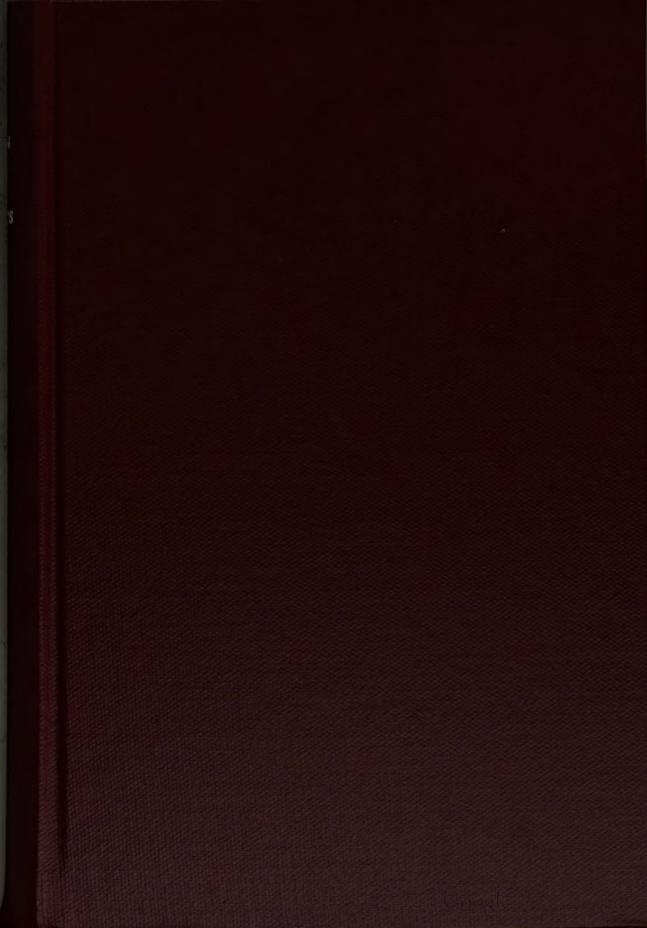
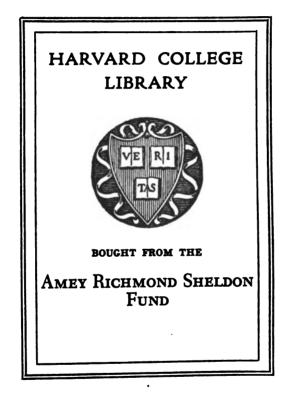
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N.L. Nuev.

# The South.

The South is a land that has own sorrows; it is a land that s broken the ashen crust and istened it with tears; a land rred and riven by the plowshare war and billowed with the ives of her dead; but a land of end, a land of song, a land of llowed and heroic memories. that land every drop of my ood, every fiber of my being, evy pulsation of my heart, is concrated forever. I was born of r womb; I was nurtured at her east, and when my last hour all come, I pray God that I may pillowod upon her bosom and cked to sleep within her tender d encircling arms-.Senator E. . Carmack.

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"In the hush of the valley of silence I dream all the songs that I sing,. And the music floats down the dim valley Till each finds a word for a wing, That to hearts, like the dove of the deluge, A message of peace they may bring."

#### A SONG.

Might, sing your triumph songs! Each song but sounds a shame. Go down the world in loud-voiced throngs To win from the future fame.

Our ballads, born of tears, Will track you on your way And win the hearts of the future years For the men who wore the gray.

All lost! but by the graves

Where martyred heroes rest He wins the most who honor saves— Success is not the test.

The world shall yet decide, In truth's clear, far-off light, That the soldiers who wore the gray and died With Lee were in the right.

—Father Ryan. 1

"For the blood that flowed from his hero breast On the spot where he nobly perished Was drunk by the earth as a sacrament In the holy cause he cherished."

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1915 May THE CONFEDERATE FLAG Not long unfurled was I known, Veteran" For fate was against me; But I flashed over a pure cause, And on land and sea So fired the hearts of men unto heroism "Confederate That the world honors me Within my folds the dead who died under them Lie nobly shrouded; And my tattered colors, Crowded with a thousand shining victories, Have become for the people who loved me A glorified memory. the John Dimitry. TOT

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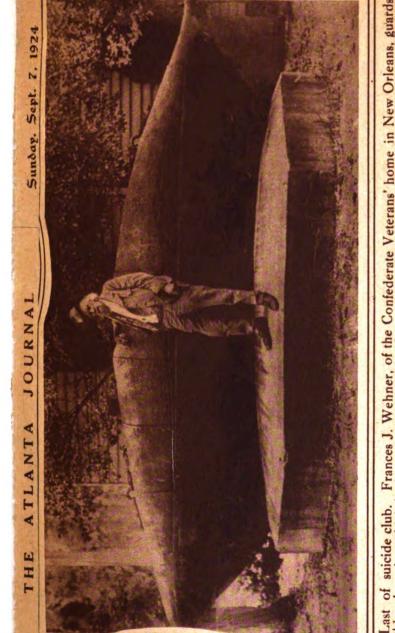
the "Confederate Veteran" May 1915. THE CONFEDERATE FLAG Not long unfurled was I known, For fate was against me; But I flashed over a pure cause, And on land and sea So fired the hearts of men unto heroism That the world honors me. Within my folds the dead who died under them Lie nobly shrouded: And my tattered colors, Crowded with a thousand shining victories, Have become for the people who loved me A glorified memory. -John Dimitry. From



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Frances J. Wehner, of the Confederate Veterans' home in New Orleans, guards his submarine which he helped to build and volunteered to man in an effort to break the Federal block-The submarine had room for only one man and was to be operated by a paddle. The lone occupant was to sink to the bottom, grope to the side of a ship, and then blow up both himself United. This desperate plan was never tried, however. and the enemy vessel. ade of New Orleans.

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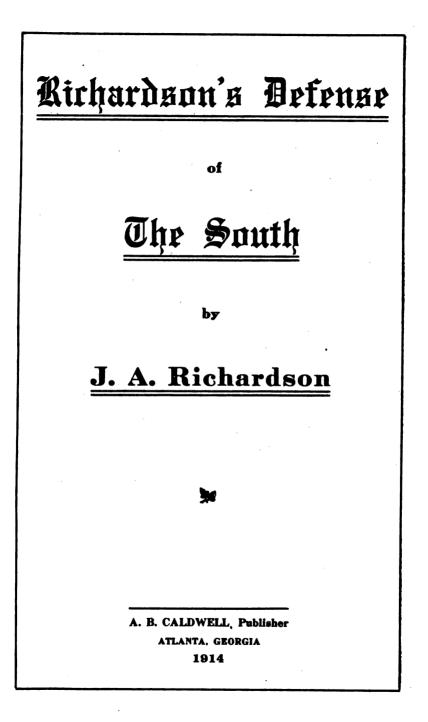
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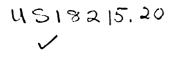
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## J. A. RICHARDSON.





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### Dedication

To THE PALMETTO GUARDS—COMPANY C OF THE 19TH Georgia. REGIMENT, VOLUNTEERS—

whose battlefields are in no less than six States: whose

#### ERRATA

On dedication page read "Georgia" after "19th."

Page 77 in bottom line, read "ever" instead of "even."

Page 86, 7th line from bottom, after "does," read "not."

Page 120, 7th line of paragraph 2, read "they" after "though."

Page 179, in 6th line of paragraph 3, read "irrepressible," instead of "irresponsible."

Page 183, 4th line, read "away its," instead of "awaits."

Page 396, read "Is it," instead of "It is." Line 2.

Page 452, 12th line from bottom, read "contradicted," instead of "contracted."

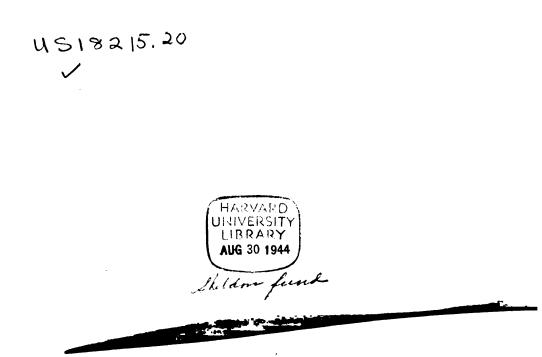
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Page 471, 9th line, read "fought," instead of "bought."

Page 512, 13th line, read "feed," instead of "fee."

Other evident mistakes can be detected by the reader.



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## Dedication

TO THE PALMETTO GUARDS—COMPANY C OF THE 19TH Georgia. REGIMENT, VOLUNTEERS—

whose battlefields are in no less than six States; whose Victories are very many; whose drawn battles are very few; whose defeats are none; whose fallen comrades sleep in shallow graves as far separated as Gettysburg is from Olustee; whose muster roll numbered 126 brave hearts; whose fighting force after the battle of the Second Manassas numbered but two able for duty; and whose consecrated and unfaltering devotion to the cause of Constitutional liberty amid unsurpassed trials and privations for four long years commend them to the veneration of their posterity, and all lovers of law and liberty to the end of time:

THESE PAGES ARE DEVOTEDLY, AFFECTIONATELY. AND PA-TRIOTICALLY DEDICATED BY THEIR COMRADE AND SINCERE FRIEND.

J. A. Richardson.

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#### Capt. John Quincy Marr, C. S. A.

A Gallant Virginian who, it is Said was "the First Confederate Soldier Killed in the War," a Claim which will be Disputed by Both Carolinas. (From the Washington Post.) The Sunday News, Charleston, S.C. 8-30-1903.

Capt. John Quincy Marr, the first man to fail for the Southern Cause in the Civil War, was born May 27, 1525, at Warrenton, a small Virginia town situated in the foothills of the Blue Ridge, or in that section of the State better known as Piedmont Valley. He came from one of the oldest and best known families in the State. His father, who at the time of the war, was Justice of the Peace of his District, was especially well known in Virginia as a public man. His mother, Catherine, was a Miss Horner, also comes from an old and distinguished family of that name.

Capt. Marr's early training, like that of most boys of his day, was at the Fublic School of his home. Later he went to the Virginia Military Institute at Lexington, from which school he graduated at the head of his class in 1846. After graduating he returned home, was elected Mayor of Warrenton, High Sheriff of the County and Chief Justice of the County before he was 35 years of age. In 1861 he was a member of the Virginia Convention, which he left for the field.

In 1850 Capt. Marr organized the Warrenton Rifles, a small band of about 100 men, first a Volunteer Company, afterward Company K, 17th Virginia Infantry, C. S. A. This little Company won much notoriety in later years for its bravery.

Capt. Marr, about the 1st of May, 1861, marched his command from Warrenton to Manassas, Va., where a large number of soldiers were already encamped. on the following day, at his request for immediate action, he with his Company again moved this time to Centerville, Va., where they remained until May 31, 1861, when they marched to Fairfax Court House, Virginia.

.At the time of the raid of the Federals (Company B. 2d United States Dragoons, Lieut. Thomp-

kins,) on FairTax Court House, that fight in which Capt. Marr lost his life(June 1,1861), the place was poorly guarded by two Virginia Cavalry Companies under Col. R. S. Ewell. Upon the arrival of the Warrenton Rifles they were quartered at different houses, mostly in the center of the town. Capt. Marr making his headquarters in some offices near his command. The facts connected with the fight, although the first of the war, which proved so fatal to Capt. Marr, are briefly told in the following extract from an article written by a Veteran who was a member of the Warrenton Hifles and who was in the fight himself:

"The night of May 31 was sultry to oppressiveness. There was no moon and the clouds obscured ever star, making the darkness intense.

"At 3 o'clock in the morning of June the 1st, Private A. B. Francis, one of our pickets, who had been stationed a half mile northwest of the town, on the Alexandria Turnpike, rushed into our quarters and announced that the enemy was upon us and that a Cavalry force had approached him in the dark, captured his comrade B. F. Florence, and was rapidly making for the town. We tumbled out in short order, gathered out aims and had scarcely gotten into line when we heard the cracking of rifles from the direction of the Court House. One of our Cavalry Companies was quartered in the Court House and the other in the church. Our Captain, who had in the meantime been aroused, new joined us and marched the Company from the front of the church to the left of the same, down to and along the fence, where he halted us. Upon an increase of firing and an evident rush of the troops towards us we were ordered to get over the fence into a clover field, being about the center of the Company, which was in two ranks. Falling back by direction, about 15 yards, we were halted, face to the front and ordered to make ready. This was scarcely done before the Cavalry and we could barely see the form of it, was upon us, some having scaled the fence and others gone through the gate. Ten or twelve shots were fired by our commana without orders.

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"Part of our Company had spread as far as the gate and attempted to resist the passage of the Cavalry by charging at them with guns without bayonets, but they were easily ridden down and scattered. I believe that all of those who left the Court House yard and rode through our command were our own troops. They neither fired on us nor attempted to use the few sabres they had.

"About this time Capt. Marr, who was just in the rear of us gave the command; "Halt". This was the last word heard from him by any of the command. About 7 o'clock in the morning the body of John Quincy Marr was found in the rank clover, stark and cold. His heart had been pierced by a Minie Ball"

Great was the sorrow felt by his comrades and soldiers when it was known that Capt. Marr was no more.

His remains were carried to Warrenton, where they were buried in the Cemetery there. A magnificent monument, a gift from the people of the town, marks the place where he lies. This monument, though now green with age, is one of the first noticed by the visitors on entering the grounds. It bears this inscription:

JOHN QUINCY MARR. Captain of the Warrenton Riflemen. Born May 27, 1825, and fell on the lst day of June, 1861, at Fairfax Court House Virginia. Upon the Threshold of his State, This Virginian Let the Invader and Was the First to Fall for the Rights of the South.

Capt. Marr was never married. Of this old and distinguished Virginia family only a few survive. His name will always be held in reverence by the people of his State, "He the first to fall for his Rights" (Copied by M. L. Reese, Augusta, Ga.)

July 13th, 1922.

The v . prime o South b such a l eral rea We h life. It -During ough. our con Befor nounce tions w Duri as trait plan of those uith D Afte late as States buked couse? others If i not be ł autho Let it shown abolis Sout to the tions hom

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## PREFACE.

The writer makes no apology for issuing this volume. Its *prime object* is to refute the atrocious accusations against the South *before*, *during* and *after* the war; and to *do this* within such a limited space as will be adapted to the wants of the general reader.

We have written this book in the spare moments of a busy life. It has required about three years to accomplish our task. During that time ou rresearches have been extensive and thorough. We challenge an investigation of the facts upon which our conclusions are based. They are incontrovertible.

Before the war, we were most bitterly and world-widely denounced because of the institution of slavery, for which both sections were equally responsible.

During the war, we were officially, and otherwise, denounced as traitors to our common country, and as rebels against the plan of the Constitution we had sworn to obey; and this, too, by those who had declared this same Constitution, "A Compact with Death and a league with Hell."

After the war, we were still called rebels and traitors. As late as July 12, 1911, Senator Heyburn, of Idaho, in the United States Senate, denounced our cause as "infamous." When rebuked by John Sharp Williams, he asked, "Well, was it a glorious cause?" . We propose to enlighten this benighted Westerner and others, and to prove that it was a glorious cause.

If in this volume any expressions seem harsh and bitter let it not be attributed to any lingering animosity on the part of the author, but to the facts that falsely proclaimed him a traitor. Let it not be attributed to the passing of slavery, for, as we have shown in the proper place, that this institution would have been abolished without the war; and, besides, eighty per cent of the Southern soldiers did not own slaves. Nor let it be attributed to the failure of the Confederacy, but to the base misrepresentations and vituperations heaped on the people of the South. The home of secession was not in the South, but in the North, in the midst of the enemies of the Constitution, the anti-slavery agitators of the North. It was there the abusers of the South and the Constitution lived, and there they multiplied till they were sufficiently strong to disregard both the demands of the Constitution and the rights of the South.

We, therefore, ask that all our words which are seemingly severe be regarded in the light of the facts. If still It is believed they are too severe, write them by the side of the words of James G. Blaine, found in this volume (Chap. XXXIX) and if they prove to be one-tenth as cruel and unauthorized as the words of "the plumed knight," our apologies are already made.

Just one other word here; every true Southern veteran is an American citizen of the truest type, as loyal as the loyalest, as willing to imperil his life in the interests or defense of the common country, as the most patriotic son of any section of this great American Republic. But they will never confess that their cause was not that of the fathers—that of the common Constitution of the American States forming the American Union.

They believe that their unparalleled devotion to the American Constitution has a tendency to enshrine it in the American heart as never before; and to give it a place of security unknown before their great sacrifice for its principles. If constitutional government is to be preserved unimpaired for the coming generations, it *must be*, and it *will be* through the conservative spirit of the South.

The Author.

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# INTRODUCTION

In these pages it is assumed that all arguments not based on the Constitution are irrelevant.

In discussing questions of right under the Constitution we necessarily deal with facts, authorities, Legislatures, Conventions, and the Constitution itself.

1787.—The Government itself, in its very formation, declared the right of secession, in expressed terms of the Constitution, by granting the right of nine States to secede from the former Union, which was declared to be "perpetual."

1788.—The Federalist, in answer to questions, often declared that the proposed Constitution required "the States to be distinct and independent sovereignties."

1790.—Hamilton, as Secretary of the Treasury, under Washington, wrote to Thomas Jefferson, "Unless the Bill for the Assumption of the State Debts be passed there will be a separation of the States." He regarded the right of secession as an indisputable fact; and this at the time of the first administration of the Government.

1799.-During the next administration the Assembly of Virginia passed a set of resolutions, and sent them to all the States. The following six States replied, endorsing them: New Hampshire (Webster's native State), New York, Connecticut, Delaware, Vermont, and Massachusetts, Webster's adopted State. These resolutions declare, not less than four times, that the Constitution is a Compact between the States. They are in part as follows: "That this Assembly doth explicitly and peremptorily declare that in view of the powers of the Federal Government, as resulting from the Compact, to which the States are Parties, as limited by the plain sense and intention of the instrument, constituting the Compact, as no farther valid than they are authorized by the grants enumerated in that Compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said Compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights and liberties appertaning to them.

"That the General Assembly doth also express its deep regret that a spirit has, in sundry instances, been manifested by the Federal Government to enlarge its powers by forced constructions of the Constitutional Charter, which defines them; and that indications have appeared of a design to expound certain phrases (which having been copied from the very limited grant of powers in the former Articles of Confederation were the less liable to be misunderstood), so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and so as to consolidate the States, by degrees, into one Sovereignty, the obvious tendency and inevitable result of which would be, to transform the present Republican System of the United States into an absolute, or, at least, a mixed Monarchy." (Works of Hamilton, Vol. 6, page 530).

These are the resolutions of seven States at a time when the meaning of the Constitution was not debatable.

1799.—New Hampshire, revising her Constitution, copied from that of Massachusetts these words: "Each State retains its sovereignty, freedom, and independence."

1803.—Judge Tucker, Professor of Law in the William and Mary University in Virginia, a jurist and publicist of acknowledged ability, a strong Union man and a distinguished patriot, said, in the Appendix to his edition of Blackstone's Commentary:

"The Federal Government, then, appears to be the organ through which the United Republics communicate with foreign nations and with each other. Their submission to its operations is voluntary; and its councils, its engagements, its authority, are theirs, modified and united. Its sovereignty is an emanation from theirs, not a flame in which they have been consumed, nor a vortex in which they have been swallowed up. Each is still a perfect State, still a Sovereign, still independent, and still capable, should the occasion require, to resume the exercise of its functions, as such, in the most unlimited extent."

1814.—It is universally conceded by reputable historians that the New England States would have secended in 1814 had not the war with England terminated when it did. (Portland, Oregonian, 1902).

1824.-William Rawle, an eminent jurist of Pennsylvania, U. S. District Attorney under Washington, and, by Washington offered the Attorney Generalship of the United States, wrote "Rawle's View of the Constitution," a celebrated work, adopted as a text-book at West Point. In this work Mr. Rawle says. "The Union is an association of the people of Republics; its preservation is calculated to depend on the preservation of those Republics. The principle of representation, although certainly the wisest and the best, is not essential to the being of a Republic: but to continue a member of the Union, it must be preserved; and, therefore, the guarantee must be so construed. It depends on the State itself to retain or abolish the principle of representation; because it depends on itself whether it will continue a member of the Union. To deny this right would be inconsistent with the principles on which all our political systems are founded: which is that the people have, in all cases, a right to determine how they will be governed; a right ingredient in the original composition of the Government; which though not expressly avowed, was mutually understood.

"As to the remaining States, among themselves, there is no opening for doubt. Secession may reduce them to the smallest integer admitting combination. They would remain united under the same principles, and regulations, among themselves, that now apply to the whole. For a State cannot be compelled to withdraw from the Union, and, therefore, if two or more States determine to remain united, although all the others desert them, nothing can be discovered in the Constitution to prevent it."

1830.—In the United States Senate, speaking on the Foote Resolutions, Daniel Webster said: "It (Constitution) is the original bargain—the Compact—let it stand—let the advantage of it be fully enjoyed. The Union is itself too full of benefits to be hazarded in propositions for changing its original basis. I go for the Constitution as it is. But I am resolved not to submit in silence to accusations which impute to us (the North) a disposition to evade the Constitutional Compact." Note the

#### 12 RICHARDSON'S DEFENSE OF THE SOUTH

fact that Webster here calls the Constitution "the. Compact" and "the Constitutional Compact."

1833.—In the Senate of the United States, speaking on Calhoun's Resolution, Daniel Webster said of the Constitution: "If contract, it rests on plighted faith, and the mode of redress would be to declare the whole void. States may secede, if a League or Compact." It is true, in this speech, he denied that the Constitution is a compact, saying, "The Constitution means a Government, not a Compact, flatly contradicting the Webster of three years ago, contradicting the the ratifying ordinances of his native State and adopted State, contradicting Washington, Hamilton, Jefferson and every other authoritative expounder of the Constitution. But he admits in this speech all that the South demanded in the Sixties, viz: "States may secede, if a League or Compact."

1834.-Judge Story issued his celebrated work, "Story on the Constitution," in which he made a great effort to prove that the Government of the Unitd Stats is a "National Government proper, not Federal. In this work he is frank to admit the right of secession, if the Constitution is a Compact between the States, thus fully agreeing with Daniel Webster of 1833. In commenting on Judge Tucker's Commentary on the Constitution, he says: "The obvious deductions, which may be, and indeed have been drawn, from considering the Constitution as a Compact between the States, are that it operates as a mere treaty, or convention between them, and has an obligatory force upon each State no longer than it suits its pleasure, or its consent continues; that each State has a right to judge for itself in relation to the nature, extent and obligations of the instrument, without being at all bound by the interpretation of the Federal Government, or by that of any other State; and that each State retains the power to withdraw from the Confederacy, and to dissolve its connection, when such shall be its choice; and may suspend the operations of the Federal Government, and nullify its acts within its own territorial limits, whenever, in its own opinion, the exergency of the case may require. These conclusions may not always be avowed; but they flow naturally from the doctrines which we have under consideration. They go to the extent of reducing the Government to a mere Confederacy." (Story on the Constitution, Vol. 1, Book 3, Sec. 321).

Thus Judge Story is compelled to admit that if the Constitution is a Compact the right of Secession is "an obvious deduction"; that it admits of no doubt. It is known that Lincoln called it a Compact. Therefore, according to Story and Webster, he violated "an obvious deduction of the Constitution."

1844.—When the admission of Texas was a question, the Legislature of Massachusetts passed the following resolution:

"That the project of the annexation of Texas, unless arrested on the threshold, may drive these States into a dissolution of the Union." Massachusetts still believed that the Constitution was a Compact up to sixteen years before the election of Lincoln; and that Massachusetts could be driven into secession.

1845.—On the 22nd day of February, 1845, the Legislature of the same State (Massachusetts), resolved:

"As the powers of Legislation granted in the Constitution of the United States to Congress, do not embrace the case of admission of a foreign State, or foreign Territory, by Legislation, into the Union, such an act of admission would have no binding force whatever on the people of Massachusetts." (Lunt's History of the Origin of the War, pp 467-S).

These resolutions were discussed in Congress, and no man raised his voice against them on the ground that they were unconstitutional. Besides, Nile's Register contained six leading editorials on these resolutions, but while condemning them, the editor did not question their constitutionality. Thus fifteen years before the War New England and the Country at large did not question the right of secession.

1848.—Abraham Lincoln, in the House of Representatives, said: "Any people anywhere have the right to rise up and throw off the existing Government, and establish one that suits them better. This is a most valuable right;—a right we hope and believe, is to liberate the world. Nor is this right confined to cases in which the whole people of an existing Government, may choose to exercise it. Any portion of such people that can may revolutionize, and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of

#### 14 **RICHARDSON'S DEFENSE OF THE SOUTH**

such people may revolutionize, putting down a minority, intermingled with, or near about them, who may oppose their movements. It is a quality of revolutions not to go by old lines, or old laws, but to break up both and make new ones."

This very strong secession speech was made just thirteen years before the war.

1855.—On the 23rd day of February, 1855, Senator Wade from Ohio, said, in the United States Senate: "Who is to judge, in the last resort, of the violation of the Constitution of the United States by the enactment of a law? Who is the final arbiter? The General Government or the States in their Sovereignty? Why, Sir, to yield that point is to yield up all the rights of the States to protect their own citizens, and to consolidate the Government into a miserable despotism. I tell you, sir, whatever you may think of it, if this bill pass, collisions will arise between the Federal and the State jurisdictions,—conflicts in which the States will never yield; for the more you undertake to lead them with acts like this the greater will be their resistance.

"I said there were States in this Union whose highest tribunals had adjudged that bill to be unconstitutional, and that I was one of those who believed it unconstitutional; and that under the old resolutions of 1798 and 1799, a State must not only be the judge of that, but of the remedy in such a case." This was only five years before the war. It was at this time the judgment of all the courts. Yet Lincoln declared in 1861 that the Federal Government was the judge in such cases; and that he was the Government.

1860.—On the 24th day of May, 1860, the Senate of the United States passed, by a vote of 36 to 19, a set of resolutions, introduced by Jefferson Davis of Mississippi, the first of which reads as follows:

"That in the adoption of the Federal Constitution, the States adopting the same, acted severally as free and independent Sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers, domestic as well as foreign; and that any intermeddling of any one or more States, or by a combination of their citizens, with the domestic institutions of others, on any

pretext whatever, political, moral, or religious, with a view to their disturbance or subversion, is in violation of the Constitution, insulting to the States so interfered with, endangers their domestic peace and tranquility—objects for which the Constitution was formed— and, by necessary consequences, tends to weaken and destroy the Union itself." Twenty States voted for this resolution. One State divided its vote. Four voted against it ,and eight refused to vote. The States refusing to vote were of the numbers that had nullified the Fugitive Slave Law. And this was the very year before the war—less than a year before the inauguration of Lincoln.

Thus we have an unbroken chain of evidence from the time the Constitution was framed to the inaugural address of President Lincoln that each State was an "independent Sovereignty," and still capable, should the occasion require, to resume the exercise of its functions, as such, in the most unlimited extent." All the evidence we have given is based, principally, on the fact that the Constitution is a Compact between the States. That it was a Compact is sufficiently shown by the evidence produced in this introduction. No eminent jurist ever denied it till 1826, when Chancellor Kent's Commentaries appeared; and he makes no argument based on the Constitution, but simply deals in bare assertions.

The Constitution itself says,

"The United States shall guarantee to every State in the Union a Republican form of Government: and shall protect each of them against invasion and domestic violence."

This is the language of a Master, or a Lord, to his servant. Mark the words, "shall protect." They are compulsory. The servant has no choice except to obey. To refuse is disloyalty rebellion. The United States themselves were no exception. What then shall be said of the invasion of the Southern States of this Union by the Federal Government? Can the Government justify itself on the ground that these States had actually seceded? Did not that Government assert to the contrary? If, then, from the standpoint of the Federal Government, these States were still in the Union, how could that Government invade them without violating the Constitution? May we not ask if

Booth's bullet did not do more to establish Lincoln in the affection of the great American heart than did his loyalty to the Constitution?

Forty Years After the War, the "American Crisis Biographies" was written. In its preface are words like these: "The Civil War will not be treated as a rebellion, but as the great event in the history of our Nation, which after forty years it is now recognized to have been."

1914.—Today Robert E. Lee, the great military leader of the Southern cause, is in the Hall of Fame—placed there by the Federal Government. Thus the Government itself, in less than a half century after the war, has declared that the cause of the South was not the cause of rebels, but of patriots, true to the Constitution of the Union and all its sacred pledges.

If Lincoln Had Failed where would be his honors today? Does success in violating a Nation's Constitution merit imperishable honors? The glare of success amid the shouts of triumph may conceal, for a time, the wrongs of a violated Constitution, but not forever. Would he not have used the same means in either case? Has unconstitutional success any real merit greater than unconstitutional failure?

If Lincoln Had Survived the War with what difficulties would he have been confronted? Deprived of the sympathy his assassination brought him from all civilization, including the South, he would have heard in the halls of Congress the cry from the lips of Thaddeus Stevens and his followers, "there is no longer any Constitution." He would have been called upon to justify, on a Constitutional bases, a policy that sacrificed eight billions of property, and, approximately, one million of patriotic lives. Could he have done it, and been the recipient of the honors now bestowed on his name?

### **CHAPTER L**

# THE PART PLAYED BY THE SOUTH IN ESTABLISHING AMERICAN INDEPENDENCE.

!

The South sounded the first note that fired the Colonial heart and pointed the way to independence. It was in 1764 in the House of the Burgesses of Virginia. The man who sounded that note was no other than the eloquent orator in homespun clothes, known simply as Patrick Henry. That speech immortalized him and the occasion. Thomas Jefferson is the high authority that "Mr. Henry certainly gave the first impulse to the ball of the Revolution."

The correctness of this position is easily established. At the same time the facts present a most interesting chapter in the history of the American Colonies. It was in March 1764 when the British Parliament passed resolutions preparatory to levying a revenue on the colonies by a stamp act. The passage of these resolutions was communicated to the House of Burgesses of Virginia by the colonial agent. After mature consideration a committee was appointed to prepare "an address to the King, a memorial to the Lords, and a remonstrance to the House of Commons." On the 18th day of December 1764 this committee made its report which was amended and then concurred in. They were firm, clear and strong in declaring the Constitutional exemption of the Colonies from taxation. Yet the tone was that of the suppliant, and the picture it drew was that of anticipated It thus indicated no opposition beyond remonstrance. suffering.

In January 1765, the famous Stamp Act was passed, to be effective the next November. The act was regarded as a great wrong from one extremity of the Colonies to the other, yet no sign of resistance was manifest. Both the press and the people seemed disposed to submit as the only alternative. The Pennsylvania Gazette on the 30th of May, 1765, said, "We hear the sum of money arising from the new stamp duties in North America, for the first five years, is chiefly to be applied towards making commodious post-roads from one province to another, erecting bridges where necessary, and other measures equally important to facilitate an extension trade"—the tone of conciliation and submission.

All was confusion. What to hope, what to fear, what to be done were questions on every lip. Some entertained faint hopes that a united remonstrance from all the colonies would induce England to change her policy. But these were comparatively few. Many considered submission unavoidable. The idea of resistance by force seemed to have had no advocates. No heart seemed bold enough to conceive it. The most intrepid now skulked, yet it was an unwilling skulk. They were not bold enough to speak words of defiance.

It was now that Patrick Henry stepped to the front, the dauntless hero of the hour. His friends knew his worth, and earnestly desired that he should be a member of the House of Burgesses. William Johnson had been elected a member of the Burgesses. He was induced to resign and accept the position of coroner. Henry was elected to fill the vacancy on the first of May 1765. On the 20th of May he was added to the committee on the Courts of Justice.

In that House of Burgesses was Peyton Randolph, the King's Attorney-General, distinguished for his eloquence and virtues of heart; Richard Bland, the finished scholar and profound logician; Edmund Pendleton, accurate and clear in speech, having few equals; George Wythe, the logician, keen and sarcastic in repartee; and Robert Henry Lee, called the Cicero of the House, at home in all the walks of literature and science. Among these illustrious orators now stood the Plebian Henry. He had not their polish nor their erudition. But he had a constancy of soul that no power could shake; a genius that no erudition could cope with; a boldness that knew no fear; and an imagination "that colored with the felicity of Titian."

With becoming modesty he waited for those who had remonstrated with the King, the Lords, and the House of Commons to renew their opposition to the Stamp Act. He waited till within three days of the close of the session and then introduced his celebrated resolutions on the Stamp Act.

These resolutions were as follows:

"Resolved: That the first adventurers and settlers of this, his Majesty's Colony and dominion, brought with them, and transmitted to their posterity, and all other his Majesty's subjects, since inhabiting in this, his Majesty's Colony, all the privileges and immunities, that have at any time been held, enjoyed, and possessed by the people of Great Britain.

"Resolved: That by two royal charters, granted by King James the First, the colonists aforesaid, are entitled to all the privileges, liberties and immunities of denizens and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realms of England.

"Resolved: That the taxation of the people by themselves, or by persons chosen by themselves to represent them who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguishing characteristic of British freedom, and without which the ancient Constitution can not subsist.

"Resolved: That his Majesty's liege people of this most ancient colony, have uninterruptedly enjoyed the right of being thus governed by their taxes and internal policies, and that the same have never been forfeited, or any other way given up, but hath been constantly recognized by the King and people of Great Britain.

"Resolved: Therefore, that the General Assembly of this colony have the sole right and power to lay taxes and impositions upon the inhabitants of this colony; and that every attempt to visit such power in any person or persons whatsoever, other than the General Assembly aforesaid, has a manifest tendency to destroy British, as well as American freedom."

Mr. Henry retained a copy of these resolutions. They were found among his papers on his death. They were sealed and thus endorsed: "These written resolutions passed the House of Burgesses in May, 1765. They formed the first opposition to the Stamp Act, and the scheme of taxing America by the British Parliament. All the Colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent. I had been for the first time elected a Burgess, unacquainted with the forms of the house, and the members that composed it. Finding the men of weight averse to opposition, and the commencement of the tax at hand. and that no person was likely to step forth, I determined to venture, and alone, unadvised, and unassisted, on a blank leaf of an old law book wrote the wthin. Upon offering them to the house, violent debates ensued. Many threats were uttered and much abuse cast on me, by the party for submission. After a long and warm contest, the resolutions passed by a very small majority, perhaps of one or two only. The alarm spread throughout America with astonishing quickness, and the ministerial party were overwhelmed. The great point of resistance to British taxation was universally established in the colonies. This brought on the war, which finally separated the two countries, and gave independence to ours. Whether this will prove a blessing or a curse, will depend upon the use our people make of the blessings a gracious God hath bestowed on us. If they are wise they will be great and happy. If they are of a contrary character, they will be miserable. Righteousness alone can exalt them as a nation.

"Reader! whoever thou art, remember this; and in thy sphere, practice virtue thyself, and encourage it in others.

P. Henry."

These are the celebrated resolutions introduced by Patrick Henry in the Virginia Burgesses in May 1765. He was justly proud of them. He therefore most carefully preserved a copy, by sealing them, and directing that they be opened only by his executor. They are therefore genuine.

These resolutions differ from all previous remonstrances and addresses as to the time and circumstances, and as to the legislative body addressed. All previous state papers and remonstrances against the Stamp Act were addressed to the legislature of Great Britain. These resolutions of Henry's were addressed to the legislature of Virginia. All previous remon-

strances were couched in most respectful terms, and in tones of submission. These resolutions of Henry's were in defiance of Great Britain. All previous remonstrances were made before the Stamp Act was passed. These resolutions of Henry's were introduced and passed after the Stamp Act had become a law, and further remonstrance was useless. All previous remonstrances induced Great Britain to believe the Colonies would submit gracefully to encroachments upon their rights. The fifth and last resolution of Henry's charged, "that any attempt to visit such power in any person or persons whatsoever, other than the general assembly aforesaid has a manifest tendency to destroy British as well as American freedom," a direct charge that the King and lords, and commons of Great Britain were guilty of tyranny and despotism.

The daring boldness of this charge startled the assembly. The colonies were weak and Great Britain the mightiest power of the world. They were without means of defense, and Great Britain was well-equipped. Well might the Burgesses have been alarmed. The resolutions were resisted not only by the royalists, but by a number who afterwards were among the ablest champions of American liberty.

Let us now have Mr. Jefferson's account of the transaction. It is in these words: "Mr. Henry moved and Mr. Johnston seconded these resolutions successively. They were opposed by Messrs. Randolph, Bland, Pendleton, Wythe, and all the old members whose influence in the house, had, till then, been unbroken. They did it, not from any question of our rights, but on the ground that the same sentiments had been, at their preceding session, expressed in a more conciliatory form, to which the answers were not yet received. But torrents of sublime eloquence from Henry, backed by the solid reasoning of Johnston prevailed. The last however and strongest resolution was carried but by a single vote. The debate on it was most bloody. I was half a student, and stood at the door of communication between the house and the lobby (for as yet there was no gallery) during the whole debate and vote; and I well remember, that, after the members on the division were told and declared from the chair, Peyton Randolph (the Attorney-General) came out at the door where I was standing, and said as he entered the lobby, 'By God, I would have given 500 guineas for a single vote:' for one vote would have negatived the resolution. Mr. Henry left the town that evening; and the next morning before the meeting of the House, Col. Peyton Randolph, then of the Council, came to the Hall of Burgesses, and sat at the Clerk's desk till the house bell rang. thumbing over the volumes of journals, to find a precedent of expunging a vote of the house, which, he said, had taken place while he was a member or clerk of the house, I do not recollect which. I stood by him at the end of the table, a considerable part of the time, looking on, as he turned over the leaves; but I do not recollect whether he found the erasure. In the meantime, some of the timid members who had voted for the strongest resolution had become alarmed; and as soon as the house met, a motion was made and carried to expunge it from the Journals. There being at that day but one printer, and he entirely under the control of the Governor. I do not know that this resolution ever appeared in print. I write this from memory: but the impression made on me at the time was such as to fix the facts indelibly in my mind. I suppose the original journal was among those destroyed by the British, or its obliterated face might be appealed to. And here I will state that Burk's statement of Mr. Henry's consenting to withdraw two resolutions, by way of compromise with his opponents is entirely erroneous."

As to the erasure of the fifth resolution, Mr. Jefferson is sustained by Judge Paul Carrington who was a member of the Burgesses of 1765; and is also sustained by the fact that the journal of the day does not contain the 5th resolution, but does contain the other four.

Mr. Jefferson says, "By these resolutions and his manner of supporting them Mr. Henry took the lead out of the hands of those who had, theretofore, guided the proceedings of the House, that is to say of Pendleton, Wythe, Bland. and Randolph.

Mr. Wirt, Henry's biographer says of him, "It was in the midst of this magnificent debate, while he was descanting on the tyranny of the obnoxious act that he exclaimed in a voice of

thunder and with the look of a god, 'Caesar had his Brutus; Charles the first his Cromwell—and George the third'—('Treason,' cried the speaker, 'treason, treason,' echoed from every part of the house. It was one of those trying moments which is decision of character. Henry faltered not for an instant; but rising to a loftier attitude, and fixing his eye of the most determined fire on the speaker he finished his sentence with the firmest emphasis) 'may profit by their example. If this be treason, make the most of it."

The fire kindled by Henry's resolutions spread to all the other colonies, and the spirit of resistance rapidly grew, until "the whole continent was in a flame;" and the Stamp Act was rendered impracticable.

Thus we have sustained our point, that it was in the South the first note was sounded that fired the colonial heart and pointed the way to liberty and independence.

Again: When, in 1775, the export of powder from England was prohibited, and the seizure of powder and arms in the several provincial magazines followed, who was it that first fired the Virginia Colony and kindled the flame of patriotism throughout the American Colonies, and then encouraged the spirit of revolt against the insult? It was no other than the same brave Patrick Henry. He first of all aroused by his eloquence universal indignation against the conduct of Governor Dunmore, who clandestinely had removed in the dead of the night twenty barrels of powder from the magazine in Williamsburg and placed it on board a vessel in the James River. He saw British oppression at the very door. He knew the sword of Great Britain was lifted to strike, and that it would sooner or later fall on unarmed and defenseless people. He knew that even the removal of twenty barrels of powder in such an emergency would put the colony at a great inconvenience. He therefore resolved that the Colony itself should strike before an overwhelming force should come down on them. He resolved that all subjection and deference to royalty should be dissolved; and that the resources of the country should be developed; that the people might know and realize their strength by being brought together; that an inevitable revolution should begin in the Virginia colony; that the martial prowess of the entire country should be awakened; and "that the soldiery should be animated by that proud and resolute confidence which a successful enterprise in the commencement of a contest never fails to inspire."

These sentiments were then avowed by him to two confidential friends, Col. Richard Morris, and George Dabney. He said to Morris and Dabney, "You may in vain talk to them (the people) about duties on tea, etc. These things will not affect them. They depend on principles too abstracted for their comprehension and feeling. But tell them of the robbery of the magazine, and that the next step will be to disarm them, you bring the subject home to their bosoms and they will be ready to fly to arms to defend themselves."

He did not hesitate. He requested the members of the Independent Company of Hanover and the County Committee to meet him in arms at New Castle on the 2nd day of May on business of highest importance. He eloquently exposed to them the plan of the British Ministry to reduce the colonies to subjection by robbing them of all the means of defending their rights. He pictured in vivid colors the fields of Lexington and Concord still red with the fresh blood of their countrymen. He showed them that the plunder of the Williamsburg Magazine was but a part of a general plan of subjugation. He admonished them that the time had now come when they must decide whether they would live freemen and leave the heritage of freemen to their children, or become the hewers of wood, and drawers of water for the tools of a corrupt and tyrannical ministry. He painted the country in a state of subjection. In that picture were the dark lines of abject debasement, and vassalage, at which they shuddered with horror and indignation. He then drew another picture. It was the picture of prosperous homes in a land of liberty and security. Under the touch of his genius the outlines glowed like the noon-day sun. In its light they saw rich fields of waving grain, and seas white with the sails of commerce. He reminded them that the God of right who had overthrown Pharaoh in the Red Sea was the same and unchangeable God, and that his strong arms would be their help; that they should snatch the prize of liberty then within their grasp. He assured them they had no time to lose; that their enemies in the colony were few and weak, and by quick and vigorous work they could compel the restoration of the powder, or secure an order on the king's revenues in the hands of the receiver-general, which could fairly balance the account; and that the Hanover volunteers would thus strike the first blow in the colony in the great cause of American liberty, and would cover themselves with unfading laurels.

This was the substance of his speech. The coloring was his own—*inimitable* touch. The effect was wonderful. The meeting was a flame. The decision was immediate. The powder *should* be returned, or counterbalanced by a reprisal. The Captain of the Hanover Volunteers resigned his commission in Henry's favor, and accepted the commission of Lieutenant. A detachment was sent across the river to the residence of Richard Corbin, the King's receiver-general, to demand from him three hundred and thirty pounds, the estimated value of the powder. If he refused he was to be made a prisoner, in which case he was to be treated with all possible respect, and brought to Doncastle's ordinary, about sixteen miles above Williamsburg, where the detachment was to rejoin the main body. The detachment failed to find Corbin at home.

The marching of this gallant Company headed by a man of Henry's distinction produced a wonderful effect. Companies spring up on all sides and hastened to allign themselves under Henry's banner, swelling the number of armed men to at least five thousand.

The royalists were filled with dismay. Lady Dunmore fled to the man-of-war lying off Little York. Even patriots of Williamsburg were alarmed and denounced the act as that of rashness. Messengers were sent to Henry, and he was entreated to desist from his purpose: Henry was inflexible. The messengers were retained that they might not report his strength. The march was continued with the greatest possible celerity. In vain Governor Dunmore issued his proclamation denouncing the movement and calling upon the people to resist it. The people were deaf to his call. He filled the palace with arms, and ordered up a detachment of marines on the 4th of May, 1775.

Still the Governor was much alarmed and sent messengers to meet Henry with the receiver-generals bill of exchange for the sum required. This was accepted by Henry as satisfactory; and the following receipt was given by Henry:

"Doncastle's ordinary, New Kent, May the 4th, 1775, received from the Hon. Richard Corbin Esq. his Majesty's receiver-general 330 lbs., as a compensation forthe gunpowder lately taken out of the public magazine by the Governor's order; which money I promise to convey to the Virginia delegates at the general Congress, to be, under their direction, laid out in gunpowder for the Colony's use, and to be stored as they shall direct, until the next colony convention or general assembly; unless it shall be necessary, in the mean time, to use the same to the defence of this colony. It is agreed, that in case the next convention shall determine that any part of the said money ought to be returned to his Majestys' said receiver-general, that the same shall be done accordingly.

#### Patrick Henry."

Thus Henry not only sounded the first note that pointed the way to American independence, but he and his brave Hanover Indepents struck the first blow in resistance to British usurpation.

Two days later, on the 6th of May, 1775, Governor Dunmore issued a second proclamation denouncing a "certain Patrick Henry and a number of deluded followers" charging them with rebellion, with dispatching "letters to divers parts of the country," and, "exciting people to join in these outrageous and rebellious practices," and with committing "other acts of violence and particularly in extorting from his Majesty's receiver-general the sum of three hundred and thirty pounds under pretence of replacing powder I thought proper to order from the magazine.... strictly charging all persons upon their allegiance, not to aid, abet or give countenance to the said Patrick Henry, or any other persons concerned in such unwarrantable combinations, but on the contrary to oppose them and their designs by every means; which designs must otherwise inevitably involve the whole country in the most direful calamity, as they will call for vengeance of offended majesty, and the insulted laws, to be exerted here to vindicate the Constitutional authority of the Government."

The threats and denunciations of the Governor only rendered Henry the more conspicuous and the more honorable. It is said he was in the act of departing for Congress when the intelligence from Williamsburg reached him. Having now accomplished his purpose he resumed his journey to Philadelphia. His journey was that of the triumph of a conqueror. A large body of patriots accompanied him as far as the Potomac. From all directions messengers came bearing the thanks and applause of his assembled countrymen. So many were the messengers and messages that the necessity of halting to read them converted the journey of one day into a triumph of many.

Thus Henry not only uttered the first words that put the ball of the Revolution in motion, but he had also the distinction of leading the first military movement in Virginia in support of the same great cause.

Poets have sung and orators have declaimed the rockbound coast to which the Puritan fathers came. Let poet's song and the orator's eulogy immortalize the Puritan's home and his contributions to progress and civilization. The Puritan deserves much. Let honor's wreath crown his brow. But compare Puritan and Cavalier in the great work each did in laying the deeper foundation of our greatness as a people, and who deserves the greater credit? We have just shown that it was in the Old Dominion that the first voice was lifted to point the way to freedom from England's tyranny. It was another son of the South that gave us the immortal Declaration of Independence. When the long and hard struggle for liberty came who but the great Washington led the Continentals to victory? When that war had seen its darkest days, when courage and endurance had wrenched victory from the jaws of the British lion at Yorktown, and hope and light and cheer greeted a new republic who was it that was placed at the helm to direct the Government in its starting career to greatness and prosperity?

Between the last gun of the Revolution and the first gun of the great War between the States seventy-two years intervened, and fifteen presidents had ruled. Nine of the fifteen presidents were Southerners, and fifty of the seventy-two years are to be credited to the South. To these facts add the long line of able jurists from the South headed by Chief Justice Marshal, and who can deny the dominating influence of the South in the early history of this Republic?

As with the statesmen and jurists, so with the military leadership. The Cavalier is a born soldier. He has a genius for war. An army of Cavaliers would have charmed the heart of Napoleon. In the war of 1812-14 who were the champion soldiers and who were the successful leaders? In the war with Mexico what section furnished the great bulk of enthusiastic soldiery?

Begin with 1765 and see the ruling hand of the South shaping events. Later see Virginia bearding the British lion, and see all the colonies aflame with enthusiasm as the result. See this same guiding hand giving strength and symmetry to the Republic at home and respect abroad. Turn your eyes to the efforts of the South in extending the borders of this republic from the seaboard to great Central Valley, and beyond the mountains to the waters of the Pacific. Whose brain chiefly conceived and executed the purchase of Louisiana? Through whose influence came the annexation of Texas? To what section are we chiefly indebted for the great Southwest? Whose liberal hand donated to the Union the great Northwest?

Notwithstanding these facts bringing unfading luster to the Southern section of our country this section is the constant subject of abuse. On the 24th day of August, 1909, Miss C. T. A. Duffy, of Atlanta, Ga., called attention of the editor of the Atlanta Georgian to an article in the Encyclopaedia Britannica, which deserves all and more the editor has said in reply. We copy the editorial in full as well as the letter of Miss Duffy:

#### "IS THE SOUTH EFFETE AND DECADENT?

"The Encyclopaedia Britannica is a work which is found upon the shelves of numberless libraries in the South. On many topics of information it is absolutely fair and just. But in the name of a people whose contributions to American statesmanship and literature have challenged the world's profound respect, the Georgian most indignantly protests against the libelous and untruthful strictures which this supposed repository of knowledge puts upon the South's intellectual activities.

Our attention has been called to the article in question by the following letter, which explains itself:

Editor Atlanta Georgian:

Please turn to page 360 of the Encyclopaedia Britannica (New Twentieth Century Edition, subject, "American Literature—Conditions and Characteristics of American Literature." You will find this statement:

"Since the Revolution days, when Virginia was the nurse of the statesmen, the few thinkers of Americans born south of Mason and Dixon's line—outnumbered by those belonging to the single state of Massachusetts—have commonly migrated to New York or Boston in search of a university training. In the world of letters, at least, the Southern states have shown reflected light; nor is it too much to say that mainly by their connection with the North the Carolinas have been saved from sinking to the level of Mexico or the Antilles. Whether we look to India or Louisiana, it would seem that the tropical sun takes the poetic fire out of the Anglo-Saxon veins, and the indolence which is the concomitant of despostism has the same benumbing effect. Like the Spartan marshaling his helots, the planter lounging among his slaves was made dead to art by a paralyzing sense known as his own superiority."

Will the editor of the Georgian please advise in its columns if a statement like this in what is known as the Great Encyclopaedia Britannica stands unrebuked by the Southern press? And speak frankly on the point as to the standing of the South as to its literature in comparison with the other sections of this country.

Very truly, (Miss) C. T. A. Duffy, Atlanta, Ga., August 24, 1909. In reply to the question which is raised in the foregoing letter, the Georgian desires to say several things.

First, by way of introduction, the writer of the article on American literature in the Encyclopaedia Britannica was disqualified alike by his prejudice and by his ignorance from handling the grave topic which he undertook to discuss.

And whatever may be the glitter of his name it remains that he has ignored the patent facts which are known and read of all men.

Even the most superficial acquaintance with the bare signboards of American history will suffice to show that for the first 80 years of our national life the South not only dominated the councils of government, but furnished leaders for every great forward movement, whether of politics or morals.

Starting with the Revolution itself, the South furnished its pen in Thomas Jefferson, its tongue in Patrick Henry, and its sword in George Washington.

The father of the Constitution was James Madison.

By universal consent, the greatest of all the judges who have worn the ermine of the supreme bench was John Marshal.

Whether in the forum or on the field, it is difficult to find the counterpart of rugged "Old Hickory."

Of the illustrious trio of American statesmen—Calhoun, Clay and Webster,—two were from the South.

The commander-in-chief of the American forces in the Mexican war was Winfield Scott.

And when the great division came in 1861 it was to one whose childhood was cradled in the forest of Kentucky that the call from the dominant party in the republic was made—Abraham Lincoln.

The man who succeeded him in the executive chair when the assassin's bullet struck him down was likewise from the South— Andrew Johnson.

In the very forefront of modern commanders the severest of Northern critics have placed Robert E. Lee.

Colonel Henderson, of the British army, in two superb volumes, has told the matchless story of the valley campaigns of Stonewall Jackson; and the work has become a text book in the military schools of England.

The man who discovered anesthesia—a boon which mitigated the suffering of 40 centuries and proclaimed the era of modern surgery—was Crawford W. Long.

Does this argue an effete civilization or justify that the South has shown by reflected light?

If the South has really become effeminate, what a commentary is made by this humiliating fact upon the native American stock?

For in this section there has been less admixture with foreign elements than in any other; and the blood which ripples the veins of the South to-day is essentially the blood which settled the republic—the blood of Cowpens and Kings Mountain—the blood of Yorktown.

And on this last historic field which the South furnished to the struggle for independence went down the flag of the country which is today represented in the world of books by the Encyclopaedia Brittannica.

The number and character of our educational nurseries will also dispel the slanderous accusation that it is mainly by our connection with the North that we have been saved from sinking to the level of decadent Spain.

Preposterous!

In the effort to retrieve the consequences of war, the South has been severely handicapped; but no one of candid mind can contemplate what the South has accomplished since Appomattox without marveling at the result. She furnished most of the battlefields of the great conflict. She lost her slave property, which aggregated millions of dollars. Besides paying her own war debt, she has also paid her proportionate share of the debt, which was contracted to subdue her. Yet what miracles of growth has she performed in four short decades!

Today it is universally conceded that the South is the most prosperous section of the whole republic—vet she has only skirted the margin of her possibilities

#### 32 RICHARDSON'S DEFENSE OF THE SOUTH

Nor is it true—to quote the fervid language of this grandiloquent writer—that the tropical sun has taken the poetic fire out of the Anglo-Saxon veins.

Sidney Lanier, Edgar Allan Poe, Henry Timrod, Paul H. Hayne, John R. Thompson, Theodore O'Hara and James Barron Hope—these give the lie to this libel.

While the South has published no encyclopaedias—while she has never sought to exploit her literary wares—while she has been willing for New England to manufacture most of the books which have vaunted the achievements of American men of letters—shè is nevertheless writing for the ages.

The only American author whose books have been translated into seventeen different languages is Joel Chandler Harris.

Audubon, the great naturalist—John and Joseph LeConte, styled the genii of the scientific heavens—Matthew F. Maury, the great geographer—these are some of the South's contributions to the republic of letters.

In the book market of the present day there are few writers who either in popularity or in merit precede John Fox, Mary Johnston, Frances Hodgson Burnett, Ellen Glasgow, James Lane Allen, Thomas Nelson Page and scores of others whose names are household words.

The earliest inspirations of the genius of Mark Twain were caught from the dock scenes on the lower Mississippi.

And the brilliant imagination of Winston Churchill was quickened in the sunny edge of the Land of Dixie.

No, Miss Duffy, the Georgian is not willing for the article to which you have called attention to go unrebuked. It is wholly out of keeping with the spirit which should pervade a work of this kind. Moreover, it is slanderous to a people whose achievements, whether in the realm of intellect or of action, are such that they can dispense with flattery if only the sheer truth is told."

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## CHAPTER II.

# THE INSTITUTION OF SLAVERY.

Right or wrong slavery is the one institution of the ages. Its Latin name, servus, correctly translated a slave, comes from servire, to preserve. The servi, or slaves were captured in war, and their lives were preserved on the condition of their becoming the absolute property of their masters. It is doubtless as old as war, and hence existed long before the historic age.

It existed in ancient Egypt, Chaldea, Arabia and all the wide East. Poets, Philosophers, and Statesmen alike regarded it as regular and natural. Aristotle defended it on the ground of "diversity of races." Plato in his perfect state only desired that no Greek should become the slave of a Greek.

Abraham. the father of the faithful. was a slave owner. With him God made a covenant for the redemption of mankind. Some of his slaves were "born" such. Others were "bought with money." Job, whom God called "his servant," had many slaves. When Christ came into this world he found slavery here. "The man without sin" rebuked all sin, yet he did not rebuke the relation between master and slave. Of a certain Centurion he said, "I have not found so great faith, no not in Israel." Yet that Centurion was a large slave-owner, Onesimus was an escaped slave of Philemon. Both the slave and his master were converted under the preaching of Paul. Onesimus was sent back by Paul to his master. Martin Luther wrote: "He that savs slavery is opposed to Christianity is a liar." The great French preacher, Bousett, near the end of the 17th century, wrote, "To condemn slavery is to condemn the Holy Ghost.""

Must we condemn the Bible because it does not condemn slavery? All are slaves to a greater or less extent. Freedom itself is not unbridled liberty. It is restricted on all sides by the law, both civil and moral. If restriction of liberty is slavery, freedom itself is a slave. The most civilized races need restriction, but infinitely less than the least civilized. The best government for any people is that which is best adapted to their capacity. Judged by this test who can deny that the humane institution of slavery

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in the South was not the best government for the savages shipped from Africa to this country in the colonial days?

When the colonies were first organized the whole civilized world advocated the institution of slavery. Georgia was the only colony of the original thirteen that excluded slavery in her organization. If salvery was right all share equally in the credit of establishing it in this country. If it was wrong all share equally in the wrong.

The institution of slavery was the solace of Heaven in comparison to the cruelty of the slavers. Apparently without remorse of conscience by Northern slavers vast numbers of helpless savages were crowded into close quarters on these vessels, causing most intense suffering and a very large death rate. Bancroft estimates that prior to 1776 more than six million of negroes had been stolen from Africa, while Reynol estimates the number to exceed nine million. It is estimated that at least three million of these came to America; and that no less than a quarter of a million were thrown into the Atlantic on the voyage.

The first state to legalize the slave trade was Massachusetts. The first State to build and equip a slaver was Massachusetts. The first slaver was christened "The Desire"—built and equipped at Marblehead in June 1637. Whatever significance was attached to the name, "The Desire," of this first slaver, it is certain that the slavers did more to render North America pro-slavery than all other forces combined. The other New England states followed in the wake of Massachusetts, for the slave trade was very profitable. More than two score slavers from Massachusetts were on the bosom of the Atlantic at once. Not a slaver went from a Southern Colony.

The New England States plead in justification of their course the fact that the savages they secured in Africa were already the slaves of the neighboring African tribes. But there was no excuse. Besides they captured and enslaved peaceful Indians by the hundreds, and exchanged them for negroes in the Bermudas, Barbardoes and other islands. But if wrong, had the South no part in all these great wrongs? Yes, in these great wrongs all the colonies shared—in the South by purchasing these negroes, thus encouraging the slave traffic. She plead in excuse that it was an act of mercy in as much as she found them at her door under most distressing circumstances; and in as much as she gave them life instead of death; comfort instead of suffering and distress; and kindness instead of cruelty. But still it encouraged the slave trade. But again it was very difficult for sympathetic human nature to turn a deaf ear to their misfortunes.

When the Declaration of Independence was written, slavery existed in all the states. The Revolutionary War was fought to a finish by slave-holding states. When the Constitution was adopted slavery existed in all the states except Massachusetts. And Massachusetts freed her slaves out of the regular order. The people had voted for a new state constitution. In that election the question of slavery was not an issue. The new Constitution contained this clause: "All men are born free and equal." The same clause was also in the Virginia Constitution.

Seven months after Massachusetts had adopted her Constitution a slave known as Quaco Walker, of the town of Barre, Worcester County, left his master, Nathaniel Jennison, and hired himself to two brothers, John and Seth Caldwell. Jennison reclaimed and punished his slave. Quaco Walker sued Jennison for damages. Jennison also sued the Caldwells. Quaco gained his suit, obtaining judgment for fifty pounds, damages. Jennison also gained his case, obtaining judgment for twenty-five pounds. Jennison appealed to the Supreme Court and lost. The Caldwells also appealed to the same Court and gained their case.

The Supreme Court based its decision on the clause: "All men are born free and equal." Only in this very peculiar manner did Massachusetts free her slaves before the adoption of the Constitution. This decision was rendered in April 1783, one year and eight months after the battle of Yorktown. Hence the Revolutionary War was fought by slave-holding states without a single exception.

In 1783 the right to hold slaves existed in all the States. In 1790 it existed in all except Massachusetts. As late as 1840 all were slave states except four, viz.: Massachusetts, Maine, Vermont, and Michigan. In 1850 there were sixteen free states and fifteen slave-holding states. In 1860 the right to hold slaves existed in fifteen out of thirty-three states, one of these being New Jersey.

Massachusetts, the first to abolish slavery owned slaves almost, if not quite, a half century longer than Georgia, while New Jersey held slaves at least a full century longer than Georgia.

When the Constitution was adopted it was said of the Government, "Its corner stone is slavery." Mr. Thorpe says, "The South had the Negro on its hands in 1860 and it has him today chiefly because of the law of climate. And the North did not have the Negro on its hands in 1860, as it does not have him to-day on account of the same law. If it be asked why in 1790 and earlier slavery existed in New England, and in the Middle States in spite of the climate the answer is contained in the question: it existed in spite of the climate. But negro slavery at the North was not profitable excepting as at New York and other markets where slaves were bought and sold as commodities. Whether the Northern conscience would have considered slavery a crime had slavery been profitable all the way up to the Canadian border, is a question which Southern men can answer perhaps more accurately than Northern men: for the climate which is necessary to the existence of the negro is the climate of the South rather than the North. If slavery was right at the South at any time it would have been at the North whatever the climate of the North might be." (The Civil War from a Northern standpoint, p. 14).

Mr. Thorpe evidently means that had similar conditions existed in the North to those of the South the institution of slavery would have continued there as in the South. As late as 1831, as the conditions then were in the North the pro-slavery sentiment was violently strong. In that year Abolitionists were mobbed, assaulted, and threatened with tar and feathers in New York, Pennsylvania, Massachusetts, New Hampshire, and other states. As late as 1837 a Mr. Lovejoy was actually put to death by a mob of enraged citizens in the state of Illinois. Eleven years before this the abolition of slavery was actually proposed and earnestly debated in the Legislature of Virginia, and so near was its accomplishment that it lacked only one vote. It was defeated only on the ground of expediency.

The love of liberty is innate and shrewd Northerners took advantage of the existence of slavery in the South, making it the occasion of their own political advancement. Appealing to this innate principle they finally inflamed the North against both the South and the Constitution, denouncing the South as the propagandists of slavery and the Constitution as "a compact with death and a league with hell." Is comment necessary here? No, the facts speak for themselves.

In 1619 a few slaves were sold to private citizens of the Colony of Virginia. The colony *tolerated* slavery at that time but had not yet *legalized* it. We believe that Massachusetts was the first of all the colonies to legalize slavery.

