

LINCOLN'S ATTITUDE TOWARDS
SLAVERY AND EMANCIPATION

BY HENRY W. WILBUR

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PRESIDENT LINCOLN'S ATTITUDE

TOWARDS

SLAVERY AND EMANCIPATION

**WITH A REVIEW OF EVENTS BEFORE AND
SINCE THE CIVIL WAR**

BY HENRY W. WILBUR

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TO THE MEMORY OF MY GRAND-PARENTS,

JOB AND ESTHER WILBUR,

MY PARENTS,

HUMPHREY AND ANN PIERCE WILBUR,

AND THE GREAT COMPANY OF PLAIN PEOPLE, WHO LABORED FOR
THE FREEDOM OF A RACE, AS IN THEIR DAY THEY SAW THE LIGHT,

THIS VOLUME IS DEDICATED.

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FOREWORD

It is nearly half a century since the untimely death of President Lincoln, and during all these years he has steadily grown in popular favor. Because of his having come from the ranks of the common people, plus the crown of martyrdom forced upon him, he probably appeals to the general imagination more than any other man in our history. In a nation-wide referendum for the selection of the typical American, it is likely Lincoln would receive a large majority. But any attempt to make him out a sort of superman would be unjust to his character. It is easy to imagine with what fine scorn and apt stories he would repel any attempt to place him on a pedestal and Hellenize him as a demigod. It is therefore with an intensely human Lincoln that we wish to deal.

The original purpose in making this book was simply to consider the evolution of Lincoln's mind in approaching the emancipation proclamation, with such personal estimates of his contemporaries as would show the manner and method of the man as he dealt with the great problem, the solution of which was committed to him. The study of the case, however, grew in interest as we proceeded. Since the work was begun conditions have developed in our country which seem to demand that the case be brought down to date, rather than

stop with the close of the civil war and the death of Lincoln. If the period before emancipation, and the events which belong to it, were important in an effort to understand the issue which culminated with the rebellion, then what has been going on since that time must be considered to make the story complete.

All that the act of emancipation could possibly do, no matter how accomplished, was to simplify the problem, for it surely did not solve it. If it shall appear as we proceed that the writer has a firm conviction that the fruits of our unfortunate civil war should be preserved in fortifying, extending and perpetuating the benefits and blessings of free government, he hopes that the case may be presented without bitterness.

While the personal estimates of Lincoln made by his cotemporaries were slightly conflicting at certain points, it should be said that the general character of this first-hand evidence is singularly united touching the temper and motive of his conduct. Moral sincerity, and a fixed purpose to so save and fortify free government that it should "not perish from the earth," was undoubtedly the center of his purpose. For the sake of this great undertaking he was willing to hold sentiment in abeyance, and heavily tax the sympathy and endurance of a most tender spirit. Hence we shall endeavor to so present the varied estimates of the men of his time, that a correct conclusion regarding the real Lincoln may be reached. If, when the evidence is all in, it shall appear that touching

all the questions involved, from the freedom of the slaves to the reconstruction of the states in rebellion, Lincoln was really ahead, rather than behind, the major public sentiment of his time, his real greatness will be more plainly apparent.

Idealist, and almost prophet and poet, he knew how to meet the real world on its own ground, and how much of his idealism could be worked in the life of men and in a scheme of national progress which should be human enough to belong to this world, and virile enough to stand on its feet. In the midst of all of his experiences, his deeply religious nature will be constantly seen in command of even his wit and his wisdom, as he went about the severe task which confronted him. Lincoln understood the spiritual values, and because of that understanding he developed into a constructive statesman of the first rank.

With the hope that the facts and opinions herein set forth may result in making President Lincoln better understood, the valuable work he did for his country in the hour of its greatest peril more keenly appreciated, and the lesson of his life an increasing inspiration to his countrymen, we send this volume on its way.

SLAVERY IN THE COLONIES

No adequate understanding of the institution of slavery in its relation to the general government, and especially as it involved the country in a civil war, in whose fiery furnace the institution died, is possible without some knowledge of its growth, and the ways and means by which it secured constitutional recognition.

There seems to be little doubt that if the majority of the fathers and founders of the republic could have formed a more perfect union, and framed a constitution entirely after their own hearts, provision would have been made for the gradual removal of slavery from our country. In fact, the opinion was rather general in the period immediately following the revolution, that in the main slavery was not economically profitable, while it was held to be morally inconsistent with the genius of republican institutions. It was a minority of the fathers who forced the fatal compromise which perpetuated the institution, which was to prove a millstone about the Nation's neck.

At the time of the adoption of the Constitution, slavery existed and was a legalized institution in every state in the Union, Massachusetts excepted. In the census of 1790 there were less than 4,000 slaves in New England, two-thirds of the number being in Connecticut. The states of New York, New Jersey and Pennsylvania contained 36,484 human chattels, Pennsylvania having only 3,737.

Slavery ceased in all of these states long before the civil war. At the time indicated the slaves in Delaware and Maryland numbered 111,923, 103,036 of this number being held in servitude in the latter state. The following represents the number of slaves in the four states of the original thirteen which sided with the Confederacy in the civil war.

Virginia	293,427
North Carolina	100,372
South Carolina	107,094
Georgia	29,264
	520,857

As the number of slaves in the entire country in 1790 was reported as 657,527, it will be seen that about 80 per cent. of the slaves were in the four states which in 1861 joined hands with the Southern Confederacy.

The Ninth Continental Congress, in session in Annapolis, considered a plan for the government of "the territory ceded already, or to be ceded, by the individual states to the United States." Thomas Jefferson introduced what has passed into history as the Ordinance of 1784. The ordinance among other things provided "That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states." This ordinance failed of adoption because an affirmative vote of a majority of the states was not recorded. Had New Jersey been

fully represented and voted as New York and Pennsylvania did, the ordinance would have been carried. South Carolina, Virginia and Maryland voted against the ordinance, and the vote of North Carolina was divided. Thus early did the fathers attempt to provide for the non-extension of slave territory.

In 1787 the last Continental Congress assembled in New York, and at the same time the convention which had been called to frame a constitution for all of the states, was deliberating in Philadelphia. This Congress adopted, by practically unanimous vote, the Ordinance of 1787. Its sixth article contained the non-extension of slavery clause, of the defeated ordinance considered three years before.

The Constitutional Convention met behind closed doors, and no official record of its detailed deliberations exists. Still, reliable evidence indicates that early in its sessions, South Carolina and Georgia appeared to make demands in behalf of some recognition of slavery. Such recognition appeared in three places, and in as many ways in our Fundamental Law. It is suggestive, however, that neither the words slave or slavery appear in the immortal document. Nothing more surely illustrates the fact that even in 1787 the question was not a pleasant one to consider. The minds of the fathers seem to have been set at ease by the compromises which made the ratification of the

Constitution by the requisite number of states possible.

From the political standpoint the most valuable concession to slavery in the Constitution was the provision which made the slave population a basis of representation in Congress, in the following terms:

“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 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.”

“Three-fifths of all other persons” covered the slaves, and gave an added numerical strength to the slave states in the popular branch of Congress.

What was section 9 of Article I in the original draft of the Constitution contained a veiled endorsement of the slave trade in the following language:

“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.”¹

¹History of the Celebration of the One Hundredth Anniversary of the Promulgation of the Constitution of the United States. By Hampton L. Carson, Vol. I, p. 244. The words capitalized in the quotation are as they appear in the original manuscript of the Constitution.

The third concession to South Carolina and Georgia appeared in Section 3, of Article IV:

“No person held to service or labor 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 labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

This is the part of the Constitution called the slave-catching provision which met the severe condemnation of the abolitionists.

UNDER THE CONSTITUTION

In 1789 immediately following the adoption of the Constitution, North Carolina proposed to cede her outlying territory, which later became the State of Tennessee, to the Federal Union. Before the transfer of this territory Congress was required to accept the following condition: "Provided always, that no regulation made, or to be made, by Congress, shall tend to emancipate slaves."

Three years later Georgia proceeded to make over to the General Government territory belonging to her, out of which the states of Alabama and Mississippi were eventually formed. It was stipulated that the specified territory should be organized into states, according to the provisions of the Ordinance of 1787, with this proviso, "the article only excepted which forbids slavery." Congress acceded to this demand, and two new slave states were thus carved out of territory which the Ordinance of 1787 dedicated to freedom. Following these comparatively easy victories, a campaign was begun to divide and organize Indiana territory, now comprising the states of Indiana, Illinois, and Michigan, on the basis of tolerated slavery, but the attempt failed, and slavery aggression was suspended until the purchase of Louisiana from France, when an added impulse was furnished to the slave interest.

But something happened more important than the purchase of territory, or the suspension of ordinances guaranteeing freedom, viz.: the invention of the cotton-gin by Eli Whitney. That made cotton growing a most profitable type of agriculture and gave to slavery its immense mercenary footing. From this time on, the struggle between the forces of freedom and slavery became more and more intense. The moral conscience touching the peculiar institution rapidly deteriorated, as the seeming profit in slave labor increased. Churches which hoped and resolved against slavery lapsed into silence, as the jingling of the dollar healed the hurt which conscience felt. Horace Greeley, referring to resolutions against the institution adopted by a Southern church convention sagely remarked that "No similar declaration has been made" by any church south of the Mason and Dixon line, "since field hands rose to \$1,000 each, and black infants at birth, were accounted worth \$100." ¹

The territory of Missouri, comprising all the purchase from France, except the state of Louisiana, came up for consideration when part of the territory knocked for admission into the Union as a state in 1818. Over the petition the storm raged furiously. As it progressed many surprises developed. Thomas Jefferson, in spite of the fact that he was the author of the non-extension Ordi-

¹The American Conflict, Vol. I, p. 120.

nance of 1784, gave the full weight of his influence to slavery extension, as did ex-President Madison. The outcome of the controversy was the Missouri Compromise which is here given:

“And be it further enacted, That in all that Territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, Slavery and involuntary servitude, otherwise than in the punishment of crime, whereof the party shall have been duly convicted, shall be and is hereby forever prohibited.”

Missouri was thus admitted as a slave state in 1820, with the territory to the South of thirty-six degrees North latitude open to the peculiar institution, and all North of that line ordained to freedom.

In 1845, President Polk suggested that a treaty of peace might be negotiated with Mexico, provided it carried with it an appropriation for securing land beyond the existing national boundary. The real object was, of course, more territory, and larger opportunity for the expansion of slavery. While this effort was pending, David Wilmot, a member of the House of Representatives of Pennsylvania, and at that time a Democrat in politics, introduced the proviso which made his name historic. This paragraph, inserted in the bill, was as follows:

“Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic

of Mexico by the United States, by virtue of any treaty that may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither Slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."

The Wilmot Proviso contained the gist of the whole attempt to prevent the extension of slave territory. While it passed the House, it failed in the Senate, and the bill which carried it never became a law. Probably no like number of words, shorn of all legal or applied value, ever occupied a place of such importance as this proviso did in the history of American legislation.

The compromises of 1850, introduced in the Senate by Henry Clay, revived the whole question of slavery, and strengthened that institution, especially by repealing all provision for restricting slave territory, by enacting the Fugitive Slave Law, and pledging abstinence of the abolition of slavery in certain sections of the country. These compromises, ugly as they were in many respects, from the anti-slavery standpoint, were pretty generally accepted by public opinion, North and South. A false sense of security settled over the country, in the opinion that these compromises settled the slavery question, while as a matter of fact they only intensified the "irrepressible conflict."

Nothing served more to intensify the disturbing issue of slavery than the Kansas-Nebraska

bill. This was a measure for organizing the region westward of Missouri and Iowa, into two territories to be known as Kansas and Nebraska. Stephen A. Douglas, then Senator from Illinois, at this point devised a plan for dealing with slavery in new territories which became popularly known as "squatter sovereignty." In other words, the plan provided that all matters "pertaining to slavery in the territories, and in the new states to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives." It was generally admitted that the Kansas-Nebraska bill repealed the Missouri Compromise, and all the free territory in the country was handed over to the tender mercies of such settlers as might be induced to enter a state, and stay long enough to vote.

Out of this plan grew the bloody struggles in Kansas, the details of which do not belong in this story. The Kansas-Nebraska bill undoubtedly furnished the final logical reason for the organization of the National Republican party, with the non-extension of slave territory as its dominant issue. As the party's first successful candidate for President, from 1860 until the end, Abraham Lincoln became the moral and political storm-center of the slavery controversy.

INVOKING THE LETTER OF THE LAW

The Union had barely become an established fact, when the slave power proceeded to make the supposed constitutional guarantees given to slavery effective by law. In 1793, a bill was passed by Congress to facilitate the capture of fugitive slaves. This law contained four provisions. It guaranteed the right to arrest the fugitive when found. This, in many cases, amounted to arrest on suspicion, and on the unsupported assertion of the alleged owner. The law also conferred the right to take the fugitive before a magistrate when he was arrested. It made it the duty of the magistrate to examine the case, and commit the alleged slave to the custody of the master. The right of the master to remove the fugitive from the jurisdiction wherein he was found, was also upheld.

It was not an uncommon thing for runaway slaves to be arrested under the provisions of this act of Congress. With the growth of the Abolition Movement attempted escapes became more frequent, and the branches of the Underground Railroad made successful escape increasingly possible. The provisions of the Fugitive Slave Laws did not stop the attempt of slaves to secure their freedom, and there was an increasing revulsion in the North against every man being constituted a possible slave-hunter.

A good deal of partial history has been written about the non-enforcement of the statute of 1793, and the so-called compromise act of 1850. This non-enforcement has been given as a cause of the civil war by a distinguished historian and publicist:

"It seemed evident to the southern men, too, that the North would not pause or hesitate because of constitutional guarantees. For twenty years northern States had been busy passing 'personal liberty' laws, intended to bar the operation of the federal statutes concerning fugitive slaves, and to secure for all alleged fugitives legal privileges which the federal statutes withheld. More than a score of States had passed laws with this object, and such acts were as plainly attempts to nullify the constitutional action of Congress as if they had spoken the language of the South Carolina ordinance¹ of 1832." ²

This statement sounds plausible, and might really be so, if there was no difference between a tax for the support of the General Government, and a demand for the return of men and women to an unnatural bondage. But the facts of the case are that the slave-catchers frequently apprehended persons upon whom no valid claim under the law rested. Several states had provided that the residence of a slave within their borders for a specified time, with the knowledge of his

¹This ordinance was passed by a convention held after the passage of the National tariff bill in 1832, and resolved that no duties would be paid into the National treasury in South Carolina after February 1, 1833.

²Division and Reunion. By Woodrow Wilson, Ph.D., LL.D., p. 208. Vol. III of Epochs of American History.

master, made him a free man. Persons of this sort were liable to be apprehended, and dragged back into slavery.

The above statement by President Wilson undoubtedly represents the extreme southern view regarding what was called northern nullification, representing a supposed provoking aggressiveness on the part of the free states. But the provocation was not one-sided. In this particular let us summon another southern-born man as a witness, as follows:

“The southern leaders in Washington forced gag rules through Congress to keep out abolitionist petitions. They suborned the postal service to their ends and got abolitionist literature debarred from the mails. They invaded the North and dragged slaves back to their plantations. They browbeat liberty men in Congress. They hanged John Brown. Whenever they failed to crush out abolitionism, it was because there was in the nature of things no way to reach it, not because Northern public men kept them from having their will upon it.”³

This is a mild and truthful statement of what happened during this period, such as the brutal attack upon Charles Sumner in the Senate Chamber, by Representative Preston S. Brooks, of South Carolina, in 1856, and the Border Ruffian outrages in Kansas. Both sides were intense, and both did things not wise and generally not gentle. The South was much more militant than the

³The Lower South in American History. By William Garrott Brown, p. 98. Prof. Brown was born in Alabama in 1868, and is connected with Harvard University.

North, and more used to blood-letting, so that assaults upon the person like the murder of Elijah P. Lovejoy,⁴ by a pro-slavery mob at Alton, Illinois, was pretty universally monopolized by the advocates and representatives of the slave power.

For a complete understanding of the issue raised in this chapter, it is worth while to find out just what the Fugitive Slave Law, and the so-called Personal Liberty Laws were. The Fugitive Slave Law of 1850 was surely a sample of misfit legislation in a republic. While the Constitution of our country provided for trial by jury in all suits at common law when the value in controversy exceeded twenty dollars, an issue involving the freedom of men, women and children, was committed to a single United States commissioner, endowed with absolute and arbitrary power, and from whose decision there could be no appeal. Heavy penalties were imposed on American freemen who might be instrumental in rescuing or concealing a runaway slave, or directly or indirectly aiding his escape. The penalty for such an exhibition of humanity was a fine not exceeding one thousand dollars, and imprisonment not exceeding six months. In addition civil damages

⁴A clergyman, a native of the State of Maine, who went to St. Louis, and edited a religious newspaper, in which he opposed the barbarisms of slavery. To escape persecution he moved his paper to Alton, Illinois, where he was most viciously treated. His plant was destroyed and a new press was secured. In defending his property against a pro-slavery mob, he was shot and killed, November 7, 1837.

might be collected by the injured slave-holder to the amount of one thousand dollars for each slave thus assisted to escape. The claimant might arrest a fugitive and take him before a magistrate without process. In hearing the case the testimony of the alleged slave was not admitted, the most interested party being ignored. A bribe of five dollars in the open palm was offered to each commissioner if he would only return the alleged fugitive to slavery, for this law provided a fee of five dollars to the magistrate if he pronounced the defendant a free man, while he received ten dollars if he was adjudged a slave. It may be noted that when the matter of a few runaway slaves was involved, the southern dogma of state rights was thrown out of the window, and the National Government was urged to enter a state, and arbitrarily over-ride its sovereignty.

The only possible warrant for considering this sample monstrosity in legislation the "constitutional action of Congress," is the Dred Scott decision rendered by the Supreme Court in 1857. This decision affirmed that neither a negro slave, nor the descendant of such slave, could be a citizen of the United States, and therefore such person had no right of action in a Federal Court. In the expressive language of the time the decision held that a colored man had no rights which a white man was bound to respect, not even the right to the possession and protection of his own body, if any white man disputed his claim.

That the Fugitive Slave Law was considered constitutional in the fifties, and was possibly accepted by a majority of American citizens may be true, but that any man during the past forty years could refer to its provisions with approval, only shows how slow has been the progress of our humane perceptions.

The so-called Personal Liberty Laws were purely local statutes, and were mainly for local protection. They began to appear in the forties, and were partly called into being by a Supreme Court decision handed down in 1842, which was particularly favorable to slave-catchers and their arbitrary rights. Laws of this sort were amended and strengthened after the passage of the Fugitive Slave Law in 1850. Fourteen northern states had laws which the sensitive slave-power of the South claimed militated against slaveholders' rights, and sought their economic ruin.

In the main the Personal Liberty Laws prohibited the use of the local legal machinery for the capture of fugitive slaves. For instance, they forbid the employment of the local jails or the local officials in the slave hunting business; and provided protection for negroes hunted by kidnapers. Such a conservative newspaper as the *National Intelligencer*, of Washington, a paper always favorable to slavery, said that the provisions of these laws were not unconstitutional. The late Vice-President Henry Wilson, in referring to laws of this character passed in Massachu-

setts, said that they were "not designed to defeat her constitutional obligations, or to interfere with the execution of even the Fugitive Slave Act, but simply to protect her own inhabitants." ⁵

The importance of these laws has been greatly exaggerated, as has the damage done to slavery on account of the venturesome slaves who did not fancy the paternal and patriarchial system under which they were held in bondage, and who either attempted to run away or succeeded in doing so. In the year 1860 only 20 slaves escaped from South Carolina, and 119 ran away from their masters in Kentucky during the same period.⁶ The non-enforcement of the Fugitive Slave Laws by the North, because of the slight uncertainty it threw upon slave property, was no cause for trying to dissolve the Union. It was a false cry of "stop thief," to deceive the unwary, and stimulate sympathy for secession.

⁵Rise and Fall of the Slave Power in America. By Henry Wilson, Vol. III, p. 79.

⁶Abraham Lincoln; A History. By John G. Nicolay and John Hay. Vol. III, p. 31.

LINCOLN'S EARLY CONVICTIONS

It is never easy to locate actual beginnings of any sort, and it is doubly difficult to say just when real convictions began to shape themselves in the minds of even concerned and serious men. Regarding Lincoln's mind on the slavery question the above statement is particularly applicable. On this point his biographers say:

"There have been several ingenious attempts to show the origin and occasion of Mr. Lincoln's anti-slavery convictions. They seem to us an idle waste of labor. These sentiments came with the first awakening of his mind and conscience, and were roused into active life and energy by the sight of fellow-creatures in chains on an Ohio River steamboat, and on the wharf at New Orleans." ¹

In spite of this exhortation, it may be worth while to trace some of the steps by which Lincoln was progressively led to take a stand against a "domestic institution" apparently so thoroughly safeguarded as to be immovable. It would seem that his mind was first stirred on the slavery question by close observation of the institution in action.

Lincoln and his friend John Hanks went on a commercial expedition by flat-boat to New Orleans in 1836. The statement by Hanks of the influence of this experience on his companion is

¹Abraham Lincoln; A History. By John J. Nicolay and John Hay. Vol. I, p. 74.

quoted by Mr. Lincoln's biographers with approval, and may be considered authentic. We are told that in New Orleans they saw for the first time

"Negroes chained, maltreated, whipped and scourged. Lincoln saw it; his heart bled; said nothing; was silent; looked bad; was thoughtful and abstracted. I can say, knowing it, that it was on this trip that he formed his opinion of slavery. It ran its iron into him then and there, May, 1831. I have heard him say so often and often." ²

Lincoln was then twenty-seven years old. Three years later he was elected a member of the Illinois legislature, to which body he was subsequently twice re-elected. It was during his second legislative term that he had occasion to protest against too much sympathy with slavery on the part of his colleagues. Passing resolutions in support of the institution was a popular pastime in the law-making bodies of many states. Illinois proceeded to join the legislative chorus in a series of resolutions against abolition societies, and in reiteration of the extra-constitutional privileges enjoyed by slave holders. Lincoln drew up a protest against the action of the majority. His friend, Dan Stone, about to quit active politics for the bench, signed the document with its author, but no other office holder in Illinois developed a like courage. In this protest Lincoln

²The same, p. 72.

said that he "believed the institution of slavery was founded both on injustice and bad policy." Such an utterance was not popular with the public opinion of his constituents in Sangamon County in 1836. There was apparently no reason for this deliverance against slavery but the honest conviction of the man who made it. That Lincoln was re-elected to the legislature after this episode proves that he was always personally more popular than the cause he represented as a candidate.

The period from the close of his legislative career in Illinois to the year 1846 seems to have been politically unproductive, although it was undoubtedly a time of preparation. In the latter year Lincoln was elected a representative to Congress, defeating his Democratic opponent, Peter Cartright, the celebrated Methodist preacher. Lincoln was the only Whig representative from Illinois in the Thirtieth Congress. He allied himself with the opponents of the Mexican war, and thus invited the hostility of the slave power, then insinuatingly when not insultingly maintaining a dominating influence in the National law-making body.

Lincoln had scarcely got his bearings in the House, when an attempt was made to give the Fugitive Slave Law of 1793 greater efficiency and certainty in the District of Columbia. Various resolutions pro and con were submitted, and finally Mr. Lincoln introduced an amendment to

the pending measure. One of its provisions was compensated emancipation in the District, subject to a referendum in which all white male citizens of voting age were to decide the question. The sixth section of Mr. Lincoln's measure provided more effective machinery for the capture and rendition of fugitive slaves apprehended in the District of Columbia. Having this measure in mind, when Lincoln was nominated for President in 1860, Wendell Phillips vehemently denounced the candidate as "the slave hound of Illinois." It should be said in explanation, if not in extenuation of Lincoln's act, that at no time did he doubt that the slave holder was entitled to the protection of the government for his slave property where the institution was already established.

About 1851 Lincoln replied to a letter received from his friend Joshua Speed. Reading between the lines of this correspondence the conclusion is warranted that Speed had charged his friend with waning interest in the cause. If there was any reason for this inference, it would simply indicate that the Great Emancipator had not entirely escaped the moral "sleeping sickness" touching the slavery question which afflicted the whole country following the compromise measures of 1850. Lincoln's letter is a most important document as a self-revelation of the movement of his mind, and the impelling motive which formed

the basis of his interest in the cause of freedom. Mr. Lincoln thus wrote :

“In 1841 you and I had a tedious low-water trip on a steamboat from Louisville to St. Louis. You may remember, as I well do, that from Louisville to the mouth of the Ohio there were on board ten or a dozen slaves shackled together with irons. That sight was a continual torment to me, and I see something like it every time I touch the Ohio or any other slave border. It is not fair for you to assume that I have no interest in a thing which has, and continually exercises, the power of making me miserable.”³

This personal admission may well introduce us to that strenuous time in the later fifties, when Lincoln really put on the harness of service and sacrifice for freedom, only to be put off when death overtook him.

