifty of those who united the two paramount qualifications for public service—knowledge and experience of public business and the confidence of their fellow-citizens. The task of internal reconstruction as it presented itself to the South was perhaps the heaviest and most intricate ever imposed upon a nation. The available political intellect of the South, though of a very high quality, was limited in quantity, and confined almost entirely to the classes thus proscribed. Ignorant as Northern statesmen were to an astounding extent of Southern life and Southern society, they knew that they were proscribing the brain, the heart, the intelligence and the experience of the country in the gravest of social and political crises. It was with distinct knowledge and deliberate intent that they handed over the most difficult and critical of political functions to classes exceptionally ignorant and utterly devoid of practical experience. And this they did for the express purpose of throwing the control of the Federal votes of the South into the hands of an artificial constituency, packed with an exclusive view to the facility with which it might be manipulated for their party purposes.⁷ 'From the womb of party necessity and political insincerity came forth this abortion, or rather this monster, doomed to parricide in the hour of its birth.'⁸

The contest between Congress and the President waxed constantly more and more fierce and relentless. Johnson looked upon

⁶ That is, on the assumption that secession was a revolutionary measure. Otherwise, conquest of itself would only transfer to the victor the liabilities of the vanquished.

⁷ On June 7, 1866, in the Senate Mr. Davis of Massachusetts said that 'the paramount object of the Radical party was continuance in office and power, and their chief means negro suffrage; and the machinery was a perpetual howl for justice and protection to loyal citizens of African descent.'

⁸ *A Fool's Errand*, p. 117; Sampson Low, 1879: the work of a passionate Republican partisan. It is full of involuntary testimony to the quality of the Southern Republicans, white and black, and the character of their leaders, as well as of conscious reprobation of the scheme of reconstruction.

himself as the elect of the people ; upon Congress with somewhat more reason, as ' a body hanging on the skirts of the Government.' The President forgot that he owed his elevation to an accident, his election to the manœuvres of a party Convention ; in so far as the North had accepted Andrew Johnson at all, it had elected him not to conduct the affairs of the nation, but to preside in silence over the debates of the Senate. And yet there was a sense in which the Vice-President, raised by a midnight murder to the chair of the Chief Magistrate, really represented the will of the people. As regarded the terms of reconstruction, the exponent of Mr. Lincoln's policy might claim that the popular vote of 1864 had intended to entrust them to Mr. Lincoln. If that trust did not pass to Lincoln's successor, still less had it been bestowed upon Congress. Upon the theory on which the war had been waged, which down to April 14, 1865, no Republican leader had dared to repudiate, secession was a nullity, and the Southern States were, and had always been, members of the Union. On that theory, Congress was a Rump, no longer entitled to legislate for the Union at large, least of all for the South. It was not a legal body till the freely elected Senators and Representatives of the eleven conquered States should be admitted to their seats. Both parties were the more angry that both were conscious of the fatal weakness in their position, that both were forced to eat their words and repudiate their constitutional professions.

The President regarded the acts of a Congress from which eleven States were wholly or partially excluded as null and void, and Congress dared not submit the question to the arbitrament of the Supreme Court. The Congressional majority was powerful enough to carry a law over the Presidential veto, but powerless to compel the Executive to execute it. It therefore proceeded to invade the constitutional and immemorial powers of a co-equal department of the Government. The right of removal had been granted at the very outset, and exercised in the most absolute and wholesale manner. None of those who had resisted or proposed to restrain it, from Jefferson to Calhoun, had ever dreamed of interfering with the President's right of dismissal in the higher ranks of the service. The Constitution had made the Executive absolutely independent of the Legislature save in certain specified cases, and the President *was* the Executive. It would have been constitutional to limit the power of removal in what answers to the permanent Civil service of other countries, to require cause shown or the assent of the Senate ; but the President's right to dismiss Cabinet ministers, assistant secretaries, generals and diplomatists was an indispensable and indisputable attribute of Executive power and responsibility. This unquestioned right the Republican majority, unscrupulous in the con-

sciousness of irresistible strength, determined to assail. It was enacted that every Minister once appointed should hold office until the close of the Presidential term, or till the Senate should have confirmed his successor. Under this act an irresponsible Minister of War, supported by an irresponsible Lieutenant-General of the Army, could paralyse the action of his chief and take action which his chief forbade. Subordinate officers unknown to the Constitution, the President's military and civil servants, usurped his constitutional functions. The President properly dismissed a Secretary of War who disobeyed orders as binding upon him as upon the lowest subordinate in his office. Congress determined to reinstate him.

At last the contest was brought to an issue, not in the Supreme Court, the only authority empowered to define the respective powers of the other two co-ordinate branches of the Government, but by a process intended for wholly different purposes, and before a tribunal consisting of pledged partisans. The control of the Senate was in the hands of the leaders of the Opposition, Johnson's avowed and mortal enemies. On March 3, 1868, the House, acting in close accord with the majority of the Senate, resolved on the impeachment of the President. The real ground of that impeachment was his endeavour to restore the Southern States to their constitutional position. Whether he had in this transgressed his legitimate powers was pre-eminently a case for the Judiciary alone. In no sense and in no case is the President responsible to Congress for the use of his legal prerogatives, for his executive policy or the use of his patronage. The very form of the indictment betrayed an abuse of the impeaching power. The President was accused of high misdemeanours, in having disobeyed an act of Congress (of whose validity he was fully entitled to form his own opinion till it should be ascertained by the Supreme Court); and again in having expressed in a public speech his view of the constitutional status of the present maimed and imperfect Congress. To deny the President of the United States the privilege of free speech secured by the Constitution to every citizen was monstrous. To call the acts in question 'misdemeanours' was absurd.

The unconstitutionality of the impeachment is obvious from the fact that its success involved a political revolution; would have reduced the independent Executive of the United States to the position of an English Premier, liable to dismissal at the pleasure of the Legislature. It would have effected by a side wind, by a two-thirds vote of Congress, a change more fundamental than has ever been attempted by any Constitutional Amendment. It outraged, then, the first principles of the Constitution—nullified all the guarantees which ensure its stability by rendering the process

of alteration slow and difficult, and requiring the assent of independent bodies.⁹ Yet in this gigantic usurpation a great majority of both Houses concurred to get rid of a Chief Magistrate whose term was within a year of its close. Under the presidency of Chief Justice Chase, the Senate came to a vote upon the weakest point of the indictment, the eleventh article, which made it a criminal charge that the President had ventured to express his opinion upon the very point on which the propriety of his action turned, the *status* of Congress. The independence of the Executive, the bounds which distinguish the legal powers of Congress from the omnipotence of the British Parliament, hung upon a single vote. Thirty-six votes to eighteen would have convicted the President and annihilated the Constitution. One Republican Senator alone had a political or personal conscience stronger than the ties of party. By nineteen noes to thirty-five ayes the two critical articles were negatived, and on May 26, 1868, by a vote of thirty-six to sixteen the Court adjourned *sine die*, and the impeachment was practically quashed.