In 1860 there were 3,950,531 slaves in the South and 247,817 free colored people. All the States at this time had more or less free negroes. Maryland had no less than 83,743 free blacks, only 3,247 less than her entire slave population. Virginia had no less than 58,042 free negroes and North Carolina no less than 30,462. These were the three oldest slave states of the South. The all important fact is learned here that time and patience would have solved the slavery question without that great shedding of blood that distinguished the Sixties. Alas! for reckless, impatient, cruel, and selfish ambition! The records made by its bloody hand mar every page of history.,

The institution of slavery in the South was missionary in the truest and highest sense. Who can begin to estimate the benefits slavery conferred on the degraded savages brought by Northern slavers from the wilds of Africa, and sold to the Southern planter! Compare these savages with the negroes of the South, and consider the contrast. Brought into immediate contact with the best type of Christian civilization, their transformation was wonderful—almost magical. They found here the best possible conditions for their wants. They were helpless. They were ignorant. Hence they were most dependent. They found here good homes, comfortable beds, warm clothing—an abundance of nourishing food, and shelter from the storm. Childlike in disposition and their wants, their troubles were of short duration. Their cares, like those of childhood were few. Freed from the heartless mercenaries of the slavers their environments soon rendered them contented and happy. Such was their transformation and such was their intelligence that the North deemed them worthy of the high trust of the ballot after the war.

In Effingham County, Georgia, there lived before the war a large slave-holder, Thomas Elkins, a true representative of that class. Among his slaves were two old African chiefs. They frequently expressed a desire to return to their native haunts in Africa. Mr. Elkins said to them, "I will free you and send you back home to Africa." He named the day when he and the negroes would go to Augusta, where he expected to arrange for their safe transportation back to Africa. A few days before the appointed time the two old chiefs came to Mr. Elkins and said, "We no want to go back to Africa. We want to stay with you."

If tribal African chiefs who had been surprised and enslaved by other tribal chiefs and sold to New England slave-dealers, who in turn sold them in the South, were so soon reconciled and contented what shall be said of the contentment of the negroes born and raised here in the atmosphere of kindly and congenial spirits? Without doubt, if we except children, they were the happiest class of people in all the states,—happiest because they had the fewest cares and fewest perplexities. It is life's cares and perplexities that render life miserable. Thousands of old ex-slaves now long for the happy days of ante-bellum times.

As one of the many thousands of instances of pleasant memories we insert this:

"Columbus, Ga., May 29, 1913.

"Editor Christian Index:

"I am sending you a letter, which I think favorably illustrates the kindly feeling which the 'old time Negro' cherishes for Christian services rendered them by the whites in the long ago. The letter which follows just as it was written, bears its own sweet message of gratitude from one who is a complete stranger to me.

"Fraternally yours,

A. E. Williams."

"Mr. A. E. Williams, Columbus, Ga.

"Dear Sir:—I saw the death of your dear father in the Macon Telegraph. After reading it I thought of my boyhood days. I am a colored man and was born in South Carolina in 1855, and lived in Greenville, S. C., until I was fifteen years old. I remember your uncle, Dr. Williams, and I heard him preach several times. Drs. William, Boyce, Manly and Broadus used to preach to colored people in the afternoon in the white churches.

"I remember Dr. Williams preached once from the text, "Am I my brother's keeper?"

"I have a younger brother named for Dr. Manly, and a son for Dr. Broadus. My wife has a brother named for Dr. Williams. I have some of all their works.

"I suffer with you in the death of your dear father.

"Your humble servant,

"M. P. Moore,

"Dawson, Ga."

The corn-shuckings were annual occasions of good cheer and abounding pleasure to them. In the fall of each year the ripe corn was gathered in the shuck and piled in a huge heap along the side of a crib open full length at the top. The planter would sav to his negroes, "We will now have an old fashioned corn-shucking." at the same time designating the night on which it was to occur. That was enough. The news would spread from plantation to plantation with amazing rapidity. On that night from all quarters would come gay bands of active negroes, and surround that pile of corn. A few of their leaders, having strong lungs, would mount the pile, and, rushing from one end to the other, would lead in their own peculiar songs, while the hundreds of the busy shuckers would join in the loud glad chorus. The African is a born singer. His singing is as distinctively racial as that of the The melody of his voice is adapted to all American Indian. On clear nights their "Corn Songs" were. grades of the scale. Thus to the gala step of the liveliest at times, heard for miles. of songs, the last "nubbin" was soon in the crib.

The corn-feast followed in quick order, the stripping of the corn of shucks. Now forming in ranks the shuckers, with exultant spirits and best of humor, marched to the "big house," still singing as if they never tired of song. There they found a long impormptu table loaded with savory meats of various kinds, and delicacies—all fit for a king.

The corn-toting followed the feasting. This was to the negroes the richest sport. perhaps. of the corn-shucking season. It was now that the negroes ranked the planter and were themselves the lords of the situation. It has been said that the word "tote" originated among the negroes of the South. Its distinctive meaning is to carry or to bear in your hands. The first fun in this sport was the toting of the master of the "big house." If he should hide out they had the right, by a common law of their own, to search every nook, closet and corner in that house. And when they had found him their shouts of triumph, in loudest glee, announced the The submissive master generally rode astride the shouldfact ers of some strong dusky hero who carried him around the "big house" and then through it. followed by a great throng of dusky songsters. This was repeated as often as desired. After the master all the other white males considered large enough were treated in the same way. Then came the time for the leading negroes of the place to be toted. Now came the greatest fun of all to them. When a large strong buck negro was tackled he generally felt disposed to show his muscle. Being well in the grasp of as many negroes as could lay hands on him, he would draw himself up, and then with all his might straighten himself, often with the result of bringing all to the ground. When the subject had exhausted his strength he was borne with ease and, like all the others, he too was carried through the "big house" and around it to their full content,

The corn-dance followed the toting sport. It was a dance peculiar to the Southern slaves, and most interesting. Perhaps no dance, not even that of the American Indian, exceeded it in interest. Originating with the Southern negroes, it died out with their freedom. The scene of the dance was generally out doors on firm smooth ground. Their only instrument of music was the fiddle, accompanied by the clapping of hands and patting on the thigh with the hands, keeping time with the music of the fiddle. Many of them could strike their heels together three times while off the ground. These were the expert dancers—scientific from their standpoint. The graceful ease with which the dusky heroes would now face the dusky maids and then lead them gallantly through the intricacies of the dance was par-excellence. Often during the dance the participants would chant the tune to the music of the fiddle and the pattings and clappings of the hands. Thus the dance would continue till the wee hours of the night.

Perhaps no occasion in all the history of the South, or of the entire nation, was so novel, so unique, and so full of inspiring interest as that of the Corn-shucking season. It was the occasion of the highest enjoyment and of unbounded enthusiasm to the negro. Negroes have been known to walk ten miles to attend one of these corn-shuckings. How do these facts compare with the fictions of Uncle Tom's Cabin?

In 1769, eighteen years before the framing of the Federal Constitution, Virginia prohibited the further importation of slaves. In 1827 there were one hundred and six anti-slavery societies in the South against twenty-four in the North. The Southern Societies had 5,150 members, while the Northern had only 920. (Genius Universal Emancipation, Lundy). Between 1824 and 1826 about 2,000 slaves were freed in North Carolina. In 1831 the Virginia Legislature was equally divided on a bill for the gradual emancipation of slaves. It was lost only by the vote of the chairman.

"The Liberator," was established by Wm. Lloyd Garrison of Boston in 1831. It was the organ of unconditional abolitionism. Like Uncle Tom's Cabin, it reasoned from exaggerated false statements. Yet men and women believed its assertions to be the literal truth. As a result it was not long before sixty-one women and children were murdered in Southampton, Virginia. This was the death knell to the one hundred and six anti-slave societies in the South.

It was ever thus. The South was never left unmolested to control her own institutions. Here was the "Old Dominion" in good faith trying to adopt measures for gradual emancipation. All her benevolent plans were thwarted by the brutal murder of her women and children. Mr. Seward, referring to what had been done for Kansas, said, "And we will invade your States." It was *murder* and *threats* that enraged the South. Mr. Garrison believed "Slavery could be abolished only by the dissolution of the Union," yet he advocated the abolition of slavery. Therefore he believed in the Constitutional right of *Secession*. He also believed the Constitution protected slavery. He therefore denounced the Constitution as "a compact with death and a league with hell."

Mr. Thorpe says, "The South had the Negro in 1860, and has him now." That is not mere idle speech. When the crisis came in 1860, the question of questions to the people of the South was, "What shall we do with the negro?" He is on our hands. Our relations, it is true, are those of the master and the slave, but they are also most tender and binding. He has our deepest sympathies. Shall we agree to transport him to some strange land? We have not the heart for this. It will mean hardships of the deepest kind for him and his people; and in most cases, doubtless, starvation. Our relations to the negro are life-long, and as tender as long.

Shall we free him in our midst? The answer is quick: He is ignorant, and helpless, and penniless, and dependent. Besides many slaves are but recently from the wilds of Africa. Will our wives and daughters be safe in their midst? Very few people of the North realized the gravity of the most serious and the deepest of questions submitted to the South by the issues of 1860. The question of dollars and cents weighed little indeed beside the perplexity of the question involving their consideration for the welfare and the comfort of the poor African slaves who had so long been the subjects of their care and protection.

Therefore the question of transportation or immediate freedom was dismissed. But there was yet a third way of meeting the issues, viz: that of secession. This was a Constitutional right the people of the South not in the least doubted. It was a right the exercise of which the New England States had first threatened; and was then acquiesced in by all the States. Southerners thought in this way they would free the consience of the North of the responsibility of supporting an institution they believed to be wrong. They were encouraged in this belief by leading Northern papers that declared the Constitutional right of secession. The world knows the result.

Mr. Thorpe (Civil War from a Northern standpoint, p. 14) says, "Gradually a conviction grew at the North that slavery was wrong, and gradually slavery disappeared." And so did the Negro.

The census of 1860 shows that the South had 247,817 free negroes and the North in all her domain had only 268,817-a difference of 21,000. Where were all the negroes of the North. during almost two full centuries of slavery? They were not eliminated by the rigors of the climate. For then their fate would have been the theme of poets, philosophers and philan-They were not liberated and endowed, and then thropists. transported to Havti or some other delightful climate. For then the press of the North and the world would have abounded with the praise of Northern slave-holders as true liberators indeed. But where were all those multiplied negroes? Shall we conclude they were on Southern plantations in exchange for Southern gold? This will destroy the beautiful picture drawn by Mr. Thorpe, and make the North as culpable for the wrong of slavery as was the South. Not only that, it will add another wrong of the North,-the waging of a war of coercion against the South for a sin equally common to both sections. Is shipping a negro to the South and selling him to a slaveholder, and then pocketing the money and returning to the North, freeing Mr. Thorpe might have spoken more accurately that negro? if he had said. "Gradually a conviction grew at the North that slavery was not a paying institution, and gradually the Northern slaves were exchanged for Southern gold."

There were 3,950,531 slaves in the South during the war. Their young masters, and older masters up to sixty years of age, were almost exclusively in the service. They confidently committed their wives and daughters to the keeping of these blacks. With

what result? The world knows the Southern heroes did not misplace their confidence. Was ever slavery like this? May it not have been slavery merely in name? Was it not a mere family institution with the binding ties of the tender relationship It is certain the world has never witnessed of the family? such fidelity among other people under similar circumstances. All accusations of cruelty on the part of the Southern whites. to be effective, must first overcome this glorious fidelity of the negro. It was this fidelity that made Lincoln's Emancipation But for this fidelity that proclama-Proclamation a failure. tion would have been most barbarous-perhaps the greatest disgrace in the history of war. Think of it, if these nearly four millions of negroes had been encouraged by that proclamation to murder the women and children of the South how fearful would have been the disgrace visited upon the North.

Southern heroes of the late war have in their hearts a warm place for the old ex-slaves. They will transmit *their love and admiration* for these old darkies to their children and children's children. So long as Southern chivalry shall live it will honor the fidelity of the Southern slaves. Southern men and Southern women should erect in some important center in memory of the fidelity of their slaves a monument of marble with a base as broad as the broadest, and a column as tall as the tallest, and write *Fidelity* on its four sides.

On the 26th day of September, 1861, the people of the North in accordance with a proclamation of the President of the United States met to observe a day of "public prayer, humiliation and fasting." We are told by the writer of the "Civil War Fifty Years Ago To-Day" that "nearly every minister chose a different text bearing on slavery or on the war. All who did so denounced slavery as bitterly as it had never before been denounced by the Abolitionists of New England a decade before. Taken together these utterances showed how earnestly the Northern people, as a whole, believed that *the war was being fought* for the freeing of slaves, and for that alone—a view that had not been held by the whole people of the North when the war began. "Never before had all ministers and teachers of religion, of all denominations"—in the words of Lincoln's proclamation been called upon to express their views on a given day; never before had such a concerted expression of opinion gone up from them.

"Had some of the members of Congress who had voted for this fast day, been able to foresee these deep combined utterances on a subject that the *most adroit* politicians of the North had *sought to keep in the background in the open months* of the war, there is little question that they would not have asked the President to give the ministers of the North an opportunity collectively to express themselves on the great issue of the day." (italics ours).

Lincoln had proclaimed that the war was not waged to free the negro. This was done to save the border states to the Union. Often during the war did the Southern soldiers hear from the lips of prisoners from the border States, "If we thought we were fighting to free the negro we would not fire another gun." This proclamation of Lincoln was the result of the defeat of Bull Run, and "a unanimous vote of Congress asking Lincoln to appoint a national fast day." The ministers of the Gospel, unlike "adroit politicians," had no better sense than to openly and boldly declare the issue as the North regarded it, viz: that the war was waged to free the negro.

This fact renders the Southern negro's fidelity to his sacred trust the more praiseworthy; and declares most emphatically how little the North knew of the true nature of Southern slavery. Since the war reliable testimony has been received from the lips of the old negroes that Northern spies were often, during the 60's in their midst, attempting to influence their minds against their masters in the field of war, but to no avail.

The South had led in forbiding the slave trade. Hence slavery was cut off from all increase except that of birth. On the other hand thousands of foreignors were flocking to this country and settling in the North and West. Already at this time the North outnumbered the South in population by nearly 4,000,000 inhabitants. The natural increase of the Northern

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population added to that of the thousands of foreigners annually flocking to this country proclaimed the doom of slavery. In 1850 the State of California was admitted with a Constitution forbiding slavery. Mr. Thorpe says, "It was not forbidden because the Californians pitied or loved the negro, or because they wished to attack slavery in the South, or to interfere with slavery in anyway; slavery was forbidden because the men who lived there and who were laboring in the mines, or elsewhere, refused to put themselves in competition with slave labor."

Thus every interest in the North and West antagonized slavery. In spite of the Constitution, and the Supreme Court decisions, slavery was being confined to limits of the then slaveholding states. If the South had been left undisturbed to decide for herself, her sober thought would have solved the question of slavery within her borders by some wise and gradual porcess that would have been bloodless, and yet most effective. In seceding did not the South, by her own act, limit the borders of slavery? Would she have been less wise if finally left unmolested by threats and murders and insurrections?

The first step to abolish slavery under the present Constitution was made as early as the 12th of February, 1790, somewhat less than twelve months after the inauguration of Washington. It was in the form of a petition to Congress, headed by the eminent and venerable Dr. Franklin. Its object was the ultimate abolition of slavery in the States. To this petition the House of Representatives replied by resolution as follows:

"That Congress has no authority to interfere with the emancipation of slaves, or with the treatment of them within any of the States; it remaining with the several States alone to provide any regulations therein, which humanity and true policy may require."

This was the first Congress under the present Constitution. All its members were well informed as to its true meaning, some of them having taken an active part in framing it This exposition of the Constitution by this enlightened Congress must have been the true one. It declared the utter want of Congressional jurisdiction on the subject. There was at this time no geographical line between the slave States and the free. In fact only one state, Massachusetts, up to this time excluded slavery. Hence this decision of Congress was not sectional.

The South took the lead in the prohibition of the slave trade. It was chartered by Queen Elizabeth and encouraged by her successors to the Crown, against the protest of the Southern Colonies. It continued to exist down to the American Revolution. Virginia was the first of all the Colonies to raise her voice in protest. She protested no less than twenty-three times. Thomas Jefferson called it "this piratical warfare, the opprobrium of infidel powers." On the 2nd of June, 1770, the House of Burgesses and a number of merchants in the capital of Virginia, met and resolved that they would not "purchase any slave or slaves that may be imported by others after the 1st day of November next, unless the same have been twelve months on the Continent." On the 1st of April. 1772, Virginia pronounced the slave trade "a calamity of a most alarming nature...... "a trade of great inhumanity." On the 5th of October, 1778, Virginia forbade the further importation of slaves "under a penalty of 1,000 pounds from the seller and 500 pounds from the buyer and freedom to the slave." This was "the first example of an attempt by a legislative enactment to destroy the slave trade." Georgia was the first state in the American Union to incorporate its prohibition in her organic law. The South did all this and more in spite of the fact that the law and climate and agricultural pursuits encouraged the continuance of the traffic.

The North took the lead in sustaining the slave trade, it being carried on almost exclusively by New England merchants and Northern ships—this too in spite of the fact that the law and climate together with naval and manufacturing interests tended to exclude slavery from their borders—in spite of the fact that an unparalleled cruelty to the negroes existed in their transportation.

The first introduction of slavery into sectional controversy was on the occasion of the admission of Missouri as a State into the Union in 1819-20. It was the result of the proviso

prohibiting slavery within its limits. The debate was violent. It was vehement. Representatives from the North threatened the disruption of the Union. It was continued into the next session. The South pleaded in vain that the number of slaves would not and could not be increased by their removal into this State; in vain her representation showed most conclusively that it was unconstitutional to exclude them. It is true the Dred Scott decision had not yet been rendered, but the plain terms of the Constitution spoke with no uncertainty of meaning. The equality of the States and the equal rights of the States were then admitted by all. These facts were eloquent in defence of the right to admit slaves into the State. But in addition no language of the Constitution, however, strong could exceed in force that of the silence of that instrument on the subject, since Congress could do nothing not expressly granted.

At this time there were twenty-two states in the Union, eleven Northern and eleven Southern. The States were, therefore equally represented in the Senate. No member from the South in either house voted for the restricting proviso. On the adoption of the Compromise the vote in the Senate stood 34 yeas to 10 nays-the nays consisting of two from the North and eight from the South. In the House the vote was 143 yeas to 42 nays, 39 Southern members voting yea and 5 Northern members voting nay. Every Southern man voting yea on this question did it through policy in a spirit of patriotism with the hope of quieting the slavery question as to the territories and saving the Union. Every Southern man voting against the Compromise did so because he deemed it unconstitutional. These were right in principle and in policy. Policy is never justified in abandoning principle. Had the friends of the Constitution in that Congress at that time denounced policy and clung to the Constitution doubtless the great war of the Sixties would have been averted.

Who made a sacrifice for the sake of the Union in this Compromise? It was the South. Who made sacrifices all the time for the sake of the Union? The answer is ever the same It was the South. Who erred in making all these sacrifices? It was the South. Every sacrifice she made invited new aggressions. Every new aggression gained confidence from previous success till the North demanded all the rights of the South under the Constitution; and when now the South finally refused to make further concession the North, in self-confidence, because of her growth, her strength and advantage of position determined to enforce her demands and compel the South's submission.

When the States were eleven to eleven the South could have demanded all her rights under the Constitution and could have secured them without peril. The Government was then in the hands of an administration that knew the Constitution and was true to its dictates. The advantages were all with the South. Had there been secession it would have been the North that seceded, and the South would have been left in possession of the Government. Nor would she have coerced the North even had her population exceeded that of the North by many millions? As already intimated the South made her great mistake in 1819-20, when she compromised her rights, and in doing so compromised the Constitution. Her safety lay in the strict enforcement of the Constitution. In yielding her rights under the Constitution for the sake of the saving the Union she opened the floodgate for her own ruin. That mistake cost her the flower of her chivalry, and billions of her property to say nothing of the privations and sufferings and sorrows it brought to her people at home and in the field.

It was just prior to this unfortunate compromise that slavery was injected into politics. It was the act of the North. Its insidious entrance was on the plea that the South had no right to carry slaves into the territories, the common property of all the States. To sustain this position its advocates were forced to deny that slaery was property. The slave trade had enriched the North, and yet slavery was not property! The North had exchanged the slaves for Southern gold and yet slavery was not property! This denial of the right of the South was the denial of the equality of the States in the Union. But what cared the political beneficiaries of the North for that? Here was one of the first mutterings of the coming war storms that burst upon this country with such terrific fury in the dark Sixties. If slavery was not property the North was deceived for more than a century and a half. But the North was not deceived. If any people know what property is, it is the North.

All the North accept Hamilton as high authority. Hear him: "The Federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and property. This is in fact, their character bestowed upon them by the laws under which we live." (The Federalist No. 53, Dawson's Edition, p. 379). All know the Constitution recognizes slavery as property. The whole world regards labor and service as money. The services of some men are valued as high as \$50,000 a year.

We will now let a distinguished son of Massachusetts speak. It is no less than Chas. Francis Adams, the head of the Massachusetts Historical Society-the great-grandson of the first Adams, and the grandson of the second Adams. He says, "By the decision of the Supreme Court in the case of Dred Scott it would seem that the South had won at every point; it had demanded all for slavery and had at last received it from the Supreme judicial tribunal of the land. To interefere with slavery was now, therefore, to violate the Supreme law; the Constitution was pronounced as a pro-slavery instrument, and those who advocated the limitation of slavery, were guilty of unconstitutional acts; the South in upholding slavery, was, so it now believed, adhering to the original conception of Constitutional government in America; the South embodied the true national idea, it was the North that was guilty of violating the principles of the Union. Thus the decision put the burden of good behavior upon the North, for the South had always claimed what the Court had now declared was the supreme law of the land.

"But all the North was not hostile to slavery; indeed down to the day of Abraham Lincoln's election as president no political party hostile to slavery can be said to have embodied the opinions of the North."

"The North did not love the negro. Even the people of the

old free States discriminated against him. New York allowed him to vote, but under a contingency which reinforced by public opinions kept all but a few negroes from the polls. In 1860 when the Union consisted of thirty-three States of which eighteen were free States, twenty-seven State Constitutions elimiuated the negro from citizenship. The free States tolerated the free negro but refused to treat him as a citizen; even in New England no one proposed electing a negro to the humblest of-The new free States of the West, beginning with Ohio fice and ending with California, Minnesota and Oregon, refused to make the negro a citizen when they prohibited slavery in their Constitutions. In a direct vote, could one have been cast throughout the North on the day Lincoln was elected president, a proposition to abolish slavery in the United States would have been defeated. The majority of the people of the North, in 1860, looked upon slavery as an established institution, objectionable, it is true, but yet established. They considered it distinctly a Southern institution, and as such wholly an affair of the South except as an effort might be made to extend slavery into the new States and Territories; and even on this point public opinion in the North was divided "

How can Mr. Adams exhonorate Lincoln, whose platform was clearly in violation of the above and hence in violation of the Constitution? How can the North justify negro suffrage in the South when "the free States tolerated the free negro but refused to treat him as a citizen?" How could any law-abiding citizen of the North oppose "An extension of slavery into the New States and Territories" when "those who advocated the limitation of slavery were guilty of unconstitutional acts?" Upon what just ground could the North advocate the coercion of the South when the South was "adhering to the original conception of Constitutional government in America?" On what just grounds could the South be called "revolutionists" and "traitors" and "rebels" when "the South embodied the true national idea," and when "it was the North that was guilty of violating the principles of the Union?"

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### THE MISTAKE OF THE SLAVE STATES.

We place this in Italics, although we have twice alluded to it in this chapter. It is because we would give it special attention and emphasis. That mistake was the first Compromise of the Constitution—the Missouri Compromise. To the bill for the admission of this State had been attached a proviso prohibiting slavery within her borders. This called forth violent, yea, vehement discussion to which we have referred. The bill with the proviso finally passed the House of Representatives by an *exclusively sectional vote, no Southern member voting for it.* But it was defeated in the Senate.

This was followed by what is known as the celebrated Missouri Compromise: namely, The admission of Missouri as a slave State, and forever excluding slavery north of 36 degrees, 30 minutes north latitude. This was the first break in the compact between the States. And we call the world to witness that it was made to pacify the North. As when some mighty dam springs a leak which, unchecked, grows in dimensions and strength until the whole structure is swept away, and wide ruin follows in the wake of the great devastating flood, so this first break in the Constitution added other and still other demands until the whole Constitutional fabric gave way and vast destruction and bloodshed and death covered the entire South.

We close this chapter with just one question: How could the North, in the face of these facts, justly charge the South with treason and rebellion, and upon such charge claim the right to wage a just war?

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# CHAPTER III. THE TWO COMPACTS. THE TWO FEDERATIONS.

The Declaration of Independence was followed, in less than a year, by the Confederation, styled "The Confederation and the Perpetual Union between the States." They had declared themselves free, separate, independent and sovereign states. As such they formed a compact for their common defense. Under this compact they successfully fought the War of the Revolu-Under it they won their recognition from Great Britain tion. as sovereign and independent states. Their compact declares that "Each State retains its sovereignty, freedom, and independence, and every power jurisdiction, and right which is not in the Confederation expressly delegated to the United States in Congress assembled." How complete this retaining clause of the sovereignty, freedom and independence of the States! It is as complete as words can make it. It is as incapable of being misconstrued as it is emphatic. It is as emphatic as complete. The framers of the Constitution were determined that it should be known they had surrendered nothing except what they had expressly delegated to their creature and agent; and that the world should know that Congress possessed only delegated powers. Yet this most complete, this strongest, this most emphatic, this clearest of declarations is denied by Francis Newton Thorpe in these "It was National feeling that won the Revolution, not words: State feeling; National feeling that sustained Congress under the Confederation, not State feeling; National feeling that forced unwilling States to respond and make appearance in the Federal Convention of 1787 that framed the Constitution." (Thorpe. p. 163.) By national feeling he means centralized feeling. Except Mr. Thorpe, all people who can understand the simplest words of the purest English, know better.

Congress was the United States assembled. It exercised all the powers delegated to it by the States and not the powers delegated by a nation. It exercised all the delegated executive powers as well. For bear in mind that all the executive powers were delegated. Strip the United States of its delegated powers, and it will be as limp as an unstarched rag. It had the delegated power to create courts, having jurisdiction in admiralty and maritime cases, and in cases of disputes between two or more states. Perhaps the exercise of these high delegated functions deceived Mr. Thorpe. In the discharge of all its duties it represented the States as equal, free and independent sovereignties. As further evidence each State had but one vote on any question. If the States did not retain their sovereignty let Mr. Thorpe, or any centralist, tell why the States voted as States, and cast but one vote as a State. Let also this question be answered. Why were the United States limited in their power to delegated authority? Let also this question find answer: By whom, or by what, were the United States thus limited in power?

As Congress constituted the three departments of government, and could not be in perpetual session, the general management of affairs, during the recess, was entrusted to a committee of one delegate from each State, known as the "Committee of the States." Why was each State represented in this committee? Does not the answer spell *State Sovereignty?* 

The first Confederation proving inadequate, it was proposed that Commissioners from all the States should meet in Annapolis in September, 1786 to reorganize the Government. Only five States (New York, New Jersey, Delaware, Pennsylvania and Virginia) were represented. They refused to act, but declared it to be their unanimous conviction "that Congress should call a convention of the several States to meet in Philadelphia on the second Monday of May, 1787, to take in consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exegencies of the Union, and to report such an act for that purpose to the United States Congress assembled, as when agreed to by them, and afterward confirmed by the Legislature of every State, will effectually provide for the same."

On the 21st day of February, 1787, Congress, by resolution, complied with the suggestion of the Annapolis Convention, de-

claring it their belief that a convention of delegates from all the States should meet in Philadelphia, on the second Monday in May next, "for the sole and express purpose of revising the articles of Confederation and reporting to Congress, and the several Legislatures, such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of the Government, and to the preservation of the Union." (Ialics ours.)

The resolutions, both of Congress and the Annapolis Convention clearly define the powers it was thought the States should confer upon the delegates, viz: "To revise the articles of Confederation so as to render them adequate for the purposes of the Union. In the next place they were to report their deliberations to both the Congress and to the several legislatures of the States to the Congress of the States and to the Legislatures of the States.

All the States except Rhode Island immediately appointed delegates, and properly instructed them as the resolutions suggested. If Congress constituted a centralized government, and not a government of States, why was not Rhode Island compelled to send delegates to that Convention? Every fact, however testifies to state sovereignty.

From the character of the Congress, composed of State units, from the character of these resolutions, from the character of the instructions each state gave its own delegation, from the fact that each delegation represented its own state, it is self-evident that these several delegations did not represent the United States in mass—to say nothing of Rhode Island's being left out. When centralists make such a claim they confess their poverty of sustaining facts. Yea, more, they confess their disregard for the plain meaning of the fact that each delegation represented its own state. If each delegation represented its own state it did not represent the states en mass. This is beyond honest contradiction.

It is also evident that the object was not to organize a new government, but to "amend," "To revise," and "to report such alterations and provisions as agreed upon."

It is also evident that the term Federal Constitution, used for

the first time in this first Confederation, is freely applied to that system of government established in 1777-78. It is universally admitted that this first Confederation was a league, a compact between the States, each of which expressly retained its sovereignty and independence. Therefore it must also be so construed when used in the second or amended Constitution. In other words the term "Federal Constitution" has the same meaning in both Confederations.

It is also evident that the Convention of 1787 had no function except to "devise, deliberate, discuss, enact, report and recommend."

On the day appointed that historic Convention assembled. Luther Martin was an efficient delegate from Maryland. In his report to the Legislature of his State he said "there were a few in the Convention who would abolish all State lines, and establish a general Government of the States."

"There was a second party in the Convention who, while opposing all monarchial tendencies, favored giving their own States undue power and influence in the Government."

"There was a third party nearly equal to the other two combined. These were truly Federal or Republican. They believed in Federal equality; and that the object of the Convention was to take their present Federal system as a basis of their proceedings, and to give such additional powers as experience had shown to be necessary." We see here why the fiction, Pious Fraud, was necessary.

It was the larger States that wished to establish a numerical basis of representation in Congress. These were Virginia, North Carolina, Massachusetts and Pennsylvania. In population they exceeded all the other nine States combined but only fourthirteenths of the voting strength. The smalled States had been instructed through their delegates to *insist upon equality in the* Union. Hence they demanded absolute equality and obtained it. Without equality there could be no Union. This was the most troublesome question before the Convention. At times it seemed irreconciliable.

By way of parenthesis, this fact, the equality of the States,

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shows Lincolns territorial doctrine unconstitutional, independently of the Dred Scott decision.

How was this troublesome question settled? Only by a compromise, which provided that in the Federal Legislature, the House, representation of the States should be in proportion to their numbers; and in the Senate the States should have equal representation. Hence to-day New York has no more representatives in the Senate than the smallest State in the Union—a fact which is a standing witness to the equality of the States.

Early in the Convention Mr. Randolph introduced the following resolution: "Resolved that it is the opinion of this Committee that a National Government ought to be established, consisting of a supreme legislative, executive, and judiciary."

This was followed by twenty-three other resolutions in which the word "national" occurred twenty--six times. The next day Mr. Ellsworth of Connecticut, moved to strike out the words "National Government" and insert in their stead the words, "Government of the United States," declaring this to be the proper term. "He wished also the plan to go forth as an amendment of the Articles of Confederation." (Elliott's Debates v. 5, p. 214.)

This resolution was unanimously adopted. Is there no significance in this? No significance in the fact that no where in the Constitution, as finally adopted, the word, National, makes its appearance. Is not this significance emphasized by the fact that it appeared in the resolutions twenty-six times and was twentysix times struck out by a unanimous vote? Is it not far more expressive of the intent and purpose of the authors of the Constitution than if the word national had never been inserted in the Committee's resolutions? Is there not here absolute proof of the strongest kind that this was regarded by the framers of the Constitution as a Government of free, equal and independent and sovereign States? The future historian will collect these and similar facts and write them into a sentence of rebuke for the North that will challenege extravagance, and at the same time will pronounce an encomium on the South that will kindle into a blaze the spark of patriotism in whatever land or time there beats a patriot's heart.

Note that in such perversions of facts and of the meaning of the Constitution are found the beginnings of the great war of the Sixeties. The North regarded the Constitution as a child does its toy—to be played with, and then set aside at will for something else.

There came a time in this Convention when it was confronted by a crisis. The last article had these words: "The articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter, be made in any of them, unless such alterations be agreed to in a Congress of the United States, and afterward confirmed by the States."

There might be no difficulty in securing the ratification by the Congress of the States, for that would be decided by a majority of the votes. But it was clearly foreseen that there would be great difficulty in obtaining a concurrence of all the State Legislatures. In fact Rhode Island, as we have seen, was not represented in the Convention at all, yet she was a member of the Confederation. Also two of New York's delegates had withdrawn; and other evidences of disaffection had appeared.

What must be done in this emergency? The demand for a more efficient government of the States was imperative. The Convention, therefore, decided to transcend the limits of its authority and introduce a provision into the new Constitution, that its ratification by nine of the States would be sufficient for the establishment of a government among the nine ratifying the Constitution. This could not be done without referring the question of ratification to the people of the States. Therefore the last article of the new Constitution has this provision: "The ratification by the Conventions of nine States shall be sufficient for the establishment of Government between the States ratifying the same."

You cannot touch the Constitution without placing your finger upon a declaration of the sovereignty of the States; and sovereignty carries with it the supreme will of the State; and the supreme will, paramount authority, the right of secession, as well as the right of accession.

Is it any wonder centralists seek their arguments elsewhere? Who ever heard of a centralist basing his argument upon the Constitution? They base their logic on such phrases as "A Pious Fraud," "a Divided Sovereignty," "a Mistaken Statement of Fasts," and fictions and absurdities, impossible of proof.

The calling of the Convention, 1787, implies the absolute right of the several States to accede to propositions, and unite for their common welfare. The seventh article of the Constitution providing for its ratification by nine of the States declares the right to accede and the right to secede are taught with equal clearness and equal force. To deny the one is to deny the other. Who ever heard of even a centralist denying the right of a State to unite in a compact with other States? Yet the right to unite implies the right to disunite.

This very evident conclusion is sustained by Mr. Gerry of Massachusetts, afterward Vice President, who said. "If nine out of thirteen States can dissolve the compact, six of nine will be just as able to dissolve the future one hereafter. This truthful utterance was made in opposition to the adoption of the Constitution, but it was true neverheless.

Mr. Madison, who has been called the father of the Constitution, advocating its adoption asks, "On what principle the Confederation, which stands in the solemn form of a compact among the States, can be superseded without the uanimous consent of the parties to it?" He answers his own question thus: "By recurring to the absolute necessity of the case; to the great principle of self-preservation; to the transcendent law of nature and nature's God, which declares that the safety and happiness of society are the objects at which all political institutions aim, and to which all such institutions must be sacrificed." (Italics ours.)

He further states in justification of this right: "It is an established doctrine on the subject of treaties that all the articles are mutually conditions of each other; that a breach of any one article by other of the parties absolves the others, and authorizes them. if they please, to pronounce the compact violated and void. Should it unhappily be necessary to appeal to these delicate truths for a justification for dispensing with the consent of particular States to a dissolution of the Federal pact, will not the complaining parties find it a difficult task to answer the multiplied and important infractions with which they may be confronted? The time has been when it was incumbent on us all to veil the ideas which this paragraph exhibits. The scene is now changed, and with it the part which the same motives dictate."

Mr. Madison is here commenting on the seventh article of the Constitution. He calls secession "a delicate truth," and "a delicate truth can mean nothing but a delicate right." The propriety of veiling any statement of this right until the occasion for its exercise arises, suggests the great caution of the statesmen of that day in regard to "This delicate truth." He calls this seventh Article a provision for the secession of nine States from the Confederation.

Note here another very important fact: The secession of the nine, and two other states, under this Constitutional provision, by one at a time, and by State Conventions, called by the State at the option of the States, is absolute proof that "We, the people," in the preamble of the Constitution, do not mean the people of the United States in the aggregate.

These facts are admitted to be true by historians of the North who value their reputation as historian. Think of this and then know that they claim the right to set them aside because foreign millions in this country know nothing of our Constitution, and because of the mere assumption—not the proofs—that the masses of the North have been "nationalized." Know, too, that the North made these absurd excuses the ground for setting aside the Constitution and insulting the South by the senseless assumption that the Constitution. Know too, that the Constitution, they thus annulled, is "in the form of a solemn compact betweeen the States; and that in disregard of their oaths to abide by that sacred insrument they disavow that the South has rights under the Constitution that should be respected. Know too, that the South, ever faithful to the Constitution, knew nothing of their false laws, nothing of their false fictions. Know too, that if the great masses of the South had known of these false laws and fictions their ordinary intelligence would have spurned the conclusion that such fabricatons could have superseded a written Constitution that provided for the only manner in which it could be changed. It was such gross insults as these, such illogical, senseless assumptions as these, coupled with all the pompous insults of the North, that enraged the South. In this degradation of the Constitution, in these unauthorized assumptions with all their base slanders, were heard the first low mutterings of the coming storm of war that was to spill rivers of blood and lay in untimely graves the flower of Northern and Southern manhood. Yet we are told "the South precipitated this war," and "without cause." If depravity can ever blush, should it not blush here?

### CHAPTER IV.

# THE TWO COMPACTS, CONTINUED.

On the 17th of July 1787, the proposition concerning the election of president was under consideration in the Philadelphia Convention. The original proposition contemplated his election by "the National Legislature"—that is by the Congress of States. Mr. Morris of Pennsylvania, a strong centralist, moved that the words "National Legislature" be stricken, and the words "Citizens of the United States" be inserted. The mover was a recognized centralist, and the words were ambiguous. Hence the motion received only one vote—that is the vote of one State, Pennsylvania.

On the 23rd of July, 1787, just six days later, the question of the ratification of the Constitution by the conventions of the people of the States was considered. Mr. Morris now moved that the reference of the plan be made to one general convention, chosen and authorized by the people to consider, amend and establish the same (Elliott's Debates p. 239, Vol 1).

Here the issue of centralism was directly made. With what result? Two words give the answer, "Not Seconded."

It has been said of Mr. Morris that "he was a man of distinguished ability, great personal influence, and undoubted patriotism." It was not the *man*, but the *proposition* that was so *signally condemned*. In the light of these facts what becomes of "We the People" in the sense of " the people in the aggregate?"

Remember twelve soverign States were in this Convention— Rhode Island being absent of her own free will. Centralism in this Convention was represented by a small but able minority. There were no abler men in that Convention than Hamilton, King, Wilson, Randolph, Pinkney and Morris. Yet no statesman of that day would have risked his reputation by construing the Constitution as that of a centralism. Such a construction would have met with indignant protest throughout the entire domain from North to South, and from East to West.

Mr. Hamilton, and his gifted allies knew that they had failed to incorporate centralism into the Constitution. Right loyally did they accept the result. The great expounders of the Constitution in the "Federalist" were Madison, Jay, and Hamilton. This immortal trio, without exception, expounded the Constitution as favoring States-rights, and advocated its adoption with all its Federal and States-right features. Yet in the Convention of 1787 Mr. Hamilton had "favored the election of a president and Senate for life, or during good behavior, with a veto power in Congress on the action of the State Legislatures."

Notwithstanding all this Mr. Hamilton became both the advocate and expounder of the Constitution as it was then proposed and afterwards ratified

In his able expositions, through the "Federalist," he repeatedly quotes, adopts and applies to this proposed Constitution. Montestquieu's description of a 'Confederate Republic.' Through the same source he repells the idea that a sovereign State could be sued in these plain terms: "It is inherent in the nature of sovereignty not to be amenable to the suit of any individual without its consent. This is the general sense and the general practice of mankind, and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the Convention, it will remain with the States, and the danger intimated must be merely ideal. . . . The contracts between a nation and individuals are only binding on the conscience of the sovereign, and have no pretensions to a compulsive force. They confer no right of action independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident it could not be done without waging war against the contracting State; and to ascribe to the Federal courts, by mere implication, and in destruction of a pre-existing right of the State government, a power which would involve such a consequence, would be altogether forced and unwarranted." (Federalist No. 81).

These are the significant words of the brave, manly Hamilton, who towered above his personal preferences in the splendid

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character of the unselfish patriot, and accepted the Constitution, as proposed by the Convention, with all its sovereign and Statesright theories, as the express will of the great majority of the American people. He assumes as an undisputed fact that the States are sovereigns. His entire argument is based on the sovereignty of the States. With him a State or a nation were interchangeable terms. He asserted that a State could not be forced even to enforce the fulfillment of a moral duty or obligation—"It would be altogether forced and unwarranted."

Again, objections had been raised against the Constitution because it contained no bill of rights. Mr. Hamilton met this objection in these words: "Here, in strictness, the people surrender nothing; and as they retain everything, they have no need of particular reservation. . . I go further, and affirm that bills of rights, in the sense and to the extent contended for, are not only unnecessary in the proposed Constitution, but would be absolutely dangerous. They would contain various exceptions to powers not granted, and on this very account would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done, which there is no power to do."

With what consumate clearness Mr. Hamilton here asserts that the grants themselves, made to the Federal Government in the Constitution, are not surrenders; that they are mere delegations of powers by the people of the States; and therefore that the States have surrendered no sovereignty and consequently are as sovereign under the Constitution as before. He also declares here the oft-repeated fact, that the delegated powers were strictly limited to those expressly granted.

Again in the "Federalist" (No. 85) he states the same priciples in these words: "Every Constitution for the United States must inevitably consist of a great variety of particulars in which thirteen independent States are to be accommodated in their interests or opinions of interest. . . Hence the necessity of molding and arranging all the particulars, which are to compose the whole, in such a manner as to satisfy all the parties to the compact." In all these plain expressions of the great Centralist there is not a line—not an utterance—which does not assume, as an indisputable fact, that the Constitution is pre-eminently a Statesright document from preamble to finish. In no utterances of Hamilton is there to be found such an idea that "we the people" of the Constitution, means "the people in the aggregate." Mr. Madison in the Virginia Convention said substantially the same thing when he asserted that "the people who ordained and established the Constitution were not the people as composing one great body, but the people as composing thirteen sovereignties."

Let it be remembered that in the Philadelphia Convention Madison held somewhat similar views to those of Hamilton, but more moderate. Like Hamilton he cordially accepted the Constitution as it came from the hands of the Convention. Like Hamilton also he was one of the ablest and most zealous advocates of its adoption.

Bear in mind that Madison and Hamilton were two of the most illustrious authors of the Constitution. They failed to shape that instrument as they wished it. This gives to their testimony increased value. They stand out before the gaze of posterity as the Constitution's two most eminent contemporary expounders. More valuable testimony than theirs could not be offered for its interpretation and true meaning. With them the Union was a Confederacy; the States thirteen sovereignties, or nations: and the Republic, a republic of nations or States. The immortal Washington also referred to the proposed Union as a "Confederacy" of States, a "Confederated Government." He called the Constitution "a compact or treaty," and classed it with treaties between "men, bodies of men, or countries." On January 7th, 1788, he wrote to Count Rochambeau in reference to the Constitution: "It is to be submitted to conventions chosen by the people in the several States, and by them approved or rejected." (Italics ours). (What does "we the people" mean here?) On the 28th of April, 1788 he wrote to Lafayette. "The people of the several States retain every thing they do not, by express terms, give up." (Italics ours) On the 17th of June 1788, he wrote to Gen. Knox, "I cannot but hope that the States which

may be disposed to make a secession will think often and seriously of the consequence." On June 28th, 1788, he wrote to Gen. Pinckney that "New Hampshire had acceded to the new Confederacy," and referring to North Carolina said, "I should be astonished if that State should withdraw from the Union."

John Marshall-afterward the most distinguished Chief Justice of the United States-in the Virginia Convention of 1788, said in a speech, "The State Governments did not derive their powers from the General Government ; but each Government derived its powers from the people, and each was to act according to the powers given it. Would any gentleman deny this. Could any man say that this power was not retained by the States, as they had not given it away? For does not a power remain till it is given away? The State legislatures had power to command and govern their militia before, and have it still, undeniably, unless there is something in this Constitution that takes it away. . . . The power of governing the militia was not vested in the States by implication, because being possessed of it antecedently to the adoption of the Government. and not being divested of it, by any grant or restriction in the Constitution, they must necessarily be as fully possessed of it as ever they had been, and it could not be said that the States derived any powers from that system, but retained them, though not acknowledged in any part of it.' (Italics ours). (Elliott's Debates, Vol. 3, pp. 389-391).

What names contemporary with the Constitution are more illustrious than those of Washington, Madison, Hamilton and Marshall? What emphasis these great names give to the principles of States-rights! The evidence is the best. The proof is complete—as much so as that of a mathical demonstration.

Is it asked how centralists attempt to overcome this very high and very strong testimony? The answer is (1) by silence: (2) by feigned facts. Those who use the arguments of *silence*, hope, perhaps, that previous opinions of these distinguished statesmen may still be regarded as in their favor.

Those who use feigned facts, or fictions, do so because they can do no better. J. P. Gordy, (Political Parties in the U. S. ed.

1900, Vol. 1, p. 79 says "The Convention framed a Constitution by which the adoption of which thirteen peoples, imagining themselves still independent and sovereign really acknowledge themselves to be but parts of a single political whole. But they made this acknowledgment unconsciously. They continue to think themselves as sovereigns who indeed permitted an agent to exercise some of their functions for them, but who had not If the Constitution had contained a abdicated their thrones. definite statement of the actual fact; if it had said that to adopt it was to acknowledge the sovereignty of one American people, no part of which could sever its connections from the rest without the consent of the whole, it would probably have been rejected by every State in the Union." (Italics ours). Mr Chas. Francis Adams sanctions this view of the case and calls it "a Pious Fraud," saying "the bond was deceptive," and says, "The framers-that is the more astute, practical and far-seeing-went as far as they dared." He implicates Hamilton in this "Fraud" in these words: "It is impossible to believe that a man so intellectually acute as Hamilton failed to see the inherent weakness of the plan proposed. He did see it; but under existing conditions, it was, from his point of view, the best attainable." (Constitutional Ethics, p. 12).

We challege one and all, including Gordy and Adams, to point to a single fact upon which these bold assertions are made. On the contrary, every fact is against them. Mr. Gordy admits this when he says "If the Constitution had contained a definite statement of the actual fact," etc. viz: the actual fact stated by Washington, Hamilton, Madison and Marshall. Mr. Adams admits it also when he finds it necessary to declare "The bond was deceptive." Both admit the intention of the framers of the Constitution was to so word that instrument as to retain the sovereignty of the States, and all know that the intention decides its meaning.

To say a fraud was practiced on the American people is either true or false. If true it has no weight as argument for it proves beyond all doubt the intention of the Convention. If false it certainly has no weight, for it did not exist; and there is not the shadow of evidence that it did exist. Mr. Adams does Hamilton a great injustice when he declares with emphasis, "He did see it." No man without the best of evidence has a right to say Mr. Hamilton dead contradicts Mr. Hamilton living.

A very peculiar argument against the indisputable facts is this: "The only parties to the Constitution, contemplated by it originally were the thirteen Confederated States"; that the "States have 'exclusive possession of sovereignty over their own territory; and the United States Constitute 'The American Confederacy. As between the original States the representation rests on compact and plighted faith.'" This method of defense was presented in a memorial to Congress by the citizens of Boston, Dec. 15, 1819, relative to the admission of Missouri. Daniel Webster at that time held to this view, and so did John Quincy.

When mature years came and with them a more mature judgment, and a more thorough information as to the facts no man was truer to the Constitution as construed by Washington, Hamilton, Madison and Marshall, than Webster. In 1851, at Capon Springs, Virginia, in a speech he said: "If the South were to violate any part of the Constitution intentionally or systematically, and persisted in so doing year after year, and no remedy could be had, would the North be any longer bound to the rest of it? If the North deliberately, habitually, and of fixed purposes, were to disregard one part of it, would the South be bound any longer to observe its other obligations? . . . . I have not hesitated to say, and I repeat, that, if the Northern States refuse, willfully and deliberately, to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, and Congress provide no remedy ,the South would no longer be bound to observe the compact. A bargain cannt be broken on one side, and still bind the other side. (This contradicts Lincoln's inaugural.)

When were these utterances of the immortal Webster made? Just nine years before the election of Abraham Lincoln. Did not fourteen Northern States willfully and deliberately refuse to carry into effect that part of the Constitution. They were so willful and deliberate that they refused by enacting laws to that effect. (Curtis's Life of Webster, Chap. 37, Vol. 2, pp. 518-519). The suns of another year did not rise and set before the great American statesman went to his final rest, at the age of three score and ten. He was looking to the west and not the east. All of a most brilliant life lay behint him. It was the time of sober thought, and sober utterance. Who can deny the sincerity of these dying words of the greatest of American orators?

In 1851 the immortal Webster wrote beneath the testimony of Washington, Hamilton, and Marshall, "Well Done and Well Said," and before another year had counted all her seasons he sank into an honored grave, loved, revered, and lamented by a great nation.

## CHAPTER V.

# THE ORDINANCES OF THE STATES RATI-FYING THE CONSTITUTION.

We have just been dealing in facts. The South banks on facts. They are the fearless and impartial defenders of the truth; and the truth is all the South demands. Truth is imperial. "The eternal ages are hers." But what are fictions They are "the golden apples kept by a dragon." Fictions are air-castles; facts realities. Facts declare the Constitution to be the backbone of the Government, and the supreme law of the land; fiction declares some imaginary invention to be better, and to have taken the place of the Constitution. Facts declare the Constitution can be supplanted or amended only as it prescribes; fiction declares it can be amended or supplanted by an imaginary or assumed change of public opinion, or by public ignorance.

As the South takes no stock in fictions, but depends for her defense upon the facts and the teachings of history, which are only expositions of facts, we shall now proceed to have the States testify to the facts in their ratifications of the Constitution.

The first to ratify the Constitution was little Delaware. It was on the 7th day of December 1787. It was most significant. Because Delaware alone had given special instructions to her delegates to demand equal representation in Congress. Equal representation was the synonym of a free, independent and sovereign State. Thus Delaware speaks in no uncertain words.

The next was Pennsylvania, five days later, on the 12th of December, 1787. Thus Pennsylvania gives her voice against "we the people in the aggregate," and in favor of State sovereignty and states-rights.

Six days after the approving voice of Pennsylvania, New Jersey, on the 18th day of December, by a unanimous vote, ratified the Constitution. This unanimity was very significant. For New Jersey had led the Convention in behalf of the statesrights, or Federal idea. Defending this position, William Patterson. afterwards Governor of the State, said, "Can we, on this ground, form a National Government? I fancy not. Our commissions give a complexion to the business.....We are met here as the deputies of thirteen independent sovereign States for Federal purposes. Can we consolidate their sovereignty and form one nation, and annihilate the sovereignties of our States, who have sent us here for other purposes?" (Italics ours). "Can we as representatives of independent States annihilate the essential powers of independency? Are not the votes of this Convention taken on every question under the idea of dependency?"

Is it any wonder that Charles Francis Adams, in combating states-rights, says, "It is not by verbal construction?" For words have meaning, and words are supposed to convey their own meaning. "We are met here as the deputies of thirteen independent sovereign States," strikes a death blow at Centralism. A verbal construction here would be fatal. Therefore it must be shunned. Ponder well these other words: "Can we con-Can we form one nation and ansolidate their sovereignty? nihilate the sovereignties of the States?" Let false fiction be never so false and it can not change the meaning of these words: "Can we as representatives of independent States annihilate the essential powers of independency?" They speak the same unerring language; and all the way through the same strong clear words express their meaning in the independency and sovereignty of the States.

The ordinance upon which the Convention of New Jersey cast her unanimous vote in ratifying the Constitution, has these words: "having maturely deliberated on and considered the aforesaid proposed Constitution, do hereby, for and on behalf of the people of the State of New Jersey, agree to ratify and confirm the same, and every part thereof."

"Done in the Convention, by the unanimous consent of the members present, this 18th day of December, A. D., 1787."

There was therefore no hasty action, but calmn deliberation on the part of this State in ratifying the Constitution. This deliberation was to be expected of a State that led the Convention in demanding states-rights.

On the 2nd of January, 1788, Georgia followed New Jersey by a unanimous vote. The record declares it was through "the delegates of the State of Georgia in the convention met, pursuant to the provisions of the Legislature aforesaid,.....in virtue of the powers and authority given us by the people of the said State for that purpose," that they did "fully and entirely assent to, ratify and adopt the said Constitution." Note that it was "by virtue of the powers and authority given us by the people of the said State, and not by the people of all the States in the aggregate.

On the 9th day of January (one week later than Georgia) Connecticut ratified the Constitution with equal distincness as to the source of her authority. It was "in the name of the people of Connecticut, we, the delegates of the people of the said State, in general convention assembled, pursuant to an act of the Legislature in October last.....do assent to, ratify and adopt the Constitution reported by the Convention of delegates in Philadelphia."

Massachusetts followed on the 7th of February, 1788, after a warm contest due to her extreme jealousy as to State Independence and State Sovereignty. The Convention subjected the Constitution to "a close, critical and rigorous examination with reference to this very point." It was finally adopted by the close vote of 187 to 168; and then only by guarding against any sacrifice or compromise, of State Sovereignty, being assured by the advocates of the Constitution that their proposed amendments would be adopted. The tenth amendment of the Constitution is the result of the demand of the Convention of Massachusetts; and this tenth amendment was designed to take the place of the second article in the Constitution of the Confederation. And that article is the emphatic assertion of the continued freedom, sovereignty and independence of the United States. If Chas Francis Adam's "Pious fraud" had the least claim to reality, this tenth amendment took its breath, and killed it dead. That amendment is in these words: "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." (Italics ours). It also gives another mortal wound to the doctrine of "we the people" as construed by the Centralists; and to the doctrine of the silence of the Constitution as construed by Lincoln in his Cooper Institute speech and in his inaugural address.

Massachusetts ratified the Constitution on the 7th of February 1788 in these terms: "In Convention of the delegates of the people of the Commonwealth of Massachusetts, 1788. The Convention having impartially discussed and fully considered the Constitution for the United States of America.....do in the name and in behalf of the people of the Commonwealth of Massachusetts assent to and ratify the Constitution for the United States of America."

Maryland followed Massachusetts on the 28th of April 1788, declaring in her ordinance of ratification, that it was done by "the delegates of the people of Maryland," and "in the name and on behalf of the people of the State of Maryland."

South Carolina on the 23rd of May, 1788, ratified the Constitution "in Convention of the people of the State of South Carolina by their representatives in the name and behalf of the people of this State."

South Carolina in words very similar to those of Massachusetts, and which were embodied in the tenth amendment, afterward accompanied her ratification ordinance with these words: "This Convention doth also declare that no section or paragraph of the said Constitution warrants a construction that the States do not retain every power not expressly relinguished by them and vested in the General Government of the Union." Did Lincoln ever read these words? Did he ever read the ratification ordinances of the States?

In Convention on the 21st of June 1788, New Hampshire in her ratifying ordinances thus spoke: "The delegates of the people of the State of New Hampshire, declare their approval and adoption of the Constitution," declaring as did Massachusetts and South Carolina in explicit terms that "all powers not expressly and particularly delegated by the aforesaid Constitution are reserved to the several States, to be by them exercised."

In the light of the ratifying ordinances of Massachusetts, New Hampshire and South Carolina how does Chas. Francis Adams justify his fiction that the Federal Constitution was based upon a divided sovereignty— —to say nothing of the ratifying ordinances of the other States?

In the Convention of the State of Virginia the Constitution was very ably contested and equally as ably advocated. Some of the most gifted men of that brilliant period were in that Convention...among them Madison, Mason and Randolph, formerly also members of the Philadelphia Convention. Madison was its able and earnest advocate; Mason and the eloquent Patrick Henry its able opponents. Every strong point in the instrument was emphasized by Madison, and every vulnerable point was vehemently attacked by Mason and Henry. But finally on the 26th of June, 1788, the Constitution was ratified by the close vote of 89-79.

It was ratified in the same terms of the other States, by "the delegates of the people of Virginia.....in the name and in behalf of the people of Virginia." In her ratifying ordinance, like Massachusetts, South Carolina and New Hampshire, the State of Virginia through her convention demanded explicit guarantees against consolidation, in these words: "That the powers granted the Constitution, being derived from the people of the United States, may be resumed by them, whenever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with the people and at their will, etc."

Here we have the words, "the people of the United States" clearly in the sense of the people of Virginia, and of the other States who are taking similar action in ratifying the Constitution. Here too we are again told with force and clearness that the United States Government could exercise no powers except such as were granted it by the States. Did Lincoln know this when he wrote his inaugural?

Just one month later on the 26th of July, 1788, after an ani-

mated and prolonged discussion New York ratified the Constitution by the very close majority of 30 to 27. Even this small majority was not secured without concessions on the part of the advocates of the Constitution. At one time "it was proposed to make a condition precedent to the validity of the ratification." But instead of a conditional ratification she provided for the resumption of her grants as Virginia had done, and suggested a number of amendments. These she set forth in circular letters to the other States, declaring that "nothing but the fullest confidence of obtaining a revision and an invincible reluctance to separating from our sister States, could have prevailed upon such a sufficient number to ratify it without stipulation in the previous amendments."

The ratification was in similar terms to those of the other States: "By the delegates of the people of the State of New York"....in the name and behalf of the people of New York."

Among the declarations of principles, set forth by this State, was the following: "That the powers of Government may be resumed whenever it shall become necessary to their happiness; that every power, jurisdiction, and right, which is not by the said Constitution, clearly delegated to the Congress of the United States, or the departments of the Government thereof, remains to the people of the several States, or to their respective State Governments, to whom they may have granted the same; and that those clauses in the Constitution which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers, not given by the said Constitution, but such clauses are to be construed either as exceptions to certain specific powers or as inserted for greater caution." (Italics ours). Did Lincoln ever read this?

Thus New York joins Virginia in refusing to delegate away her right to resume the powers she grants to the general Government. If Virginia and New York did not part with their right to resume the grants they made to the Federal Government they retained them. If they retained them they had the right to exercise them. What these States could rightfully do all could do. Therefore we have here evidently the right of

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secession. We also again have a clear sidelight as to the meaning of "we the people;" and as to the fact that the Government can exercise only the powers expressly delegated to it. May we not ask here, how can an agent, dependent upon its creator for every power it has, for every breath it draws, be sovereign over its Creator?

This is the eleventh State that has ratified the Constitution. The voice of one is the voice of all. That voice is that the States were "free, independent and sovereign." By what authority does Francis N. Thorpe say of the Convention itself: "It ignored the articles of the Constitution and the State Constitutions—save as precedents—" and "proceeded" to consider a new Constitution? "Had the States been sovereign the delegates would have been under obligations merely to suggest amendments to the Articles." (The Civil War from a Northern Standpoint, p. 163). Have we not the clearest evidence that the Philadelphia Convention merely suggested; and that the States adopted?

On the 4th of March 1789, the Government of the United States was organized with George Washington as President and John Adams as Vice-President. It consisted of eleven States with Senators and Representatives from eleven States.

Two States were yet standing aloof in the unquestioned and unmolested attitude of absolute independence of sovereignty. These two States were North Carolina and Rhode Island.

On the 2nd day of August 1788, North Carolina conditionally rejected the Constitution, passing the following resolution: "Resolved: That a declaration of rights, asserting and securing from encroachment, the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptional parts of the Constitution of Government, ought to be laid before Congress, and the Convention of States that shall or may be called for the purpose of amending the said Constitution, for their consideration, previous to the ratification of the Constitution aforesaid on the part of the State of North Carolina."

More than a year had passed after the adoption of this res-

· olution, when the New Government had been in operation for nearly seven months, North Carolina had become convinced that the most important of her proposed amendments would be adopted. Consequently on the 21st day of November 1789, her Convention ratified the Constitution "in behalf of the freemen, citizens, and inhabitants of the State of North Carolina."

The thirteenth and last State to ratify the Constitution was Rhode Island. The Constitution had been submitted to a direct vote of the people, and overwhelmingly rejected. When the Government under the new Constitution had been in operation more than fourteen months, on the 29th day of May, 1790, Rhode Island acceded to the Union. She had become convinced that the amendments she deemed desirable, would be adopted. Even then it was ratified by the very close vote of 34 to 32..... a majority of only two, showing how extremely jealous the people were of their rights as a state. It was made in these words: "We, the delegates of the people of the State of Rhode Island and Providence Plantation, do, by these presents, assent to and ratify the said Constitution."

We have given a synopsis of the proceedings of the thirteen States on entering into the new compact between the States. It will be seen that in each case State sovereignty was assumed, as a matter of fact, and the ratification made by "the delegates of the people of the State;" that each State acted on its own volition as to the time of holding its conventions, the number of delegates, and the right to ratify or reject. They were entirely free from the control of any consolidated nation. No such nation was then in existence. We have also seen that after eleven States had organized a new Government of their own there were two States, North Carolina and Rhode Island, left unconnected and entirely independent of any other political power, unless they still belonged to the "perpetual Union of the first Confederation." In either case they did not belong All sophistry cannot so class them. to the new association. If sophistry is unequal to the task it is certain logic is not. Not once did these two States call the eleven seceding States "traitors" or "rebels." Nor did they ever denv the right of the

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eleven seceding states to withdraw from the "perpetual Union." Such a right had never been denied until men arose who thought fiction of higher rank than fact. The eleven seceding States earnestly desired the accession of the two Union States, but never questioned their freedom of action.

To show the friendly relationship between one of these two "perpetual Union States," and the States of the New Confederation attention is invited to the following correspondence between Rhode Island and the New United States.

"United States, September 26, 1789.

"Gentlemen of the Senate:

"Having yesterday received a letter written in this month by the Governor of Rhode Island, at the request and in behalf of the General Assembly of that State, addressed to the President, the Senate, and the House of Representatives of the eleven United States of America in Congress assembled. I take the earliest opportunity of laying a copy of it before you. George Washington." (No exception was taken to the term, 'the eleven United States of America in Congress assembled')—that is the eleven States united were assembled in Congress."