³The same, pp. 72-74.

LINCOLN AND THE DOUGLAS DEBATES

The rising tide in Lincoln's affairs which led on to political fortune, appeared in the series of debates with Stephen A. Douglas in 1858, the prize in the contest being the position of United States Senator from Illinois. Lincoln lost the honor, although he had more votes in the state than his opponent. The trouble was gerrymandered legislative districts, which gave the Democrats more votes in the Legislature than the Republicans. Lincoln intimated to his friends during the contest that he was gunning for bigger game than the Senatorship, alluring as that was. Whether or not he had the Presidency in mind, he won it very largely because of these debates and their aftermath of discussion which took him to Ohio, New York and New England.

During these debates Lincoln's personal political philosophy was presented with commanding force, and in attractive form. In addition, he expounded the creed of the new Republican party with a vigor and logic which was not equalled by any of the advocates of the new cause. There were those who willingly admitted Lincoln's ability to convince the rough and ready western mind, who doubted that he could score a like success when dealing with the supposedly keener eastern intellect. But the doubters and the critics were

silenced when in the Cooper Union Speech in New York City, and the later one at New Haven, under the droppings of Yale University, captains of industry and finance in Gotham, and the cultured college men in New England alike surrendered to the genius of the uncouth rail-splitter from the West.

Mr. Lincoln was unanimously chosen the Republican candidate for Senator from Illinois, at a convention which met in Springfield, June 26, 1857. He addressed this convention in the most carefully prepared speech he had ever delivered in which he dealt with the dominant and collateral issues of the campaign. The following extract is probably the best known of any utterance by Lincoln, only excepting the Gettysburg speech:

“If we could first know where we are and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. A house divided against itself cannot stand. I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest

in the belief that it is in course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the states, old as well as new—North as well as South.”¹

Lincoln believed every word he uttered. Every point in this extract is as clear as language can make it. The country must become either all slave or all free. He was willing to stake his all on such practical conduct as would ultimately make it all free. That remained his position to the end, even though he made saving the Union more important than securing freedom. He believed that with the Union saved, ultimate freedom for a united country was possible. On the other hand with the Confederacy triumphant, and a severed Union as a result, slavery would sit enthroned in the South, backed by an oligarchy more potent to preserve the institution than the southern leaders had been in the old Union.

In 1858, William H. Seward made his famous speech in Rochester, N. Y., in which he referred to slavery as the “irrepressible conflict.” He also made a statement very much like Lincoln’s quoted above. Under pressure he sought to qualify and tone down his utterance, a thing which Lincoln refused to do. When he took a stand or made a statement, it was after careful deliberation, in which he went over all of the ground. Having

¹Abraham Lincoln: A History. By John G. Nicolay and John Hay. Vol. II, p. 136.

thus taken a position he maintained it with consistency and constancy.

In one of the debates with Douglas, Mr. Lincoln criticised his antagonist because of an implied, if not confessed indifference regarding slavery itself, in which he said:

“He may say he doesn’t care whether an indifferent thing is voted up or down, but he must logically have a choice between a right thing and a wrong thing. He contends that whatever community wants slaves has a right to have them. So they have, if it is not a wrong. But if it is a wrong, he cannot say people have a right to do wrong. He says that, upon the score of equality, slaves should be allowed to go into a new territory like other property. This is strictly logical, if there is no difference between it and other property. If it and other property are equal, his argument is entirely logical. But if you insist that one is wrong and the other right, there is no use to institute a comparison between right and wrong. You may turn over everything in the Democratic policy from beginning to end—whether in the shape it takes on the statute-book, in the shape it takes in the Dred Scott decision, in the shape it takes in conversation, or in the shape it takes in short maxim-like arguments—it everywhere carefully excludes the idea that there is anything wrong in it. That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles, right and wrong, throughout the world. They are the two principles that have stood face to face from the beginning of time, and will ever continue to struggle. The one is the common right of humanity; and the other, the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says, ‘You work and toil

and earn bread, and I'll eat it.' No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle."²

It was common before the war, for pro-slavery sympathizers and agitators to talk about the opponents of slavery marrying negroes, and they considered that personal insult a knock-down argument against emancipation. Mr. Lincoln thus paid his respects to an assault of this kind:

"Now I protest against the counterfeit logic which concludes that because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either. I can just leave her alone. In some respects she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands, without asking leave of any one else, she is my equal and the equal of all others."³

In these statements Mr. Lincoln reiterates his constant position about "natural rights." A good many men and women to-day have not reached his position, whenever the rights of a so-called inferior race are involved. And yet there can be no progress towards a reasonable economic and political freedom unless the Lincoln standard is maintained.

² Quoted by George S. Boutwell in *Reminiscences of Abraham Lincoln*, pp. 117-18.

³ *Abraham Lincoln: A History*. By John G. Nicolay and John Hay. Vol. II, p. 88.

In the debate at Freeport, Illinois, August 2, 1858, Mr. Lincoln answered certain questions that had been asked him by Douglas, one related to his position regarding the abolition of slavery in the District of Columbia, and the other as to the right and power of Congress to pass and enforce a Fugitive Slave Law. Touching the first question he said:

“I believe that Congress possesses the constitutional power to abolish it. Yet as a member of Congress, I should not, with my present views, be in favor of endeavoring to abolish slavery in the District of Columbia, unless it would be upon these conditions: First, that the abolition should be gradual; second, that it should be on a vote of a majority of the qualified voters of the District; and third, that compensation should be made to unwilling owners. With these three conditions, I confess that I would be exceedingly glad to see Congress abolish slavery in the District of Columbia, and, in the language of Henry Clay, ‘sweep from our Capital that foul blot upon our nation.’”

Referring to the right of Congress to assist the slave holder in catching his runaway human property, Mr. Lincoln thus expressed himself:

“Under the constitution of the United States, the people of the South are entitled to a Congressional Fugitive Slave Law. It should have been framed so as to be free from some of the objections that pertain to it, without lessening its efficiency.”

It would seem that we have quoted enough of the words of Lincoln to definitely show his position on the slavery question. He believed in and

desired freedom for all men. But he was equally certain that slavery was a Constitutional institution, and while it remained so slaveholders had rights of protection which the government was bound to accord. He was not an abolitionist, and beyond the clear conviction that the extension of slavery could be prevented and prohibited in the territories, in complete accord with the Supreme Law of the land, he had no plan for its abolition, other than by and with the consent of the slaveholders, when he assumed the office of President of the United States.

That his mind progressed surely, if slowly, in the direction of freedom, as the events of the war period helped to rapidly make history, will be amply shown by the evidence. His moral and mental attitude regarding the "great iniquity" reached its climax in the Emancipation Proclamation, and its spiritual interpretation in the Last Inaugural.

ANTI-SLAVERY SENTIMENT BEFORE THE WAR

In an attempt to make plain the task confronting President Lincoln in connection with emancipation, even as a war measure, it is necessary to ask and answer the following question: What was the real anti-slavery strength of the country in 1860? In the main the present generation is inclined to fancy that the free States were rather solidly anti-slavery before the Civil War. But such was not the case.

Measuring public sentiment numerically is always a difficult task. It can never be done accurately. When great questions, ethical or otherwise, become political issues upon which the electorate can pass judgment at the ballot box, there is a reasonably satisfactory chance to measure sentiment, if not conviction, on that particular subject. Surely slavery was such an issue in 1860, but even so, the immediate abolition of slavery was not an issue, represented by any political party, or advocated by any Presidential candidate.

Four candidates for President appealed to the electorate in 1860. All of them but Lincoln held an attitude of approval of the peculiar institution, or were indifferent either as to its existence or its extension. As the candidate of the Republican

party Mr. Lincoln was unconditionally opposed to the extension of slavery into any new territory. The platform repudiated the Southern dogma that "the Constitution, of its own force, carries slavery into any or all of the territories of the United States." This document also affirmed "that the normal condition of all the territory of the United States is that of Freedom." The platform contained no hint or desire, however, to interfere with slavery in the States where it was already an established institution.

Mr. Lincoln's three opponents for the office of President, were Stephen A. Douglas, of Illinois; John C. Breckenridge, of Kentucky; and John Bell, of Tennessee. The platform on which Mr. Douglas stood, as the regular Democratic candidate, was entirely pro-slavery; sustaining the Fugitive Slave Law and the right of slaveholders to settle with their property in any territory. When organized into a State the question of slavery or freedom was to be determined by the people of the new State. Mr. Breckenridge was nominated by a convention which bolted from the regular Democratic gathering. He represented the ultra southern view regarding slavery and the Constitution. Mr. Bell was nominated by the Constitutional Union party, which was supposed to be the residuary legatee of the American, or Know Nothing party. This party declared, "That it is both the part of patriotism and of duty to recog-

nize no political principle other than the Constitution of the country, the Union of the States, and the enforcement of the laws." This brief review will show that slavery was an issue in the election, only as to its extension and increase, and not as to its immediate or even remote abolition.

When the ballots were counted in November they showed a much-divided electorate, the candidates having received the following vote :

Lincoln	1,857,610
Douglas	1,291,574
Breckenridge	850,082
Bell	646,124

While Mr. Lincoln, representing the non-extension of slavery had a majority of the electors, he polled 930,170 fewer votes than his opponents combined. The successful candidate received but 26,430 votes in the slave States, and these were cast in the five States of Delaware, Maryland, Virginia, Kentucky and Missouri. Breckenridge, the Southern and slavery candidate received 279,-211 votes in the free States, 100,000 of which were cast in Pennsylvania, where Breckenridge led Douglas by more than 20,000. The combined vote of Douglas, Breckenridge and Bell in the free States was 1,557,411. It will thus be seen that in the free States there was a majority of only 273,-669 in favor of the non-extension of slave territory, to the extent of the electors being willing to vote their convictions in the ballot box.

Of those who voted for Lincoln a certain number were undoubtedly in favor of abolishing slavery throughout the national domain. The remnant of the old Liberty and Free Soil parties were undoubtedly in favor of such abolition, as were considerable numbers of anti-slavery men, who professed no partisan attachment. Among the Bell supporters in New England, of whom there were about ten thousand, there may have been some real anti-slavery men, and this may be true of the Bell men in New York, New Jersey and Pennsylvania. But the number was unknown and negligible. There may have been some opponents of slavery in the Douglas contingency, but not enough to make a very substantial showing.

Assuming that an emancipation proclamation could have been issued in 1861, as a war measure, or on any other ground, with a sustaining public opinion in the loyal States behind it, has little if any warrant in the facts of history.

THE PERIOD OF ATTEMPTED CONCILIATION

Public opinion in the North underwent strange freaks of wavering after the election of 1860. It was everywhere manifested in a truculent timidity willing to swallow principles, and practically surrender the victory of the election, to placate the threat of secession in the South, where a reckless haste characterized the leadership.

Manifestly the President-elect could hope for neither sympathy nor support from those who were busy hatching the rebellion. Probably no man ever assumed the duties of the Presidency with a more uncertain backing and a more chaotic public opinion from those who supported him, than did Mr. Lincoln. The North was willing to do anything to placate the wrath of the "erring brethren," and keep them in a Union they were conspiring to wreck. Free speech was denied in Northern cities, and every discouragement from threatened mob interference to conservative exhortation was employed to prevent a discussion of the slavery question; and in Philadelphia George William Curtis was prevented giving a popular lecture, in no way related to the dangerous topic, simply because of his known anti-slavery sympathies. Some of the free States repealed their Personal Liberty Laws. Manufacturing all sorts

of soothing syrup for the disturbed body politic was the principal business north of the Mason and Dixon Line in the winter of 1861.

But the resolutions and compromises introduced and passed, through the labors of members of the Republican party in Congress, constitute the most astonishing sample of faintheartedness and subservient surrender of professed conviction in the history of our country.

When Congress assembled the first Monday in December, 1860, the rush to be first in the effort to placate the South began. Henry Winter Davis, who later found Mr. Lincoln too easy in possible efforts at reconstruction, wanted Congress to urge the States to speedily get rid of their laws favorable to runaway slaves. His recommendation contained a provision which now sounds like a joke. It was to the effect that the Fugitive Slave Law should be amended so as to secure trial by jury to the fugitive slave, not in the North where he might be captured, but in the slave State, the home of his master.

It was reserved to Charles Francis Adams, of Massachusetts, to propose the heaviest overture to the slave-holding interest. He suggested that the Constitution of the United States be amended so that no future amendment to that instrument "having for its object any interference with slavery, shall originate with any State that does not recognize that relation within its own limits,

or shall be valid without the consent of every one of the States composing the Union.”¹ This was maintaining the Union by exacting uniformity, and was giving any one State the power to thwart the wishes of all of the rest.

Both Houses of Congress appointed large committees to patch up a plan of conciliation. The Senate Committee could not agree, but the House Committee of thirty-three was more united, and reported among other things, six amendments to the Constitution, all favorable to slavery, and practically guaranteeing its perpetuation. The sixth amendment made it impossible for the people or the States ever to amend or repeal the pro-slavery amendments suggested.

The climax was reached, however, with the adoption of the following amendment to the Constitution: “No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish, or interfere with any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.”

This proposed amendment passed the House by a vote of 133 to 65, and in the Senate the vote was 24 to 12, exactly the necessary two-thirds. The entire opposition in the House came from Republicans, but it received the support of a good many

¹Twenty Years in Congress. By James G. Blaine. Vol. I, p, 260.

members of President Lincoln's party, and could not have passed without Republican votes.

This joint resolution was listed as the Thirteen amendment to the Constitution. It was voted on and passed by the legislature of Maryland and Ohio, but failed in New England. While these efforts at compromise and conciliation were going on in Congress, Southern men, some of them members of either the House or Senate, were busy conspiring to set up the Confederacy. Not a little of this work was done in the capital city itself. So well known were these plans to hatch secession, and set up a rival government, that the work of submitting the proposed Thirteenth Amendment appeared ridiculous, and was practically suspended. Apparently the only effect these efforts at conciliation had on the South, was to convince the leaders of that section, that secession would be an easy task, and that soon the North would recognize the independence of the Southern Confederacy, and an empire founded on slavery would be an assured fact.

The way the compromise schemes of men in dealing with great moral issues are sometimes overruled for wider and more enduring good, is illustrated in the fate of the Thirteenth Amendment born in the year of 1861, by the supposed saviors of the Union. Instead of the amendment with the proverbial unlucky number, enthroning slavery, the one ratified four years later forever

abolished the institution which recognized the ownership of man by man.

Such in brief was the condition of the public mind when Mr. Lincoln became President on the 4th of March, 1861. An understanding of the discouraging and depressing situation in the North, is necessary to an appreciation of Lincoln's task, and will help to account for the way he was forced to weigh and measure public opinion, and cautiously deal with it, if he was not to find himself a President without a party, or a coherent patriotic backing.

We have now reached Mr. Lincoln's first official utterance as the legally chosen executive of the entire country. It is hardly necessary to note the splendid logic with which he exploded the doctrine of secession. A brief reference to his attitude toward slavery in the First Inaugural is in order as the next step in our story. It was Mr. Lincoln's firm opinion that the clause of the Constitution relating to persons "held to service or labor in one State," and "escaping into another," "shall be delivered up on claim of the party to whom such service is due," specifically referred to fugitive slaves. He also affirmed that it was so intended by those who framed it. "And," said Mr. Lincoln, "the intention of the law giver is the law." The President considered that the fourth plank of the platform upon which he was nominated, pledged the party to enforce that provision

of the Constitution. The only qualification of this point is the following paragraph of the inaugural:

“Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well at the same time to provide by law for the enforcement of that clause in the Constitution which guarantees that ‘the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States?’ ”

There is not a hint in the Inaugural that the entire Constitution would not be faithfully applied by him. Of course he referred to normal conditions, and the orderly providing of constitutional government, and could not anticipate a condition of civil war, amounting to armed resistance to the Government, which he had just taken a solemn oath to defend and protect.

SLAVERY THE CONFEDERACY'S CORNER- STONE

The anti-bellum social institutions of the South rested on slavery, while the political prestige of the section was also dependent upon the "peculiar institution." Therefore the election of Mr. Lincoln in 1860, on a platform pledged to the non-extension of slave territory, brought to a practical climax theories of secession and nullification which had appeared at intervals as threats, during the existence of the Republic.

Confined to its existing territory, slavery might endure for an indefinite period, but the South saw that with no opportunity for expansion the institution was doomed. While it might be constitutionally tolerated, it was likely to rest under increased moral condemnation.

For these reasons the moving spirits of the South did not wait for the results of the election of 1860 to be fully known, before they began to plan and plot for the dissolution of the Union. Rapidly the movement for the secession of States, and the formation of the Confederacy took shape. Many of these plans were conceived, and consultation about them went on under the droppings of the National sanctuary, if not in the Capitol itself.

The purpose of this chapter is rather to see to what extent slavery was the seed of secession, than to discuss the ways and means by which the Rebellion was organized and forwarded. Documentary evidence, and a wealth of competent opinion are available in considering the case.

First, there is the constitution of the Confederacy. With the exception of some minor details, and its provisions regarding slavery, the document was patterned after the Old Constitution. The "peculiar institution," however, had the place of special reference in the fundamental law of the Confederacy. The provisions of this document recognizing slavery are here given:

"The citizens of each State * * * shall have the right to transit and sojourn in any State of this Confederacy with their slaves and other property; and the right of property in said slaves shall not thereby be impaired." * * *

"No slave or other person held to service or labor in any State or territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due."

"The Confederate States may acquire new territory. * * * In all such territory the institution of negro Slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the terri-

¹A History of the American People. By Woodrow Wilson, Ph.D. Vol. IV, p. 386.

torial government; and the inhabitants of the several Confederate States and territories shall have the right to take to such territory any slaves lawfully held by them in any of the States or territories of the Confederate States.”²

Alexander H. Stephens, of Georgia, on November 14, 1860, made a vigorous speech before the State legislature, and opposed the secession movement, as unwarranted and foolish. On January 18, 1861, in the convention called to take Georgia out of the Union, Mr. Stephens was among the 89 men who voted against secession. Having been elected Vice-President of the Confederacy, on March 21st, he made a speech the tenure of which warrants the conclusion that he considered slavery the dominant reason for the formation of the Southern Confederacy. We make the following extracts:

“But, not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least: the new Constitution has put at rest forever all the agitating questions relating to our peculiar institution—African Slavery as it exists among us—the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and the present revolution.”

Mr. Stephens admitted that “the prevailing ideas entertained” by Thomas Jefferson and “most of the leading Statesmen at the time of the formation of the Old Constitution were, that the enslavement of the African was in violation of the

²The same, p. 337.

laws of nature; that it was wrong in principle, socially, morally and politically." After declaring that the ideas of the fathers of the Republic were "fundamentally wrong," Mr. Stephen said:

"Our new government is founded upon exactly the opposite ideas; its foundations are laid, its corner-stone rests upon the great truth that the negro is not equal to the white man; that Slavery, subordination to the superior race, is his natural and normal condition. This, our new Government, is the first in the history of the world, based upon this great physical, philosophical, and moral truth."

However strange this doctrine may sound to twentieth century ears, it leaves no doubt as to what the Vice-president of the Confederacy thought about the institution of slavery as a permanent condition for the negroes in America.

But we have more recent and probably more famous evidence regarding slavery as a cause of the Civil War. The witness in this case is none other than Woodrow Wilson, President of the United States. Speaking of the election of Mr. Lincoln, he says:

"The South had avowedly staked everything, even her allegiance to the Union, upon this election. The triumph of Mr. Lincoln was, in her eyes, nothing less than the establishment in power of a party bent upon the destruction of the Southern system and the defeat of Southern interests, even to the point of countenancing and assisting servile insurrection. In the metaphor of Senator Benjamin, the Republicans did not mean, indeed, to cut down the tree of slavery, but they meant to gird it about, and so cause it to die. It seemed evident to the Southern men,

too, that the North would not pause or hesitate because of constitutional guarantees. * * * The agitation against slavery had spoken in every quarter the harshest moral censures of slavery and the slave-holders. The whole course of the South had been described as one of systematic iniquity; Southern society had been represented as built upon a wilful sin; the Southern people had been held up to the world as those who deliberately despised the most righteous commands of religion. They knew that they did not deserve such reprobation. They knew that their lives were honorable, their relations with their slaves humane, their responsibility for the existence of slavery among them remote.”³

Probably no man of political foresight in the South doubted the election of Lincoln, after that section deliberately divided its vote between three pro-slavery candidates, so that insofar as it “staked” anything on the election of 1860, it was with the expectation of just what happened, both as to the election itself, and the secession movement that followed.

No more explicit defense of slavery as an institution, and of slaveholders as moralists has been uttered since the Civil War, than is contained in the foregoing extracts. The attempt to shift the responsibility for the rebellion to the shoulders of the North, may be ingenious, but as a justification for secession the claim is neither legally nor logically sound. But Mr. Wilson has unequivocally made slavery the cause of the war.

³ Epochs of American History: Division and Reunion. By Woodrow Wilson, Vol. III, pp. 208-9.

CONGRESS AND SLAVERY BEFORE EMANCIPATION

However President Lincoln halted before issuing the Emancipation Proclamation, the question of slavery as related to the war did not escape the attention and action of either the executive or legislative branches of the Government. The War of the Rebellion had been distracting the country only about a month,¹ when the House of Representatives passed the following resolution: "That in the judgment of this House, it is no part of the duty of soldiers of the United States to capture and return fugitive slaves."

This opinion was not respected or observed by some of our military commanders in the field. In fact many, if not most of the West Point men, during the early part of the war, considered slavery a constitutional institution, and they concluded that it must be acknowledged and the slave holders be protected in holding their property, even by the military power of the government, which the same slaveholders had taken up arms to disrupt.

Mr. Lincoln sent his first annual message to Congress, December 3, 1861. While he made no reference to general, or what Horace Greeley

¹ May 9, 1861.

called "constrained emancipation," a system of colonization was proposed. This plan contemplated settling such blacks as had already, or might in the future be freed in consequence of the war, in some territory outside the limits of the United States. In addition the President also made this suggestion: "It might be well to consider, too, whether the free colored people already in the United States could not, so far as individuals may desire, be included in such colonization."

Congress received the recommendation with sufficient seriousness to appropriate \$100,000 in aid of the colonization of the freedmen of the District of Columbia. The appropriation carried no tangible result, except that a few blacks were taken to an island on the coast of Hayti, with no apparent advantage to any one, except the speculators who undertook the transfer.

The day before the receipt of the President's message, an attempt was made to make illegal what might be called "slave hunting" by the army. The original bill was hotly opposed. Finally all bills having a similar intent, were embodied in an extra Article of War, introduced in the House by F. P. Blair,² as follows:

"All officers are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor

² February 25, 1862.

is claimed to be due. Any officer who shall be found guilty by court-martial of violating this article shall be dismissed from the service."

This bill was finally passed by both Houses of Congress, and was approved by the President March 6th.

Matters relating to slavery moved rather rapidly in Congress. In December, 1861, emancipation in the District of Columbia came up for consideration. The bill which was introduced, was warmly discussed in both houses, and finally passed mainly by party majorities. It was approved by the President April 16, 1862. The bill carried a compensation clause, and provided payment of \$300 each for the slaves thus emancipated.

Mr. Lincoln seems to have been greatly impressed with the idea that emancipation would be considered less arbitrary and objectionable if it carried with it compensation for the slaveholders' peculiar property. The very day³ on which he signed the bill abolishing slavery in the District of Columbia, he sent a Special Message to Congress, asking that both Houses adopt the following resolution:

"Resolved, That the United States, in order to co-operate with any State which may adopt gradual abolition of Slavery, give to such State pecuniary aid, to be used by such State, in its discretion, to compensate it for the incon-

³March 6, 1862.

venience, public and private, produced by such change of system."

The President's comments upon the provisions of the resolution did not suit the abolitionists, and it is quite evident now that they utterly failed in measuring Lincoln's mind, up to the point of understanding its temper and spirit. His far-seeing judgment made him able to see that preventing the recognition of the Confederacy by the governments of Europe, and especially by our own, was fundamental to the success of the Union cause. If the slave States in rebellion, or those that had remained loyal, refused to accept this reasonable and profitable proposition, he felt that he had placed the Government in a fair light before the nations.

A vigorous debate of the resolution occurred in both Houses of Congress. It passed in the House by a vote of 89 to 31.⁴ The resolution reached the Senate March 20th, and was passed April 2nd, by a vote of 32 to 10. The President attached his signature to the measure April 10, 1862.