In 1866 Congress divided the South into military districts, and gave to the commanding officer absolute power over the persons and property of the citizens, only requiring that death warrants signed by him should receive the approval of the President. The next Congress in 1868 gave to these military despots control over the registration of the voters, the enforcement of negro franchise and white disfranchisement.

That which was long known as the Ironclad Oath caught and excluded from every Federal, State and municipal office, from Congress, from the State Legislatures and Conventions, every Southern citizen of property, intelligence, character and credit, who might have escaped the meshes of the direct proscription.¹ This test included the younger gentlemen whose family influence and reputation would have enabled, whose practical education in the trying circumstances of the last six or seven years would have qualified them to fill, if not perfectly yet incomparably better than any other class could fill, the places of their fathers. Most men of spirit, intelligence and position, who in 1868 had reached the age of thirty-five, were directly proscribed. No man between twenty-one and thirty-five—save those who had deserted their State in her need—could take the Ironclad Oath. Open military despotism would have been incomparably preferable to a pretence of self-government so managed as to secure the ascendancy of

⁹ The Assemblies and Senates of three-fourths of the States.

¹ The Ironclad Oath was as follows: 'I — — do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto.'

utter ignorance, and to confer a monopoly of office on baseness, servility and treason. Under the Reconstruction Acts of 1867-8 Conventions were assembled in each of the Southern States, consisting by necessity exclusively of negroes, renegades without station or character, and a few Northern adventurers. The last, having alone the intelligence to direct the action of a political assembly, practically framed the new Constitutions and installed themselves in all the most lucrative offices. By these Conventions the State Constitutions were remodeled, not in a democratic, but in an anti-aristocratic or ochlocratic sense. Through their agency the requisite majority was secured by the end of March 1870 for the Fifteenth Amendment, propounded the year before, which made universal suffrage, 'without distinction of race, colour or previous condition,' the law of the Union; annihilating the distinctive character and traditions of the several States, and empowering Congress to enforce this rule by legislation; thus taking the control of elections out of the hands of the State Legislatures and bestowing it on the Federal Government. With this wholesale enfranchisement of the ignorant and incapable was coupled a further proscription of the propertied, intelligent and educated, intended to give the negroes an artificial majority, at least in all the Gulf States.

With scarcely an exception, the new Governments consisted of Northern political adventurers chosen by the negro vote, under military supervision and in close communication with the Republican leaders at Washington; generally of the worst personal character. More than one of them, as soon as the Southern people recovered control over their own Governments, fled the State to avoid trial and punishment for peculation. They contracted in the name of the States enormous loans, of which a very small portion was ever applied, even nominally, to any public object. These loans were contracted with parties favoured by the Republican leaders. The spoils were divided in the first instance between the contractor, to whom the loan was generally allotted at an enormous discount, his political friends and patrons, and the local authorities of the borrowing State. Out of the portion obtained by the latter, the knot of adventurers in possession of the State Government made their fortunes. A considerable part doubtless was employed for party purposes, to coerce, corrupt or falsify the elections.² Of the military chiefs who at pleasure exercised a paramount control, and by whose bayonets the intruding Governments were more than once sustained against the actual votes of the people, many were men of doubtful character, all of undoubted and virulent partisanship. Sickles had been tried for murder; Sheridan bitterly complained that he was not allowed to treat a

² See Note on Reconstruction at close of volume; citations.

great part of the citizens of Louisiana as traitors, and was only restrained from wholesale bloodshed by the better sense of his military superiors.

The better classes of the South had been almost ruined by the war. In thousands of cases their ruin was completed by three agencies which Congress had accurately adapted to that end, 'the Bureau,' the Governments, and their taxgatherers. The Freedmen's Bureau, a military body invested with summary powers in all cases where negroes were concerned, long rendered the reorganisation of Southern industry simply impossible. They took possession of hundreds of estates 'abandoned' by proprietors expelled sometimes by the Northern invaders, oftener by the Bureau itself. In nearly every case, after years of litigation, the officials were forced to give up these properties. Such a decision of course implied that they had been guilty of culpable and even criminal injustice, if not of wilful fraud; but in the worst cases the offenders were seldom compelled to disgorge the stolen profits of the past, or reprimanded by their superiors. Their influence was used, as might have been expected, with violent and mischievous partiality. It is easy to understand the universal complaints of negro idleness and insubordination, when we find that in one year no fewer than 140,000 negroes, whose labour was urgently needed and would have been liberally paid for in their proper places, were fed and kept in idleness by the Bureau. The frivolous complaints preferred by negroes against their employers were encouraged by officials who had no other *raison d'être*. One of the best among them ordered a lady to release her *employés* from labour for some critical days at harvest time that they might vote at their leisure! In a word, the grand difficulty of the South was the insubordination of the emancipated slaves, and the main business of the Bureau was to encourage that insubordination.

Again, not only to meet the inevitable expenses, which under the most economical administration must have been excessively burdensome, but to satisfy the demands of a profligate State Government and to pay interest on its loans, enormous taxes were imposed, to which the supporters of the Government, paupers or day-labourers, contributed nothing; of which the whole burden was thrown on struggling and half-ruined proprietors, and the greater part upon the disfranchised classes. The taxes were too heavy for an impoverished and embarrassed people to pay with promptitude, and a vast number of valuable estates were confiscated and sold for a song to the only class possessed of money, the dishonest politicians.

The faction to which proscription, negro suffrage, force and fraud had given the control of every Southern State Government consisted of three classes, each of which was known in the South

by a contemptuous nickname: the Carpet-baggers or Northern adventurers, the Scalawags or native renegades, and the Niggers. The latter were, with very few exceptions, driven to the polls like a flock of sheep, partly in fear of Federal bayonets or simply overawed by obvious and irresistible physical force, partly duped by the lavish promises of those supposed to control the favours of the Freedman's Bureau. Tens of thousands firmly believed, as they were daily assured, that while their old masters, if they got the upper hand, would enslave them, the Republicans would give every negro a mule and forty acres of land. The Scalawags, with the exception of a small number of *bonâ-fide* Unionists, utterly insignificant everywhere save in Eastern Tennessee and Western Virginia, were—what the willing tools of a conqueror's instruments always are—many of them the readiest in the old days 'to lynch a negro or to mob a press,' the loudest shouters for secession, as now out-Heroding Northern soldiers in their enthusiasm for 'the old flag.' The cleverest among them contrived to be well paid for their vote and influence. But the real control of affairs, the highest offices, the lion's share of the enormous spoils extorted at the bayonet's point from the ruined taxpayers of the South, fell to the share of the Northern Carpet-baggers, whose quality one of the bitterest of Abolitionists shall describe for me; ³ so called from the fact that most of them came South with no other property than a single carpet-bag could contain. It is obvious that few Northern men of honour, spirit, or principle would have intruded themselves into the politics of the South; and that the few whom honest fanaticism induced to do so would have taken care not to appear as professional demagogues and salaried politicians, the rulers of a community to whose best elements they were objects of abhorrence, living on the taxes wrung from a conquered, impoverished and disfranchised people. The intense, universal, unforgiving detestation they necessarily incurred was such as no man of feeling or self-respect, not bound by official or military duty to his post, would have endured while he could earn bare bread in his own country. No one who knows anything of the feeling with which negroes were regarded at