The communication to which President Washington referred is as follows in part:

"State of Rhode Island and Providence Plantation,

In General Assembly, September Session, 1789. "To the President, the Senate and the House of Representatives of the eleven United States of America in Congress Assembled:

"The critical situation in which the people of this State are placed engages us to make these assurances, on their behalf, of their attachment and friendship to their sister States, and of their disposition to cultivate mutual harmony and friendly intercourse. They know themselves to be a handful, comparatively viewed, and although they now stand as it were alone, they have not separated themselves, or departed from the principles of that Confederation which was formed by their sister States in their struggle for freedom in the hour of danger....

"Our not having accepted to or adopted the new system of

Government formed and adopted by most of our sister States, we doubt not, has given uneasiness to them. That we have not seen our way clear to it, consistently with our idea of the principles upon which we all embarked together, has also given pain to us. We have not doubted that we might thereby avoid present difficulties, but we have apprehended future mischief......

"Can it be thought strange that, with these impressions the people should wait to see the proposed system organized and in operation? To see what further checks and securities would be agreed to and established by way of amendments, by Government for themselves and their posterity?.....

"We are induced to hope that we shall not be altogether considered as foreigners having no particular affinity or connection with the United States; but that trade and commerce, upon which the prosperity of the State much depends, will be preserved as free and open between this State and the United States, as our different situations at present can possibly admit.....

"We feel ourselves attached by the strongest ties of friendship, and interest, to our sister States; and we can not, without the greatest reluctance, look to any other quarter for those advantages of commercial intercourse which we receive to be more natural and reciprocal between them and us.

"I am at the request and in behalf of the General Assembly your most obedient, humble servant,

"JOHN COLLIS, Governor,"

(American State Papers Vol. 1, Miscellaneous.)

This letter of Governor Collis shows that the people of Rhode Island "had not departed from the principles of that Confederation which was formed by their sister States in their struggle for freedom, and in the hour of danger;" that Rhode Island considered herself as a distinct nation, separated from the United States, Francis Newton Thorpe and others to the contrary notwithstanding. As such she expresses a hope that the United States will not regard her in the same light as foreigners usually are. The Governor says in substance, "Nominally we are foreigners, but it is hoped that on account of our former peculiar relations we shall not be altogether considered in the light of such. We are now indeed two distinct nations, but on most friendly terms; distinct, but kindred in blood and political ties. We are two distinct nations to-day, but, as it were, yesterday, we were one. You seceded from us. We did not leave you. It is therefore hoped that you will so treat with us that trade and commerce will be preserved as free and open between us."

This is a most touching and pathetic appeal of one sovereign State to eleven sovereign states united under a common bond. It borders on the romantic. It must have touched in a tender spot every heart of the members of that historic Congress of the eleven seceding States.

This letter of Governor Collis adds its undying testimony to that of the other States in their ratifying ordinances, each of which declares in the plainest terms it was ordained "in the name and in behalf of the people of the said State." Whoever does not read State-Sovereignty here in the testimony of the thirteen States and that of Governor Collis read through the blind eyes of prejudice.

### CHAPTER VI.

## THE REAL NATURE OF THE GOVERNMENT OF THE UNITED STATES.

The thirteen ratifying ordinances of the thirteen states speak with a clearness and with an emphasis seldom, if ever, equaled. The voice of one is the voice of all. The conspicuous lesson taught by all is their earnest desire, in entering the Union, to preserve intact their sovereignty. This fact stands out on the page of history like a mountain on the plain. In their ratifying ordinances these thirteen States proposed no less than one hundred and forty-five (145) amendments to the Constitution, and no less than ninety-three (93) bills of right. All these proposed amendments and all these proposed bills of right de-. clare with an intense emphasis for the sovereignty of the States. Nor are these the mere utterances of individuals. They are the promulgations of States; not only of States, but States in their highest and most autoritative capacity.-that of State Contions. It is therefore testimony of the highest character. If these States knew their own will they reserved their sovereignty. and so declared in terms admitting of no doubt.

Who drew lines about the Federal Government, saying to it, "thus far shalt thou go and no further?" It was the States. Upon what authority did they limit the powers of the Federal Government? It was upon their own. Whence did these States receive this power? It was inherent. There were no other sovereignties to confer it. Did this power to create the Federal Government and prescribe its limits imply supreme authority on the part of the States? It can mean no less unless the creature is above its creator; or even "the servant is above his lord and master."

How did he Federal Government originate? It was not self-existent. It must therefore be the product of some pre-existing force or forces. Did it not originate, as already intimated, through the creative power of the States? This is the teaching of the Philadelphia Convention, that framed the Constitution, and of the State ordinances of ratification. Did the States confer any sovereign powers on the Federal Government? No man can deny that they did. Could these States grant what they did not have? Were they not therefore sovereign political organizations? The conclusion is inevitable that they were. In conferring powers of sovereignty on the Federal Government did they not of necessity limit their own powers of sovereignty? The fact admits of no doubt. Were not the sovereign powers of the Federal Government also limited? It is also beyond doubt that they were. Divided powers are necessarily limited powers.

Does it not therefore follow that both the Federal and State Governments were limited as to powers of sovereignty? There can be but one answer and that answer is in the alfirmative. Are the sovereign powers of these two classes of Governments iden-They cannot be. They are neither identical nor comtical? mon. What the States retained they did not grant. The powers they granted away they could not exercise. Nor could the Federal Government exercise powers not granted by the States. No State or other organization can exercise a power it does not possess. How are we to judge which is the more authoritative, the sovereign powers of the Federal Government or those of the State? If we consider the powers, per se, and the question be determined by the sources of these powers, are not the powers of the State inherent, while those of the Federal Government are mere grants, and grants from the States at that? If it be determined by the limitations of these powers, were it not the States that drew the lines? If we consider powers rightfully belonging to the States exercised by the States, and powers rightfully belonging to the Federal Government and exercised by the Government, they are necessarily on the same high plain of right and equally authoritative in their proper spheres. Did the Federal Government have any choice, or exercise any authority in deciding the limitations of its own sovereign powers? No more than did created man in the limitations of his own powers.

From all these considerations we conclude that this is a Government of States, and hence is properly called a *Federal Gov*ernment. Vattel on the "Law of Nations" (Book 1, Chapter 1, Sec. 4.) says: "Every nation that governs itself, *under what form so*ever, without any dependence on foreign powers, is a sovereign State." Under this definition all of the original thirteen States were independent sovereignties as well as under their own declarations as such.

In the same chapter Vattel also says: "Several sovereign independent States may unite themselves together by a perpetual Confederacy without each in particular ceasing to be a perfect State. They will form together a federal republic. The deliberations in common will offer no violence to the sovereignty of each member, though they may in certain respects, put some restraint on the exercise of it, in virtue of voluntary engagements. A person does not cease to be free, when he is obliged to fulfill the engagements into which he very willingly entered."

Vattel also says, "The law of Nations is the law of sovereigns; states free and independent are moral persons." As moral persons do not cease to be free when they are compelled to fulfill engagements, voluntarily made, so states in forming a Federal Government do not cease to be free and independent sovereigns, when forming a federal government.

It is a fact to be noted that the terms "Federal" and "National" when applied to a Federal Government are interchangeable terms. But at the time the Constitution was before the people for adoption or rejection these terms constituted the names of the two political parties and hence had a local meaning. The Federal party favored the adoption of the Constitution while the National party opposed it. The Nationals stood for a central Government in which the people of all the States would be considered as the people in the aggregate, while the Federals stood for the Government proposed by the Constitution, in which the people would be considered as divided into thirteen different communities, or thirteen States. Hence all elections by a direct vote of the people were said to be national in character; and all elections by the States were said to partake of the Federal feature. Therefore the Government proposed by the Constitution, if adopted, would have both national and federal features. This according to Vattel, would not in the least, be inconsistent with a true Federal Government.

Hence Madison, in the Federalist, advocating the adoption of the Constitution, shows its true nature in these words, applying the terms "National" and "federal" as construed by the Nationals:

In order to understand the real character of a government it may be considered according to Madison in relation (1) to the *Foundation* on which it is established; (2) to the Sources from which its powers are derived; (3) the Operation of these; (4) extent of them; (5) the authority by which future changes in the Government are to be made.

Madison says: "In examining the first relation it appears that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but on the other hand that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority of the people themselves. The act, therefore, establishing the Constitution, will not be a national but a federal act.

"That it will be a federal and not a national act, as *these terms* are understood by the objectors, the act of the people, as forming so many independent States, not as forming one aggregate Nation, is obvious from this single consideration, that it is neither a result from a decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from a unanimous assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the Legislative authority, but by that of the people themselves. Were the people regarded in the transaction as forming one Nation, the will of a majority of the whole people of the United States would bind the majority in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the majority of the States as evidence of the will of the majority of the United States. Neither of these has been adopted.

"Each State, in ratifying the Constitution, is considered a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, the new Constitution, if established, will be a Federal and not a National Constitution.

"The next relation is to the Sources from which the ordinary powers of government are derived. The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion and on the same principle as they are in the Legislature of a particular State. So far the Government is National not Federal. The Senate on the other hand, will derive its powers from the States, as political and equal societies, and these will be represented on the principle of equality in the Senate as they are now in the existing Congress. So far the Government is Federal not National. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of The eventual election, again, is to be made the same society. by that branch of the Legislature which consists of the national representatives but in this particular act they are to be thrown into the form of individual delegates from so many co-equal bodies politic. From this aspect the Government appears to be of a mixed character, presenting at least as many federal as national features.

"The difference between a federal and national government is, by the adversaries of the plan of the Convention to consist in this, that in the former the powers operate on the political bodies composing the Confederacy, in their political capacities. On trying the Constitution by this criterion, it falls under the national, and not the federal character; though perhaps not so completely as has been understood. In several cases, and particularly in the trial of controversies, to which States may be parties they must be viewed and proceeded against in their collective and political capacities only.

"But the Operation of the Government on the people, in their individual capacities, in its ordinary and most essential proceedings, may, on the whole, designate it in this relation as a National Government.

"But if the Government be national with regard to the operation of its power it changes its aspect again when we contemplate it in relation to the Extent of its powers. The idea of a national government involves in it not only an authority over the individual citizens but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation this supremacy is completely vested in the National Legislature. Among communities united for particular purposes it is vested partly in the general and partly in the municipal legislatures. In the former case all local authorities are subordinate to the supreme, and may be controlled, directed or abolished by it at pleasure. In the latter the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is to them within its own sphere. In this relation, then, the proposed Government cannot be deemed a national one, since its jurisdiction extends to certain enumerated objects only and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true that in controversies, relating to the boundary between two jurisdictions, the tribunal, which is ultimately to decide, is to be established under the General Government. But this does change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution, and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a disolution of the compact; and it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combatted.

"If we try the Constitution in its last relation to the Authority by which amendments are to be made, we find it neither wholly national or wholly federal. Were it wholly National the Supreme and ultimate authority would reside in the majority of the people of he Union; and this authority would be competent at all times like that of a majority of every national society, to alter or abolish its established government. Were it wholly federal. on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the Convention is not founded on either of these principles. In requiring more than a majority, and particularly in computing the proportion by States, not by citizens, it departs from the national and advances toward the federal character. In rendering the concurrence of less than the whole number of States sufficient, it loses again the federal and partakes of the national character.

"The proposed Constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal not national; in its sources from which the ordinary powers of government are drawn it is partly federal and partly national; in the operation of these powers it is national not federal; in the extent of them again it is federal, not national; and finally in the authoritative mode of introducing amendments it is neither wholly federal nor wholly national. (Italics ours)."

This "test of the Constitution by the rules laid down by its antagonists" has been pronounced by the ablest of critics the clearest exposition of that political document ever written. By the rules of the National Party every feature of the American Constitution was federal, because the product of independent States acting together in Convention assembled. With this decision Vattel agrees. So do all publicists. Moreover, the National party of that day was the Federal party thirteen years later. So able, so true, and so clear is this exposition of the Constitution that all replies are evasive and by implication. They are not the efforts of those who would throw light upon the Constitution, but of those who would obscure its meaning. As a specimen of these replies we quote from Francis Newton Thorpe as follows:

"Evidently at the very beginning of the movement for a more perfect Union, and while yet that Constitution, under which that more perfect Union was to be sought, was a proposition before the people, they who had led in that movement-and Madison was among the foremost-looked upon the Constitution as a composite instrument, and upon the Government of which it was the general plan as a composite Government, partaking now of national, and now of federal qualities, now of both, and the whole woven together in a complicated pattern. Moreover, Madison, the father of the Constitution, interpreted that instrument as leaving a residuary and inviolate sovereignty to the States. and as being a compact. He also interpreted the Constitution as being supreme in its own sphere. There was therefore a nice balance of parts, federals against national, and national against federal and leaving to the States large and necessary functions. closely approaching, if they did not comprise those of a sovereign nature."

This characteristic reply to Madison quotes not a word from his clear-cut exposition of the American Constitution. It omits every important fact relating to it. The reader, therefore, is furnished with no basis upon which to form an opinion as to its merits except Mr. Thorpe's own words. And all these are mere declarations,—mere insinuations.

(1) The first insinuation is ,that "a movement for a more perfect Union" meant a Union of a very different character from that then existing. On the contrary Madison distinctly taught that the second Union, as was the first, would be a Union of States, and therefore federal in character, "by the rules laid down by its antagonists, as well as by the teachings of Vattel, and other publicists.

(2) The second insinuation is, that "all who led in that move-

ment—and Madison was among the foremost—looked upon the Constitution as composite," and hence upon "the Government as composite;" and that this was a very damaging fact. On the contrary all legislation by free and independent States in common must of necessity be *federal* and at the same time national because the act of States or Nations. And this is all the term "composite" means in this connection. They would render the proposed Constitution composite only in the restricted sense given them by its enemies, when that instrument was a question before the people.

(3) A third insinuation is, that Madison affirmed that the Government would be "partaking now of National qualities," and at another "now of federal qualities," and at a still different "now of both national and federal qualities." Without contradiction this Chamelion Government is quite original, and Madison is not its author. It is the first and last of its kind; and exists only in the fertile brain of Mr. Thorpe. It would not have existed even there but for the great and pressing necessity.

(4) A fourth insinuation is that these alternating governments, chameleon-like, without losing their identity, would be "woven into a complicated pattern." This and other complicated absurities find their refutation in the unanswerable words of Madison himself as quoted in this chapter.

(5) A fifth insinuation is, that Madison erred in declaring the Constitution, if adopted, would leave "a residuary and inviolable *sovereignty to the States.*" All the ratifying ordinances, referred to in the last chapter, with their 145 proposed amendments to the Constitution, an average of more than eleven to the State, and with their 93 proposed bills of right, an average of more than seven to the State, *sustain Madison with a force of expression* that will be potent to the last pulsation of time.

(6) That Madison erred in calling the Constitution "a compact." If he erred he erred with such authors of the Constitution as Gerry of Massachusetts, who said in the Philadelphia Convention: "If nine out of thirteen States can dissolve the *Compact*, six out of nine will be just as able to dissolve the *new one*." He erred with Governor Morris, who said in the same Convention: "He came here to form a compact for the good of Americans;" with Hamilton in the Federalist who repeatedly called the new Government "a Confederacy," and "a Confederate Republic," and the Constitution "a compact." He erred with George Washington, the presiding officer of the Convention of 1787, who called the Constitution "a compact or treatv." He erred with Luther Martin of the same Convention. who said: "Will you tell us we ought to trust you because you now enter into a solemn compact with us?" He erred with the ratifying ordinances of all the States, that of Massachusetts expressly referring to the States, "as entering into an explicit and solemn compact with each other." A volume could be filled with additional quotations of the same character from the authors of the Constitution and their most illustrious associates. The time was in the early days of this Republic when no one denied that the Constitution was a compact.

(7) He also insinuated that Madison erred when "he interpreted the Constitution as being supreme in its own sphere," that is only "in its own sphere." The same character of evidence that sustains Madison in correctly terming the Constitution a compact, and equally as voluminous, also sustains him here.

(8) Mr. Thorpe's insinuation that there was therefore, a nice balance of parts, "federal against national and national against federal," is utterly at variance with the facts. There is not the least antagonism in the fact, for instance, that the Constitution provided that one branch of the Federal Legislature should be elected by a direct vote of the people, and the other branch by the States in their separate capacities.

(9) Mr. Thorpe, in his last insinuation, represents that Madison interpreted the Constitution as "leaving to the States large and necessary functions, closely approximating, if they did not comprise those of a sovereign nature." Surely Mr. Thorpe is aware that Madison, with Hamilton and Jefferson, and all that illustrious host of statesmen, contemporary with the origin of the Constitution, accorded to the States full sovereignty as free and independent governmetns. Then why should he say "large and necessary functious *closely approximating those of a sovereign nature?*" Why does he not advance boldly to the front, quote Madison's own words, and then, in the spirit of a worthy combatant reply to them?

Mr. Thorpe should also explain why he ignores, in this connection, these significant words of Madison: "The difference between a federal and a national government, is by *the adversaries* of the plan of the Constitution supposed to consist in this, that in the former the powers *operate* on the *.political bodies* (States) composing the Confederacy; the latter on *individual citizens* composing the Nation in their individual capacities."

It is evident that Mr. Madison does not say there is a difference in the terms, national and federal, when applied to the American system of Government, but a supposed difference, and supposed not by the Federals, but "by the adversaries of the plan of the Convention," that is by the Nationals. Thus Thorpe generalizes, hints, and misrepresents. And who is Thorpe? He is no less than "Francis Newton Thorpe Ph. D., Fellow, and Professor of American Constitutional History in the University of Pennsylvania, 1885-1898; Member of the American Historical Association, etc. etc.; author of the Constitutional History of the United States; A (State) Constitutional History of the American people, 1776-1850; a History of the American people (Social and Political); A School History of the United States: A Course in Civil Government; Benjamin Franklin and the University of Pennsylvania; the Government of the State of Pennsylvania; the Life of William Pepper, Provost of the Universitv of Pennsylvania; The Spirit of Empires; The Divining Rod. etc. etc." If this man of erudition,-this distinctive author of historical works,—is compelled to hedge it must be from the want of sustaining facts.

Mr. Thorpe correctly calls Madison "the father of the Constitution." He ought therefore, to be very high authority as to the real nature of that instrument. It is well known that Patrick Henry opposed the adoption of the Constitution on the ground that "we the people" in the preamble would be misconstrued by designing politicians to mean "the people in the aggregate." Henry was silenced by Madison's reply, yet voted against the Constitution. The reply of Madison was in part as follows:

"Who are the parties to the Constitution? The people, but not the people as comprising one great body, but the people as comprising thirteen sovereignties. Were it, as the gentleman, Mr. Henry asserts a consolidated Government, the assent of a majority of the people would be sufficient for its establishment, and as a majority has adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it. Were it such a government, as suggested, it would be binding on the people of this State, without their having had the privilege of deliberating upon it, but, sir, no State is bound by it, as it is, without its consent. Should all the States adopt it it will then be a government established by the thirteen States of America, not through the intervention of the Legislatures, but by the people." This fact alone renders the Government Federal, according to all publicists; and defines "we the people."

As early as 1643, or 133 years before the Declaration of Independence a Congress, known as "The United Colonies of New England," was organized by delegates from Massachusetts, Plvmouth. New Haven and Connecticutt. Bancroft tells us "its objects were protection against the encroachments of the Dutch and French, and security against the tribes of savages; the liberty of the Gospel in purity and peace." Its affairs were managed by a Commission consisting of two from each colony. "To each its respective local jurisdiction was preserved." Here we find the germ-principle of State-rights that played such a prominent and successful part in the framing of the great Amer-Bancroft calls this the first Confederate Govican Constitution. ernment in America, and declares it "remarkable for unmixed simplicity." There was no "president except as moderator of Massachusetts was superior to all the others the meetings." in wealth, in territory and in population. Yet Massachusetts had no greater number of votes than did New Haven, the smallest.

The Congress had no executive power. It could decree war and levy troops. It remained for the colonies to enforce the suggestions of Congress.

Here we have a Confederacy, or Federal Government, antedating the Declaration of Independence by one and one-third centuries, teaching the advantages of Union for their common welfare, yet separate and distinct as families in the same community. We see that in their deliberations the Colonies were equal; that the Confederacy was Republican to the core. They did not "abandon or compromise the great principle of Community independence." This principle is innate in the human heart. It throbs in the hearts of savage tribes and in the communities of the learned and civilized alike. It has always been so. Long before the Caesars this form of independence had "germinated in the German forests." Through "the mailed hand of the Barons" it rung "truth and right" from King John at Runnymede. It nerved the strong arms and brave hearts of our ancestors in the war for our Independence. It was not only sheltered and nourished and strengthened in the New England forests. but it lived and grew in every true liberty-loving heart throughout all the thirteen colonies. Community interests gave a brave people self-reliance in 1776. It spoke in the Declaration of Independence. It was heard in the drum-beat of the Colonies, seen in the sufferings of the fathers. It triumphed with a shout when Yorktown fell. It still lives It is transmitted from sire to son. It can never die. Living, its abiding testimony is this: The independence of the States is the mightiest factor in all this great American Republic; and that this Republic is a Confederacy, Federal Union, or League of States for their own mutual welfare and common action.

This fact is so evident, both from the standpoint of history and of the Constitution, that no defender of Northern aggression bases his defense on the Constitution or the facts of history. In the foregoing deceptive plea of Thorpe the Constitution is not mentioned as the basis of an argument. Even Edward Everett, a man of acknowledged errudition, abandoned the Constitution, disregarded the facts of history, and appealed to mere "dislocated phrases, in his famous 4th of July oration,

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delivered in New York in 1861. He first goes outside of America to the British Parliament, for his loose phrases. In the days of the immortal Burke there fell from the lips of English "That people," "that loyal and orators such phrases, as these: respectable people," "this enlightened and spirited people," referring to the American Colonies. Everett quotes them in an effort to show that they (Colonies) constituted "one provincial If these indefinite phrases, outside of their true conpeople." nection, prove anything, they prove too much for Mr. Everett. We speak of the people of Europe. Yet Europe is divided into Republics, Kingdom and Empires, all separate and independent We have referred to the United Colonies of governments. New England The fact that these Colonies were united as separate and independent governments for more than a century is to history what a light-house standing on the rock-ribbed shores of this important section of our country is to the mariner. They, too, contradict Mr. Everett.

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But Mr. Everett does not place his entire reliance upon the disconnected phrases of the British Parliament. In October 1774 the Continental Congress addressed a letter to Gen. Gates, urging him not to erect fortifications in Boston. That letter reads as follows: "We entreat your excellency to consider what a tendency this conduct must have to irritate and force a free people, hitherto well disposed to peaceable measures, into hos-(American Archives, Series 4, Vol. 1, p. 908). The tilities." proceedings of Congress show that this letter was written to "the town of Boston and Province of Massachusetts Bay." "The free people," therefore, evidently refers to the town of Boston. Yet Mr. Everett applies it to the people of the thirteen Colonies in the aggregate Can there be stronger evidence that even Mr. Everett could not appeal to the Constitution? It is well known and universally admitted, that the term, the people, may mean a town, as in this case, or any body of people whatever, not even excluding a congregation.

Are we mistaken? Does not Mr. Everett after all refer to the Constitution? Yes, to its *preamble*—not to its *fundamentals*; and to its *preamble* only because in it he finds his favorite term, a people, or "one people." In that preamble are these "When in the course of human events it significant words: becomes necessary for one people to dissolve the political bonds which unite them to another," etc. If the term one people can be properly applied only to a number of communities or a number of States combined in a common cause, even then his argument would be deficient: for these thirteen States were not less separate and independent States after their Declaration of Independence than they were before. In fact that Declaration declared them thirteen separate and independent States. In other words they were not States, in their own estimation, till after they had so declared themselves. But, as we have shown, the term "one people," can also be applied with equal propriety to States, a State, a city, a town, a village, or a settlement. Patrick Henry knew at least two things, a good argument and selfish When Madison said. "Were it such a Governhuman nature. ment as is suggested it would now be binding on the people of Virginia without their having had the privilege of deliberating upon it." Henry knew the argument was good. But on the other hand he knew the *deproved human nature* that would in coming time control politicians in construing the term, "one people," to the advancement of their greed and ambition. Events have shown that he was no less a prophet than a logician.

Emergencies often render men desperate. There is an old saying that "a drowning man will catch at a straw." Mr. Everett has caught at three straws, and, like other drowning men, has gone down with the rope of safety within easy reach.

But there is a fact of history that throws additional light on this terms, "the people," and removes all possible ambiguity. It is this: *The original language of the preamble*, as reported by the committee of five appointed to prepare the Constitution, as found in the proceedings of August 6, 1787, was, "We the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantation, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, do ordain, declare and es-

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tablish the following Constitution for the Government of ourselves and our posterity." Here it is in plain terms, "We the people of the States." The journal shows that this preamble was read before the Convention the next day, August 7, 1787, and was unanimously adopted. Is this act of the Convention meaningless?

Yet, the names of the States were stricken. Whv? The Because upon reflection it was wisely deanswer is evident: cided the Convention could not tell in advance what States would ratify it. Was it not therefore proper that the names of the States be stricken? Was there any other alternative? Yet. even this fact has been urged by centralists as a proof that the States did not enter into a compact among themselves. Everett, and Lincoln and hundreds of other politicians must have But it is certain the millions of ignorant known the facts. foreigners and the American masses did not. Hence concealment and perversions, and substitutes were many and bold. "The loveliest thing in life, Tom," for the hard and pressed Republicans are substitutes for the Constitution.

From the foregoing it is evident that this Government was a league of the States, and therefore Federal to the core. All independent Federal governments are Nations and therefore national as well as Federal. All independent republics fill certain offices by a direct vote of the people. Each State was therefore national also from that standpoint, and so was the Federal Government. But the national idea, instead of being antagonistic to a Federal Government, was in perfect harmony with it.

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### CHAPTER VII.

### "THE UNWRITTEN CONSTITUTION."

We have considered the two written Constitutions, the genuine and the true,—the productions of Statesmen in Conventions assembled. Under the same masterful hands the one gave place to the other. They have received the highest commendations from sages of world wide fame. They were definite, clear and wise.

The blush of American civilization is that the greatest political document "ever struck off by the mind of man," the Philadelphia Constitution, of 1787, was supplanted by a third Constitution, "the Unwritten," a Constitution that knew no convention hall, that was never subjected to the deliberations of patriotic statesmen, or was ever honored as the production of the deliberations of any assembly of wise men whatever; a Constitution that, on the other hand, sprang from the brain of fanaticism and unlicensed ambition. False as the whisperings of Satan it arrogated to itself all virtues, and walked forth with the stride of the Caesars in the garb of truth and fidelity. Without authority it laid claim to all authority. Laying foul hands upon the legitimate and long revered document of the Philadelphia Convention, it declared that the teachings of the legitimate and illegitimate were identical. Unconventional, unlicensed. "unwritten," unlimited, unrestrained, it was the spontaneous production of unreason and madness. Its scepter was that of the usurper. Its cruelty was that of the Prince of the air, as we shall show at the proper time.

The attempt to force this bastard of a Constitution, "without form and void," on the Southern States against their will, brought on the "Great War" For resisting this insult these States were represented to the civilized world as traitors, conspirators and all other kindred designations. Yet no section, not even the North, had sworn fidelity to this bastard. But both the North and the South had sworn eternal fealty to that noblest conception of human governments, the Constitution of the Philadelphia Convention, the Constitution of 73 years of unbroken veneration.

We have found but one historian who has attempted to define or describe it. Nor would he have made the attempt could he have found adequate facts within the circle of law to defend that most terrible war. That historian is no less than Francis Newton Thorpe, Editor of the "Civil War from a Northern Standpoint, Vol. 15, p. 161. It will perhaps be of interest to the reader to know what that description is. It is in these significant words:

"And by the Constitution is not meant that formal instrument or plan of Government formed in Philadelphia in 1787, alone, but also the Unwritten Constitution which expresses the state of mind in America that determines the color or conduct of public affairs." (Italics ours.)

This description of this product of the imagination—this burlesque on Constitutions is most wonderful. There is but one thing clear or definite about it. That is what it is not— "Not that formal instrument or plan of government formed in Philadelphia in 1787." This one fact is enough to have assigned it to eternal condemnation. Yet it constituted the basis of the war between the North and South.

The word, "alone," makes no amends. It exhonorates not in the least. For if the Constitution of the Philadelphia Convention was added to by an "unwritten Constitution" the crime was as great as if it had altogether supplanted that instrument. Unlicensed authority is the same under whatever guise it may come. Would Congress or any of the States even think of proposing an amendment to the Constitution without putting it in the form of writing? How much less would the States think of adopting a Constitutional amendment not in the definite form of writing." But here we have a political party, not simply proposing an unwritten amendment, but actually adopting an unwritten Constitution for the American people without their knowledge or formal consent. Was ever arrogance so bold? Was ever treason so arrogant?

But it is possible that Mr. Thorpe used the word "alone" in

connection with the real Constitution for another purpose, viz.: that of dignifying the unreal. All must confess that from a Northern Standpoint law and facts were wanting and the conditions desperate—so desperate as even to require the introduction of the unwritten Constitution. But the wrong was palliated at the North, yea cloaked, by associating it with the real instrument,—so palliated and so cloaked that it deceived the greater part of the greater section of our common Country. Otherwise its falacy would have exposed it to prompt ridicule. Such an anomaly of a Constitution needed all the benefits it could receive from something substantial;—something in which the people had confidence; something for which the people would imperil their lives; something that had a history and a sacred memory.

Did ever cunning plan so well and so well execute? Who doubts that the evident intention was to so link the fraudulent and "unwritten Constitution" to the true and written instrument as to make it appear, if not identical with the real at least, its most worthy associate—an associate not only involving all the virtues of the real but, in all probability, conferring on it additional worthiness! Such were the deceptions which characterized the North, not only in the inauguration of the war, but also throughout its continuance. The world can be deceived for a time, but not forever.

Time and circumstances often render shrewd manipulators There are times and conditions, too, when most absurd bold. fictions are easily passed off on an unsuspecting public as factos It is then the shrewd plotter steps to the front and astonishes the civilized world by his boldness, and captivates the simple by his display of piety and fidelity. What was bolder than the introduction of a purely imaginary Constitution in the Sixties! How propitious the times! How propitious the conditions! Eight years of "Uncle Toms Cabin" had ushered in the sixth decennial of the 19th Century with a wide-spread storm of ex-Fiction pure, and unmistakably false, that book was citement regarded as a fact. Politicians lost no time in giving force to that storm. While the storm raged exclusively in the North

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bending, twisting and uprooting the tall timbers of the Constitution, all lovers of the instrument, both North and South, looked on in alarm.

In this perilous hour what was shrewder than the linking of that bogus instrument to the true? What act gave greater additional impetus to the storm than this! What unmatched shrewdness also failed to play its part at every opportune moment throughout the war! Of the many shrewd deceptions practiced on the credulous in the North and among the nations, what one deception was ever true to the true, or false to the false?

Let us now examine the final sentence of Mr. Thorpe's description. It is these words: "But also the unwritten Constitution which expresses the state of mind in America that determines the color or conduct of public affairs."

"The state of mind in America!" What is it? The phraseology indicates that it is something definite, something common to all parts of all sections in all wide America; and, therefore, something that is familiar knowledge throughout all this vast American domain. Yet who does not know that especially during the fourth, the fifth and sixth decennials of the 19th Century the state of mind among the large proportion of the masses in the North was one thing while that of the South was distinctly another? Who does not know that the state of mind in that exclusively sectional and dominant party of the North was ever antagonistic to that of the South? Who does not know that in the border States during the Sixties the state of mind was almost equally divided, the one being belligerent toward the other. Who does not know that even in the North during the Sixties the same state of mind was not universal by a great deal? Hence it is not proper to speak of "the State of mind" even in the North during the dark and stormy Sixties. Had there been just one state of mind in all sections and parts of sections in all vast America there would have been no warno occasion for war.

It is evident, therefore, that "the state of mind in America" was different in all States, and in all sections of the States; in all the Territories and in all sections of the Territories; and

that instead of there being just one state of mind in America there were states of mind, and that these were multiplied till they were very numerous when we consider the vast domain of all America.

How absurd the assumption that all these different States of mind were one and the same! Yet it was by just such assumptions as this that the war was inaugurated and justified. To this fact all history testifies, as we shall show at the proper time.

It therefore follows that to single out any one of these many states of mind and call it "the state of mind in America" is a misstatement of fact; that it is a mere presumption, used as a fact for a special purpose. It also follows that a mere false presumption used as a fact "determines the color or conduct of public affairs" in America.

A very important question arises here: Who is the presumer that determines the State of mind in America? Whoever he be to him all America says with Shakespeare, "Do not presume too much upon my love." It is certain the unwritten Constitution does not specify his name, for it has no record. In the last analysis the Constitution is the Imagination, simple and pure—this, no more and no less. The imagination is the one faculty of the human mind that has all illimitable space for its field of operation, and infinity for its varieties. Therefore "the unwritten Constitution" is susceptible of an infinite number of interpretations.

In as much as "the Unwritten Constitution" does not designate its interpreter we shall presume that he is the president, the head of the Government throughout which this irregular compound of organic law is to be executed. He is at liberty to assume that this government of the imagination embraces all the other governments of whatever kind or character. Under his fervid imagination he can give to this American Government "the color and conduct" of the most despotic of governments." In short he can change "the color or conduct" of the government with the ease and rapidity with which he can change the subjects of his imagination.

This may account for the three American bastiles of the late war; for the ease with which the border States were deceived and subdued; for the fact that men were imprisoned on mere suspicion and denied the right of trial; for the fact that Seward could boast that by touching a bell on his table he could order the arrest of any person he should designate; and for thousands of other acts of despotism not necessary to mention here, but to some of which we shall refer later.

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### CHAPTER VIII.

# IGNORANCE AS TO THE CONSTITUTION AN ENCOURAGEMENT TO THE VIOLA-TION OF ITS TERMS.

Ignorance is the greatest menace to a republican form of government. It invites false constructions of the fundamental law, usurpations, "unwritten Constitutions," "higher laws," and a flood of other kindred evils.

The only remedy for these evils is the education of our youth in the fundamental doctrines of the Constitution of our Coun-Without this there is great danger that, in some future trv. time, this wide-spread ignorance may be the means of opening the floodgates of destruction to our long cherished institutions. It was the mightiest factor in the inauguration of the war between the two great sections of our common country. Without it there would have been no war. Upon it confidently leaned the third Constitution. Upon it the Republican party in 1860 confidently promulgated their platform of principles. the main plank of which they knew to be in direct conflict with the decision of the Supreme Court in the Dred Scott case. Upon it the dominant party leaned throughout the war, and boldly set aside the Constitution at will, and as boldly assumed both autocratic and despotic powers. This we shall prove during the discussion of the questions at issue.

It is an indisputable fact that at least ninety per cent. of the people of the United States have but the slightes knowledge of the American Constitution. This ignorance is not confined to the masses. If we except the legal fraternity it is very doubtful if even five per cent. of any one class, educated or uneducated, has ever made a critical study of the Federal Constitution with a view to understanding its true meaning. A distinguished Major-General of the Confederate army has said that the only time he ever studied the Constitution was while "a cadet at West Point, the text-book being Rawl's View of the Constitution."

The world needs not to be informed that bold perversions of the Constitution were made before the war, during the war, and since the war. There are not wanting today distinguished citizens of this Republic who declare they do not go, in these perversions, as far as Lincoln did.

When these misinterpretations are made by men of national reputation they are widely received as the true construction of the Constitution. This was true in Lincoln's celebrated Cooper Institute speech; and also in his inaugural address; and in Everett's\_fourth of July oration in the Academy of Music, New York, in 1861. As we shall discuss Lincoln's Cooper Institute speech and his Inaugural Address separately in other chapters we shall confine ourselves now to Mr. Everett's oration.

The Declaration of Independence contains these expressions: "One people; a free people; and the good people of the colonies." Mr. Everett deliberately detached these words from their true connection, and declared that they proved that the Declaration of Independence was the act of the whole people of the United States en mass, and that therefore this Government was a consolidated Government and not a Government of equal States on equal terms. To do this he suppressed in the same sentence the declaration, three times repeated "that these colonies are free and independent States." Is this species of argument worthy the true American statesman? Is perversion the weapon of true patriotism?---of true statesmanship? Is an argument based on these detached phrases of greater importance than the simple declaration three times repeated, "that these colonies are free and independent States?" Is an argument based on these detached phrases worth anything? Is it not absolutely worthless? Yet it was just this species of logic that inaugurated the war. The common pleader in our lowest courts of justice would think himself disgraced if he should stoop to the low level of such logic. Yet Mr. Everett, when the great issue before the American people was that of war or peace, stooped from the high ideal of an American statesman to the low level of an office seeker.

Was Mr. Everett believed? Yes, by the millions. Had a

man of ordinary reputation made such an argument he would have been visited with ridicule and scorn. But Mr. Everett was a man of eminence, having a reputation nation-wide for culture and eloquence. He was ranked among the highest and noblest of American statesmen. His name, therefore gave great weight to all his utterances upon national questions. He was therefore, the less inexcusable.

Who can justly lay the blame for that war upon the South? Were not falsehoods like this borne on every breeze from the Were they not published in every newspaper, North North? Were they not read in every Southern home? and South? Did not every pulsation of the Southern heart manifest the deepest interest in the safety of the Constitution when it was being undermined by logic based on mere phrases out of their true Was not every political rostrum in the South eloconnection? quent with denunciations of this false logic? Under circumstances like these was there not great cause for alarm throughout all the Southern States? And where did that cause of alarm originate but in the high circles of political influence in the North. Did not that cause find its staunchest advocates among the Lincolns, the Sewards, the Everetts, and hosts of other kindred names equally as distinguished. Is it not now universally known that these eminent personages had promulgated bold perversions of the Constitution? Had not the South therefore, just cause for believing that if the Constitution was to be preserved unimpaired it must be done, or not at all, by separation?

The ignorance, as to the Constitution, 90 per cent. aforesaid, enabled the bold promulgation of another most absurd theory, viz: that the United States constituted one consolidated Government. Its very title, "States United," confutes this theory. Besides, if the States had been consolidated into one central government it would necessarily be a single organization, and referred to in the Constitution, its only true expounder, in the singular number, as it. But you will search the Constitution, in vain, from preamble to finish for any reference to it in the

singular number. The Constitution refers to the United States only in the plural sense as "them" and "their"—never as "it."

If this be true what is meant by the Constitution's mentioning the United States invariably in the plural sense, and never in the singular? Does not this plurality of States declare, in the most positive of terms that the States form units of association and not fractional parts of a consolidation? In Art. 1. of the Constitution are these words: "The President,..... shall not receive, within that period, any other emolument from the United States or any of them"-not of "it".... In Art. 2 are "The laws of the United States, and these significant words: treaties made or which shall be made under their authority"-In Art. 3, we read: "Treason against the not *its* authority. United States shall consist only in levving war against them." not it, "or in addressing to their enemies"-not its enemies. Is the proof of a mathematical proposition more definitely conclusive than this: That the United States did not constitute a consolidated Government? Yet, with impunity. the plural or associational character of the Government was set aside in the Sixties because of the wide-spread ignorance as to the Constitution known to exist among the people. Should not a study of the Constitution of our country hold a similar place in our schools to that of the English language and that of the mathematics? Does not the safety of our Government depend on it? Who so bold as to declare there would have been war in the sixties had only fifty or sixty per cent. of our people been familiar with the teachings of the Constitution?

In 1788 and 1789 the Constitution was discussed as never before, or since from the Northern boundary of New England to the extreme Southern limits of the States, and from the Atlantic shores to our utmost western borders. It was the time when the States were debating the question of its adoption or rejection. It was examined with all that care and criticism the jealousy and self-interest of the independent States could give it. The States were entering into a compact with each other; and the questions involved were to them of most momentous interest. A few did not long hesitate. The majority debated earnestly and long, as we have already shown. Two stood aloof till the Government of the Eleven was in full operation with Washington at its head.

In 1788 when the discussion was at its height Mr. Coxe of Pennsylvania was asked if "We the People" meant the people in the aggregate? His convincing reply was this: "If the Federal Constitution had meant to exclude the idea of 'Union,' —that is separate sovereign sovereignties joining in a Confederacy—they would have said, "We the people of America;" for Union necessarily *involved the idea of competent States, which complete consolidation cxcludes.*" (Italics ours)—American Museum, February 1788).

This reply of Coxe was to the very critical and very jealous States-rights men of Pennsylvania what Madison's was to the same class in Virginia—unanswerable. If the States were not free and independent they were not competent to form a Union. But they did form a Union. Therefore they were free and independent States. No man will deny that Coxe was not right when he said, "Complete consolidation excludes the idea of Union." Therefore the forming of a Union excludes the idea of consolidation. Who can dispute that proposition?

Again: "If the Federal Constitution consolidated States into one aggregate people the State or States rejecting it were in rebellion. Rhode Island rejected it for nearly three years; and North Carolina for more than two years. Did the Government of the Eleven States declare these two States in rebellion? Did Morris and Hamilton, the two strong and leading centralists in the Philadelphia Convention, declare them in rebellion? DID any man, anywhere, however his bump of centralism was developed, so declare? The whole world is witness that neither the Eleven States, nor Morris, nor Hamilton, nor any other person did. It therefore follows that they were not in rebellion, and if not in rebellion they were but exercising a right peculiarly their own. It follows also as an inevitable conclusion that in 1789-90 the universal opinion was that these States were not in rebellion; and if not in rebellion they were independent and soverign States.

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As the States grew and prospered the Government naturally grew and progressed. The nations and people of other climes very naturally regarded the Federal Government as the embodiment of power, splendor, and patronage, and entitled to the supreme consideration. Thus in the eves of the nations the creature of the States was exalted above the States, its Creators. As the splendor of the Federal Government, and its power and its influence abroad increased the ignorance of the people as to the Constitution increased. Centralists knew this. Their opportunity was at hand. They delayed not. More than a half century had increased the prestige of the Government. The purposes of its founders were, during this time, more or less obscured by the influx of foreigners and false logic and false facts. Arguments advanced by the scrupulous in the beginning. were dragged in 1860 from their places of defeat by the unscrupulous and were brought forth under the more favorable shadow of modern ignorance as to the Constitution. In the beginning they had been abandoned as satisfactorily answered. Then they were presented and opposed as features of the Constitution that, in the hands of designing men, might finally overthrow some of their cherished institutions. Now, in the Sixties, they were presented as the true expositions of the Constitution, fulfilling the fears of such strong federalists as Patrick Henry and others like him. What were then opposed as probable dangers to the Government were now, in the Sixties, advocated as the Constitution's true meaning and the Government's salvation.

We have seen with what dexerity Mr. Everett could detach phrases from a sentence and yet not give the sentence. We are now to consider his logic from another standpoint in the same Fourth of July oration. It is not less skillful. He says, "That instrument (Constitution) does not purport to be a 'contract,' but a Constitution of government. . . . The States are not named in it; nearly all the characteristic powers of sovereignty are expressly granted to the General Goverment, and expressly prohibited to the States," soon repeating the clause, "the States are not named in it."

This bold perversion of the Constitution was doubtless read

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by John L. Motley and was the basis of his letter to the London Times in 1861 on "The Causes of the Civil War." That letter from which we now quote is very remarkable for its want of facts. In it he says of the Federal Constitution: "It was not a compact. Who ever heard of a compact to which there are no parties or who ever heard of a compact made by a single party himself? Yet the name of no State is mentioned in the whole document; the States themselves are only mentioned to receive commands or prohobitions; and the people of the United States is a single party by whom alone the instrument is executed.

"The Constitution was not drawn by the States; it was not promulgated in the name of the States; it was not ratified by the States. The States never acceded to it; and possess no power to secede from it. It was 'ordained and established' over the States by a power superior to the States; by the people of the whole land in their aggregate capacity."

John Lathrop Motley well knew that the people of England and France and Germany and of all Europe knew no more of our Government, its Constitution, our laws and our institutions than did our citizens know of theirs. At that time the Washington government was deeply concerned for fear that England and France and Germany, and, perhaps Spain would recognize the Confederacy. Some counter influence was in demand. False statements were current at home; why should they not be in Europe? The writing of Motley's letter was immediately followed by his appointment to the high and honorable position of Minister to St. James's Court. Was that done for a purpose? Was that position the price of skill in misrepresenting American history and the American Constitution?

We have said that Motley's letter to the London Times was false. We repeat with emphasis that it was false. Who so ignorant as not to know that Motley was false in saying "It (the Constitution) was not a compact." When Mr. Gerry of Massachusetts, as a member of the Philadelphia Convention said, "I came here to form a compact for the good of Americans," who of all that immortal Convention denied that the object of the Convention was to form a compact? If that was the object did they not accomplish their purpose? If, then, they accomplished their purpose, was not the result a compact? Have we not shown that Washington and Hamilton and Madison and Governor Morris and other illustrious names of that Convention repeatedly called it a compact? Did not even Lincoln call it a compact in his inaugural address while erroneously declaring it required the consent of all the parties to it to annul it? It was therefore a *compact*.

Thus the term compact was common in the Convention that framed the Constitution, and among the illustrious leaders immediately following the Convention. Whom shall we believe, the illustrious names associated with the Convention and the Convention-times or the Motley man? If you want the truth told you should go to the disinterested and impartial. Men of the Motley kind have not the inclination.

Mr. Motley: "Yet the name of no State is mentioned in it." Mr. Everett: "The States are not mentioned in it." If these two bold perversionists and voluntary promulgators of information had read Sec. 2, Art. 1, of the Constitution they would have found the name of each of the thirteen States distinctly mentioned. Were they among the 90 per cent Constitutionally ignorant?

Motley: "The Constitution was not drawn up by the States." All who are at all familiar with delegated powers know better. The States were represented by delegates and voted as States. The millions of English people, for whom this falsehood was intended, may not have had any correct idea of delegated authority and of the relations of the States to the Federal Government. It is certain, however, that it was upon the presumption of their general ignorance of the true nature of our Federal Government that these extreme falsehoods of Motley were published in the London Times.

Motley: "It was not promulgated in the name of the States, it was not ratified by the States." It was both promulgated in the name of the States and it was ratified by the States. We have given full and specific testimony in Chapter five (this book) as to the very day each State ratified the Constitution, beginning with little Delaware, on the 7th of December, 1787, and ending with Rhode Island on the 29th day of May, 1790, lacking only eight days of being just two years and six months between the ratification of the first State and that of the last. Yet the people of England, and doubtless all of Europe, were told "it was not ratified by the States!" Are we to suppose that Motley was so ignorant as this? If not what are we to conclude? "The answer is near thee, even in thy mouth." It is said that "ignorance is bliss." Who can doubt its being bliss to the Administration of the Federal Government in the Sixties?

Motley: "The States never acceded to it, and possess no power to secede from it." What is ratifying the Constitution by the States but their acceding to the Union? The ratification ordinances of all the States refutes this bold perversion of fact. That Motley could write such a shameless record for himself on the page of American history is a mystery and surprise to every true and upright American citizen. As to secession, Webster, says, "The natural converse of accession is secession; and therefore when it is stated that the people of the States acceded to the Union, it may be more plausibly argued that they may secede from it." Therefore, according to Webster, the States not only acceded to the Union but also had the right to secede from it.

Motley: "It was ordained and established over the States by a power superior to the States; by the people of the whole land in their aggregate capacity." We have already shown in a previous chapter how Madison silenced the eloquent Henry on this question, and in this chapter how Coxe of Pennsylvania. overcame the scruples of Pennsylvanians jealous of their State-rights, on this point. We have shown that the Constitution itself denies it was "ordained and established by a superior power." The language of the final article of the Constitution is not that of a superior. We repeat it here: "The ratification of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

There must have existed some special cause for these genuine falsehoods deliberately fabricated and promulgated so conspicuously before the gaze of the civilized world. May it not have

been to offset the influence of Mason and Slidell? This is a pertinent question. There were many Motleys in those days. Every breeze from the North was one laden with fiction and falsehood. The fictions of Uncle Tom's Cabin begat other fictions. The falsehoods of Uncle Tom's Cabin multiplied in the atmosphere of unwritten Constitutions and higher laws till they boldly crossed the Atlantic, and confronted kings and queens and parliaments and other dignitaries in the garb of truth, that they might be the means of crushing the loyal South for her zeal for the institutions of the Revolutionary sires. All this, and more, was done because the great body of the American people and those in Europe were ignorant as to the Constitution.

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### CHAPTER IX.

## LINCOLN'S CELEBRATED COOPER INSTI-TUTE SPEECH.

#### New York City, Feb. 27, 1860.

"This speech was an effort to put the new party, the Republican, on Constitutional ground in its attitude to slavery." (The Civil War from a Northern Standpoint, Vol. 15, p. 83)—a confession that *it was not on "Constitutional ground.*" How could a Private Citizen place an unconstitutional party on Constitutional ground? Evidently the Constitution was regarded in a very extraordinary light to be subject to the caprice of a political party!

The Main Plank of the platform of this party was the exclusion of slavery from the common Territories. The Supreme Court in 1857, had declared this restriction unconstitutional. To place the Republican party, therefore, on Constitutional ground required no less than the reversal of this decision. And who could reverse that decision but the Court that had rendered it?

The Cooper Institute speech was not even addressed to the Supreme Court. Hence it was not an effort to induce that Court to reverse its decision. The effort, therefore, whatever it might be, was itself unconstitutional. If unconstitutional it was revolutionary. If revolutionary it was close kin to treason.

That decision had been rendered three years in advance of this speech. It had caused a nation-wide sensation. It was on every lip. Lincoln and the Republican party were thoroughly alarmed. Something had to be done, and be done at once, or the Kepullican party was dead. Mr. Thorpe, from "A Northern Standpoint," says, "the immediate need of the new party, the Republican, was to place its ideas securely on Constitutional ground, for in America no political party can be organized or kept together without it." To place its ideas securely on Constitutional ground" required one of two thungs: either to change its own ideas on the restriction of slavery, or to reverse the Supreme Court's decision. A political party can no more reverse

a decision of this Court without revolution than the humblest citizen of this Republic.

This new party proposed neither to reverse its ideas nor to change the decision of the Supreme Court. It assumed resources of its own, independent of the Constitution. It was now that the unwritten Constitution was called upon to do its work, viz: "To place the new party, the Republican, on Constitutional ground." What legal authority had this great American mystery (the unwritten Constitution) to fill so high an office? Common sense answered none. The Philadelphia Constitution answered, none. The practice and history of this Republic for three-fourths of a century answered, none. The history and teachings of all governments, other than those of a despotic character, answered in thunder tones, none. But the new party replied, We have something new, something mysterious, in the way of a Constitutionwonderful in its perfections. "It expresses the state of mind in America which determines the conduct or color of public affairs." (The Civil War from a Northern Standpoint, Vol. 15, p. 84.) Whatever else that means it evidently meant, in the Sixties, that the new party intended to establish a standard of government other than that of the Constitutional Union of the American States.

In this supreme hour all eves of the new party turned to Abraham Lincoln. Mr. Seward excelled him in erudition, but in scheming Lincoln had no peer. If any man could give to the unwritten Constitution "the color or conduct of public affairs" Lincoln was that man. He was, therefore, singled out and invited to New York to make the all important speech, upon the success of which hung the destiny of the new party. Great was the occasion! Great the task! and great the responsibility! Correspondingly great was the conspicuous honor! Doubtless Lincoln accepted the flattering distinction with some degree of trepidation. But there was an *emergency*, created by the Supreme Court's decision, and, if successful, doubtless, a great reward was in store for him.

The 27th day of February, has come. Lincoln is in New York City. He stands before a vast and attentive audience seated in the Cooper Institute. Difficult is his task. It is no less than that of annulling the decision of the Supreme Court of the nation, the final arbiter of all law-abiding citizens. As when weakness combats strength evasion is ever the best policy, so now Lincoln evades the main issue.

He waves the Constitution to one side. That is not to be his theme. He takes for his text, not any words of the Constitution, but these words of Douglas: "Our Fathers When They Framed the Constitution Under Which We Live, Understood This Question As Well As We, Or Even Better Than We Do Now."

He does not pause to explain, but shrewdly and frankly admits what Douglas says is true. This bold stroke of policy rivets the attention of his audience by its very surprise. The novelty of the occasion is also sensational. Men and women are there curious to know what tactics, what line of argument is to be used to cancel the decision of the highest judicial tribunal in the land. No man is able to guess. No other living man is bold enough to advance such an illogical line of argument.

Without being Constitutional in the least, with a matchless shrewdness, he played well the part of one altogether Constitutional. Mr. Thorpe from "ANorthern Standpoint," writing forty years later, says, "It was not a discussion of the Constitutionality of slavery, for that had been settled." It was simply a feigned attempt to show that "A majority of the signers of the Constitution had disclosed their real sentiments by the records they had made whenever the question had come before them." (The Civil War from a Northern Standpoint. Vol. 15, p. 102). (Italics ours.)

We call upon the American people in this age of enlightenment to know if this line of argument, in such a crisis as that of the Sixties, yea in any crisis, is not a surprise to them? The writer confesses it is to him. If this line of argument, advanced in 1860, is a surprise to the people of to-day, we have to remind them that equally as great, if not greater, surprises await them in the development of that argument. We are confident that we shall show, beyond the possibility of successful contradiction,

that Lincoln was not justified in the counting of one of all the signers of the Constitution he named as having "disclosed" their sentiments in favor of excluding slavery from the commen territories. We are also confident that had he "disclosed" the votes of all the signers of that matchless instrument of the Philadelphia Convention, his argument would have been absolutely worthless from the standpoint of logic and justice.

That we may be clear in our statement of facts we now give Lincoln's position on this occasion in a nutshell. There were 39 signers of the Philadelphia Constitution. He assumed that if he could show that a majority of the 39 signers on different occasions, under different circumstances, and influenced by different motives, had disclosed their opposition to the admission of slaves into the common Territory of all the States, he would thereby prove the Dred Scott decision was nul and void. Was ever a proposition more absurd? Yet this proposition is on a par with his method of counting that majority.

We now appeal to the facts. Under the first Confederation, and for at least twenty-five years under the Philadelphia Constitution, there was no slave-question in a political sense. Up to that time slavery was treated as an established institution. It was discussed as dispationately as any other question. The first political anti-slavery party was organized in Convention at Albany, New York, in November, 1838, and was called the Liberty party. It nominated James C. Birney of New York for president, and Francis Lemovne of Pennsylvania for vice president. These nominations were made two full years in advance of the regular presidential election, yet Birney and Lemoyne received the very small vote of 7,059 throughout all the States. Thus, even as late as 1838, the question of slavery, as a political factor was absolutely insignificant. How much less significant a few years earlier! All the signers of the Constitution counted by Lincoln in this speech, except three, "disclosed" their votes between the years 1784 and 1789, from 49 to 54 years earlier than 1838, when Birney and Lemoyne were nominated, and 51 to 56 years earlier than when these candidates could muster but 7.059 votes.

We now come to Lincoln's "disclosures." (?) In 1784, during the first Confederation, three years before the Philadelphia Convention that framed the Constitution, and five years before the States had ratified it, Virginia, a slave State, ceded to the Union her vast possessions, north of the Ohio river, known as the Northwest Territory, on condition "that slavery should be forever excluded from the same." Here we have a slave-holding State, believing in the absolute right of any citizen of any State to take any species of his property to any one of all the Territories belonging to all the States in common, donating to the States United this vast Territory, making but one condition, and that condition was that slavery should be forever excluded from within its limits. If a vote to accept the gift of this great domain, out of which five States and a part of another have since been formed. was a vote against slavery, then Virginia was anti-slavery. But who does not know this contradicts fact? It therefore follows that a vote for this measure did not disclose that the voter was anti-slavery. If it disclosed any fact at all it was that there was then no slavery question in Congress, or among the American people. But Lincoln declared the question was that of slavery: and that "four of the 39," who, three years later, signed the Philadelphia Constitution, "were members of this Congress and voted : and that three of these voted for this measure." Are we surprised when history informs us that Lincoln counted these three signers as anti-slavery men? men who advocated the control of slavery by the Federal Government? Yes, for history also declares that the measure was discussed as one in the house of its friends-dispassionately. Not only was the measure considered dispassionately but the very atmosphere of the times was dispassionate.

But if the utmost stretch of the imagination could find the question of slavery involved in this measure, even then it could be nothing more than a special case confined to a *special Territory*, and based on a *special condition*. Hence from whatever standpoint the question is viewed Lincoln had not the shadow of an excuse to count these three names.

Three years later, in 1787, before the adoption of the Federal Constitution, an ordinance for the government of this Territory was introduced in Congress at the request of Virginia. It contained six articles of compact. As an evidence of good faith the last article contained the condition on which the Territory had been ceded by Virginia, as follows: "That there shall be neither slavery nor involuntary servitude in the said Territory other than in the punishment of crime, whereof the party shall be duly convicted." The question of slavery had already been settled by Virginia in ceding it, and by the Congress in accepting it. There is no possible evasion of this conclusion. Mr. Thorpe from "A Northern Standpoint" affirms this in these words: "The ordinance received support North and South, delegates from the free States and from the slave-States voting for it. . . . And the fugitive slave-law in the ordinance received the unanimous support of the members." (Vol. 15, p. 102).

It requires no great legal lore to see that the question of slavery was not involved in the least. If we adopt Lincoln's method of reasoning, if a vote on this measure "discloses" anything, it "discloses" that the voter became very strongly proslavery when he later signed that very strong pro-slavery document, the Constitution of the Philadelphia Convention. Why not count this second "disclosure" as favoring the Constitution?

There were two signers of the Constitution in this Congress, both from the South. These were William Blunt of Tennessee and William Few of Georgia. In spite of the facts Lincoln counted Blunt and Few. Did "the special need of the new party, the Republican" and the great emergency render his mind so "Blunt" that he could not comprehend the very evident meaning of that unanimous vote? Or did he deliberately disregard the significance of this vote for fear his "disclosures" would be too "Few"? Who says truth and right were vindicated in this count? Was ever deception more craftily practiced? If possible, it was in these next words of his:

"In 1789 the first Congress under the Constitution enacted a law enforcing the ordinance of 1787, including the anti-slave clause in it. Thomas Fitzsimmons, one of the 39, from Pennsylvania, reported the bill, which passed without opposition, and in the Congress which passed it were sixteen of the 39. George Washington, also one of the 39, was president of the United States, and he approved the measure by signing it." By Lincoln's own words this bill "passed without opposition,"-that is unanimously. And yet! and yet! Lincoln counted these 17. If a vote for this bill meant a vote to exclude slavery from all the Territories, then that whole Congress believed in the right of the Federal Government to exclude slavery from these Territories. But this contradicts universal fact. All know that Congress believed no such thing. More than this, all know that up to this time, 1787, the year the Constitution was discussed from preamble to finish as never afterward, that no man who had respect for his good name and sacred honor was bold enough to make such a declaration. That theory was the fiction of a much later date. Had such an idea been advanced in 1788-89 with the least plausability of its being true, it is the universal conviction that the Philadelphia Constitution would not have been adopted. Lincoln must have known that this identical Congress, on the 12th of February 1790, by a definite resolution declared unanimously that the question of slavery belonged exclusively to the States. This was just nine months and twelve days after the inauguration of Washington. It was in response to a petition headed by Franklin, "having for its object the final abolition of the slaves in the States." If this unanimous vote had any meaning it was that the States had denied to the Federal Government the right to interfere with this particular institution. It was but natural that the slave-States in the framing of the Constitution should have demanded Federal noninterference with this institution. It was absolutely necessary for their comfort, prosperity, peace, happiness and safety. It is needless to say that without this Constitutional protection of slavery there would have been no Union of the 13 original States. All historians, North and South, admit this. That this protection was not confined to the Southern or slave-States, is evidenced by "the fugitive-slave law," incorporated in the Constitution. If the Constitution threw its protecting shield over this

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institution, even within the limits of the independent free States of the North, by what possible logic, other than that based on false facts and fraud, could it be hoped to reverse the Supreme Court's decision as to its protection within the Territories, the joint property of all the States? And what shall be said of his deceptive and fraudulent disclosures? What, too, shall be said of his false logic as to these disclosures, even if they had been all he claimed for them? Did ever logic like this, before, emanate from the brain of any man except that of a madman?

But Lincoln is not through with his disclosures. He says. "In 1804 Congress organized the Louisiana Territory, forbade the importation of slaves into it from foreign ports. The bill passed without yeas and nays Abraham Baldwin and Ionathan Dayton of New York, were members of this Congress and probably voted for the bill, no evidence to the contrary existing." Lincoln counted Baldwin and Dayton though, "very probably" voted against the bill, "no evidence to the contrary existing." He not only claimed to have disclosed two names as unfriendly to slavery upon a mere probability but was also deceptive as to the meaning of this section in the bill, which "forbade the importation of slaves into it from foreign parts." That was the one basis of his argument that this bill was strongly anti-slavery. Yet, was not Virginia the first of all the States to forbid the importation of slaves from foreign parts? Did not South Carolina adopt a similar measure? Was not Georgia the first of the States to incorporate this prohibition in her organic law?

Lincoln attempts in this speech but one other "disclosure" perhaps with no better success. In 1820, no less than 33 years after the signing of the Constitution, the admission of Missouri into the Union as a State was a question before Congress. To the bill a proviso had been attached, prohibiting slavery, or involuntary servitude, within the same. Against this proviso every Southern Senator and Southern Representative voted. It was, however, carried in the House, but was disputed in the Senate.

Then followed a bill to admit the new State without restriction, to which was added a section forever prohibiting slavery in that portion of the Territory North of 36 degrees, 30 minutes North

latitude, except Missouri. This constituted the celebrated Missouri Compromise. Every Northern man in the Senate, except two from Indiana, voted for it. Fourteen out of 22 Southern Senators and 39 out of 76 Southern Representatives also voted for it. The Southerners voting for it did so in the true spirit of compromise to save the Union from disruption. Those voting against it did so because they believed it unconstitutional; and that a deliberate violation of the Constitution was like opening the flood-gates of destruction. As the sequel proved *these* were right, and *those* were wrong.