It should be stated that the Union men from the border slave States, and the Northern Democrats generally utterly rejected emancipation even though it had attached the salve of an appropriation. What is more, no slave State ever made application for the benefits which this resolution proffered.

⁴March 11, 1862.

An emancipation bill which had been drafted, but which had been held in committee for a month, was reported to the House on May 1, 1862. It provided for the abolition of slavery in all of the unorganized territory of the United States, and practically prohibited its introduction into such territory. This measure had rather a stormy passage through Congress, but safely weathered all opposition, and was approved by the President June 19th.

Congress had provided for the confiscation of such slaves held in the Confederate States, as were permitted or forced to work on fortifications, or other defences designed to aid the rebellion. Experience had shown that more drastic treatment of this peculiar kind of property was necessary, if every advantage provided by the rules of war, was to be taken in dealing with the enemy. This feeling took shape in a joint resolution which declared that the President and all officers in command under him, have the right to emancipate the slaves held in any "military district in a State of insurrection against the National Government." This resolution was suggested early in December, 1861. The proposition encountered much opposition in both Houses of Congress. Finally it was considered by a conference committee, and a new bill quite as drastic was agreed to. It passed both Houses, and was approved by the President, April 24, 1862.

A series of laws dealing with negroes and ex-slaves rapidly found their way through Congress. One provided for the education of colored children in the District of Columbia. This measure carried a rider which gave negroes in the District the same status before the law as was accorded white people.

In January, 1862, President Lincoln ordered the Marshal of the District of Columbia not to "receive into custody any persons caught up as fugitives from slavery, but to discharge within ten days, all such persons then in jail."

The discussions on some of the foregoing bills were fine samples of prejudicial, faint-hearted and pessimistic statesmanship. All sorts of dire calamities were predicted because of an affirmation of the right of emancipation as a war measure. All of these predictions were uttered by Northern men. To expect to reconstruct the Republic without the institution of slavery was pronounced the dream of a madman. In fact the pent-up evil spirit of slavery uttered its most bitter denunciation on the eve of its being cast out of the National body.

SLAVERY AND THE ARMY

Apart from points where legislation in Congress related to slavery and the war footing, the question came up directly in the army in more ways than one. We have already seen that any expectation or attempt to keep the disturbing element in the background was a sorry disappointment from the start.

Gen. Benjamin F. Butler assumed command of the Union forces at Fortress Monroe in May, 1861. Very soon after three slaves came inside the lines, saying they were claimed by one of the commissioned officers in the Confederate Army. The colored men said that they were about to be sent to North Carolina to work on the Confederate fortifications in that State. Gen. Butler heard their story, and promptly declared, "These men are contraband of war." The word "contraband" as used by Butler became almost a household word during the Civil War. The return of the slaves was demanded, and promptly refused.

Gen. Butler then referred the matter to the War Department at Washington, stating that all such persons coming to us could be profitably employed within the Union lines. The general commanding wanted to know what should be done with "contrabands." Secretary Cameron prompt-

ly replied, and in his letter of instruction, among other things said:

“You will, on the other hand, so long as any State within which your military operations are conducted remains under the control of such armed combinations, refrain from surrendering to alleged masters any person or persons who come within your lines. You will employ such persons in the services to which they will be best adapted; keeping an account of the labor by them performed, of the value of it, and the expense of their maintenance. The question of their final disposition will be referred for future determination.”

While this position taken by the War Department greatly clarified the situation, it did not produce the weakening effect on the Confederacy which many enthusiasts expected. If all the military commanders had applied the rule as vigorously and sympathetically as Butler did, the case might have been different. But in any case those who fancied that the Rebellion could be put down in a quick and easy fashion, were expecting the impossible.

There were military commanders who went beyond any act of Congress, or any avowed purpose of the President, in proclaiming freedom to the slaves. General Fremont was first to take such action. In September, 1861, after he had taken command of the Union forces in Missouri, he issued a General Order, in which he said:

“The property, real and personal, of all persons in the State of Missouri, who shall take up arms against the United States, or shall be directly proven to have taken active part with their enemies in the field, is declared to

be confiscated to the public use; and their slaves, if any they have, are hereby declared free men."

This military act of emancipation was annulled by President Lincoln,¹ in which the General was practically commanded to make his order go no further than the act of Congress of August 6, 1861, relating to the "confiscation of property used for insurrectionary purposes."

There were a few minor exhibitions of radical action regarding slavery by men, most of the guilty parties being either reprimanded or punished.

General David Hunter succeeded to the command of the military department with headquarters at Hilton Head, S. C., in April 1862. On the 9th of the following month, Hunter issued General Order No. 11. In this document he declared the states of Georgia, Florida, and South Carolina under martial law, saying that "slavery and martial law in a free country are altogether incompatible. The persons in these states * * * heretofore held as slaves, are therefore declared forever free."

Ten days² after the date of this military order President Lincoln issued a proclamation, in which he annulled the Hunter Army Order on the ground that no military commander had any authority inherent or delegated to emancipate slaves

¹ Sept. 11, 1861.

² May 19, 1862.

in the states. In this proclamation Mr. Lincoln probably gave the first official intimation that a general emancipation proclamation might be issued. He clearly declared that whatever might be done in this particular, he reserved the doing of it to himself as Commander-in-Chief of the Army and Navy, and would not feel justified in "leaving it to the decision of Commanders in the field."

The major part of this proclamation was confined to rehearsing the joint resolution passed by Congress in March of that year, providing for gradual compensated emancipation. Coupled with the statement of fact regarding the offer to the slave states, was a most tender appeal to the citizens of those states mentioned in General Hunter's order. The President thus closed his proclamation:

"This proposal makes common cause for a common object, casting no reproaches upon any. It acts not the Pharisee. The change it contemplates would come gently as the dews of Heaven, not rending or wrecking anything. Will you not embrace it? So much good has not been done by one effort in all past time, as, in the Providence of God, it is now your high privilege to do. May the vast future not have to lament that you have neglected it!"

It should be remembered that this almost pathetic overture to the men most surely to be benefited, was made only four months before the initial draft of the Emancipation Proclamation was announced. Mr. Lincoln's increasing attitude

of mind from this time on, until the 22nd of September, seems to have deliberately paved the way for emancipation by throwing the burden of blame upon those who would not listen to reason, or meet a humane government and a kindly Executive half way in making more easy the inevitable end of the institution of slavery.

APPROACHING EMANCIPATION

On the 12th of July, 1862, President Lincoln made his final appeal to the border states to accept compensated emancipation. It seems that he felt in advance that his offer would avail nothing, but he was determined to make it easy for the slave states which had remained loyal to the Union to easily meet the new conditions.

The following day the funeral of a young child of Secretary Stanton was held. In going out to the Stanton residence Mr. Lincoln rode in a carriage with Secretary Wells and Secretary Seward. It was on this ride that Mr. Lincoln first broached the subject of emancipation by proclamation to any members of his cabinet. Up to this time he had rather vigorously objected to any interference of the General Government with the institution of slavery. Eight days later, on the 21st, the matter came up, and he urged a sort of qualified and compensated emancipation, with an attached scheme for colonizing the freed negroes in some tropical or semi-tropical region.

At a cabinet meeting held on the 22nd, the President expressed aversion to arming negroes like other soldiers. Mr. Lincoln's biographers, without trying to analyze the development of his mind, in speaking of this cabinet meeting, make

this statement: "But on the kindred policy of emancipation the President had reached a decision which appears to have been in advance of the views of his entire cabinet."¹ At this cabinet meeting the following first draft of an emancipation proclamation was read:

"In pursuance of the sixth section of the Act of Congress entitled 'An act to suppress insurrection and to punish treason and rebellion, to seize and confiscate property of rebels, and for other purposes,' approved July 17, 1862, and which act and the joint resolution explanatory thereof are herewith published, I, Abraham Lincoln, President of the United States, do hereby proclaim to and warn all persons within the contemplation of said sixth section to cease participating in, aiding, countenancing, or abetting the existing rebellion, or any rebellion against the Government of the United States, and to return to their proper allegiance to the United States, on pain of the forfeitures and seizures as within and by said sixth section provided.

"And I hereby make known that it is my purpose, upon the next meeting of Congress to again recommend the adoption of a practical measure for tendering pecuniary aid to the free choice or rejection of any and all States which may then be recognizing and practically sustaining the authority of the United States, and which may then have voluntarily adopted, or thereafter may voluntarily adopt gradual abolishment of slavery within such State or States; that the object is to practically restore thenceforward to be maintained the constitutional relation between the General Government and each and all the States wherein that relation is now suspended or disturbed; and that for this object the war, as it has been, will be prose-

¹Abraham Lincoln: A History. By John G. Nicolay and John Hay. Vol. VI, p. 125.

cuted. And as a fit and necessary military measure for effecting this object, I, Commander-in-Chief of the Army and Navy of the United States, do order and declare that on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or States wherein the constitutional authority of the United States shall not then be practically recognized submitted to, and maintained, shall then, thenceforward, and forever be free."

The only record in existence of this important meeting is a single page of notes made by Mr. Stanton. The notes are very incomplete, but are definite enough to convey undisputed information. According to this memoranda, Seward opposed issuing the proclamation on account of the effect it would have on foreign nations. He said that some of them would intervene because of cotton, the evident meaning being that to stop slavery would result in curtailing the production of that staple. Mr. Chase pronounced the measure one of great danger, but just why, the Stanton statement does not tell us.

It would seem that the original draft of the emancipation proclamation quoted in this chapter, and the real document issued two months later were President Lincoln's own act. We have good evidence at hand regarding this matter, in the person of Mr. Lincoln's Secretary of the Navy, who says:

"After his election, and after the war commenced, events forced upon him the emancipation of the slaves in the rebellion states. It was his own act, a bold step, an

executive measure originating with him, and was, as stated in the memorable appeal at the close of the final Proclamation, invoking for it the considerate judgment of mankind, warranted alone by military necessity.”²

The original draft of the proclamation, manifestly incomplete in form, seems to have been pigeon-holed for the time being. It is hardly conceivable that it was forgotten.

There has been a popular notion abroad that adversity had followed the fortunes of the Union forces during the first half of the year 1862. But such is not the fact. It must be remembered that the capture of Forts Donelson and Henry; the capture of Roanoke Island and Newberne; the battles of Shiloh and Corinth; the capture of Island Number 10; fall of New Orleans, the re-occupation of Norfolk, and a whole list of minor successful engagements in the South-west, happened during this period. On March 8, 1862, occurred the battle between the Monitor and the Merrimac. When the Confederates vacated Norfolk shortly after, the Merrimac was scuttled, and that scourge of the sea disappeared.

The real discouragement in prosecuting the war at this time, was the failure of the Army of the Potomac to meet expectations. This may be admitted without stopping to take part in the long-lived McClellan controversy. There was also the

² Lincoln and Seward. By Gideon Wells, ex-Secretary of the Navy. p. 207.

National and official nervousness regarding the safety of Washington, with the Confederate Army of Virginia roaming around, inflicting damage, and a constant source of danger. If McClellan did not capture Richmond there was the fear that Lee would move on and possess the National Capital.

LABORING WITH LINCOLN

Apparently no publicity was given at the time to the rough draft of an emancipation proclamation given in the previous chapter. The anti-slavery papers of the period make no mention of it, and such books as Greeley's "American Conflict," make no reference to such a document. The months of July and August, 1862 were characterized by phenomenal activity on the part of the ultra-abolitionists. The milder anti-slavery men, and not a few church bodies, either sent memorials or had delegates make pilgrimages to Washington to try and convince Mr. Lincoln that the way to break the back of the rebellion was to break the shackles of the slave. Had they known the prophetic document sleeping in a Presidential pigeon-hole, some of those who scolded the President, might have been more gentle in speech and action.

Garrison's *Liberator*, in its issue of July 25, declared: "The President can, by a single word, and in a single week, reduce the rebel army to one-half its present number." The magical word was of course EMANCIPATION. In another column on the same page of the same issue, the *Liberator* said: "But the government is practically false to itself—blind as a bat to its true line of policy—stumbling, halting, prevaricating, irresolute, weak, besotted." Civilians, non-resistants,

preachers, agitators, were all telling how the war should be waged, and victories won.

While the *Anti-Slavery Standard* was much more gentle in its criticism, it was equally positive in advising Emancipation as the speedy cure for all our National ills.

The Progressive Friends, of Longwood, Pa., sent a delegation to Washington to labor with the President, evidently some time in June. The report of this visit, as given in the *New York Tribune*, indicates that he argued the point with his visitors, and stated as one of his reasons for not issuing an emancipation proclamation that such a decree "could not be more binding upon the South than the Constitution, and that cannot be enforced in that part of the country now." This statement was most vigorously criticised and condemned by the abolitionists.

On the 17th of June a committee representing the Reformed Presbyterian Church Synod, had an interview with Mr. Lincoln, and presented resolutions on the subject of slavery, which the Synod had adopted. This committee approached the President sympathetically, and received from him an appreciative reply. He assured the committee that he had no disagreement with them regarding slavery as an evil, but intimated that when getting rid of a long-established institution was the issue, the method of action was not so plain, and admitted of honest difference of opinion. Then he said to his visitors: "Feeling deeply my respon-

sibility to my country, and to that God to whom we all owe allegiance, I assure you I will try to do my best, and so may God help me.”¹

The way Lincoln was assailed during this period is plainly illustrated in the current periodicals, and especially those of pronounced abolition proclivities. In its edition of August 9, the *Anti-Slavery Standard* pronounced President Lincoln “utterly ignorant” of the situation, and said that he was “misled by others.” Later the *Standard* printed an article from the New York *Independent* written by Henry Ward Beecher criticising Mr. Lincoln. In this article the great Brooklyn preacher among other things said: “Mr. Lincoln is a good man; a considerate, prudent, honest politician. But not a spark of genius has he; not an element for leadership; not one particle of heroic enthusiasm.”

Mr. Beecher then proceeded to make light of the messages and state papers of Mr. Lincoln, making this statement:

“There has not been a line in any government paper that might not have been issued by the Czar, by Louis Napoleon, or by Jeff. Davis! Our state papers during this eventful struggle are void of genuine enthusiasm for the great doctrines on which this government was founded.”²

On the first of August, 1862 a celebration of British emancipation in the West Indies was held

¹ National Anti-Slavery Standard. Aug. 2, 1862, p. 2.

² The same. Aug. 16, p. 4.

in Abington, Mass. A good deal of the speech-making was either in criticism or caricature of Mr. Lincoln. One of the speakers was Rev. Moncure D. Conway, who repudiated the theory of a "representative man," and intimated that the need was for a super-representative man. He found fault with the President because he proclaimed that negroes should work in the army camps, because he was forced to it, when he should have done so on his own motion. Having been in Washington he said, "I got an idea, a thing which is rarely known in that region of country." Continuing, he said:

"The ancients had a fable that the world rested on an elephant, and the elephant on a tortoise. Now, the ancients had a vision of this country when they said that. The elephant is our army, and the only disagreeable fact about it is that that army rests on Abraham Lincoln; and if he is not a tortoise, there never was one made by God Almighty. It is impossible for Abraham Lincoln to move faster than the tortoise; he has tried it and it is 'no go.' He has got a heavy shell on his back. He got it at his birth, for that is the kind of animal that grows in Kentucky."³

We have not paid any attention to the vituperation of the pro-slavery press or orators. There was no reason to expect that they would do other than make Mr. Lincoln's task as difficult as possible.

The President kept on the even tenor of his way, revolving the cause and its need in his mind, not

³ The *Liberator*, August 18, 1862, p. 2.

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wearing his heart on his sleeve, but patiently bearing the burdens that were his. Half of the month of August was gone, when the storm broke from a new if not unexpected quarter, to be related in the next chapter.

LINCOLN AND HORACE GREELEY

Considering the present popularity of President Lincoln, it seems almost unbelievable that during his official life he was the victim of the most bitter and unfeeling criticism. However sincere some of it was at the time, we now know that most of it was mistaken and misplaced. Among the most pointed of Lincoln's critics in 1862 was Horace Greeley, the master-spirit of the *New York Tribune*. The wide circulation and commanding influence of that paper, gave tremendous carrying power to whatever its able editor said. The late Alexander K. McClure, of Philadelphia, himself a journalist of note, declared:

"*The New York Tribune* was then the most influential journal ever published in this country. It was the Republican Bible, and its weekly edition was more read in the West than all other Eastern papers combined."¹

In the summer of 1862, with the war still raging, when the optimists fancied that it should have fully ceased, President Lincoln was bombarded by anti-slavery men of all sorts to speedily proclaim the abolition of slavery. Greeley was first among the bombarders, and on the 19th of August he published an "open letter" to the President in the *Tribune*, entitled "The Prayer of

¹ Our Presidents and How We Make Them. A. K. McClure, LL.D., p. 155.

Twenty Millions." Here are some of its salient features selected by Greeley himself:

"On the face of this wide earth, Mr. President, there is not one disinterested, determined, intelligent champion of the Union cause who does not feel that all attempts to put down the Rebellion, and at the same time uphold its inciting cause, are preposterous and futile—that the Rebellion, if crushed out to-morrow, would be renewed within a year if slavery were left in full vigor—that army officers, who remain to this day devoted to slavery, can at least be but half-way loyal to the Union—and that every hour of deference to slavery is an hour of added and deepened peril to the Union. I appeal to the testimony of your Ambassadors in Europe. It is freely at your service, not mine. Ask them to tell you candidly whether the seeming subserviency of your policy to the slaveholding, slavery-upholding interest, is not the perplexity, the despair, of statesmen of all parties; and be admonished by the general answer!

"I close as I began, with the statement that what an immense majority of the loyal millions of your countrymen require of you is a frank, declared, unqualified, ungrudging execution of the laws of the land, more especially of the Confiscation Act. That act gives freedom to the slaves of Rebels coming within our lines, or whom those lines may at any time inclose—we ask you to render it due obedience by publicly requiring all your subordinates to recognize and obey it. The Rebels are everywhere using the late anti-negro riots in the North—as they have long used your officers' treatment of negroes in the South to convince the slaves that they have nothing to hope from a Union success—that we mean in that case to sell them into a bitter bondage to defray the cost of the war. Let them impress this as a truth on the great mass of their ignorant and credulous bondmen, and the Union will never be restored—never. We cannot conquer ten millions of people

united in solid phalanx against us, powerfully aided by Northern sympathizers and European allies. We must have scouts, guides, spies, cooks, teamsters, diggers, and choppers, from the Blacks of the South—whether we allow them to fight for us or not—or we shall be baffled and repelled. As one of the millions who would gladly have avoided this struggle at any sacrifice but that of principle and honor, but who now feels that the triumph of the Union is indispensable not only to the existence of our country, but to the well-being of mankind, I entreat you to render a hearty and unequivocal obedience to the law of the land.

“Yours, HORACE GREELEY.”²

On the following day President Lincoln replied to “The Prayer of Twenty Millions” by telegraph, a most unusual proceeding for the Executive of a great Nation, in replying to the criticism of a purely private citizen. The dispatch was a typical Lincoln document, and a good sample of his literary style. Mr. Lincoln said:

“EXECUTIVE MANSION, WASHINGTON,
“August 22, 1862.

“HON. HORACE GREELEY:

“DEAR SIR: I have just read yours of the 19th instant, addressed to myself through *The New York Tribune*.

“If there be in it any statements or assumptions of fact which I may know to be erroneous, I do not now and here controvert them.

“If there be any inferences which I may believe to be falsely drawn, I do not now and here argue against them.

² *The American Conflict*. By Horace Greeley. Vol. II, pp. 249-50.

"If there be perceptible in it an impatient and dictatorial tone, I waive it in deference to an old friend whose heart I have always supposed to be right.

"As to the policy I 'seem to be pursuing,' as you say, I have not meant to leave any one in doubt. I would save the Union. I would save it in the shortest way under the Constitution.

"The sooner the national authority can be restored, the nearer the Union will be the Union as it was.

"If there be those who would not save the Union unless they could at the same time save Slavery, I do not agree with them.

"My paramount object is to save the Union, and not either to save or destroy Slavery.

"If I could save the Union without freeing any slave, I would do it—if I could save it by freeing all the slaves, I would do it—and if I could do it by freeing some and leaving others alone, I would also do that.

"What I do about Slavery and the Colored Race, I do because I believe it helps to save this Union; and what I forbear, I forbear because I do not believe it would help to save the Union.

"I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I believe doing more will help the cause.

"I shall try to correct errors when-shown to be errors; and I shall adopt new views so fast as they shall appear to be true views.

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

"Yours,

A. LINCOLN."

Greeley's letter was probably more widely read and generally discussed than the President's reply. In its caustic criticism and almost brutal blunt-

ness, it really represented the feeling of a large number of intense men. It should be remembered that Horace Greeley was an impulsive idealist. He had little capacity, in a strenuous time of heat and excitement, to weigh or measure Lincoln's ability to be calm and patient, and wait for public opinion to catch up with his idealism. Later on, however, Mr. Greeley made a handsome confession of his own short-sightedness, coupled with an acknowledgement of President Lincoln's great service to his country. He may have had "The Prayer of Twenty Millions" in mind when he wrote the following:

"Though I very heartily supported it when made, I did not favor his renomination for President; for I wanted the war driven onward with vehemence and this was not in his nature. Always dreading that the National credit would fail, or the National resolution falter, I feared that his easy ways would allow the rebellion to obtain European recognition and achieve ultimate success. But that 'Divinity that shapes our ends' was quietly working out for us a larger and fuller deliverance than I had dared to hope for, leaving to such short-sighted mortals as I no part but to wonder and adore. We have had chieftains who would have crushed the rebellion in six months, and restored 'the Union as it was;' but God gave us the one leader whose control secured not only the downfall of the Rebellion, but the eternal overthrow of Human Slavery under the flag of the Great Republic."³

³ Recollections of a Busy Life. By Horace Greeley. p. 409.

CONTINUED URGING AND ARGUING

Matters progressed slowly, but steadily during the months of August and September. Public meetings of all sorts were held; ministers fulminated from pulpits, and newspapers continued to appeal to the President, not always wisely or well, that the country's case might be met by an act of emancipation on his part. Still, with the sleeping provisional draft of emancipation, in his possession, Mr. Lincoln showed no sign that he was about to take the step which soon thrilled the Nation.

On Sunday evening, the 7th of September, 1862, what the newspapers called a "great war meeting of Christians, representing all denominations," was held in Chicago. This meeting memorialized the President in dignified but positive language. The memorial noted that emancipation in the District of Columbia, and in the unorganized National territory, had not met the country's crisis. It therefore prayed the President that as "the only means of preserving the Union to proclaim, without delay, National emancipation."¹

Two of the leading clergymen of the city took the memorial to Washington, and presented it to Mr. Lincoln on the 13th. There was a discus-

¹ National Anti-Slavery Standard, September 20, 1862, p. 1.
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sion at close range between the President and his visitors, touching the merits and practical character of their contention. The arguments at first presented by the Executive, seem strange in connection with the purpose he had expressed at the cabinet meeting held the 22nd of July. In the main he cited the manifestly divided public opinion of the country. "The subject is difficult," he said, "and good men do not agree." He clearly intimated that the burden on him was very great, and the problem was not so easy as those who did not directly have to meet it fancied. Then he propounded this question:

"Now, then, tell me, if you please, what possible result of good would follow the issuing of such a proclamation as you desire? Understand, I raise no objections against it on legal or constitutional grounds; for, as Commander-in-Chief of the army and navy in time of war, I suppose I have a right to take any measure which may best subdue the enemy; nor do I urge objections of a moral nature, in view of possible consequences of insurrection and massacre at the South. I view this matter as a practical war measure, to be decided on according to the advantages or disadvantages it may offer to the suppression of the Rebellion."²

The preacherly pleaders urged the effect an emancipation proclamation would have in making sentiment favorable to the Union cause in Europe. They also affirmed that such action

²The American Conflict. By Horace Greeley. Vol. II, p. 251-2.

would justify an appeal "to the God of the oppressed and down-trodden for his blessing" upon our efforts to end the rebellion by crushing slavery. Mr. Lincoln responded by an expressed desire to stimulate Union feeling especially in the border States. He intimated that we possessed an "important principle to rally and unite the people, in the fact that constitutional government is at stake. This is a fundamental idea, going down about as deep as anything."³

The discussion continued, the President closing the conference with these sober and searching words:

"Do not misunderstand me because I have mentioned these objections. They indicate the difficulties that have thus far prevented my action in some such way as you desire. I have not decided against a proclamation of liberty to the slaves, but hold the matter under advisement. And I can assure you that the subject is on my mind, by day and by night, more than any other. Whatever shall appear to be God's will, I will do. I trust that, in the freedom with which I have canvassed your views, I have not in any respect injured your feelings."⁴

An explanation of the purpose of Mr. Lincoln in this talk with the Chicago clergyman, is made by one of his biographers, who says:

"For the purpose of fully elucidating their views, he started objections to the policy they urged, and in accordance with his old practice at the bar, he made an argument

³ The same, p. 252.