³ Well, gentlemen, "the thieving Carpet-baggers" are a mournful fact; they do exist there, and I have seen them. (Laughter.) They are fellows who crawled down South in the track of our armies, generally a very safe distance in the rear, some of them on sutlers' wagons, some of them bearing cotton permits, some of them looking sharply to see what might turn up; and they remain there. They at once ingratiated themselves with the blacks—simple, credulous, ignorant men, very glad to welcome and follow any whites who professed to be the champions of their rights. Some of these got elected Senators, other Representatives, some sheriffs, some judges, and so on. And there they stand right in the public eye, stealing and plundering, many of them with both arms around negroes and their hands in their rear pockets, seeing if they cannot pick a paltry dollar out of them. And the public looks at them; does not regard the honest Northern man, but calls every "Carpet-bagger" a thief, which is not the truth by a good deal. But these fellows—many of them long-faced and with eyes rolled up—are greatly concerned for the education of the blacks, and for the salvation of their souls. (Great laughter.) "Let us pray," they say. But they spell "pray" with an *e*, and thus spelled, they obey the apostolic injunction to "pray without ceasing."—Horace Greeley, June 12, 1871, at the Lincoln Club. *Life*, by L. D. Ingersoll, p. 525.

the North, the impossibility that any of these adventurers should at home have appeared as the leader of a negro party, will give them credit for honesty in their attempts to ride into power on the strength of the negro vote in Louisiana or Georgia.

Among the so-called Scalawags there were one or two men of high character and unquestioned sincerity. General Mahone's connection with the repudiation of the Virginian debt, to which every Virginian of character was opposed, his position as the head of a coalition between the negroes, the dishonest natives and the Republican intruders, forbids the historian to cite him as an example of this class. But only bitter party prejudice can doubt that General Longstreet honestly believed that the best chance for the South lay in a complete breach with her past; that, so believing, he was forced into relations with men he knew to be contemptible and dishonest, one familiar with American party politics can well understand. But the outburst of wrath and disgust which hailed the conversion of Lee's most trusted lieutenant showed how very rare was such an attitude among men of reputed honour. *Nosciatur a sociis*: the character of those with whom the General was perforce associated in politics sufficed to blacken even his; he could do nothing to redeem theirs.

'Carpet-bag' Governments were established throughout the South by 1868-9, but two or three years elapsed before their Senators or Representatives were admitted by Congress. Meanwhile the States were threatened with public bankruptcy and universal ruin. The license and insolence of the negroes, the scandals and frauds of State and local Governments, the open and wholesale peculations which, beginning in the highest quarters, descended to the lowest, drove the disfranchised people of the Southern States to measures of self-defence. Upon ten of these States the Carpet-bagger Governments were heaping up a debt which in 1874 amounted to almost one hundred and fifty million dollars, of which by far the larger part had been accumulated by and for the benefit of a few score Northern adventurers and as many leading Southern renegades. As the Federal garrisons were gradually withdrawn, the people of the South refused any longer to submit to be ruled by negro suffrage and intrusive rascality.⁴

The effort was one on which, as one of its bitterest enemies emphatically admits, only a people of extraordinary courage, determination, self-confidence and mutual reliance would have ventured. But it was not in the nature of the Southern people, on the whole perhaps the most thoroughly English of English-speaking nations—that in which the indomitable pride, the stubborn resolution and dauntless daring of the English spirit is most highly and universally developed—to lie down in despair, to be

⁴ See note on Reconstruction.

crushed like worms beneath the wheels of a conqueror's chariot. The law was against them, for the law was made by their enemies expressly to plunder, proscribe and keep them down. The organised power of the State was against them, was in the hands of men to whom the restoration of popular government, the investigation of their transactions, meant a choice between flight and a felon's cell. The whole military power of the Union was against them, a power which had conquered them when organised, armed and disciplined, provided with all the resources of which defeat had deprived them. The interests of the party that wielded that power were against them, for Republican ascendancy depended upon the falsification of the Southern vote. It would hardly need a vote of Congress to replace them under military despotism. As late as 1875 a Federal General drove a professedly Republican Legislature out of its hall at the point of the bayonet.

Yet the Southerners disdained to disguise their resolution. Before martial law had been superseded by the Carpet-bagger administrations, the threat had been loudly and repeatedly uttered, 'Wait till the Bluecoats are gone, and we will make these States worse than Sodom and Gomorrah for Northern adventurers and native renegades,'⁵ and they kept their word. The name of the 'Invisible Empire,' or the 'Ku Klux Klan,' was first whispered, says Judge Tourgee, in May 1868, and by August it was firmly established throughout the South. Its first object was to restore the justice and order which had been divorced from so-called law, to protect the rights and property of white men, the honour and, what was much oftener imperilled, the ease, security and freedom of ladies; their liberty to go about, as in the olden time, unwatched and unprotected without fear of insult or rudeness. The second and paramount purpose was to recover the government of their States, to make the South once more 'a white man's country,' to replace her fortunes under the control of her *bonâ-fide* citizens. Taxation had been utterly divorced from representation, government from intelligence, the interests of the rulers from those of the people. All this was to be undone; undone in some States by numbers, in others in spite of numbers—for in two or three States, as in Mississippi and South Carolina, the blacks were a clear majority; in most the blacks *plus* the Scalawags outnumbered the undisfranchised white people. It must be done, moreover, without alarming the Government at Washington, without making the Republican leaders tremble for their power, the Abolitionists for the freedom of the negro, the people of the North for the permanence of the fruits of victory.

And it was achieved, though slowly, gradually and partially.