If the question of slavery was at all involved in this measure it was as a minor part. Did not that very eminent statesman, George Cabot write to Senator Pickering of Massachusetts in reference to this compromise that, "The influence of our part of the Union must be diminished by the acquisition of more weight at the other extremity?" (Life and Letters of George Cabot-C. H. Lodge, p. 334). A few days after the adoption of this Compromise did not the Honorable Samuel A. Foote, of Connecticut, say on the floor of the House, "The Missouri question did not involve the question of freedom or slavery, but merely whether slaves now in the country might be permitted to reside in the new State; and whether Congress or Missouri had the power to decide."

Besides 30 years later, in 1850, when Lincoln was on his first political legs, the identical question, in the shape of a bill to continue the line of the Missouri Compromise to the Pacific, was before Congress. How did the vote then stand? The "disclosure" is that there was a complete reversal. Every vote against it was from the North in both the Senate and House, while every vote for it was from the South. What importance now is to be given to the disclosing of votes? Even Jefferson Davis voted for it in 1850 on the ground that "the act had received such recognition and quasi-ratification by the people of the States as to give it a value which it did not originally posses. "Pacification had been the fruit of the tree, and it should not nave been recklessly hewed down and cast into the fire." (Davis).

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### CHAPTER X.

## THE COOPER INSTITUTE SPEECH CONTINUED.

It is a very remarkable fact that Mr. Lincoln now assumed that he had "disclosed a majority of the 39, "including George Washington, who were untrue to their convictions when formulating and signing the Constitution of 1787. The wonder grows when it is remembered that the Philadelphia Convention consisted of statesmen, the acknowledged peers of the noblest, the ablest, the purest, the best the world has ever known. It is no small matter to impugn names like these,-great and illustrious names, that gave to the world that matchless charter of human rights and human liberty, known as the American Constitution. When it is realized that some of these great names "disclosed" their true characters in advance of the Philadelphia Convention, and some after that Convention had given to the world its best model of government, the very acme of assurance and absurdity is > reached. Are not such accustaions as these born of some Constitutional defect rather than of sound reasoning? Besides. by what means did Lincoln determine when these men were sincere? Or how did he know when they voted their true convictions?

That he may be the more effective Lincoln in this speech imagines, for a time, that the Cooper Institute assembly is a truly Southern audience, and proceeds to address it as such.

Anticipating the South's just demands, as to her Constitutional rights, he says, "But you will not break up the Union rather than submit to a denial of your Constitutional rights?" What is the meaning of this question? Does it not mean that his policy, and that of his party will be to antagonize the decision of the Supreme Court? that to anagonize this decision is absolutely necessary to put the new party "on Constitutional ground?"

As if fearful that this sentence may be construed as disloyal to the Constitution, and the Federal Government, he immediately adds: "When you make these declarations you have a specific and well understood allusion to an assumed Constitutional right of yours to take the slaves into the Federal Territory and hold them as property." Does he not know that what he terms "an assumed Constitutional right of yours" has been placed beyond the pale of mere assumption by the Supreme Court? He knows it. Must we question his motives? He breathes not again before these other crafty words follow: "But no such right is specifically written in the Constitution." Does he not know that one of the best established facts about the American Constitution is this: That what it omits is just as important, (and often more so) as what it contains? Does he not know that what is "Specifically written in the Constitution" refers to the Federal Government and its authority, and all the rights "not written" in it refers to the States and their authority? Will Lincoln never learn that the Philadelphia Constitution is like no other Constitution, that it confers no authority whatever on the Federal Government except what the States in convention assembled saw fit to give it, and that in "specifically written" terms?

We call these words of Lincoln "crafty" because "the right of property" does not depend on its being written in the Constitution. Long before this decision of the Supreme Court had disturbed his dreams and those of his party, Alexander Hamilton had said: "The Federal Constitution"—mark the words, "the Federal Constitution"—"therefore decides with great propriety on the case of our slaves when it views them as in the mixed character of persons and property. This is in fact their true character, bestowed on them by the laws under which we live." (The Federalists. No. 53, Davidson's Edition, p. 379).

Note, Hamilton states this as the conclusion of commonly admitted facts, and not in the spirit of controversy. Did not Lincoln know that every State in the Union, North and South. also regarded slaves as property for more than 100 years? Did he not know the Northern slavers and the Northern slave-markets, as well as its existence in the South, proclaimed it such? Had not slavery existed from time immemorial, and, when during all that time was it not rightfully regarded as property? Yet who can say that, during any part of that long period, it was written

in the American Constitution? Nor did Hamilton say it was written in the Constitution.

Lincoln's one great fundamental false dogma was, what is not written in the Constitution belongs to the Federal Government. No other living man of eminence would have made such a statement. A great Constitutional lawyer like Webster, or Clay, or Calhoun would have been incapable of making it. It would not have been made by Lincoln but for the *emergency*. More than a million of his party followers stood ready to indorse any utterance he might make for the vast majority of them knew as little of the Constitution as they did of the Chinese language. Hundreds of newspapers also were ready to herald his remarks as the efforts of a master mind, while the South read and listened with alarm.

He next goes a step further, and says, "But we, on the other hand, deny any such right has any existence in the Constitution, even by implication." The Supreme Court may declare that the reserved rights of the States give you "the right to take your slaves into the Federal Territory and to hold them as property," but we on the other hand deny that any such right has any existence in the Constituion, even by implication." Let it not be forgotten that the Supreme Court of the United States with its decision is on the one hand, and the "But we" with his decision is on the other. On which end is the weight? When one end of that beam goes down if Lincoln doesn't hit the stars it will not be the fault of his egotism.

Proceeding Lincoln says, "When the obvious mistake of the judges shall be brought to their notice is it not reasonable that they will withdraw the mistaken statement, and reconsider the conclusion?" The Obvious Mistake! Mark it well. For if it is a mistake at all, it is the mistake of no ordinary set of men: of men whose duty it is to find mistakes and correct them—not to make them. What a spectacle is this! Here stands a man fresh from the wilds of Illinois before an audience of the great American Metropolis assuming that his legal lore is greater than that of the Supreme Court of this Great Republic, of Republics. He says to this Court. "A little learning is a dangerous thing. Drink deep or taste not the Pierian Spring."

He ridicules the Court's decision as "The Obvious Mistake." vet he does not point out that "Obvious Mistake." He aske "when the obvious mistake of the judges shall be brought to their notice is it not reasonable that they will withdraw the mistaken statement, and reconsider the conclusion?" and yet he makes no attempt to bring the "Obvious Mistake" to the notice of the judges However he may deride this decision, whatever be the grounds he may state for their correcting it, there is one well established fact which admits of no discussion. Tŧ is this . Just as soon as that Court's decision was published it became the law of all the States of all the Union. Whoever then disobevs that law is disloval to the compact of the States .-that is to the Union. No mathematical demonstration is clearer. Is not the burden of this speech against the law? We beg to say that the Supreme Court made no "obvious mistake," but that it pointed out with such consummate clearness "the obvious mistake" of the Republican Party as to render necessary the assembling of the Republican clans in the Cooper Institute on that occasion. We also beg to say that no denunciations of the Supreme Court by any one, and especially by a political speaker with no responsibility, can annul this law reaching into every hamlet and every district of every State in this great American Union.

Chief-Justice Taney, the scholar, the statesman, and the jurist, rendered this decision. Of what breach of *clearness* was he guilty, that "its own freinds differed one with another as to its meaning?" Of what breach of fact was he guilty, that it was called the "obvious mistake?" The following correct summary of the salient points of this celebrated decision, as made by an eminent statesman and author, is herewith given for the satisfaction and enlightenment of our readers. viz: (1) That the persons of the African race were not and could not be acknowledged as 'part of the people,' or citizens under the constitution of the United States;

2. "That Congress had no right to exclude citizens of the South from taking their negro servants, as any other property, into any part of the common Territory; and that they were entitled to claim its protection therein;

3. "As a consequence of the principles above stated, that the Missouri Compromise of 1820, in so far as it prohibited the existence of servitude, north of a designated line was unconstitutional and void."

It was this keen blade laid at the roots of the newly planted tree of the new party that rendered necessary the gathering of the Republican clans in New York City in 1860. It threatened to leave neither root nor branch of that political tree; and shall we say it?—the patriotism of the new party was not equal to the emergency.

The Supreme Court had been for three years in making this decision. All that time the entire country had hoped that the the decision of the ultimate authority in the interpretation of Constitutional questions would put a quietus to the troublesome controversy that had so long disturbed the peace of the land, and had so often threatened the perpetuity of the Union, but the Republic was doomed to a sad disappointment. Instead of acknowledging the decision as binding it was ridiculed, it was denounced, and utterly disregarded by Lincoln and his co-adjuta-These are stern facts. tors. They better become conspirators than patriots. They blacken the page of history. They were the mutterings of the coming storm that deludged the land in blood.

What hope for justice, what assurance for peace, what guarantee for safety, did this defiant, open, disloyal disregard for the highest authority of the Government afford the South? Who are the rebels here? Who here bids defiance to Governmental authority? Even the great Lincoln is not exempt. He stands at the head of more than a million of voters, ready to follow where he leads. Whoever rebels against a decision of the Supreme Court rebels against the Constitution, and whoever rebels against the Constitution rebels against his country. These are the utterances of facts. They are not the fabrications of a Southern soldier.

We beg to say right here that the South, as a section of this country, never did rebel against a decision of the Supreme Court, nor against any authoritative construction of the Constitution whatever. But it was against just such open and avowed disregard of the Constitution, as we witness right here, that the South revolted. If Lincoln and his party were untrue to the authoritative voice of one of the three great fundamental departments of the Government, what confidence could the South, place in their future fidelity as to the other two great fundamental departments?

Had the South no cause for alarm? Was Lincoln's question an idle one when he asked. "But you will not break up the Union rather than submit to a denial of your Constitutional Was not the very platform of the new party openly rights?" and defiantly against the Constitution? Could the South expect a constitutional administration of the Government on an avowed unconstitutional platform? Did not the success of this exclusively sectional political party in the North array more than one million of voters against this decision of the Supreme Court, and hence against the Constitution? After the success of this party at the polls were not all its utterances against this Court's decision? These are facts that will not down. Actors in great national crises may cover their transactions for a time but the ruthless hand of the future will remove the rubbish, expose all false claims, and crown truth with immortal verity. When that time shall come the true defenders of the Constitution will be known, and among them will be "the solid South," shining like a polished gem.

If further evidence is wanting that Lincoln in this speech is aligning his party against the Constitution, the evidence is forthcoming. He says, "Under all these circumstances, do you really feel yourselves justified to break up the Government unless such a court's decision as yours is shall be at once submitted to as a conclusive and final rule of political action?" Is this the language of loyalty to the Court's decision? Does he not

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contemptuously term it the South's decision when he says, "do you really feel yourselves justified to break up the Government unless such a decision as yours is shall be at once submitted to?" Is not every word a dagger-thrust at the Government through opposition to this decision?

He next tauntingly says, "But you will not abide the election of a Republican! In that event you say you will destroy the Union; and then you say the great crime of having destroyed it will be upon us."

To this the South replies she has no objection to the term, republican, in its true and honorable sense; but to the term misapplied and used in a sense rebellious to the Constitution and Government, she has most serious objection; and that your rebellion against the decision of the Supreme Court is itself but destructive of the Union; and you speak according to truth when you say "the great crime of having destroyed it will be upon (vou). More than sixty-two years have so charged, and us." more than sixty-two times sixty-two years will continue to charge "the great crime" upon you and your party. The facts-all the facts-of history testify that had you been true to this decision, had you in this speech proclaimed your undying devotion to this decision as one of the established laws of the common country, the South would have hailed you as a friend, would have lauded you as a patriot, and would have mistrusted you But, on the contrary, you denounced this decision as never. "a sort of decision," and "such decision as yours is," and otherwise derided it and opposed it. Even after you had been elected president upon this platform of open rebellion against the Constitution and hence against the Government-had you even then retracted these words as the inconsiderate utterances of a political speaker, on a political occasion, when excitement ran high, and that henceforth you would be unwaveringly true to this decision of the Supreme Court with its full meaning as interpreted by the Constitution and the Government, the South would have been as loyal to your administration as any section of this great American Union.

We know that while you were in your defiant mood against the Court's decision you craftily used these other words: "It is exceedingly desirable that all parts of this great Confederacy shall be at peace and in harmony one with another." To your sympathizers these were doubtless conciliatory words, but to the South who knew your deadly enmity against this decision they To the South "peace" and "harmony" were were firebrands. not the off-springs of violated law. She regarded the Constitution as a sacred compact between the States; and that all the States were oath-bound to obey its behests. She knew that in all questions of dispute among the States this same sacred compact between the States made the Supreme Court the one arbiter of the right; and when this Court had once decided a disputed question it was rebelliously disloyal not to abide its decision. As the States had agreed upon only the one arbiter of the right there was but the one way to bring about "the exceedingly desirable" fact "that all parts of this great Confederacy shall be at peace and in harmony one with another." and that one way was no other than that provided in the Federal Constitution, viz.: By submitting all questions of dispute to the Supreme Court, and then abiding in all fidelity that Court's de-That Lincoln failed to do this his entire Cooper Insticision. tute speech testifies. Ought a man to expect "peace" and "harmony" by violating the only pledge of peace and harmony among the States? Should we expect "peace" and "harmony" by boldly and defiantly rebelling against the machinery of the Government.

Turning now to the North he asks: "Will the Southern people be satisfied if the territories be unconditionally surrendered to them? We know they will not. In all their present complaint against us the territories are scarcely mentioned." Anoth er touch of strategy is this. He knows the Southern people have never demanded more than the Common Constitution granted them. To have "the territories surrendered to them unconditionally" would be beyond the limits of their Constitutional rights. He spoke truly when he said, "We know they will not." If there is any one peculiar characteristic about the Southern peo-

ple it is their love of honor and fair dealing. They would reject such a proposition with the contempt it deserves.

It is a sad confession he makes when he acknowledges the South has many complaints "against us," the Republican party. Why does he here turn aside to misrepresent the South to the North in these words: "In all their present complaints against us the territories are scarcely mentioned?" Does he not know that nothing so agitates the country at this very time as does the question of the territories? Does not the Dred Scott decision hinge on it? Does not the Cooper Institute occasion depend on it? Is he not now here denouncing and deriding this decision because it affirms rights as to the territories denied by him and his party? Is not his own party dsturbed from center to circumference because of this decision about the territories? Is it reasonable to suppose that the South views this disturbing, antagonizing and threatening party with little or no concern as to the result?

We therefore again ask what moved him to say to the North, "In all their present complaints against us the territories are scarcely mentioned?" May it not be to gain an advantage over the Northern mind by thus declaring that this Supreme Court's decision, as to the territories, is insignificant, even in the estimation of the South?

His next words are these: "The question recurs what will satisfy them? Simply this: we must not only let them alone but we must convince them somehow that we do let them alone."

Here is a most guilty confession,—a confession that Lincoln and his party have not "let them alone;" that the Republican party have been violently disturbers of the peace between the North and the South. "We must somehow convince them that we do let them alone." Take these words in connection with the purpose of the gathering of the Republican clansmen on this momentous occasion, and the difficulty of convincing them is greatly increased. Take the occasion in connection with the violent speech of the orator, and the difficulty is still more increased. That purpose is confessed to be a repudiation of a decision of the Supreme Court of the Nation. Have we not here a standing confession to the world that the great American conflict of the Sixties originated in the North?

The South prefers to answer Lincoln's question herself as to what will satisfy her. It is simply this: "The North must recognize the Supreme Court decisions and laws Constitutionally enacted, and prove by deed as well as by word that she will faithfully obey them. This will satisfy the South. All well informed men know she never did demand more. Common justice testifies she never should have consented to less.

The very next words are not less hostile to the authoritative voice of the Third Great Fundamental Department of this Government: "I am aware they have not as yet in terms demanded the overthrow of our free State Constitutions. Yet these Constitutions declare the wrong of slavery with more solemn emphasis than all other sayings against it, and when all the other sayings shall have been silenced, the overthrow of the free State Constitutions will be demanded, and nothing will be left to resist the demand."

In the words: "I am aware they have not as yet in terms demanded the overthrow of our free State Constitutions" we have both an implied confession, and an implied charge against the South and the Supreme Court. The implied confession is that the South and the Supreme Court "have not as yet demanded in terms" that the North give up her State Constitutions. His implied charge is that they will eventually do so. These assertions are without even a shadow of truth. There can be but one other construction put upon these words, and that construction is a kindred one, viz: While they have not as yet actually "demanded in terms the overthrow of our free State Constitutions," they have already substantially done so. Was absurdity ever more absurd?

And what shall be said of these words? "Yet these Constitutions declare the wrong of slavery with more solemn emphasis than all other sayings against it." Do they not declare the wrong of slavery is the paramount issue before which the Supreme Court decisions must succumb? If slavery is wrong is not the crime

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with equal justice chargeable to both sections? Upon what just basis does he exempt the North from the wrong and settle it upon the South? Is it not universally known and admitted that it was not a conviction that slavery was wrong, but "the law of climate" that gave the free States their Constitutions abolishing slavery? Chief Justice Taney was not an advocate of slavery, yet in rendering the decision for seven Supreme Court Judges in the Dred Scott case he said: "In that portion of the United States where the labor of the negro race was found to be unsuited to the climate and unprofitable to the master, but few slaves were held at the time of the Declaration of Independence; and, when the Constitution was adopted, it had entirely worn out in one of them, and measures had been taken for its gradual abolition in several others. But this change had not been produced by any change of opinion in relation to this race. but because—it was discovered from experience that slave labor was unsuited to the climate and productions of these States: for some of these States, in which it had ceased, or nearly ceased, to exist, were actively engaged in the slave-trade; procuring cargoes on the coast of Africa, and transporting them for sale to these parts of the Union where their labor was found to be profitable and suited to the climate and productions. And this traffic was openly carried on, and fortunes accumulated by it, without reproach from the people of the States where they resided."

Who is the more trustworthy witness here, the unbiased judge with no political string to pull, or the politician courting popular favor? The one is a partisan, speaking as a partisan to an audience of partisans. The other is a judge, sworn to be impartial, pronouncing a judicial opinion to all American citizens without regard to parties, stating well established facts in connection with that decision. Which of the two is the more worthy witness?

Let us next consider Lincoln's doleful climax, the fruit of a strained imagination: "And when all the other sayings (whatever this means) shall have been silenced the overthrow of the Constitution will be demanded, and nothing will be left to resist the demands."

Think of it! Himself in the very midst of an effort to overthrow the Constitution of the Union of the States, by conspiring to defeat a decision of the Supreme Court, he charges that, in the most remote possibility, the South and the Supreme Court will be guilty of the great crime of overthrowing the Constitution. Note the difference. What Mr. Lincoln is now doing is a fact. What he charges the South and the Supreme Court will do is not a possible fact, except "when all the other sayings shall have been silenced"—a most remote period, when human beings will not inhabit this earth. Which is the greater crime, that which is now being committed by Lincoln and his party, or that to be committed by the South and the Supreme Court under circumstances impossible to exist?

With what urgency does he press his claim? If resistance is not now made to this decision, by the North "nothing will be left to resist the demand" of the Supreme Court and the South. Why this wild exaggeration? Upon what fact is it based? If upon any fact at all it is upon that most distant fact which has not yet occurred, and which will not occur till "all other sayings shall have been silenced."

"There is nothing so kingly as kindness;

Nothing so royal as truth."

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### CHAPTER XI.

# THE COOPER INSTITUTE SPEECH

We have shown in the two chapters, immediately preceding this, that this speech is very remarkable for a number of reasons, among them the following:

1. For what it undertakes to accomplish, viz.: "To put the new party, the Republican, on Constitutional ground;"—in other words to overthrow the Supreme Court's decision which has declared it to be on unconstitutional grounds.—

2. For basing his argument in the accomplishment of this undertaking on the very untenable ground that he had secured absolute knowledge that a majority of the 39 signers of the Constitution did not "disclose their real sentiments" either by their votes or in signing the Constitution;—knowledge, when the records are silent, as in this case, possessed only by Him who hears the secret and silent whisperings of the human conscience.—

3. For the absurd claim that even if such knowledge is actually attainable by man under such conditions, it would be sufficient to qualify and justify him, a mere private citizen, to legally demolish a decision of the Supreme Court.

4. For the fact that having only such knowledge he lays claim "to evidence so conclusive and argument so clear that even the fathers' great authority, when fairly considered and weighed can not stand."

5. For not recognizing the very important fact that when the records are silent the unbiased judgment of mankind has unanimously been lenient enough to decide that representatives generally "disclose their real sentiments" by their votes and acts.

6. For the exaggerations throughout his entire discourse, on a par with 7 to 2 is "a bare majority."

7. For his words of counsel to the South: "You will not break up the Union rather than submit to a denial of your Constitutional rights?" "Do you really feel yourselves justified to break up the Government unless such a Court's decision as yours is shall be at once submitted to as a conclusive and final rule of political action?" We further admonish you that "It is exceedingly desirable that all parts of this great Confederacy shall be at peace, and in harmony one with another;"—admonitions clearly meaning you shall submit to a denial of your Constitutional rights.

8. For his repeated assertions that this right or that right is not written in the Constitutions, and can therefore be exercised by the United States Government only, ignoring the unmistakable meaning of these plain words in the Compact: "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not in the Confederation expressly delegated to the United States in Congress assembled."

For its derision of the Supreme Court's decision, calling 9 its decision "a sort of decision," "an obvious mistake," and, "such a decision as yours is." The same character of derision pervades more or less, the entire address. Yet its very title. "The Supreme Court," fixes its rank and authority. As Congress is supreme in regulating commerce, and in making war and peace, so the Supreme Court is the supreme judicial authority in the Government. In the words of the Constitution its jurisdiction is extended to all cases in law and equity arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority;---to all cases affecting ambassadors, other public ministers and consuls ;--to all cases of admirality and maritime jurisdiction;-and to controversies to which the United States shall be a party ;---to controversies between two or more States: between a State and citizens of another State;-between citizens of different States: between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof. and the foreign States, citizens or subjects." (Art. 3. Sec. 2).

This is that highest, greatest, most excellent court in all the land against which Lincoln, in this speech, is waging a deadly war. Such is its high authority and influence in the Nation that when it declares an act of our National Legislature unconstitutional, that act is nul and void.

It was to this preeminently exalted authority to which Lincoln referred when he said, "But we, on the other hand, deny that any such right has existence in the Constitution."

As this speech holds a very conspicuous place among the causes culminating in the war of the Sixties we shall give it further consideration. As we have seen Lincoln has just denounced a decision of the Supreme Court on the ground that it is "an obvious mistake" etc. Along the same line of exaggeration he next tells the North what the South demands:---

"1. The Northern people must first cease to call slavery wrong, and join them (The Southern people) in calling it right.

"2. All must be done, thoroughly done, in acts as well as words.

"3. Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in pulpits, or in private.

"4. The North must arrest and return their fugitive slaves with greedy pleasure

"5. The North must pull down their free Constitutions.

"6. The whole atmosphere must be disinfected from all opposition to slavery."

These known exaggerations are not the utterances of sober thought, but they are the words of passion excited by a supposed injury to the new party. To understand the true situation it must not be forgotten that the Supreme Court, three years ago, had handed down a decision, establishing the correctness of the South's position as to slavery and the territories. These fulminations of ill-humor against the South result from this decision. In sustaining the South it rebuked the platform of the Republican party. Instead of submitting to this established principle of Constitutional law, this party plotted and planned for three years how to evade it. The result was united resistance to the decision all along the line in the name of "the wrong of slavery." These six exaggerations as to the demands of the South all betray the secret. Read them again and examine them carefully. You will find that all of them have to do directly with the wrongs of slavery.

If, when you have done this, there remains the shadow of a doubt, that shadow will pass after reading these other words: "Their (the South's) thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy." The evidence is now mathematically conclusive that "the wrong of slavery" was a mere screen used to hide the main issue.

If slavery was wrong were the skirts of the North clear If slavery was wrong does not the voice of history proclaim the North as guilty of that wrong as the South? If so, was this wrong a just basis of attack on the Supreme Court and the South? Does not history also testify that the North did not give up slavery because it was wrong? If this decision was displeasing to the new party was there no legal method for reversing it? There was; and it was far more manly, far more noble, and far more patriotic. We refer to the method prescribed in the Constitution. It is true it would not have been so speedy as revolution, but it would have been an honorable compliance with the compact of the States and far less bloody.

The Constitution as framed had settled the status of slavery. Right or wrong it took slavery under its broad shield. Justice and right demand that this fact should not be lost to sight in the discussion of this question. But that it was lost to sight is shown in the temper of this speech, in its extravagance of language, and in its hostility to the Supreme Court and the South.

We now pass to another feature of this strange address. We have seen Mr. Lincoln putting to shame—in his own estimation the Supreme Court by hs superior knowledge. We are next to witness his superb preeminence in another field of intellectual exploit. It is his claim that he has produced "evidence so com-

clusive and argument so clear that even their (the fathers') great authority when fairly considered and weighed can not stand."

Does not this speech furnish its own challenge to this extreme claim? The six exaggerations as to the claims of the South make their challenge quick and sharp. Do not the nine reasons given in the first part of this chapter, showing why this speech is very remarkable, throw their challenge boldly and defiantly, each for itself, into the ring? Has 7 to 2 is "a bare majority" no challenge to offer?

The best of men occasionally overleap the boundaries of propriety, and indulge in wild extravagances and self-laudations. These occasions generally come when fortune greets us with a broad smile and great promises. Lincoln's party had just conferred on him a very signal honor, that of making the party speech, the speech designed "to put the new" and unconstitutional "party on constitutional ground." This distinguished honor also carried with it the leadership of the party. This in turn put the presidential bee to buzzing about his head. Is it therefore to be wondered at that the Supreme Court was not his equal, and that "the great authority of the fathers' when fairly considered and weighed" could not stand "before his conclusive evidence and clear reasoning? Let it be remembered that Lincoln was human, and very human at that-even very ambitious.

Francis Newton Thorpe in his "The Civil War from a Northern Standpoint," p. 111, unable to defend this speech from a constituiional point of view, takes a position outside the Constitution. He says, "A new state of mind was forming in the Nation incompatible with the state of mind which had made slavery the dominant power of the nation." Does not Mr. Thorpe mean that this "new state of mind" is Lincoln's only defence? And does he not declare it "incompatible with the state of mind" existing when the Constitution was framed? If so, does he not also declare it was still incompatible with the Constitution? Had not the Supreme Court also so declared He therefore refers to a time in our history when all loyal citizens tipped their hats alike to the Judiciary, the Executive, and the Legislative departments of our Government. To the South's immortal honor that time had never ceased to be within her borders. The Constitution, the whole Constitution, unimpaired, and without any outside appendages, was her only hope of a perpetual Union. The "new state of mind" had its origin exclusively in the North, and was confined exclusively to that section. It was, therefore, sectional to the core. These are stern facts of history; and in the ages to come history will not deny itself. All coming time will fix the responsibility for that war where it belongs—on the North.

This outside-of-the-Constitution-new-state-of-mind theory assumed that the Constitution did not provide for a change of mind in the Government. But it was a false assumption. The fathers were not unmindful of the fact that future conditions might render a change in the compact necessary. Hence they made ample provision for any such change. They provided for peaceable changes, legal and orderly changes, not changes by constraint or violence;—changes approved by three-fourths of the States forming the Union. All other changes were outside the Constitution, and, therefore, were revolutionary.

Mr. Thorpe, writing from "A Northern Standpoint," naturally feels under obligations to defend Lincoln in some way. He, therefore, informs us that "Lincoln would prove that the principles of the fathers were the principles of the new party, and that they who supported it were simply returning to first principles." Note that Mr. Thorpe does not say did prove, for he could not, but "would prove," etc. All who have read this speech must agree with him.

Just as there is a vast dieffrence between did prove and would prove, so there is a vast difference between the principles of the fathers and these of the new party. The fathers invariably obeyed a decision of the Supreme Court in a loyal and patriotic manner. The new party not only repudiated a decision of this Court but also denounced it as ambiguous, "a sortof decision,"— "based upon a mistaken fact," etc. The fathers, when not satisfied with a decision of this Court, reversed it in a Constitutional manner, by an amendment approved by three-fourths of the

States. The new party would reverse a decision of this Court by first getting control of the Government and then ignoring it. Would that the principles of the new party had been the principles of the fathers! Then the great war would not have been. Then contending patriots from the two great sections would not have enriched American soil from Gettysburgh to Ocean Pond with their best blood. Then the sad lamentations of mothers and fathers, of sisters and brothers, of friends and foes would not have been heard in our land from ocean to ocean, and from the Great Lakes on our extreme Northern border to our Southern-most Gulf, whose mild breezes proclaimed a warmth and cheer in strong contrast to our battlement hills and the valleys where brothers stood in battle array against brothers.

With perhaps only one other quotation from this remarkable speech, so rich in absurdities, so abundant in self-laudations, and exaggerations, and so devoid of sustaining facts, we shall pass to the consideration of other topics. That quotation is this: "Wrong as we may think slavery is we can yet affard to let it alone where it is, because that much is due to the necessity arising from its actual presence in the Nation, but can we, while our votes will prevent it, allow it to spread into the National Territories and overrun us in these free States?

What is this but rebellion against the authority of the Supreme Court, and against the just rights of the South as declared by that tribunal? Consider how very unjust these words are. Had not the South led in the prohibiting of slaves from foreign parts, and thus in limiting the slave population to what it then was? Had not the Congress of the United States come to the aid of the South by enacting her prohibition clause into law? This being true was not the increas of the slave population limited to the capacity of the slaves then in the States! Could any one, except Lincoln, imagine that by their spreading into the Common territories the increase of the slave population would be greater by as much as one slave? What then are we to think of that false imagination that by spreading into the Common territories the increase thereby will be so enormously greater that it will "overrun us in these free States?" Does not this

false exaggeration find kindred expressions all through this speech? Is this the true characteristic of a great statesman? Can a statesman be truly great without being just and true?

On the contrary did not the spreading of the slave population into the territories tend to limiting the number of slaves Did not all, except Lincoln, know that if these territories, on entering the Union as States, should adopt anti-slave Constitutions it would free all the Slaves within their borders, just as it did in the case of Massachusetts? Would not this diminish the number of slavese? We have here another conspicuous illustration of that character of "evidence so conclusive and argument so clear that even the Fathers' great authority, when fairly considered and weighed cnanot stand."

"We can yet let it alone where it is" had its own peculiar and emphatic meaning for the South, and carried its own admonition to that section, so favored by the Constitution and so loyal to What other construction could be put on it that instrument than this: We will now prohibit slavery from entering the territories, and when the vet-time shall have come, we will then exclude it from the States as well? Had not Seward already said "we will invade your States?" With more than a million of men known to have endorsed these rabid sentiments had the South no cause for alarm? Will the brave veterans of the North declare to the contrary? Will they declare these words of Lincoln do not also bear testimony that Lincoln was assailing the Supreme Court's decision under the guise of "the wrong of slavery?"

We have now discussed this speech sufficiently to determine its true character. If the reader is astonished at its exaggerations, extravagancies, absurdities, and its abuse of the Supreme It is a sad thought that one's exalted Court, so is the writer. opinion of a fellowman should be thus discounted. No friend of Lincoln defends this speech from the standpoint of the Constitution. It is not less a surprise for its want of fact than for its exalted self-laudations ;- not less a surprise for its absurd basis of proof that a majority of the 39 signers of the Constitution did "disclose their real sentiments" in the Convention and

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in signing the Constitution, than for its very extraordinary claim as to the conclusiveness of the evidence and the clearness of the argument;—not less a surprise at the character of this speech than at its wonderful influence on the audience, and on a very large percent of the Northern people. To them "the words of his mouth were smoother than butter, but war was in his heart" for the South and for the Supreme Court.

That a political party could rightfully overrule a decision of the Supreme Court was a most dangerous theory. It is fortunate that it did not survive the war it inaugurated. Had it become an established principle of this Government it would have virtually abolished the Supreme Court, one of the three fundamental departments of the Government.

Ten years earlier than this specch there was another delivered in strong contrast to this. This time it was delivered in the hall of the United States Senate. The speaker was a Southern man, and no less than the great South Carolinian, John C. Calhoun, one of the "immortal trio." Earnestly desirous of averting the danger of disunion, so imminent because of the policy of a few Northern agitators, he asked and answered this question: "How Can the Union Be Saved?"

His answer was: "There is but one way by which it can be with any certainty; and that is by a full and final settlement, on the principles of justice of all the questions at issue between the sections. The South asks for justice,—simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concessions or surrenders to make.

"Can this be done? Yes, easily! Not by the weaker party; for it can of itself do nothing—not even protect itself—but by the stronger.....But will the North agree to this? It is for her to answer the question. But I will say she can not refuse if she has half the love of the Union which she professes to have, nor without exposing herself to the charge that her love of power and aggrandizement is far greater than her love for the Union."

Was Calhoun a rebel when he said, "The South asks for justice—simple justice?" If not, was he in rebellion when he finished the sentence with these words: "Less she ought not to take." If not yet in rebellion was he when he said, "She has no compromise to offer but the Constitution," the common pledge of all the States,—the one instrument by which all the States had sworn to be governed? Did Calhoun mean the Constitution as construed by himself? He meant the Constitution with its full meaning, including the Supreme Court, by which it was to be construed.

If the demands of the South did not constitute her in rebellion in 1850, how could the same demands declare her in rebellion in 1860? What political party, what State, what Section had any right to reject the Constitution as a basis of compromise? Was there a party, a State or Section that did not profess to love and revere the Constitution? Yet the South, in 1860, for demanding her rights—her simple rights—under the Constitution, to be determined according to the provisions of that instrument, was declared to be disunionists, traitors and rebels; and was so published to the world, while the party that denounced the Supreme Court's decision, and, therefore, the Supreme Court itself, was declared to be the only loyal and patriotic defenders of the Constitution they had openly and boldly defied.

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### CHAPTER XII.

## WHAT THE SOUTH DEMANDED IN THE SIXTIES.

All her demands were in one word—the Constitution with its guaranties,—this, no more and no less. All her declarations, public or private, and all her acts, legislative or otherwise, attest the truth of this declaration. All history is challenged for a contradiction of this statement. If in demanding the Constitution the South erred, she erred with the Supreme Court and all the States of the Union up to 1861. If, therefore, she was a rebel so was the Supreme Court; so were all the other States, North as well as South. We have said, and said truly,—to assail a part of the Constitution is to attack it all.

What construction of the Constitution by the South and by the Supreme Court resulted in so much trouble in the Sixties? Simply this: That the States were equal under the Constitution, and therefore had equal rights in the territories which belonged to all alike. It was this Construction of the Constitution that inaugurated the war. This is one of the established facts of history. It lifts the blame for that great war from the shoulders of the South.

As the utterances of the leaders on both sides have much to do in determining this question we have given, in previous chapters, Lincoln's views as contained in his celebrated Cooper Institute Speech; and shall now procede to present the South's views from one or more of her truly representative statesmen.

That we may be absolutely just we select a speech delivered in the United States Senate, by one recognized throughout the entire North as one of the most extreme. if not the extremest, of all the South's representatives. If the demands of this Southern extremist were moderate and limited to the Constitution, may we not in fairness, at the least, conclude that the prevailing sentiment of the South was characterized by the same virtue of moderation? We refer to the speech of the celebrated Robert Toombs of Georgia, delivered in the United States

Senate on the 7th of January 1861, more than two weeks after South Carolina had passed her ordinance of secession, and more than eleven months after Lincoln's Cooper Institute Speech. Two days before this speech was delivered it had been falsely charged that "the slavery oligarchy" had formed a conspiracy to withdraw from the Federal Union. It was the hour, therefore, of excitement, passion an antagonism. Yet if in all this speech Mr. Toombs uttered a disloyal sentiment the writer has been unable to find it. If it be charged that the writer is a Confederate veteran and therefore biased, he is bold to say all the research by historians, North and South, has been unable to disclose it. If the researches of a half century, made by friends and foes, can not reveal a disloyal sentiment there must be none.

Mr. Toombs said: "Senators, my countrymen have demanded no new government; they have demanded no new Constitution. Look to their record at home and here from the beginning of this strife until its consummation in the disruption of the Union; and they have not demanded a single thing except that you shall abide by the Constitution of the United States, that their constitutional rights shall be respected, and that jusice shall be done."

"My countrymen have demanded no new government, no new constitution," are not the words of a traitor. "They have not demanded a single thing except that you shall abide by the Constitution of the United States," are not the words of a rebel. "They demand that their constitutional rights shall be respected and that justice shall be done" are antipodal to treason. The South did but ask that the North be true to her plighted faith as given in the Constitution of the States, and for simple justice. Could she have asked for loss? These every individual, however humble, and every State and every Government have a right to demand, and in demanding them they have a right to be exempt from rebuke or reproach.

"Look to their record at home and here from the beginning of this strife until its consummation in the disruption of the Union" is both a challenge and an implied charge — a challenge as to the integrity of the conduct of the South, and an implied

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charge that the North was responsible for the disruption of the Union. The sting of this speech was in this implied charge. Yet more than a half century confidently repeats it, and all future ages will confirm it.

"Sirs they have stood by your Constitution; they have stood by all its requirements; they have performed all its duties unselfishly, incalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind with having made proclamation of outlawry against thousands of millions of their property in the territories of the United States; and with having aided and abetted insurrections from within and invasions from without, with a view of subverting their institutions and destroying their homes and firesides."

Here we have another strong affirmation as to the South's unbroken allegiance to the Constitution, and hence to the Union: and as to her constant obedience to all its requirements. We also have here charges of a most terrible nature-charges of aiding and abetting insurrections in the South, and subverting her institutions and destroying her homes and her firesides. To endanger the social system of a country, to outlaw its Constitutional rights, to subvert its institutions, and to desolate its homes and firesides are not ordinary charges. Yet who can deny that these charges were true? Are all these to be overlooked when we consider the wrongs of the South? Had the white population Were all their rights of the South no rights to be respected? monopolized by those of the negro?

The passions engendered in the Sixties by the misrepresentations of the South, and by the stirring events that followed, have not yet entirely died out. But perhaps today at least ninetenths of the reading public confess that Toombs spoke the truth when he affirmed the South's unstinted devotion to the Constitution and the Union. When all the participants in the great conflict that resulted from the plain and obvious violations of the Constitution by the new party shall have been laid to rest in "the silent city," then reason will supplant passion; then right and justice will take the place of wrong and injustice; then knowledge will silence the voice of ignorance; and then the South will be forever vindicated. Yes, her wrongs will still be hers. So, too, will be the umparalleled sacrifices and matchless deeds of her citizen soldiers. These she will leave as a precious heritage to her children and children's children. Those she will strive to forget as the wrongs of ambition and sefl-aggrandizement.

"The discontented States of this Union have demanded nothing but clear, distinct, unequivocal, well-acknowledged Constitutional rights,—rights affirmed by the highest tribunal of their country; rights older than the Constitution; rights which are planted upon the immutable principles of justice; rights which have been affirmed by the good and the wise of all generations and all countries."

"The discontented States of this Union have demanded nothing but clear, distinct unequivocal, well-acknowledged Constitutional rights," states a most creditable fact of history, the truth of which no one can deny. These are not the words of a traitor. The South turned to the Constitution as the needly to the Pole. There is no attempt at deception in this speech. Truth needs no deception. There is no appeal to passion in this speech. Truth is independent of passion. It is an appeal that well becomes the dignity of truth,-manly, honorable, patriotic; and appeal to "well-acknowledged constitutional rights." What better basis could have been possible for a settlement of issues between the two sections than this? Yea, what other basis than the Constitution was laid by the fathers for a settlement of questions between the States! Yet, did not the party in power reject the Constitution as a basis of settlement, and then denounce the South as "traitors" and "rebels?"

The five demands of this Southern extremist are all within the limits of the Constitution. They are made in the name of his native State and of his maligned section of the Union. When this shall have been read and known of all men, the world will be amazed, that the excuses for waging the Grat war against

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the South were all arbitray and unconstitutional. The five demands are as follows:

"First, that the people of the United States shall have an equal right to emigrate and settle in the present or any future territories with whatever property they may possess, and be securely protected in its peaceable enjoyment until such territory may be admitted as a State into the Union with or without slavery, as she may determine, on an equality with all the other States.

"Second, that property in slaves shall be entitled to the same protection from the Government of the United States, in all its departments, everywhere, which the Constitution confers the power upon it to extend to any other property, provided nothing herein contained shall be construed to limit or restrain the right now belonging to every State to prohibit, abolish, or establish and protect slavery within its limits. We demand of the Governmnet to protect our property as well as yours. Ought it not to be so? You say no. Every one of you upon the Committee Your Senators say no. Your House of Representasaid no Throughout the length and breadth of your contives say no. spiracy against the Constitution you say no. The recognition of this right is the price of my allegiance. Withhold it and vou do not get my obedience.

"Third, we demand in the next place that persons committing crimes against slave property in one State and fleeing into another shall be delivered up in the same manner as persons committing crimes against other property, and that the laws of the State from which such persons flee shall be the test of criminal-The Constitution of the United States Art. 4. Sec. 2. ity. says, "A person charged in any State with treason, felony or other crime, who shall flee from justice and be found in any other State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime. But some of the nonholding Slave States, treancherous to their oaths and compacts, have steadily refused, if the criminal only stole a negro, and that negro was a slave, to deliver him up."

"Fourth—The next stipulation is that fugitive slaves shall be surrendered. Here is the Constitution: "No person held to serve 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. (Sec. 2, Art. 4, Constitution).

"This language is plain and everybody understood it the same way for the first forty years of our Government. In 1793, in Washington's time, an act was passed to carry out this provision. It was adopted *unanimously* by the Senate of the United States, and *nearly so* in the House of Representatives. Nobody then had invented pretexts to show that the Constitution did not mean It was clear; it was plain. a negro slave. Not only the Federal Courts but all the local courts in all the States decided that this was a Constitutional obligation. How is it now? I have heretofore said that the plain Constitutional provision has been violated by specific acts in the thirteen States.

"Fifth, that Congress shall pass efficient laws for the punishment of all persons, in any other States, who shall, in any manner, aid and abet an invasion or insurrection in any other State, or commit any other act against the laws of the nations, tending to disturb the tranquility of the people or Government of any other State.

The Constitution of the Unit-"That is a very plain principle." ed States now requires, and gives Congress express power to define, and punish conspiracies and felonies committed on the high seas, and offences against the laws of nations. When the honorable and distinguished Senator from Illinois, (Mr. Douglas) last year introduced a bill for the purpose of punishing people thus offending against the laws of nations under that Mr. Lincoln clause of the Constitution. in his speech at New York, which I have before me, declared that it was "a sedition bill; his press and party hooted at it. So far from recognizing the bill as intended to carry out the Constitution of the United States, it received their jeers and gibes. The Republicnas of Massachusetts elected the ad-

mirer and eulogist of John Brown's courage, as their Governor, and we may suppose he will throw no impediment in the way of John Brown's successors."

These are the five demands of a "Southern extremist" and "rebel." It is worthy of note that all of them relate to the institution of slavery. Who can note this fact and not locate the source of all the troubles that agitated the country in the Sixties?

We have said that all of them are within the limits of the Constitution. If this be true all were just demands from a Constitutional standpoint. Can a section of this Republic, making Constitutional demands for its domestic tranquility and safety be a traitor to that instrument? Can there be a stronger evidence of loyalty to that instrument, and hence to the Union?

That the first demand is constitutional is seen in the fact that it simply requires that the people of all the States shall have equal right to emigrate to the common territories with their property of whatever kind, and be equally protected in the enjoyment of their property; and that thits very reasonable and just demand was sustained by a decision of the Supreme Court, made in 1857. Therefore the first demand is constitutional.

Who can deny that the second demand is constitutional, as it simply requires that the same protection of the Government be given to the States of the South as that given to the States of the North? Were not all the States equal under the Constitution? Were they not all, therefore, entitled to equal rights under that instrument?

The third and fourth demands were Constitutional because they simply required that Art. 4, Sec. 2, of the Constitution be enforced. In commenting on this article of the Constitution Mr. Toombs said: "It was refused twice on the requisition of my own State.... It was refused by Kent and Fairfield, Governors of Maine.... It was refused by Mr. Seward when Governor of New York. He said "it was not against the laws of New York to steal a negro." No. but it was against the Constitution, and therefore against his oath as Governor of New York....There is the bargain: there is the compact. Both Governors swore to it. The Senator (Mr. Seward) from New York swore to it, when he was inaugurated. The Governor of Ohio swore to it when he was inaugurated. You cannot bind them by oaths. Yet they talk to us of treason. It is natural that we should want this provision, of the Constitution carried out. By the text and by the letter of the Constitution you agreed to give them up. You have broken your oaths."

Mr. Toombs uses strong language here because of the wrongs that threaten his section of the Union. We appeal to the honest sentiment of the North to know if Art. 4, Sec. 2, of the Constitution does not justify this demand? If so, "the precise question" was not "the wrong or right of slavery." But it was whether the Constitution should be obeyed or disobeyed. That was "the precise question." Did not Lincoln know this? Why then should he have raised a false issue? Obedience or disobedience to the Constitution was the very heart of the question agitating the North and the South in 1860-65. It was the center around which all the disturbances revolved. There is no evasion of this conclusion.

It follows, therefore, that there can be no better way of establishing the blame for that war, and its attendaent evils of such stupendous proportions than by ascertaining who commenced this agitation, and who refused to comply with the Constitutional requirements.

The South had no motive to agitate a question in which she was so clearly protected by the Constitution, and the agitation of which was so exceedingly detrimental to her property, her firesides, and her lives. It would have been both unnatural and unreasonable to suppose that the South would have invited such terrible disasters It follows, therefore, that the South did not begin it, and consequently that the North did. Moreover, there was not a time after the first two decades of the 19th Century when the South was not on the defensive as to the institution of slavery. This fact alone implies an attack on this institution, and as the South did not act so unnaturally as to attack herself, it was made by the North. It therefore follows that the

agitation of this question was begun in the North, and that the North is responsible for the consequences.

As to the question, "who refused to comply with the Constitutional requirements," there is no divided opinion. It is universally conceded that quite a number of the Northern States absolutely refused to comply with Section 2, Article 4, of the Con-"No person held to service stitution, which is in these words: or labor in one State under the laws thereof, escaping into another in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on the claim of the party to whom such service or labor may be due." It therefore follows that not only did the agitation of the slave question begin in the North, but also it was the Northern States that refused to comply with the terms of the Constitution. Who then were to blame for the great war?

We know that fictitious literature had created a fictitious sentiment in the North; and this sentiment had created for the escaped slave a sympatthy so strong that it would not endure the Constitution. But we are not discussing the power of sympathy, be it from real or fictitious causes. We are discussing principles, involving no less a question than the violation of a sacred rompact between oath-bound States-principles upon a broad scale that involve vast communities as communities, or States, and not as between one man and another man. The uathorities, therefore, at the head of these sworn States should have risen above individual or local sympathy, and should have been true to the obligations of their oath-bound States. But they were not thus true, and, therefore, lost the confidence of the South; and, by persisting in this unconstitutional course, inaugurated the great war. Then characteristic of all guilty parties, charged the blame to the South. It is bad enough for States to violate their sacred oath. But what shall be said of States that not only violated their oaths but charged all the crimes and sufferings and destructions resulting from their sin to States that had been true to their sworn obligations?

What are we to think when it is known that no less than thirteen States passed laws annulling Section 2. Article I of the

These were violations by the State leigsla-Constitution? tures-the law-makers, or deliberative assemblies. They were violations of the most deliberate kind. They were well weighed They were put in the form of a bill. They were in the mind. They were enacted into law. discussed These thirteen States not only violated their oaths as to the Constitution, but recorded these violations in the most enduring form,-in the statutes of their States. These statutes make their own confessions of the violations of the Constitution.-confessions that can not be obliterated without destroying State records of the most important character,-legislative records. These are the States that accused the South of treason: of treason when they had, in advance, deliberately furnished the strongest possible testimony of their own dislovalty!

How much more honorable and patriotic it would have been if these States had stepped to the front, and, standing upon the pure white platform of truth and candor, had said to their brother States of the South: "We know the Constitution grants you this right, but our sympathies are such that we can not comply with it. Let us meet on friendly ground and see if we can not so change this clause of the Constitution that we can, instead, pay you for your escaped slaves."

Is there one who knows the Southern characteristics that thinks the South would have rejected this proposition? If after such a friendly intercourse the South should have decided to reject it she would have done it with a friendly grasp of the hand, and the North would have known the reason. As the North was the aggressor such a proposition should have come from her, and not from the South.

Who knows but such a course on the part of these 13 States might have been the entering wedge for opening up friendly relations before unknown? Who knows but that it might have resulted in a policy of gradual emancipation of all the slaves in all the Slave States? The South, by half, was not wedded to slavery to the extent a misinformed and misguided North had supposed. Have we not shown, in Chapter 2. Section 12, of this volumn that 18 years before the framing of the Consti-

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tution Virginia prohibited the further importation of slaves into her domain? Have we not shown in the same chapter and section that in the earlier days 106 anti-slavery societies existed in the South against only 24 in the North? Have we not also shown in the same chapter that the 106 Southern anti-slave societies had a membership of 5,150 against 920 in the 24 Northern societies? Have we not also shown in the chapter, Section 6, that Maryland had, in 1860, according to the United States census, no less than 83,743 free negroes against 86,990 slaves? Is there no significance in the fact that the number of slaves in this State exceeded the number of free blacks by only 3,247? Have we not shown by the same census that Virginia had in 1860 no less than 30,643 free blacks? Is there no significance in the fact that the three oldest Southern States had in 1860, no less than Have we not also shown in the a total of 172.248 free blacks? same chapter, and by the same census, that the total number of free negroes in the North in 1860 was only 268,817 against 247,-817 in the South? Is there no significance in the fact that the Northern States had in 1860 only 21,000 free negroes in excess of those in the South? Do not these and kindred facts teach that the war waged by the North to free the slaves was not necessary, to say nothing of its unconstitutionality? That is, do they not teach that the South, in her own good time, would have freed her slaves, just as did the North, if let alone, and for reasons very similar to those of the North, viz: Because the institution did not pay. We mean that it was not beneficial to the people of the Southern States as a whole. Search the records. and it will be ascertained that the institution of slavery, during all its continuous existence from the beginning of the historical period, was a hindrance rather than an advantage to governmen-While it may have brought comfort and ease and tal progress. abundance to the comparatively few its tendency was to deprive the great majority of the same blessings by retarding the wheels of progress.

The fifth and last demand of this extremist, like the other four, was but the voice of the Constitution itself. It simply demanded that citizens of other States should be forbidden to invade

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another for the purpose of inciting insurrections or "committing any act against the laws of nations, or government of any other State." This demand was in general terms, and applied to all teh States, but with special emphasis to the States of the South. For these, it was both just and imperative. Wild and extravagant opinions as to the institution of slavery had kindled a kind of frenzy in the minds of a large class of our Northern citizens. These threatened to invade the South and excite insurrections among the slaves, thus endangering both life and property.

This demand was but the substance of a bill, introduced the previous year, by Mr. Douglas, in the United States Senate. Tt was to this bill that Mr. Lincoln referred in one of his six extravagant specifications as to "what will satisfy the South," as follows: "Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in pulpits, or in private." (See Chapter 10 this Volume.). Can a bill, the very essence of both the spirit and letter of the Constitution, be seditious? Sedition is but one degree below insurrection. It is local insurrection. It is to the civil authority what mutiny is to the military. Can a bill intended to enforce the fundamental law of the land be considered an open resistance to governmental authority? Can an act intended to suppress all attempts to excite opposition to civil au-On the contrary, sedition is a rising in thority be sedition? opposition to the enforcement of law. This bill was in the name of law and for the enforcement of law-not against it. It was in the highest sense a patriotic measure as broad as the terms of the Constitution, and if it had been enacted into law, it would Besides think of Douglas. have been as beneficent as broad. United States Senator from Lincoln's own State, Illinois, intro-Was Douglas guilty of ducing in the Senate a "sedition bill." We feel like apologizing for This is the charge. sedition? giving so much consideration to such an absurdity. We would not have been guilty of this trespass on propriety had not this charge of sedition been made by Mr. Lincoln in his famous Cooper Institute Speech.

Thus all these five demands of Mr. Toombs, made in the name

of his State and of the South, were but so many earnest pleadings for the enforcement of the Constitution, as interpreted by the Courts and the Fathers. They proclaim to the world,—and the voice of their proclamation will never die out,—that every heart-throb of the South was for the Constitution and the Union of the Constitution—not the Union of a Substitute. With the poet, the South's one earnest exclamation was:

"How could my hand rebel against my heart?"

Referring to these demands Mr. Toombs asks: "Are they not right? Are they not just?" He reasons from the standpoint of the Constitution, the one basis for the just settlement of all questions between the States; and, therefore, from the standpoint of morality as well. Mr. Lincoln, on the contrary, reasons from the standpoint of "the wrong of slavery," calling it "the precise question," overlooking the fact that in the first half of the 17th century the Virginia Burgesses, made no less than 28 fruitless efforts to arrest the slave trade; overlooking the fact that Virginia's failure was greatly due to the New England States by their very active and very extensive interest in the slave traffic, Massachusetts alone having more than 20 slave ships of her own on the ocean at once, plying between this country and Guinea, to say nothing of the other States; overlooking the fact that "the famous New England rum was the foundation of the African slave-trade." (Moore's Hist. of Slavery in Mass., p. 96).

From a moral standpoint it was impossible to consider, apart from the Constitution, any question growing out of this institution. Mr. Lincoln, therefore, erred in assuming that "the wrong of slavery" was the precise question; and Mr. Toombs and the South and the Supreme Court were right in assuming that "the precise question" was fidelity to the Constitution.

What statesman, what philosopher, what historian, what jurist has accepted the challenge of Mr. Toombs: "Take them in detail and show that they (his five demands) are not warranted by the Constitution, by the safety of our people, by the principles of eternal justice!" More than six decades have passed and no one vet has been bold enough to buckle on the armor of the Constitution, and accept the challenge. It is the challenge of the South. She has adopted it as her own. It stands upon the bloody plane of dispute a tower of strength in the South's defense. Around its base are impregnable ramparts mounted with the guns of the Constitution. There it stands in the sunlight of Heaven unassailed and unassailable. If that tower shall ever fall it will be by a traitor's hand, and beneath its ruins will be found the wreck of the Constitution.

"Senators, I have little care to dispute remedies with you unless you propose to redress my wrongs. If you propose that I will listen with respectable deference, but when the objectors to my remedies propose no adequate ones of their own, I know what they mean by the objection. They mean submission. But still I will yet argue it with them."

With what reluctance did the South abandon the hope of saving the Union and the Constitution unimpaired? "If you propose that I will listen with respectful deference" comes not from the mind and heart of a traitor. "They mean submission. But still I will yet argue it with them," are the words of a patriot entertaining a lingering hope that by "arguing it with them" he may be able to convince them that the South loves the Union and the Constitution inviolate with an undying passion; and, thus soften the aperity of their minds, and hearts. The true. patriot turns a listening ear to every whisper of hope. His heart throb quickens at the least probability of an opporutnity to save his distracted country from disaster. His love for his country turns a deaf ear to all insults.—to all threats. He subordinates pride and all else, except principle, to the one burning passion of his soul.

Measure this proud Southerner by his own words: "They mean submission. But still I will yet argue with them." Confessedly, he stands before the American Senate among the noblest specimens of American citizenship and American patriotism;—a citizenship and a patriotism that can not separate an inviolate Constitution from an inviolate Union. Is such a citizenship—such a patriotism as this to be condemned? Can an impaired Constitution stand for an unimpaired Union?

If there is yet a lingering doubt as to the intense devotion of Toombs and the State of Georgia to the Constitution and the Union, may it not be removed by these additional words of his:

"Sir. I have no hesitation in saying that a very large portion of the people of Georgia, whom I represent, prefer to remain in the Union with their Constitutional rights. I would say at least 90 per cent. of them,-believing it to be a good Govern-These are my opinions; they have been announced to my ment. constituents: and I announce them here." This is not the first time Mr. Toombs had uttered these words. They had been uttered in Georgia and naturally met with uanimous approval. As with Georgia, so with the entire South, for Georgia, the Empire State, was truly a representative State. As with Toombs. so with all the leaders of the South. Words like these of Toombs find origin only in patriotic brains, burn only in patriotic hearts. and find utterance only on patriotic lips.

May it not be that these and kindred expressions from the many Southern leaders led Lincoln and his party to believe that the South would yield her Constitutional rights rather than abandon the Union? Had not Lincoln said to the South: "But you will not break up the Union rather than submit to a denial of your Constitutional rights?" Can it be doubted that it was just such patriotic utterances of devotion to the Union and the Constitution of the Union by the many Southern leaders, that inspired the leaders of the new party to believe that they could go to any length in trespassing on the Constitution without bringing disaster to the Union?

### CHAPTER XIII.

### THE SOUTH'S DEMANDS FOR THE CONSTI-TUTION CONTINUED, ALSO THE SPEECH OF TOOMBS CONTINUED.

As the earth in her orbit is ever true to the sun so was the impulsive Toombs ever true to the Constitution. It was his only hope,—his only remedy for the perils of the hour. It was his passionate theme,—both the warf and woof of his argument. Hear him:

"Senators, the Constitution is a compact. It contains all our obligations, all the chains that fetter the limbs of my people are nominated in the Bond, and they wisely exclude any conclusion against them by declaring that the powers not delegated by it to the United States, or forbidden by it to the States, belonged to the States respectively, or to the people.

These are almost the identical words of the 10th amendment to the Constitution, which reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

"Now I will try it by that standard. I will subject it to that test. The law of nature, the law of justice would say—and it is so expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of public property. Even in a despotic government this principle is recognized. It was the blood and the money of the whole people (says the learned Grotius and say all the publicists) which acquired the public property, and therefore it is not the property of the sovereign. This right of equality being, then, according to justice and natural equity, a right belonging to all the States, when did we give it up?

"You say Congress has a right to pass rules and regulations concerning the territories and other property of the United States. Very well. Does that exclude those whose money and blood paid for it? Does "dispose of" mean to rob the rightful owners?"

Mr. Toombs's premises here are unimpeachable. Therefore his conclusions are irrefutable. Equal rights in common property is self-evident.

"But you say try the right. I agree. But how? By our judgment? No, not until the last resort. What then? Bv yours? No, not until the same time. How then try it? The South has always said by the Supreme Court. But that is in our favor, and Lincoln says he will not stand by that judgment. Then each must judge for himself of the mode and manner of redress. But you deny us that privilege, and finally reduce us to accept your judgment. We decline it. You say you will enforce it by executing the laws: that means your judgment of what the laws ought to be. The Senator from Kentucky comes to your aid, and says he can find no Constitutional right of secession. Perhaps not, but the Constitution is not the place to look for State Rights. If that right belonged to the independent States and they did not cede it to the Federal Government it is reserved to the States, or the people. Ask your commentator where he gets your right to judge for us. Is it in the Bond?

"The South has always said by the Supreme Court." "And Lincoln says he will not stand by that judgment" are two indisputable propositions. The Constitution is meaningless, if not binding on all the States alike. Who stands by the Constitution here, the South or the new party? Who then are the conspirators?

There are two other significant statements suggested, one by this speech and one by the Cooper Institute speech, viz: Lincoln says substantially, "What is not written in the Constitution is reserved for the Federal Government," and fails to sustain his assertion by the Constitution. Toombs says, "What is not written in the Constitution is reserved for the States," and sustains his assertion by quoting from the 10th amendment to the Constitution, which amendment reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it belongs to the States respectively, or the people." Who are the conspirators here?

Mr. Toombs: "The Supreme Court has decided that, by the Constitution, we have a right to go to the Territories, and be protected there, with our property. You say we cannot decide the compact for ourselves. Well, can the Supreme Court decide it for us? Mr. Lincoln says he does not care what the Supreme Court decided, he will turn us out anyway. He says this in his debate with the honorable Senator from Illinois (Mr. Douglas). I have it before me. He said he would vote against the decision of the Supreme Court. Then you do not accept that arbiter. You will not take my construction; you will not take the Supreme Court as an arbiter; you will not take the practice of the Government; you will not take the opinion of Madison upon the very question of prohibition, in 1820; you will not take the treaties under Jefferson and Madison. What, then, will you take? You will take nothing but your own judgment; that is, you will not only judge for yourselves, not only discard the practice of the Government, but you drive us out simply because you will do it. Your party says you will not take the decision of the Supreme Court You said so at Chicago; you said so in committee; every man of you in both Houses say so. What are you going to do? You say we shall submit to your construction. We shall do it if you can make us; but not otherwise, or in anv other manner. That's settled."

"Your party says you will not take the decision of the Supreme Court. You said so at Chicago: you said so in committee, every man of you (of the new party) in both Houses say so," are as many indisputable historical facts. Who then are the conspirators?

Mr. Toombs: "You have no warrant in the Constitution for this declaration of outlawry. The court says you have no right to make it. The treaty says you shall not do it The treaty of 1803 declares that the property of the people shall be protected by the Government until they are admitted into the Union as a State. That treaty covers Kansas and Nebraska. The law passed in 1804, or 1805, under Jefferson, protects property in

slaves in that very territory. In 1820, when the question of prohibition came up, Mr. Madison declared is was warranted by the Constitution, and Jefferson denounced its abetters as enemies of the human race. Here is the court; here are our fathers; here is contemporaneous exposition for fifty years, all asserting our right. The Republican party says, "We care not for your precedents, or practices; we have progressive politics as well as progressive religion." Who are the conspirators?

"But no matter what may be our grievances, the honorable gentleman from Kentucky (Mr. Crittenden) says we cannot secede. Well, what can we do? We cannot revolutionize; he will say that is treason. What can we do? Submit? They say they are the strongest, and they will hang us. Very well, I suppose we are to be thankful for that boon. We will take that risk. We will stand by the right; we will take the Constitution; we will defend it by the sword with the halter around our necks. Will that satisfy the Honorable Senator from Kentucky? You cannot intimidate my constituents by talking to them about treason. They are ready to fight for the right with the rope around their necks!"

What have we here but strange fact that the very men who are violating the Constitution are charging treason to those who are upholding it! If there is a well established fact in history it is that Lincoln and the Republican party in the Sixties violated the Constitution.