⁴ The same.

against his own views, and against the policy he had nearly or quite concluded to pursue.”⁵

In the midst of these weeks of pleading, in which passion and prejudice were often so manifest, there were utterances sane and sober, Christian and kindly, which went to the center of the whole matter. In this class belonged a sermon preached in Ebit Hall, New York, Sunday, September 14th, by Rev. O. B. Frothingham. We do not know that Mr. Lincoln ever read this sermon, but if he did it must have impressed him much more than the superfluity of scolding with which he was visited. Mr. Frothingham made a touching and gentle plea for faith in men, for confidence in the moral virtues, and for the spirit of kindness. We quote a sample of the preacher’s noble utterance:

“On the one hand, there is far too little of the Christian feeling which bids us forgive our enemies; on the other, there is far too little of the Christian feeling that bids us recognize the manhood of the poor and weak. There is too much vindictiveness toward the slave-owner—too little consideration for the slave—fatal either to the noblest success—doubly fatal both. We must overcome these two formidable obstacles. We must generate force enough to overcome them. We can generate if we will; the capacity for it is in us; the materials for it are in us; they are ready to be used. We need faith to use them. When the Son of Man cometh, he cometh at midnight, and it is not midnight yet. Will he find this faith? I believe he will.

⁵ The History of Abraham Lincoln and the Overthrow of Slavery. By Isaac N. Arnold, p. 289.

In spite of all that is said to the contrary, the belief deepens that the significance of slavery in this conflict is seen with more and more distinctness—that the character of slavery is viewed with more and more detestation—that the resolution to have done with slavery knocks louder and louder at the gates of Washington—that the answer to that resolution will soon come from the occupant of the White House.”⁶

It seemed to us that this story would be one-sided and possibly overdrawn, if it did not contain some account of the kindlier spirit which was present in the country in that strenuous time. Mr. Frothingham had faith in Lincoln, and success for the cause when others faltered, and suggested failure.

Six days after the visit of the Chicago clergymen, President Lincoln received two members of the Religious Society of Friends from Southern Ohio. They were Isaac and Sarah Harvey. Isaac made the journey to Washington under what Friends call a deep religious concern. In 1861 he made a trip on horseback through sections of the South, that he might know the real condition of the “oppressed negroes.” These venerable Friends were found on a street in Washington by Secretary Chase, and an arrangement for an interview with the President was made for them the following day. We do not know just what happened in detail between the great President and the plain

⁶ National Anti-Slavery Standard. September 20, 1862, p. 2.

Friends. Isaac Harvey, in his simple narrative of his experience, said:

“Of that half hour it does not become me to speak. I will think of it gratefully throughout eternity. At last we had to go. The President took a hand of each of us in his, saying, ‘I thank you for this visit. May God bless you.’ Was there ever greater condescension than that? Just then I asked him if he would object to writing just a line or two, certifying that I had fulfilled my mission, so that I could show it to the council at home. He sat down to his table.”⁷

The note given by Mr. Lincoln to the Harveys, is as follows:

“I take pleasure in asserting that I have had profitable intercourse with friend Isaac Harvey and his good wife, Sarah Harvey. May the Lord comfort them as they have sustained me.
ABRAHAM LINCOLN.”⁸

“Sept. 19, 1862.”

Considering Mr. Lincoln’s susceptibility to religious and spiritual influences, it is quite conceivable that the meeting with Friend Harvey may have helped prepare the way for the Emancipation Proclamation issued three days later.

⁷ Friends with Lincoln in the White House, p. 21-22. Adapted from Nellie Blessing Eyster’s Narrative.

⁸ The same.

MORE INCIDENTS REGARDING THE PROCLAMATION

Some of the statements in regard to the preparation of the Emancipation Proclamation are undoubtedly based on the story of Frank Carpenter, the artist. In the winter of 1864 he went to Washington to paint the picture, "Signing the Proclamation." For six months he was a daily visitor at the White House and occupied a room in it as an improvised studio. It was Carpenter's plan to get from the President a pretty clear idea of the way the plan and purpose of the proclamation developed in his mind, and these scraps of information are given by Carpenter in his book, "Six Months at the White House with Abraham Lincoln." This is the statement put into the mouth of Lincoln by Carpenter:

"It had got to be," said he, "midsummer, 1862. Things had gone on from bad to worse, until I felt that we had reached the end of our rope on the plan of operations we had been pursuing; that we had about played our last card, and must change our tactics, or lose the game! I now determined upon the adoption of the emancipation policy; and, without consultation with, or the knowledge of the Cabinet, I prepared the original draft of the proclamation, and, after much anxious thought, called a Cabinet meeting upon the subject. This was the last of July, or the first part of the month of August, 1862." (The exact date he did not remember.) "This Cabinet meeting took place, I think, upon Saturday. All were present, except-

ing Mr. Blair, the Postmaster-General, who was absent at the opening of the discussion, but came in subsequently. I said to the Cabinet that I had resolved upon this step, and had not called them together to ask their advice, but to lay the subject-matter of a proclamation before them; suggestions as to which would be in order, after they had heard it read. Mr. Lovejoy," said he, "was in error when he informed you that it excited no comment, excepting on the part of Secretary Seward. Various suggestions were offered. Secretary Chase wished the language stronger in reference to the arming of the blacks. Mr. Blair, after he came in, deprecated the policy on the ground that it would cost the Administration the fall elections. Nothing, however, was offered that I had not already fully anticipated and settled in my own mind, until Secretary Seward spoke. He said in substance: 'Mr. President, I approve of the proclamation, but I question the expediency of its issue at this juncture. The depression of the public mind, consequent upon our repeated reverses, is so great that I fear the effect of so important a step. It may be viewed as the last measure of an exhausted government, a cry for help; the government stretching forth its hands to Ethiopia, instead of Ethiopia stretching forth her hands to the government.' His idea," said the President, "was that it would be considered our last *shriek*, on the retreat." (This was his *precise* expression.) "'Now,' continued Mr. Seward, 'while I approve the measure, I suggest, sir, that you postpone its issue, until you can give it to the country supported by military success, instead of issuing it, as would be the case now, upon the greatest disasters of the war!'" Mr. Lincoln continued: "The wisdom of the view of the Secretary of State struck me with very great force. It was an aspect of the case that, in all my thought upon the subject, I had entirely overlooked. The result was that I put the draft of the proclamation aside, as you do your sketch for a picture, waiting for a victory. From time to time I added or changed a line, touching it up here and

there, anxiously watching the progress of events. Well, the next news we had was of Pope's disaster, at Bull Run. Things looked darker than ever. Finally, came the week of the battle of Antietam. I determined to wait no longer. The news came, I think, on Wednesday, that the advantage was on our side, I was then staying at the Soldiers' Home (three miles out of Washington). Here I finished writing the second draft of the preliminary proclamation; came up on Saturday; called the Cabinet together to hear it, and it was published the following Monday."¹

There are points in this statement which do not seem to tally with the notes made regarding the July cabinet meeting by Secretary Stanton.² It should be remembered that Carpenter is reporting off-hand conversation with Lincoln. Both men relied very largely on memory. The Stanton record constitutes better evidence as to what happened at the meeting in question, than any other data we possess.

According to Carpenter Mr. Lincoln said that changes in phraseology in the draft of the proclamation were suggested by Secretary Seward. The original wording of Lincoln was to the effect that the government of the United States, in all of its branches will *recognize* the freedom of such negroes as were included in the Emancipation Proclamation. Mr. Seward suggested that the words "and maintain" be inserted after the word

¹ Six Months in the White House with Abraham Lincoln. By Frank Carpenter, p. 20-1-2-3.

² See page 67 of this book.

“recognize.” On the insistence of the Secretary, the two words were inserted. Mr. Lincoln explained that his failure to employ the word “maintain,” was “because it is not my way to promise what I was not entirely sure I could perform.” In this statement we have a clear revelation of both the intellectual and moral honesty of President Lincoln.

Seward’s suggested addition to the Proclamation was made at a cabinet meeting held on September 20th, two days before the document of freedom was issued. Nothing contained in the Carpenter story tends to disprove the claim that the July draft was Mr. Lincoln’s individual act, and not the suggestion of any member of his cabinet.

It was in the latter part of August that Owen Lovejoy, who represented Mr. Lincoln’s District in the Lower House of Congress, called on the President. At the threshold of the White House he met Thaddeus Stevens, of Pennsylvania. Mr. Stevens was urged to accompany Lovejoy, but declined, saying: “No, it is a time when you must talk to him alone.” Lovejoy says that the President’s “expression was more earnest; the lines deeper on his care-worn face,” than usual. Mr. Lincoln hinted that perhaps he ought to take the field, and “stand or fall with the men.” This proposition was strongly discouraged by Lovejoy. The position taken by Greeley in his “Prayer of

Twenty Millions,"³ was discussed, and rather approved by the Congressman. They talked plainly over slavery and the war situation. Lovejoy urged the President "to follow God's warnings as he understood them." Mr. Lincoln then made this statement:

"In all of it, if the Administration or myself—for which I assume the greater responsibility—has made a mistake about slavery, it has not been from negligence or avoidable delay. On the contrary, it has been uppermost in my mind. I know that you do not wish me to say more now than this. But I do want to assure you that it will be settled, so far as I can determine and take it, in the course and judgment upon it, that you say is righteous and just—that it is God's conflict; that, as he gives us light, so shall it be." . . .

The interview closed with a season of prayer, in which Lovejoy says, "We laid our cause before God, who made and built the Nation, whom we have trusted so long."

There were other interviews between the President and his member of Congress, before the memorable day in September. At one of these Lincoln seems to have been greatly moved. He said he had taken the matter to God, and then saw clearly, as in a vision, that slavery was to be stricken, and practically by his official act.⁴ Then came Antietam, and this semblance of a Union victory,

³ See page 76 of this book.

⁴ The details of the Lovejoy interviews may be found in *Abraham Lincoln and the Men of His Time*. By Robert H. Brown, M.D. Vol. II, pages 673 to 686.

for which the President had waited as for the psychological moment in which to issue the Proclamation.

In the midst of the opinions and counter opinions regarding Lincoln and emancipation, a new, if not a strange witness appears in the person of the late George W. Julian, who says:

“Few subjects have been more debated and less understood than the Proclamation of Emancipation. Mr. Lincoln was himself opposed to the measure, and when he very reluctantly issued the preliminary proclamation in September, 1862, he wished it distinctly understood that the deportation of the slaves was, in his mind, inseparably connected with the policy.”⁵

That President Lincoln tenaciously held to the old Whig party idea of compensated emancipation admits of no doubt. That he held to the purpose of deportation with any strenuous definiteness at the time he issued the Proclamation is by no means so clear. In his public utterances, gathered in the “Complete Works,” we find but two references to “deportation.” One is in the famous Cooper Union speech delivered in New York, February 27, 1860. His reference is a clear-cut quotation from Thomas Jefferson, and is as follows:

“It is still in our power to direct the process of emancipation and *deportation* peaceably, and in such slow degrees that the evil will wear off insensibly, and their places (the negroes) be, *pari passu*, filled up by free white

⁵ Reminiscences of Abraham Lincoln. By Allen Thorndike Rice, p. 61.

laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up." ⁶

That Lincoln in 1860, and long after, hoped that freedom might be slowly and safely secured is in line with his hopeful and peaceable spirit. It is surely suggestive that Jefferson saw what would happen in sorrow touching slavery, if the evil was not disposed of in the domain of common sense and the common conscience.

The second reference to "deportation" is in the Message of 1862, with which we shall deal later on. He says:

"This ought not to be regarded as objectionable, on the one hand or on the other, inasmuch as it comes to nothing unless by the mutual consent of the people to be *deported* and the American voters through their representatives in Congress." ⁷

We leave the matter of Lincoln and "deportation" to be passed upon by the judgment of the reader, in the light of the weight of general evidence as to Lincoln's mind regarding slavery, herein presented.

⁶ Abraham Lincoln. Complete Works. Vol. I, p. 608.

⁷ The same. Vol. II, p. 274.

THE PROCLAMATION OF FREEDOM

When the Emancipation Proclamation was given to the country on the 22nd of September, 1862, it took both an expectant and the skeptical public opinion by surprise, reasonably justifying those whose faith in the President had never faltered. It will be noted that in the second paragraph of the Proclamation Mr. Lincoln reiterates the position and purpose contained in the provisional draft of July 22nd. The strong position taken in the document given below regarding the enforcement of the laws of Congress relating to slaves, and the treatment of the property of those in rebellion against the Government of the United States, probably had as salutary effect upon public opinion as the announced act of emancipation itself. The following is the complete text of the Emancipation Proclamation :

“I, Abraham Lincoln, President of the United States of America, and Commander-in-Chief of the Army and Navy thereof, do hereby proclaim and declare that hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States and each of the States, and the people thereof, in which States that relation is or may be suspended or disturbed.

“That it is my purpose, upon the next meeting of Congress, to again recommend the adoption of a practical

measure tendering pecuniary aid to the free acceptance or rejection of all slave States, so called, the people whereof may not then be in rebellion against the United States, and which States may then have voluntarily adopted or thereafter may voluntarily adopt, immediate or gradual abolishment of slavery within their respective limits; and that the effort to colonize persons of African descent, with their consent, upon this continent or elsewhere, with the previously obtained consent of the governments existing there, will be continued.

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

“That the Executive will, on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.

“That attention is hereby called to an act of Congress entitled ‘An Act to make an additional Article of War,’

approved March 13, 1862; and which act is in the words and figures following:

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the following shall be promulgated as an additional article of war for the government of the Army of the United States, and shall be obeyed and observed as such:

“SECTION 1. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due; and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service.

“SEC. 2. And be it further enacted, That this act shall take effect from and after its passage.’

“Also, to the ninth and tenth sections of an act entitled ‘An Act to Suppress Insurrection, to Punish Treason and Rebellion, to Seize and Confiscate Property of Rebels, and for other Purposes,’ approved July 16, 1862; and which sections are in the words and figures following:

“SEC. 9. And be it further enacted, That all slaves of persons who shall hereafter be engaged in rebellion against the Government of the United States, or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army; and all slaves captured from such persons, or deserted by them and coming under the control of the Government of the United States; and all slaves of such persons found on (or) being within any place occupied by Rebel forces and afterward occupied by forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves.

“SEC. 10. And be it further enacted, That no slave escaping into any State, Territory, or the District of Columbia, from any other State, shall be delivered up, or in any way impeded or hindered of his liberty, except for crime, or some offense against the laws, unless the person claiming said fugitive shall first make oath that the person to whom the labor or service of such fugitive is alleged to be due is his lawful owner, and has not borne arms against the United States in the present Rebellion, nor in any way given aid and comfort thereto; and no person engaged in the military or naval service of the United States shall, under any pretense whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being dismissed from the service.’

“And I do hereby enjoin upon and order all persons engaged in the military and naval service of the United States to observe, obey, and enforce, within their respective spheres of service, the act and sections above recited.

“And the Executive will, in due time, recommend that all citizens of the United States, who shall have remained loyal thereto throughout the Rebellion, shall (upon the restoration of the constitutional relation between the United States and their respective States and people, if that relation shall have been suspended or disturbed) be compensated for all losses by acts of the United States, including the loss of slaves.

“In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

“Done at the City of Washington, this twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States the eighty-seventh.

“ABRAHAM LINCOLN.

“By the President:

“WILLIAM H. SEWARD, *Secretary of State.*”

It will be noted that the long-time position of Mr. Lincoln in behalf of compensation to loyal slaveholders, is prominent in the document quoted above. It was the flea in the ointment in the estimation of the advanced abolitionists.

It appears that the foregoing proclamation was considered by Mr. Lincoln simply the necessary and logical result of what the members of his cabinet knew had been on his mind for two months. Secretary Chase says that Mr. Lincoln told them that he did not wish their "advice about the main matter, for that I have determined for myself." All that he intimated he desired was suggestions as to phraseology.

From published statements of Secretary of the Navy Wells, it seems that the Stanton notes on the cabinet meeting of July 22, as to those who opposed the Proclamation, are substantially correct. At the final meeting of the cabinet, September 22, there was a practical agreement as to the policy of emancipation, although Postmaster General Blair objected to the time fixed. But no objections were filed by him, "lest they should be subject to misconstruction."

When the Proclamation was read in Washington, a profound interest was manifested. On the evening of the 24th the President was serenaded at the White House. Being called upon for a speech, he very briefly responded as follows:

"I appear before you to do little more than acknowledge the courtesy you pay me, and to thank you for it. I

have not been distinctly informed why it is that on this occasion you appear to do me this honor, though I suppose it is because of the Proclamation. What I did, I did after a very full deliberation, and under a very heavy and solemn sense of responsibility. I can only trust in God I have made no mistake. I shall make no attempt on this occasion to sustain what I have done or said by any comment. It is now for the country and the world to pass judgment, and maybe take action upon it."

Thus modestly and gently did the author of the Emancipation Proclamation consign his great act to the judgment of his own generation and posterity.

THE PROCLAMATION'S RECEPTION

A perfect confusion of tongues followed the publication of the President's Proclamation. The Republican newspapers joined in a general chorus of praise, and in the main the religious newspapers were equally strong in their approval. The ultra Democratic press, which had given aid and comfort to the Nation's enemy in the field, by building a back-fire of opinion against the administration of Mr. Lincoln, distributed literature more or less frenzied, and put out prophesies of evil without stint. It is pretty certain that both the President's friends and foes expected too much of the Proclamation, more in fact than it could possibly accomplish in either direction.

Among the newspapers in the North which persisted in rendering a sixteenth century opinion, the *New York World* was very near the head of the class. It declared that "President Lincoln has swung loose from the constitutional moorings of his inaugural address. * * * We regret for his sake, we lament for the sake of the country, that he has been coerced by the insanity of the radicals, by the denunciation of their presses, by the threats of their Governors and Senators that he should resign, into a proclamation which on its face

violates the Constitution, is contrary to the general current of civilization in the conduct of war as it has run since the Crusades, is in opposition to the solemn declarations made by our government that it was not to be a war of subjugation." It should be noted that the assumption that if the forces of the Union persisted in intending to defeat the armies of the Confederacy, the whole transaction became a "war of subjugation," was the pet plea of many Democratic orators and organs during the four years of our National struggle.

Several newspapers in New York, and some in Massachusetts, Pennsylvania, and other Northern States, either opposed the Proclamation, or attempted to ridicule it out of court. Some of the critics like the *New York Journal of Commerce*, considered themselves, and those they represented, the divinely appointed saviors of the country, from the wrath and ruin of the radicals. This paper thus patted itself and its friends on the back: "We must not betray the trust confided in us by God, for as surely as he reigns, the hope of America to-day is, under him, only in the conservative men of the North; and our duty to him demands that we stand firm to sustain the great responsibility, when radicalism, failing, sinks crushed, as it will now within a brief period."

Opposition to the Proclamation in Pennsylvania was well represented by the *Harrisburg Union*, which said:

“Greeley, Sumner & Co. have triumphed. Abolition is rampant in the Administration, in Congress, wherever their influence could prevail. The proclamation of the President is an outrage upon the humanity and good sense of the country, to say nothing of its gross unconstitutionality.”

It is worth noting that regarding allegiance to the Republican party, the Keystone State halted between two opinions, until the economic issue had become dominant, as practically affecting the State's industrial interests.

On the Confederate side of the line there was what amounted to a hysteria of madness regarding Mr. Lincoln's Proclamation. A resolution was introduced in the Confederate Senate, September 29, 1862, pronouncing the document “a gross violation of the usages of civilized warfare,” and an act which should be “held up to the execration of mankind, and counteracted by such severe retaliatory measures as in the judgment of the President (Jefferson Davis), may be best calculated to secure its withdrawal or arrest its execution.”

This was considered too mild by the fire-eaters. Mr. Clark, who seems to have come from Missouri, said “He thought the President should be authorized immediately to proclaim that every person

found in arms against the Confederate government and its institutions, on our soil should be put to death."

All sorts of retaliatory measures were suggested, among them the following:

"Every white person who shall act as a commissioned or non-commissioned officer commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train or prepare negroes or mulattoes for military service, or aid them in any military enterprise against the Confederate States, shall, if captured, suffer death."

The Southern newspapers wasted no choice language in condemning the Proclamation. The *Richmond Inquirer* of Oct. 1, 1862, among other things, said:

"Butler has been called infamous; by common consent he is known as the beast. But Butler is a saint compared to his master. In addition to all that Butler authorized, Lincoln adds butchery—even the butchery of babes. Language is too poor to furnish a name suitable for such a character. Nay, the whole catalogue of dishonoring epithets is not sufficient to do justice to it. 'Murder' is a term of honor compared to Lincoln's crime."

Possibly the *Richmond Dispatch* of Sept. 30, was a little less hysterical, but it was none the less positive in condemning the act of Emancipation. It declared that Mr. Lincoln's act had utterly prostrated "the last remnant of what used with so much unction to be termed by the canting knaves of New England, 'the bulwark of our liber-

ties'—we mean the ridiculous old Constitution of the United States.” Speaking of the North, the *Dispatch* said:

“Eager as they may be to cut each others' throats, they are still more eager to cut ours, and to that pious work, we may be assured, they will devote themselves with all their energy. They are already calling for a million more of men, and the probability is that they will have them long before Christmas. We must make up our minds to meet these men, and to beat them, as we both can and will if they come here.”

LOYAL OPINION

On the 24th of September, the governors of a number of loyal States met in conference at Altoona, Pa. It was assumed and asserted by some critics that the knowledge of this gathering on the part of the President, hastened the Proclamation. But there is the best of reasons for disputing this assumption. Mr. Lincoln himself declared that he never thought of the meeting of the governors. Besides the state executives denied any idea of a "political plot." Nevertheless the meeting of the governors was opportune.

An address was issued and signed, the signatures having been secured by mail after the conference had adjourned. There was no disagreement regarding the major propositions of the address, but the endorsement of the emancipation policy of the President was objected to by the governors of New Jersey, Maryland, Kentucky, and Missouri, and was therefore not signed by them. It was signed by the executives of twelve States. The address expressed hearty devotion to the Union, and pledged earnest support to the President in overthrowing the rebellion.

As a matter of course one of the most interesting things to consider at the time was the attitude of the rank and file of the Union Army toward emancipation. There we are confronted by the same confusion of opinion as existed among civ-

ilians. Newspapers like Greeley's *Tribune* were sure that "The proclamation of the President has electrified the army." A correspondent of the *New York Times*, quoted in the *Anti-Slavery Standard* of October 4th, told of a commissioned officer who threatened to resign because of the President's act, while others proposed to measure its value according as it helped enlistments, and so contributed to a succession of victories necessary to put down the war. The *Boston Journal*, described by the *Standard*, as "one of the most conservative papers of the country," after careful investigation, made the following estimate of the situation:

"The evidence is abundant, and we think conclusive, that the soldiers belonging to the old regiments who have been longest in the field, and who, from observation and experience, have learned to estimate the strength which slavery has given to the rebels, are in favor of emancipating the slaves upon military grounds. . . . We doubt not that efforts will be made to sow the seeds of discord in the army; but we are confident that these will take root in none of the old regiments." ¹

A letter written on the battle-field of Antietam the day after the Proclamation was received, shows conclusively that a considerable element in the army, presumably the "old guard," surely the men from New England, welcomed the news with rejoicing, and believed that it was really the beginning of the end of the war.

¹ National Anti-Slavery Standard. October 4, 1862, p. 2.

The newspapers which sustained President Lincoln in issuing the Proclamation were many. In the cities alone, two issues of the *Anti-Slavery Standard* and Garrison's *Liberator* contained approving comments from about forty-six journals, a number of which did not support the Republican party in 1860, and consequently did not favor the election of Mr. Lincoln. But after all the most important journalistic support which the administration received from the beginning of the war until its end, was from local country newspapers, unknown outside of the communities in which they were published. At that time the cheap daily paper had not invaded the rural communities. There were multitudes of newspapers in towns and villages, individually of small circulation, but dominated by conviction and moral earnestness, and these performed a valuable service in maintaining a correct public sentiment almost unmeasurable. The work of the country press in behalf of freedom and union, has never been adequately recognized by the historians of the period. The influence of such papers as Greeley's *Tribune* was of course very great. But what they did in a considerable measure was done indirectly through the rural press, which restated, emphasized, and gave local color and support to the facts and arguments which the journals of larger circulation brought to the sanctums of the local editors either every day or twice a week.