⁵ *A Fool's Errand.*

The very existence of a secret organisation, of a nearer and more terrible physical force than that of the Federal garrisons, sufficed to break down the ascendancy of the Carpet-baggers over the negro voters. Where resistance was offered, coercion was relentlessly employed. For the Southerners the new law had no moral or constitutional validity. It had been imposed by force and, as they held, by fraud, in violation of the understanding upon which their armies had surrendered. Rather than accept it they would have maintained a guerilla warfare, would have enjoyed the lion's liberty in swamp and forest, exhausting the wealth and patience of the North, the strength and endurance of the Federal armies, till they were shot down man by man. Such had been the misery, the humiliation, the insecurity, the hopeless penury of the last three years that, as an experienced and eminently temperate Confederate General, well knowing of what he spoke and sure that he would have been among the foremost of the victims, said to me, 'Had they shot ten thousand of us, and then let us alone, it would have been mercy to what they did.'⁶ Judge Tourgee himself, the arch-witness of the Carpet-baggers, repeats without denying the charges against his order, and must be held to plead guilty. He, speaking as an eye-witness, exaggerating to the utmost the alleged excesses of the Ku Klux, fully admits that the organisation 'must be counted but as the desperate effort of a proud, brave and determined people to secure and hold what they deemed to be their rights:' what all save fanatical believers in the abstract right of numbers, ignorance and poverty to rule, no matter how unjustly, oppressively and dishonestly, over intelligence, property and education, must admit to have been their rights.

The confession that the 'bravest and strongest and best of the South gave their recognition and support' to the organisation, 'believing it a necessity to prevent anarchy and the destruction of all valuable civilisation,' conclusively proves how imminent was the ruin against which the brain and heart of the nation thus revolted. Armed insurrection has been held by all Liberal and most Conservative historians amply justified by provocation far less intolerable. The corrupt despotism of Louis XV., the insane tyranny of Paul, the stupid, superstitious, repressive rule of Bomba, the Austrian tyranny in Lombardy and Venice, were incomparably preferable to the reign of the Kelloggs and Chamberlains. Bourbons, Hapsburgs, Romanoffs did not threaten the very existence of civilisation, the basis of industry and the foundations of social order. They did not eat up, in a wasted and ruined country, all that four years of war had left. There was no dan-

⁶ This was said, not in the excitement of the struggle, in the bitterness of defeat, under the sting of present suffering, but ten years after the war, when the speaker had retrieved his fortunes and position.

ger that they would, if tolerated for two or three years longer, reduce not only the State but the people—land-owners and capitalists of every class—to sheer bankruptcy. Armed insurrection, open civil war would have suited the haughty self-confident temper of the Southern people far better than secret organisation, midnight terrorism and veiled coercion. To no people on earth could the black mask and cloak, the darkling march, the domestic visitations, the midnight Vehmgericht, the sentences executed on victims tried in their absence, have been more utterly repugnant. But open insurrection was simply impossible; the choice lay between submission to a misgovernment effecting wider waste in years than that of the Turk in centuries, or a masked appeal to terror against negro suffrage and the rule of men whom any responsible government would have consigned to the Penitentiary.

The negroes alone might have been coerced without serious violence or cruelty. No class of Southerners, least of all the natural rulers who thus reclaimed their rightful influence, wished to restore slavery; and once convinced of this, the freedmen would readily have parted with political privileges they did not understand and could not use. But terrified, encouraged and deluded by the white adventurers who were making rapid fortunes out of negro suffrage, the blacks resisted. They sustained a Government equally unrighteous in its origin, odious and contemptible in its character, and ruinous in its tendency; and there was no alternative but to meet political superstition with practical coercion, and delusive promises with effective threats. The arch-offenders were safe behind the bayonets of the Federal garrisons.

The Invisible Empire thoroughly deserved its name. Its organisation required, as the closest and most clearsighted of hostile witnesses observes, an absolute mutual confidence, a silence, steadiness, fortitude and loyalty, such as few secret societies have demanded, and none perhaps have obtained. None knew who passed its sentences save the chiefs of the 'Camps' which executed them; seldom, says Judge Tourgee, those from which they emanated. These leaders picked from their several commands, sworn to implicit obedience, fifty, one hundred or two hundred men—veteran soldiers or enthusiastic youths. These mustered at some designated spot, well mounted, masked in crape, horse and man, from head to foot, to carry out orders of whose nature they were never informed beforehand. Offenders whom the law could not reach, leading agitators, white or black—the former hated as the worst of traitors, traitors in foreign pay; the latter regarded as rebels justly subject to the jurisdiction of the real people of the State, in whose name the Ku Klux acted—were threatened, flogged, shot or hanged. The number and atrocity of these acts of vengeance or precaution has doubtless been monstrously ex-

aggerated. It is impossible to place any confidence in the statements of a writer who affirms that *forty thousand* outrages occurred in a single State! But enough was done to terrorise the white Republicans and scare the negroes from the polls. The Invisible Empire was waging war in the only possible fashion against Governments whose existence was an insult, whose policy was robbery, whose continuance meant universal public and personal ruin. The Southern people had resolved to put down usurpation by terrorism. The Ku Klux Vigilance Committees, supported by a great majority of the white people, administering lynch law on a gigantic scale, carried out their purpose with characteristic determination, energy and ruthlessness. When that purpose was effected, the outrages ceased at once. With legal and unresisted power in their hands, none of the Southern people used it for purposes of vengeance; but till that purpose was achieved the reign of the secret organisation was in truth a reign of terror comparable, not to that of the Jacobins, but to that of the 'Patriots' of 1776. The depth and unanimity of public feeling were attested by the utter inability of authorities invested with all the power of the State and backed by military force to prevent or punish the acts of the Klan. Women and children, schoolboys and schoolgirls by hundreds and thousands knew enough to have set them on its traces; but neither terror, carelessness, temper nor folly ever revealed the clue. The few professed apostates knew little of importance, or never told what they knew. The very victims could not, or dared not, recognise their executioners.⁷

The dominant party in Congress were slow to believe the stories they heard, the reports sent up by State and local authorities, the testimony of their spies. They knew their men too well to trust them. And again, in order to pack the House and Senate with obedient tools, as against the Democratic representatives of the North, they had 'reconstructed' the Southern States, and fettered themselves by legal and constitutional restraints. Zealous as their agents were, they could only arrest on sworn testimony, must produce their witnesses before local courts, and obtain a verdict from local juries. They did their best, as Judge Tourgee unconsciously betrays, to pack these juries, but in vain. On every jury there was sure to be well-wishers of the Klan, and their associates feared to incur its hostility.

If punishment was impossible, self-defence was scarcely ever attempted. The party organisation which had been installed in full control of the States, which was alone represented in Congress, which controlled the negro vote and pretended to be a *bonâ-fide* majority of the people, was morally and physically

⁷ *A Fool's Errand.*

powerless. It fell to pieces, as its own advocate declares, like a rope of sand; for it contained no men capable of leading, and few brave enough to make a stand. Behind the mechanical negro vote there was no force of independent manhood. With the loss of its artificial ascendancy, of the powers of government, the so-called Republican party ceased to exist. Its leaders fled to secure their persons and their spoils in their native North; the renegades, abandoning the lucrative minor offices into which they had been thrust, skulked out of notice; the negroes, no longer harangued, excited and inflamed, no longer paraded in quasi-military fashion for an electoral holiday, but confronted by the united force of the master race to which they had so long yielded implicit submission, abandoned without a struggle the franchises thrust upon them.