Mr. Toombs: "But, although I insist upon this perfect equality in the Territories, yet, when it was proposed, as I understand the Senator from Kentucky now proposes, that the line of 36 degrees, thirty minutes shall be extended, acknowledging and protecting our property on the South side of that line, for the sake of peace—permanent peace—I said to the Committee of Thirteen, and I say here, that with other satisfactory provisions, I would accept it."

Who can read the facts of that perilous hour in the history of our country and not realize that the Constitution was violated—persistently violated—and that its violators were organized and determined to sustain its violation; and, moreover, that they charged the true friends of the Constitution wih conspiracy?

Mr. Toombs: "Yet not only did your committee refuse that, but my distinguished friend from Mississippi (Mr. Davis)—another modest gentleman like myself—proposed simply to get recognition that we had the right to our own; that man could have property in man; and it met with the unanimous refusal even of the most moderate, union-saving, compromising portion of the Republican party. They do not intend to acknowledge it."

If slavery was wrong it was a wrong engrafted in the Constitution,-yea, in both Constitutions and in every Colonial Charter. It was therefore, a wrong protected by the Constitution; and should have been treated as such. Before entering on the execution of his office as President, Mr. Lincoln took the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." In taking that oath he swore "to preserve, defend, and protect" the institution of slavery. Instead he denounced it as a wrong, and most bitterly opposed it. He also swore to construe the Constitution as determined by the judges of the Supreme Court. But instead he derided that court's decision, organized opposition to it, and boldly combatted it. He thus inaugurated a war called "the mightiest struggle in the history of the world-a struggle in which over 3,700,000 soldiers were engaged; which cost the North alone eight billion dollars (\$8,000,000,000); and which cost the South untold wealth; and in patriot lives on both sides approaching a million-about one patriot life to every four negroes When we speak of the wrong of slavery, let it not be considered apart from the infinitely greater wrong that cost so much in treasure and in blood. Is the negro worth the price paid for his freedom?

Mr. Toombs: "Very well, you not only want to break down our Constitutional rights; you not only upturn our social system; your people not only steal our slaves, and make them freemen to vote against us, but you seek to bring an inferior race in a con-

dition of equality, socially and politically, with our own people. Well, sir, the question of slavery moves not the people of Georgia one-half as the fact that you insult their rights as a community. You abolitionists are right when you say there are thousands and tens of thousands of men in Georgia, who do not own slaves. A very large portion of the people of Georgia own none of them. In the mountains, there are comparatively but few of them; but no part of our people are more loyal to their race and country than our bold and brave mountain population; and every flash of the electric wire bringe me cheering news from our mountain tops, and our valleys, that these sons of Georgia are excelled by none of their countrymen in loyalty to the rights. the honor and the glory of the commonwealth. They say, this is our question; we want no negro equality, no negro citizenship; we want no mongrel race to degrade our own; and, as one man, they would meet you upon the border with sword in one hand. and the torch in the other. We will tell you when we choose to abolish this thing. It must be done under our direction, and according to our will; our own, our native land, shall determine this question, and not the abolitionists of the North. That is the spirit of our freemen."

Truly did Mr. Toombs exclaim: "Sir, the question of slavery moves not the people of Georgia one-half as the fact that you insult their rights as a community." Not only did the aggressions of the North involve and threaten the Constitutional rights of the South, but also threatened ruin to her entire social system. Was not this great cause for alarm? Did it not justify the strongest possible opposition on the part of the South? If the Supreme Court is authority the South had the right on her side. Then, by what principle of right could the North charge the South with conspiracy, rebellion and treason? On the contrary will not the impartial future historian lay the charge of conspiracy, and treason at the door of the violators of the Constitution, the one standard of right ratified by the two sections?

Mr. Toombs also intimates that the South, if let alone, would have abolished the institution of slavery when he said "It must be done under our direction, and according to our will; our own, our native land, shall determine this question." Again we are reminded of the vicious encroachment of the North, and of their hypocritical cry of "treason," in their unconstitutional aggressions upon the rights of the South. Is this language too strong? If so, our plea is, it is the language of facts, not ours.

Alexander H. Stephens in his great work, The War Between the States" refers to Mr. Toombs's eloquent reference to the patriotism of the non-slaveholders in Georgia, and sustains him in these words: "They were as truly 'loyal' to the Constitution, as it stood in this particular, as any class in the commonwealth, and were as ready to defend the principles of that Constitution, by defending the Sovereign Rights of the States, 'even with the rope around their necks,' as their slaveholding neighbors. Indeed I think he (Toombs) might have gone further, with truth. that they were even readier; for, in this State I believe a majority of the slaveholders were against the policy of secession at the time. They were generally what were called conservatives, and a large portion of them, if not a majority of them, voted the Bell Everett ticket in the Presidential election. My opinion is, that a majority of them, in this State, voted against secession delegates to the Convention which was called in this State." (Vol. 2, pp. 127-8).

Can it be doubted that the supposed weakness of the South invited the assaults of the Republican party upon her Constitutional rights? There was a time in the history of our country when New England, for reasons satisfactory to herself, threatened to secede from the Union. The two sections were then equally divided as to States, and nearly so as to population, and a Southerner was at the helm of the Government. Secession then was declared by the North to be Constitutional and right. It was further declared that it could be accomplished without the shedding of blood. But in the Sixties the North had the greater number of States and far excelled the South in population and the essentials of war. Besides, they were in possession of the Government, and believed the non-slaveholding population of the South were their natural allies. This great advantage

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reversed their opinion as to the Constitutional right of secession and inaugurated the great war.

Mr. Stephens further remarks upon this particular portion of Mr. Toombs's speech, as follows: "But mark you, when and where was this speech made? It was made on the 7th of January, 1861, in the Senate of the United States, two days after you say the conspirators aiming at the overthrow of the Government had organized in secret junto at Washington! Is anything wanting more thoroughly to refute that idea than this speech? It clearly shows that on the 7th of January, 1861, after South Carolina had seceded, as we have seen-after the conspiracy had entered into a regular organization, with a usurpation of all power over Southern public affairs, according to this fabulous account of it, that Mr. Toombs, and even Mr. Davis, who was the selected chief, were willing to settle the whole controversy, if any assurance would be given by the leading men of the party coming into power on the 4th of the ensuing March, that clearly stipulated guarantees of the Constitution would be carried out in good faith by them? This assurance, it is well known, was not given. It was refused to be given. This is a correct version of that matter. The whole story of any such conspiracy, and the election of Mr. Davis as President of a new dynasty, is altogether fabulous.

"After this refusal, if the Senators—the Ambassadors of the Southern States at Washington—did assemble together in that city, and did jointly resolve upon such action as they thought best for the people of their States, respectively, to adopt in their State Conventions, then called by the regular constituted authorities, in this emergency; and if, after this meeting and consultation, Mr. Toombs, one of them, did go into the Senate, and there deliver this manifesto, and make another appeal for the Union, after the advice was given, who can justly maintain that they, in the performance of this high duty, were a set of secret conspirators or anything like it? It is notorious that they did so meet, so consult, and so advise. But their meeting was no secret. Nothing was more generally known in Washington. It was announced in the newspapers of the day.

.... "The object of their assembling was to advise such course as they thought best for the people of the Southern States, in which conventions were then called, to pursue in the crisis then impending, if no assurance should be given that the Constitution would be maintained. There was no such thing as the election of a Chief Commander of a military force, or any usurpation of power whatever. The Sovereign people of these States were left to their own free will to adopt the policy they advised. or reject it as they pleased. The sum and substance of the advice was embodied in this speech of Toombs. Their wrongs demanded redress, and if it were not granted that they should 'depart in peace,' and form a new Constitution amongst themselves. The redress was not given, and these States did depart in peace. They also passed ordinances of secession as South Carolina had done, and in convention at Montgomery formed a new Confederation."

Here we have the high authority of Alexander H. Stephens that both Mr. Toombs and Mr. Davis "were willing to settle the whole controversy if any assurance would be given by the leading men of the party coming into power on the ensuing 4th of March that the clearly stipulated guarantees of the Constitution would be carried out in good faith by them." This was refused. What was refused? Nothing less than "the clearly stipulated guarantees of the Constitution" Think of it! The South was denied her Constitutional guarantees! When she complained, as she had a right to do, she was charged with conspiracy, rebellion and treason. Was it rebellion to claim her constitutional guarantees? On the other hand who can deny that it was treason to refuse the South her constitutional rights? Was not this denial perjury? -that is in violation of the oaths of every State in the Union, and of every Federal State officer? Had not the South great cause for alarm? Could she put implicit confidence in a party untrue to their oaths? Had not her representatives in Washington a right to assemble and consider as to the best policy to be pursued in this emergency? Yea, was it not their duty to do so? When they exercised this right as freemen, after having published to the world that the emergency, created by the

enemies of the Constitution required them to meet, were they justly termed conspirators and guilty of other crimes? Could the South believe that one violation—a confessed violation of the Constitution—would not be followed by another, and yet another, till she was robbed of all her Constitutional guarantees? Yea, was not this usurpation followed in reality by others till men in this free Republic were arrested without warrant or law on the mere suspicion of opposing the policy of the party in power? Did not Mr. Seward finally boast that he could touch a button on his table and order the arrest of any man he should designate, and throw him into prison without the right of trial? In a future chapter we shall establish this fact and others equally as astounding.

## PAUSE HERE AND REFLECT.

We have quoted freely from two speeches—the first by Abraham Lincoln of Illinois ,the other by Robert Toombs of Georgia. Every thread of that of Toombs's is spun from the pure lint of the Constitution. This is not the mere utterance of a Confederate veteran. It is but the voice of facts. It is a most eloquent plea for the Union of the Constitution intact. Not a thread of the oration of Mr. Lincoln is taken from the Constitution. It also claims to be a plea for the Union, but not the Union of the Constitution inviolate.

That the reader may be the better prepared to compare the Constitutional merits of these two speeches we shall now proceed to set, side by side, some of the leading sentiments of each.

Mr. Lincoln. "But you will break up the Union rather than submit to a denial of your Constitutional rights."

Mr. Toombs: "Senators, my countrymen, have demanded no new Constitution—no new Government: they have demanded not a single thing except that you shall abide by the Constitution of the United States."

Mr. Lincoln: "When you make these declarations you have a specific and well understood allusion to an assumed Constitutional right of yours to take slaves into the Federal Territory and hold them as property."

Mr. Toombs: "The Supreme Court has decided that we have a right to go to the Territories with our property, and be protected there."

Mr. Lincoln: "But no such right is specifically written in the Constitution.

Mr. Toombs: "I say the Constitution is the whole compact. All the obligations, all the claims that fetter the limbs of my people are nominated in the bond, and they wisely exclude any conclusions against them by declaring that powers not delegated by it to the United States, or forbidden by it to the States, belong to the States respectively, or to the people."

The Constitution: "The powers not delegated to the United States by the Constitution, or prohibited by it to the States, are reserved to the States respectively or to the people." (Appendix Con., Art. 10).

Mr. Lincoln: "But we, on the other hand, deny that any such right has any existence in the Constitution."

Mr. Toombs: "The discontented States of this Union have demanded nothing but clear, distinct, unequivocal, well-acknowledged Constitutional rights—rights affirmed by the highest tribunal of their country. Not only the Federal Courts, but all the local Courts in all the States, decided that this was a Constitutional provision. Nobody then had invented pretexts to show that the Constitution did not mean a negro slave."

Mr. Lincoln: "Perhaps you will say the Supreme Court has settled this disputed Constitutional question in your favor . . . The Court has decided the question in a sort of way. The Court has substantially said, it is your Constitutional right to take slaves into the Federal Territory, and to hold them as property."

Mr. Toombs: "The Supreme Court has decided in our favor, and Lincoln says he will not stand by that judgment."

Mr. Lincoln: "When I say the decision was made in a sort of a way I mean that it was made in a divided court by a bare majority of the judges."

Mr. Toombs: "The decision was rendered in our favor by

the highest tribunal in the Country by a majority of seven to two."

Mr. Lincoln: "The decision was mainly based upon a mistaken fact—the statement that the right of property in a slave is directly and expressly written in the Constitution."

Mr. Toombs: "Then you will not accept that arbiter. You will not take the Supreme Court as an arbiter; you will not take the practice of the Government; you will not take the treaties under Jefferson and Madison; you will not take the opinions of Madison upon the prohibition in 1820."

Mr. Lincoln: "When the obvious mistake of the Judges shall be brought to their notice is it not reasonable that they will withdraw the mistaken statement, and reconsider the Conclusion?"

Mr. Toombs: "You will take nothing but your own judgment. You will not only judge for yourselves, not only discard the Court, not only discard our construction, not only discard the practice of the Government, but you drive us out because you will it."

Mr. Lincoln: "Do you really feel yourselves justified to break up the Government unless such a Court's decision as yours is to be at once submitted to as a conclusive and final rule of action?"

Mr. Toombs: "You have no warrant in the Constitution for this declaration of outlawry. The Court says you have no right to make it. The treaty says you shall not do it. The treaty of 1803 declares that the property of the people shall be protected by the Government until they are admitted into the Union as a State. Here is the Court; here are our fathers; here is contemporaneous exposition for fifty years, all asserting our right."

Mr. Lincoln: "It is exceedingly desirable that all parts of this great Confederacy shall be at peace, and in harmony, one with another."

Mr. Toombs: "We will stand by the right, we will take the Constitution; we will defend it by the sword with the halter around our necks. You not only want to break down our Constitutional rights; you not only upturn our social system, but you seek to bring an inferior race in a condition of equality, socially and politically with our own people. Sir, the question of slavery moves not the people of Georgia one-half as the fact that you insult their rights as a community."

Mr. Lincoln: "Will the Southern people be satisfied if the Territories be unconditionally surrendered to them?"

Mr. Toombs: "Sir, I have no hesitation in saying a very large portion of the people of Georgia, whom I represent, prefer to remain in the Union with their Constitutional rights. But you say try the right. I agree. But how? By our judgment? No, not until the last resort. What then? By yours? No, not until the same time. How then try it? The South has always said by the Supreme Court....But you deny us that privilege."

Mr. Lincoln: "We must not only let them alone but we must convince them that we do let them alone." (A sad commentary on the acts of the new party).

Mr. Toombs: "The law of nature, the law of justice would say--and it is expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of public property."

Mr. Lincoln: "I am aware they have not as yet in terms demanded an overhthrow of the free State Constitutions. When all other sayings against it shall have been silenced the overthrow of the free State Constitutions will be demanded, and nothing will be left to resist their demands."

Mr. Toombs: "Take them (his five demands) in detail and show that they are not warranted by the Constitution, by the safety of our people, by the principles of eternal justice." "Senators, I have little care to dispute remedies with you unless you propose to redress my wrongs. If you propose that I will listen with respectful deference."

Mr. Lincoln: "The Northern people must first cease to call slavery wrong and join in calling it right."

Mr. Toombs: "But when the objectors to my remedies pro-

pose no adequate ones of their own, I know what they mean. They mean submission. But still I will argue it with them."

Mr. Lincoln: "Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in pulpits, or in private."

Mr. Toombs: "The Constitution of the United States now requires and gives Congress express powers to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations. When the honorable and distinguished Senator (Mr. Douglas) from Illinois, last year introduced a bill for the purpose of punishing those offending under that clause of the Constitution, Mr. Lincoln, in his speech declared that it was a sedition bill; his press and party hooted at it. So far from recognizing the bill as intended to carry out the Constitution of the United States it received their jeers and gibes."

Mr. Lincoln: "The North must pull down their free Constitutions."

Mr. Toombs: "Sir, they have stood by your Constitution, they have stood by all its requirements; they have performed all its duties, unselfishly, uncalculatingly, disinterestedly."

Mr. Lincoln: "The whole atmosphere must be disinfected from all opposition to slavery."

Mr. Toombs: "You say Congress has the right to pass rules and regulations concerning the territories and other property of the United States. Does that exclude those whose money and blood paid for it? Does 'dispose of' mean to rob the rightful owners?"

Mr. Lincoln: "The North must arrest and return their fugitive slaves with greedy pleasure."

Mr. Toombs: "By the text and letter of the Constitution you agreed to give them up. You have broken your oaths."

The Constitution: "No person held to service or labor in one State under the laws thereof, escaping into another, in consequence of any law, or regulation therein, shall 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." Art. 4, Sec. 2.)

Alexander Hamilton: "The Federal Constitution therefore decided with great propriety on the case of our slaves, when it views them as in the mixed character of persons and property. This is in fact their true character bestowed on them by the laws under which we live." (The Federalist No. 53, Davidson's Edition, p. 379). The Constitution of every slave State so regarded it. All the Northern States so regarded it, for more than a full century. The framers of the Constitution so regarded it. The New England slavers so regarded it. The Northern merchants so regarded it. The New England slave markets for many years so regarded it. The entire history of the South, from the settlement of Jamestown to the termination of the war, in one unbroken affirmation declared Yet it. against all this testimony, and more, is opposed the word of Lincoln. When the result is considered one is almost persuaded, even against his will, that this world is controlled by fate. He acquired such control of affairs, such political influence that he successfully charged the Constitution-loving South with that highest of political crimes, treason, even though the charge was false; and upon that false charge inaugurated a war that completely exhausted the resources of one section, and drained-billions of treasure from the other, while it approximately claimed a million of lives, infinitely more valuable than all the billions in treasure, spent in its successful execution.

# CHAPTER XIV.

# THE SOUTH AND THE CONSTITUTION SUB-ORDINATED TO AN UNCONSTITUTIONAL PLATFORM AND THE GOVERNMENT TO AN UNCONSTITUTIONAL POLICY.

When the Revolutionary War had been fought to a successful finish there existed in this country thirteen free and independent sovereignties. They were first independent States by their own declarations. Afterwards they were independent States by virtue of the acknowledgment of Great Britain.

During the War of the Revolution they had united for their mutual protection under a compact known as the Confederation. This Confederation embraced a territory of wide extent, in which both the climate and the products varied. As some States owned larger extent of territory than others, rivalries and conflicts of interest soon developed. These threatened the stability of the Union.

It was now that Virginia, the Old Dominion, in the royal spirit of patriotism and good will to the Union, ceded to the United States her vast extent of territory north of the Ohio. Out of that territory five great States and a part of another have since been formed. This gift of Virginia laid the basis for the predominance of the Northern Section, and was the cause of increased strife rather than pacification.

In 1820 the South, in the spirit of sacrifice, gave to the North exclusive control of all the Louisiana Purchase lying north of 36 degrees, 30, not included in the State of Missouri. She well knew the Constitution did not demand this sacrifice, but it was made to preserve the Union of the States. Little did she dream then that she was laying the basis for an offensive aggression that would finally threaten her own destruction.

This line, continued, embraced the territory acquired from

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Texas. Add to these all the land both north and south of that line all the territory obtained from Mexico under the Treaty of Guadalupe Hidalgo, and we see the North in control of at least three-fourths of all the territory added to the public domain since 1776.

Nor was this all. The South had been burdened by discriminating duties on imports in favor of the North. The manufacturing section was built up at the expense of the South, the agricultural section. With more territory, more money and more varied employment the North offered greater inducements for imigrants. As the population and wealth of the North increased her demands for new advantages increased. These demands finally disregarded all Constitutional limits. Political greed is individual greed on a larger scale. With delusive phrases, commiserating the poor black man, far better off than nine-tenths of the Northern poor, they did not hesitate to attack every Constitutional clause in the way of their ambition. This accounts for their violent opposition to the Supreme Court decision to which we have referred in the chapters immediately preceding this.

To accomplish their purposes they invented three strange constitutions, known as "The Higher Law," "The Common Law," and "The Unwritten Constitution," placing each above the written. About these so-called Constitutions we shall have little to say at present, as we shall devote a chapter to them and numerous other irrelevant excuses for violating that matchless document, formulated in 1787. All other so-called Constitutions were the product of the rankest sectionalism.

The force of that sectionalism was felt in the John Brown raid; in the increased number of insurrections in the Southern States; and in the disquiet and uneasiness in all the South's demestic institutoins. But it was felt most when it laid its bloody hands on the common Constitution, the Bond of the States in Union, and pulled from its lofty eminence the third great Department of our Government and subordinated it in rank to a party platform. And this was done in the name of the Union

it professed to love, and in the name of the Constitution it violated while professing to adore it!

It is now the 16th of May 1860. A Convention is assembled in Chicago to nominate a candidate for President of the United States. Not a delegate is present from a State South of the celebrated Mason and Dixon Line. The three so-called Constitutions are displayed by the chair and all the delegates. The written Constitution! What of it? It is under foot, and disgraced for sustaining the South in her demand for equal rights in the Territories. We need not name this Convention. Its platform, ignoring the Constitution by ignoring the Supreme Court's decision, designates it as the party that nominated Lincoln and Hamlin.

On the 23rd of April, 1860, another Convention had met in Charleston, S. C. Douglas by a large majority was its favorite. But the party of three so-called Constitutions, by their published utterances, had rendered many Southerners very jealous of their Constitutional rights. They feared anything that smacked of the least violation of that sacred Bond that guaranteed equal right to all. Douglas believed that "the people of an organized Territory could, through their Legislature, constitutionally regulate this subject (slavery) as rightfully as the people of a State."

Many Southerners feared this construction. To them it seemed to have at least the shadow of a violation of the Constitution. Therefore a split resulted. The smaller part agreed to meet in Richmond, Va., on the 2nd Monday in June; the larger part agreed to meet in Baltimore on the 18th of June. In the meantime the smaller organization reconsidered, and agreed to meet the larger in Baltimore at the appointed time, thus manifesting a deep concern, and a patriotic desire for reconciliation. But the Baltimore Convention was immovable. The division was fixed. Douglas and Johnson headed the Baltimore division; Breckenridge and Lane the other.

To add to the confusion still another Convention met on the 19th of May, 1860, in Baltimore, adopting the Philadelphia Constitution as their platform. Bell and Everett, headed their ticket.

Three of these political parties represented all sections of the Union; and were strictly non-sectional. Three of them declared their devotion to the Constitution. The fourth was openly and avowedly unconstitutional in as much as it rebelled against the decision of the Supreme Court.

The contest was now on. The country was agitated from Maine to Florida, and from ocean to ocean. Forty years from this time a Northern historian boasted that many voters in that section knew little or nothing about Constitutional claims and cared less; that they were influenced only by the piteous cry of liberty from the poor slave, knowing nothing of the benevolent and elevating environments of the negro.

The election is over. 4,876,853 votes have been cast for all the candidates. Of these Lincoln and Hamlin received 1,866,-352. Yet under our peculiar system of voting, by "general ticket," he received 180 electoral votes out of 303 cast for all. He was, therefore, elected,—elected on strictly a sectional platform, the main plank of which was an "irrespeciale conflict" against the Supreme Court, and hence against the Constitution. This was clearly contrary to the declared purpose of the Constitution, "ordained and established in order to form a more perfect Union, establish justice, insure domestic tranquility, etc."

Did not the South have just cause for alarm? Had not Lincoln said, "This Government cannot exist half-slave and half free?" Could that have but one meaning? Had not friends plead in vain with him to withdraw that expression from his prepared speech? Did he not reply "I had rather lose the Presidency than withdraw it?" It was believed by many of his friends that unless he did withdraw he would meet with defeat through the use of the eloquent Douglas would make<sup>1</sup> of it. But Lincoln was a shrewder politician than all of them. He snuffed success from afar as if by instinct.

His election emphasized this utterance of his. He knew the South correctly interpreted it as meaning death to her domestic institutions. That he might blind the North to the main issue he had declared that the South, if let alone, would finally demand of the North to give up their free State Constitutions. Mr. Thorpe in "The Civil War from a Northern Standpoint." commenting on this particular declaration of Lincoln, says, "The issue was formed. The South was accusing anti-slavery of attacking and threatening to overrun the slave States; the North was accusing proslavery South of attacking and seeking to overrun the free States." As to the South's seeking to overrun and attack the free States, Mr. Thorpe knew better; Mr. Lincoln knew better; all intelligent citizens knew better; the entire history of this country-both Colonial and State-taught a very different lesson. > Mr. Toombs, in his celebrated speech to which we have referred, was in full accord with all the facts of history when he said: "We demand no power to injure any one. We demand no right to injure any one. We demand no right to injure our Confederate States. We demand no right to interfere with their institutions, either by word or deed. We have no right to disturb their peace, their tranquility, their security. We have demanded of them simply, solely-nothing else-to give us equality, security, and tranquility. Give us these and peace restores itself." They were not given.

Can anyone read these clear-cut indisputable facts of history, and not know that the South was all the time on the defensive, warding off blows, and confronting this aggression and that aggression on her legal rights? This being true, who can say that the North was without a blemish of guilt in bringing about the terrible conditions of the Sixties? Yea, that she was not most culpably guilty?

To have the most correct view of the condition much depends upon the viewpoint. Your viewpoint must be most favorable.

Imagine yourself a citizen in the South in the fall of 1860. The Chief Magistrate-elect had just declared himself in "irrepressible conflict" with your institutions, and, therefore, with your domestic tranquility, your peace and your safety. His declaration, "this country cannot permanently exist half slave and half free" was heard in every home; and repeated on the highways; and was discussed in all places of resort. To all it had the same terrible meaning. Picture to yourselves nearly 4,000,000 blacks turned loose with unbridled freedom in the midst of your wives and daughters, many thousands of whom being unable to thanks to the Northern slavers—to speak the English language. When you shall have done all this and more, tell us, ye honest yeomenry of the North, on which side would you have cast your lot? Tell us ye brave veterans of the North.

Ye, who met in battle array

The ever waning lines of gray,

on which side would you have fought, had you been Southerners instead of Northerners? How would you have regarded the sectional endorsement of an avowedly unconstitutional party platform—especially when you knew the thunderings of that platform were but the loud reverberations of the forked lightnings of its rage? Tell us, were we the villains you imagined us? Was it culpable to resist such encroachments as these? encroachments cruel and bitter, threatening destruction to our homes and the ruin of our entire social system? Was it treason in us to demand the Constitution with its plain and simple guarantees as our security?

Look all these and kindred facts squarely in the face, and tell us what would have been your decision as Southerners? Compromises had failed till the South had begun to regard them as species of deception, and yet the South was still willing to compromise to evade the utter overthrow of the Constitution, but she was denied even this means of temporary security. What hope for her rights, or even security, could be found in the demands of a political party whose platform dominated the Supreme Court, and the Constitution? To this instrument and to this Court-to these alone-the South looked for the protection of her homes and the perpetuation of her legal rights. If a sectional party, standing on a sectional platform, could override the Constitution for what could the South hope when that party should come into full possession of the Government with all its machinery? Had they not made manifest the thought that to overcome the South was an easy task? Was it not their taunt-

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ing boast that they could whip the South in "thirty or sixty or ninety days?" That ninety days were the utmost limit for this easy task was evinced by Lincoln's first call for only 75,000 men for only 90 days. These confident vauntings were followed by falsely denouncing the South as conspirant, traitorous, rebellious and treasonable. All this time the South was conscious, deeply conscious, of the rectitude of her conduct. Panoplied in the armor of the Supreme Court, she had put on the whole armor of the Constitution, and "having done all" she resolved to stand. The world knows the result.

The very reluctance of the South to resort to secession was against her. It invited aggressions. She loved the Constitution. She loved the Union. "Which way she turned" it was dark and troublesome. If to the Union she was met with the declared purpose of the dominant party to violate the Constitution, and to imperil every interest dear to her entire section. If she turned to secession she was confronted with war and the slaughter of her chivalry, and the wide-spread devastation of her homes and her fields. What should she do? The "irresponsible conflict" was in the seat of power. This conflict had already been abusive and cruel. What would it be now?

Few, comparatively few, even in the North then doubted "the right of a State" to withdraw its grants delegated to the Federal Government. In the South there was practically no division of sentiment as to this right. But here "it was regarded as the last resort." It was "to be applied only when ruin or dishonor was the alternative." The momentous hour now, in the beginning of the Sixties, was pregnant with threats of ruin to the South. Anxiety was upon every face and in every heart beat for the welfare of the South's future. The South was not responsible for the alarming conditions. They were thrust upon her. She had but twc alternatives: either to remain in the Union under a Constitution now regarded as sectional, or to exercise her once universally acknowledged Constitutional right, and withdraw from the Union. No one can doubt the right to accede involves the right to secede. Under our Constitution a State once independent is forever independent till she expressly delegates away

that independence. All admit that each of the thirteen original States were once independent States. The Constitution is evidence, that in express terms not one of these States delegated and the independence. Therefore each of the States were independent in the Sixties; and as such had the same right to secede it had to accede.

It was November 1860 when the presidential election occurred. Most of the State Legislatures were yet to convene in regular session. In some cases special sessions were convoked to consider the momentous questions of the hour. In most instances conventions were called. Conventions more truly represent the sovereign will of the people than do Legislatures. These conventions did not question the right of secession any more than did New England in the early days of the Republic. It was in this way these States had entered the Union. In this way they should withdraw from the Union, if they must. They deliberated; and deliberation precluded the idea of haste. They debated-earnestly debated. This precluded the idea of unanimity, and hence that of conspiracy. It meant they were there to weigh all questions pertaining to their welfare and to determine what, in their judgment, was the best policy in the midst of the perilous conditions thrust upon them. All the facts pertaining to these conventions clearly preclude the idea of organized conspiracy. as falsely charged by the dominant unconstitutional party.

Between the election and the inauguration about four months had intervened. Hence there was no necessity for haste. The time was ample for calm deliberation, both North and South. Buchanan, the out-going President, held that the Federal Government had no right to coerce a State. In this decision he was sustained by the whole line of Presidents who preceded him. On the 3rd day of December, 1860, in his message to Congress he said: "Our Union rests upon public opinion, and can never be cemented by the blood of its citizens shed in civil war. If it cannot live in the affections of the people it must one day perish. Congress may possess many means of preserving it by conciliation, but the sword was not placed in their hands to preserve it

by force." But conciliation meant the Constitution with the Supreme Court, and the dominant party, as we have seen, would have none of that.

In the convention of 1787 a proposition was actually made to authorize the employment of force against a delinquent State. To this proposition Mr. Madison replied: "The use of force against a State would look more like a declaration of war than infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might have been bound." The convention promptly voted down the proposition and settled the judgment of that convention as to the right to use force against a State, to the right of a State to secede. It will be remembered that when Mr. Lincoln, in his Cooper Institute speech, was pretending to show by irrelevant votes "the intention of the fathers," he overlooked this clear-cut fact which admits of no doubt as to their intention. Such evidence was too conclusive for him. The stealth of the Indian characterized all his arguments. Would he have seen this well established fact of history if the presidency had not been in sight? Was not Lincoln human as well as we?

At this time there were men in all the Northern States, moved by the lust of of self-aggrandizement. They appealed to passion. They incited the North against the South. They declared the right to coerce a State. They encouraged the policy of war against the South in case of secession. But there were also in the Northern States men unmoved by sordid consideration. They asserted the right of a State to secede. Many of these were found in the ranks of the dominant party. Among these was the distinguished editor of the New York Tribune, the organ of the Abolition-He said. "If the Southern States wish to withdraw from ists. the Union they should be allowed to do so; that any attempt to compel them to remain by force would be contrary to the principles of the Declaration of Independence, and to the fundamental ideas upon which human liberty is based; if the Declaration of Independence justified the secession from the British Empire of three millions of subjects in 1776, it is not seen why it would not justify the secession of five millions of Southerners from the

Union in 1861." He also said, "Sooner than compromise with the South and abandon the Chicago Platform let the Union slide."

Confessing the Constitutional right of secession this great editor placed the party platform above the Constitution-above the Union. Was it unnatural for the South to think it might ease the conscience of the party in power, if the Southern States should withdraw from the Union? Moreover, this same editor said, "If the Southern people wish to leave the Union, we will do our best to forward their views." Why should not that party have wished this? Had they not declared the Constitution "a covenant league with hell and a compact with death?" A leading Boston paper had for its caption: "ACovenant with Hell." Why was the American Constitution termed a covenant with hell? Simply because it was distinctly proslavery. It is universally admitted that all who held these views belonged to the anti-Constitutional or Republican party It was their insidious attacks upon the Constitution which created the alarming conditions that resulted in the disruption of the Union in 1861. Who then caused the war?

A few leaders of the anti-Constitutional party were honest enough to confess that they preferred their party platform to the Constitution of the Union. Among these, as we have just seen was the distinguished editor of the New York Tribune. Why did not Lincoln adopt the views of this editor? He knew, that without the conciliation of the South on the basis of the Constitution, it would mean a disrupted Union; and that a disruption of the Union would be justly charged to his, the anti-Constitutional party, for their aggressions on the South, the Supreme Court and the Constitution. This would bring upon him and his party the odium of having severed the Union. In short it would mean retreat, confession of wrong, and disaster to all his cherished hopes. On the other hand, to reject the editor's views would mean to advance, to maintain their anti-Constitutional platform, and, if successful, would mean to reap an imperishable name, even though illegally won.

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The only question now was that of success or failure. The penalties of failure were great. Their dreadful warnings urged him on with the madness of desperation. The rewards of success were most alluring, under whatever conditions, or by whatever means that success might be won. To him it justified the use of all means, whether legal or illegal, right or wrong, within his power, necessary to accomplish his purpose. His position, at the head of the Government, was the one of the greatest possible advantages. All its power and all its resources were at his command. Then, too, all its moral influence was at his back. Only thirty-eight and three-tenths per cent of the votes in that election were cast for him, yet he was elected. Even though all these votes were purely sectional, he construed his election to mean the repeal of the decision of the nation's Supreme Court, as to the equal rights of the Southern States in the Territories; and to mean that his anti-Constitutional platform superceded the court and the Constitution.

Cautious, at first, he began by declaring his purpose to enforce the law in the seceded States. In vain was he admonished by leading statesmen of the North and of all parties, that there were no laws to be enforced in these States; and that the enforcement of the law meant war and only war. But to him the war was only a 30 days' job, and he turned a deaf ear to all their admonitions.

These are the new species of patriots that laid claim to "the principles of the fathers." Yet hostility to the Constitution was as conspicuous in all their principles as the love and reverence for the Constitution was with the fathers. To love and cling to what another hates is in turn to be hated and despised. The Southern States loved and clung to the Constitution. They were therefore hated and despised. In these perilous times, rendered perilous by the agitators of the North, every breeze brought renewed intelligence of hostility to the South. Jeers and taunts and bitterness and insults were the themes of the press and pulpit. And who were the Southerners that they should deserve these denunciations? Did not their future prowess on the field reveal them to have been princes among men? What had they done to deserve anathemas from the North? Their great sin, their only sin, was they had been true to the Constitution of the Union.

# CHAPTER XV.

# THE SOUTH, HER ACCUSERS, AND HER EF-FORTS TO PRESERVE THE UNION AND THE CONSTITUTION UNIMPAIRED.

On the 12th day of February, 1790, just eleven months and eight days after the inauguration of Washington, a petition headed by Dr. Franklin, and having for its ultimate object the abolition of slavery within the States, was presented to Congress. Congress answered this petition by declaring it had "no authority in the emancipation of slaves."

This was the first note of centralism under the Constitution. It had been heard in the convention that framed the Constitution, and silenced there, but not subdued. It was soon heard again, and again, only to be silenced. Its discordant notes were heard in the first judiciary act; in the financial measures under Hamilton; in the assumption of the State debts; in the first appropriation bill; and loudly in the Alien and Sedition Act.

Assuming the popular name of Federal, the Centralists were very bold from 1790 to 1798, when they met with an overwhelming defeat by Thomas Jefferson. There are not wanting a few who believe but for this defeat, their measures would have resulted in war.

They were silenced now for a longer time but still not subdued. They were still vigilant and hopeful. The time came when by "the law of climate" the Northern States had abolished slavery. The eagle eye of Centralism now caught the popular issue on which to win victory. That issue was "the wrong of slavery." On it the North could be united against the South. The North being vastly superior in numbers, in wealth, and in all the materials of war, if victorious at polls. could easily enforce her demands. Another popular title was now assumed, that of Republican. It was called the new party by its advocates. But its title and its claims denied its tenets. It was the same old Federal party under a new name, with the abolition feature added.

It is true, it did not, in express terms, lay claim to Centralism. That would have been unpopular. But to be anti-Constitutional in a Republic of free States—that is a Republic of Republics—was to disregard the Constitutional ties and Constitutional restraints. To disregard these meant not only to be false to the sacred compact of the States, but it also meant Centralism, the very opposite of the unique Republican form of Government in America.

It is now the month of November, 1860. The efforts of the Republican party have culminated in the election of Lincoln and Hamlin, pledged to carry out the principles of their party platform. This of itself is most serious cause for alarm, for it means revolution. But it also includes another most serious fact, viz: That a large per cent of the Northern people have been induced to violate the Constitution, the one solemn compact of the States. Nor is even this all: They are now publishing to the world, ignorant of the nature of the compact among the States, that the complaints of the South are false, unjust, rebellious and treasonable. In Chapter 8, under the caption of "Ignorance As To the Constitution, An Encouragement To Violate Its Terms," we have shown that one John Motley made in a letter to the London Times, in 1860, among other false statements, the following:

"The Constitution was not drawn by the States;

"It was not promulgated in the name of the States;

"It was not ratified by the States;

"The States never acceded to it;

"And possess no power to secede from it."

These are but specimens of the perversions of facts published throughout Europe and both Americas. Was Motley rebuked for this outrage upon the truth of history? He was, instead, as we have seen, rewarded with an appointment to the very honorable position of Minister to the Court of St. James. "The fool of the great," in former times, wore Motley clothes. Hence Lear, in Shakespear, says:

"A worthy fool; motley's your only wear."

Motley was the color of the acts of the Lincoln Administration at the Court of St. James. It was the only color that distinguished the acts of the Lincoln Cabinet. It was the color of the acts that inaugurated the war. It was the color that distinguished the acts of the entire conduct of that war. And when it had finally terminated, and the Government had looked upon the tremendous slaughter and destruction the war had wrought, all the testimony in its defense was of the same Motley color. This we shall show in a future chapter, on "The Trial of Jefferson Davis"—a trial of more than three years' duration, and yet a trial that never did take place. Will it be strange if this administration shall finally be known as "The Motley Administration?" Suppose the Union arms had failed of success as they came near doing in the close of the year 1862, saved only by the border States being completely in subjection to the Administration, what estimate would the world have today of Abraham Lincoln? Success, however achieved, has much to do in exalting character.

Such is the character of the facts that marked the administration of Lincoln and his Cabinet. To the South they meant the absorption of the entire Federal power; and, in the end, absolutism. The Supreme Court had been placed beneath the heels of a political party holding in its eager, and yet untried hand the reins of the Government. Why might not this political party also finally lord it over the Legislative Department of the Government?

This short retrospect brings us a second time face to face with the perils of the "Irrespressible Conflict." Congress is now in session. The Crittendon resolutions, proposing amendments to the Constitution" as a basis for an adjustment of the difficulties," had been voted down by the Senate. Mr. Powell's resolutions proposing that "the grievances between the slaveholding and the non-slave holding States be referred to a special committee of thirteen members, instructed to inquire into the present condition of the country," was passed on the 18th of December, 1860. Two days later that committee was appointed, consisting of five Southerners, three Northern Democrats and five Republicans.

It was assumed that any measure agreed upon by such a representative committee would be approved by the Senate and ratified by the House. The committee, therefore, decided "that a majority of each of its three divisions should be required to ac-

cept any terms that would secure the honor of the Southern States and guarantee their future safety." Mark the words: "that would secure the honor of the Southern States and guarantee their future safety." Then tell us if the South was not assailed. Then tell us further, if these words do not imply that all the South demanded was the protection of her "honor" as a section, and a "guarantee" of her "future safety?" Tell us more still: do these words attach any blame to the South ? If not, by what right could the South be accused of rebellion?

Read next the words that fell from the lips of fact as the acts of the three devisions of that representative committee pass in review. The Southern members "declared their readiness to accept any terms that would secure the honor of the Southern States and guarantee their future safety." Did either justice or the Constitution demand that they accept less? "With these the Northern Democrats generally co-operated." But the Republican Senators rejected every proposition that looked toward conciliation. "For ten days this representative committee labored in vain, all because of the five refractory Republicans. This inflamatory fact was published to the world. Whatever may have been its influence upon the North it is known to have deepened the conviction of the South that she was destined to feel the iron hand of the coming administration. The testimony of this fact will be in evidence in behalf of the honor and the integrity of the South when passion and injustice shall have ceased to testify and when the five refractory Republicans shall have received merited condemnation.

On the 31st day of December, 1860, the last day of that most memorable and most eventful year—that historic committee of thirteen made its report, viz: "Its inability to attain any satisfactory conclusion." It was the saddest report ever made to an American Congress; it was the prophecy of the greatest warstorm that ever swept this Continent. We ask again, on whose shoulders should the blame fall? The tongue that says, "on the South" is so false that it ought to cleave to the roof of its mouth. Who can say it should not fall on the Republican Party, for these five Republicans only spoke and voted as they had been instructed?

Mr. Seward, afterwards Secretary of State in Lincoln's Cabinet, was a member of that Committee. More than two years ago he had said of Abolitionism, "It has driven you back in California and in Kansas; it will invade your soil." To him Douglas turned, while speaking, and looking squarely in his face demanded of him a "declaration of policy." Seward's motley lips were closed. Doubtless earlier these same silent lips were open, and had let fall a sentence that was being repeated with all its dark forebodings throughout the length and breadth of the South, "viz: "It will invade your soil." This man of threats, so silent under the search-light of Douglas, was very close to Lincoln—perhaps his most trusted adviser. Indeed it was afterward said of him, "he was the power behind the throne." Was ever policy more clearly marked out two years in advance?

In the House of Representatives another committee was appointed. It was also truly representative as it consisted of one member from each State in the Union, and therefore numbered 33 members. This committee had been charged with a duty very similar to that of the Senate's Committee of thirteen. They submitted to the House three reports—one majority and two minority. The majority report was finally adopted; but even this report did not provide any solution of the vital point at issue—the Territorial question, a question raised and pressed to the front by the Republican Party.

Thus when the last sun of the eventful year, 1860, sank below the western hills, it went down behind a dark and threatening cloud, without a silver lining of hope. Every effort of Congress to restore amity had failed—all due to the obstinancy of the advocates of the Platform Constitution. Just eleven days ago South Carolina had unanimously revoked her delegated powers. Seven or eight other States were anxiously waiting the action of Congress in the hope that a similar act by them hight be averted. All overtures for conciliation had now failed. There was but one other remedy left, the heretofore unquestionable right of a sovereign State to secede from what she had acceded to. The

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severing of her connection from the Bond of the States, so long rendered dear by sacred associations, was the sad alternative that was forced upon each State of the South. Driven to it by a stubborn and relentless radical majority, unwilling to yield anything in the spirit of peace and amity these States of the South called conventions and calmly and dispassionately discussed the wisdom of the policy of secession as opposed to that of surrendering their Constitutional rights.

When the future historian shall read these facts what will be his conclusion? Will he pronounce encomiums upon the Republican Party? Can he do it? Will he not rather heap panegvrics on the South for her fidelity to the common Constitution and her manifest anxiety to preserve untarnished that instrument, so dear to her heart? Will he censure the South for being so human as to resist encroachments upon her rights? As well ask the historian of today if he censures the American Colonies for resisting the encroachments of England upon their sacred rights. What American today does not boast of the Declaration of Independence; and is not proud of the heroic resistance made by our fathers against the tyranny of Great Britain? In the pride and boast of the American citizens of today, as to the struggles of our fathers you will read the commendations heaped upon the South by all coming generations.

It is now the 19th day of January, 1861. Six States of the South, in the spirit of the Declaration of Independence, have withdrawn from the Union. The nullification of the Supreme Court's decision by the party that has triumphed in the presidential election; the nullification of the fugitive slave law by fourteen Northern States; the murderous intent of the John Brown Raid, and such threats as "it will invade your soil" made by a member of the successful party, second in rank to Mr. Lincoln only, and other similar accusations, infinite in number, convinced these six States that the Constitution would no longer afford them protection; and that the time to act was now before their hands and feet were tied by a hostile Federal administration. On this day, the 19th of January, 1861, the Legislature of another Southern State was in session. It was that of the Old Dominion. Its members were sure there was yet enough patriotism in the States, North and South, to save the Union. Not as yet did they think even the seceding States were irreconciliable. On that memorable day they "adopted a series of resolutions, calling a conference of all the States."

The first of these resolutions reads as follows: "That on behalf of the Commonwealth of Virginia an invitation is hereby extended to all such States, whether slave-holding or non-slaveholding, as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies in the spirit of the Constitution as originally formed, and consistently with its principles, so as to afford to the people of the slave-holding States adequate guarantees for the security of their rights, to appoint commissioners to meet on the 4th of February next, in the city of Washington, similar commissioners appointed by Virginia, to consider, and if practicable, agree upon some suitable adjustment." Note that every effort at conciliation was made by the South. All were "in the spirit of the Constitution as originally formed and consistently with its principles." This was just what the dominant party did not want, as we shall see.

On the 4th day of February 1861, in compliance with the Virginia resolutions known in history as the "Peace Congress," assembled in the Willard Hall, Washington, D. C. It was at once organized. Its venerable President was the Hon. John Tyler, the 10th President of the United States, and son of a distinguished patriot in the American Revolution. Fourteen Northern Statets and seven Southern States, counting Kansas, not yet a State, were present by duly accredited representatives.

It was an able and dignified body, composed of the best material of the States they represented. Commenting on its respecability Ex-President Tyler said: "In the whole course of a public life, much longer than usually falls to the lot of man, I have been associated with many bodies of my fellow citizens, convened for legislative and other purposes, but I here say that it has never been my good fortune to meet an association of more intelligent,

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thoughtful or patriotic men than that over which I have been called to preside."

The action of this patriotic Peace Congress was officially and promptly certified to the National Congress, requesting that their proposed amendments to the Constitution be submitted to the States for their ratification in due form. These amendments were similar to those of the Crittenden resolutions, then pending before Congress, but less favorable to the South. Again we ask that the Spirit of the South be seen. It was that of conciliation. Entitled to all the Supreme Court had decided was hers, she was willing to accept amendments even less favorable—those proposed by the Peace Congress.

The very next day after the Peace Congress had adjourned their proposed amendments came before the Senate. They were promptly rejected by a vote of 28 to 7. The House actually refused to suspend the rules to hear them read. Pause here in the presence of these facts and listen to their testimony as to who were the traiters in 1861.

The Republican Party was on the throne of power by virtue of less than two-fifths of the popular vote. Flushed with victory they were acrimoniously persistent in continuing to violate the Constitution. Rebels against the Government under the Constitution, they were clothed with all the power of that Government. This power carried with it the official dignity of the Great Republic, peerless among governments. This dignity gave credence and influence correspondingly great to all its utterances. The great masses of foreign governments are presumed to know no more about our Government than we know about theirs. Hence official proclamations by this Government were received with implicit faith by the masses of the North and by the masses of the nations of the world. The time came when "the 30 day's" contest gave place to the alarming realities of a long and vigorous and doubtful struggle. It was then ascertained that a Motley was needed, not only at the Court of St. James, but also at every important Court in the world, including that at Washington. In the light of the facts we have given, read this resolution passed by the House December 17, 1863.

"Resolved that our country and the very existence of the best Government ever instituted by man, are imperiled by the most causeless and wicked rebellion that the world has ever seen, and believing, as we do, that the only hope of saving this country and preserving this Government is by the power of the sword, we are for the most vigorous prosecution of the war until the Constitution and the laws shall be enforced in all parts of the United States; and to that end we oppose any armistice, or intervention, or mediation, or proposition for peace from any quarter so long as there be found a rebel in arms against the Government, and we ignore all party lines and issues, and recognize but two parties—patriots and traitors." This resolution was adopted by a vote of 94 to 65.

Elected on a party platform pronounced to be unconstitutional by the Supreme Court, by Lincoln in his Cooper Institute Speech, by Francis Newton Thorpe in "The Civil War from a Northern Standpoint," by Judge Chase in his address to the Peace Congress, by the most eminent statesmen of all parties, and by the truly enlightened of all sections of our common country, the dominant party leaders created the very conditions that "imperiled the very existence of the best Government ever instituted by man," and then charged the crime to the South. Rejecting all conciliatory propositions within the terms of the Constitution, they demanded that their party platform be accepted in lieu of that instrument. When the South persistently refused their platform, and as persistently demanded the Constitution, and the Constitution only, as her inherited right, and as a precious and sacred legacy from the Fathers, she was denounced as traitors and charged with "the most causeless and wicked rebellion the world has ever seen." The 65 members who voted against this resolution did not believe this charge. The 94 who voted for it did not believe it. No man familiar with the facts believes it today. The fact is, at this time, the flag of the South was unfurled over victorious legions. Consequently the Government was in dread of an "armistice, or intervention, or mediation, or proposition for peace from any (some) quarter." Misrepresentation was their

stock in trade at home and abroad; and it was an inexhaustible stock. The perversions of John L. Motley, published in the London Times, made him Minister of St. James's Court. The perversions of the 94 congressmen, in the solemn form of a resolution, made them ministers at all the Courts of the world. The so-called patriots of the Sixties are the rebels of the future. All the facts of history declare this; and facts are impartial. To know the truth we have only to know what the facts say. Their testimony is as clear as the sunlight; and as true as truth itself. These declare the South's unselfish devotion to the Constitution; that the South, at no time in all the history of the Republic, demanded more than the Constitution granted her; and that the North did. They declare that it was the constant and persistent aggressions of the North, threatening to invade the South and disturb her peace that finally drove her from the Union.

Alexander H. Stephens in commenting on this resolution, in connection with the scornful rejection of the amendments to the Constitution proposed by the Peace Congress, says, in "The War Between the States:" Was there ever an instance in the history of the world, or-no?" Pausing, he adds: "I will withhold the word I was about to utter. But let me ask if the Federal Arms had been directed against those who resisted the enforcement of the Constitution and the laws of the United States, with the real purpose of preserving 'the best government ever instituted by man,' was there a single one of them who voted for this resolution, who would not justly have been the first subjects of slaughter? These are the men who still talk of 'loval States!' Who still have much to say about 'loyal men!' Was ever noble word, when properly applied, so prostrated, as this is in its present use by this class of boasting patriots?"

"The Southern States were ever loyal and true to the Constitution. This I maintain as a great truth of history. The only true loyalty in this country is fidelity to the Constitution! The only disloyal, or those avowedly untrue to the Constitution, were those who instigated, inaugurated, and waged this most unrighteous war against their Confederate neighbors." There was present in the Peace Congress, as a delegate from Ohio, Salmon Leonidas Chase. He was there not in the interest of conciliation, but to oppose it, not secretly but openly. In all candor he declared the party elected to power would never consent to abide by the Constitution as to the right of citizens of the Southern States to take their slaves into the Common Territories; or to the return of the fugitive slaves. He was both an ex-Governor and an ex-Senator, and hence a man of distinction and ability. He said in that Congress, on the 6th of February, 1861.

"I believe, and the belief amounts to absolute conviction, that the election (of Lincoln) must be regarded as a triumph of the principles cherished in the hearts of the people of the free States. These principles, it is true, were originally asserted by a small party only. But after years of discussion they have, by their own value, their own intrinsic soundness, obtained a deliberate and unalterable sanction of the people's judgment.

"Chief among these principles is the Restriction of Slavery within State limits; not war upon slavery within these limits but fixed opposition to its extension beyond them. Mr. Lincoln was the candidate of the people opposed to the extension of slavery. We have elected him. After many years of earnest advocacy, and of severe trial we have achieved the triumph of that principle. By a fair and unquestionable majority we have secured that triumph. Do you think we, who represent this majority, will throw it away? I must speak to you plainly, gentlemen of the South. It is not in my heart to deceive you....I must tell you further that under no inducements whatever will we consent to surrender a principle which we believe to be sound, and so important as that of restricting slavery within State limits."

These words were deliberately uttered in defiance of the decision of the Supreme Court that the people of the Southern States could go into the Common Territories with their slaves. Judge Chase was therefore clearly unconstitutional and knowingly so. In his deliberate manner he declares his party, the party that nominated and elected Mr. Lincoln, will not regard this decision of the Supreme Court. What shall we call this? May not even a Confederate veteran call such plain speech by its true name?

Upon what ground does he justify this revolt against the plain terms of the Constitution? His own words tell in language that does not equivocate. His words are clear and to the point. They were meant to be understood. The ground is this: "By a fair and unquestionable majority we have secured that triumph,"--that is elected-"have elected a candidate opposed to the extension of slavery." That "fair and unquestionable majority" was 1,866,853 votes for Lincoln against 3,010,501 votes against him; that is thirty-eight and three-tenths per cent. for him, and sixtyone and seven-tenths per cent. against him. It is therefore certain that a majority of the popular vote was not for him. It minority popular vote was exis also certain that the clusively sectional, according to Judge Chase's own words: "The election must be regarded as the triumph of the principles cherished in the hearts of the people of the free States." But even if Lincoln had received a majority of the popular votes of both sections it would not, have changed the Constitution, because this instrument recognizes no such method of change.

Nor did Lincoln receive three-fourths of the electoral votes, to say nothing of the votes of three-fourths of the States. But had three-fourths of the 33 States voted for him his election would not have amended the Constitution, because, in the first place, his party did not propose their platform as an amendment to the Constitution to be voted on in that election; and, in the second place, if they had proposed it as an amendment to be voted on in that election, their proposition would have been null and void, because in opposition to the expressed provisions of the Constitution. Hence Judge Chase was honest enough to sayhis party would disregard the Constitution as to the right of the Southern people's taking their slaves into the common territories. This is not only a clear violation of the Constitution; it is also a clear violation of that "higher law" to which, in their extremity they appealed. "Do unto others as you would have them do unto vou."

Judge Chase makes another confession of his party having violated the Constitution. It is in these words: "Aside from the Territorial question-the question of Slavery outside the Slave States-I know of but one serious difficulty. I refer to the question concerning fugitives from service. The clause in the Constitution concerning this class of persons is regarded by almost all men, North and South, as a stipulation for the surrender to their masters of slaves escaping into free States. The people of the free States, however, who believe that slavery is wrong can not, and will not aid in the reclamatoin and the stipulation becomes therefore a dead letter.... Why not then avoid all difficulties on all sides and show respectively good faith and good-will by providing and accepting compensation where masters reclaim escaping servants and prove their right of reclamation under the Con-Instead of a judgment for rendition, let there be a stitution? judgment for compensation, determined by the true value of the services, and let the same judgment for compensation be determined by the true value of the services, and let the same judgment assure freedom to the fugitive. The cost to the National Treasury would be as nothing in comparison with the evils of discord and strife. All parties would be gainers."

The first trouble about this fascinating proposition is, it was never proposed by the party in power as an amendment to the Constitution. To become effective it was absolutely necessary that it be made an amendment to the Constitution. It is certain the States were never asked to vote upon such an amendment. It is believed that the Southern States would have voted for it.

Mr. Stephens suggests another difficulty as to the proposition, viz: "Whatever may be thought of this as a proposed compromise to induce the parties to remain in the Union, no one can doubt its unequivocal declaration that the non-slaveholding States would comply with their acknowledged obligations under the Constitution. It was a confession of one high in authority that that part of the Constitution was 'a dead letter,' and, of course if the Southern States would not agree to his offer, they were absolved from all further obligation to the compact. This is conclusive upon well settled principles of public law.

"The declaration that the Northern States would not comply with their Constitutional obligations, bear in mind, was made by

the Chancellor of the Exchequer, under Lincoln. He spoke for the President and his party"—the party that charged the South with "the most causeless and wicked rebellion that the world has ever seen;" and all because the South was true to the Constitution and rejected their substitution of a Party Platform for the Constitution.

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# CHAPTER XVI.

# SOVEREIGNTY AND SECESSION.

It is universally admitted that unless the States were mere Provinces they were Sovereigns. All admit they were not Provinces. Therefore they were Sovereigns. No one denies the right of a Sovereign State to both accede and to secede. Sovereignty then involves the right of secession.

This is what Abraham Lincoln meant when, on the 12th day of January, 1848, as reported in the Congressional Globe, he said in the House of Representatives:

"Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing government, and to form a new one that suits them better. This is a most valuable right, a sacred right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole of any existing government may choose to exercise it. Any portion of such people that can may revolutionize, and make their own of so much of the territory as they inhabit."

Strong, clear and broad expressions are these. Not a signer of the Declaration of Independence, not a signer of the Philadelphia Constitution, not a Northerner who lived under that Constitution during its first four decades, not a Southerner who lived under its rule for the first seven decades could advocate secession in broader, stronger, clearer, more impressive terms than did Abraham Lincoln. If secession was rebellion never lived a greater rebel than Lincoln.

That we may bring out the views of Lincoln into their true light let us question him, and have him give answer in his own words.

Question: Mr. Lincoln, do you mean to say that people of every clime and every condition of life have the right to rise up and shake off the existing government?

Answer: I mean "any people anywhere." "Any people" includes every condition of life; and "everywhere" includes every clime.

Question: You do not mean to say you include the Southern States of this American Union?

Answer: "Any people anwhere" includes all States of every description and of every locality. It therefore includes the States in the Southern Section of this Republic.

Quesiton: Mr. Lincoln, what belongs to any people anywhere?

Answer: "The right to rise up and shake off the existing government and to form a new one that suits them better."

Question: Mr. Lincoln, what is your opinion of their political right?

Answer: "This is a most valuable and sacred right, and a right we hope and believe is to liberate the world."

Question: Mr. Lincoln, does this most valuable, this most sacred right" apply to a people as a whole only, or is it also applicable to a portion of the whole?

Answer: "Any portion of such people that can may revolutionize, and make their own so much of the territory as they inhabit."

These are sweeping declarations. They were made by a man who just 12 years, one month and 15 days later stood before a New York audience in the Cooper Institute, and denied to the Southern States this "most valuable and most sacred right." Yet these States were included in "any people anywhere," and besides they were included in a very special sense in that they had reserved this right in becoming members of the Union. Not only did he deny them this right in the sixties but he waged war agaist them for exercising it. What verdict do these facts render? The calm judgment of the impassioned future must decide. Who doubts what that decision will be?

All must admit that a great change took place in Abraham Lincoln between 1848 and 1860. How shall we account for it? Will it be attributed to the hope of political preferment? In 1848 he was just a plain, awkward, unassuming, unheralded member of Congress, low down in the marsh of politics. In 1860 he had a vision of the Presidency : he had been lifted to a high mountain top, and shown all the glory of the head of the great American Republic. He was told "all these will I give you if you will fall down and worship me." One man only is known to have resisted such a temptation, and he was the Immaculate. Did Lincoln fall down and worship? At all events was he not a very different man in 1860, from what he was in 1848? Therefore we "appeal from Phillip drunk to Phillip sober;" and shall assume that "honest Abe" was himself in 1848, and spoke then his true convictions. Hence, we class the Lincoln of 1848, not the politician of 1860, among the most liberal of secessionists,—the rebel of rebels if secession be rebellion.

We next introduce Judge Iredell of the United States Supreme Court, 1793-2 Dallas 419-who says:

"Every State in the Union in every instance, where its sovereignty has not been delegated to the United States, is considered to be as completely sovereign as the United States are with respect to the powers surrendered; each State in the Union is sovereign as to the powers reserved. It must necessarily be so because the United States have no claim to any authority but such as the States have surrendered to them." No man can deny that the sovereignty of the United States was limited to powers delegated to it by the States. No man can deny that the States were sovereign over their reserved rights. To confuse the reader it has been asserted that sovereignty cannot be divided. Yet its *power can*, and, in this way only, did the United States receive such sovereignty as it has.

This decision was rendered in the case of Alexander Chisolm of South Carolina against the State of Georgia, in the Supreme Court of the United States. The real question involved was, "Could Sovereign States be Sued?"

As conclusive as appears this decision by Judge Iredell there were two other contrary decisions rendered at the same time by Judges of the same Court. The sequel will show that this was a fortunate occurrence. Associate Justice Wilson in a lengthy argument claimed that sovereignty was vested in the United States; and that the Supreme Court had jurisdiction over every State in the Union. In this decision he was sustained by Chief Justice Jay.

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This decision was handed down on the 7th day of February 1793. It came like a thunderbolt from a clear sky. It was so foreign to the accepted character of the Government that it created great alarm throughout both sections of the Union. The very next day, the 9th of February, 1793, Representative Sedgwick of Massachusetts introduced a resolution to amend the Constitution so that a Sovereign State could not be sued. The resolution was passed, and submitted to the States for their adoption or rejection. It was adopted by the States and became the Eleventh Amendment to the Constitution. It reads as follows: "The iudicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State." Note that in this amendment the Congress of 1793, during Washington's Administration, ranked a State Government with a foreign Government, calling each a State; that is, Congress regarded each State of the Union as much a sovereign State as any foreign State is.

Imagine Mr. Sedgwick of Massachusetts rising in his place in the House of Representatives and addressing the Speaker as follows:

"Mr. Speaker. But yesterday a majority decision of a most alarming nature was handed down by the Supreme Court. Sir. I rise to protest in the name of Massachusetts against this decision. It gives a new and wrong construction of the character of this Government. It reduces free and independent sovereignties to the rank of mere provinces. It contradicts the Declaration of Independence, which solemnly declares, "That these united Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is, and ought to be totally dissolved." Sir, the Declaration of Independence calls these Colonies States in the same breath in which it calls Great Britain a State. Sir. who can doubt the meaning of one of these American States, forming this great American Union, when it is known that each

is a State in the same sense in which Great Britain is? But that there may be no doubt at all as to the true meaning of one of these States, the Declaration of Independence adds: "And as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce and do all other acts and things which Independent States may have right to do."

"Nor can the United States lawfully rob them of their rights as sovereign States until the Tenth Amendment to the Constitution is repealed. That Amendment is in these words: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States. are reserved to the States respectively, or to the people." Sir, have these States ever delegatd to the Federal Government their independence, their Sovereignty? If so, in what article, what section, what clause is it to be found?

"Sir, there is no fact in history better established than that these thirteen States declared themselves by their "Declaration of Independence," to be as many separate, free and independent States or Nations. It is equally well established that they never did surrender their independence, their Statehood, their Nationality.