We can not do better then to close this incomplete review of comment on Mr. Lincoln's Proclamation, with brief opinions from the two anti-slavery newspaper advocates of the period. The *Anti-Slavery Standard* said editorially:

"While we regret that for the safety and honor of an imperilled Nation, the President did not see his way clear to proclaim the immediate and unconditional emancipation of every slave on American soil; we nevertheless rejoice with an unspeakable joy that he has at last openly committed himself to a measure which, if carried out in good faith, as we trust it will be, must insure the speedy destruction of the slave system, and give us a country free from the damning reproach of making merchandise of the children of God. If the object for which the Abolitionists have so long prayed and struggled shall be thus attained, they will indeed have cause for exultation such as rarely falls to the lot of reformers in this world, and putting off the harness, the toil-worn veterans in freedom's cause may say, in the words of Simeon, 'Lord, now lettest thy servant depart in peace, for mine eyes have seen thy salvation.'"¹

Mr. Garrison was very guarded in the praise which he bestowed on President Lincoln's act. He said:

"Though we believe that this Proclamation is not all that the exigencies of the times, and the consequent duty of the government require—and are consequently not so jubilant over it as many others—still it is an important step in the right direction, and an act of immense historic consequence, and justifies the almost universal gladness of expression and warm congratulation which it has simultaneously elicited in every part of the free states."²

¹ National Anti-Slavery Standard, September 27, 1862, p. 2.

² The Liberator, September 26, 1862, p. 2.

The Liberator feared that the lapse of time would "enable Jeff. Davis and his traitorous Confederates to anticipate the measure themselves, and thus secure their independence by foreign intervention. It also vigorously condemned the Proclamation's overture to the slave states to sell their slave system at a bargain—and its mean, absurd and proscriptive device to expatriate the colored population from this their native land."

BEFORE AND AFTER EMANCIPATION

That President Lincoln was the most accurate reader of public opinion among public men of the Civil War period is now plain, and should have been recognized by his cotemporaries better than it was. Whatever the impatient may have thought, or those bent on quarreling with the President may have imagined, it is clear that Mr. Lincoln was ahead and not behind the average available public sentiment of the North on the slavery question from the time he became President, up to and following the Emancipation Proclamation.

We have seen that Mr. Lincoln contemplated issuing the Proclamation in July 1862. There may have been as many political as there were military reasons for postponing such action. At any rate, the conventions of the party opposing the Administration took action that could not fail to make a careful man think twice before acting in such a momentous matter.

The Democratic State Conventions of 1862 met the Fourth of July in both Pennsylvania and Ohio. Here is an extract from the platform adopted by the Keystone Democrats:

“The party of fanaticism or crime, whichever it may be called, that seeks to turn loose the slaves to overrun the North, and to enter into competition with the white labor-

ing masses, thus degrading their manhood, by placing them on an equality with negroes, is insulting to our race, and merits our most emphatic and unqualified condemnation.”¹

Ohio Democrats practically seconded the conduct of their brethren in Pennsylvania, while in Indiana they were equally vehement against freeing the slaves. In addition they declared that government in Indiana, in particular, was for white men, not for black men. New York Democrats did not talk as bluntly as those mentioned, but their hearts beat as one with all those who were trying to bring the administration into contempt, and restore the Union, if at all, with slavery intact. With all these indications of a public sentiment in four great Northern states, bent on building a backfire to embarrass the administration, it is not strange that Mr. Lincoln waited for the psychological moment in which to make his last moral move against the Rebellion.

Still the unwisely optimistic, and the ultra opponents of slavery, all through the summer of 1862, insisted that the time for emancipation was overdue, and that there was plenty of sentiment in the country to sustain the President should he so act. No better sample of the attitude of the impatient can be found than the following:

“The President, whose authority was ample to decree the abolition of slavery from the very commencement of the rebellion, and whose influence (such divinity doth hedge

¹Twenty Years of Congress. By James G. Blaine. Vol. 1, p. 436.

the chief of a nation) would have sufficed to unite the nation into carrying it into effect, refrained from action.”²

What is called “influence” in this paragraph, in the large and persuasive sense of that word was never possessed by any President of the United States. President Lincoln’s growing influence came because he did not act on the assumption that a man may wisely do whatever power permits him to do. All his influence could have been killed had he simply been bent on driving emancipation through any way.

But the elections of 1862 proved conclusively that Mr. Lincoln was really ahead of average public sentiment. New York and New Jersey elected governors opposed to the National Administration and its policies. In the Congressional and State elections adverse administration majorities were given in Pennsylvania, Ohio, Indiana, and Illinois, while Michigan, Wisconsin, Iowa, and Minnesota gave such reduced Republican majorities as to be suggestive if not alarming.

The Congressional elections were also freighted with disappointment for the administration. In the states including New York and west to Minnesota, the Republicans lost 21 representatives, While the Republican majority of 64 in the Lower House of Congress dropped from 64 to 27. But for the almost solid support the administration

² Editorial in National Anti-Slavery Standard, July 19, 1862, p. 2, col. 2.

received in New England, an opposition House might have been elected to hamper Mr. Lincoln.

It should be said, however, that other issues and interests operated to cut down support for the administration, but possibly no campaign cry was more effective than the charge that there had been a "Perversion of the War for the Union into a War for the Negro." Objections to conscription, the weight of increasing taxation, the currency, and the "high cost of living," by no means a purely twentieth century complaint, all helped furnish excuses for a vote against the administration.

Those who imagine that anything like a dominant anti-slavery, or emancipation opinion existed in the North in 1862, base their opinion on insufficient data. Even Horace Greeley, who did all in his power to push the President forward before "the fullness of time," makes this suggestive admission:

"It is quite probable that, had a popular election been held at any time during the year following the Fourth of July, 1862, on the question of continuing the War or arresting it on the best attainable terms, a majority would have voted for Peace; while it is highly probable that a still larger majority would have voted against Emancipation."³

If such was the uncertain if not hostile attitude of the public mind toward emancipation, the mys-

³ The American Conflict. By Horace Greeley. Vol. II, p. 254.

tery is, why did those who thus saw the situation, persist in forcing Mr. Lincoln's hand in the matter? Those whose memories go back to the Civil War period will, we fancy, agree with Greeley's statement, although they will probably not be able to answer the question propounded above.

THE MESSAGE OF 1862

On the first Monday in December, 1862, President Lincoln sent his second annual message to Congress. It was variously received, but two classes of people objected to it. Those who wanted the Union restored "as it was" did not like it, and the radical abolitionists criticised it severely. The real scope and meaning of the message was evidently not understood by the people at large at the time. It is given small attention by some of Lincoln's early biographers, and yet it now appears one of the most suggestive documents of Lincoln's official life.

This message referred briefly to the colonization scheme which had been passed by Congress, and Mr. Lincoln admitted that it had not been a satisfactory success. Quoting the initial draft of the Emancipation Proclamation, he launched a new compensated emancipation scheme. This was formulated as a suggested amendment to the United States Constitution. It provided that any state which should abolish slavery before the year one thousand nine hundred, should receive compensation for its slaves in the shape of interest-bearing Government bonds. All slaves, however, that had been freed by the chances of war, at any time before the end of the Rebellion, were to be forever free, but the loyal owners of such slaves

were to be compensated for their human property. The amended constitution also empowered Congress to provide the ways and means for the colonization of emancipated colored people, with their own consent, somewhere outside the territory of the United States.

Throughout the message there runs a deep desire to be not only just but generous to the holders of slaves, and to produce freedom under such guarded conditions as to make the least possible disturbance in the social or economic life of the people. Mr. Lincoln believed that sudden changes in human relationships were not desirable, and were often the causes of serious difficulty.

The President quite fully dealt with the "Future of Emancipated Slaves," and took up some of the suggested and imaginery dangers to follow in the wake of freedom. He declared that as free men negroes would be a no greater economic menace than they had been as slaves, and he held that emancipation, even without deportation, would probably enhance the wages of white labor.

Quite unconsciously of course Mr. Lincoln anticipated conditions which have appeared at various times since the Civil War. The people in the North declared that the old free states would be overrun by emancipated slaves. Mr. Lincoln dealt with this prediction by asking this question: "Why should emancipation South send the freed people North? People of any color seldom run, unless

there is something to run from." Mr. Lincoln did not see that the negroes in the South under freedom would find anything to run from. But finding social, economic, and political injustice, they did run from their old homes, as the increasing black population in Northern cities abundantly shows.

The breadth of Mr. Lincoln's mind was shown in more ways than one in this message. It was issued within a month of the time when the final and effective Emancipation Proclamation was due. It was the evident purpose of the President to do everything in his power to remove the causes of bitterness which would follow compulsory emancipation. From our present vantage ground it looks as if he felt that if every reasonable proffer he made was ignored or declined, responsibility for what might happen in the future would pass from him to those who declined to meet him half way. As showing Mr. Lincoln's ability to see all around a situation by considering both sides of a question, we have only to consult this message. In it he practically declared that the North as well as the South was responsible for the existence and the continuation of slavery in the Republic, and without ignoring the bad part played by the South in the Civil War, he felt that a lasting and satisfactory freedom could be secured by both sections of the country. That he believed his plan of compensation would be accepted may be doubted from the body of facts which we possess.

Among the severest critics of the message of 1862 was William Lloyd Garrison's *Liberator*. It not only found fault with the matter of the document, but with its manner. It seemed to Garrison that the President was taking a back track on the slavery question; *The Liberator* did not comprehend Lincoln's viewpoint, and was so intent on the ethics involved in the case, that it saw literary defects where it fancied there was moral tergite. Regarding this message, among other things *The Liberator* said:

"In the first place, we maintain that, whatever may be his natural ability, the President is not competent to write his own official papers. It is evident that they are all from his pen; for they all bear the same marks of crudeness, incongruity, feebleness and lack of method. There is no parallel to them among the state documents to be found in any nation."¹

So much for a criticism of Lincoln's style which time has proven unwarranted, and which competent unprejudiced cotemporaneous opinion should have repudiated.

Isaac N. Arnold, member of Congress from Illinois, in passing upon the same message, said:

"In accordance with the second paragraph of the proclamation, in language which for statesmanlike views, and clearness of statement, will compare favorably with any State paper in American Annals, he recalled to the attention of Congress the proposition of 'compensated emancipation.'"²

¹ *The Liberator*, December 5, 1862, p. 2, col. 4.

² *The History of Abraham Lincoln, and the Overthrow of Slavery*. By Isaac N. Arnold, p. 369.

If any evidence is needed of the inability of radical abolition prejudice to understand Mr. Lincoln's motives, or to measure his intellectual capacity and moral responsibility, it can be found in the following paragraph:

"To enable Congress to bribe the traitors, and buy up the treason, the President gravely proposes an amendment to the Constitution (which will require the approval of three-fourths of the States) giving that body the necessary authority, and the rebellion and slavery (the latter he admitted to be the sole cause of the former) till the introduction of the twentieth century to be metamorphosed into loyalty and freedom! This is something more deplorable than lack of common sense. It closely borders on hopeless lunacy. It will assuredly excite the astonishment of all Europe, the derision of the Southern traitors, and the pity of every true friend of freedom. It would, in our judgment, warrant the impeachment of the President by Congress as mentally incapable of holding the sacred trusts committed to his hands."³

That a man as constitutionally kind as Mr. Garrison, could in cold blood, or even in passion, write a statement like that about Lincoln, proves how bitterly disappointing, not to say discouraging, conditions were in this country during the last month of 1862.

³ The Liberator, December 5, 1862, p. 2, col. 3.

THE FINAL PROCLAMATION

As has been shown there was much concern as to what President Lincoln would do in applying the Emancipation Proclamation as the First of January, 1863, approached. There was no indication on the part of the border slave states that they would accept compensated emancipation. As the Proclamation did not include these states in its provisions, there may have been no reason why they should, as no direct hint was given that it was the intent of the President to disturb the "peculiar institution" in states not in rebellion against the Government. The great desire on the part of Mr. Lincoln that voluntary emancipation should be adopted by these states seems to have been due to a purpose on his part to as rapidly as possible entirely remove slavery from the country. It seems almost conclusive that after the policy of Emancipation had been adopted by him, this larger desire was at the center of his purpose.

The people did not have long to wait to find out the President's intention. Promptly on the First day of January the final Proclamation appeared. It contained both clear-cut and qualifying clauses, and was as follows:

"Whereas, on the 22nd day of September, in the year of our Lord 1862, a proclamation was issued by the Presi-

dent of the United States, containing, among other things, the following, to wit:

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

“That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.’

“Now, therefore, I, ABRAHAM LINCOLN, President of the United States, by virtue of the power in me vested as Commander-in-chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively

are this day in rebellion against the United States, the following, to wit:

“Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemine, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

“And, by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

“And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

“And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

“And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

“In testimony whereof, I have hereunto set my name, and caused the seal of the United States to be affixed.

“Done at the city of Washington, this 1st day of January, in the year of our (L. S.) Lord 1863, and of the independence of the United States the 87th.

“By the President: ABRAHAM LINCOLN.

“William H. Seward, Secretary of State.”

President Lincoln's tenacity of purpose, having once put his hand to the plow, seems never to have wavered, notwithstanding the fact that the registered public opinion of the North apparently had not approved his original act. It will be noted that of the states in rebellion, Tennessee was not included in the Proclamation. This was a concession made to Andrew Johnson, then military governor of that state. His feeling was that such exception might help in “unionizing” that commonwealth, in which there was a considerable loyal sentiment. The parts of states excepted from the provisions of the Proclamation were believed to be in process of reconstruction, and what government they really possessed was administered, either directly or indirectly by the military power of the United States. These exceptions were entirely in harmony with Mr. Lincoln's purpose not to violently disturb slavery only in such states, or parts of states, as were actually disputing the authority of the General Government. As he always believed that his Constitutional right to deal with slavery was purely as a necessity of war, he was careful at this time not to move against the institution where slave-holders were not opposing the authority of the United States.

This Proclamation had a more spectacular reception than the first draft issued in September. In several cities military salutes were fired in its honor. Governor Andrew, of Massachusetts, issued a special proclamation, ordering a salute of one hundred guns, as representing the recognition by the commonwealth, of this important act. Meetings were held in churches and halls all over the North; but these demonstrations by no means indicated a unanimous approval of the President's action. It is in fact hardly safe to assume that a majority opinion was with Mr. Lincoln in January 1863, any more than it was in the preceding September.

TWO KINDS OF CRITICS

While the friends of Freedom and the Union were rejoicing over the Proclamation, the opposition when not in sullen mood sneered at the action of the President, and heaped upon him personal abuse, as they hurled hatred at the cause which had won such an epoch-making document as the Emancipation Proclamation.

There seems to have been about the same alignment of pro-slavery opinion in the North as there was in September. Of course Confederate opinion had, if anything, grown more intense. Jefferson Davis sent a message to the Confederate Congress dated January 12, 1863. It contained this paragraph, among other statements, as to how the states in rebellion against the Government, should meet Mr. Lincoln's Proclamation:

"So far as regards the action of this government on such criminals as may attempt its execution, I confine myself to informing you that I shall—unless in your wisdom you deem some other course more expedient—deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured by our forces in any of the states embraced in the Proclamation, that they may be dealt with in accordance with the

laws of those states providing for the punishment of criminals engaged in exciting servile insurrection.”¹

The upshot of the matter was that officers in the Union Army were to be considered criminals, according to the antiquated and almost barbarous codes of Dixie. They were to be charged with inciting slaves to insurrection, and dealt with accordingly. That these drastic methods were not applied was due to the certainty of prompt and literal retaliation, rather than to any nice notions about the amenities of so-called civilized warfare.

A great variety of captious critical opinion was uttered in the North. Probably Earl Russell, England's Foreign Secretary, expressed the views of a good many pro-slavery men and Southern sympathizers in the North, better and more ingeniously than they could do it themselves. The letter was dated Foreign Office, London, Jan. 17, 1863, and was addressed to Lord Lyons, British Minister to the United States. Referring to Mr. Lincoln's Proclamation, Earl Russell, among other things, said:

“It professes to emancipate all slaves in places where the United States authorities cannot, exercising jurisdiction, now make emancipation a reality, but it does not decree emancipation of slaves in any States or parts of States occupied by Federal troops and subject to Federal jurisdiction, and where, therefore, emancipation if decreed,

¹ American Annual Cyclopædia of the Year 1863, p. 786.

might have been carried into effect. . . . There seems to be no declaration of principle adverse to slavery in this proclamation. It is a measure of war, and a measure of war of a very questionable kind. As President Lincoln has twice appealed to the judgment of mankind in his proclamation, I venture to say that I do not think it can or ought to satisfy the friends of Abolition, who look for total and impartial freedom for the slave, and not for vengeance on the slave-owner.”²

Earl Russell, like the pro-slavery critics of Mr. Lincoln at home, failed to recognize that the preliminary draft of the Emancipation Proclamation provided an easy way of emancipation with no vengeance in it. While Earl Russel claimed to speak for abolitionists, he was quite willing to join in the hue and cry against the one man in power who was providing any sort of abolition. All critics of Mr. Lincoln of this class either could not, or did not want to understand his purpose not to exceed his constitutional prerogatives in dealing with slavery.

But even Earl Russell himself seems to have considered that English opinion in the main was more sympathetic with the cause of the Union, than was certain British official opinion. The *London Morning Star* of Jan. 2, 1863, made this statement: “Lord Russell expressed to Mr. Adams his belief that English sympathy as tested by popular meetings, would still be found to be upon the side of the United States.”

² The same, p. 834.

The *Star*, however, thought the Foreign Secretary did not make his statement strong enough. It declared that the "overwhelming preponderance of sentiment was for the North."

The workingmen of England were very positive in placing their sympathy on the right side. On the evening of December 31, 1862, a large meeting of workingmen was held in London, at which an address to President Lincoln was adopted. The meeting was held to signify support of the emancipation policy of Mr. Lincoln. In this address we find this statement:

"We have heard with indignation the slander that ascribes to England sympathy with a rebellion of slave holders, and all proposals to recognize in friendship a confederacy which boasts of slavery as its corner stone. We have watched with warmest interest the steady advance of your policy along the path of emancipation; and on this eve of the day on which your proclamation of freedom takes effect, we pray God to strengthen your heart, to confirm your noble purpose, and to hasten the hearts, to confirm your noble purpose, and to hasten the restoration of that lawful authority which engages, in peace or war, by compensation or by force of arms, to realize the glorious principle on which your Constitution is founded—the brotherhood, freedom and equality of all men."

No stronger or more sympathetic words than these came to the sorely tried President during the four years of our National conflict. Similar meetings were held in many towns and cities in England. On the same evening as the London

meeting a great gathering was held in Sheffield, at which a series of resolutions was passed. We quote the last one:

“That in the opinion of this meeting it is the duty of England, as the recognized enemy of slavery, to give her sympathy and support to the Northern States, to disapprove of the origin and continuance of the slave-owners’ rebellion, and by all peaceable means to try to cement a closer and stronger union between this country and the people and government of America.”

As time went on, certain advanced Abolitionists in this country curbed the disposition to acknowledge any original emancipation purpose on the part of President Lincoln. On the last Sunday evening of 1862, Wendell Phillips delivered a long discourse in Masonic Hall, Boston, entirely made up of criticism of the President’s recommendation regarding colonization, exaggerating it into a main issue rather than an incident in Mr. Lincoln’s policy. On the following Sunday evening, after the final Proclamation, Mr. Phillips had that document for his subject. He gave all the credit to the “people,” and declared that the Proclamation was “the reluctant gift of the leaders to the masses.” Even then men of the Phillips type had not yet caught the Lincoln spirit.

In closing this chapter it may be a matter of interest to consider the full extent of Emancipation as it was planned by President Lincoln. The

Anti-Slavery Standard made a calculation and a compilation showing the number of slaves included under the Emancipation Proclamation. It made out a grand total of 3,123,349. As the number of slaves in the United States as reported by the census of 1860, was 3,953,857,³ it would seem that the Proclamation left only 830,238 outside of its provisions.

³ National Anti-Slavery Standard, Jan. 10, 1863; p. 2, Vol. I.

THE PRO-SLAVERY ELEMENT IN EVIDENCE

In March 1863 a law was passed by Congress authorizing an enrollment of all men in the states subject to military duty. Three months later President Lincoln in accordance with the provisions of the statute, ordered a draft so apportioned as to raise the 300,000 men for the Union armies. This draft was listed to begin in New York City on the 13th of July. Promptly on time the pro-slavery and anti-administration newspapers of the metropolis began to inflame the public mind, and to do so in such a way as to inspire resistance to the law, the result being the most disastrous and diabolical riot which ever disgraced an American city.

While resistance to the draft was pretendedly general, and based on its claimed unconstitutionality, it was at heart traitorous, and pro-slavery to the core. As the riot progressed it vented its fury largely on inoffensive colored people, and burned or damaged the property of prominent abolitionists and friends of the Union. It was one of the ugly reactions from the emancipation policy of the President, showing plainly the strength and character of the opposition to the administration. That opposition to the "abolition war" was the real spirit behind this riot, is easy

of demonstration. On the morning before the draft began, the *New York Journal of Commerce* said: "Some men say, 'Now that the war has commenced it must not be stopped until slavery is abolished.' Such men are neither more nor less than murderers."

Riots of far less importance were simultaneously inaugurated in Boston, Jersey City, N. J., Troy, N. Y., and other places. The Union victory at Gettysburg and the fall of Vicksburg, however, had a discouraging effect upon the rioters, and the outbreaks rapidly subsided. That they were all demonstrations in aid of the Confederacy was pretty generally understood by Union men. If any thing more was needed in confirmation the exulting Confederate press voluntarily furnished the missing link.

The Richmond, Va., *Enquirer* of July 18, among other things said:

"Riot, murder and conflagration have begun in New York. It is a wonder that this good work did not commence long ago; and this excellent outbreak may be the opening scene of the inevitable revolution which is to tear to pieces the most rotten Society, and leave the Northern half of the old American Union a desert of blood-soaked ashes. We bid it good speed."

The *Richmond Dispatch* of the same date, after predicting the absolute failure of the draft, and declaring that "the days as well as the soldiers of the Federal Army are numbered," thus gleefully encouraged the contemplated Confederate fire in

the rear, in the shape of rapine and murder at the hands of pro-slavery mobs in the North:

“Let us have more of these outpourings—a few more great cities on the mourners bench—some more guttings and sackings of houses, and hanging and mutilating of men. It saves the Confederate troops a deal of marching, and lops off many a dreary month of this war. The sacking and burning has been heretofore at the South. Our compliments to our Northern ‘brethren,’ and may they enjoy their turn.”

That the draft riots gave heart to the Confederacy needed no Southern witnesses to prove. Every anti-administration newspaper in the North furnished ample evidence of that fact. These papers practically exhorted opposition to the authority of the government. Wherever mobs of this sort gathered and operated, they exhibited the Southern spirit as clearly as the two Richmond papers quoted above voiced it. At no point was this fact better illustrated than in the venom visited upon the colored people. The natural supposition would lead one to think that even a mob would have no cause against little children. But the mob in New York respected neither age nor sex. The colored Orphan Asylum was set on fire and destroyed. The *New York Herald* of July 16th, said:

“The poor negroes, or what is left of them, are hourly leaving the city. They claim that they are hardly allowed the privilege of escaping. Everywhere throughout the

city they are driven about like sheep, and numbers are killed, of whom no account will ever be learned."

But it is not necessary to elaborate the revolting details. Enough has been given to illustrate the condition. The *Evening Post*, published in the metropolis, in a headline aptly called the riot "the New York Branch of the Great Rebellion."

This demonstration of insane and brutal fury in the Nation's chief city, helped to show how mistaken was that judgment which thought that nothing was necessary but emancipation to unite the North, and make the armies of the Republic continuously victorious. The draft itself proved that voluntary enlistments had not kept up the demand for recruits.

LINCOLN'S MAINSTAY WAS THE PEOPLE

No more seemingly unaccountable conditions have existed in the political history of the country than those which ushered in and continued during the Presidential campaign of 1864. The Emancipation Proclamation had become well grounded, and no reaction from its provisions or its results seemed likely. The state of Maryland, which had rejected President Lincoln's proffer of compensated emancipation, had amended its constitution forever prohibiting slavery. While the war still drew its weary length along, there was evidence in plenty that the Confederacy was weakening, and nothing but a reasonably united North was necessary to crush the rebellion.