The recovery was gradual and incomplete. From March, 1869, to March, 1877, the whole power of the Federal Executive under General Grant was used to sustain the breaking strength, failing authority and ruined credit of the Carpet-bagger Governments. As late as 1876 returning boards under Republican control openly falsified the votes of three Southern States, carried by a decisive majority for Tilden, the Democratic candidate for the Presidency. They were cast for General Hayes of Ohio, and turned the scale in his favour. A Committee of fifteen, selected from both Houses of Congress and from the Bench of the Supreme Court, was appointed to investigate the fraud. By a strict party vote, in which the Judges concurred like the merest politicians, the Commission refused to go behind the return of the State authorities; refused, that is, to enter on the only business referred to them. But on the expiry of General Grant's double Presidential term, the policy of military interference was abandoned, and since that time the Southern States have returned to the control of their white citizens. Only where, as in Virginia, these themselves have been really divided, has the negro vote been powerful for evil. In Presidential and Federal elections a 'solid South' has cast its vote for its old Democratic allies. To that vote the Union owes its escape at the last election from the rule of the arch-representative of wire-pulling and corruption, the renunciation of the spoils doctrine, the partial purification of the Civil Service, and the installation of the first President, since John Q. Adams, selected under the control of public opinion as the foremost statesman of his party; as one in whose stainless personal character, tried capacity and proven integrity the mass of respectable American citizens, irrespective of party, reposes implicit confidence.

CHAPTER III

FINANCES OF THE WAR.

Confederate Paper—Why issued, how soon worthless—Northern Greenbacks—Popular Earnestness—Indiscriminate Taxation—Efforts to pay off the Debt.

NEITHER Government, at or for some time after the outbreak of the war, had the courage to meet, or attempt to meet, by taxation any considerable portion of their expenses. Standing on her defence, liable to invasion, blockade and the capture of her principal commercial cities, the South could be in no condition to bear a heavy taxation. Nor were there any resources from which such taxes could be paid. She had a great aggregate of wealth in her staple crops, but that wealth was valuable only if exported. Stored on her plantations or locked up in her cities, cotton and tobacco were practically worthless. The interruption of trade rendered it hopeless to derive any considerable revenue from customs. Farmers and planters, unable to convert their crops into cash, had nothing wherewith to meet the demands of the Government. The commerce of the South had been in Northern hands; her banks, never very strong, were forced ere the first shot was fired to suspend specie payments. The whole amount of gold and silver in their hands would not pay the cost of three months' war on a large scale. For the same reason there was no money to take up a large Government loan. What might be borrowed abroad would not meet the expenses incurred in Europe for the vessels and material of war the South must obtain from European dockyards and factories. She had no alternative then but the worst, the most ruinous, and, in a prolonged and doubtful struggle, the least reliable of financial resources—the issue of paper money redeemable after the establishment of her independence and convertible at pleasure into interest-bearing bonds; whose interest, again, during the war, could only be paid in paper. Her financial experiences reproduced on a larger scale and with yet more disastrous effect those of the United Colonies during the War of Independence. Of the four great commercial cities whose wealth is counted in all statistical statements as be-

longing to the South, Louisville, Baltimore and St. Louis were in the enemy's hands; and New Orleans, after a stringent blockade of twelve months, was also occupied by the invaders.

Paper issued by a revolutionary or quasi-revolutionary Government is always liable to rapid depreciation. Its character is essentially speculative, and its ultimate redemption depends upon the fortune of war. The necessity which originally enforced the adoption of so dangerous a resource presses ever more heavily as the war continues, and can be met only in the same way. The first issue may simply replace the ordinary currency of bank-notes, gold and silver, and may therefore maintain something like its nominal value. After this, the value of a non-exportable currency depends on its quantity. If the actual business of a country demands a circulation of, say, one hundred million dollars, an irredeemable paper currency of two hundred millions falls at once to fifty cents in the dollar. The expenditure in gold value increases with the prolongation of the struggle, and the lower the paper falls the larger must be the issues. Thus the first, or at least the second, step taken launches the Treasury on an inclined plane on which neither rest nor recovery is possible.

On October 1, 1864, the Confederate liabilities amounted to nearly \$1,150,000,000, of which less than half consisted of funded debt and the balance chiefly of Treasury notes. Taxation produced at most a nominal sum of \$90,000,000 a year. By collecting taxes in kind and otherwise, the Government accumulated some 250,000 bales of cotton, which it pledged to English bondholders. The cotton was to be delivered in Confederate ports at about sixpence per pound,¹ and brought at the bondholders' risk to England, where it was worth about two shillings. The figures afford conclusive proof of the conscientious economy exercised under every discouragement by the Treasury. The value actually expended during three years and a half of war cannot have exceeded \$400,000,000 (80,000,000*l.* sterling).

The nominal debt of the North was \$2,700,000,000 (540,000,000*l.* sterling). Congress had displayed more courage than the Government, and the people more determination and foresight than their representatives. The expenditure of a single year amounted to nearly \$900,000,000, of which about \$110,000,000 were defrayed from taxation. The only circulation of the country consisted of 'greenbacks' or Treasury notes, from one shilling of nominal value upwards, issued in such excess that, apart from the alarms excited by the changing fortunes of the war, their value may be taken at about fifty cents in the dollar. The greater part of the debt had been borrowed at upwards of seven per cent., but bonds bearing interest in gold were sold at the close of the war at par.

¹ A bale contains from 300 lbs. to 400 lbs.

Upon the value it actually received and expended, the Federal Government probably paid from nine to twelve per cent. This consideration—the enormous burden thrown upon the future by the depreciation of the currency—has apparently been overlooked by those who have deprecated the strenuous and even heroic efforts of the generation who incurred the debt to pay off the greater part of it. Posterity may fairly be charged with the cost of utterly exceptional struggles for national existence or imperial unity, wars like those of England against Napoleon, of North and South America for independence, of the Northern States to maintain the Union. Of such struggles posterity reaps the larger benefit; the generation which wages them inevitably bears the heavier sacrifice. But the temporary relief purchased by borrowing in depreciating paper what must be repaid in gold, or in three per cents. at 80 instead of five per cents. at par, should in equity, be borne by those who have adopted so wasteful a method. The England of 1816 might justly plead exhaustion, but with the restoration of prosperity certainly commenced the obligation to pay off a part at least of the debt. So long as America enjoys exemption from the necessity of maintaining a standing army and an inland customs line, the North could not reasonably grudge a larger burden than is likely to survive the century, as the price of the victory of 1865.