"Sir, there is another fact equally as well established, viz: That these States created the Federal Government for their own convenience; and that there is no proposition more absurd than that the creature is above the creator. All the millions of suns with all their quintillions of planets are the creations of God. They are inconceivably great, but can it be said that even they are greater than their Creator, God? Before the Federal Government can outrank the States the creature must outrank its Creator.

"Sir, the majority decision handed down yesterday, by the Supreme Court not only contradicts the Declaration of Independence, but the Constitution as well. Nevertheless I am aware that this decision is binding on all the States of this Union till it is revoked in due form, or just as the Constitution prescribes. I, therefore, offer to the House this resolution as an amendment of the Constitution, when approved by three-fourths of the States of this Union."

This resolution was adopted in the House by more than the required majority of two-thirds; and was then ratified by the States. It thus became the Eleventh Amendment to the Constitution. This amendment was designed to silence forever all doubts as to the sovereignty of the States. Its adoption by the States was a firm and deliberate declaration of the States that they were free, idependent and sovereign. Who knew better than the States themselves? Was their adoption of this amendment a mere farce?

What a contrast have we here in the methods of the opponents of a Supreme Court decision in 1793, and the methods of the of the opponents of this Court's decision in 1860? The former appealed to the Constitution, submitted an amendment to the States for their ratification, and thus reversed the Court's decision. The latter disregarded the Constitution and appealed to a strictly sectional political party. The former was clearly Constitutional; the latter was clearly unconstitutional, and therefore, revolutionary, It was this revolutionary spirit that invited opposition on the part of the Southern States. Did not these States have the right to oppose revolution? If they had this right were they responsible for that most terrible of wars?

We take pleasure in presenting the views of President Jackson, and the more so because he has been held up to the world as a centralist. In his first inaugural address he refers to the Constitution as a "Federal Constitution"—that is a league or contract between the States. In this same inaugural he says, "in such measures as I may be called on to pursue, in regard to the rights of the separate States, I hope to be animated by a proper respect for these *sovereign members* of our Union; taking care not to confound the powers they have reserved to themselves with those they have granted to the Confederacy." (Statesmen Manuel Vol. 2, p. 695). Can it be affirmed in plainer terms that the Union is a Confederacy and that the Constitution is a compact?

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For eight years he was President, and unless his position on the Nullification Ordinance of South Carolina be a single exception, the same sentiment pervades every message. In his farewell address are these unmistakable words, showing that he ended his administration possessing the same sentiments with which he began it, as to the true character of this Government. viz.: "It is well known that there have been those always among us who wish to enlarge the powers of the General Government, and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created; and its powers being expressly enumerated there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will, before long, absorb all the powers of Legislation, and you will have, in effect, but one consolidated Government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument, that a single consolidated Government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor, the rights of the Sovereignty of the States and to confine the action of the General Government strictly to the sphere of its appropriate duties." (Statemen's Manuel, Vol. 2, p. 952).

Alexander H. Stephens in commenting on this closing paragraph in Jackson's farewell address says: "How wise, patriotic, and even prophetic, were these admonitions of the Hero of New Orleans and the Sage of the Hermitage? He was, indeed, both hero and sage! In him was presented the rare combination of both military and civic attainments of a very high order. Highest in eminence above all others of this class in the annals

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of the world stands Washington! Jackson approached as near this great unapproachable model of the general and statesman combined, as perhaps any one will or can. He left the impress of his ideas deeply fixed upon the times in which he lived. And no more important admonition did he ever give his countrymen than that in the closing part of the extract from his Farewell Address I have just read. This, with all the solemnity of dying declarations, may be received as the strongest evidence of his opinions that ours is a Confederacy of Sovereign States, and that our liberties, as well as the preservation of the Union, which was so dear to him, depend upon their preservation as such! His last parting words to his countrymen were to prepare to maintain unimpaired and in full vigor, the sovereignty of the States."

In as much as many totally misunderstand Nullification by South Carolina we shall give here a brief statement of the question involved. South Carolina and other States held that "the power to levy duties on imports, not with a view to revenue, but to aid and protect particular classes, was not delegated to Congress and hence its exercise was unconstitutional. To test the matter in the Civil Courts, South Carolina, in November 1832, passed her Nullification Ordinance. This was her method of deciding the Constitutionality of the Act of Congress. Some thought secession the better method, but South Carolina loved the Union and preferred to remain in the Union, and abide the decision of the Supreme Court.

On the first of February 1833, Senator Wilkins introduced a bill to counteract the Nullification Ordinance of South Carolina. This bill is known in history as the Force Bill, because it clothed the President with the power to execute its provisions, authorizing him to use all the land and naval forces. This Force Bill created the greatest excitement throughout the country. This was followed by a great debate in which principles were discussed. Mr. Wilkins and his supporters did not intend that the Supreme Court should ever decide the question. They charged that South Carolina intended "violent resistance to the United States." This charge brought Calhoun to his feet, who said: "He could not sit silent and permit such erroneous construction to go forth; that South Carolina had never contemplated violent resistance to the laws of the United States."

Mr. Wilkins replied: "He understood the Senator (Mr. Calhoun) the other day as acknowledging that there was military array in South Carolnia, but contending that it followed, and did not precede the array of force by the United States."

"Mr. Calhoun said he admitted there was military preparation, not array."

"Mr. Wilkins. If we examine the measures taken by the Administration, in reference to the present crisis, it would be found that they were not at all of that military character to justify the measures of South Carolina, which it was alleged had followed them."

"Mr. Calhoun said that South Carolina was undoubtedly preparing to resist force by force. But let the United States withdraw her forces from its borders, and lay this bill upon the table and her preparations would cease."

"Mr. Wilkins resumed, that is, Sir, if we do not oppose any of her movements all will be right. If we fold our arms and exhibit a perfect indifference whether the laws of the Union are obeyed or not, all will be quiet!

"Mr. Calhoun. Who relies upon force in this controversy? I have insisted upon it that South Caroina relied altogether upon civil process, and that if the General Government resorts to force then only will South Carolina rely upon her force. If force be introduced by either party upon that party will fall the responsibility." (Nile's Register, Vol. 3, Supp. p. 33).

This is in full accord with the ordinance of South Carolina, declaring, "We will not submit to invasion or any act of Congress otherwise than through the Civil tribunals of the Courts."

Judge Bibb of Kentucky said:

"It seemed to him a false issue was presented. The question of war against South Carolina is presented as the only alternative. The issue was false. The first question is between justice and injustice. Shall we do justice to the States who have united with South Carolina in complaint and remonstrance against the injustice and oppression of the tariff? Shall we cancel the obligations of justice to five other States, because of the impetuosity and impatience of South Carolina under wrong and The question ought not to be whether we have oppression? the physical power to crush South Carolina, but whether it is not our duty to heal her discontents, to conciliate a member of the Union, to give peace and happiness to the adjoining States which have made common cause with South Carolina so far as complaint and remonstrance go. Are we to rush into a war with South Carolina to compel her to remain in the Union? Shall we keep her in the Union by force of arms, for the purpose of compelling her submission to the tariff laws of which How shall we do this? By the naval and milshe complains itary force of the United States, combined with the militia? Where will the militia come from? Will Virginia, will North Carolina, will Georgia. Mississippi, or Alabama assist to enforce submission to the tariff laws, the justice and Constitutionality of which they have, by resolutions on your files, denied over and over again? Will these States assist to forge chains by which they themselves are to be bound? Is this to be expected in the ordinary course of chance and probability?.....

"My creed is that, by the Declaration of Independence, the States were declared to be free and independent States, thirteen in number, not one Nation—that the old Articles of Confederation united them as distinct States, not as one people:—that the treaty of peace, of 1783, acknowledged their independence as States not as a single Nation; that the Federal Constitution was framed by States, submitted to States, and adopted by the States, as distinct Nations or States, not as a single Nation or people.

"By canvassing these conflicting opinions, we shall the better understand how far South Carolina has transcended her reserved powers as a Sovereign State—how far we can lawfully make war upon her—and whether we, or South Carolina, are likely to transcend the barriers provided in the Constitution of the United States. "I do not, said Mr. Bibb, wish to be misunderstood. In these times of political excitement, whatever is spoken or reported, may be misrepresented. He wished it to be understood, that he did not approve of the doctrines of South Carolina, in their full extent. But, if we make war upon her, to put down her principles, we must be sure that these principles are bad and dangerous.

"What are her principles? That she has a right to judge, in the last resort, in all questions concerning her rights; or, to put it in still stronger language-if the Congress attempts to enforce the revenue laws, she will resume her independence and Sovereignty. He did not approve of this course on the part of South Carolina, under all the circumstances. Still, he would like to know when and where South Carolina surrendered the right to secede from the Union, in case of a dangerous invasion of her rights by the Federal Government. In the solemn declaration of principles with which some of the States accompanied the adoption of the Constitution, this right is declared to be inalienable. There was too much truth in the axiom contained in many State Constitutions that 'a frequent recurrence to the first principles is necessary to the maintenance of liberty.' Here Mr. Bibb read a passage from the Declaration of Independence: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their. Creator with certain inalienable rights; that among these are life, liberty and the pur-Now, if South Carolina has mistaken her suit of happiness injury and her remedy, shall we make war upon her, and put down the principles asserted by the Declaration of Independ-The ratification, by several States, of the Constitution. ence? adopted the same principles; and they were accepted as forming Mr. Bibb here referred to the deca part of the Constitution. laration accompanying the ratification of the Constitution by the State of New York-that 'all power was derived from the people, and could be resumed by the people whenever it became necessary for their happiness.' They go on to say, 'under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are

consistent with the said Constitution; and in confidence, that the amendments which shall have been proposed to the said Constitution, will receive an early and mature consideration, we, the said Delegates, in the name and in behalf of the people of the State of New York, do, by these presents, assent to, and ratify the said Constitution,' etc.

"The reservation of the State of Rhode Island were of the same tenor:! and he went on to read her declaration....Mr. Bibb next adverted to the Articles of the old Confederation. They declared the Union should be perpetual, and that no alteration should be made in the Articles, but by consent of Congress, and of the Legislatures of each State of the Union. Here the Compact was declared to be perpetual, and yet we undertook to arrest it without the consent of any State. The Constitution provides that when nine States have ratified the Constitution, it shall go into operation. Why were the fundamental Articles of the old Confederation violated? How could nine States be supposed to combine, and throw the other four out of the Union? They claimed the right, under the principles of the Declaration of Independence, to alter, reform, and amend their form of Government as much and as often as such change was necessary, in their opinion. The people have an unalienable, indefensible right to make a Government which shall be adequate to their ends. Upon this principle it was that the old Compact was destroyed, and a new one made.

"We are now about to make war upon a State, which formed a part of the old Confederation, and became a party to the new Confederation, with an express reservtaion of powers not expressly delegated by her

"Mr. Bibb asked if it was possible that the people of the States, in adopting this Constitution, could have intended to surrender absolutely and forever the right which they had obtained by a Revolution. So well did they understand the difficulty of shaking off the powers which once enchained us, and so jealous were they of their newly acquired freedom, that they took care to say in the Constitution, that the powers not delegated by them, are reserved to themselves.

"It stood on record, that one of the Roman provinces rebelled against the Government, again and again. The leaders were subdued, and many of the Senators of this party, and many of the people were taken and killed. The conquered province sent ambassadors to Rome, and when these ambassadors appeared, the Consul asked of them 'what punishment did they deserve?' The answer of the ambassadors was, 'such punishment as he deserves who contends for liberty.' It was demanded of them by the Senate, 'whether if terms of peace were granted them, they would abide faithfully by them?' They replied emphatically, that 'if the terms were good and just, they would faithfully abide by them, and peace should be perpetual; but if they were unjust, the peace could barely last until they could return to their homes and tell the people what they were.' The Roman Senate, pleased with the spirit which was thus exhibited, declared that 'they who thus contended for freedom, were worthy to be Roman citizens,' and gave them all they demanded.

"He wished then an American Senate to imitate their noble example. It was a cause worthy of imitation. He invoked the Senate to sift the complaints of South Carolina, for they alone were worthy to be American citizens who contended zealously for the principles of civil liberty, and are not fit subjects to be denounced and accursed."

The Nullification Ordinance was to take effect on the first day of February 1833. On the 28 day of December 1832, Representative Verplanck of New York introduced a bill in the House providing for a gradual reduction of duties for ten years. This bill was known as an Administration measure. Both Clay and Calhoun supported it, Calhoun stating that he supported it on the ground that "a sweeping and sudden reduction of duties would ruin American manufactures." He thus showed that he was not unreasonable on the question of tariff. It became a law March the 2nd.

Virginia, while opposing Nullification, sympathized with South Carolina, and sent Benjamin Watkins Leigh as a commissioner to that State to induce her, if possible, to rescind her ordinance. Hoping that Congress would reduce the duties to a revenue stand-

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ard, South Carolina agreed to postpone action on her ordinance till the close of that session of Congress, which was on the 4th day of March.

On the 12th day of February 1833 Mr. Clay introduced his celebrated compromise measure. He was the author of the policy of protection. His utterances appealed alike to both parties. He rose to the height of the occasion and proved himself a master in debate. He said in part:

"In presenting the modification of the tariff, which I am now about to submit, I have two great objects in view. My first object looks to the tariff. I am compelled to express the opinion, formed after most deliberate reflection, and on full survey of the whole country, that whether rightfully or wrongfully, the tariff stands in immediate danger. If it should even be preserved during this session, it must fall at the next session." This sledgenammer stroke was intended for the tariff advocates.

He next drew a dark and terrible picture of the failure to sustain the tariff laws, ranking its disastrous consequences above the repeal of the Edict of Nantes itself, saying: "The fall of that policy, sir, would be productive of consequence, calamitous indeed. When I look to the variety of interests which are involved, to the number of individuals interested, the amount of capital invested, the value of the buildings erected, and the whole arrangement of the business for the prosecution of the various branches of the manufacturing art which have sprung up under the fostering care of the Government, I can not contemplate any evil equal to the sudden overthrow of all these interests. History can produce no parallel to the extent of the mischief which would be produced by such disaster. The repeal of the edict of Nantes itself was nothing in comparison with it. That condemned to exile, and brought to ruin a number of persons. The most respectable portion of the population of France were condemned to exile and ruin by that measure. But in my opinion, sir, the sudden repeal of the Tariff policy would bring ruin and destruction on the whole people of the country. There is no evil, in my opinion, equal to the consequences that would result from such a catastrophe." This artful master stroke was aimed at the sympathies of the opponents of the tariff, and it did not miss its mark.

He next reverts to the complaints of the people of South Carolina and their allies. He asks: "What, sir, are the complaints which so unhappily divide the people of this great country? On the one hand, it is said by those who oppose the Tariff, that it unjustly taxes a portion of the people, and paralizes their industry; that it is to be a perpetual operation; that there is to be no end to the system, which, right or wrong, is to be urged to their inevitable ruin. And what is the just complaint on the other hand, of those who support the Tariff? It is that the policy of the Government is vascilating, and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened, it becomes necessary to close them, and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation, before it is nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine month's labor, before we know anything of its experimental effects, and even before it commences its operation, we are required to repeal it. On one side we are urged to repeal a system which is fraught with ruin; on the other side, the check now imposed on enterprise, and the state of alarm in which the public mind has been thrown, render all prudent men desirous, looking ahead a little way, to adopt a state of things on the stability of which they may have reason to count."

There was no madness, no selfishness in this logic. His patriotism rose higher than his ambition. He was self-sacrificing even to endangering his opportunity of becoming president.

Compare this speech with Lincoln's Cooper Institute Speech. That was addressed to a promiscuous and irresponsible political gathering:—this to the responsible United States Senate, the most dignified and intelligent political body in the world. That was a bid for the Presidency:—this was a plea that ignored the question of presidency;—that was an appeal to passion, arraying one section of the country against the other;—this was an appeal to reason, to justice, to patriotism. That was an uncon-

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stitutional "effort to place" an unconstitutional "party on Constitutional ground ;—this was an effort to reconcile two opposing parties and maintain the Constitution unimpaired. That was based on the assertion that patriots were not sincere in their voting ;—this on the assumption that all true patriots are sincere however, they may differ. That was an effort to increase the antagonism between the two great sections of our common country ;—this an effort to unite the two sections in the bonds of peace and friendship. That was a speech of exultation in which there was no spirit of sacrifice ;—this was a speech in which the speaker "offered up the darling system of his heart upon the altar of his country."

The great orator swayed that Senate as it was never swayed before. He had no sooner finished than the equally great South Carolinian rose in his place. The spirit of true patriotism was very manifest on the floor of the Senate chamber and in the packed galleries. As soon as the wild applause had died out, the great Southerner said: "I shall give my vote in favor of the motion to introduce the resolution. He who loves the Union must desire to see this agitating question brought to a terminus. Until it shall be terminated we can not expect the restoration of peace, harmony, or a sound condition of things throughtout the country.

"The general principles of this bill received his approbation. He believed that if the present difficulties were to be adjusted, they must be adjusted on the principles embraced in the bill, of fixing ad valorem duties, except in the few cases in the bill, to which specific duties are assigned.

"It has been his fate to occupy a position as hostile as any one can in reference to the protecting policy; but if it depended on his will he would not give his vote for the prostration of the manufacturing interests. A very large capital has been invested in manufacturing interests which has been of great service to the country, and he would never give his vote to suddenly withdraw all these duties by which that was sustained in the channels into which it had been diverted....There were some of the provisions which had his entire approbation, and there were some to which he objected. But he looked upon these minor points of difference, as points in the settlement of which no difficulty would occur, when gentlemen met together in that spirit of mutual compromise which, he doubted not, would be brought into their deliberations, without at all yielding the Constitutional question as to the right of protection."

Tumultuous applause in the galleries followed these patriotic utterances. Clay's bill was passed in the midst of the greatest goodwill; and thus ended the most exciting discussion that ever agitated the American public except the all-absorbing questions of the Sixties. These facts speak for themselves.

It is the spirit of the partisan to declare that "the union of slaveocracy and State sovereignty explains Nullification in 1832:" and "Nullification was taken to protect slavery." (The Civil War from a Northern Standpoint, p. 201). Mr. Thorpe takes no pains to inform us what explains the Nullification of the Fugitive Slave Clause in the Constitution by the thirteen Northern States. Nor does he tell us what explains the Nullification of the Eleventh Amendment to the Constitution, to which amendment he thus alludes: "State sovereignty as a legal remedy was recognized by the Eleventh Amendment, yet it derived little significance from the amendment." But, like all others who have no Constitutional ground upon which to base an argument, he charges that the South, during the Sixties, was actuated by no motive except to defend slavery. All knew that the South could not defend herself without indirectly defending slavery. As "the wrong of slavery" was the one war cry throughout the North in all her aggressive movements against the South it was falsely, but effectively, pretended that the South's only motive in resisting these aggressions was to defend slavery. The question of slavery was one of infinite insignificance in comparison with that of the peace and safety, and tranquility of Southern homes and Southern society. Self-aggrandizement is both hypocritical and It would sacrifice millions of lives to gain its own heartless. selfish ends.

It is universally admitted that every question that disturbed the peace of the States had its origin in the North. It was there

the agitation of the slave question began. Denouncing the Constitution as "a compact with death and a covenant with hell." its agitation did not cease for a moment till it had culminated in war. Battlefields covered with the wounded and the dying and the dead appealed to it for pity in vain. It looked upon the strife of brothers, apparently, without commiseration until hundreds of thousands of enlightened American patriots had sacrificed their lives for the African, the beneficiary of both sections. This question had been the false but successful cry raised among the nations of Europe, during the strife, to prevent intervention. And when the war had ceased with the South's resources exhausted, her fields and homes laid waste, and the vast majority of her patriotic heroes asleep in patriot graves on the field of honor, the great crime of the terrible struggle was falsely charged to the South's defense of slavery, and to that alone, forgetting that the very charge carries with it its own refutation,-since there would have been no need of resistance by the South had there been no aggression of the North. Extremity is never so false as when a great crime is laid at its door.

Daniel Webster was a member of the Senate when Clay introduced his compromise bill, and voted against it. As we have quoted from Calhoun and Clay, it is but just that we should also quote from the great Webster, the other name of "the immortal trio." He said: "The people created this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited Government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States, or the people. But they did not stop here. If they had they would have accomplished but half their work. No definition can be so clear as to avoid the possibility of doubt; no limitation so precise as to exclude uncertainty."

These are most remarkable words from the lips of a most remarkable man. He first states a number of great political truths, viz: That the States erected this Government; gave it a Constitution which enumerated its powers; made it a limited Government; defined its authority; restrained its powers to such as were granted it by the States and that all powers not granted were reserved to the States, or the people, thus making "the people" and "the States" synonomous. These are recognized by all well informed men as indisputable facts. Therefore he could not deny them. Nor could he ignore them. Yet he must meet them. How is he to do it? By producing facts? No, facts are not self-contradictory. How then? By his bare statements that will not stand the test of scrutiny:--statements that are in reality false? They are these: "But they did not stop here. If they had they would have accomplished but half the work." It is an undeniable fact that they did stop here. It is also an undeniable fact that they did accomplish their whole work. Even a Webster finds it necessary to contradict the opinion of as able a body of Statesmen, if not the ablest, that ever convened in America. It is certain that the American Constitution, the product of their intellect, is regarded as the ablest political document the world has ever witnessed. All men of ordinary intellect can understand and know what powers are enumerated in the Constitution as granted Knowing this they know that all to the Federal Government. else is reserved to the States. Grant that "they did not stop here." Then what? Why, the restraining clause does, for even Webster must understand that this clause excludes the Federal Government from the exercise of any power not granted by the States. Whether that power be an imaginary power or a real power it must be specified in the Constitution, before the Federal Government can exercise it. Webster admits this when he says, "They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States."

Besides, like all other centralists, he bases his argument on false premises, viz: "No definition can be so clear as to avoid the possibility of doubt, no limitation so precise as to exclude uncertainty." It is seen that neither of these statements admits of a single exception. They are therefore universal propositions; and all rules of logic show that one exception is enough to knock the props from under each of them. The one necessary excep-

tion as to the "no definition" is this: "An axiom is a self-evident truth"—as the whole is greater than one of its parts. If we admit Webster's proposition to be true, his own argument is worth nothing;—no argument is. For if a definition can not be so clear as to avoid the possibility of doubt, neither can an argument. Do not both alike depend upon the clearness of expression? Does not clearness of expression in both cases depend upon the use of words? Has one the advantage over the other? If so, does not the advantage belong rather to a short and concise definition than to a complex and intricate argument?

As to "no limitation is so precise as to exclude uncertainty" there are also millions of exceptions. A man stands on the ocean beach. He picks from the sand a pebble. It is so limited as to size that he entertains not the least doubt that a peck measure would hold thousands of them. The speed of an arrow falling harmless at your feet finds a definite limitation "so precise as to exclude uncertainty." As the premises on which an argument is based such is the conclusion. The premises of Webster are false. Therefore his conclusions are false.

As reported in the Congressional Debates, Vol. 9, part 1, p. 565, Mr. Webster clearly contradicts these false conclusions of his own argument. According to that report he says: "The sovereignty of Government is an idea belonging to the other side of the Atlantic. No such thing is known in America. Our Governments are all limited. In Europe sovereignty is of federal origin, and imports no more than the State of the Sovereign. It comprises his rights, duties, prerogatives, and powers. But with us all power is with the people. They alone are sovereign and they erect what governments they please, and confer on them such powers as they please. None of these governments are sovereign, in the European sense of the word, all being restrained by written Constitution."

It is declared here that the people for the States, are the sovereigns, and that they erect what governments they please and confer on them such powers as they please." Neither Madison nor Jefferson has made a clearer statement as to the true character of our State and Federal Governments. There is no limit to the power of the people except their own will. If they will to withdraw from their present associations and establish another government of their own, the right is theirs.

Also mark this clause: "All being restrained by written Constitutions," and consider it in connection with this comment of their eminent Northern historian, Francis Newton Thorpe, in his "The Civil War from a Northern Standpoint," on the Hayne-Webster debate: "Hayne, following Calhoun had appealed to history and the letter of the Constitution; Webster had appealed to the sentiments of the whole people, and the necessities of Civil Government."

What are we to think of this most eminent American Statesman's abandoning, in his discussion, the written Constitution, by which he declares the Federal Government and the State Governments are restrained, and appealing "to the sentiments of the whole people?" What are the sentiments of the whole people? Are they not as varied as the leaves of the forest, or the sands upon the seashore? Every nation of the world is represented, and the diversity of tongues is most definite in comparison with the diversity of sentiments. Was ever an appeal made to a more indefinite, or a more illogical base than that of "the sentiments of the whole people?" On the other hand Havne and Calhoun "appealed to history and to the letter of the Constitution" -to history, the teachings and practice of the fathers:--to the letter of Constitution-its real meaning as expressed in the clearest of terms. For what purpose does a Constitution exist unless it has a meaning and that meaning is observed? And how is its meaning made known except by the words in which the meaning of law is construed? There is but one correct rule by which the meaning of law is construed, viz: By Its Letter. How worthless, then, is that argument which ignores the letter of the Constitution.- the letter which defines its true character :- and appeals to the sentiments of the whole people, among whom are not only foreigners of every tongue, but also the most ignorant, the most immoral, and the most vicious. In what respect and to what extent do the sentiments of these classes determine the character of this great Constitutional American Republic of Re-

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publics? Shall we tell it to the world? Can the Constitution be compared to the sentiments of these classes? Yet the sentiments of these classes are included in "the sentiments of the whole people!" This is the character of the logic that inaugurated that mighty conflict between brothers of different sentiments—though a part of the whole people—in the days of the terrible Sixties.

To appeal to the vague, confused, and most doubtful "sentiments of the whole people" is to abandon the lofty standard of the Constitution. To abandon this most worthy standard is to founder in the great outside ocean of doubt and uncertainty. The moral standard that justifies this political practice may be "a very high law," but certainly not in the sight of Heaven, nor in the sight of common justice and fair dealing among men. 'Alas, for such morals!

# CHAPTER XVII. SOVEREIGNTY AND SECESSION CONTINUED.

In the last chapter we saw Lincoln, a self-proclaimed Secessionist and Revolutionist. We saw Congress endorsing the minority decision of the Supreme Court in the case of Chisolm vs. the State of Georgia, not waiting even one day before taking steps to submit the Eleventh Amendment to the States for their ratification: that this was done to put at rest forever the question of State Sovereignty. We saw the States adopting this amendment, thus declaring both by word and act that they were free and independent Sovereign States. We saw Mr. Thorpe. the chosen historian of the North, confessing that the object of the Eleventh Amendment was to declare constitutional the sovereignty of the States, but denying that it was effective. We also saw Mr. Thorpe declaring that Havne and Calhoun in debate "appealed to the letter of the Constitution," while Mr. Webster, abandoning the Constitution, the one standard of right among the States, "appealed to the sentiments of the whole people." We thus saw who was true to the Constitution and who was not. The Constitution is the backbone of the Government. Break this, and the Government is a cripple forever. Abandon this, and we are in the woods of doubt, confusion and error. We saw Mr. Verplanck introducing the Administration's compromise measure and both Clay and Calhoun supporting it, and Webster opposing it. We saw five States in sympathy with South Carolina while opposing her method of redress. We saw thirteen States of this Union nullifying the Fugitive Slave clause in the Constitution and vet in the act of heaping abuse on South Carolina for doing what they had done. We saw Clay introducing his celebrated compromise measure, and heard his eloquent plea for peace and harmony. When he took his seat, we saw that other great Southerner rise in his place in the midst of the wildest enthusiasm, and declare his purpose to support the measure. We heard him declare he could do this without vielding the great principle for which he contended. We saw Webster opposing this measure. We saw President Jackson in his

first message declaring the States sovereign and independent political bodies. We saw him in his last message, after eight eventful years in the White House declaring: "It is well known that there have been those always among us who wish to enlarge the powers of the General Government. Every attempt to exercise powers beyond these limits (prescribed by the Constitution) should be promptly and firmly opposed." We saw Judge Bibb of Kentucky, asking in the United States Senate without receiving an answer, "If it was possible that the people of the States in adopting this Constitution, could have intended to surrender absolutely and forever the right which they had obtained by a Revolution? So well did they understand the difficulty of shaking off the powers which once enchained us, and so jealous were they of their newly acquired freedom, that they took care to say in the Constitution that the powers not delegated by them, were reserved for themselves."

Have we seen, in this statement of facts, Andrew Jackson, by a show of force, putting down Nullification in South Carolina? Have we seen him, by his "firmness and decision," crushing out "incipient rebellion" in that State? Have we seen Calhoun's logic silenced by force, and his stately form bending to the stern will of Jackson? Rather, have we not seen that Nullification in South Carolina was intended to be a peaceable mode of obtaining redress through the civil tribunals? Have we not seen Congress redressing the grievances of South Carolina, first by the Administration's measure, and then by Clay's compromise bill? In short, have we not seen that the yielding was on the part of the Federal Government, not on the part of the State of South Carolina?

It may be a debatable question, how a State could remain in the Union, and yet refuse obedience to the laws of the General Government, not declared to be unconstitutional by the Supreme Court. But what shall be said of these thirteen States that remained in the Union, and yet refused to obey the fundamental law of the land? South Carolina annulled an act of Congress to test its constitutionality in the civil courts. These States annulled the Constitution, and persisted in annulling it after the Supreme Court had declared their ordinance unconstitutional. Which committed the greater sin against the Constitution, South Carolina or the thirteen Northern States?

In 1798, Jefferson drew up a set of resolutions for the Kentucky Legislature at their request. In these resolutions he set forth the true nature of the United States Government. The first of these resolution is as follows:

"Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of the Constitution of the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself, the residuary mass of right to their own Self-Government; and, that whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this Compact each State acceded as a State, and is an integral party, its co-state forming as to itself the other party; that this Government, created by this Compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but, that as in all other cases of Compact, among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress. (Randall's Life of Jefferson, Vol. 2, p. 449).

These are the words of a statesman, perhaps the best informed as to the nature of this Government, Madison alone excepted, that ever lived under its rule. He says the States "are not united on the principles of unlimited submission to their General Government," but "are united by a compact under the style and title of the Constitution and its amendments; that it is a "Government for special purposes;" that it has definite powers, not unlimited; that its powers are delegated, not inherent; that each State is sovereign, having reserved "the residuary mass of right to its own Govrnment; that "when the General Government as-

sumes undelegated powers its acts are unauthorized, void, and of no effect;" that each State acceded to this compact as a State, and is an integral party, the co-State forming, as to itself, the other party; that this compact (the Constitution) created the Government, and did not make the General Government the exclusive or final judge of the extent of its delegated powers; that had the General Government been made the exclusive and final judge of the extent of its delegated powers its own discretion, and not the Constitution, would have been made the measure of its powers; and that, as in the cases of all compacts in which the parties have no common judge each party has an equal right to judge for itself, both as to infraction and the mode and measure of redress.

This version of the Government met with such an overwhelming approbation by the people that John Adams, at the head of the so-called Federalists, was swept from power, and Jefferson himself, upon a great wave of popular enthusiasm, was ushered into power, as the Chief Magistrate of the Government. Nor is that all, every president from John Adams to Lincoln was elected upon the principles of these resolutions. Do these facts teach nothing as to the nature of our Government? Their voice was the one acclaim of the sentiments of the people of this country from 1798 to 1860.

On the 21st day of December, 1789, the General Assembly of Virginia adopted a set of resolutions concerning the "Alien and Sedition Laws." Madison was the head of the committee to whom the communications of the various States, relative to these resolutions, were referred. As the report of that Committee is acknowledged to be the report of Madison on these resolutions we shall treat it as the views of Madison on the true nature of the Federal Government. That report in part is as follows:

"The first resolution is an expression of the State's sincere and firm adherence in maintaining and defining the Constitution of the United States, and of their own State, against every aggression, both foreign and domestic, and in supporting the United States Government in all measures warranted by the Constitution.

"In the next resolution 'the General Assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges all its powers; and that, for this end, it is their duty to watch over and oppose every infraction of those principles, which constitute the only basis of that Union, because a faithful observance can alone secure its existence and the public happiness.'

"No question can arise among enlightened friends of the Union, as to the duty of watching over and opposing every infraction of those principles which constitute its basis, and a faithful observance of which can secure its existence, and the public happiness thereon depending.

"The third resolution is in the words following: "That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact—as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them."

"On this resolution the Committee have bestowed all the attention which its importance merits; they have scanned it not merely with a strict, but with a severe eye; and they feel confidence in pronouncing that, in its just and fair construction, it is unexceptionally true in its several positions, as well as Constitutional and conclusive in its references

"The resolution declares: first, that it 'views the powers of the Federal Government, as resulting from the compact to which the States are parties, in other words, that the Federal powers are derived from the Constitution; that the Constitution is a compact to which the States are parties.

"The committee satisfy themselves here with briefly remarking, that in all the contemporary discussions and comments which the Constitution underwent, it was constantly justified and recommended, on the ground that the powers not given to the Government, were withheld from it; and, if any doubt could have existed on this subject, under the original text of the Constitution, it is removed, as far as words could remove it, by the 12th Amendment, now a part of the Constitution, which expressly declares, 'that the powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'

"The other position involved in this resolution, namely, that the States are parties to the Constitution or compact, is, in the judgment of the committee, equally free from objection. . . By 'the States' is meant the people composing those political societies, in their highest sovereign capacity.

"The next position is that the General Assembly views the powers of the General Government, as 'limited by the plain sense and intention of the instrument constituting that compact,' and 'as no farther valid than they are authorized by the grants therein enumerated.' It does not seem possible, that any just objection can lie against either of these clauses. The first amounts merely to a declaration, that the compact ought to have the interpretation plainly intended by the parties to it; and the other to a declaration, that it ought to have the execution and effect intended by them. If the powers granted be valid, it is solely because they are granted; and if the granted powers are valid, because granted, all other powers not granted, must not be valid. (We have emphasized these last words because of their cogent statement of a great truth.)

"The resolution having taken this view of the Federal compact, proceeds to infer: "That in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them.

"It appears to your committee to be a plain principle founded in common sense, illustrated by common practice, and essential to the nature of compacts-that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was framed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the Constitution, that it rests on this legitimate and solid foundation The States, then, being the parties to the Constitutional Compact. and in their sovereign capacity, it follows of necessity that there can be no tribunal above their authority, to decide, in the last resort, whether the compact made by them be violated; and consequently, that, as the parties to it, they must themselves decide in the last resort, such questions as may be of sufficient magnitude to require their interposition.

"It does not follow, that because the States as Sovereign parties to their Constitutional Compact, must utterly decide whether it has been violated, that such a decision ought to be interposed either in a hasty manner, or on doubtful and inferior occasions. . But in the case of an intimate and constitutional union, like that of the United States, it is evident that the interposition of the parties, in their sovereign capacity, can be called for by occasions only, deeply and essentially affecting the vital principles of their political system.

"The resolution has accordingly guarded against any misapprehension of its object, by expressly requiring for such an interposition, 'the case of a deliberate, palpable and dangerous breach of the Constitution, by the exercise of powers not granted to it.' It must be a case not of light and transient nature, but of a nature dangerous to the great purposes for which the Constitution was established. It must be a case, moreover, not obscure or doubtful in its construction, but plain and palpable. Lastly, it must be a case not resulting from a partial consideration, or hasty determination: but a case stamped with a final consideration and deliberate adherence. It is not necessary that

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the question should be discussed, how far the exercise of any particular power, ungranted by the Constitution, would justify the interposition of the parties to it. As cases might easily be stated, so flagrant and so fatal, as to unite every opinion in placing them within the description.

"But the resolution has done more than guard against misconstruction, by expressly referring to cases of a deliberate, palpable and dangerous nature. It specifies the object of the interposition which it contemplates, to be solely that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights and liberties, appertaining to the States as parties to the Constitution.

"From this view of the resolution, it would seem inconceivable that it can incur any just disapprobation from those who, laying aside all monetary impressions, and recollecting the genuine source and object of the Federal Constitution, shall candidly and accurately interpret the meaning of the General Assembly. If the deliberate exercise of dangerous powers, palpably withheld by the Constitution, could not justify the parties to it, in interposing even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognized under the Constitution, as well as a plain denial of the fundamental principle on which our independence itself was declared."

These resolutions, among other things, teach-

That it is the unquestionable duty of the true friends of the Constitution to watch over that compact and oppose every infraction of it, for on its principles the Union is based; and that only in this way can the Union's continued existence be secured. ("Eternal vigilance is the price of liberty.")

That the Federal Government is the result of a compact to which all the States are parties; and that by the term, "the States" is meant the people of those political societies, known as States. That all the discussions and comments which the Constitution underwent during its ratification by the several States, constantly testified that this document was justified and recommended on the ground that the powers, not given to the General Government, were withheld from it; that if there could have been any doubt at all on this subject it was removed, as far as plain simple words could remove it, by the 12th Amendment—containing not a word whose meaning is not definitely fixed and known —expressly declaring "that the powers not granted to the United States, nor prohibited by it to the States, are reserved to the States respectively, or the people;" and consequently no powers of the General Government are valid but granted powers, and these are valid solely because they are granted, and hence all other powers exercised by the General Government are not valid because not granted.

That this limitation of the powers of the General Government is to be determined by the "plain sense and intention" of the Constitution, the meaning of which is so clear as to be unmistakable.

That in case of a deliberate, palpable, and dangerous exercise of powers not granted by the compact, which is the Constitution, and to which the States are parties, it is the duty of the States to interpose and arrest the progress of the evil, and to maintain the authorities, rights and liberties appertaining to the States, within their true limits.

That in all compacts, where there can be no resort to tribunal superior to the parties, common sense and the essential nature of compacts decide that the parties themselves must be the rightful judges, in the last resort, whether the bargain has been complied with or violated; that the Constitution. or Compact, of the United States, was framed by the sanction of the States given each in its sovereign capacity; and since sovereign States are the parties to the Compact—the Constitution of the Union their very dignity adds to its exaltation and importance as well as to its authority; and because sovereigns are parties to the Compact, or the Constitution, there can, of necessity, be no tribunial above the parties themselves to decide, in the last resort.

whether the compact has been violated; and, as a result, the States themselves must decide, in the last resort, all questions of such magnitude as to require their interposition.

That being sovereign parties to their Constitutional Compact, and, therefore, the ultimate judges as to its violation, does not justify a hasty decision by the States, or their interposition on doubtful and inferior occasions; that the States should interfere only on occasions deeply and essentially affecting the vital principles of their political system—that is, in cases of deliberate, palpable and dangerous breaches of the Constitution by the exercise of powers not granted.

That if the deliberate exercise of dangerous powers, palpably withheld by the Constitution, could not justify the parties to it in interposing even so far as to arrest the progress of the evil, and thereby preserve the Constitution itself, and thus provide for the safety of the parties to it, there would be an end to all relief from usurped powers, and a direct subversion of all Constitutional rights, and a plain denial of the fundamental principles on which our very independence was declared.

Thus wrote Madison, a member of the Convention that framed it. With him agree Jefferson, the Author of the Declaration of Independence, and all other authorities contemporary with the framing of the Constitution. Resolutions like these are most significant. They express the sentiment of the people in a broad and enduring form. The Virginia Resolutions and the Kentucky Resolutions establish the same great facts and teach the same great truths as to the nature of our Government. The principles of these resolutions were dominant in this Government from 1798 to 1860.

As resolutions furnish evidence of a very high order, we shall now give another set of resolutions passed by the Senate of the United States on the 24th day of May, 1860, less than 12 months before the beginning of the war. These resolutions are declarations of the Senators, or Ambassadors of the States themselves, and hence of the very greatest authority. They were introduced by Jefferson Davis, a patriot indeed, if fidelity to the Constitution is patriotism, on the 29th of February, 1860. They were before the Senate almost three full months, lacking only 4 days, ample time in which to weigh them and decide as to their merits. They are as follows:

"1. Resolved that in the adoption of the Federal Constitution, the States adopting the same, acted severally as free and independent Sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers, domestic as well as foreign; and that any intermeddling by any one or more States, or by a combination of their citizens, with the domestic institutions of the others, on any pretext whatever, political, moral, or religious, with a view to their disturbance or subversion, is in violation of the Constitution, insulting to the States so interfered with, endangers their domestic peace and tranquility—objects for which the Constitution was framed—and, by necessary consequence, tends to weaken and destroy the Union itself.

"2. Resolved, That negro slavery, as it exists in fifteen States of this Union, compose an important portion of their domestic institution, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an important element in the apportionment of powers among the States, and that no change of opinion or feeling on the part of the non-slaveholding States of the Union, in relation to this institution, can justify them or their citizens in open or covert attacks thereon, with a view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend the Union, and are a manifest breach of faith, and a violation of the most solemn obligations.

"3. Resolved, That the Union of these States rests on the equality of rights and privileges among its members; and that it is especially the duty of the Senate, which represents the States in their sovereign capacity, to resist all attempts to discriminate either in relation to persons or property in the Territories, which are the common possessions of the United States, so as to give advantage to the citizens of one State which are not equally assured by those of every other State.

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"4. Resolved, That neither Congress nor a Territorial Legislature, whether by direct legislation or legislation of an unfriendly character, possess power to annul or impair the Constitutional right of any citizen of the United States, to take his slave property into the common Territories, and there hold and enjoy the same while the Territorial condition remains.

"5. Resolved, That if experience should at any time prove that the Judicial and Executive authority do not possess means to insure adequate protection to Constitutional rights in the Territory, and if the Territorial Government should fail or refuse to provide the necessary remedies for that purpose, it will be the duty of Congress to supply such deficiency.

"6. Resolved, That the inhabitants of a Territory of the United States, when they rightfully form a Constitution to be admitted into the Union, may, then, for the first time, like the people of the State, when forming a new Constitution, decide for themselves whether slavery, as a domestic institution, shall be maintained or prohibited within their jurisdiction; and 'they shall be admitted into the Union, with or without slavery, as their Constitution may prescribe at the time of their admission.

"7. Resolved, That the provision of the Constitution for the rendition of fugitives from service or labor, without the adoption of which the Union could not have been formed, and the laws of 1793 and 1850, which were enacted to secure its execution, and the main features of which, being similar, bear the impress of nearly seventy years of sanction by the highest judicial authority, should be honestly and faithfully observed and maintained by all who enjoy the benefits of our Compact of Union, and that all acts of individuals or of State Legislatures to defeat the purpose or nullify the requirements of that provision, and the laws made in pursuance of it, are hostile in character, subversive of the Constitution and revolutionary in their effect."

These are very remarkable resolutions declaring remarkable facts, all of which had to be reversed to justify the war. The first resolution declares that the Constitution was formed by the States, and that these States acted severally as free and independent Sovereignties; that they organized a Federal Government, and delegated to it a portion of their powers to be exercised by it for the increased security of each against dangers, domestic and foreign; and that any State interfering with the domestic institutions of another would violate the Constitution and would be insulting to the State so interfered with. This resolution was adopted by a vote of 36 Senators for it to 19 against it, almost two to one. The vote by States was 19 for it and 10 against it, and the significant fact is that all of these 10 states that voted against it belonged to the number of States that had, by their Legislatures, annulled the Fugitive Slave Clause in the Constitution. Two States were divided and two did not vote. Were these 19 States revolutionary and rebellious?

The second resolution affirms that negro slavery existed at the adoption of the Constitution, and now existed in 15 States as an inheritance from their ancestors; and that no change of opinion on the part of the non-slaveholding States can justify them or their citizens in openly or covertly attacking this institution with a view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, and in manifest breach of faith and manifest violation of the most solemn obligations. The Senate of the United States said this on the 24th day of May, 1860. Thus this august body called Lincoln and his party revolutionists.

The third resolution declares that the Union rests on the equality of rights and privileges among the States; that the Senate represents the States in their sovereign capacity, and that, therefore, as such representatives, it is the duty of the Senate to resist all attempts to discriminate either in relation to persons or property in the Territories, the common property of all the States, thus condemning the platform of the Republican Party. It was the United States Senate that voted this condemnation of that party on the 24th day of May, 1860.

The fourth resolution declares that neither Congress nor a Legislature of a Territory has the power, either directly or indirectly to annul or impair the Constitutional right of any citizen of the United States to take his slave property into the Common Territory and be protected in it. The Senate of the United States declared this by their vote on the 24th day of May, 1860, thus declaring unconstitutional the platform of the Republican party.

The fifth resolution declares that if, at any time, the judicial and executive authority cannot insure adequate protection to Constitutional rights in a Territory, and the Territorial Government should fail or refuse to provide the necessary remedies, it is the duty of Congress to supply the deficiency. This was the declaration of the Senate, as made by resolution, on the 24th day of May, 1880, and it is in perfect accord with all that the South demanded in the Sixties.

The sixth resolution declares that a Territory, when forming a Constitution, may, like a State forming a Constitution, decide for itself whether it shall be proslavery or anti-slavery, thus again contradicting the platform of the unconstitutional party

The seventh resolution declares that the Constitution could not have been formed without the clause for the rendition of fugitives from service or labor; and that the laws enacted to secure its enforcement bear the impress of nearly seventy years of sanction by the very high authority of the Supreme Court; that these laws should be honestly and faithfully observed and maintained; and that all acts of individuals or State Legislatures to defeat the purpose or nullify the requirements of that provision of the Constitution, and the laws made in pursuance of it, are hostile in character, subversive of the Constitution and revolutionary in their effect. It was no less a political body than that of the Senate of the United States that thus declared, in connection with other expressions of censure, that the platform of the Republican Party in 1860, was subversive of the Constitution and revolutionary in its effect. To sum up:

Thus the United States Senate affirmed that the States framed the Constitution; that the States were free and independent Sovereignties; that the General Government which the States established, is a Federal Government; that this Federal Government is founded on a Compact known as the Constitution; and that any interference, openly or covertly, directly or indirectly, by any State or citizen of any State, with the domestic institutions of any other State, would be a manifest breach of plighted faith; and that all acts of Legislatures or citizens to nullify the Constitution clause requiring the rendition of fugitives from service, are subversive of the Constitution and revolutionary.

To offset the effect of these resolutions it has been affirmed that they were passed by a strictly party vote; that every Democrat voted for them and every Republican voted against them. The vote and the facts we have given in this connection contradict this false assertion. It has also been affirmed that these resolutions were but the basis of a conspiracy to rebel against the Constitution and the Government. The resolutions themselves contradict this false charge. There is not a word in all the seven resolutions but what invokes the exercise of its plain meaning. If there be rebellion in these resolutions, it is not against the Constitution, as declared by the Senate, but against its subversion and the revolutionary spirit of the Republican party.

We next present the Federal Government itself in testimony as to the Independence and Sovereignty of the States and the Right of Scession. Charles Francis Adams, a greatgrandson of the elder Adams and grandson of the younger Adams, and a brave Union soldier, says: "It is a noticeable fact that anterior to 1840 the doctrine of the right of secession seems to have been taught at West Point as an admitted principle of Constitutional law." He was referring to the fact that "Rawle's View of the Constitution" was the text-book on that subject prior to 1840 in the West Point Military Academy.

Mr. Adams informs us that Wm. Rawle, its author, was an eminent Philadelphia lawyer, 29 years of age at the time the Constitution was adopted, and already in active professional life; that in 1792 he was offered a judicial position by Washington; that subsequently he was for many years Chancellor of the Law Association of Philadelphia, and principle author of

the Revised Code of Pennsylvania. He stood in the front rank of legal luminaries of the first third of the century. His instincts, sympathies and convictions were all national. (The Constitutional Ethics of Secession and War is Hell, p. 16.)

This testimony as to Rawle shows him to have been an authority well qualified to decide upon the nature and character of this Government. And Mr. Adams himself who thus testifies as to his fitness as an authority is President of the Historical Society of the State of Massachusetts.

Mr. Rawle says: "The States then may wholly withdraw from the Union; but while they continue they must retain the character of Representative Republics." (290.)

"The secession of a State from the Union depends on the will of such people of such State. The people alone, as we have already seen, held the power to alter their Constitution. The Constitution of the United States is, to a certain extent, incorporated in the Constitutions of the several States by the act of the people."—p. 295.

"But as to manner by which a secession is to take place, nothing is more certain than that the act should be deliberative, clear and unequivocal." How well this fits the Eleven Southern Seceding States in their acts of secession! In the case of each seceding State the question as to the wisdom of the policy of Secession was discussed pro and con in the press, on the rostrum and in the Convention hall. By a Legislative act, it was submitted in each State to the popular vote prior to secession. Delegates met in Convention in each State. There the question was ably debated for and against the wisdom of secession, no one doubting the Constitutional right to secede. There was no haste: all was deliberation. The fact is that a majority of these States delayed action, hoping that the victorious party would reconsider and be true to their Constitutional obligations, till hope had failed them Some despaired of hope sooner than others. There were those-a few-that delayed till the proposed amendments to the Constitution suggested by the Peace Congress, called at the suggestion of Virginia, and all other remedies had failed; and still they hoped and refused to

act till called upon to furnish their quota of troops to coerce their brethren of the South for exercising a right the Constitutionality of which they had never doubted.

Prof. R. Bingham, Principal of the Bingham School, Asheville, North Carolina, in his "Prefatory Remark" to "Sectional Misunderstanding," referring to Rawle's View of the Constitution, says:

"The crux of the following paper is the historic fact, often asserted and never officially denied, that, from 1825—the year during which Robert E. Lee and Jefferson Davis entered the U. S. Military Academy—to as late as 1840, and probably later, the U. S. Government taught its cadets at West Point from Rawle's View of the Constitution, that the Union was dissoluble, and, that if it should be dissolved, allegiance reverted to the States. . . Some conclusive documentary proof of this historic fact is hereby offered, for the first time, as far as the writer knows, or has been able to ascertain."

Some of this historic proof is now and here submitted:

On the 3d of December, 1904, the Librarian of Congress wrote Prof. Bingham as follows: "I find on examination of the Annual Catalogues of West Point Military Academy that no text-books appear to be named until A. D. 1842. (Signed) A. R. Spofford."

On the 18th of November, 1904, A. L. Miles, Brig. Gen., U. S. A., Supt. from Headquarters U. S. Military Academy, West Point, N. Y.: "In the following Memorial Volume of the Military Academy, now being printed will appear the following note regarding the book:

"342. 73 R. 20 Rawle (Williams): A View of the Constitution of the United States of America, Phil. 1825, V. O.

"The text-book of the Law Department, from (?) to (?). The copy of this book owned by the Library of the U. S. Military Academy makes it very probable that it was used as a textbook. (Signed) A. L. Miles, Brig. Gen. U. S. A. Supt." This is the second link, which, taken with the first link, given above, renders it very probable indeed that Rawle's View of the Constitution was used as a text-book at West Point.

"On the 23d of November, 1904, Edward S. Holden, Librarian, wrote from West Point, N. Y., to Prof. Bingham, The copy of Rawle's (William) "A View of the Constitution of the U. S. of America," Philadelphia, 1825, V. O., owned by the United States Military Academy, contains ms notes which make it very probable that this book was used as a text-book, at the Military Academy, in as much as there is a list of sections and lessons marked. The book contains no information as to just the period which it was used as a text-book, nor have I been able to find this out up to the present time." The very probable proof is now approaching the absolute certainty.

"On the 15th of December, 1904, Wm. Brook Rawle, a greatgrandson of Wm. Rawle, of Philadelphia, 211 C. Sixth street, wrote Prof. Bingham: The book entitled "A View of the Constitution of the U. S. of America," was written by my greatgrandfather . . . The work, I have always understood, was for many years a text-book in the U. S. M. Academy at West Point.

"On the 27th day of January, 1905, John Rawle of Natchez, Mississippi, wrote to Prof. Bingham: "In reference to Wm. Rawle, my grandfather, I am aware that his view of the Constitution of the United States was used as a text-book at West Point, but I do not recollect in what years it was. Gen. R. E. Lee et al said that they were taught that book while at West Point.

"General Lee told Bishop Wilmer of Louisiana, that if it had not been for the instruction he got from Rawle's, the textbook at West Point, he would not have left the old army, and joined the South at the breaking out of the late war between the States."

On the 19th of January, 1905, Mrs. M. L. Leeds, granddaughter of Wm. Rawle, wrote to Prof. Bingham from New Orleans: "I am positive that the work of my grandfather, Wm. Rawle, was used as a text-book at West Point. I have heard this from my own father, Judge Edward Rawle, who died in 1880, a son of the author of the work." Joseph Wilmer, a son of Bishop Wilmer, wrote Prof. Bingham from Rapidan, Va., Feb. 10, 1905: "I have a distinct recollection of my father's statement that Gen. Lee told him 'Rawle's was the text-book at West Point during his cadet-ship.'"

Judge George L. Christian, of Richmond, Va., wrote to Prof. Bingham in December, 1904, "I have frequently heard Gen. D. H. Maury and Fitzhugh Lee state the fact that 'Rawle on the Constitution' was the legal text-book at West Point, when Gen. Lee, Joseph E. Johnston, and Stonewall Jackson were cadets there, and later on was a text-book when I was there."

Gen. Dabney in So. Historical Papers, Vol. 6, p. 249, says: "It (Rawle) remained a text-book at West Point till—; and Mr. Davis and Sidney Johnston and Gen. Joe. Johnston, and Gen. Lee, and all the rest of us, who retired with Virginia from the Federal Union, were not only obeying the plain instincts of our nature and the dictates of duty, but we were obeying the very inculcations we had received at the National School. It is not probable that any of us ever read the Constitution, or any expositions of it, except this work of Rawle, which we studied in our graduating year at West Point. I know I did not."

Here is proof absolute that Rawle's View of the Constitution was a text-book at West Point, and that such was the case when Davis and the Lees and the Johnstons, and other distinguished Confederate Generals were cadets there. Is this testimony worthless? It is certain that the dictum of the Republican Party was placed above the teachings of history and the plain meaning of the Constitution.

The entire South is under lasting obligations to Prof. Bingham for his most important contribution to the truth of history. It places the vindication of the South beyond the reach of doubt or censure. The South's thanks are also due to Charles Francis Adams, a brave Union soldier, for his testimony of like character, in these words: "Story's Commentaries was published in 1833. Prior to its appearance the standard text-book was Rawle's View of the Constitution."

We shall close this chapter with only a few other all-impor-

tant witnesses. Massachusetts, in the very beginning of her Articles of Confederation, set forth the conspicuous declaration that "each State retained its sovereignty and freedom and independence."

New Hampshire, in revising her Constitution in 1792, used the same words as Massachusetts with the exception of State for Commonwealth.

In the Federalist the question was frequently asked during the adoption of the Constitution by the States, "If the principles of the Confederation require that in the establishment of the Constitution the States should be regarded as distinct and independent Sovereignties. They are so required by the Constitution proposed." (Federalist N. 40).



# CHPTER XVIII.

# THE NORTH THE REAL REBELS.

It is now evident that we have arrived at a point in this discussion which justifies the above caption. The mere fact that the U.S. Government taught her own cadets in her own school, at West Point, the right of secessoin is sufficient evidence within itself, to establish this right beyond dispute. But especially is this true since the States, in framing the Constitution, reserved the right to themselves by not delegating it away in express terms. Especially, also, is this true when we consider Lincoln's testimony given in the Congress in 1848, remembering always that the nearer the witness is to the time of inauguration of the Constitution, as a general rule, the truer is he to that instrument. Especially, also, is this true when we consider the testimony of the Eleventh Amendment; that of the Declaration of Independence; that of the early Constitutions of Massachusetts and New Hampshire, to say nothing of the many other corroborating ordinances of the States of New York, Rhode Island and Virginia, to which we shall refer in the next chapter, and in which these States expressly based their ratification of the Constitution on the condition that they could withdraw from the Union.

But as in all very important transactions between men in their private affairs, a multitude of facts are not out of order, so in this very important question as to the sovereignty of the States and their consequent right of secession, a multitude of facts will not be out of place. Hence from the mountain of telling facts, vindicating the South, we propose to select a few others, which also bear, on their face, truth and verity.

In the 4th Edition of the Republic of Republics—Little, Brown & Co.—are these words: "Another event of great historical interest, in which Judge Clifford participated, was a Solemn Consultation of a small number of the ablest lawyers of the North in Washington, a few months after the war, upon the momentous question as to whether the Federal Government should commence a criminal prosecution against Jefferson Davis for the participation and the leadership in the war of Secession. In this council, which was surrounded at the time with the utmost secrecy, were Attorney-General Speed, Judge Clifford, Wm. Evarts, and perhaps a half dozen others, who had been selected from the whole Northern profession for their legal ability and acumen, and the result of their deliberation was the sudden abandonment of the idea of a prosecution in view of the insurmountable difficulties in the way of getting a final conviction."

We have just referred to Rawle's "View or the Constitution" as a text-book at West Point, an unanswerable argument of the fact in behalf of the Right of Secession, as taught by the Government itself. We have, now, in this "Solemn Consultation" another view of the Constitution, known by the title of the "Solemn Consultation's Views." Rawle's view was that of one man. but adopted by the Government. The Solemn Consultation's View was that of an entire council, composed of the ablest lawyers in the North-lawyers selected from the whole legal profession of the North for their known ability and acumen. They were aided in this most solemn council by Attorney-General Speed, whose name is very significant in this connection; for the result of their deliberations was the Speedy abandonment of the idea of a prosecution in view of the insurmountable difficulties in the way of securing a final conviction.

What were these insurmountable difficulties? We are not told, and yet all men know, that it was no less than the Impassable Mountain of the American Constitution. Why was not such a solemn consultation invoked before the war?

> Echo repeats the question, why Yet brings back no other reply.

What a confession have we here? The Government had waged a most gigantic war against the South for the reason that Secession was unconstitutional and treasonable. Yet within a few months after the end of that mighty conflict, the most terrible and most destructive known to modern history; yea, before the smoke of battle had cleared away, this same Government had confessed that the war had been waged without constitutional authority. Who were the real rebels? Who were the real patriots?

Davis was acquitted when that most Solemn Council had held that most Solemn Consultation, and had made its report to the officials of the Government. But he was not immediately released. On the contrary, he was imprisoned in the strongest fort in all North America. He was conducted thither with great pomp and display, his arm being in the firm grasp of a Federal General, who had a legion at his back. He was confined in a cell within a cell, only a few feet above the water line, and so dark as to require a lighted lamp day and night. Two sentinels were placed within that cell and paced to and fro day and night. He was proclaimed to the world as a felon, treated as a felon, fed as a felon, and shackeled as a felon. Yet, all this time he had been acquitted by that most Solemn Council in that most Solemn Consultation. Why all this? What does it mean? Was there no deception here? We pause on the very threshold of the answer, for the world had already given answer. Some future Shakespeare will dramatize this great wrong and deception in immortal verse. Some future Raphael will place it upon canvas in colors that will glow to the end of time.

How was such an imposition passed off upon the American public? It was due to Ignorance and Passion. Passion was the power and ignorance of the Constitution was the tool. Men. well informed on other subjects, know little of the Constitution from personal study of that instrument. We have, in a previous chapter, shown that even a distinguished Major General makes this confession for himself and other West Point graduates, viz.: "It is not probable that any of us ever read the Constitution, or any exposition of it except in this of Rawle, which we studied in our graduating class at West Point." If a distinguished military officer, whose calling demanded more or less intimate knowledge of the Constitution, does not read it, what is to be said of the great masses whose occupations do not require it? It is a most serious fact that this general and wide-spread ignorance of the Constitution is full of peril to our Republic. Wide-range ignorance of the fundamental law of

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any Government, whatever be its nature, is most dangerous in the hands of unscrupulous ambition. But how much greater is the danger in a Republic like ours!

Charles Francis Adams, the distinguished citizen and historian of Massachusetts, whom we have already introduced to the readers of this volume, says, "When the Federal Constitution was framed and adopted, what was treason; to what or to whom, in case of final issue, did the average citizen owe allegiance? Was it to the Union or to his State? As a practical question seeing things as they then were—sweeping aside all incontrovertible legal arguments and metaphysical disquisitions—I do not think the answer admits of doubt. If put in 1788, or indeed at any time anterior to 1825, the immediate reply of nine men out of ten in the Northern States, and ninety-nine out of a hundred in the Southern States, ultimate allegiance was due to the State." What a confession on which to justify the acts of Lincoln's Administration!

How was this stubborn fundamental fact overcome at the North? By false inference, by false constructions, and perversions of the Constitution. Truly has it been said: "It has not been the experience of mankind that words on parchment can arrest power."

Witness the perversion of the Constitution, and false inference and false construction in the following: "The Federal Constitution was theoretically and avowedly based on the idea of a divided sovereignty in utter disregard of the fact that sovereignty does not admit of division." Here is a misstatement of fact in strong language by no less a character than Charles Francis Adams. It is so stated as to be most effective on the minds of all whose prejudices incline in that direction. But the truth is that the Constitution was neither theoretically, nor avowedly based on any such idea as a divided sovereignty. The framers of the Constitution were thoroughly familiar with the nature of sovereignty. They knew that sovereignty could not be divided, and they did not attempt to divide it. If they did not attempt to divide it of course they did not avow it. If they did avow it, let Mr. Adams point to the volume and the page containing the record of that avowal! We know of but one instance in which an authority has used the term, divided sovereignty, and that was not made by the framers of the Constitution, but by Judge Iredell, an Associate Justice of the Supreme Court, and he regarded it as in the sense of the divided powers of sovereignty. He made the two expressions identical. We quote from Judge Iredell's decision in the famous case of Alexander Chisolm vs. the State of Georgia, as follows: "Every State in the Union, in every instance where its sovereignty has not been delegated to the United States, is considered to be as completely sovereign as the United States are in respect to the powers of the sovereignty surrendered. The United States are sovereign as to all the powers actually surrendered; each State in the Union is sovereign as to all the powers reserved."

While Judge Iredell incautiously uses words in this quotation which may be briefly summed up to mean delegated or divided sovereignty, he at the same time makes clear his meaning by the expressions, "The powers of sovereignty surrendered," "all the powers of sovereignty" actually surrendered, and "all the powers of sovereignty actually reserved." All the defenders of the Great War are in an emergency. The Constitution is clearly against them. Necessity will catch at all stray words, and all unmeaning phrases, to keep afloat rather than go down in the sea of wrong.