Notwithstanding all this, there was respectable and influential, if not numerous opposition to the renomination of Mr. Lincoln. Some who had importuned him in season and out of season to issue the Emancipation Proclamation were among his most noisy opponents. With such men as Salmon P. Chase, Benjamin F. Wade, Henry Winter Davis, and Horace Greeley, at odds with the President, and planning if not plotting to prevent his nomination, there was certainly an opposition which could not be ignored. Sumner, the commanding Senator from Massachusetts, was half-

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hearted, and Thaddeus Stevens, the Pennsylvania "Commoner," was sulking in his tent. The trouble with the latter was that Mr. Lincoln had not been hard enough on the rebels, and had not sufficiently punished the South, as Stevens thought he was in duty bound to do under the circumstances. But whatever the old line Free Soil leaders thought or did, the people believed that the war could end victoriously, and the fruits of freedom which it carried be better and more surely secured under Mr. Lincoln than any one else.

There were many men, who had been influential in the Republican party, who were willing to predict that Mr. Lincoln could not be re-elected. Senator S. C. Pomeroy, of Kansas, in the winter of 1864, thus expressed himself: "That even were the election of Mr. Lincoln desirable, it is practically impossible against the union of forces that will oppose him."

Men, whose dominant issue was abolition, were also inclined to be pessimistically prophetic. In its issue of April 16, 1864, the *National Anti-Slavery Standard* said editorially: "You may nominate Mr. Lincoln, possibly, without satisfying the Radicals; but you cannot elect him."

It is scarcely necessary to go into a detailed review of the campaign. The Democrats nominated General George B. McClellan for President on a platform that pronounced the war a failure, and demanded a peace parley, and negotiations which

should contemplate and secure peace on almost any terms.

The radical Republicans met in mass convention, in Cleveland, a week ¹ before the Republican Convention, and nominated General John C. Fremont for President. One curious thing about this Convention was that its platform was tame and halting compared with the Republican deliverance, and much less radical and insistent regarding slavery. The candidates nominated at Cleveland withdrew in September, and probably would have been literally laughed out of court had they not done so.

The conglomerate character of the Cleveland platform, led to the charge, if not the conclusion, that it was partly made for consumption by the Democrats when they should meet in Chicago. Senator Pomeroy's statement about the "Union of forces that would oppose" Mr. Lincoln, was thought to be based on the expectation that in some unforeseen way the Radical ox and the Democratic donkey would be yoked together, and the defeat of Lincoln assured. But the people discounted all of the prophets when it came their turn to act.

The Republican Union Convention, as it was called, met in Baltimore, June 7, 1864, and unanimously nominated Abraham Lincoln for President. The fortunes of war, such as Sherman's

¹ May 31, 1864.

march to the sea, and Sheridan running Hood out of the Shenandoah Valley, fired the popular imagination, and forestalled Mr. Lincoln's election. Yet it must be admitted that there were grave apprehensions, not so much for his defeat, as that the margin of success might be so narrow and dubious, as to greatly temper the victory.

There was a rapid readjustment and realignment of public opinion after the Baltimore Convention adjourned. The *Anti-Slavery Standard* considered the Union Republican platform much more satisfactory than the supposed radical utterance at Cleveland. Mr. Garrison was almost enthusiastic. Speaking of the Republican platform, the *Liberator* said:

"This third series of resolutions, though longer than either of the others, is written with much spirit and vigor, and really contains more expression and suggestion of reformatory measures than an abolitionist would expect to proceed from so large a body of men, assembled to promote the nomination and election of Abraham Lincoln."²

In a speech delivered in New York a month before the Baltimore Convention, Mr. Garrison said:

"No man is now so detested by the rebels as Abraham Lincoln, and hence he thought the people would let him 'run the machine four years longer.' Granting that justice had not been done to the negro, were the people a hair's

²The *Liberator*, June 17, 1864, p. 2.

breadth in advance of the President? Was not the President, after all, a little in advance of them?"³

Mr. Lincoln carried all of the loyal states, except New Jersey, Delaware and Kentucky, but his popular majority over McClellan was only 411,428. His majority in New York, where Tammany ruled, was a little over seven thousand, while Pennsylvania would have been lost but for her soldier vote. It will thus be seen that there was an immense public sentiment against the election of Lincoln, which sentiment was hostile to the policy of the administration regarding slavery, and the vigorous prosecution of the war. This clearly shows how well Mr. Lincoln read the public mind, and how he wisely refrained from proclaiming emancipation before its time. But figures speak louder than words. Lincoln's vote was 2,213,665; McClellan's 1,802,237. Considering the great humane and National interests for which Lincoln stood, from our present-day standpoint it seems strange that the opposition to him was so large.

It is small wonder that under the circumstances Mr. Lincoln was an apprehensive candidate. The late Alexander K. McClure was Lincoln's assistant campaign manager in Pennsylvania. McClure says that after the October elections Lincoln was

³ Quoted from Centralia, Ohio, Sentinel in Liberator of June 17, 1864. p. 2.

fearful about New York and Pennsylvania.⁴ While he could be elected without these states, the moral effect of their loss would have been disappointing if not disastrous.

McClure tells us that on the 23d of August, 1864, Lincoln wrote the following statement, which he signed:

“This morning, as for some days past, it seems exceedingly probable that this administration will not be re-elected. Then it will be my duty to co-operate with the President-elect so as to save the Union between the election and the inauguration, as he will have secured it on such grounds that he cannot possibly save it afterwards.”⁵

This depressing statement would seem to show that Mr. Lincoln, with his accustomed modesty, had not fully measured the hold he was getting on the plain people, of whom he was one, and in whom he had great confidence.

⁴ Our Presidents and How We Make Them. By A. K. McClure, LL.D., p. 155.

⁵ The same, p. 183.

LINCOLN AND RECONSTRUCTION

Those who like to conjure over what might have been, have indulged in not a little speculating as to what would have happened had Mr. Lincoln lived to direct the Government's reconstruction policy. In the main, conjectures of this sort are profitless, for there is hardly material enough upon which to base a safe guess. So far as he did show his hand in this particular it was to antagonize Congress, and had his purpose been revealed a year earlier it might have imperiled his re-election.

We know that Mr. Lincoln greatly desired the speedy rehabilitation of the states in rebellion, but he was determined that nothing should be permitted which would destroy the results of the war, as it was borne in upon him they should be. He was equally desirous that there should be as little resort to military government in these states as possible.

In December, 1862, an election was held in two Congressional Districts in the State of Louisiana, and Benjamin F. Flanders and Michael Hahn were elected Representatives in Congress. These men had been elected under an order of General Shipley, the Military Governor of the State.

This election undoubtedly received the endorsement if it was not devised by the President. Early in February, 1863, the two Louisiana Rep-

representatives were admitted to their seats. This result was not accomplished, however, without much opposition. It is comment enough on the unsatisfactory character of this experiment to say that it was never repeated.

When the Thirty-eighth Congress met December 3, 1863, and President Lincoln presented his annual message, it was found to carry what became known as a Proclamation of Amnesty. In this Proclamation the President announced that "to all persons who have directly or by implication participated in the existing rebellion except as herein excepted, a full pardon is hereby granted with restoration of all rights of property except as to slaves, upon condition that every such person shall take and subscribe an oath, and thenceforward maintain said oath inviolate." The substance of this oath was as follows: "Henceforth to faithfully support and defend the Constitution and the Union of the States thereunder," to abide by all laws and proclamations, "made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court." The following persons were exempt from the benefits of this pardon: "Civil and diplomatic officers in the Confederate Government; those who left judicial stations in the United States Government to aid the rebellion; military officers of the Confederacy above the rank of Colonel, and naval officers beyond the rank of

Lieutenant; all who left seats in the Congress of the United States to aid the rebellion; all who left the National Army or Navy to aid the rebellion; all who had treated colored persons found in the military or naval service of the United States otherwise than as prisoners of war."

Mr. Lincoln proposed to establish a State government wherever there should be found a population loyal to the Union, sufficient to cast a vote equal to one-tenth of that cast at the Presidential election in 1860. As a partial result of this plan, what was called a Free State Convention met in New Orleans, January 8, 1864. General Banks, in command of the military district, on the request of this convention, asked an election for state officers, to be held on Washington's birthday. Michael Hahn, one of the two Congressmen before mentioned, was elected Governor. Mr. Hahn was installed on the 4th of March, and on the 15th Mr. Lincoln issued a Presidential order, in which he said that Mr. Hahn would be "invested until further orders with the power exercised hitherto by the military governor of Louisiana."

The President accompanied his order with a personal note, one of the most felicitous pieces of writing in the whole Lincoln collection, in which he said:

"I congratulate you on having fixed your name in history as the first free-state Governor of Louisiana. Now you are about to have a convention which among other things

will probably define the elective franchise. I barely suggest for your private consideration whether some of the colored people may not be let in, as for instance the very intelligent and especially those who may have fought gallantly in our ranks. They would probably help in some trying time in the future to keep the jewel of Liberty in the family of Freedom."

In speaking of this letter, James G. Blaine said: "It was perhaps the earliest proposition from any authentic source to endow the negro with the right of suffrage, and was an indirect but most effective answer to those who subsequently attempted to use Mr. Lincoln's name in support of policies which his intimate friends instinctively knew would be abhorrent to his unerring sense of justice."¹

Louisiana's reconstruction was continued by the adoption of a new constitution which forever prohibited slavery. The vote on this document though small, met the President's requirement of ten per cent. of the last Presidential vote. Following the example of Louisiana, an effort was made to reconstruct Arkansas. A loyal governor was chosen, an anti-slavery constitution was adopted, and two United States Senators selected. These men were refused their seats by the Senate, and Congress took a hand at reconstruction by passing a bill having that purpose. The upshot of this plan was that no state that had been in

¹Twenty Years of Congress. By James G. Blaine. Vol. II. p. 39.

rebellion could secure representation in Congress, or recognition as an active and integral part of the Union, until a majority of the white male citizens had taken the prescribed oath of allegiance, and then only in case military resistance to the United States had ceased in such state. In addition collateral provisions of various kinds were to be observed. The bill passed in the closing days of Congress. It was considered a rebuke to President Lincoln, and a condemnation of his reconstruction efforts. Mr. Lincoln neither signed nor vetoed the bill, and it therefore fell back dead.

The country was on the verge of the Presidential election of 1864. Congress not being in session, what might have been a conflict between the Executive and Legislative branches of the Government was thus avoided. Two men, however, Henry Winter Davis, of Maryland, and Benjamin F. Wade, of Ohio, one a Representative, and the other a Senator, issued a rather fierce protest against the President's plan, but it had no perceptible effect on the election. By this time the people were beginning to have more faith in Mr. Lincoln than they had in the politicians or the extremists in Congress.

When Congress met in December, 1864, Mr. Lincoln ignored the controversy in his message. Congress, however, was not so willing to forgive and forget, and proceeded to pass a joint resolu-

tion declaring that certain States "were not entitled to representation in the electoral college." That the resolution was aimed at Mr. Lincoln's reconstructed states, was universally admitted. On February 8, 1865, the President sent a short special message to Congress, one of the most pointed and at the same time most tactful public documents ever issued by him. He signed the joint resolution, and thereby refused to be drawn into any controversy with the law-making branch of the Government. If the intent was to rebuke him, he robbed the resolution of whatever sting it had, and then assumed the even tenor of his way.

While his opponents in Congress referred to Louisiana and Arkansas as Mr. Lincoln's "ten per cent. states," he insisted that his plan had merit, and defended it to the end. Within four days of his assassination, in the last speech he ever made, he said regarding the twelve thousand men who had set up the new government in Louisiana:

"If we now reject and spurn them we do our best to disorganize and disperse them. We say to the white man you are worth less or more. We will neither help you, nor be helped by you. To the black man we say, this cup of liberty, which these, your old masters, hold to your lips we will dash from you, and leave you to the chances of gathering the spilled and scattered contents in some vague and undefined way where and when and how. If this course,

discouraging and paralyzing to both white and black, has any tendency to bring Louisiana into proper practical relations with the Union, I have so far been unable to perceive it. If, on the contrary, they recognize and sustain the new government of Louisiana, the converse of all this is made true. We encourage the hearts and nerve the arms of twelve thousand men to adhere to their work and argue for it, and proselyte for it, and grow it, and ripen it to a complete success. The colored man, too, in seeing all united for him, is inspired with vigilance and with energy and daring to the same end. Grant that he desires the elective franchise. He will yet attain it sooner by saving the already advanced steps towards it than by running back over them. Concede that the new government of Louisiana is only to what it should be as the egg is to the fowl, we shall sooner have the fowl by hatching the egg than by smashing it."

The points of difference between Mr. Lincoln's plan of Reconstruction and that suggested by Congress were altogether matters of method, the vital principles involved being alike in both cases. Mr. Lincoln proposed to reconstruct the states in rebellion on the basis of a fit nucleus of loyal citizens, less than a majority of the entire white male electorate. Congress desired the larger basis. The President believed that the majority could be educated back to loyalty by the example of the experimental government, fully in line with the Union. He wanted a reconstructed state sooner than was possible under the Congressional plan. It was said in criticism of the President's plan that his "ten per cent." states could not exist without the support of the mili-

tary. But that would probably have been true of any Reconstruction plan that could have been applied.

The last speech of Lincoln, quoted above, is particularly suggestive because of its reference to the colored people, and his solicitude in their behalf. That he had their best interests at heart to the end, even their reasonable and regulated enjoyment of the franchise, admits of no doubt.

SECESSION AND RECONSTRUCTION

After four years of war, the most costly in blood and treasure in the history of the world, the Nation faced problems of peace not less perplexing than those which characterized the conflict. The power of the Confederacy was crushed with the conquering of its armies. It was generally admitted that African slavery as it had been known in this country for nearly two hundred and fifty years was gone. But that did not mean that those who had been its beneficiaries, and who had inaugurated and carried on the war to maintain the institution were convinced that either the holding of slaves, or the attempted secession in order to set up a new government with slavery as its social and industrial cornerstone was wrong. The South could not maintain its cause by force, and whatever yielding there was came as the result of necessity, and not from conviction.

Manifestly the war had made a readjustment of relationships necessary. Whatever the legal nature of secession or the continuous character of a state, under the constitutional provisions upon which the Union of States rested, there had been

a break in the National family. What the country proposed to do about it constituted the problem of Reconstruction. The problem also included the status of nearly four million black folks whom the fortunes of war had transformed from a condition of servitude to one of freedom, carrying with it responsibilities regarding which the emancipated race knew nothing.

Plans of Reconstruction were colored and practically conditioned by theories of secession, and ideas as to what a state could do to take itself out of the Union. There were different finely-spun theories relating to this subject. Had it been possible to consider facts and acts, and their results, without much regard for the dogmas which had inspired the acts, the solution of the problem might have been different.

The people of the South, and their northern sympathizers, considered secession the right and privilege of a state, hence the whole affair from the firing on Sumter, through the four years' carnival of blood, was something to be forgotten in a day and forgiven on sight. Academic secession still has its defenders in the North, and the South has never ceased to believe in the right of actual secession, as part of the Southern idea. Leading secessionists are cannonized by Southern men, and the soldiers of secession have been immortalized by Southern women in inscriptions

like the following on many monuments throughout the South:

“THEY GAVE THEIR ALL IN DEFENSE OF HOME, HONOR, LIBERTY, AND THE INDEPENDENCE OF THEIR NATIVE LAND. THEY FOUGHT THE PATRIOTS’ FIGHT. THEY KEPT THE FAITH OF THEIR FATHERS, FOREVER HONORED AND FOREVER MOURNED.”¹

Historians and publicists long since the Rebellion have lent dignity to the secession theory, amounting to apologies for the act of secession in 1861. In witness of this statement we produce the following, written in commenting on the conduct of the men who set up the Southern Confederacy:

“The legal theory upon which this startling and extraordinary series of steps was taken was one which would hardly have been questioned in the early years of the government, whatever resistance might then have been offered to its practical execution. It was for long found difficult to deny that a State could withdraw from the federal arrangement, as she might have declined to enter it.”²

Another theory came on the heels of the war. It was held by President Andrew Johnson, although the claim is made that it was hatched by William H. Seward. Mr. Johnson exploited this theory in his first message to Congress in December, 1865. He assumed that any plan for dealing

¹ Inscription on Confederate Monument at Aiken, S. C. Erected by the Ladies’ Monument Association, July 23, 1901.

² Epochs of American History. Vol. III, p. 211. Division and Reunion. By Woodrow Wilson, Ph.D., LL.D.

with the states lately in rebellion, short of receiving them as full partners in the Government, would amount to the military control of such states. He then asked the question:

“Would not the policy of military rule imply that the states whose inhabitants may have taken part in the Rebellion, have by the act of those inhabitants ceased to exist? when the true theory is, that all pretended acts of secession were from the beginning null and void.”

Practical men insisted that whatever may have been the status of states as geographical and political subdivisions of the United States, and however constitutionally null and void acts of secession may have been, the conduct of the men who exploited secession, and which gave the country the Civil War with all of its horrors, was a sad reality in spite of anybody's theories.

Samuel Shellabarger, member of the House of Representatives from Ohio, in a speech delivered before that body in the winter of 1866, put in plain language the position of moderate men regarding this matter. After declining to discuss such hair-splitting questions as to whether any state in rebellion “lost its territorial character or its defined boundaries or subdivisions, for I know of no one who would obliterate these geographical qualities of the states,” Mr. Shellabarger said:

“What is before Congress? I at once define and affirm it in a single sentence. It is, under our Constitution, possible to, and the late Rebellion did in fact, so overthrow

and usurp in the insurrectionary States, the loyal State Governments, as that during such usurpation such States and their people ceased to have any of the rights or powers of Government was such that the United States may, and ought to, assume, local powers of the lost State Governments, and may control the re-admission of such States to their powers of Government in this Union, subject to, and in accordance with, the obligation to guarantee to each State a republican form of Government."

Between the theory of President Johnson to the effect that the theory of secession could not be resolved into an act of secession, and the theory of Mr. Shellabarger, based on his statement of fact as to what really happened, there was an irreconcilable conflict. Around these two theories the battle of Reconstruction raged.

Every plan of Reconstruction vitally depended upon the theory of secession, and the action advocated for dealing with those who revolted against the Government. If a state could as rightfully withdraw from the Union as it could have withheld from entering it, and that without regard to the other contracting parties, no offense could really be committed. In that case, those who fought for secession and a separate government were in the right, and those who tried to make them obey the compact they entered into when they entered the Union were wrong. The Government simply enforced by might what it had no right to demand. In that view of the case, the men who led the armies of the Confed-

eracy, and sat in the seats of its Congress, should have been invited back to the family table, after their play-spell with secession, with apologies from the loyal North printed on the bill-of-fare.

If, on the other hand, it is the business of every government to maintain its own integrity, and perpetuate its own life, a different policy would be demanded. Mr. Lincoln, in his first inaugural, said:

“I hold that, in the contemplation of universal law and of the Constitution, the Union of these States is perpetual. Perpetuity is implied if not expressed in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination.”

In that view of the case, the Government was under obligations to do whatever ripest judgment indicated might be necessary to prevent another rebellion. It would thus seem that a Nation has the same right to deal with its civic offenders, the enemies of its life, that the community has to protect itself from its criminals, and those who persist in disturbing its peace and order. The thief and the embezzler may not cease to be citizens, even when in jail. Society and the state, however, quite properly deprives these people of influence or control in its affairs, according to their own pleasure. Even though it is assumed that the inhabitants of the states in Rebellion were

still part of the Union and citizens of the United States, it by no means follows that there were commanding obligations requiring that they be asked to mount the seat of authority and drive the Government wagon.

All who held the Lincoln view of the Union favored quite a different scheme of Reconstruction from those who clung to the Johnson idea. The methods they employed may have been ill-advised in part, and their defense has little place in this rehearsal of events. We simply deal with the matter in order to make subsequent events more plain.

BEFORE THE "CARPET-BAGGERS"

It is the common practice in discussing the work of Reconstruction which followed the Civil War, to deal principally with the claimed wrongs of the "Carpet-bag Governments" which were set up in the rebellious states by act of Congress, and to the confessed outrages of the Klu-Klux Klan. Without going into the details of these unfortunate twin experiences, it is quite desirable to understand what happened immediately after the death of President Lincoln. In this conduct is to be found the course and secret of much that came later.

When Andrew Johnson succeeded to the Presidency, he did a good deal of vehement talking about "making treason odious and punishing traitors." Many friends of the Union feared and others fancied that the aftermath of the Civil War was to be a round of "bloody reprisals" for the guilty promoters of secession and rebellion, with the slaughter of the gallows supplementing the carnage of the battle field. But quite suddenly Mr. Johnson toned down his utterances, and was soon found exploiting a plan of Reconstruction, the upshot of which was to make the leaders and actors in the Rebellion the beneficiaries of the Presidential favor.

The pretense if not the purpose of the Johnson

plan was both plausible and laudable on the surface. His announced desire was the speedy rehabilitation of the states lately in rebellion, and their restoration to their normal status in the Union.

Mr. Johnson acted on the supposition that the work of Reconstruction was a task entirely belonging to the Executive, and to be worked out by him with no interference on the part of the legislative branch of the Government. As will be seen later, Congress thought quite differently. What happened during the conflict inaugurated between the President and the law-making body, contained the sign if not the seed of what was later accomplished in the South under the forms of law, which practically resulted in the nullification of the dominant purpose of the Reconstruction program enacted by Congress.

The first step in the Johnson plan was the issuing of a "Proclamation of Amnesty and Pardon." It was not so much different in scope from that outlined in Mr. Lincoln's message to Congress in December, 1863. An oath of allegiance was provided, but fourteen types of persons were specified, for whom the machinery of this proclamation was not supposed to operate. Literally applied, it would have left a long line of the Rebellion's backers out in the cold, not to be covered by the Reconstruction blanket.

On the same day the Johnson proclamation was issued, May 29, 1865, a provisional governor was

appointed by the President for the state of North Carolina. This step having been taken, the machinery for creating a complete State Government was set in motion. A State convention was convened by the governor, with assigned power to amend the constitution of the commonwealth, and do whatever might be necessary "to restore the states' constitutional relations to the Federal Government." Following this convention the various departments at Washington were instructed to re-establish all of the General Government offices and agencies in North Carolina. In a few days the same "hurry-up" policy was applied to the states of Mississippi, Georgia, Texas, South Carolina and Florida. So swiftly and apparently smoothly did the plan work that by the middle of July all of the Confederate States had taken their immunity bath, and so far as the will of the President could make it so, came out of the solution really Reconstructed.

The so-called Reconstruction Conventions in the Southern States, called together by Presidential fiat, assumed legislative powers, and proceeded to provide for sending a full corps of Senators and Representatives to the National Congress. Both the conventions and the elections were largely manned by ex-Confederates, some of them wearing the uniform which they wore when fighting against the Government.

When Congress met in December, 1865, Alexander H. Stephens, late Vice-President of the

Confederacy, appeared in Washington full of argument as to why he should be admitted as a United States Senator from Georgia. Other men less noted but not less guilty as enemies of the Union came from other sections of the South, invoking the Constitution they had recently repudiated, to help them secure seats in the National Congress. Their boast was that they would submit to no condition whatever that might be imposed by the National authority. This conduct can scarcely be understood unless we assume the possession of phenomenal innocence, or an amazing insolence on the part of men whose trade had been war and politics.

The Southern leaders were evidently basing their hope for a false assurance that the backing of the President would enable the Reconstruction folly to run its full course. They were also fortified by the sympathetic statements of newspaper organs in the North, which had been half treasonable all through the Civil War. But it turned out that these organs were no better estimators of Northern public opinion in the second case, than they were in the first.

The meeting of the Thirty-ninth Congress the first Monday in December, 1865, furnished very positive evidence that quick-action Reconstruction, though promoted by the President, was to encounter an opposition which forshadowed its defeat. Congress was not slow in affirming that

the work of Reconstruction would be directed from the Capitol and not from the White House. This position was emphasized by the appointment of a strong joint Congressional Committee on Reconstruction. This was the beginning of that prolonged controversy between Congress and the Executive, which in all of its aspects forms a regrettable part of our National history.

The amazing thing is that the President was not able to see the end from the beginning. Considering the fact that each House of Congress has absolute jurisdiction over its own members, even an obstinate and self-interested Executive ought to have imagined that neither House would receive undesirable, and as the loyal sentiment of the country believed, unfit men as members of the National legislature. Neither the country nor Congress considered secession and rebellion a joke, to be applauded by a distribution of honors among the jokers.