Under pressure from without, rather than from any scruple of its own, Mr. Lincoln's Government at last resorted to a wholesale and indiscriminate taxation, the most burdensome and exorbitant that any civilised Government of modern times has attempted; a taxation far more sweeping and severe than that which was entailed on England by the tremendous and protracted burden of the war for independence, honour and existence waged against Revolutionary and Imperial France. Sidney Smith's epigrammatic description of the fiscal system of 1814 would apply, strictly and literally, to the American tariff and excise of 1864. The North had no financier worthy of the name; the only idea of her statesmen was to tax everything and see what yielded enough to pay the cost of collection. The Republican States of the North-East saw and used their opportunity without scruple or reserve. A protective tariff, the most oppressive and reckless that the wit of man and the greed of class has ever devised, turned the agony of their country to the profit of the manufacturers and mine-owners of New England and Pennsylvania. They made enormous profits out of the monopoly secured to them by the Morrill tariff, out of war contracts and lucrative jobs; they established, and still maintain, a fiscal system under which a monstrous tribute is levied on the Union for the benefit of a small section, upon fifty million consumers for the gain of a few hun-

dred capitalists and the more doubtful advantage of as many thousands of operatives. This shrewd and selfish speculation may have had something to do with the pertinacity with which New England supported the war, with the decisive majority in Congress which approved every measure of the Administration and voted down every effort at conciliation, every censure on the havoc perpetrated by men like Sherman and Sheridan, Banks, Pope and Hunter.'

The West was heartily in earnest; the doubtful States were carried by the interested classes. A larger number of voters than turned the scale in Mr. Lincoln's favour in the election of 1864 (the coerced States and the military vote, which certainly was not really free, omitted) believed themselves to have a separate and selfish interest in the ascendancy of the Republican party. A majority of one thousand, it must be remembered, suffices just as effectively as one of fifty thousand to cast the thirty electoral votes of a great State on one side or the other; so homogeneous are many, perhaps most, Northern and Western States that a class vote of a few thousands may give an absolute control of the Legislature, the Government, the choice of Senators, Representatives and Presidential electors to the party which bids highest for it.

But, while it is necessary to recognise and allow for the baser motives which secured an artificial support to the Republican party, an artificial and dishonest cry for heavy taxation, it would be unjust to overlook the evidence which the popularity both of the war and of the internal revenue system affords of the genuine enthusiasm of a full half of the Northern people; the readiness of hundreds of thousands to fight, the rarer readiness of millions to pay and to endure a most vexatious, irritating, harassing mode of exacting payment—and this long after the excitement of the conflict was over—for the maintenance of the Union. The cause seems to me as bad as it well could be; the determination of a mere numerical majority to enforce a bond which they themselves had flagrantly violated, to impose their own mere arbitrary will, their idea of national greatness, upon a distinct, independent, equally determined and almost unanimous people. The North fought for empire, and for an empire which was not and never had been hers; the South for an independence she had won by the sword, and had enjoyed in law and fact ever since the recognition of the thirteen 'sovereign and independent States' by England—if not since the foundation of Virginia. Slavery was but the occasion of the rupture, in no sense the object of the war. If the South had freed and armed her slaves in August, 1861, she would not have been less certainly or less fiercely attacked, nor would the war have been less ruthlessly waged or less resolutely

pressed to its only one—subjugation. But the patriotism of the North, if unjust, aggressive, contemptuous of law and right, if it present a poor appearance beside the boundless devotion, uncalculating sacrifice, magnificent heroism and unrivalled endurance of the Southern people, was none the less genuine—a display of individual loyalty, popular resolution and political courage worthy the remembrance and imitation of kindred peoples, in an age when political cowardice parades as statesmanship, when helpless ignorance or recreant faintness assume the guise of exalted justice and cosmopolitan philanthropy, when the weakness that yields to treasonable obstruction and criminal menaces masquerades in the garb of generosity, and men, if not classes, incapable of patriotism pretend to be above it.

NOTE ON THE POLICY OF RECONSTRUCTION.

THAT the Reconstruction scheme of Congress was deliberately intended to secure the ascendancy of the Republican faction against the chances of reaction in the North, by creating a fictitious Republican constituency to control both the domestic government and the Federal elections of the eleven conquered States, no careful student of the records of the time will be disposed to dispute. But such students are very few; and the current tradition of Northern clemency—as well as the natural disposition of Englishmen to ascribe to responsible statesmen a conscientious desire to do their best for their country that personal consistency and party interests will allow—must dispose my readers to receive my account of the conduct and motives of the Republican leaders with distrust. Above all, they are disinclined to believe that the policy of the dominant party was at once dishonest and vindictive; that the Congressional majority were animated not merely by selfish designs,¹ but by a rabid irrational hatred of a people who had fought so gallantly for what the best jurists believed to be their moral and constitutional rights. No Englishmen who were not, like myself, familiar with the tone and temper of American politics and society from 1860 to 1876 will readily conceive how unscrupulous was the spirit of party; how fierce and vindictive the policy of the Congressional leaders; how shameless the profligacy, how monstrous and open the corruption, how startling the indifference to personal character, public duty, and even pecuniary integrity, commonly imputed to the Administration of General Grant and the dominant faction in the Senate and the House of Representatives.

The difference between the American and English press is still great; the former was, fifteen or twenty years ago, as much baser and more vulgar as the latter was purer and more dignified than now. But the contrast between Congress and Parliament was still more striking. A people accustomed to be ruled by the flower of its aristocracy can hardly conceive the condition, tone and language of public life in a country where 'politician' is a term of reproach. It would not be too much to say that the average level of intelligence and character in Congress during the period of Reconstruction was scarcely higher than that which prevails among

¹ On June 7, 1866, in the Senate, Mr. Davis of Massachusetts said that 'the paramount object of the Radical party was continuance in office and power, and their chief means negro suffrage; and the machinery was a perpetual howl for justice and protection to loyal citizens of African descent.'—Wilson's *Reconstruction*, p. 203.

the representatives of the Irish National League. The universal corruption introduced by the war, with its sudden, enormous, unmanageable extension of expenditure and its tendency to identify the party interests of the Republican Administration with the Union cause, secured toleration for the worst malpractices, and prevented exposures which threatened to weaken the Government; degraded alike the intellectual and the moral standard of public men. The tone of political conversation would have astonished an English gentleman accustomed to the talk of English party clubs when party spirit runs highest. In the Reform and in the Carlton alike it is assumed that the integrity of statesmen, the impartiality of judges, the loyalty of the services, is above suspicion. My elder readers will remember the surprise excited when the private secretary of a Minister, the most heartily hated in England, was accused of dabbling in the Funds. The mere indiscretion ruined him; but no one dreamed that his chief was even aware of it. One of Grant's favourites, a Cabinet Minister, was convicted of corruption; and the general feeling was that he was not more guilty but more unlucky than others. I can myself vouch for the fact that Ministers and leading Senators were assumed, in general conversation, to make fortunes in Wall Street by the use of official information and political influence. The idea was not put forward as an accusation, but as a matter of course.