It is not to be doubted that there was in the Philadelphia Convention that drafted the Constitution, a party that strongly advocated a consolidated Government with paramount authority over the Sovereign States. By this party a resolution was introduced in the Convention "to negative all laws passed by the several States, contravening, in the opinion of the National Legislature, the Articles of the Union, or any treaties under the authority of the Union." With what success did this proposition meet? It was voted down by seven States against to three for it. Whereupon Martin Luther, a strong States-rights man, immediately introduced this resolution, the substance of which was incorporated in the Constitution: "That the legislative acts

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of the States made by virtue and in pursuance of the Articles of the Union, and all treaties, made and ratified under the authority, of the United States, shall be the supreme law of the respective States, as far as those acts or treaties shall relate to the said States, or their citizens and inhabitants; and that the judiciaries of the several States shall be bound thereby in their devisions, and anything the respective laws of the individual States to the contrary notwithstanding."

This propostion was unanimously adopted, and its substance inserted in the Constitution. It did not change the character of the Government in the least. It was offered not because necessary, but out of "abundant caution." When two nations form a treaty the terms of that treaty are the supreme law in both countries without diminishing in the least the sovereignty of each. Yet the centralists, in their dire extremity, quote this clause as making the General Government supreme over the Sovereignty of the States. The very caution of the framers of the Constitution to exclude the idea of a consolidated Republic is made the basis of an effort to prove that it is consolidated. To do this they disassociate the words, "shall be the supreme law of the respective States" from their connection, and treat them without their limitation to legislative acts of the States. made in pursuance of the Constitution and treaties made and ratified in pursuance of the same authority.

There was no stronger centralist in the Constitutional Convention than Alexander Hamilton, but he was as true to truth as he was extreme as a centralist. In Dawson's Edition of the Federalist, No. 31, p. 206, referring to this clause he declares, "It is said the laws of the Union are to be the Supreme law of the land. But what inference is to be drawn from this, or what would they amount to if they were not supreme? It is evident that they would amount to nothing. A law, by the very meaning of the term, includes supremacy. It is a rule which those to whom it is prescribed, are bound to observe.

"The clause which declares the supremacy of the laws of the Union only declares a truth which flows immediately and necessarily from the institution of a Federal Government. It will not, I presume, have escaped observation that it expressly confines this supremacy to the laws made pursuant to the Constitution, which I mentioned merely as an instance of caution in the Convention, since that limitattion would have been to be understood, although it had not been expressed."

No man in his day was a more extreme Centralist than Alexander Hamilton. No man in his day more loyally accepted the fact that the Philadelphia Convention had framed a truly Federal Government, composed of independent Sovereignties, than did Alexander Hamilton. He declares in unanswerable conclusions that this clause was inserted in the Constitution out of abundant caution; that he so stated in the Convention that framed the Constitution; and that it neither added to nor took from the limitation of the powers of the Federal Government. In No. 27 of the Federalist he declares the Government of the Union to be a Federal Government, calls it a Confedracy and speaks of its laws as "the laws of a Confederacy."

The Articles of the Confederation had no such clause, and vet Madison shows that "the treaties made by Congress, under the Articles of Confederation, had been declared by Congress and recognized by most of the States, to be the Supreme law of the land." Also Judge Chase of the U. S. Supreme Court, in 1796, rendered a decision (3d Dallas 99), that "Treaties made by Congress according to the Constitution were the supreme laws of the States because the Confederation (not a centralized government), made them obligatory in all the States. They were so declared by the Legislatures and Executives of most of the States; were so declared by Congress on the 13th of April. 1787: and were so decided by the judiciary of the general Government and Congress and State Legislatures and State Executives, and State judiciaries agree with Hamilton that Martin's resolution was substantially incorporated in the Constitution out of abundant caution-that is, it did not change the meaning of the Constitution in the least. Oh! the straits, to which necessity is subjected! Oh! the acts of an emergency that confronts exaltation and honor with shame and dishonor! To such a necessity a shadow is substance! To such an emergency a

mere phrase, out of its connection, is a volume full of unanswerable argument!

Outside the Constitution there is a vast field well adapted to the exercise of the imagination. In this chapter we have considered a product of this faculty, known as "a divided sovereignty" which was not a divided sovereignty. We shall now consider another product of this fruitful faculty. It is known as "a Pious Fraud." Just as there is no such thing as a divided sovereignty so there is no such thing as a pious fraud. This unstable basis to prove that the Federal Government had absorbed the sovereignty of the States is also from the gifted pen of Charles Francis Adams. If a better basis could be found, Mr. Adams would find it. He says, "A pious fraud was, in 1788, perpetrated on the average American." Note the word "perpetrated." meaning, according to Webster, "committed as an evil act." and Webster says it is "always used to express an evil act.' Given this definition, is a pious fraud possible? But that is Mr. Adam's premise. If there can be no pious fraud, there can be no pious conclusion based on it.

But let us examine Mr. Adams' exposition of this strange production of the imagination. Here it is: "It is impossible to believe that a man so intellectually acute as Mr. Hamilton failed to see the inherent weakness of the plan proposed. He did see it; but under existing conditions it was, from his standpoint. of view, the best attainable." What fact in history corroborates this statement? Examine it: You will find mere assertions only. Nor are they complimentary to the great Hamilton, one among the first citizens of his day, a gentleman highly esteemed among his contemporaries by both friends and foes for his sterling honesty. The aid-de-camp of the peerless Washington during the war of the Revolution, he was his first and most efficient Secretary of the Treasury, and constant and trusted friend in private life as well as in public life. Surely such a character was incapable of perpetrating a fraud, and such a fraud! Were Hamilton living he would repudiate the compliment (?) with indignant scorn. We shall refute the charge for him with his own carefully chosen words.

On the 24th day of June, 1788, the very year in which he is charged with having perpetrated this pious fraud, Mr. Hamilton, while advocating the adoption of the Constitution, said: "That two supreme powers cannot act together is false. They are inconsistent only when aimed at each other, or at one individual object. The laws of the United States are Supreme as to all their Constitutional objects; the laws of the States supreme in the same way. The supreme laws may act without clashing; or they may operate on parts of the common object with perfect harmony. . .The Constitution is framed upon truly Republican principles; and as it is expressly designed for the common and general welfare of the United States, it must be utterly repugnant to subject the State Governments."

These lofty and patriotic sentiments, these profound utteraces lift Hamilton infinitely above the low, degrading, guilty level of perpetrating a fraud. They remind us that Hamilton and Jefferson and Madison and all the leading statesmen, of Hamilton's day, understood the nature of the American Constitution alike. They also teach us that the Constitution, in its adoption was subjected to the severest test-that every word of it was given a searching criticism. This fact alone excludes all idea of fraud. Why do the Nationals ground their argument upon so low, so degrading a basis? Is it because they can find no better? It is far below the Constitutional level. It is a well known fact that Hamilton, in the Convention that framed the Constitution, advocated "a strong central government." Did this fact have anything to do with this charge of fraud? Though all know Hamilton as the leading anti-States-rights delegate in the Convention, how few there are who even know he advocated the adoption of the Constitution! How fewer are they who know that he construed the Constitution with Jefferson and Madison! How fewer still are they who know his sterling worth as a citizen, a patriot and a character! How few, indeed, are they who know that, when, in 1798, an invasion was apprehended from France, and provisional army had been called into the field. Hamilton's public services were again required; and, on the death of Washington in December, 1799, he succeeded

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to the chief command of the American forces! Could such a man, so honored, so trusted, perpetrate a fraud on his countrymen—even a pious fraud?

The very best the Nationalists, or Anti-Constitutionalists can do is to depend upon a mere probability or doubt as a basis of defense for their cause. But the State-Rights Republicans, or Constitutionalists, select their defense from the great abundance of facts that result from the very nature of the Government. We therefore next introduce the record of the Convention itself in its framing of the Constitution. The Hon. Edmond Randolph, of Virginia, introduced the following resolution:

"Resolved, That it is the opinion of this Convention that a National Government ought to be established consisting of a Supreme Executive, Legislative and Judiciary." This was followed by 22 other resolutions—23 in all—as reported by the Committee. In these resolutions the word National Government occurred no less than 26 times. The next day Mr. Elsworth of Connecticut moved to strike out the words, "National Government," and insert in their stead the words "Government of the United States," that is the States United—declaring that "this is the proper title."

The motion was adopted by a unanimous vote. The very act of striking out the words, "National Government," and inserting the words, "Government of the United States," in their instead, was a most significant and emphatic declaration by the States assembled in the Convention, that they were not framing a National or Consolidated Government, but a Confedercy, as Hamilton called it, composed of Sovereign States, equal in all respects.

This Confederacy was established by the highest authority known to the American people. This highest authority was no less than the sovereign people of the several Sovereign States in Convention assembled. Under the American theory of Government the highest authority known to a Sovereign State is a Convention, duly elected by the people of such a State. Only such a convention represents the full power inherent in the sov-

ereign people. They are, therefore, the only bodies that can truly claim to be the sovereign people assembled. It is such a people assembled in such Conventions that adopt the Constitutions for Sovereign States. These Constitutions are of necessity the fundamental laws of the States. They prescribe the limits of legislation. They specify the duties and obligations of Legislatures. It, therefore, follows that all Legislatures are dominated by a supreme law, and are not, and cannot be, sovereign bodies. Congress is a Legislative body, working under a supreme law, the Constitution of the States United, and, therefore. Congress is not and cannot be a Sovereign Body. Its limitations are fixed, and its duties are prescribed by a Supreme Law established by a Supreme People assembled in the name of the Supreme States in a Convention, called at the option of 13 free and independent Sovereignties,

To deliberately violate the Constitution in the name of the "Worng of Slavery," or in any other name, is rebellion against the Constitution, and rebellion against the Constitution is rebellion against the Government established at Philadelphia in 1787 and 1788. This the Republican Party did, and finally induced the North to share in their rebellion. The North, therefore, are the real rebels.

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# CHAPTER XIX.

# A REPLY TO CHARLES FRANCIS ADAMS.

Charles Francis Adams says: "We have all heard of a much quoted remark of Mr. Gladstone to the effect that the Constitution of the United States was 'the most wonderful work ever struck off at a given time by the brain and purpose of man.' This may or may not be so. I propose neither to affirm nor controvert it, here and now, but however wonderful it may actually have been, it would have been more than wonderful, it would have been distinctly miraculous, had it on the instant so wrought with men as at once to transfer the allegiance and affection of these thirteen distinct Communities from their old traditional governments to one newly improvised. This hardly admits of discussion."

This is a remarkable confession. It admits all that the South claims. It is perhaps from the highest historical authority in all New England, "the center of knowledge and light." It is from the honored and capable head of the Massachusetts Historical Society. As we shall see, he is a better and truer historian than logician. The declaration of this high authority is that "it would have been more than wonderful," yea, that "it would have been a distinct miracle" had the sovereign States of the Union, actually transferred their allegiance and their affection from their respective State Governments to the newly formed Federal Government. This is the main question at issue between the North and South, viz: The clear cut opimion of the framers of the Constitution and of the people of the States at the time of its adoption, as to the nature and meaning of that instrument. This confession of Mr. Adams is in line with the testimony of all history, viz: That the people of the respective States in the early days of this Republic did not transfer their allegiance and affection from their States to an untried experiment; and therefore did not exalt the Federal Government above their own State Governments. Upon what ground then

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can it be claimed that the Federal Government absorbed the sovereignty of the States? Also upon what other ground can we determine the question of right and justice between the two great sections of our common country than that of the Constitution—the Constitution as construed by its framers and its early expounders in the days of its adoption? Impartial history will decide that there can be, and that there will be no other basis of determining this all-important question. Justice, like "truth, though crushed to earth, will rise again."

From the very nature of things there can be no other basis than that of the Constitution on which to settle the question of right between the two sections. Was not the Constitution the one basis on which the Union was formed? This being true, every obligation of the States is bound up in the Constitution. These obligations are found nowhere else. How then is it possible to determine the questions of right or wrong between the States on any other basis? It cannot be done. There is no evading this conclusion.

But the Constitution is with the South. Therefore, Mr. Adams, like all other defenders of the great war, must seek another basis. He approaches it by degrees and with the cunning of the serpent that beguiled Eve. Witness these next words of his: "The change (made by the Constitution) was political and far-reaching; but it produced no immediate effect on the feelings of the people." As well say that the Union of the crowns of Scotland and England immediately broke up the Scotch clanship. It did break it up, but the process was continued through one hundred and fifty years. The Union became an organic fact in 1707; but as the events of forty years later showed, the consequences of the Union no Campbell or Cameron foresaw. So with us in 1788, allegiance to the States had only a few years before proved stronger than allegiance to the Crown or to the Confederation, and no one then was foolish enough to suppose that the executive of the Union "would dare to enforce a law against the wishes of a sovereign and independent State! the very idea was 'preposterous.'" May his allies forgive him for this admission!

He had just read these words of Senator Maclay of Pennsylvania written in his journal on the 22d of March, 1790, "Is it to be expected that a federal law passed directly against the sense of a whole State will ever be executed in that State?" He had also just read these other words, giving as his reference, "Gordy's Political Parties in the U. S., Vol. 1, pp. 203-341:" "That this new Government, this upstart of yesterday, had the power to interpose its edict on unwilling States was a political solecism to which they could in no wise assent." These are facts that stand out on the plain of history like mountains. It is impossible for them to escape the eye of the historian. They must, they will be recognized through all time.

May we not now ask what analogy is there between the Union of Scotland and England in 1707, and the Union of the States in 1788? Was not the former the result of royal intrigue and marriage? Did the submissive people have any voice in it at all? On the other hand, was not the Union of the American States the result of the decision of the free, independent, sovereign people of "sovereign independent States?" (Adams). In the former case the sovereigns were exclusively royal and despotic; in the latter the sovereigns were exclusively the free and sovereign people of the States.

But doubtless Mr. Adams is not greatly concerned about the analogy between the two Unions. It may not appear on the surface, but he places emphasis distinctly on the time required for the Scotch clanship to die. Does he not say in positive terms: "It did break it up; but the process was continuous through one hundred and fifty years?" If true, what significance have these words in this connection? Do they not clearly signify a search for a base, other than the Constitution, on which to determine the question of right and justice between the two sections? What means this strange claim that just as the Scotch clanship died out in a century and a half so State allegiance died out in less than three-fourths of a century Has he sustained his assertions as to State-allegiance by a single fact? Do not all know that State allegiance had not been transferred to the Federal Government in 1860? Do not all know that the stronger the allegiance to the State the stronger is the allegiance to the Federal Government? Do not all know it was the South's strong allegiance to her State Governments with a devotion, judged by her heroism and sacrifices in the Sixties, unparalleled in the history of the world? It is the want of allegiance to the States that set aside the Constitution and supplanted it with a mere fiction. Stripped of its verbiage and elegant phrases how does his argument appear? Here it is: The Union of Scotland and England broke up the Scotch Clanship in less than a century and a half. Therefore, the Union of the American States broke up the allegiance to these States in less time than three-quarters of a century. Was anything ever more absurd?

After quoting Senator Maclay's declaration, "That this new Government, this Upstart of yesterday, had the power to impose its edicts on unwilling States was a political solecism to which they could, in no wise, assent," the very next words of Mr. Adams are strong endorsement of these utterances. They are these:

We have the admission of Mr. Adams that from 1788 to 1830 the people had not transferred their allegiance and affection from their respective State Governments to the Federal Government. This is followed by the very strange declaration that during a

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new generation they did, in some way, so transfer their allegiance and affection. How? "Through slowly and insensibly shifting from the particular and gravitating to the general—from the State to the Union." In a Republic like ours can the nature of the Government be changed without legal process? This is peculiarly a Government of law. It was founded on law. It was organized by law. All its functions are defined by law, and all its acts are based on law. It is the proud boast of this great American Republic that it does nothing without the authority of law. Yet we are told of a mysterious "insensibly shifting" and "gravitating" change that "did its work." The sympathy of the future generations will not be for the leaders who inaugurated the great War in 1861, but for their descendants who will meet with "so many insurmountable difficulties" in defending the acts of their ancestors.

Mr. Adams has at last revealed to us that wonderfully strange base, that, in his estimation, supplanted the Constitution. He has circled around it like an eagle in search of its prey. Here it is: "A generation born in the Union had then grown up supplanting the generation born and brought up in the States, (also in the Union). Steam and electricity had not yet begun their cementing influence; but time, sentiment and traditionmore and most of all, the intense feeling excited in the North and South by our naval successes under the national flag in the War of 1812—had in 1815, in large part, done their work."

The New Basis, then, is a New Generation. It has been approached by entangling complications, by facts inapplicable, by facts false, and finally by assertions unsustained. If such logic be admissable, the best and purest Government of earth can be condemned. Yea, it will undermine the very ethics of Holy Writ. What well-established government has not had its new generations! What thousands of new generations have not come and gone since the days of Moses!

Besides, is it to be supposed that the Constitution was made for just one generation? Was it not made for the generations yet unborn as well as for the generation of 1788? Again, was not the Constitution made so flexible that it could be adapted to the conditions of any future generation? Does it not prescribe the method by which it can be adapted to the conditions of any age, even though it be a "steam" or an "electric" age? That method is not by the fiction of a magical New Generation, but by the formal consent of three-fourths of the States—a definite and sure method, not a most indefinite method, shrouded in uncertainty and revolution.

Still again, this New Generation basis is lawlessness and anarchy, as testified by these words of Mr. Adams: "It was not a question of law, or of the intent of the fathers, or the true construction of a written instrument." Does not this exclude all appeal to law? Does it not deny all appeal to justice by excluding the intent of the framers of the Constitution? Does it not forbid all legal tribunals by excluding "the true construction of the written Constitution?" This is not only anarchy, but also autocratic and despotic.

While denying it was a question of law, he yet ostensibly appeals to law in these words: "For on that vital point, the Constitution was silent—wisely, and as I hold it, intentionally silent." Does not Mr. Adams know that these words constitute a dagger in his own hand that cuts the warp and woof of his argument? The silence of the Constitution is language of deepest import and clearest meaning. To prove this we have but to quote the Constitution, thus: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the State respectively or to the people."

By far the greater part of the Constitution is its silence. That greater part belongs to the States, and declares their reserved rights. Herein consists its peculiarity. The conditions which called it into being demanded a peculiar Constitution—one like no other. What a State Constitution does not forbid by its silence, the Legislature, in its discretion, can do. What the Constitution of the United States does not forbid by its silence Congress cannot do. All the powers of the United States are enumerated and specified by the Constitution. It is a Government walled in by specifications and limitations. It is the agent

of its creators, the States, with definite instruction, within which it has liberty, beyond which it has no liberty.

"On that vital point," declares Mr. Adams, "the Constitution was silent." Therefore, the United States had nothing to do with that vital point. It belonged to the States. What then was that vital point? Why, simply this: "Whether it was 'a question of law"-"a true construction of the Constitution," or some fictitious substitute for this written instrument. That the Constitution was silent on such a question as this is not to be wondered at. Can it be possible that the States met in convention, framed and signed the Compact among themselves, and yet did not regard that compact as a law to themselves? Did not the States, ratifying it, agree to abide by it? If they agreed to abide by it, was it not to them "a question of law?" And if by law, was it not by the "true construction of a written instrument?" And if by a true construction of the Compact, could they exclude "the intent of its framers?" What absurdities does not a defenseless position breed?

Let us consider for a moment what would be the result if the true construction of the Constitution should be rejected. Every officer in the United States Government is sworn to abide by the Constitution, from the President down to the lowest. Every State officer from the Governor down to the lowest is sworn to abide by the same written instrument. If the true construction can be set aside and a false construction substituted, tell us what will be the result? The true construction can be but one, but false constructions may be as many as the stars that adorn the blue vault of heaven. The true construction means union and consistency, false constructions, disunion and anarchy. Who were the true disunionists and anarchists in the Sixties?

We quote further from Mr. Adams: "I have already referred to the academic address I, some months ago, had occasion to deliver. In response to it I received quite a number of letters, one of which, bearing on this point, seemed very notable. It was from the president of an historic Virginia College, who himself bears an historic name. In the address alluded to, I had

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said. 'However it may have been in 1788, in 1860 a nation had grown into existence.' This I take to be indisputable. In no way denying the fact, my correspondent, quoting the words I have given, thus wrote: 'But is it not true that this nationality was after all a Northern Nationality? Did the South share in it to any extent? On the contrary, the Confederate character of the Union was more strongly impressed upon the South in 1860, than in 1788. So that it may be more truly said that the Secessionist's recourse in 1861 was to a peaceable separation, and not to the sword. If the Union, and its national character reached out after the South, must not the responsibility for the use of the sword be visited upon the North and not upon the South? Both the North and the South started out from the same Constitutional standpoint of secession; but, while the South adhered to the same idea, the North fused into a Nation. which, in 1861, determined to conquer the other and conservative part. That the South had ever suffered nationality in spirit or in fact, previous to 1861, I think your address clearly disproves."

It is thus seen that Mr. Adams asserts "as an indisputable fact" that "in 1860 a nation had grown into existence," and that the Virginia College President did not deny it. We think he did deny it by implication, if not in express terms. If the Virginian did not dispute the proposition, we do, and demand the proof that a nation had grown into existence in 1860. If true, it had its beginning in 1860, for nothing can exist before it begins to exist. But, in fact, a Government, known as the United States, was in existence at that time and in full operation. Were there two Governments in this country at that time? By what name was this new nation called? What were its limits as to territory? What was its nature? Did it usurp the Government of the United States? If so, when and how? Was such a Government actually known at all in 1860? Had any one ever dreamed of such a Government? If not we have here the strangest phenomenon of all the strange phenomena in all the ages, viz: A nation in existence and inaugurating the greatest War of Modern Times, and fighting it to a finish, and yet un-

known, unheard of, undreamed of! When, then, did this nation exist? Surely not before it was heard of. Not till the mighty war with all its carnage had ended, and not then till the insurmountable task of satisfactorily explaining its cause and justifying its terrible destruction of human life rose stupendously on the vision of its originators. How then did it exist? In reality? No; simply in the brain—in the imagination! There never was such a nation, except as a mere fiction; and this fiction would not have been could a better reason of defense have been found.

The future historian will sweep away these cobwebs of a day and substitute in their stead the fact of the South's unyielding devotion to the Constitution. He will wreath her brow with the emblems of immortal glory. He will proclaim hers the land of patriotic heroes, the truest, the bravest, the best; and her heroines the most devoted, the most self-sacrificing, the purest, the loveliest, the sweetest—worthy of the best soldiers that ever rushed to the onset amid the thunders of the battle.

A monument was erected in 1788 to the Southern heroes and heroines of the sixties. That monument is the American Constitution. We do not refer to the parchment on which it is written, but to its immortal principles of human liberty and human rights. To the true Southerner its summit kisses the blue vault of heaven, and its broad base reaches North and South from the Great Lakes to the Gulf of Mexico, and East and West touches both oceans. So long as the principles of the American Constitution shall be revered the valor and patriotism of the South will live in the affections of mankind.

What is Mr. Adams' reply to the solid reasoning of the Virginian? He begins: "In some of the conclusions in this extract from the letter of my Virginian correspondent it is needless to say I do not agree. I do not believe in the right of secession as an original standpoint from which, in 1788, the North and South started out." Yet we have already quoted Mr. Adams as saying, in regard to whether allegiance is due to the State or the Union, "I do not think the answer *admits of doubt*. If put in 1788, or indeed at any time anterior to 1825, the immediate reply of nine men out of ten in the Northern States, and ninety-

nine out of a hundred in the Southern States, would have been as between the Union and the States, ultimate allegiance is due to the State." "If that does not mean the right of secession was the original standpoint what does it mean? Have we not also shown that he quoted Senator Maclay, of Pennsylvania, as saying on the 22d of March, 1790, "Is it to be expected that a Federal law passed directly against the sense of a whole State will ever be executed in that State?" Have we, not also shown that Mr. Adams quotes Gordy as saying, "That this new Government, this upstart of yesterday, had the power to impose its edicts on unwilling States was a political solecism to which they could in no wise assent?" If these quotations do not teach "the right of secession as an original standpoint from which, in 1788, the North and South started out," what do they teach? Is it possible that the States believed they could not withdraw from a Government, which, in comparison with their own, was "a mere upstart of a day?"

Another expression of Mr. Adams in reply is this: "I do not believe a peaceable secession as a possibility was ever contemplated by any one." Surely, he must have read of the Hartford Convention in which every voice proclaimed a peaceable secession possible. It met in 1814, and such is its fame that it is on cvery school boy's lip. Did he ever read "The Life of Cabot" in which Col. Pickering, advocating the secession of the New England States, is reported as saying: "That this (a separation) can be accomplished without shedding one drop of blood I have little doubt." (p. 338).

When Mr. Pickering uttered these words the two sections were about equal in population. We therefore assert upon the authority of Pickering and history that a peaceable secession was possible when the two sections were equal in population and material wealth. We also assert that such a secession was possible at any period anterior to the time the population of the South exceeded that of the North. We also declare that such a secession was possible at any time subsequent when the population of the North did not exceed that of the South to any very great extent. We also assert, as an indisputable proposition, that the se-

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cession of the eleven Southern States would have been a peaceable withdrawal from the Union in 1860-61, had not the North far outnumbered the South in population, in war materials and other advantages, including that of being in possession of the Government.

His third reply is the unsustained and unsustainable assertion "that the essential principle of the Constitution was a divided sovereignty, to which we have called attention in the previous chapter. In that chapter we think we have shown with mathematical conclusiveness that the Constitution was based on the principle of the divided powers of sovereignty, and not on a divided sovereignty. But suppose a divided sovereignty to be a possibility, what advantage would it give the North in this discussion? None, whatever. Mr. Adams admits this in these words: "Though I say, Mr. Lodge and Prof. Smith may be wrong, yet whether they were wrong or right does not affect the proposition that from 1788 to 1861, in case of a direct and insolvable issue between the sovereign States and Sovereign Nation. every man was not only free to decide but had to decide the question of ultimate allegiance for himself; and whichever way he decided, he was right The Constitution gave him two masters. Both he could not serve; and the average man decided which to serve in the light of sentiment, tradition, and environment." He, therefore, on this point abandons the Constitution to gain nothing. Yet this argument is advanced in justification of the War.

He next admits the Virginia College President is right "on the main issue," thus: "But on the main issue—the essential point involved in the extract from his letter—the writer was, I think, right. Previous to 1861 the South did not undergo nationalization, to the same extent, in any event, as the North. And yet why did it not?"

This question introduces another evasion of the Constitution. The main issue between the North and the South has been admitted to be in favor of the latter. The Constitution is therefore abandoned and Fate is invoked to come to his rescue. He had previously quoted these lines of Tennyson:

"The drift of the Maker is dark, an Isis hid in the veil.

Who knows the ways of the world, how God will bring them about?

Our planet is one, the suns are many, the world is wide.

We are puppets, Man in his pride and Beauty fair in her flower;

Do we move ourselves, or are moved by an unseen hand at

a game

That pushes us off from the board and others ever succeed."

"And why did it not?" is thus answered! Again Tennyson's unseen hand at a game-a game in which we are "puppets." But after all what is that unseen hand? And how did it manifest itself in our national life during the three-fourths of a century between 1788 and 1861? That "unseen hand," theologically known as "an inscrutible providence." I take to be nothing more nor less than those national, social, industrial and political conditions, domestic and public, which, making our environment, mould our destiny with no very great regard for our plans, our hopes, our traditions, or our aspirations." Thus all the wrongs done to an abandoned Constitution, all the wrongs suffered by the South are justified by the irrevocable decrees of Fate, as if Fate, so-called relieved man of all responsibility. We knew Lincoln was a fatalist, but we had not suspected Mr. Adams and other leading spirits as being fatalists of the North. This question is not to be determined by the doctrine of fatalism. The descendants of the Northern heroes must learn the sad fact that their gallant fathers fought for a cause, defenseless in the light of the American Constitution. They must console themselves, if at all, with the fact that the country is prosperous in spite of the wrongs to the Constitution and to the great loyal Southern section.

We admit the universal proposition: "Known unto God are all things from the beginning." We also admit, "his name is 'I am,' or One Eternal Now. We also admit another proposition, equally as indisputable, viz.: "Man is a responsible being."

The same testimony that proves we live proves with equal certainty that we are responsible beings. We know we live because we are conscious of the fact, and we have no other evidence that we do live. We know that we are responsible beings because we are conscious of the fact. If we deny the testimony of consciousness in the one case we must deny it in the other. But we cannot deny we live. Therefore, we cannot deny we are responsible beings.

"Can we by searching find out God?" We see "his handy work in the heavens." We see his thousands of suns to which Tennyson refers. But who has ever answered the childs' questicn, "Who made God?" Both Natural and Revealed Religion teach us that he is absolutely infinite in all his attributes. If there is one thing he does not know he lacks that much of being absolutely infinite in knowledge. If there is one thing he cannot do he lacks that much of being infinite in power. If there be one thing he does not know or one thing he cannot do, it would result in the wreck of the universe. As the natural eve is turned toward the sky at night we seem to be in the midst of a hemisphere, all bedecked with stars. Why? Because it is the limit of our vision, and that limit is the same in every direction. When the astronomer turns his telescope to the heavens he too sees what appears to be a hemisphere, all bedecked with stars, but of vaster proportions. But when God looks out in the same direction there is but one vast stretch of vision, unlimited and illimitable. To use a simpler illustration: When man looks along two parallel lines, they seem to come in contact at a certain distance. But when God looks at them they run the same parallel lines all the way. Thus it is when we look at man's responsibility and God's absolute knowledge they seem to come in contact. When God looks at them they run on in grand parallelism forever. We therefore conclude that useless and insignificant are these words of Mr. Adams: "Throughout Fate, the inevitable, 'the unseen hand' are everywhere now apparent," so far, at least, as relieving the North from responsibility as to the clash of arms, the wreck of hopes and the destruction of life and property is concerned.

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What has Mr. Adams admitted? Here it is in his own plain words: "The essential point involved in the extract of his letter"—that of the college president—viz: "The Confederate character of the Union, was more strongly impressed upon the South in 1861 than in 1788;" that is, instead of being "nationalized," so-called, it was more strongly Confederate in character than ever during the existence of the Union—or less nationalized. Granting this to be true, as Mr. Adams has done, it is impossible to evade the conclusion of the Virginian, viz.: "If the North was really the only national part of the Union, and its national character reached out after the South, must not the responsibility for the use of the sword be visited upon the North and not on the South?" Thus the College President turns the enemy's own gun upon themselves.

Were it not that the great name of Webster has been brought into this discussion in support of the false theory of nationalization we would rest the case, on this phase of the argument, right here. As The Representative of New Hampshire in Congress, Mr. Webster on the 9th of December, 1814, the law for compulsory army and military service being under consideration. said: "The operation of measures thus unconstitutional and illegal ought to be prevented, by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the State Government to protect their own authority over their own Militia, and to interpose between their citizens and arbitrary power. These are among the objects for which State Governments exist; and their highest obligations bind them to the preservation of their own rights and the liberties of their people. I express these sentiments here, sir, because I shall express them to my constituents. Both they and myself live under a Constitution, which teaches us that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind. With the same earnestness with which I now exhort you to forbear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their own liberties." (C. H. Vantine: The Letters of Daniel Webster

p. 67). Never did Calhoun utter stronger States-right sentiments than these.

In support of his imaginary theory of nationalization, Mr. Adams quotes similar sentiments from the address of Governor Ionathan Trumbull to the Legislature of Connecticut, in special session, Feb. 23, 1809, as follows: "Whenever our National Legislature is led to overleap the prescribed bounds of their Constitutional powers, on the State Legislatures, in great emergencies, devolves the arduous task-it is their right-it becomes their duty, to interpose their protecting shield between the right and liberty of the people, and the assumed power of the General Government." Along the same line he quotes from the resolutions of the Hartford Convention, saying, "They follow closely Madison's own language in draughting the Virginia resolutions of 1798," these words: "The mode and the energy of the opposition should always conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted, the determination manifested to persist in it. and the danger of delay. But in case of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a State, and liberties of the people, it is not only the right but the duty of such a State to interpose its authority for their protection in the manner best calculated to secure that end. When emergencies occur which are beyond the reach of the judicial tribunals, or too pressing to admit of delay incident to their forms, States which have no common umpire must be their own judges, and execute their own decisions." Stronger and clearer Statesright sentiments were never uttered by the most rabid secessionists. Why does Mr. Adams quote these States-rights sentiments from such sources? Because he thinks they form the basis for a superb argument in behalf of nationalization, so called,

He next quotes as if triumphantly, these words of Webster in reply to Hayne: "I do not hold that the Hartford Convention was pardonable even to the extent of the gentlemen's admission, if its objects were really such as have been imputed to it." Mr. Adams comments: "It is somewhat curious to consider what would have been the attitude of the Massachusetts Senator, if, after uttering these words, the Senator from South Carolina had been able to confront him with his speech fifteen years previous in the other hall of the Capitol. But

> 'Manners with fortune's humors turn with climes, Tenets with books, and principles with times.'"

We now propose to turn the tables on this fatalist. If a change of opinion during fifteen years is proof that Webster had nationalized, what shall be said of him when nine years later, in January, 1839,—six years after the Webster-Calhoun discussion in the Senate,—before the Supreme Court of the United States in the case of the Bank of Augusta vs. Earle, he returned to first principles, that is to Constitutional principles? He then and there spoke as follows: "But it is argued, that though this law of comity exists between independent nations, it does not exist between the States of the Union. That argument appears to have been the foundation of the judgment of the court below.

"In respect to this law of comity, it is said. States are not nations; they have no National Sovereignty; a sort of residuum of sovereignty is all that remains to them. The National Sovereignty, it is said, is conferred on this Government, and part of the municipal sovereignty. The rest of the municipal sovereignty belongs to the States. Notwithstanding the respect which I entertain for the learned judge, who presided in that court, I cannot follow in the train of his argument. I can make no diagram, such as this, of the partition of National character between the States and General Governments. I cannot map it out, and say, so far is National and so far is municipal; and here is the exact line where the one begins and the other ends. We have no second La Place, and we never shall have, with his Mechanique Politique, able to define and describe the orbit of each sphere in our political system with such exact mathematical precision. There is no such thing as arranging these Governments of ours by the laws of gravitation, so that they will be sure to go on forever without infringing. These institutions are practical, admirable, glorious, blessed creations. Still they were when created, experimental institutions; and if the Convention which framed the Constitution of the United States had set down in it certain general definitions of power, such

as have been alleged, in the argument of this case, and stopped there, 1 verily believe that in the course of fifty years which have since elapsed, this Government would never have gone into operation.

"Suppose the Constitution had said, in terms after the language of the court below—all National Sovereignty shall belong to the United States; all municipal sovereignty to the several States. I will say, that however clear, however distinct such a definition may appear to those who use it, the employment of it, in the Constitution, could only have led to utter confusion and uncertainty. I am not prepared to say that the States have no National Sovereignty. The laws of some of the States —Maryland and Virginia, for instance—provide punishment for treason. The power thus exercised is certainly, not municipal. Virginia has a law of alienage; that is, a power exercised against a foreign nation. Does not the question necessarily arise, when a power is exercised concerning an alien enemy—enemy to whom? The law of escheat, which exists in all the States, is also the exercise of a Great Sovereign Power.

"The term Sovereignty does not occur in the Constitution at all. The Constitution treats States as States, and the United States as the United States, and by careful enumeration, declares all the powers that are granted belong to the United States, and all the rest are reserved to the States. If we pursue to the extreme point, the powers granted, and the powers reserved, the powers of the General and State Governments will be found, and it is to be feared, infringing and in conflict. Our hope is that the prudence and partriotism of the States, and the wisdom of the Government, will prevent that catastrophe. For myself, I will pursue the advice of the court in Deveaux's case: I will avoid nice metaphysical substitutes, and all useless theories; I will keep my feet out of the traps of general definition: I will keep my feet out of all traps; I will keep to things as they are, and go on further to inquire what might be, if they were not what they are. The States of the Union, as States. are subject to all the voluntary and customary laws of nations."

Talk about your political cements, such as the steam, whose expulsive power gives to the volcano its crater; and that of electricity, whose driving force rends the giant of the forest; and as that of the war in 1812 with its Hartford Convention. But there is no political cement, worthy the name, except that of the American Constitution. We have seen Webster in the House of Representatives the bold and able defender of the Constitution, as the only hope for the rights and independence of the States. We have seen him fifteen years later in a heated debate with Hayne in the United States Senate, and have heard him declare, "I do not hold that the Hartford Convention is pardonable." We have seen these words construed to mean that he was nationalized, that he had abandoned the Constitution. Nine years still later, we have seen him standing before the August tribunal of the United States Supreme Court. The lights of fifty-six summers encircles his brow. He is in the prime of life, and in full possession of the powers of his giant intellect. He is unrobed of all false logic, and stands erect the most stately form in all America, the champion of the Constitution. He speaks: "I am not prepared to say the States have no National Sovereignty." Then in concise terms his next words give the proof: "The laws of some of the States-Maryland and Virginia, for instance-provide punishment for treason. The power thus exercised is certainly not municipal. Virginia has a law of alienage; that is a power exercised against a foreign nation. Does not the question necessarily arise, when a power is exercised concerning an alien enemy-enemy to whom? The law of escheat which exists in all the States, is also the exercise of a great Sovereign power."

Pausing here and earnestly gazing into the face of each member of that dignified tribunal, his next words are uttered with deliberation and emphasis: "The term Sovereignty does not occur in the Constitution at all. The Constitution treats States as States and the United States as the United States," that is the Constitution treats States as *Nations*, and the United States as *United States*, or United Nations.

How pitiful is nationalization in the presence of this logic! Nationalization, a usurper of the Constitution, and yet a mere imaginary public opinion, unreal, unsupported, but not unasserted, "signifying things different at different times and in different places"! What a substitute for the Constitution! What a justification for the Great War!

Along the line of this inexorable argument, the Supreme Court rendered its decision. Here it is in part: "It has, however, been supposed that the rules of comity between foreign Nations do not apply to the States of this Union; that they extend to one another no other rights than those which are given by the Consitution of the United States: and that the courts of the General Government are not at liberty to presume, in the absence of all legislation on the subject, that a State has adopted the comity of Nations toward the other States, as a part of its jurisprudence or that it acknowledges any right but those which are secured by the Constitution of the United States. The court thinks otherwise. The intimate Union of these States, as members of the same great political family; the deep and vital interests which bind them so closely together; should lead us, in the absence of proof to the contrary, to presume a greater degree of comity and friendship, and kindness toward one another, than we should be authorized to presume between foreign Nations. And when (without doubt it must occasionally happen) the interest or policy of any State requires it to restrict the rule, it has but to declare its will, and the legal presumption is at once at an end. But until this is done, upon what grounds could this court refuse to administer the law of international comity between these States? They are Sovereign States, and the history of the past, and the events which are daily occurring, furnish the strongest evidence that they have adopted toward each other the laws of comity in their fullest extent.

"But it cannot be necessary to pursue the argument further. We think it is well settled, that by the law of comity among Nations, a corporation created by one Sovereignty is permitted to make contracts in another, and to sue in its courts; and that the same law of comity prevails among the several Sovereignties of this Union."

Talk about your fictitious "Nationalization"! It is certain this court was not nationalized. It is certain "the Sovereign States" were not. It is certain there would have been no such term known to American politics had the Constitution authorized the aggressions of the North in the Sixties. When Webster stood before that august tribunal no such term was on the lips of an American statesman. It is only one of the many illegal children born of necessity since the War.

That Webster's views had undergone a complete change since his debates with Hayne and Calhoun is further seen in his celebrated letter to the Barings of London in 1838. It is as follows:

"Your first inquiry is, 'whether the Legislature of one of the States has legal and Constitutional power to contract loans at home and abroad."

"To this I answer that the Legislature of a State has such power; and how any doubt could have arisen on this point is difficult for me to conceive. Every State is an independent, sovereign, political community, except in so far as certain powers, which it might otherwise have exercised, have been conferred on a General Government, established under a written Constitution, and exerting its authority over the people of all the States. This General Government is a limited Government. Its powers are specified and enumerated. All powers not conferred upon it remain with the States and with the people. The State Legislatures, on the other hand, possess all usual and extraordinary powers of Government, subject to any limitations which may be imposed by their own Constitutions, and, with the exception, as I have said, of the operation on those powers of the Constitution of the United States.

"The security for State loans is the plighted faith of the State, as a political community. It rests on the same basis as other contracts with established governments—the same basis, for example, as loans made in the United States under the authority of Congress; that is to say, the good faith of the Government making the loan, and its ability to fulfil its engagements.

"It has been said the States cannot be sued on these bonds. But neither could the United States be sued, nor, as I suppose, the Crown of England in a like case. Nor would the power of suing, probably, give the creditor any substantial additional security. The solemn obligations of a Government, arising on its own acknowledged bond, would not be enhanced by a judgment rendered on such a bond. It either could not, or would not, make provision for paying the bond, it is not probable that it could and would make provision for satisfying the judgment." (Nile's National Register, Vol. 57, pp 273-41.)

Here is one of the clearest expositions of the nature of the United States Government ever written. The language is simplicity itself. It is as clear as simple. In it Mr. Webster declares that "every State is an independent, sovereign, political community"; and that "the General Government is a limited Government," "its powers" being "specified and enumerated." He is the main witness of Charles Francis Adams and Francis Newton Thorpe. Therefore they can not discard his testimony.

As early as 1803 Judge Tucker in his edition of Blackstone utters similar statements in these words: "The Federal Government, then, appears to be the organ through which the United Republics communicate with foreign Nations, and with each oth-Their submission to its operation is voluntary; its councils, er. its engagements, its authority, is an emanation from theirs, not a flame by which they have been consumed, nor a vortex in which they have been swallowed up. Each is still a perfect State, still Sovereign, still independent, and still capable, should occasion require, to resume the exercise of its functions, as such, to the most unlimited extent. But until the time shall arrive when the occasion requires a resumption of the rights of Sovereignty by the several States (and far be that period removed when it shall happen) the exercise of the rights of Sovereignty by the States individually is wholly suspended, or discontinued, in the cases before mentioned; nor can that suspension ever be removed, so long as the present Constitution remains unchanged, but by the dissolution of the bonds of the Union; an event which no good or wise administration will ever hazard."

When the bill for the purchase of Louisiana was before Congress Josiah Quincy, of Massachusetts, opposed it on the ground that it would disturb the balance of power east of the Mississippi and render New England secondary as to influence in public affairs. He said in the House on the 11th of January, 1811: "The principle of the bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country, and that in no great length of time it may produce one. . . . I am compelled to declare it as my deliberate opinion, that, if this bill passes, the bonds of this Union are, virtually, dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to be prepared definitely for a separation; amicably, if they can; violently, if they must."

Why does Quincy declare the right of secession here? Because with Tucker and Webster and Hamilton and Madison and Jefferson and all of the great political luminaries of the early days of this Republic, the Union was regarded as a compact among the States, an organ through which the United Republics communicate with foreign Nations and with each other, and through which the States transact business of common interest to all. Hence he speaks of the Compact as a moral obligation, and because voluntarily made, may be voluntarily annulled.

In entering into this Compact the States were very cautious for they were very jealous of their rights as States. After the Declaration of Independence they were bound to each other simply by mutual interests and mutual dangers. Without a general government they fought to a successful issue the greatest of world powers. It was not till March 1781, only a few months before the close of the war, the last State ratified the Articles of the Confederation. They had hesitated, they had squabbled for five years. And yet the Confederation was a mere league of States with inadequate powers having but little trace of Nationality.

When a more perfect Union was realized to be a necessity for their mutual benefit, the States met in Convention in Philadel-

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phia and drew up a new Compact known as the Federal Constitution. It was submitted to the States for their ratification. Again they were jealous and cautious. In some quarters it met with violent opposition. In the discussion it was claimed by some that no provision was expressly made for the secession of a State. This objection was successfully met by the reply that "no such provision was necessary as each State had the inherent right to withdraw from the Compact," just as it had the inherent right to enter into it. It was also opposed by some because it made no provision to prevent the abolition of slavery. This also was declared not to be necessary because the United States could exercise no authority not specifically granted by the Constitution. To remove all doubt as to the right of a State to secede three of the thirteen States expressly reserved that right in their ordinance of ratification. These States were Virginia, New York and Rhode Island. The State of Virginia in her ordinance of ratification used these memorable words: "The delegates do declare and make known that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be perverted to their injury or oppression."

New York in her ratifying ordinance reserved the right to secede in these words: "The powers of Government may be resumed by the people whenever it shall become necessary to their happiness."

Rhode Island waited till the 29th day of May, 1790, more than one year after the inauguration of Washington, and then ratified the Constitution, reserving the right to secede in the identical words used by New York, viz: "The powers of Government may be resumed by the people whenever it shall become necessary to their happiness."

Whatever rights belonged to these three States belonged to all. Otherwise the States had entered into a Compact on unequal terms. But they did not enter the Compact on unequal terms. Therefore the rights of these three States were the rights of the thirteen.

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It is impossible for truth and facts to weave a stronger argument in behalf of any right than they have woven in regard to the right of the States to withdraw from the Union anterior to the war. Therefore the South, in exercising this right in 1860-61, was not in rebellion. If not in rebellion she was not responsible for the Great War.



## CHAPTER XX.

# FOURTEEN SUBSTITUTES FOR THE CON-STITUTION GROUPED.

1. A Pious Fraud. 2. "We, the People." 3. A Divided Sovereignty. 4. "The Union Much Older than the Constitution." 5. A Higher Law. 6. An Unwritten Constitution. 7. A Common Law. 8. The Federal Government an Organic Growth. 9. The Silence of the Constitution. 10. The Wrong of Slavery. 11. A Party Platform. 12. Indifference of Foreign Immigrants. 13. Nationalization. 14. Fate.

## A Few Admitted Facts.

If such writers as Charles Francis Adams, Francis Newton Thorpe, and J. P. Gordy, in their efforts to place the tremendous responsibilities of the Great War on the South, can produce no sustaining facts there are no such facts. We lay down as an indisputable proposition that facts which ignore the Constitution are not admissable. If there is one central fact in the history of our country around which all other facts should circle, that one fact is the Federal Constitution. By its adoption, all the States pledged their sacred honor to abide its terms. It was the "Balm of Gilead" for all their wounds. To reject it was to invite political disease and death. It was rejected in the Sixties by the North; and the world knows the result.

Now that the war is a thing of the past its defenders find themselves embarrassed from a Constitutional standpoint. So much was said; so much was done; so much sorrow and suffering and death and ruin was brought to the country—all in the name of the Constitution—that it is now more than human nature can do to confess the wrong. Therefore from sheer necessity they have invented substitutes for the constitution. These substitutes abound. They are are too numerous for all to receive proper attention here. We shall therefore confine ourselves to only fourteen. Were it not for the very serious results that followed the violation of the Constitution by the North in the Sixties these substitutes would be laughable. To future generations they will be the subjects of ridicule, yea of scorn; for what substitutes for the Constitution, the embodiment, of the plighted faith of the States, could justify all the horrors of the Sixties? We have perhaps mentioned already the most, if not all of the substitutes, we are now about to consider. However that may be, we now propose to group them that the world may behold the motley group.

1. The first substitute we shall mention is "A Pious Fraud." Fraud is its name. Even its piety cannot change either its name or its character. Its claim to support the Constitution is unsustained by fact, fitness, or reason. J. P. Gordy, for the want of sustaining facts, has asserted that, "the Convention framed a Constitution by the adoption of which thirteen peoples, imagining themselves still independent and sovereign, really acknowledged themselves to be parts of a single political whole." (Political Parties in the United States.) Mr. Gordy thus declares that the States were Independent and Sovereign before they adopted the Constitution, a fact he could not deny. But his concluding clause is without even the semblance of fact, resting on his bare assertion. Charles Francis Adams, referring to these words of Gordy, and basing his statement on them, declared that "A Pious Fraud was, in 1788, perpetrated on the average American"-that is, the States were robbed of their independence and sovereignty without their knowing it. What a bold assertion! How reckless, how unfounded! What a stretch of the imagination! What limitation can be fixed for inventive genius under the strain of necessity! Do not Mr. Gordy and Mr. Adams know that stolen goods still belong to the rightful owner? Do they not, therefore, also know that even if such an absurdity could have been fact the States would still have maintained their Independence and Sovereignty? But whether there was fraud or no fraud, one thing is assured beyond contradiction, viz: That the intention of the framers of the Constitution was to preserve the Independence and Sovereignty of the States. And who does not know the supreme importance of the intention of the law makers in determining the true construction of the law? But,

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aside from it all, who believes that the Philadelphia Convention was capable of deliberately planning and committing a fraud, whether pious or impious? Never assembled for nobler purpose nobler specimens of true and virtuous manhood. Very bold indeed is the man who would make such a charge! Who believes that, but for sheer necessity, such a fraud would have ever been invented, yea, would ever have been conceived in the brain of man? There was no such fraud.

2. A second Substitute is "We, the People" in the preamble of the Constitution. It is conceded that all preamples find their explanation in the body of the instrument. No people, no State, is a truism. And what is a State but "the whole body of a people united under one Government?" What the State therefore does the people of the State do. What the States united do the people of the States united do. That is all "We the people of the United States" in the preamble to the Constitution declares or means. Do your utmost. You cannot make anything else out of It is probable, however, that the term might have been so it. expressed as to have rendered it more difficult for designing politicians to twist its meaning to suit their own sinister designs. Let us experiment. If the preamble had said, "We the People of the respective States United," would it have had a different meaning from "We the People of the United States"? If it had read "We the States United," would it not have meant the same since a State is the whole body of people united under one government? What then, but an inevitable necessity could find the Consolidation of the States in the term, "We the People of the United States"?

Let us look a little further. Were they not States, or, as Webster and Madison and others termed them, nations united for a common purpose, having a common interest? The very face of the instrument shows they did not part with all their powers, but only with such as they specified in the instrument. Did they not continue to exist still as the same States and under the same names? As the same States, known by the same names as before the Union, did they not exercise all the powers they had not ceded? Did they not inaugurate the Federal Government itself? Did that Federal Givernment have the right to exercise a single power these States had not granted it? Could the Government ever have gone into operation without the consent of these States in their political capacity?

Besides, was not the Constitution a Compact among the States? Is not this one point in which all authorities are agreed? Will it be argued that it is a compact with the Government and not a compact of each State with the others? Can it be denied that a Government founded on a compact to which each State was a party, was a Federal Government? If it was not a Government formed by a league of the States how shall we account for the fact that the States adopted the Constitution at different times and on different conditions? Have we not shown in a previous chapter that New York, Virginia and Rhode Island entered the Union on conditions proposed by themselves? Did not the last named State refuse to enter the Confederacy for more than a year after the inauguration of Washington?

"We the People" means nothing more than that "the people of the several States had been consulted and had given their consent to the instrument." Did not Washington style the Federal Government a "Confederated Government"? And what does that mean but States or Nations united in a league, or allied by treaty, or united in a Confederacy? In a pamphlet edition of Webster's speech at Capon Springs in Virginia on the 28th day of June, 1851, Webster affirmed that "the Union was a Union of States," and that it was "founded upon compact." He then added: "How is it to be supposed that when different parties enter into a compact for certain purposes, either can disregard any one provision and expect, nevertheless, the others to observe the rest?"-that is "a compact broken on one side could not continue to bind the other." These are Webster's own words. A Compact among the States and a Confederacy of the States means the same. Did not all New England during Madison's Administration declare the Government a Confederacy, subject to dissolution! And what is a Confederacy but a league, a covenant, or contract? When applied to States it is nothing less than a league or covenant, or contract among States. This is as far

from a consolidation of States as the East is from the West. If we turn to the Philadelphia Convention we find that twentysix times the term "National Government" was stricken from the Randolph resolutions and twenty-six times the term "United States" was substituted in their stead. If we turn to the States ratifying the Constitution we find them unanimous and emphatic in declaring that this Republic of States is one with limited powers-having only granted powers-and that the States are free. independent and sovereign over their reserved rights. If we turn to the Constitution itself we find that all the powers not granted to the Federal Government "are reserved to the States or the people." If we are still in doubt the closing words of that instrument remove all doubt, thus: "Done in Convention by the unanimous consent of the States present." "The States or the people" then mean the States; and the States means the people of the States. What now is the meaning of "We, the People of the United States" in the preamblie of the Constitution? Necessity must seek another substitute. And here it is:

"A Divided Sovereignty." Comparatively speaking there 3. are only a few who distinguish between the term "Divided Sovereignty" and "the Divided Powers of Sovereignty." Even Judge Iredell, Associate Justice of the United States Supreme Court, treated the two terms as synonymous. This fact gave the necessitied defenders of the justice of the war against the South a new substitute; one that could be made to seem plausible, by quoting a Judge of the Supreme Court, and all who use this argument quote Judge Iredell,-omitting the fact that the Judge made the two terms identical. There is, there can be, no such a thing as "a Divided Sovereignty." Therefore it can not form a basis for an argument. There is such a thing as the divided Powers of Sovereignty. This the States in the Convention realized. "The powers delegated" are words of "The powers reserved to the States are also the Constitution. words of the Constitution. If we look to the Constitution, we do not find in it any such term as "a Divided Sovereignty"not even the remotest reference to it. But we do find, from its preamble to its finish, beneath the surface, the consent of

the States to divide their Powers of Sovereignty with the Central Government, the product of the several States in their political capacity.

But if this fiction should be a fact the advocates of centralism would profit nothing. For then the Federal Government would be sovereign over its share of the Divided Sovereignty, and the States, sovereign over their part. Charles Francis Adams concedes this fact in these words: "In case of a direct and insoluble issue between sovereign State and sovereign Nation every man was not only free to decide, but had to decide the question of ultimate allegiance for himself; and whichever way he decided, he was right. The Constitution gave him two masters. Both he could not serve; and the average man decided which to serve in the light of sentiment, tradition, and environment." If then the term Divided Sovereignty be found in the Constitution, those who gave their allegiance to their sovereign State were "right." Therefore the people of the South were right when they gave their allegiance to their states in the Sixties. Upon what ground then, can this third substitute for the Constitution justify the invasion of the South by the North? Must a people be slaughtered for being right?

4. A Fourth Substitute is "The Union is Much Older than the Constitution." Did ever fertile brain of Necessity invent a more remarkable fiction? If, for no other reason, it is most remarkable for its absurdity.

As well say the superstructure preceded the foundation. This fiction originated in the brain of Abraham Lincoln. The American ear caught its first note in Lincoln's inaugural address. The order of events was as follows: (1) A Convention of the States in Philadelphia: (2) the framing of the Constitution: (3) the submission of the Constitution to the several States for its ratification or rejection; (4) the ratification of the Constitution by eleven of the thirteen States—two refusing for a time to ratify it, one waiting for more than a year after the inauguration of Washington. When eight States had adopted the Constitution "the Union" did not exist. Why? Because the Constitution was master of the situation and it declared that the ratifica-

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tion by nine States was necessary to form the Union. Can it be imagined how this Constitution could have been so authoritative and yet not exist?

But Lincoln, in order to prove that "the Union is much older than the Constitution," assumed that the thirteen British colonies were thirteen free, independent and sovereign States. An assumption indeed, not fact. His words are these: "It was formed in fact, by the Articles of Association in 1774." There was no such thing as an American State at that time. All others will find great difficulty in calling this Association of Colonies the Union of States, but Lincoln did not. The Union means a particular Union, not just any asosciation of Colonies or even States. All sensible men (excuse the remark) know that the Union means that particular Union formed by American States on the basis of the Philadelphia Constitution, this and no other.

Upon this false basis Lincoln affirmed that the secession of a State was "insurrectionary or revolutionary, according to circumstances....And to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States." Is not the question pertinent here?—Was it Lincoln's wrong conception of the origin and nature of the Union, and of the Constitution and the laws, that inaugurated the war?

Who does not know that the American States, or, in the words of Daniel Webster, the American Nations, could not form a league of States or Nation when they were mere British Colonies, subject provinces of Great Britain; or in other words before they were States or Nations? Necessity makes plains of moun-Necessity, holding the throttle tains and mountains of plains. of a mighty Government, is next to omnipotence itself. Its Its foolishness is wisdom. absurdities are facts. Its madness is justice. Law and facts and all things sacred and holy lav crushed beneath its iron heel.

5. A Fifth Substitute is A Higher Law. We lay down as an indisputable proposition that no Higher Law existed in 1860, which did not exist in 1788. We also lay down as an indisputa-

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ble proposition that the Constitution did not conflict with "A Higher Law" in 1788. It therefore follows that the Constitution did not conflict with "A Higher Law" in 1860.

We also lay down the indisputable proposition that all is not a higher law that is so called. The martyr at the stake is burned in the name of a higher law. Nero assassinated his mother, burned Rome, and made bonfires of Christians,—all in the name of a higher law. Can that be a higher law in the name of which one section of a great country slaughtered the citizens of the other, plundered their homes and ravished their fields, because they were true to their States and faithful to a common compact? Does a Higher Law disregard fidelity to a sacred oath, to a venerated compact, and to legal and inherited rights?

"So spake the friend, and with necessity,

The tyrant's plea, excused his devilish deeds."

"An Unwritten Constitution," a substitute for the Written 6 (Thorpe p. 161). It is remarkable for its origin. Instrument. It originated in no legislative assembly. Lightning struck the Tree of Necessity, and out dropped "the Unwritten Constitution." Without the authority of organized society it was above all authority. Without due process of law it was above all law. It was also remarkable for its uniqueness. It was like no other that ever was, ever is, ever will be, or ever can be. We refer to it in the past tense, for it no longer is. The Constitution which it supplanted stands like adamant, somewhat marred it is true. while the Unwritten Constitution is a mere dream of the past. Its epitaph is written: "Here lies the Unwritten Constitution, one of the many substitutes for the American Charter of Liberty. It was mysteriously born, without parentage. It served its evil day, and died 'unhonored and unsung.'" See chapter seven, devoted exclusively to this bogus substitute.

7. "A Common Iaw," defined by Charles Francis Adams as a "Metaphysical Abstraction," is another substitute for the Constitution. The term, "metaphysical abstraction," is obscure in meaning. But obscurity is "trumps" in the hands of the defenders of the Constitutional right to wage war against the

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South, in the Sixties. If the term, common, designates a law common to the whole country. North and South alike, there was no such law except the common Constitution. But the Common Law, here referred to, supplanted the Constitution. Therefore it was not that instrument. England has her common law. It receives its binding force from "immemorial usage and universal reception, as ascertained and expressed in the judgment of the Courts." But the Common Law, supplanting the Constitution, has received no such binding force. Its usage is not Its recepiton is far from being unifrom time immemorial. versal, as testified by the facts of history, including the war itself. Nor does it find its justification in having been ascertained and expressed in the judgments of the Courts. Such a common law never did exist in the land-not even in all the Northern States It is mere fiction. What must be the nature of that Necessity which declares a fiction to be a reality. and then exalts it to a more honorable position in the welfare of this American Republic than it gives to the fundamental law of the land!

8. A Governmental Organic Growth supplanted the Consti-(The Civil War from a Northern Standpoint, Vol. tution. Mr. Thorpe prefaces this fiction with these words: 15. p. 163). "The Confederation of 1777 was a league created by the States, and the power that creates is always greater than the power that is created." This indisputable fact applies also to the Federal Government, for it too was a league created by the States. After stating this fact Mr. Thorpe immediately leaves the field of reality for that of pure fiction, thus: "Yet all the while that this rather indefinite notion of state sovereignty was abroad in the land, the United States as an organic power was steadilv developing. Events stronger than State Constitutions, or arguments of men, were shaping national affairs, and the Nation as an organic power was in being. That it was feeble. that its purposes were obscure, and its wants were denied are matters of history; but the fact that a nation, an organism, embodying the will of the whole people, was in being, there can be no doubt."

That the Government was a league he, Thorpe, could not deny, for it is a fact that stands out upon the eminence of time undisputed. Having admitted this fact he was compelled to admit the sovereignty of the States. Driven by necessity he attempts to overcome the effect of these admissions, by declaring that while the notion of state sovereignty was abroad in the land it was rather indefinite. The facts are that at the time of the Declaration of Independence, and the framing of the Constitution the notions of State sovereignty were the most definite, the most wide-awake, and the most energetic that ever moved men to action, or communities to noble achievement. They gave to the world the great American charter of human rights and human Its merits are proclaimed the world around. liberty. It is today revolutionizing the governments of all nations.

That charter represents an organic power, indeed, because organized on the basis of law and order; and because, as confessed. it was a league of independent sovereign "States or Nations" (Webster). All the growth of the Federal Organism, therefore, depended on the growth of the State Organisms. If the States grew the Federal Government grew. It could not grow apart from the States. They gave it being; they nursed it; they fed it; they clothed it; they gave it its power, its influence; and today, in spite of its terrible internal strife, it is perhaps the greatest of world powers ;---all, all, through the wisdom, and influence of the States as separate and independent organisms united for their special good benefit. As the State Governments grew in influence and power they signified it by new and advanced laws, the acts of their legislatures, passed in due form and with due deliberation. But when "the Federal Organism grew," it forgot its origin and it forgot law and order, and proclaimed its authority over its creators, declaring its purpose to crush all the States that denied its usurped right to do so. One of the two great sections of this Republic refused to acknowledge this assumed right. The great war resulted, based on usurped au-The wrong of that usurpation will wake the echoes thority. of time till time shall be no more.

9. The Silence of the Constitution was another substitute for that instrument. (Lincoln's Cooper Institute speech and his

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Inaugural address). As we have shown elsewhere the silence of the Constitution confers no authority whatever on the Federal Government: that on the contrary all the powers not expressly granted to the States United belong exclusively to the States. In other words its silence is always against the Government and always for the States in their separate capacity. In his Cooper Institute speech. Mr. Lincoln, referring to the decision of the Supreme Court, that slave-owners could take their slaves into the Common Territories and be protected there. said. "But no such right is specifically written in the Constitution;" again, "an inspection of the Constitution will show that the right of property in a slave is not distinctly and expressly affirmed in it." He makes this statement thinking the Constitution was silent on the subject, but indeed it is the only species of property distinctly and specifically recognized by that instrument. (Art. 3. Sec. 1).

In his Inaugural Address he asks: "May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say." Thus the silence of the Constitution was construed by Mr. Lincoln to give him the right to exercise powers belonging exclusively to the States. Was not this usurpation, pure and simple?