JUST BEFORE SUNSET

During the summer of 1864, two attempts, both of them abortive, were made to secure peace between the United States and the Confederacy, by negotiation or mediation. Neither would demand even mention here, had not one of them, partially engineered by Horace Greeley, brought from Mr. Lincoln a most suggestive statement showing his feeling as to what he considered the results of the war, and his purpose to maintain them. In regard to the contemplated peace parley he said:

“To whom it may concern:

“Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of Slavery, and which comes by and with an authority that can control the armies now at war against the United States, will be received and considered by the Executive Government, of the United States, and will be met by liberal terms on substantial and collateral points; and the bearer or bearers thereof shall have safe conduct both ways.

“(Signed) ABRAHAM LINCOLN.”

This statement was pronounced by some of the supporters of the Administration Mr. Lincoln’s “short platform,” being considered a sort of synopsis of the larger declaration of faith adopted at Baltimore.

If any one imagined that there had ever been any disposition on the part of Mr. Lincoln to take a back track regarding slavery, his conduct after his triumphant second election, must have set such feeling forever at rest.

On the first Monday in December, 1864, President Lincoln sent his annual message to Congress. It contained no word of exultation over the great victory that had come to him personally. He even avoided criticism of his adversaries. On the subject of slavery his statements were most explicit, and his words in behalf of freedom without compromise, were as strong as he could make them.

While the Thirteenth Amendment to the Constitution, forever abolishing slavery, had passed the Senate at the previous session of Congress, it failed to secure the necessary two-thirds vote in the House. Mr. Lincoln, in this message recommended that the measure be reconsidered and passed at the pending session. Congress met the proposition more than half way, and on the 31st of January, 1865, the House passed the Amendment by a vote of 119 to 66.

In the course of this message, Mr. Lincoln took pains to define his position regarding Emancipation, in the following language:

“I repeat the declaration made a year ago, that while I remain in my present position, I shall not attempt to retract or modify the Emancipation Proclamation; nor shall I return to slavery any person who is free by the

terms of that Proclamation, or by any of the acts of Congress. . . . If the people should, by whatever mode or means, make it an Executive duty to re-enslave such persons, another and not I must be their instrument to perform it."

The passage of the Constitutional Amendment seemed to entirely fill the President's cup of rejoicing. To an immense crowd which gathered at the White House to felicitate him on the happy event, he said: "The occasion is one for congratulation to the country and the whole world."

The movements of the Government both legislative and military, in the winter of 1864-65, were all of a nature to encourage the Union cause. By this time the solid anti-slavery sentiment of the North was united in praise of the President. Those who had scoffed and scolded, now treated him with almost worshipful reverence. The colored people, in their simple fashion, showered him with adoration, and made him substantial presents, as tokens of their regard.

If Mr. Lincoln had ever been the victim of race prejudice, it had all been taken from him during his official life in Washington. He gave audience to Sojourner Truth, the negro prophetess; he insisted upon the attendance of Frederick Douglass at the reception following the second inaugural, and in other ways manifested his personal interest in the members of the enslaved race.

The end of the war was at hand. Richmond was taken by the Union forces, General Lee's

army had surrendered, and the Nation seemed to be turning away from its war program, to face the problem of peace, when the great calamity of the President's assassination came upon a country wholly unprepared for such a terrible visitation of sorrow. Only those who can remember those dark days, can at all realize the condition of the public mind throughout the North. Men, women, and children of all classes and in every community stood bowed under a great personal sorrow, which illustrated the universal appreciation of the country's loss. The Nation was left to tread its way towards restoration, without the Great Heart that had so patiently and gently guided it amid the perils of war.

In closing this chapter, it may be well to briefly review the progressive steps by which the fruits of the war for the Union, led up towards the freedom of a race:

"First. The army was prohibited from returning to rebel masters fugitive slaves.

"Second. The employment of fugitive slaves as laborers in the army was sanctioned.

"Third. The passage of a law confiscating and conferring freedom upon slaves used for insurrectionary purposes.

"Fourth. The abolition of slavery in the National capital.

"Fifth. The prohibition of slavery in all of the territories.

"Sixth. A law giving freedom to all who should serve as soldiers in the army or navy.

"Seventh. A law emancipating the slaves of rebels.

"Eighth. The Emancipation Proclamation.

"Ninth. A law emancipating the families of all who should serve in the army or navy of the United States.

"Tenth. The repeal of the Fugitive slave law.

"Eleventh. The constitutional amendment abolishing and prohibiting slavery throughout the Republic."¹

This progressive performance represented the growing mind of President Lincoln, as he went about the task of saving the Nation, and securing freedom for the race that had toiled for more than two centuries, under the heavy hand of National injustice.

¹The History of Abraham Lincoln and the Overthrow of Slavery. By Isaac N. Arnold, p. 590.

THE RELIGIOUSLY-MINDED LINCOLN

Those who have followed this story in all of its details, have undoubtedly noted the combined ethical and religious motives which operated in determining Mr. Lincoln's conduct. As time went on he became more and more susceptible to these influences, although they were by no means lacking at any time in his remarkable career.

The short speech made to his neighbors and friends in Springfield before he started for Washington, to assume the office of President, is a case in point. For simple eloquence it is not unlike the Gettysburg speech, while its mingled pathos and prophecy make it really suggestive. We quote the speech entire :

“My friends, no one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people, I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried.

“I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him, I cannot succeed. With that assistance, I cannot fail.

“Trusting in Him, who can go with me, and remain with you, and be everywhere for good, let us confidently hope that all will yet be well. To His care commending

you, as I hope in your prayers you will commend me, I bid you an affectionate farewell."

What the psychologists generally call psychic phenomena, the popular judgment pronounces superstitions. But whatever they are, many great men have experienced them, and few have risen superior to them. Luther, of the Reformation, and Fox, of the Quakers, believed more or less in the pet superstitions of their time.

In the more modern world, the supposed superstitions have kept company with what are called psychic experiences. In Lincoln's case there are a number of instances. One of them consisted of a dream or vision, many times repeated, into which he read a definite and similar meaning, and from which he seemed to derive assurance and satisfaction. The late Senator George F. Hoar, of Massachusetts, quotes the following in his "Autobiography of Seventy Years:"

"General Grant, in an interview with the President, on the 14th of April, the day he was shot, expressed some anxiety as to the news from Sherman. The President answered him in that singular vein of poetic mysticism, which though constantly held in check by his strong common sense, formed a remarkable element in his character. He assured Grant that the news would come soon, and come favorable, for he had last night had his usual dream which preceded great events. He seemed to be, he said, in a singular and indescribable vessel, but always the same, moving with great rapidity towards a dark and

indefinite shore. He had had this dream before Antietam, Murfreesboro, Gettysburg, and Vicksburg.”¹

In attempting to understand Lincoln, his intensely religious nature must be considered. As has been noted at many points in this book, he expressed the desire to do the will of God, as he performed his duty regarding a preserved nation, and the institution of slavery so closely connected with the cause of the Union. Yet what John Hay called his “strong common sense,” lead him to take into account the human element in the round of Divine Providence. He was sure that men must be induced to support the Government, as a means of saving the Union. Mr. Lincoln looked for no supernatural and personal intervention of the Infinite in our affairs, arbitrarily producing right results, while men sympathized with and sustained evil conduct, and wrong methods. In his estimation the Union was to be saved, and the end of slavery secured by a Divinely illuminated humanity, knowing the right and doing it.

The way that Lincoln’s mind was moved by experiences and incidents which played upon his finer feelings is not hard to find. In January, 1862, his little son Willie died, bringing an almost paralyzing grief to the President. In this connection it is well to note the conditions under which Mr. Lincoln first mentioned the Proclama-

¹ Letter from John Hay to Senator George F. Hoar, dated April 18, 1903. “Autobiography of Seventy Years.” Vol. I, p. 22.

tion to a member of his cabinet. It was on the way to the funeral of a child of Secretary Stanton, and surely a time when Lincoln's heart was made tender in memory of his own loss, and consequently considerate of the dusky children held in bondage.

The Sunday before his death President Lincoln was returning from a visit to City Point and Richmond. A number of noted men were with him, among them Senator Sumner. In the midst of the conversation Lincoln took a copy of Shakespeare out of his pocket, and read with telling effect the lines from Macbeth:

"Duncan is in his grave;
After life's fitful fever he sleeps well;
Treason has done its worst, nor steel nor poison,
Malice domestic, foreign envy,
Nothing can touch him further."

Senator Sumner was very much impressed by this reading, and a few days later, when the end came, those who heard the President, thought it sounded like prophesy.

The Lincoln spirit, utterly devoid of malice, was shown with singular luster in the closing days of his life. Mrs. McCulloch, wife of the Secretary of the Treasury, tells this incident of the last speech made by Lincoln from the White House porch. As he spoke his little son Tad stood by him. In the course of his remarks the President said, "What shall we do with the rebels?" A voice

from the crowd shouted, "Hang them!" Tad looked at his father, and remarked: "No, papa, not hang them, but hang on to them!" Mr. Lincoln replied, "Tad has it, we must hang on to them."

The last inaugural is one of the best samples of the reverent Lincoln to be found in any of his public utterances. We quote the closing paragraphs:

"On the occasion corresponding to this, four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it. All sought to avert it. While the Inaugural Address was being delivered from this place, devoted altogether to the saving of the Union without war, insurgent agents were in the city, seeking to destroy it without war—seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war; but one of them would *make* war rather than let the nation survive; and the other would *accept* war rather than let it perish—and the war came. One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and beneficial interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war; while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude nor the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph and a

result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces. But let us judge not, that we be not judged. The prayer of both could not be answered; that of neither has been answered fully. The Almighty has His own purposes. 'Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh.' If we shall suppose that American Slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those Divine attributes which the believers in a loving God always ascribe to him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled up by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn from the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations."

Fortunately we have Lincoln's own estimate of this, his last state paper. Thurlow Weed, the

veteran politician and editor, of Albany, N. Y., wrote Lincoln a letter of commendation and received the following in reply:

“Dear Mr. Weed: Everyone likes a compliment. Thank you for yours on my little notification speech and on the recent inaugural address. I expect the latter to wear as well or, perhaps better than, anything I have produced; but I believe it is not immediately popular. Men are not flattered by being shown that there has been a difference of purpose between the Almighty and them. To deny it, however, in this case, is to deny that there is a God governing the world. It is a truth which I thought needed to be told, and as whatever of humiliation there is in it falls most directly on myself, I thought others might afford for me to tell it.”²

It would seem that Mr. Lincoln properly estimated the recognition which posterity would give to the Second Inaugural. This letter properly voices Lincoln’s deep religious feeling.

On the night of November 10, 1864, about midnight, President Lincoln was leaving the War Department. The news of his re-election had just been received. To the multitude lining the street, he made a speech, in which among other things, he said:

“So long as I have been here I have not willingly planted a thorn in any man’s bosom. While I am deeply sensible of the high compliment of re-election, and duly grateful,

² Abraham Lincoln; a History. By John G. Nicolay and John Hay. Vol. X, p. 143.

as I trust to Almighty God for having directed my countrymen to a right conclusion, as I think for their own good, it adds nothing to my satisfaction that any other man may be disappointed or pained by the result. May I ask those who have not differed from me to join with me in this same spirit toward those that have?"

There is on record a striking summing up of Lincoln's career as President, from his friend John M. Harlan. Speaking of the change that came over Lincoln after the strain of the war period had passed away, Mr. Harlan said:

"He was in fact transfigured, that indescribable sadness which had previously seemed to be an adamant element of his very being, had been suddenly changed for an equally indescribable expression of serene joy, as if conscious that the great purpose of his life had been achieved."³

This picture of the transfigured and really emancipated Lincoln, may well close that part of our labor particularly dealing with the Great Emancipator.

³The Life of Abraham Lincoln. By Ida M. Tarbell. Vol. II, p. 232.

THE RECONSTRUCTION AMENDMENT

Before the close of 1865, the conventions in President Johnson's so-called reconstructed states, had given way to legislatures, which proceeded to give ample evidence of the spirit that was in the South, following the Rebellion. That spirit was that of the old South, possibly plus the hatred and animosities which the war had engendered. These legislatures were made up principally of the officers and rank and file of the Confederate Army, and the laws which they proceeded to enact were freighted with prejudice and overloaded with injustice for the emancipated race. By the enactment of peculiar vagrant laws, and a system of fines they proceeded to pave the way for a type of peonage which contained most of the bad features of slavery, and none of its good ones. The children of the ex-slaves were put absolutely at the mercy of the stronger race by a system of so-called apprentice laws which established a relationship of master and servant, and endowed the master with absolute control over the minors, thus binding the negro children to the soil. Those laws were supplemented by taxation for the blacks who possessed no tangible property, which only helped to insure their dependence if not their servitude. Then to cap the climax, assemblages of negroes were interdicted, and power was given to police-

men and magistrates to consider any evening meeting of colored people a disorderly gathering, whose participants could be arrested on sight. It is not necessary to go into the details of this legislation state by state. While it varied in the different states, the spirit and tendency already cited, animated them all. It should be constantly remembered that these unjust laws were enacted before the coming of "carpet-bag" rule, and were therefore without the excuse which that form of government was supposed to warrant.

It has been frequently intimated if not asserted that the South was exasperated by having negro suffrage forced on that section. But such is not the case. At this time no tangible proposition of this sort having behind it any considerable public opinion, had been suggested. Probably as extreme and radical a man as sat in the House of Representatives, was Thaddeus Stevens, of Pennsylvania. On the 18th of December, 1865, Mr. Stevens formally opened the debate on Reconstruction in the House. In this speech there was only a tentative reference to full manhood suffrage. The most radical utterance on the subject in this speech was a clear-cut statement that the negroes without votes should not be reckoned in the basis of Congressional representation in the South. This, in fact, was to become the bed-rock test in the Reconstruction of the rebellious states.

There was much debate during the succeeding months, and not a little legislation having for its

purpose the protection of the civil, educational, and property rights of the negroes, the same being intended to supplement and offset the hard regulations enacted by President Johnson's reconstructed states. Some of these laws established the dangerous precedent of military jurisdiction by the Government. But even then, general negro suffrage was not seriously advocated by anybody. Mr. Fessenden, of Maine, one of the advance anti-slavery men, in the midst of a debate, made this parenthetical remark:

"I think the Honorable Senator from Massachusetts himself (Mr. Sumner), who is the great champion of universal suffrage, would hardly contend that now, at this time, the whole of the population of the recent slave States is fit to be admitted to the exercise of the right of suffrage."

During the winter of 1866, what came to be known as the real Reconstruction measures were introduced and debated in Congress. Among them, and holding all the rest in solution, was the Fourteenth Amendment to the Constitution. This amendment, which demands careful consideration, for the bearing it has on future legislation in the Southern States, is as follows:

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States; nor shall any States deprive any person of life, liberty, or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male members of such State, being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or holding any office, civil or military, under the United States, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebel-

lion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce by approximate legislation the provisions of this article.

Supplementing the passage of this amendment, a bill was introduced providing that "whenever said amendment shall become part of the Constitution of the United States, and any state lately in insurrection shall have ratified the same and shall have modified its constitution and laws in conformity therewith," such state should be entitled to national representation, so that the Fourteenth Amendment really became the basis of re-admission to the Union on the part of the rebellious states.

FOLLOWING THE AMENDMENT

The Congressional campaigns in the various states in 1866, were probably the most remarkable and exciting in the history of the country, assuming all of the interest and importance of a Presidential contest, for the issues involved were really National. When the returns came in they showed an overwhelming defeat for President Johnson and his Reconstruction plan. Various events contributed to the solidifying of Northern public opinion, none more so than the New Orleans massacre, which occurred on the 30th of July, 1866. It had been decided to call the convention which adopted Louisiana's free state constitution in 1864, together again. This was the occasion of a scene of riot and disorder which assumed all the characteristics of a bloody battle. Two score of people were killed outright, and at least two hundred wounded. Making every possible allowance for provocation in the overwrought condition of the southern mind, this riot was simply the sectional way of protesting against any plan of Reconstruction which did not provide for the states lately in rebellion, returning to the Union on their own terms. It was also a matter of evidence that the lives and property of loyal men were unsafe in the South, while soldiers of

the Union were insulted and assulted, and in some instances assassinated.

It having been determined that the way to complete Reconstruction in the Southern States was by accepting the Fourteenth Amendment to the Constitution, all of the late Confederate States except Tennessee, proceeded to consider the amendment in the winter of 1866-67. The legislatures of every one of these states refused to accept the terms provided, some of them with practical unanimity. As Tennessee had previously adopted the Amendment, her representatives were already occupying seats in Congress.

In February, 1867, the Committee on Reconstruction introduced a bill in Congress which was a sample of the drastic legislation which became the rule in the case from that time forward. Thaddeus Stevens, in presenting the measure summed up its provisions in this fashion:

“It provides that the ten disorganized States shall be divided into five military districts; that the Commander of the Army shall take charge of them, through his officers not below the rank of Brigadier-General, who shall have the general supervision of the peace, quiet, and protection of the people, loyal and disloyal, who reside within those precincts; and that to do so, he may use, as the law of nations would authorize him to do, the legal tribunals wherever he may find them competent; but these tribunals are to be considered of no validity *per se*, of no intrinsic force, of no force in consequence of their origin; the question being wholly within the power of the conqueror, and

to remain until that conqueror shall permanently supply their place with something else."

This measure as outlined by Mr. Stevens, was slightly amended, but in no vital sense. It passed both Houses, was vetoed by the President, and promptly passed over the veto. No American can view legislation of this sort with satisfaction. Had the original moderate program of Reconstruction been accepted in good faith by the South, the arbitrary government resting on bayonets, might never have appeared. Congress believed that the provisional governments of the ex-Confederate States were not Republican, and that they afforded no security for either the persons or property of loyal white men, while they made no pretense of protracting the black man in the enjoyment of his rights.

When Congress had its turn at Reconstruction, the ten ex-Confederate States, had a sudden change of heart. Rapidly the states which had rejected the Fourteenth Amendment with practical unanimity, proceeded to adopt it with alacrity, and by popular vote, at elections where the rights of all legal voters were adequately guarded. Yet books pretending to contain popular information tell us that the Fourteenth Amendment was "rejected by the ten Southern States. The ten Southern States subsequently ratified under pressure."¹

¹ World Almanac, 1914, p. 93.

The word "protracting," next to last line in second paragraph, should be protecting.

Thus it is intended to throw doubt on the adoption of the amendment, which amounts to a charge that the rump state governments set up by Andrew Johnson were the real things, while those reconstructed by Act of Congress were something else. There is more honesty and boldness in thus rewriting history in a recent magazine article written by a Southern woman. She does not claim that the aforesaid amendment was not properly ratified, but gets over the matter in this fashion:

“The Southern States never made any pretense of submitting to the Fourteenth and Fifteenth Amendments, but, obeying the natural and higher law, gave notice that the electorate created by the Federal Government would vote at its peril.”²

Plainly stated this is simply an admission that the negro vote was suppressed by force or fraud, or both, and that ratification of the Fourteenth Amendment in haste, was simply a transaction to enable the Confederate States to help run the National Government, while the provisions of the amendment were to be nullified at leisure. That this contract of nullification was faithfully kept, time has amply proven. The force may have disappeared, but political cunning still permits the states in rebellion to enjoy a relative representation in Congress not accorded to loyal states, the

²North American Review for March, Article, “Two Suffrage Mistakes.” By Molly Elliot Seawell, a native of Virginia.

same representation being partly based on a disfranchised race.

It is not within the scope of this work to review the history of the so-called "carpet-bag" governments, or the crimes of the Ku-Klux Klan. Neither admits of valid defence, and both represent the folly and crime which may be committed in the name of free government. How much both the "carpet-bag" governments, and the Ku-Klux Klan acted and reacted upon each other, inviting murder and outrage on the one side, and espionage and injustice on the other, is open to interminable debate, with the jury of public opinion likely to wrangle in perpetual disagreement in considering the case.

Our remaining purpose is rather to deal with the live problems, the outgrowth of the Rebellion, which our generation, and those who are to come after us, must attempt to solve.

THE AFTERMATH

The presentation which we have attempted to make in the preceding pages, would hardly be complete unless brought down to date, in a consideration of conditions which followed emancipation. These matters have contributed to what we now call the "race problem." If the problem has not become acute, it is of vital importance to every department of our national life, and every phase of human progress.

It is not our purpose to more than briefly contemplate or criticise the right-hand and left-hand errors which characterized the Reconstruction period which followed the Civil War, and which to a certain extent persist unto this day.

The fast friends of the negro; those who had spent and been spent for his freedom; and who denied themselves fortunes, remembering the black men in bonds as being bound with them, fell into perhaps a pardonable, and surely a fatal error. They capitalized the word freedom too heavily. They fancied that liberty for a race verbally engrafted on the Constitution and framed into statutes, would suddenly change the constitution of dusky human nature. The fancy was a dream that could not come true. It takes something besides a law to make men either capable to conceive or responsible to apply the ideas and

ideals that make for progress. Men of fine fiber and tender conscience have ever been prone to sympathize with the victims of wrong and injustice to the point of excusing weakness and sometimes wickedness. Such was the honest attitude of mind of many old-line abolitionists, and the national politicians who became the organized force behind the negro's political enfranchisement. This analysis is not to be construed into condemnation. These errors of judgment, however, paved the way for the complementary errors which the defeated leaders of the Confederacy, and their children have employed and are now employing in dealing with the race problem.

The errors on both sides were the rather natural results of the way in which the Nation fancied that it disposed of the issue of slavery. We fought it out in the domain of the strongest battalions on the field of carnage, rather than in the atmosphere of the concerned conscience. Rankling wounds and open sores were the result of the conflict, and on one side the hatreds of the conquered have been visited upon the innocent cause of the conflict.

Had the National conscience seen fit to eliminate the National curse by peaceful evolutionary processes, the negro slaves might have been gradually absorbed into the body politic, after educational and economic opportunity had helped to qualify them to thus take their places in the field of social and political endeavor. But the people

would not so have it, and the war came, with all of its train of evils, immediate and remote. Never were Milton's telling lines better illustrated:

"At length from us may find, who overcomes
By force, hath overcome but half his foe."

The penalty in this case for trying to secure moral justice by force, was the intensification of a problem which the war did not settle. By a sort of perversity of human nature, men are apt to hate and despise those whom they have wronged. This characteristic has helped to render more perplexing the race problem. While this is true, the contagion of race prejudice, has spread over the country, to help complicate the situation. The whole matter can only yield to the "better angel of our nature," and at this point it is not too much to suggest that the spirit that was in Lincoln must be the sobering and saving force in the Republic.

That spirit manifested itself in Lincoln's purpose to deal with men as men, on the basis of their innate merit and their manifest need. We have evidence as to Lincoln's attitude towards the negro in the testimony of Frederick Douglass, the foremost colored man of his time, as follows:

"In all my interviews with Mr. Lincoln I was impressed with his entire freedom from popular prejudice against

the colored race. He was the first great man that I talked with in the United States freely, who in no single instance reminded me of the difference between himself and myself, of the difference of color, and I thought that all the more remarkable because he came from a State where there were black laws."¹

If we could bring this spirit to the front in dealing with the race problem, we would find its solution natural and easy. We shall devote the remaining pages of this book to a consideration of conduct which has not been governed by the Lincoln spirit.

¹ Reminiscences of Abraham Lincoln. By Allen Thorndike Rice, p. 193.

NULLIFYING THE CONSTITUTION

Remembering the compact in the Fourteenth Amendment to the Constitution, which provides for a lessened Congressional representation from such states as may disfranchise any of its male citizens over twenty-one years of age, except for rebellion or crime of which the party had been duly convicted, what has been going on in the Southern States during the past few years, is to say the least suggestive.

Two of the ex-Confederate States have very adroitly disfranchised their colored citizens by constitutional provision. These states have provided educational or property qualifications, or both, for the suffrage. Then the so-called grandfather clause in the Constitution exempts the white men who are illiterate, or who do not pay taxes, from these qualifications. As the institution of slavery secured recognition in the original Constitution, without using the word slave or negro, so the South has successfully disfranchised its colored men, without direct reference to them by name, which may or may not have had in view making decision by the higher courts in the case difficult.

Louisiana and North Carolina have a grand-

father clause in their Constitution. Louisiana's clause reads as follows:

"No male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the constitution or statutes of any state of the United States wherein he then resided, and no son or grandson of any such person, not less than 21 years of age, at the date of the adoption of this constitution, and no male person of foreign birth, who was naturalized prior to the 1st day of January, 1898, shall be denied the right to register and vote in this state, by reason of his failure to possess the educational and property qualifications prescribed by this Constitution."¹

North Carolina's grandfather clause is a little more simple but of the same general character as Louisiana's. After providing that a voter shall pay tax on property of the value of \$300, and be able to read or write any section of the Constitution in the English language, we find this proviso:

"But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any state of the United States wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in this state by reason of his failure to possess the educational qualifications herein prescribed: *Provided* he shall have registered in accordance with the terms of this section prior to December 1, 1908."²

¹ Federal and State Constitutions. By Francis Newton Thorpe, Ph.D., LL.D. Vol. III., p. 1563.