The debates of Congress, the Republican organs, the contemporary writings of partisans, were marked by a violence and ferocity of feeling, thought and language that, to a reader of to-day, are unintelligible if not incredible. Mr. Wilson's history of the Reconstruction measures records with passionate sympathy expressions of sectional animosity, charges not merely false and foul, but devoid of any show of reason, and often palpably impossible, daily flung out against the whole Southern people, their most distinguished statesmen and their noblest soldiers. Thaddeus Stevens was the leader of the Republican party in the House; the rest of those whose utterances I quote below were average exponents of its feeling.²

² Mr. Stevens said, May 8, 1866: 'Do not, I pray, admit those who have slaughtered half a million of our countrymen until their clothes are dried, and until they are re-laid. I do not wish to sit side by side with men whose garments smell of the blood of my kindred. Gentlemen seem to forget the scenes which were enacted here years ago. . . . Would you have those men back again to re-enact those scenes? Wait till I am gone, I pray you.'

On December 18, 1865, Mr. Stevens said: 'Without the right of suffrage in the late Slave States, I believe the slaves had far better been left in bondage. The doctrine of a white man's government is as atrocious as the infamous sentiments that damned the late *Chief Justice to everlasting fame, and I fear to everlasting fire!*' *Thaddeus Stevens*, by E. B. Callender, 1882.

On March 19, 1867, on the Confiscation Bill, he said: 'While I would not be bloody-minded, yet if I had my way I would long ago have organised a military tribunal under military power, and I would have put *Jefferson Davis and all the members of his Cabinet* on trial for the murders at Andersonville, the murders at Salisbury, the shooting down of our prisoners of war in cold blood. Every man of them is responsible for those crimes. It was a mockery to try that wicked fellow Wirz, and make him responsible for acts of which the Confederate Cabinet were guilty. Of course they should be condemned. Whether they should be executed afterwards I give no opinion. As to the question of confiscation, I think that a man who has murdered a thousand men, who has robbed a thousand widows and orphans, who has burned down a thousand houses (!), escapes well if, owning \$100,000, he is fined \$50,000 as a punishment and to repair his ravages. I do not say nor do I ask that anyone should be executed in this country. There has got to be a sickly humanity here which I dare not get along side of for fear I might catch it.'

On June 13, 1866, Mr. Windom, of Minnesota, said (referring to the President's policy): 'This grand panacea for all our political ills is based upon the theory that the people who attempted by violence and perjury to destroy the Government, who waged a *most wicked and diabolical* four years' war for the establishment of a slaveholding empire upon the ruins of the Republic, who murdered our soldiers in cold blood, who fired our hotels filled with women and children, who starved our soldiers to death in loathsome prison-pens within sight of store-houses groaning with Confederate supplies, who polluted the fountains of life by knowingly inoculating prisoners with the virus of a nameless disease which will scourge them to their graves and entail untold suffering upon their innocent offspring, who laid down their arms only when our victorious bayonets were at their throats, and who, when professing to accept the issues of the war, assassinated the nation's honoured chief—that this people, without any evidence of repentance, but with every indication of sorrow for the 'lost cause,' and of bitter hatred towards it [the Union] and its defenders, have suddenly become sufficiently loyal to be trusted with

The wholesale confiscation of Southern property was deliberately recommended by the responsible leaders of the party.

Mrs. Lee's property at Arlington was confiscated by Mr. Lincoln without pretext of law, and turned into a national cemetery. Some sixteen years elapsed before law was so far restored that her heirs were allowed to bring the case to trial, when the 'martyr President's' act was reversed, as one of lawless spoliation.

Such was the tone and language of the authors of Reconstruction, one and all; language to be paralleled only in the ravings of the Jacobin Club and the Carmagnoles of Barrère. They did not hesitate to 'draw an indictment against a nation.' Men, the most honest of whom had been themselves Secessionists, forgetting that the arbitrament of the sword, in settling the fact, left the right exactly where it was in 1789 and 1860, demanded that the vanquished should not only renounce but denounce the principle which they and their fathers had upheld from the very foundation of the Union; should plead guilty, not to misfortune or mistake, but to crime; should apostatise from their faith, stigmatise their leaders, and dishonour the dead who had died beneath the Starry Cross for law and right, for freedom and fatherland. As well might Cromwell have called on the vanquished Cavaliers to abjure episcopacy and the Prayer Book, to set their signatures to the death-warrant of the Royal Martyr. As well might Halifax and Rochester have been excluded from the Parliaments of William III. till they should do public penance for resisting the Exclusion Bill. A faction which thus confounded its latest and extremest dogmas with the eternal, unalterable, unmistakable

all the rights and franchises they have renounced or forfeited; that in 'accepting the situation' they have entitled themselves to step at once, unquestioned, from the rebel Congress and the rebel camps into the halls of legislation, to make laws for the Republic which they have so recently tried in vain to destroy; to become the guardians of our widows, orphans and disabled soldiers, and custodians of all the civil and political rights of the humble coloured patriots whom they held in slavery as long as they could.'

June 8, 1866, Mr. Shellabarger of Ohio said: 'They framed iniquity and universal murder into law. They besieged for years your capital, and sent your bleeding armies, in rout, back here upon the very sanctuaries of your national power. Their pirates burned your unarmed commerce upon every sea. They carved the bones of your unburied heroes into ornaments, and drank from goblets made of their skulls. They poisoned your fountains, put mines under your soldiers' prisons, organised bands whose leaders were concealed in your homes, and whose commissions ordered the torch and yellow fever to be carried to your cities and to your women and children. They planned one universal bonfire of the North from Lake Ontario to the Missouri. They murdered by systems of starvation and exposure 60,000 of your sons, as brave and heroic as ever martyrs were. They destroyed in the five years of horrible war another army so large that it would reach almost round the globe in marching column; and then, to give the infernal drama a fitting close, and to concentrate into one crime all that is criminal in crime and all that is detestable in barbarism, they killed the President of the United States.'

'Let the revolted States base their Republican State Governments upon a general and sincere loyalty of the people and come to us under the guarantees of this renewed union, and we hail their coming and the hour that brings them. If you as' again. Suppose such general loyalty should never reappear, shall they be dependencies for ever? Sir, convince me that the case is supposable, then with the deepest sorrow I answer—FOR EVER!'

In September, 1865, Mr. Stevens delivered a speech in the city of Lancaster, in which he advocated the confiscation of the property of all the leading rebels whose estate was worth \$10,000, or whose land exceeded 200 acres in quantity. He estimated that one-tenth of the whites only would lose their property by such a proceeding; yet that most of the real estate would be confiscated, it being held by the few. Of the property thus to be taken from the wealthy rebels, he declared that justice demanded that forty acres of it should be given to each freedman, and the balance sold to liquidate the national debt. He calculated that by this process the sum of 3,500,000,000 dollars would flow into the public treasury, enough to pay off the debt contracted in the subjugation of the Southern people.'

On February 8, 1865, Mr. G. W. Julian of Indiana, characterising the conflict as a war of the people, said: 'They (the people) expect that Congress will pass a Bill for the confiscation of the fee of the rebel landholders, and they expect the President will approve it. They expect that Congress will provide for the reconstruction of the rebel States by systematic legislation, which shall guarantee Republican Governments to each of those States, and the complete enfranchisement of the negro. . . . They expect that Congress will provide for parceling out the forfeited and confiscated lands of the rebels in small homesteads among the soldiers and seamen of the war, as a fit reward for their valour, and a security against the ruinous monopoly of the soil in the South.'—*A Review of the Political Conflict in America*, by Alexander Harris. New York, 1876. P. 396.

principles of right and wrong, leaders who could regard the most heroic struggle recorded in history as a national crime, a difference of constitutional principle as a moral iniquity—for secession, not slavery, was the offence for which the South was reviled, and half her soldiers were guilty, not of secession, but only of loyalty to their States—was not likely to admit of a distinction between the maintenance of its own domination and the welfare of the country. To men in such a temper, next to the security afforded for the permanence of their own power, it was the strongest recommendation of the Reconstruction that it wounded the pride, outraged the convictions, humiliated the self-respect and ruined the prospects of the Southern people.

‘The Prostrate State’ is an account by an ultra-Republican journalist of the ‘Carpet-bag’ Government of South Carolina. It is a fair average picture of the rulers and the condition of the South under the Reconstruction Acts. I quote a few illustrative passages:—

‘The last Administration stole right hand and left with a recklessness and audacity without parallel. The thieves had to combine to aid one another. It took a combination of the principal authorities to get at the Treasury, and they had to share the plunder alike.’—*The Prostrate State*. J. S. Pike. New York, 1874. P. 25.

‘The present Governor was Speaker of the last House, and he is credited with having issued during his term in office over \$400,000 of pay “certificates,” which are still unredeemed and for which there is no appropriation, but which must be saddled on the taxpayers sooner or later. The Blue Ridge Railroad scrip is another scandal embracing several millions of pure stealings. The case is briefly this: Some years ago a charter was obtained for a railroad across the southern end of the Blue Ridge from South Carolina into Kentucky. It was difficult work, and the State promised its aid on certain conditions. The road was never made, and these conditions were never fulfilled, but since the restoration the State obligations were authorised to be issued. But this was not the worst of it. The sum authorised was \$1,800,000. It turns out that on the strength of this authority over \$5,000,000 has been issued. It was rendered available to the holders by being made receivable for taxes, and in this way has got spread abroad. The whole scheme has been for the moment frustrated by a decision of the courts that the entire transaction is fraudulent and void from the start. With \$5,000,000 of this stuff afloat, which the Legislature can legalise if the members are paid enough, what hope is there that the State will escape liability for the emission?’—*Ib.* p. 26.

‘The new Governor has the reputation of spending \$30,000 or \$40,000 a year on a salary of \$3,500, but his financial operations are taken as a matter of course, and only referred to with a slight shrug of the shoulders.’—*Ib.* p. 29.

‘The total amount of the stationery bill of the House for the twenty years preceding 1861 averaged \$400 per annum. Last year it was \$16,000.’

‘Last year the Treasury was in great straits on one or two occasions for money to anticipate the taxes. Some of the banks came to its aid and advanced about \$60,000. They were this year compelled to go before the Committee of Claims to get reimbursed. The shameless rascals refused to pay the claim unless they were allowed to bag some 15 or 20 per cent. of it for their share! Another plan was the subsidising of nearly all the newspapers. One lump sum of \$75,000 was divided in sums varying from \$1,000 to \$7,000, and a list of the papers subsidised was published by order of the Legislature.’—*Ib.* p. 30.

‘The whole amount of the printing bills of the State last year (1872) it is computed (for everything here has to be part guesswork) aggregated the immense sum of \$600,000.’—*Ib.* p. 31.

'Some notorious plunderers had, a year or two before, obtained a charter to furnish the city of Charleston with pure water. They refused to execute the work in order to extort a bonus from the city itself for the charter. The city declined to be robbed in this way, and went to the Legislature for a new charter. Everybody was in favour of giving it except those interested in the old one. The knaves, by their boldness, were able to defeat the city and prevent the passage of the bill. This was accomplished in the Senate by a black man, who declared his purpose to defeat the measure by obstructive proceedings. The Senate was a unit for it, with the exception of three or four interested in the old charter, whom this sable legislator led. After a wearisome contest, in which all the arts of legislative obstruction were practised, this Senator finally moved an amendment providing for the introduction of hot water, and on this absurd proposition talked several hours in a night session, threatening to talk all night. In this way the patience of the Senate was finally exhausted, and with an overwhelming majority in favour of the measure gave up the contest with the black filibuster, and allowed him to defeat the Bill. Who shall say after this that Sambo any longer needs "Carpet-baggers" to lead him?'—*Ib.* p. 50.

The State Legislature appropriated \$700,000 for the purpose of buying land for the freedmen.

'The parties concerned in the application of the money began at once to rob the State, and rob the freedmen of the advantages proposed by the appropriation. They bought land worthless for the object in view, and, by collusion with the sellers, paid for it at a low price and charged it to the State at a high one; thus swindling the State out of its appropriation and the negroes out of the lands.—*Ib.* p. 150.

'The total sum expended in the purchase of lands as shown by the deeds on file in this office is \$577,517, leaving a difference of \$224,620.40, which, so far as the records of this office show, is totally unaccounted for.'³

'One F. J. Moses, jun., from Brooklyn, New York, was the Speaker of the House. There was a negro member of the House, by name Whipper, who was the proprietor of fast horses. Moses and Whipper had made up a match race for \$1,000 a side. The race was fixed to come off on the said 4th day of March; and the explanation of the recess on that day is that the House adjourned to attend this horserace. The race was run and the Speaker lost the bet of \$1,000. Three days afterwards, on the day of final adjournment, and the very last thing done in the House, as shown by the journal, was a motion made by Whipper, "that a gratuity of \$1,000 be voted to the Speaker of this House for the dignity and ability with which he has presided over its deliberations." The motion was passed by a large majority.'—*Ib.* p. 199 *et seq.*

³ 'The treasurer reports that he has paid on account of the Land Commission \$90,058.25, making a total expenditure of \$802,137.44.'—*Ib.* p. 150.

THE END.

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