² Constitution of North Carolina, edition of 1914, p. 20.

The Fourteenth Amendment in its fourth section, would seem to prohibit any attempt on the part of any state, to reward men who took part in the Rebellion against the Government, as will be seen by consulting page 176 of this book. In spite of all this, several of the ex-Confederate states have granted pensions to soldiers who fought to destroy the Union. Such a pension is a practical acknowledgement of an obligation on the part of the state to such pensioner. But this movement has had distinguished approval from the North. The platform of the political party which cast the second largest number of votes in the last Presidential election, contained the following plank:

“And we approve the policy of the Southern States in granting pensions to the ex-Confederate soldiers and sailors and their widows and orphans.”³

The granting of pensions to Confederate soldiers and sailors is quite an extensive practice in some of the Southern States. South Carolina may spend, and probably does spend, \$250,000 a year in such pensions, and does so by warrant of law.⁵

The disfranchisement of the negro is accomplished in some of the Southern States by statutory indirection, rather than by direct constitu-

³ Platform of Progressive Party, World Almanac, 1913. p. 697.

⁵ Code of Laws of South Carolina, 1912, p. 432.

tional provision. This is done through the arbitrary power conferred upon and exercised by the Boards of Registration. Such boards may on their own motion and for any cause decide that an applicant should not go on the list. Any such person feeling aggrieved, has "The right of appeal from the decision of the Board of Registration denying him registration, to the Court of Common Pleas of the County, or any judge thereof, and thence to the Supreme Court; and on such appeal the hearing shall be *de novo*."³

An appeal by an aggrieved colored citizen, who sought redress for what he believed to be unjust discrimination on the part of a Registration Board, might go the rounds of the Courts. The probability is, however, that no colored man would run the risk of initiating such an appeal.

A similar arbitrary power is not bestowed on Boards of Registration in every particular. In North Carolina all applicants whose ancestors were voters in 1867, under the "grand-father" clause of the Constitution, are protected from annoyance by law in this fashion: "No registrar shall have the right to inquire whether such person can read or write."⁴

The claim that the results of the Civil War have been nullified, and the ideas which the war was supposed to have rendered obsolete, are now enthroned in the Government, is not simply the

³ Code of Laws of South Carolina, 1912. Vol. I, p. 76.

⁴ North Carolina Statutes, Revisal of 1908, section 4319.

opinion of men in the North. It is openly acknowledged by prominent Southern men who make the claim with much open satisfaction.

On the 13th of April, 1914, a Confederate monument was dedicated at Louisburg, N. C. The orator of the day was Governor Locke Craig. "Paraphrasing the Classics" the Governor said:

"Tell by this monument, and let all the historians tell, and let the nations tell that the men of Dixie died in obedience to her law. Was it lost? Was heroism like that ever lost? If we had never won a victory, still it was not lost. I stand here and tell you my everlasting gratification to the men of sixty-one. Southern ideals were driven like an exiled dynasty from place and power and it looked like they were gone forever. But they have come back. And so it has come to pass that a Southern-born man, a Virginia man, educated in the red hills of North Carolina has been chosen to fill the Presidential chair. He was not elected because he was from the South, but because he had the ideals of the South. And for the first time in fifty years, North Carolina has a cabinet officer, the commander of the greatest navy that floats the high seas, Josephus Daniels. The head of the most powerful committee in the greatest deliberative body in the world, is from North Carolina. * * * As Governor I am getting letters from all parts of the state offering to go to Mexico, to fight for the American flag. We love the flag, but Dixie's is hallowed by our tears."⁴

What are the Southern ideals that were upheld by the men of sixty-one, and which have "come back?" They were manifestly the theory of secession, and the subjugation of the supposed

⁴ Raleigh News and Observer, April 14, 1914. p. 2.

inferior race. The theory evidently never went away, and the subjugation of the negro politically, socially, and industrially is an assured fact, at least in the southern part of the Republic, and is making some headway north of the Mason and Dixon line.

The Governor of North Carolina could very easily have enlarged his evidence that the Southern ideals are back in the Government at Washington. Senator Simmons is not the only Southern man who is the chairman of an important Congressional Committee. The House of Representatives has fifty-six Committees. Thirty of these committees have Southern chairmen, and with the exception of the chairman of the Committee on Appropriations, the important committees of the House all have chairmen from the South.

Passing to the Senate, we find that the eleven ex-Confederate states furnish chairmen for twenty of the Senate Committees, while the chairmen of six committees, although representing Western states, were born in the South. Governor Craig was well inside the truth in his Louisville speech.

The fact that there is really but one political party in the South, plus the methods and machinery of the primary election laws, has helped greatly in the political undoing of the negro. He is not wanted, and, in fact, he is not willing to help in the factional quarrels of the only political

party. The ruling habit, for safety's sake, but often from choice, is for the negro to keep away from the ballot-box, there seemingly being nothing better for him to do, and the negro has meekly acquiesced in his own disfranchisement. Outwardly this acquiescence seems to be as willing and universal on the part of the educated and capable negroes, as it is on the part of the ignorant and morally submerged. It would not be a popular nor safe thing for any group of men black or white, to attempt the organization of a political party in the South in opposition to the ruling class. Unmolested, the negro is a man of peace. He is not vindictive, and when he has had a chance he has not returned evil for evil, nor attempted to work retaliation on his oppressors. That was far from his mind or manner in wartime, when opportunity to wreak vengeance was general, and it is not his temper, in the front of present conditions.

It would seem that the framers of the Fourteenth Amendment to the Constitution foresaw that reactionary conduct might follow the restored participation of the Confederate States in the policies of the country and endeavored to head it off by a constitutional provision. Wise as these men were, they did not see that discontent with and disrespect for the Constitution, would be fostered by responsible citizens, in the early days of the twentieth century, or that the North would

quietly acquiesce in the nullification of the Reconstruction Amendment.

The events of the last half century which have led up to this condition, have probably had no parallel in the history of the world. A great war was inaugurated and carried on in behalf of certain ideals, those who fought for these ideals were whipped in the conflict. Yet a little more than a half a century after the surrender at Appomattox, the orator of the vanquished tells to a waiting world, including the victors, that the conquered ideals are back as the dominant influence in the Government.

DISCRIMINATION IN EDUCATION

The educational opportunities for the negro children in the South, especially in the rural districts, are meager and inadequate. Provision for such education is lamentably short of the needs of the available number of children. Short terms, in many cases two or three months in the year, or less; poor buildings, with little or no equipment; with poorly paid teachers, consequently poorly qualified for the work, make up the indictment which may be lodged against the average Southern state, in the treatment of its colored children.

Conditions in South Carolina are probably not different from those existing in other states, and may be taken as a type for the entire South, with the reasonable supposition that they are not better in the states farther towards the Gulf.

The following figures condense certain facts as they exist in South Carolina:

	<i>Colored children.</i>	<i>White children.</i>
Number of children of school age in state	193,247	167,914
Value of school property used for.	\$662,639	\$4,789,510
Amount paid by state for education	\$313,291	\$2,247,981
Amount paid for education per child	\$1.87	\$13.39 ¹

¹ The figures are compiled from a statement in the Charleston News and Courier of Nov. 13, 1914.

An analysis of these figures gives us this showing. The state paid more than seven times as much to educate 167,914 white children, as it did for the education of 193,247 colored children. There are 23,333 more colored than there are white children in South Carolina, but more than seven times as much property is used to educate a minority of white children, as is available for the education of a majority of black children.

When we consider length of term and salaries of teachers, the inadequacy of the educational facilities for colored children becomes increasingly apparent, and the white children have no great opportunities to brag about. South Carolina contains 5,047 public schools, 2,596 for white and 2,451 for negroes. Of these schools, 73 white schools were in session not more than 40 days, and of the negro schools, 378 were in session 40 days or less. When the matter of teachers' salaries is taken into account, a still better index of inefficiency is given. There are in the state 2,156 colored schools, in which the teachers received annual salaries of less than \$200. White schools to the number of 544 received similar small salaries. There were 239 white and 612 colored schools taught in buildings not owned by the school district. In the case of colored schools in the South, it is common to house them in old churches and halls, owned by colored people, in cases where no school building is owned by the district.

The small number of colored schools which pay their teachers more than \$200 per year, are mostly in counties containing cities, or large villages, 24 of the number being in Charleston County.

There are 363 colored schools in the state which paid their teachers \$50 or less for the time they taught during the year. In a number of cases the payment to teachers during the school year was less than \$20 each. Of course this means for a very short term of 40 days or less. There seems to be no general school term. A certain amount of money is available, and the teacher serves the schools for as long or short a period as he or she deems the proper thing.

The whole school system both for blacks and whites is unequal and primitive, as shown in the maximum and minimum expenditure in the various counties. The maximum per capita expenditure for white pupils was \$36.89 in Beaufort County, and the minimum \$6.72 in Horry. The maximum for negroes was \$8.32 in Charleston and the minimum 92 cents in Lee County. A curious feature of this exhibit is the fact, that Beaufort County where the maximum per capita white expenditure was made, the negro enrollment in the county is 3,251, and the white enrollment is only 609. In Lee County where the annual per capita expenditure for colored schools

was only 92 cents, the negro enrollment is nearly three times as large as the white enrollment.²

Entering another field we find the same rule prevailing. White teachers in the state were paid salaries aggregating \$1,563,536; colored teachers in the state received \$313,291. In 1913, the expenditure for furniture and apparatus for the use of white schools amounted to \$42,287; for colored schools, \$2,283. In the matter of libraries, whereas several thousand dollars were spent for libraries in white schools, \$44.04 were spent for libraries in colored schools in the entire state.

In the South, the states levy a tax on fertilizer sold and used in the state. The proceeds of this tax goes into the educational fund. In some cases it goes to the state agricultural and technical schools. While the negro farmers and tenant farmers pay a considerable portion of the fertilizer tax, negro schools receive practically no benefit from this fund.

It is a claim in certain sections of the South, that the money spent for the education of negro children should be limited to the school tax paid by negroes. But there are cases where no attempt is made to segregate the taxes paid by colored men, purely for the purposes of negro education, and it is a safe inference that in more cases than

²The figures given in the above statement are compiled from the "Forty-fifth Annual Report of the State Superintendent of Education of the State of South Carolina, 1913.

one, the taxes paid by colored men help educate white children.

The enforced political disability of the colored man in the South, or to put it as Molly Elliot Seawell does,³ the understanding that the negro will attempt to vote "at his peril," has of course helped hand all educational matters including the education of the negro children over to white men. Even in communities where the population is preponderatingly black, no matter how fit he may be, no colored man is permitted to serve on a school board. Here is a case in point, pretty generally reported in the Southern papers in April, 1914:

As has already been stated, Beaufort is one of the black counties in South Carolina. By some hook or crook a colored man was placed on the local school board. Governor Blease took prompt action to remedy this innovation. At his motion, the State Board of Education passed a resolution commanding that the colored man on the Beaufort School Board, be discharged, and his place be promptly filled by a white man. The reason given for thus interfering with local self-government was that it is against the policy of the State of South Carolina, to permit colored men to hold public office. The matter was simplified by the prompt resignation of the negro member of Beaufort's Board of Education. In dealing with the dominant race, in matters where their civic rights

³ See page 181.

are concerned, the negroes in the South have learned that discretion and submission are the

better part of valor. In the Beaufort case there was no hint that the colored man was not as well fitted for the service committed to him, as were his white associates on the school board. The whole matter was a successful attempt to apply the color line in education.

The situation outlined above, shows why colored schools in the South, practically supported by Northern philanthropy, should be continued and strengthened. It is highly important that the mistake is not made of giving all the help to a few strong, well-endowed schools. The most important educational work being done in the South, is being performed by local schools which have taken educational facilities to the neighborhoods most in need. These schools instead of being forgotten, should be constantly held in remembrance and systematically helped. In their hands the uplift of the Southern negro and his family very largely lie.

There are many colored schools in the South, some in distinctly black belts, which afford the only tolerable opportunity for negro education for entire sections. These schools are literally oases in a desert of ignorance.⁴ It is not uncommon for the public school system to provide good accommodations for white students, and make no pro-

⁴ A sample school of this sort is the High and Industrial School at Fort Valley, Ga., Henry H. Hunt, Principal. One of the best managed and most useful in a large group of similar institutions.

vision for colored children, leaving them for the private schools to educate, or go uneducated. In some cases, however, it should be said that the public school authorities make contributions to the support of the private negro schools. Sometimes the contribution is meager, and in other cases rather liberal if not adequate.

We know of a case, and there are doubtless others. Where the school district was heavily bonded to build a white high school. This is in a town where the major population is black, and where there are negro tax payers. While the colored men have to help pay for this fine school house, none of their children will be permitted to cross its threshold, say nothing about being admitted as students.

THE NEGRO AND THE LAND

Observation forces the conclusion that for the great majority of negroes in the South the winning of recognition and respect is along the road of economic success. The line of least resistance for such success, we believe, is as tillers of the soil, not as tenant farmers, but as land owners. The time seems to us to have arrived when the same concern which has rendered assistance in providing the means of secondary and higher education might well be employed in assisting the colored people to become independent land owners.

Tenant farming in the South, especially as it affects the negro, is not an economically developing experience. The landlord assumes an attitude of almost ownership and arbitrary control over the tenant and his family. He also directs the marketing of the tenants' crop, mainly cotton, and so manages that the tenant is kept under perpetual financial obligation to the landlord and cannot leave the particular farm while that obligation exists. Colored tenants change locations, going from one "plantation" to another, not at will, but after a second landlord has satisfied the claim of the first, and then the tenant simply swaps the holder of the claim against him, which,

under the practical system of peonage, simply amounts to swapping masters.

There are selfish economic reasons why the average white man does not wish the negroes to become land owners in their own right. The white landlord gets a better income from his land operated by a negro tenant than he would to manage the farm himself with hired labor. He can, under these conditions, manipulate part of the proceeds of the tenant's crop into his own pocket, and thus increase his profits. With this sort of manipulation going on, it may be asked, why does the negro not take the bit in his own teeth and leave his leased farm? For various reasons, but principally for the fact that breaking the conditions of the lease is construed as a breach of trust, for which the tenant may be sent to jail or to the chain gang. Besides, in a legal battle in the Southern courts between a negro tenant and a white landlord, with the case tried before a white judge and passed upon by a white jury, the verdict, nine times out of ten, is sure to be in favor of the white man, and the negro who would thus invoke litigation would simply have his labor for his pains, at the same time adding to his personal unpopularity.

The following extracts are from the so-called "Labor Contract Law" of Georgia:

Section 715. PROCURING MONEY ON CONTRACTS FOR SERVICES FRAUDULENTLY. If any person shall contract

with another to perform for him services of any kind, with intent to procure money or other thing of value thereby, and not to perform the service contracted for, to the loss and damage of the hirer, or, after having so contracted, shall procure from the hirer money, or other thing of value, with intent not to perform such service, to the loss and damage of the hirer, he shall be deemed a common cheat and swindle, and upon conviction shall be punished as for a misdemeanor.

Section 716. PROOF OF INTENT TO DEFRAUD. Satisfactory proof of the contract, the procuring thereon of money or other thing of value, the failure to perform the services so contracted for, or failure to return the money so advanced with interest thereon at the time said labor was to be performed, without good and sufficient cause, and loss or damage to the hirer, shall be deemed presumptive evidence of the intent referred to in the preceding section.¹

This law affords the initial weapon by which white landlords and employers are able to keep negro tenants and laborers under subjection. The law is rarely applied to any class of people except negroes, unless it be foreign laborers, employed in large numbers in construction camps. The foregoing sections will show how the conditions mentioned in a previous paragraph are maintained pretty generally throughout the South. Cases brought under the statute may fail in the courts, but in any event fear and intimidation have done their work.

Wherever the colored man has been able to buy

¹Penal code of Georgia, Vol. II, 1910, p. 90.

land, at a fair price and under comfortable conditions of payment, he has as generally succeeded, as do white men anywhere. In fact, there are many cases all over the South where colored men are paying for their farms with a load of debt and an interest charge which would mean failure and ruin to the average white man in the North.

It must be remembered that the legal interest in practically all of the Southern states is eight per cent. But colored men in most cases possessing insufficient security, are at the mercy of money-lending sharks. Under these conditions they pay interest ranging from twelve to twenty per cent, a perfectly impossible thing in most cases. This condition is not entirely peculiar to the South. Such a system of usury has pretty generally existed where pioneer economic conditions have prevailed. Any condition which increases the risk in money lending will be accompanied by some scheme for exacting exorbitant interest.

At the present time the South is the only section in our country where cheap land can be obtained. The manifest need is for an arrangement by which colored men may help themselves, enabling them to buy this land, paying not more than six per cent. interest on the purchase price, the claims being held by men who will be sympathetic, tiding the negro owner over the occasional lean years which are bound to come when

the cotton crop is poor. All of this land is bound to increase in value, so that the investment would be perfectly safe. As matters now stand, most colored men who are in debt for their farms are constantly facing the fear that, even when they have canceled the major part of their indebtedness, and a hard year makes the regular payments practically impossible, the grasping money lender will come in and take the farm, sending the hard-working colored man and his family adrift to either repeat the experience over again or go to town to reinforce the congested negro population, or add to the number of negroes classified as shiftless or criminal, or both.

It must be said with regret that very many obstacles are being placed in the way of colored men buying land at all. Men like Governor Blease, of South Carolina, are exhorting white men to sell the negroes no more land, on the ground that when the bulk of the negroes become land owners, and economically successful, they will no longer "keep their places." "Keeping his place" means that the negro shall be subject to the white man, not only socially and politically, but economically; that is, he shall become the white man's menial—his servant at the worst; an obliging and docile tenant at the best.

But there are other efforts to prevent the colored men from becoming land owners that are being fostered by men more progressive and less extreme on the race question than men of the

Blease and Vardaman type. A discriminating land bill is now pending in the North Carolina legislature. This state is, in the main, the most up-to-date of the ex-slave states. Notwithstanding this fact, it is harboring a scheme for unhorsing the negro as a land owner, second only to the successful effort of disfranchising the entire race as citizens.

The North Carolina land scheme is fathered by the *Progressive Farmer* of Raleigh, one of the leading agricultural papers of the South. It may be briefly outlined as follows:

“That whenever the greater part of the land acreage in any given district that may be laid off is owned by one race, a majority of the voters in such district may say (if they wish) that in future no land shall be sold to a person of a different race.”

This, of course, means enforced segregation of the negroes in the rural sections, after the same plan that is being employed in the towns. There may be reasons why the gathering of pretty solid colored communities, on their own volition, may be desirable. It leaves them less likely to molestation by bad white men, and possibly being frightened from their holdings to seek refuge in the towns.

One of the principal reasons for the land proposition is that it opens the way for the negro to make good as an economic success. Those who are trying to handicap him in this particular are open to a valid charge of inconsistency. They

find fault with the negro because he is not successful and forehanded like the best samples of white men, and then they propose to prevent such forehandedness by keeping the negro from having any chance to make good in the field of responsible economic endeavor. The friends of the negro can well afford to help the members of the race to become successful land owners.

THE CONCLUSION OF THE MATTER

What must be the right solution of the race situation? What hope is there that fundamental justice will be done the negro? In the first place, a re-education of public opinion regarding the proscribed race is necessary. The public conscience, especially in the North, must be aroused. That absolutely false reasoning which measures the worth and possibilities of the whole race by the morally bad and economically shiftless negro men and women should be corrected. The negro's possibilities must be measured as they are for any other race, by the best and most successful among them, and not by the worst and worthless.

In the second place, the supposition that the so-called weaker race was made inferior by the Creator that its members might become and continue menials for the so-called superior race needs to be shown up as a monstrous charge of injustice against the Almighty. Such a conclusion leads to the flippant assertion that the negro must be "kept in his place." That, of course, means at the bottom and under the absolute control of the white man. As a matter of fact, any place is the negro's which he can fill, and especially if he can fill it as well or a little better than anybody else. Any plan which provides a fixed class and an unalterable condition for any set of men and women, such condition to pass from father to son,

is against the spirit of modern civilization and, if attempted, will provide trouble for society at large in its efforts to work out the plan.

It is common nowadays to hear, as we did before the Civil War, the demand that the South be allowed to regulate its affairs in its own way. As to that, the South has pretty generally had its own way in the matter, the North having practically permitted the overthrow of the results of the war, and it has not insisted that the fruits of freedom should be gathered and enjoyed by the enslaved race. The same type of men who, in the *ante bellum* days supported slavery, and after the war came sympathized with the South, are now very pronounced in condemning any discussion of the present situation as a belated and wicked revival of the sectional issue. But no section of a country and no nation is likely to be allowed to manage its affairs in its own way if that way runs counter to the moral standards which the civilized world sets up for the humane regulation of affairs. If the South had not inaugurated the rebellion, resulting in the legal elimination of slavery, it is pretty certain that the moral conscience of Christendom would have forced the issue of emancipation upon the United States.

We are not thus indifferent when inclination and interest direct us to take a hand in the moral renovation of nations. We insist upon the observance of certain standards in Mexico, a direct contradiction of the theory that sections and na-

tions be allowed to manage their affairs in their own way. We grow red in the face about the system of peonage said to exist South of the Rio Grande, while closing our eyes to a similar system being established in artful and indirect ways within our own territory.

Raising the sectional issue cannot be done by anybody in the clear. The woe belongs to those who create conditions which invite criticism, and not to those who call attention to the conditions.

One does not need to travel far, or examine very closely, to discover real conditions in the South which warrant the claim that in the politics of that section, race prejudice and not character and fitness are the governing things in determining the suffrage. A few months ago the writer rode six miles in a rural section of South Carolina with a "one-mule"¹ white farmer. We simply hired the farmer and the mule to carry us to visit the principal of one of the most useful of the colored schools in the South.² The point we wish to make is that, when it came to education, judgment and the scoring of success, the white one-mule farmer is vastly the inferior of the negro school principal; yet the latter is disfranchised, while the inferior white man holds up his head as a full-fledged voter, having a voice

¹ A farmer who owns or works a small farm. Probably about 40 acres.

² A. W. Nicholson, principal of Bettis Academy, Trenton, S. C.

in the government of the commonwealth of which he is a citizen, but by right no more so than is his dusky neighbor.

A few weeks later, at the commencement of a negro educational institution,³ we heard an ex-Confederate Brigadier make a speech. He rang the changes on the fact that opening the door of opportunity for men was the moving spirit at the center of modern civilization; but he did not say a word about the door of civic opportunity for the negro, on the other side of which he can alone contend for his economic and other rights. At this commencement three colored men—men of affairs, too—made short speeches, in form and finish, as good as their white competitors; yet, when it comes to the task of making the government of the state more fit by having a voice in it, these men might just as well have never been born, or have made failures rather than successes in the work of life.

One is sure to meet with certain pathetic incidents as he sees forceful and well-equipped colored men in their own habitat. If they are speaking directly or indirectly into the ears of Southern white men, they speak down to white prejudice. For instance, it is not uncommon for them to throw a parenthesis into their remarks like this: "But the colored men are not in politics in this section." This assertion is supposed to be an

³ The National Religious Training School, Durham, N. C. Dr. James E. Shepard, President.

olive branch of peace offered to white prejudice. That any self-respecting colored man, who has all of the qualifications which the South has prescribed for the suffrage, finds it worth while to make a confession like that, throws more light on the situation than pages of comment could possibly do.

The point is not whether the North would be any better than the South under the same circumstances. We very much doubt if it would. What we wish to enforce is, that the race question is not a sectional, but simply a human one.

One may easily sympathize with both the Southern white man and the Southern negro, as they face the perplexing race problem in its worst phases; but sympathy becomes a diluted humbug when it holds in solution apology for injustice and blind race prejudice and hatred. Whatever may have been the civic folly of unqualified suffrage in the nineteenth century, it cannot be atoned for by qualified disfranchisement and denial of privileges purely because of color in the twentieth. That kind of conduct is at variance with the genius of our institutions and with the spirit of our ideals.

If it is finally established, which God forbid, that certain rights and privileges are denied to a class of men, not because they are unfit to enjoy them, but because of the color of the pigment in their skin, we would be promoting a type of

political race slavery, as finally fatal to the ruling as to the subject class.

But the right conscience in our National life will not permit these things long to be. We shall finally cease to whisper our fears into the face of commercial advantage, and to live a lie because of trade and traffic. Rather shall we shout our hope for justice into the face of class and race prejudice, and deal morally, economically and politically with men as men and not because they are white or black.

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