False constructions of the Constitution, based on false premises, following closely in the wake of the publication of Uncle Tom's Cabin, had more to do in causing the war than anything else. May we not conjecture why Lincoln ventured so far? He knew the prevailing sentiment of the North as but few others did. He knew the general ignorance of the people as to the Constitution. He also knew human nature as well as any man. Nor was he ignorant of the immortality secured in freeing four million of slaves. Did he not define it as "the new birth of freedom?" May not a veteran, a soldier of the entire war, in the name of his comrades who were the bravest of the brave, the lovalest of the loyal, enter a solemn protest against the right of usurped authority to apply to them the epithet of "breeds and traitors;" and to wage against them a most destructive war, unfurling over their invading millions a flag symbolizing the Constitution unmarred by substitutes or false constructions? There beat not a heart in all the Southland during the early Sixties but was true to the unimpaired Constitution of their common country. They could sing with an earnest pathos the immortal words of Key:

"The Star-springled banner, O long may it wave

O'er the land of the free and the home of the brave."

10. "The Wrong of Slarvery" was another substitute for the Constitution. Before his election, in his Cooper Institute speech, Mr. Lincoln said "Their (the South) thinking it (slavery) right and our thinking it wrong is the precise question upon which depends the whole controversy. Thinking it right as they do they are not to blame for desiring its full recognition as being right, but thinking it wrong as we do, can we yield to them?" After his election, on the 22nd day of December, 1860, writing to the Hon. Alexander Stephens of Georgia, he said, "You think slavery is right and ought to be extended, while we think it is wrong and ought to be restricted. That, I suppose is the rub. It certainly is the only substantial difference between us."

Mr. Thorpe, commenting on these words, says "This 'substantial difference' compassed the point which could not be compromised." When we consider the significance of Lincoln's question, "Can we yield to them?" and the "substantial difference" that admitted of no truce or concession, what are we to think of this substitute; and on whom should rest the responsibility for that war?

11. A Party Platform Sectional to the core, was another substitute for the Constitution. Its main plank was restriction of slavery. Well did that party know this restriction would not free one slave, or effect the institution in any way. Its effect could be only to increase sectional bitterness both in the North and South. It reversed a decision of the Supreme Court, rendered only three years in advance. Such was its revolutionary tendency that Francis Newton Thorpe, editor of "The Civil War From a Northern Standpoint," has been compelled to confess, "Of all the presidents from Washington to Lincoln not one stood for an anti-slavery policy, distinctively favoring the limitation of slavery. And their attitude reflected the prevailing opinion of the American people in their time. Slavery was accepted as an established institution, and under the guardianship and protection of the Constitution and the laws." (p. 52.) Here is a substitute that reversed the policy of all preceding presidents of the Republic, and contradicted the prevailing opinion of the American people for the same length of time. Was this substitute meant to be revolutionary?

12. The Indifference of Foreign Immigrants as to Constitutional obligations was another substitute. Charles Francis Adams asks, "What did the foreign immigrants now swarming across the ocean care for States? They knew only the Nation. Brought up in Europe the talk of State sovereignty was to them foolishness. Its alphabet was incomprehensible. In a word, it too was caviare to the general." It is a question easy of comprehension, how these foreigners could be used as tools in the hands of designing ambition, and arrayed against the well-being and life of their adopted country, but it is a question of great difficulty, how their ignorance and indifference, and their former custom, could be used as an argument to overthrow the Federal Constitution. Here, confessedly, ignorance was used to justify centralism and coercion. It was used by a few designing men. May we not also with equal certainty and equal justice infer that the ignorance of the great Northern masses was used by the same designing few to sustain their contention that the Constitution was outgrown, and, therefore, should be subordinated. It was not the Northern masses who incited revolution and slaughter, who sought fame and renown at such a terrible cost, but the Northern few. It was not the Northern few who suffered, bled, and died, but the Northern masses. It was not the Northern masses who were enriched by the results of the war, but the Northern few.

13. Another substitute is Nationalization, Chas. Francis Adams. (Lee's Centennial, p. 12). "By this term is meant the act of transforming a Federal Government defined by Webster a Covenant Government between Nations—into a consolidated Government; a Nation of granted powers and, therefore, of limited powers, into a Nation of powers not granted, and, therefore, of powers not limited by the States." In support of this fiction, treated by Mr. Adams as a fact, he says, "There can be little

question that during the lives of two successive generations a custom of nationality grew up which became the accepted Common Law of the land. This was true in the South as well as in the North." This is all mere assumption. It is well known that it does not apply to the South in the remotest degree. We have shown in chapter 19 that Mr. Adams in reply to the College President admits that the Virginian is right on the main issue, which is: "The Confederate character of the Union was more strongly impressed upon the South in 1861 than in 1788, followed by these words of similar meaning: "The South had never suffered nationality in spirit or in Fact." Mr. Adams' admission is in these words: "But on the main issue-the essential point in the extract from his letter-the writer was. I think right. Previous to 1861 the South did not undergo nationalization, to the same extent, at any event, as the North."

A further effort of Mr. Adams to sustain his nationalization theory is in these words: "The custom of nationality even in the South was incontrovertibly shown in the very act of secession —the seceding States at once crystallizing into a Confederacy. Nationality was assumed as a thing of course." If by the term nationality Mr. Adams means that character of nationality assumed by the union of the eleven Confederate States in a common Government, the writer makes no issue with him. For this was precisely the character of the nationality the South and **the world attributed to** the United States Government prior to 1861. The Confederation of the eleven Southern States in 1861 meant just what the Confederation of the thirteen original States did by their Confederation.

We shall now show from Mr. Adams's own lips that the Confederation of the original thirteen States meant the very opposite to Centralism. Here are his plain words of unmistakable meaning: "When that war broke out in 1861 the last of the framers of the Constitution had been a score of years in his grave; but evidence is conclusive that until the decennium between 1830 and 1840 the belief was nearly universal that in case of an unavoidable issue, Sovereignty resided in the State, and to it allegiance was due. The law was laid down in the Kentucky resolutions of 1789; and to the law thus laid down Webster assented. Chancellor Rawls

so propounded the law; and such was the understanding of so unprejudiced a foreign observer as DeTocqueville. The technical argument—the logic of the proposition—seems plain and to my thought unanswerable. The original sovereignty was indisputable in the State." (Lee's Centennial). Strong words are these from the lips of a Northern veteran. They confess all that the South claims in defense of the righteousness of her cause. It is little wonder that substitutes for the Constitution should abound.

14. Fate, hallowed by mystery, is another substitute. Within its mystic self it is thought exist the unknown and the unknowable. Wrong conceptions of its true nature cause many guilty consciences to seek its mysterious protection.

Fate is not law, but result. It is not cause, but its effect. It therefore cannot exist without law and without cause. Α fate without a cause has never been known. Immutable law exists in all the ramifications of nature. It is in the movement of an atom. It directs and guides the movements of the vast solar systems with all their satellites, asteroids, meteoroids, and com-The result of this law is the absolute safety of the Uniets. verse :- that is, its secure fate is due to the immutable law of the Universe. We therefore conclude that fate is a result, not a law: an effect, not a cause. Unchangeable law controls all causes; and all causes have their results or effect: and the nature of a cause determines the nature of the effect. "Whatsoever a man soweth that shall he also reap." If he sows wheat, he is fated to reap wheat. A criminal dies on the gallows; his crimes are the cause: the gallows his fate.

Fate is not an eternal principle that binds man and God and all other intelligences and all things else, as some think. No one has ever claimed that fate is a person, or any other thing of intelligence. Fate therefore has no will, and hence no power to choose. Also, being without intelligence, it has no power to guide or direct. Therefore, whatever it is, it has neither the power of choice nor the ability to instruct. It is as helpless, and as much under the control of law, as a falling body. Yet men claim for this powerless non-descript a force that even fetters Omnipotence. Such are the inevitable conclusions from impeachable premises. All know there is no power above that of the Omnipotent God of this Universe, its Creator and Preserver. Therefore Fate is not what some think it is, but simply the result of a cause;—this and nothing more.

But be fate whatever it may it is absolutely certain it is not a substitute for the Constitution. If, however, there could possibly be a question as to its being a rightful substitute for the Constitution the silence of that instrument would make the State and not the Federal Government the judge unless its silence is also subordinated to Fate's imperious rules. The same may be said of all the thirteen other so-called Substitutes grouped in this chapter for the particular purpose of calling special attention to their true nature, and hence to their self-evident unfitness for so high a purpose. We shall treat of other substitutes as the occasion demands.

A few Admitted Facts in this connection: Charles Francis Adams, in Lee's Centennial, states this universally admitted fact: "All attributes not specifically conceded were reserved to the States, and no attributes of moment were to be construed as There is no attribute of sovereignty conceded by implication. so important as allegiance-the citizenship-Not only was allegiance-the right to define and establish citizenship-not among the attributes specifically conceded by the several States to the central nationality, but, on the contrary it was explicitly reserved, the instrument declaring that 'the citizens of each State' should be entitled to 'all the privileges and immunities of citizens in the several States." Ultimate allegiance was, therefore, due to the State which defined and created citizenship, and not to the central organization which accepted as citizens whomsoever the states pronounced to be such. Thus far I have never been able to see where room was left for doubt. Citizenship was an attribute recognized by the Constitution as originating with, and of course belonging to, the several States." (pp. 11 and 12).

Mr. Thorpe, Editor of the Civil War from a Northern standpoint, admits as much. But just as soon as such admissions are made, apparently in good faith, the admitter flies off at a tangent in language somewhat like these words of Mr. Adams:

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"The Anglo Saxon race and their hard common sense," "their established custom of recognizing as a binding rule of action are embodied in what they are proud to term Common Law," etc. They then unblushingly subordinated the Constitution to the Anglo Saxon "Common Sense" and "Common Law," etc. They also refer to the North as constituting "the conservative majority" and as "believers in National Sovereignty," and to the South as "those who passionately adhered to State sovereignty, treading in the footsteps of the fathers," and "those who have become eighteenth century reactionists."

Pause here for a moment's reflection. The Constitution was once revered alike in the North and in the South. Then came there a time when the North ranked substitutes above the Constitution as the supreme law of the land while the South for her unbroken devotion to the Constitution was given the sobriquet of "Eighteenth Century reactionists." By this fanciful epithet is meant the South in 1861 still construed the Constitution as it was construed during Washington's term of office as President. Was it a crime to place Washington's construction of the Constitution and that of his compeers upon this instrument? If not by what code of morals was the South condemned in 1861 as "rebels and traitors?"

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## CHAPTER XXI.

# "COERCION UNDER THE SMOOTH PHRASES OF EXECUTING THE LAWS AND PRO-TECTING PUBLIC PROPERTY."

(Senator Lane of Oregon.)

Among other things we have shown that in the early days of this Republic no man denied the right of secession. We have shown that the Federal Government taught this right to its own cadets in its own military school at West Point. We have shown that as late as 1844 when the annexation of Texas was a burning issue the New England States asserted this right as We have shown that four years later, in a matter of fact. 1848. Abraham Lincoln, in the broadest of terms, declared the The unmistakable meaning of the right of a State to secede. fourteen substitutes for the Constitution, recited in the last chapter, teach the same lesson. In short we have shown from high Northern authority that in the dawn of this Republic, when the people were deeply concerned on the question of State rights and State Sovereignty that "nine men out of every ten in the North and ninety-nine out of every hundred in the South" believed the States had this right.

In the closing days of 1860 and early days of 1861, before Mr. Lincoln was inaugurated, the public mind was being tested as to the right of the Federal Government "to enforce the law and collect revenues in the seceding States." Expressions of opinion, by the leading statesmen and leading papers in the North, developed the fact that in spite of "unwritten constitutions," "higher laws," "common laws," "nationalization," etc., the South was not alone by a great deal, even then, in asserting the right of secession. Few indeed were those who openly declared the right of the Government to coerce the seceding States. And even these few presented it under the "delusive and am-

biguous guise of the 'the execution of the laws' and 'protection of public property.'"

Mr. Greely, the editor of the New York Tribune and author of "The American Conflict," on November the 9th, 1860, only a few days after the election of Lincoln, said: "We hold with Jefferson to the inalienable right of communities to alter or abolish forms of government that have become oppressive, or injurious; and if the Cotton States shall decide that they can do better out of the Union than in it we insist on letting them go in peace. The right to secede may be revolutionary but it exists nevertheless; and we do not see how one party can have a right to do what another party has the right to prevent. We must ever resist the asserted right of any State to remain in the Union, and nullify or defy the laws thereof. And whenever a considerable section of our country shall deliberately resolve to go out, we shall resist all coercion measures designed to keep her in. We hope never to live in a republic whereof one section is pinned to the residue by bayonets." (American Conflict ch. 23, p 359.)

Mr. Greely, as editor of the Tribune, did more perhaps than any other in securing the election of Lincoln. He was regarded as Lincoln's most influential champion. These words of his have the true Constitutional ring, and are kindred in sentiment to the utterances of Hamilton and Madison and Marshall and all the great statesmen who wrought so well in the early days of this American Republic.

The Albany Argus, only second in ability to that of Tribune said: "We sympathize with and justify the South as far as this: their rights have been invaded to the extreme limit possible within the forms of the Constitution and, beyond this limit their feelings have been insulted and their interest and honor assailed by almost every possible form of denunciation and invective; and, if we deemed it certain that the real animus of the Republican Party could be carried into the administration of the Federal Government, and become the permanent policy of the Nation, we should think that all the instincts of selfpreservation and of manhood rightfully impel them to a resort to revolution and to a separation from the Union, and we would applaud them and wish them God-speed in the adoption of such a remedy. . . .

"If South Carolina or any other State, through a convention of her people, shall formally separate herself from the Union, probably both the present and the next administration will simply let her alone, and quietly allow all the functions of the Federal Government within her limits to be suspended. Any other course would be madness; as it would at once enlist all the Southern States in the controversy and plunge the whole country into a civil war. . . . As a matter of policy and wisdom, therefore, independent of the question of right, we should deem resort to force most disastrous." (American Conflict).

The American Conflict is also authority that the New York Herald, about the same time, said, "Each State is organized as a complete Government, holding the purse and weilding the sword, possessing the right to break the tie of Confederation as a nation might break a treaty, and repell coercion as a Nation might repell invasion."

These great papers, centers of wide influence, went into the homes of Northern millions. Doubtless in a vast majority of those homes their views on the right of a State to secede were heartily endorsed. The question, therefore, is how were these wide-spread sentiments in favor of peace overcome and made to favor coercion. We shall see as we proceed.

On the 21st day of January, 1861, only a month and a few days before the inauguration of Lincoln, a vast meeting of prominent citizens assembled in the city of New York. Six States had now seceded, and the condition of the country was perilous. This alarming condition of the country had called together this great assembly. James S. Thayer was one of the principle speakers. His speech was received with great applause. Here are sentences from that speech: "We can at least, in an authoritative way and a practical manner, arrive at the basis of a peaceable separation. (Applause). We can at least by discussion enlighten, settle, and concentrate public sentiment in the State of New York upon this question, and save it from a fearful current, which circuitously but certainly sweeps

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madly on, through the narrow gorge of 'the enforcement of the laws' to the shoreless ocean of civil war! (Cheers). Against this, under all circumstances, in every place and form, we must now and at all times oppose a resolute, unfaltering resistance. The public mind will bear the avowal, and let us make it, that if a revolution of force is to begin it shall be inaugurated at home. And if the incoming administration shall attempt to carry out the line of policy that has been foreshadowed, we announce that, when the hand of Black Republicanism turns to blood-red, and seeks from the fragment of the Constitution to construct a scaffolding for coercion—another name for execution —we will reverse the order of the French Revolution, and save the blood of the people by making those who would inaugurate a reign of terror the first victims of a national guillotine." (Enthusiastic applause.)

"It is announced that the Republican administration will enforce the laws against and in all the seceding States. A nice discrimination must be exercised in the performance of this duty. You remember the story of William Tell . . . Let an arrow winged by Federal bow strike the heart of an American citizen, and who can number the avenging darts that will cloud the heavens in the conflict that will ensue? (Prolonged applause). What then is the duty of the State of New York? What shall we say to our people when we come to meet this state of facts? That the Union must be preserved? But if that cannot be done, what then? Peaceful separation. (Applause). Painful and humiliating as it is, let us temper it with all we can of love and kindness, so that we may yet be left in a comparatively prosperous condition, in friendly relations to another confederacy." (Cheers.)

If those patriotic and well received sentiments had prevailed in the North all the woes, all the heart-aches, all the devastations of homes and property, and all the hundreds of thousands of patriot lives that went out in the mighty struggle, would have been saved, and the way would have been paved for the reuniting of the dissatisfied and severed States. But, instead, the hopeless note of alarm was sounded in the words, "the fearful current which circuitously but certainly sweeps madly on,

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through the narrow gorge of 'the enforcement of the laws' to the shoreless ocean of civil war." And through that deceptive gorge the "current" swept on and on till the whole Southland lay devasted and in ruins, and the flower of her chivalry slept in warriors' graves.

In that meeting there was another distinguished citizen of the Empire State. It was no less than the ex-Governor Horatio Seymour. He propounded this question: "Whether successful coercion by the North is less revolutionary than successful secession by the South? Shall we prevent revolution by being foremost in overthrowing the principles of our Government, and all that makes it valuable to our people, and distinguishes it among the nations of the earth?" Who can deny the revolutionary character of coercion? Who can deny that in the exercise of coercion which immediately followed the inauguration of the Lincoln-Seward administration, they were less absolute in the exercise of power than were Nero or the Pharaohs? Who does not know how deceitfully and ruthlessly the border States, without their consent, were invaded and their citizens arrested without warrant or charge, and the State Governments themselves dominated and terrorized into subjugation?

There was still another distinguished citizen in that meeting. It was the venerable ex-Chancellor Walworth. His words, mellowed by age, experience, and wisdom, were these: "It would be as brutal in my opinion to send men to butcher our own brothers of the Southern States as it would be to massacre them in the Northern States. We are told, however, that it is our duty to, and we must enforce the laws. But why and what laws are to be enforced? There were laws to be enforced in the American Revolution. . . Did Lord Chatham go for enforcing those laws? No, he gloried in the defense of the liberties of America. He made that memorable declaration in the British Parliament, "If I were an American citizen instead of being, as I am, an Englishman, I never would submit to such laws, never, never, never." (Prolonged applause).

Other distinguished speakers were present and uttered similar sentiments. Resolutions of a reconciliatory nature were adopted. And let it be remembered that these speeches and these

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resolutions were made more than a month in advance of the inauguration of Lincoln. The leading statesmen saw that a policy was shaping, which, if adopted by the incoming administration, would inaugurate war under the guise of "enforcing the laws and collecting the revenues"; and hence their patriotic efforts to avert it.

The next month the Detroit Free Press, a paper that ranked with the best and most influential said, "If there shall not be a change in the present seeming purpose to yield to no accomodation of the national difficulties, and if troops shall be raised in the North to march against the people of the South a fire in the rear will be opened upon such troops which will either stop their march altogether, or wonderfully accelerate it."

These sentiments show that throughout the North there was a conviction that the policy of Lincoln's administration would be coercion, and that it would be insidiously inaugurated, and successfully, through the deceptive policy of "enforcing the laws and collecting the revenues." It was also known that when war was once inaugurated that the masses of each section would rally to their own sectional standard. None knew this better than did Lincoln and Seward. Nor were there ever two men better qualified to invent excuses to inflame the public mind than Lincoln and Seward.

We also quote from "The Union," a most influential paper of Bangor, Maine, the most Northeastern State of the Republic, as follows:

"The difficulties between the North and the South must be compromised or the separation of the States shall be peaceable. If the Republicans refuse to go the full length of the Crittenden amendment—which is the very least the South can or ought to take—then here in Maine, not a Democrat will be found who will raise his arm against his brethren of the South. From one end of the State to the other let the cry of Democracy be Compromise or Peaceable Separation!"

These were strong but futile utterances. The administration seemed blind and deaf to the perils of the hour. These and similar sentiments were widely copied throughout the Northern States with approval.

When the resolutions of the Peace Congress were presented in the House of Congress. Mr. Crittenden's resolutions were still pending in the Senate. The leading features of the two sets of resolutions very much resembled each other, so much so that Mr. Crittenden promptly expressed his willingness to accept them as a substitute for his own. He eloquently urged their adoption. They were spurned by the majority. Both the Crittenden resolutions and those of the Peace Congress were defeated. Some of the extreme Republicans objected to their being considered at all. Yet we are told in bold type by Frances Newton Thorpe (The Civil War p 224): "But the South had no thought of listening to further compromise. For this reason all attempts at compromise failed, and compromise was the earnest thought and wish of such men as Crittenden of Kentucky." What perversions of history will not sectionalism make! The Peace Congress was the product of a Southern State. The Crittenden resolutions were voted for by every Southern representative. Every voice from the South was for compromise till compromise was out of the question, made so exclusively by the North.

On the 2nd day of March 1861, just two days before Lincoln was inaugurated Senator Joseph Lane of Oregon, speaking on these resolutions, and replying to Senator Andrew Johnson of Tennessee, afterwards President of the United States, said: "The Senator of Tennessee complains of my remarks on his speech. He complained of the tone and temper of what I said. He complained that I replied at all, as I was a Northern Senator. Mr. President, I am a citizen of this Union, and a Senator of the Untied States. My residence is in the North, but I have never seen the day, and I never shall, when I will refuse justice as readily to the South as to the North. I know nothing but my country, the whole country, the Constitution and the equality of the States—the equal right of every man in the common territory of the whole country; and by that I shall stand.

"The Senator complained that I replied at all, as I am a Northern Senator, and a Democrat whom he had supported at the last election for a high office (Vice President). Now, I was,

as I stated at the time, surprised at the Senator's speech, because I understood it to be for coercion, as I think it was understoood by almost every one else, except, as we are now told, by the Senator himself; and I still think it amounted to a coercion speech, notwithstanding the soft and plausible phrases by which he describes it,-a speech for the execution of the laws and the protection of the Federal property. Sir, if there is, as I contend, the right of secession, then, whenever a State exercises that right this Government has no laws in that State to execute; nor has it any property in such State that can be protected by the power of this Government. In attempting, however, to substitute the smooth phrases, 'executing the laws' and 'protecting public property' for coercion, for civil war, we have an important concession: that is, that this Government dare not go before the people with a plain avowal of its real purpose and risk the consequences. No, sir, the policy is to inveigle the people of the North into civil war by making the design in smooth and ambiguous terms." (Congressional Globe-36 Congress, p 1347).

Senator Lane was a prophet as the sequel divulged. For "the smooth ambiguous terms, 'executing the laws' and 'protecting public property," meant war and nothing less. The North saw it. The South saw it. Under the shrewd manipulations of Seward and Lincoln they accomplished their purpose.

The Republican leaders dreaded the moral effect of the Peace Congress. Therefore they resolved to be represented in that body, that they might be instrumental if possible, in thwarting its purposes. The following letter of Z. Chandler testifies to this effect:

#### "Washington, February 11, 1861.

"My dear Governor: Gen. Bingham and myself telegraphed you on Saturday at the request of Massachusetts and New York, to send delegates to the Peace Congress. They admit that we were right and that they were wrong; that no Republican State should have sent delegates; but they are here, and cannot get away, Ohio, Indiana, Rhode Island are caving in, and there is danger of Illinois; and now they beg us for God's sake, to come to their rescue, and save the Reupblican party from rupture. I hope you will send stiffback men or none. The whole thing was gotten up against my judgment and advice and will end in thin smoke. Still I hope as a matter of courtesy to some of your erring brethren that you will send the delegates. Truly your friend. Z. Chandler.

"His Excellency, Austin Blain."

"P. S.—Some of the manufacturing States think that a fight would be awful. Without a little blood-letting this Union will not, in my estimation, be worth a rush."

This letter shows that States which had voted the Republican ticket were "caving in"; that is, were taking part in a plan for peace. This fact brought alarm to Z. Chandler, and J. K. Bigham, the Senators of Michigan. They had at first opposed Michigan's participation in the Peace Congress. Bingham had objected because it was "a step toward obtaining that concession which the imperious slave-power so insolently demands. "They have now changed their opinion; they are alarmed; they are urgent and want stiffback men or none. What scheming, what intrigue, what vigilance, what concern was not theirs! What effort did they not put forth to save Ohio, Indiana, Rhode Island, and Illinois from "caving in!"

The North had been the aggressors in every agitation. When the South protested, demanding only simple justice in the name of the compact of the States, she was denounced as "the imperious slave-power"; and her demands were regarded as insolent. The dominant party opposed every measure tending to compromise or pacification. They sought neither compromise nor pacification. They treated with levity all proseptcts of war, declaring "The Union would not be worth a rush" without a little blood-letting.

Twenty-one States, fourteen of them Northern had signified their intention of being represented in the Peace Congress. This was cause for alarm. Besides the Congress was called at the suggestion of Virginia, a Southern State. To them this fact had a meaning. It deepened their concern. It called forth their shrewdest scheming, and their best efforts to defeat the purpose of that Congress. Never was purpose more laudable:---Peace And a Reunited Country. The hour was that of ex-

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treme peril. Was ever purpose more timely, more noble, more patriotic? A great crisis was at hand, and those whose duty it was to have correctly interpreted its nature, treated it as a mere trifle. War clouds dark and threatening were looming on the political sky. Yet they spoke of "a little blood-letting" as a much needed blessing, and then ruthlessly opened the fountains of the great deep, and the rivers of blood flowed down our valleys. Standing on the brink of the terrible crisis, they said we will collect a little "revenue," and then by the surprising result justified themselves in emptying the Governmental treasury of billions of revenue. They said we will "enforce the law," and then in self-justification violated every law in both the moral and civil code.



## CHAPTER XXII.

## LINCOLN'S FIRST INAUGURAL ADDRESS.

This address is most remarkable. Professing to be Constitutional, it rejects the voice of the only authority qualified to speak for that instrument. Representing the Constitution as ambiguous, it adopts its own construction. Professing to be conciliatory, it declares its policy to be that of coercion. Tender and pathetic in its appeals to the Northern masses, to the South it is the threatening voice of the autocrat.

All men are human. No human is perfect. Lincoln was human and therefore imperfect. All mankind are more or less ambitious. The character of the ambition of each depends upon his environment, and opportunities and to a great extent upon the stamina of the man himself. When Abraham Lincoln, on the 12th of January, 1848, speaking in the House of Congress, said: "Any people anywhere have the right to rise up, and shake off the existing government and to form a new one that suits them better," the presidency was not in sight. But the inborn ambition was his. It had elevated him from the .:anks of the ordinary to that of an honorable representative in Congress.

Twelve years later it was very different. In the meantime he had measured swords with the great Douglas on no less than twenty-one different platforms; and had won distinction as a debater. Then it was the presidency loomed portentious before his eyes. Then it was that weak human nature was put to the test, and ambition triumphed. All ambition is more or less selfish, more or less unjust, more or less cruel. Its inordinate desires increase in proportion to the greatness and dignity and majesty of the position sought. The opportunity to be numbered among the great rulers of the world too often renders the aspirant ruthless as to the use of means. When finally suecess has crowned the ambitious, the means are too frequently overlooked and forgotten; especially is this true when great prosperity follows in the wake of triumphant ambition.

Napoleon, in spite of his inordinate ambition, in spite of all the blood through which he waded, is today ranked among the

truly great because of his achievements. So too Lincoln, in spite of his defiance of the Constitution—in spite of all the fratricidal blood that made red our hills and valleys from Gettysburg to Ocean Pond, is ranked among the illustrious great, because he succeeded; and his success was followed by unrivaled prosperity. As success did not make Napoleon right, so success did not make Lincoln right. As Napoleon would have been condemned to infamy had he failed, so failure would have consigned Lincoln to condemnation. Wrong often overcomes right. But "truth crushed to earth will rise again." When Christ hung on the tree all the world thought his great life a failure; but today "the ages circle around the cross."

As an introduction and a background to our criticism of this first inaugural address of Lincoln we record the testimony of a few very distinguihsed and very creditable witnesses-than whom there are no better. Madison, the father of the Constitution testified that the thirteen original States were "thirteen Sovereignties." Hamilton the rock-ribbed Centralist of the Philadelphia Convention, said, "The Attributes of sovereignty are now enjoyed by every State in the Union." Benjamin Franklin, the great diplomat, said in advocacy of the equality of suffrage in the Senate, that he did it, "as the means of securing the sovereignty of the individual States." John Wilson, another strong centralist of the Constitutoinal Convention, said, "The thirteen States are thirteen sovereignties." Gouverneur Morris, the centralist of the same Convention, testified that "the Constitution is a compact;" and "each State enjoys Sovereign power." Roger Sherman declared that "the Government was made by a number of sovereign States." Oliver Ellsworth. called the thirteen States. "thirteen sovereign bodies." Daniel Webster declared "the States are Nations."

Who are these witnesses? They were all except Webster no less than the ablest and most illustrious members of the Philadelphia Convention that framed, in 1787, the immortal document known as the great American Constitution. A majority of them, in that Convention, advocated a consolidated Government. They failed in their purpose. But loyal to the work of that Convention, they declared, in honest terms, the true nature of the compact, and of the States that made it. Are not such witnesses most impartial, and hence most competent?

The reader will recall that in the chapter just preceding this, we have called to the stand another array of most competent witnesses—all contemporary with Lincoln. They were in turn disappointed when Lincoln declared his policy, which, however "disguised," they knew to be the policy of coercion. The testimony of all these was that of the framers of the Constitution: viz: The States were sovereignties and "the right of secession did exist."

In still another chapter we have shown that the Federal Government itself actually taught the right of a State to secede for at least a decade and a half at West Point.

Notwithstanding this great array of most competent witnesses, reaching from the '60's back to the very Convention that framed the Constitution, we find Lincoln, in this first inaugural address, arrayed against them all—all this galaxy of superb statesmen. What competent authority has ever proclaimed Lincoln a great and profound constitutional expounder? The Nation had scores of Statesmen in his day who excelled him as expounders of the Constitution. Had a Webster or a Douglas been president in 1861, there would have been no secession—no war.

With this introduction we will hear Lincoln in his first inaugural: "I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual." The term "universal law" is very indefinite. It may mean all law. " a higher law" Perhaps he meant to include as if "a higher law" existed then that did not exist when the Constitution was framed. Perhaps he meant to include also "a common law" as if a common law existed then which did not exist at the time of the framing of the Constitution. Perhaps he meant to include also an "unwritten Constitution," as if unwritten constitutions might not be numbered by the billions and sextillions. Yet he couples this mysterious "universal law" with our Constitution. For what? To confound? Perhaps. to give strength and clearness to this truism, viz: "Continue to execute all the express provisions of our National Govern-

ment and the Union will endure forever—it being impossible to destroy it except by some action not provided for in the instrument itself."

This true utterance is all that the South ever demanded. It was Lincoln's forte to introduce these self-evident catch sentences to inveigle the masses. In this consisted his power as a debater. Observe that this truism follows that very abstruse proposition, "I hold in contemplation of universal law," etc. He did not prove the abstruse proposition. But he rendered it most effective by the truism that followed.

The one constant and persistant demand of the entire South was that the Government should "execute all the express provisions of the Constitution, just as it had done in the days of Washington, Madison, Jefferson and others. This would have banished every thought of secession. This would have satisfied the South. According to this truism the South should have been satisfied with nothing less. The substance of every speech of every Senator, and of every Representative from the South in 1860-61, was "Give us what the Supreme Court declares is ours, and all questions between us will settle themselves."

It is in order to ask here, is not a decision of the Supreme Court an "express provision of the Government?" Does not the Constitution so declare? Is any other "provision of the Government" more definitely and more authoritatively expressed Yet, who does not know that Lincoln was elected president on a platform confessedly antagonistic to this Court's decision? Who so ignorant as not to know this first inaugural address was also antagonistic to the decision of this very Court? All know our reference is to the decision of the Court in the Dred Scott case.

What is the conclusion of this matter? Here we have Lincoln stating a most important fact, and yet violating it in the very breath that gave it utterance. Shall we say it? He goes further. He declares in the most solemn manner that he has an "oath registered in Heaven" to comply with "the express provisions of the Government." Yet, he turns his back upon the Constitution, the one compact of the States, as revealed to him in the light of a decision of the Supreme Court. This is the testimony of the facts. All history knows it. No man can dispute it. The time will come when all sections of this great American Republic will so declare it; and too, all the enlightened world will so pronounce it.

This same inaugural address next declares: "Again, if the United States be not a government proper, but an association of States in the nature of a contract merely, can it, as a contract, be peacefully unmade by less than all the parties who made it? One party to the contract may break it so to speak; but does it not require all to rescind it?" Madison and Hamilton and other illustrious contemporaries of the framing of the Constitution have answered "no." As we have seen Webster also answered "no." There is also one great fact of history which savs "no." with no uncertain sound. That fact is, it was actually "dissolved by less than all" in 1788. What a refutation of Lincoln's declaration is this! Yet, this is one of the mistatements that electrified and unified the North against the South in 1861.

Not only was the compact of 1778 rescinded by less than all but a new one was formed in which the express right of a State to withdraw from the Union was sanctioned by all. It is again the strong testimony of fact that New York, and Virginia and Rhode Island incorporated this right in their ordinances of vaification. Why did not the ten States enter protest against the ratifying ordinances of these three States? Because they were a unit in the belief that the Constitution already clearly granted this right. It is absolutely assured that no State objected to the admission of New York, Virginia and Rhode Island because of this express provision. It follows therefore, that this "express provision" of the three States only emphasized what all the States to the Compact knew to be an undeniable right of each State.

Thus is written on the very face of the contract the consent of all for at least three States to "rescind it." Therefore if "the consent of all" was required for "less than all to rescind it" was not the consent of all here given?

Lincoln next assumes that he has sustained his position as above set forth, and adds: "The Union is much older than the

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Constitution. It was formed, in fact by the articles of association in 1774. It was matured, and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the thirteen States expressly plighted and engaged that it should be perpetual by the Articles of 1778. And finally, in 1788, one of the declared objects for ordaining and establishing the Constitution was to form a more perfect Union."

Here we are told in plain words that "the Union is much older than the Constitution;" and that "it was formed in 1774." The facts declare there was no union of States formed in 1774, unless he means a Union of friendly relations. If he means this his language is ambiguous and hence deceptive.

But what are the facts? It was in 1774 that the famous Boston Port Bill was passed by the British Parliament. At the same time the charter of the Massachusetts Colony was changed without that Colony's consent. Then it was general alarm spread throughout all the colonies; and the cry went forth, "The Cause of Boston is the cause of all." Virginia, the Old Dominion, appealed to all the colonies to meet in Convention in Philadelphia on the 5th of September, 1774. With one exception all the colonies met in Philadelphia on that day. They met as *Colonies*, not as *States*.

The object of the convention is given in Elliott's Debates, Vol. 1, p. 42, et sequens. According to this high authoriy the powers conferred on the delegates from Virginia were, "to procure redress for the much injured Province of Maassachusetts Bay, to secure British America from the ravage and ruin of arbitrary taxes, and speedily procure the return of that harmony and Union so beneficial to the whole Empire, and so ardently desired by all British America." Clearly the object was not to form a Union; nor was a Union formed.

The powers conferred on the delegates of Maryland were, "To attend a general Congress to assist one plan of conduct operating on the commercial connection of the colonies with the mother country for the relief of Boston and the preservation of American liberty."

The powers conferred on the delegates of South Carolina were as follows: "To consider the acts lately passed and bills

pending in Parliament with regard to the Port of Boston and Colony of Massachusetts Bay; which acts and bills, in the precedent and consequence, affect the whole continent of America."

Similar powers were conferred on all the delegates of all the twelve colonies represented in this convention of 1774. It will be seen that the thirteen colonies were called "colonies" in the instructions given the delegates to this convention. Hence the Union of 1774 was a Union of colonies—this and no more. Plainly the object of this union was "to procure redress for the "much injured Province of Msasachusetts Bay." If still colonies, recognizing and acknowledging their allegiance to Great Britain, how could it be claimed that they had now formed a "Union of States? It is absurd.

But if there should vet be a lingering doubt in the mind of the most skeptical let us remove that doubt by quoting from Judge Story, good Northern authority, Vol. 1, Book 2, chap. 1. giving facts which place the question beynod the shadow of doubt. Judge Story savs, "New Hampshire, in December 1775, formed a Government of her own which was manifestly intended to be temporary, 'during,' as they then said, 'the unhappy and unnatural contest with Great Britain;" that "Virginia on the 29 of June, 1776, by a Convention of delegates declared 'the Government of this colony as formerly exercised by Great Britain is totally dissolved;" that South Carolina, as a colony, did the same thing in 1776," not giving the month; that New Jersev, as a colony, did likewise on the 2nd of July, 1776. In all the cases of the action of the Colonies Judge Story testifies that each colony expressly declared for itself that its action "should be void upon a reconciliation with Great Britain," showing most conconclusively, and most clearly, that as late as the 2nd of July 1776, the colonies had not yet despaired of reconciliation, with the mother country. Is it supposed that the Colonies formed a union of States while they hoped for reconciliation with Great Britain? Did Lincoln know history?

What now were the results of the deliberations of the first Convention of the Colonies in 1774? They formally declared the indefensible rights of all the colonies. They recommended to the colonies a policy to be adopted by each if one or more

of them should suffer wrong by the mother country, as did the colony of Massachusetts Bay. This convention, after a few minor details, was dissolved with the recommendation that all the colonies meet again of the 10th of May 1775. Thus ended the first convention, or Congress of the Colonies, not States, President Lincoln to the contrary, notwithstanding.

In compliance with this recommendation all of the thirteen colonies convened by deputies on the 10th of May 1775. It was through this convention that the first union of the States was formed. Nor was this Union formed till after they had, by the Declaration of Independence, declared the colonies no longer such, but each a free and independent State. And not then did they form a political Union of the States till 1777, during the war of flie Revolution, in which all the States were struggling for separate independence from the dominion of England. This proposed union of 1777 was not ratified by the States till 1778; and then by only eleven of the thirteen. The two States not yet ratifying it were Delaware and Maryland, the former ratifying it in February 1779, and the latter in March 1781. Moreover Maryland, had instructed her delegates to this convention to vote against all the propositions of Virginia and "to seek reconciliation with Great Britain." Virginia had thus instructed her delegates: "Resolved, unanimously, that the delegates appointed to represent this colony in general Congress be instructed to propose to that respectable body to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon the Crown of Parliament or Great Britain; and that they give the assent of this colony to such declaration and to whatever measure may be thought proper and necessary by Congress, for forming foreign alliances, and a Confederation of the Colonies at such time and in the manner as to them shall seem best. Provided that the power of forming Government for, and the regulation of the internal concerns of each colony be left to the respective colonial legislatures." This resolution was adopted on the 15th of May 1775, at Williamsburg. The State of Marvland entered this Congress hoping and working for reconciliation with England. Hence it required time, labor and discussion to induce her to ratify the Constitution.

It is universally conceded that no union was established till the Constitution, the basis of the Union, was ratified. On the 9th of July, 1778, the delegates of all the States had signed in ratification except New Jersey and Delaware and Maryland. Although Maryland in common with the other twelve States had declared herself a free and independent State, she did not ratify the Articles of Confederation till the 1st of March, 1781. almost five years after her declaration of independence. This particular Constitution required ratification by all the States before it became effective. Therefore it was not effective till the 1st of March 1781. Then, and not till then, was Congress enabled to form foreign alliances in the name of the United thirteen States, known as the first Confederation. How "much older" then was "the Union than the Constitution" on which it was based?

As for the Declaration of Independence it was just what it claimed to be-no more, no less, viz: "That these United Colonies (not States) are, and of right ought to be, free and independent States; and that they are absolved from all allegiance to the British Crown, and all political connection between them, and the State of Great Britain is, and ought to be totally dissolved." If there is a declaration of a permanent political Union of the States in these resolutions history does not know it; and no man has ever found it. On the contrary we have just seen that Maryland refused to ratify the compact for nearly five years after having declared herself a "free and independent" State. Therefore while these resolutions formed a very important part in the proceedings of that Convention they did not constitute the thirteen Colonies that many States united under one com-They were a great step toward a Union but not the Unpact. ion. They were thirteen Colonies on the 7th of June, 1776, when these resolutions were introduced by Richard Henry Lee according to the instructions of the Colony of Virginia. Thev were thirteen Colonies till the 4th of July 1776, when the resolutions were adopted. That same 4th of July, 1776, was the birthday of thirteen "free and independent States-States in

the same sense as Great Britain was "a State;" for in the same sentence in which they declare themselves States they say," and the State of Great Britain," thus defining what they meant by a State. If Great Britain was sovereign, so were they. If Great Britain had the right to will, to decide, to decree, and to act, so had they. If Great Britain could form an alliances, so could they. In short whatever Great Britain could do as a Sovereign State they could do.

Yes, "the then thirteen States plighted their faith and engaged that it (Union of 1778-81) should be perpetual by the Articles of Confederation in 1778." As free and independent States, or Nations, or Sovereigns, they were now qualified to form alliances with each other. It was no uncommon form for Nations or States, in forming treaties or leagues, to declrae them to be "forever" or perpetual. In accordance with this form these thirteen States in forming their league, or compact, declared it to be "perpetual."

But was it "perpetual?" The power that makes can unmake. "Unum quoque dissolutor so mode quo colligatur." The very fact that a State, or Nation, has the power to treat with another State, or Nation, is mathematically conclusive evidence that it has the power to annul the treaty. The thirteen States had the power to form a compact or treaty in 1778, for they exercised it. Therefore in 1787 they had the power to annul this treaty, and they exercised it unmolested by any external force. They did it as sovereigns, one at a time. They did it too "by less than all."

All know that "one of the declared objects of ordaining and establishing the Constitution was to form a more perfect Union;" and therefore not the identical Union of 1778. It was composed of the same States, free, independent and sovereign, cherishing the same jealousy as to their reserved rights. It was therefore a Union of the same States, but not the Union of the identical Government, because the compact, or the basis of the Union, was different. The States had conferred enlarged powers on their agent, the Federal Government. The older Government required the sanction of all the States to form a Union; the new required only nine. The other Government was not formed till all had ratified it. The new government was actually formed by eleven States, leaving North Carolina and Rhode Island outside as the remnant of the older Union.

With this action of the eleven States what became of the perpetual union of 1778 under the clause which provided, that: "The Articles of this Confederation shall be inviolably observed by every State, and the Union (be perpetual) nor shall any "alteration at any time hereafter be made in any of them unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed by the legislatures of every State?" The Contract of 1778 was broken and broken without the consent of North Carolina and Rhode Island. Without their consent a new Government was formed, leaving them out, a small remnant of the Union of 1778.

What now becomes of Lincoln's argument that when "an association of States is made by contract merely" "it can not be unmade by less than all of the parties to it?" The very history of the Confederation annihiliates his logic. But faulty as it was the masses of the North received it as genuine in all faith. Thus error disguised as truth marshaled more than two and one-half millions of men against a few hundred thousand Constitution loving patriots, and plundered and burned their homes, and slaughtered thousands of their bravest heroes—heroes who would have died at any time in defense of the Constitution as construed by Hamilton and Madison and Washington and their compatriots.

From these incontrovertable facts, just given, the conclusion is inevitable that Mr. Lincoln's deduction from the above premises of his are erroneous and therefore wrong. Already the first half century since the war has declared he was wrong as to facts and logic. Each decade following will strengthen this declaration. When the first full century since the great war shall have looked back upon the unobscured truth this utterance of Lincoln will have been declared revolutionary, and an undisputed declaration of war: viz: "I therefore consider that in view of the Constitution and the laws, the Union is unbroken and to the extent of my ability I shall take care, as the Consti-

tution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States."

On the 19th day of May, 1860, a great National political convention assembled in Baltimore, and nominated John Bell of Tennessee for president, and Edward Everett of Massachusetts as vice-president. That party declared it to be, "both the part of patriotism and duty to recognize no political principle other than the Constitution of the country, the Union of the States and the enforcement of the laws," because another great political party was in the field with a platform against the Constitution. At the head of this party stood Abraham Lincoln. This is the man that declares he is enjoined by the constitution to enforce "the laws of the Union" "in all the States" without naming the enjoining clause in that instrument. Is it any wonder that his Construction was at variance with that of three-fourths of a century; with that of the best legal talent of his day? Is it any wonder the South rejected his construction?

Upon what ground could Mr. Lincoln say, "I trust this will not be a menace?" Vast meetings of citizens throughout all the North declared it was not only a menace, but war. All intelligent men knew its full meaning. To say that Lincoln himself did not know it, would be to impeach his intelligence. It is well known that Lincoln was not wanting in intellect.

If President Lincoln had taken his own advice there would have been no disunion—no war, viz.: "Before entering upon so grave a matter as the destruction of our National fabric with all its benefits, its memories, its hopes, would it not be wise to ascertain why we do it? Will you hazard so desperate a step when there is any possibility that any portion of the ills you fly from have no real existence? Will you while the certain ills you fly to—are greater than all the real ones you fly from —will you risk the commission of so great a mistake?"

Pause here before these remarkable utterances—remarkable for their aptness to pacify and win the North while equally adapted to repulse the South.

Consider who were responsible for the conditions then existing. Was it not the party then in power? Was it not that party, sectional to the last man in its ranks? From whose lips fell these utterances? Did they not fall from the lips of that party's chief? Do not these facts convince us that the Republican Party was the prime cause for the disturbed conditions of the Sixties? Did they not use slavery as the justifying occasion? And had not the North been proslavery for more than a full century? Do we ever read of any large slave-holder there freeing his slaves voluntarily? Did not the census of 1860 show that the number of free negroes in the North and South were about equally divided? Has this fact no tongue? Does it not declare that the North sold her slaves to the Southern planters? Was slavery less wrong in the sight of Heaven than the full purse received in exchange for slaves? If the institution was "a sin and a curse" did not the North share equally with the South in that "sin and curse?" Upon what ground of justice did Lincoln and his party lift holy hands to high Heaven and assume supreme innocence as to this institution in 1860-61? What boldness, what affront, what deception was theirs? How dared they to put on the garb of innocence and register "an oath in Heaven" that it was their duty and their legal right to lecture, to threaten, to abuse, to curse, to plunder, to destroy, and to murder the inhabitants of the South?

Does the justice of Heaven accommodate itself to the designs of a political party without regard to the responsibilities of that party? If not how did President Lincoln and his party reconcile the fact of their open rebellion against the Third Great Fundamental Department of the Government, as expressed in their platform and repeated in this inaugural address? Do not all men know that the Dred Scott decision declared the Republican Party platform unconstitutional? Do not all know that Lincoln derided that decision as "a sort of decision;" that "it was made by a bare majority?" Do not all know that "bare majority" was "7 to 2?" How did Mr. Lincoln reconcile his two oaths, the one registered in Washington and the other "in Heaven?" The more important question is, how did he reconcile his rebellion against the Supreme Court decision and his oath to support the Constitution? Shall we refrain to ask how he reconciled his express enmity to the Constitution and his oath

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to obey the Constitution? Is not antagonism to the Supreme Court's decision also antagonism to the Constitution?

Nothing protects error so well as being found in company with fact. Hence the next utterance of this remarkable address is a most important fact—a fact upon which all issues hang, viz: "All profess to be content in the Union, if all the Constitutional rights can be maintained." This is a universal proposition. Hence it includes the South. It was the declaration heard in every Southern home, in every Southern valley, on every Southern hill-top, and upon every Southern navigable stream throughout all that disturbed section. Since the North also professed the same thing was there not strong ground for reconciliation? Why then was reconciliation denied? Was it the fault of the South? Had she not proposed terms of reconciliation? Had not all of them been rejected by the North? Were not commissioners from the South in Washington at this very time in the interest of peace? Were they not made to hope in vain, only to be denied? Did not the "Peace Conference" originate in the South? Were not all its propositions turned down by the victorious party?

The next utterance in this address is a truism, viz: "But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration." Why this truism? May it not be intended as a background for these questions and answers of his own: "Shall fugitives from labor be surrendered by National or State authority?\_\_The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say."

We have heavily italicized these questions and answers that the very italicizing may suggest the just criticism. Both the questions and answers are pregnant with inherent weakness. We hesitate to add words of our own to the criticism of the italics. We hesitate out of respect for a great name—a name revered and honored throughout the civilized world. Nor would we criticize them further but for the fact that other great names, equally as renowned and revered, are involved in the correct answers to these questions. Not only the honor and integrity of great names are involved but the honor and integrity of a great section of enlightened people are involved also.

What school boy does not know when "the Constitution does not expressly say" it means the States? Who so ignorant as not to know that the Constitution does not authorize the Federal Government to do anything except what it expressly says it can do? We are not criticizing Mr. Lincoln. He is criticizing himself by his questions and answers. Who has lived up to the age of maturity in this free and enlightened Republic of ours, and has read so little as not to know the Supreme Court, in 1857, had answered in words as plain as it could use, the question: "May Congress prohibit slavery in the Territories?" It is with sincere regret that we are compelled by his own official words to view the great Lincoln in such a light. Shall we judge from this inaugural address that this is his normal state of mind on slavery?

All know, too, that the same Supreme Court at the same time in 1857, answered with equal clearness Mr. Lincoln's third question, viz: "Must Congress protect slavery in the Territories"

Were these questions and answers of Mr. Lincoln's due to ignorance? Had he not criticized and derided that decision in his famous Cooper Institute Speech? They were not due to ignorance. Then what? When a full century from the day of their utterance shall have been ushered in as the impartial judge, the true motive of these questions and answer will have been unmasked without mercy or commisseration.

Francis Newton Thorpe, and various other Northern Historian's, realizing the weakness of Mr. Lincoln's position, have attempted to defend him, not by an appeal to the Constitution, but by a so-called "higher law." They forget that no law, however sacred, can justly be called "a higher law" which sanctions the violation of a consecrated oath. It ceases to be "a higher law" the moment it sanctions the violation of a sacred oath. Every officer, high or low, of the United States Government swears fealty to the Constitution, the one binding tie of all the States. How absurd such an appeal!

From the foregoing facts it follows that Lincoln's construction of the silence of the Constitution is altogether wrong. There fore all his conclusions based on these false constructions are wrong. One of them is this: "If the minority will not acquiesce, the majority must, or the Government must cease"—another plain declaration of war without constitutional authority.

In the name of the great South section, true to every word of the Constitution, we repeat that had the plain meaning of the Constitution prevailed as construed by the Supreme Court and by the North and South before the entrance of the Republican Party on the scene, there would have been no secession in 1860-61 on the part of the South. Has not the South by high Northern authorities been styled "Eighteenth Century reactionists?" What is the meaning of this accusation? Is not the plain meaning this: that the South in the 60's held the views entertained by the able and illustrious statesmen who framed the Constitution and their contemporary statesmen? Was this a crime? If so, was it a crime of such magnitude as to invite the horrors of war? If this was a crime the South of the 60's was guilty with Washington, Madison, Jefferson, and the two Adamses and all that line of great characters whose virtues and statesmanship have enriched the world. What a galaxy of great names gather about the South of the 60's, and say to her, "We share your guilt !"

Who now doubts the South's sincerity in the Sixties? Who? Who doubts her sincere desire for peace? Did she not exhaust every honorable means to secure it? Was it not a Southern State that suggested "the Peace Congress?" Was it not a Southern man that introduced the famous Crittenden resolutions? Was it not Southern representatives who voted for them in Congress? Did not the South declare herself ready to adopt any honorable proposition for peace? What then did Lincoln mean when he said, "In your hands. my dissatisfied countrymen, and not in mine, is the momentous issue of civil war?" Did it not mean "There is no way for you to avoid civil war except by submission to unconstitutional terms?. Had not a number of Southern States already seceded? Did he not know their manhood and their new allegiance now forbade submission? Therefore he meant war, and the sequel shows he meant war.

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# CHAPTER XXIII.

# WHO CAUSED THE WAR?

In the last chapter we saw that the thirteen original Colonies declared themselves "States in the same sense that Great Britain is a State." That meant they were sovereignties in the full sense. Therfore the compact they formed was one of sovereign States. We have also given in the same chapter Ney's legal maxim: "Every thing is dissolved by the same means it is constituted." To this we add the same well established legal truth as given by Broom in his legal maxims, p. 407, in these words: "Nothing is so consonant to natural equity as that every contract should be dissolved by the same means that rendered it binding."

The thirteen original States formed a compact among themselves by adopting ordinances ratifying the same Constitution, each in its own way, and at its own time and place. Thus they rendered the common Constitution "binding." In the same way, or "by the same means" the eleven seceding States of the South in 1860-61 "Dissolved" this compact. They therefore acted within their legal rights and the United States Government had no more right to coerce them than she would have to coerce England for dissolving a compact between her and England. If we take the definition of a State as given by the thirteen original States, there is no evading the conclusion. Their definition is the only true one since they Constituted the States. Therefore the conclusion is inevitable.

If then it is inevitably true that the eleven Southern States in 1860-61, had the legal and natural right to dissolve the compact just as they formed it; and at the same time expressed a desire that their dissolution should be peaceful, who caused the war?

They not only "dissolved" the Union "by the same means by which they constituted it," but they also sought by all honorable means to make their dissolution a peaceful one. This honest desire they declared both by words and acts. They immediately sent commissioners to Washington in the interest of

peace and goodwill. These commissioners were encouraged to hope, only to be deceived. Who then caused the war?

Not only did their words and acts most emphatically declare for a peaceful separation, but their unpreparedness for war most earnestly proclaimed their desires for peace. They were an agricultural people, inexperienced as to war. They were without arms and the means of manufacturing them. In short they were without all the essentials of war except brave hearts and a conviction of right. Would such a people, under such circumstances, deliberately inaugurate war? Who then caused the war?

The real cause of the war lay in the violation of the Constitution. It is confessed that our political organization was more or less complex. But its complexity was not at fault. It was its plain precepts that were violated.

1. The assumption by the dominant party that the silence of the Constitution conferred authority upon the Federal Government was a plain violation of the Constitution. No reputable historian, North or South, denies this. Yet the silence of the Constitution was the main basis upon which Lincoln, in his inaugural, built his doctrine of restriction and coercion. But restriction and coercion were unconstitutional. Who caused the war?

2. Every Compromise was a violation of the Constitution. This cannot be denied. Each compromise was the result of aggression, and it is an indisputable fact of history that all aggression came from the North. Aggression, according to Webster. means "the first attack." Every "first attack" upon the Constitution was made by the North, and the South, in consenting to a compromise through her love for the Union, also became violators of that instrument in a reluctant sense. On the part of the South it was a reluctant yielding of her rights to secure peace. On the part of the North it was pure and simple aggression to prevent the extension of slave territory. The South can truthfully assert that in no other way did she ever violate the Constitution. This is her proud boast: her impregnable defense against the false charges that she caused the war. 3. The refusal to obey the universally acknowledged decision of the Supreme Court was another and indisputable violation of the Constitution. All know that Lincoln rebelled against this decision in his celebrated Cooper Institute Speech; that he next led a great political party in rebellion against it; that he was elected president as an avowed enemy against it; that he was elected president as an avowed enemy against it; that as such he was inaugurated president; and that as president his declared policy was against it. At first it was Lincoln and the Republican party who opposed the decision of this Court. After that subtle deceptive inaugural address to which we have referred, it was Lincoln, the Republican party and a practically united North. Who, then, caused the war?

4. The Constitution was violated—yea more, it was supplanted, it was rendered obsolete—by a false "higher law," a "false common law;" and a false "unwritten Constitution," etc. As for the South, she knew but one Constitution; the one common to all the States alike; the one ratified by all the States in the same manner,—by separate State Conventions; the one Constitution to which all the States alike had sworn eternal fidelity.

The South knew of "a higher law" that existed when Adam and Eve walked together in the Garden of Eden; "a higher law" that existed in all succeeding ages; "a higher law" written on the tablets of human hearts, rendering more sacred and more binding the oaths of the States and of their citizens, to obey its God-given precepts; "a higher law" that uses human statutes and human governments, as "ordained of God," to advance and strengthen its influence and power among men; a higher law that was never designed by its divine author to supplant and render obsolete human statutes, human institutions and human governments: "a higher law" that gives aid and strength to human laws, but never supplants them.

The South knew of "a common law" a rule of action "immemorially received and recognized by judicial tribunals;" a common law "which derives its authority from long usage, or established custom," not from the supposed change of convictions of men,—not from "the ignorance of foreigners" as to our Federal Constitution; but a common law that reaches back "beyond the memory of man," and was threefore in full force when

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our fathers wrote the Constitution and which aided them in framing that "most wonderful" political document. This common law did not then render the Constitution obsolete. It established it. What credence then are we to give to the very remarkable claim that it changed its nature in 1860-61, and rendered the Constitution obsolete? It was not the "Common Law," unchangeable by its very nature and definition, that then rendered our Constitution obsolete, and inaugurated what our own Supreme Court has pronounced to be the greatest "Civil War" of the world; but a so-called false common law, based on a presumed, not a verified, change of human opinions as to the real character of our Republican form of Government; a so-called common law was not in the least sense common, but sectional to the core. Who then caused the war?

As to an "Unwritten Constitution" the South was in absolute ignorance of it till its existence was proclaimed and it was defined by Francis Newton Thorpe in "The Civil War from a Northern standpoint." Was it treason to disobey a Constitution of which one had never heard? This was the false charge made in the '60's. Treason is rebellion against the Constitution,—that Government it established. That Constitution,—that Government,—was the one formed, in Philadelphia in 1787. To this Constitution all history in unbroken evidence attests the fidelity of the South. Even the North admits this in calling the South of the Sixties "Eighteenth Century reactionists." Who then caused the war?

The charge made to the world by the United States Government that the Southern States in their State conventions, and in their general Convention at Montgomery, were "Conspirators against the principles of the United States Government," was a declaration of war. For who has ever heard of a bona fide conspiracy against a reputable Government that did not call forth the strong arm of the Government to crush it? If that charge, as published to the world, was true the South deserved the avenging hand of war. If it was a false charge the South did not merit the sword and the torch.

The open, frank, carnest, and patriotic manner in which these States had protested against the infringements upon their Con-

stitutional rights refutes the charge. When all protests had failed, and all efforts at compromise had proved futile, they met in conventions of their own. These Conventions were advertised, in advance, to the world; and the objects for which they were called were known of all men. Conspiracy is born in secret, but there were no secrets in any of these Conventions. They These they met to discuss and to devise remehad grievances. dies. Their debates upon the question of secession were able, earnest, and spirited. All the speakers were a unit as to the right of secession, but a large minority, and among them some of the ablest statesmen of the South, did not believe in the policy of secession as the best remedy Strange to say this fact lead Lincoln and his party to believe that the South was divided on the question of the legal right of secession.

In the Convention of the States which met at Montgomery there was the same open, manly, frank, and dignified discussion of questions of vital importance pertaining to their common interest. All their proceedings were published to the world. They concealed nothing. The very Constitution this Convention devised and submitted to the States for ratification, is a standing refutation of the charge of conspiracy. Of this Constitution the Hon. Alexander H. Stephens speaks in these pertinent words: "The whole document utterly negatives the idea which many have been active in endeavoring to put in the enduring form of history, that the Convention at Montgomery was nothing but a set of "Conspirators' whose object was the overthrow of the principles of the Constitution of the United States, and the erection of a great 'slave oligarchy' instead of the free institutions thereby secured and guaranteed. This work of the Montgomerv Convention with that of the provisional Government, will ever remain, not only a monument of the widom, forecast, and statesmanship of the men who constituted it, but an everlasting refutation of the charges which have been brought against them. These works together show clearly that their only leading object was to sustain, uphold, and perpetuate the fundamental principles of the Constitution of the United States."

This Constitution was modeled after that of the United States. The preamble to each is substantially the same, almost in the

identical words. No changes in the entire instrument were made except such as experience had dictated. It stands also as an impregnable bulwark of defense against the often repeated charge that "the Confederacy was founded on slavery," that "its corner-stone was slavery." "Property in slaves, already existing, was recognized and guaranteed, just as it was in the Constitution of the United States." But the "extension of slavery," the cause of great complaint by Lincoln and his party, was more effectually prevented by the Constitution of the Confederacy than by that of the United States, as witnessed by the instruments themselves. In the 9th section of the Constitution of the United States are these words: "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 importations not exceeding ten dollars for each person."

From the 9th section of the Confederate Constitution we quote as follows: 1. "The importation of negroes of the African race from any foreign country other than the slave-holding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same."

2. "Congress shall also have the power to prohibit the introduction of slaves from any State, not a member of, or Territory not belonging to this Confederacy."

These extracts speak for themselves. That form the Federal Constitution declares the "importation of slaves" shall not be prohibited prior to the year 1808;" and then follow "but a tax or duty may be imposed on such importations, not exceeding ten dollars for each person." What is the meaning of this Butclause? Does it not virtually annul the preceeding clause by further legalizing the importation of slaves? If it does not further legalize the importation of slaves, what is the meaning of the right to impose "a tax or duty on such importations?" The fact cannot be denied that after 1808 Congress still had the power to encourage the importation of slaves.

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But what is the voice of the extract from the Confederate Constitution? Its clear-cut meaning is "The importation of negroes" from Africa "*is hereby forbidden*,"—positively forbidden; and Congress was required to enforce this mandate of the States through their Constitution. This clause gives Congress but one discretion, that of admitting slaves from any State or Territory of the United States; and this one discretion is the language of friendship, not of war.

As the charge of "Conspiracy" was a declaration of war, so was that of "insurrection," of "rebellion' and of treason. When the speaker and other members of the Burgesses cried "Treason, treason," to the impassioned words of the fiery Henry they knew well the meaning of treason, and so did the bold and impetuous Henry as he finished his sentence: "May profit by their example. If this be treason, make the most of it." So too the Colonies knew it meant war when they rebelled against Great Britain; and the seven long years of war were the result. When the cry of "conspiracy," "insurrection," "rebellion," and "treason" went forth from the White House, all the world knew it meant war, and only war; and the four succeeding years presented the bloodiest page of history. Who then caused the war?

Let us next consider the attitude of the Confederate States. Perhaps no better evidence can be produced than extracts from the inaugural address of Mr. Davis as President of the Provisional Government, delivered on the 18th of February, 1861. He says, "The declared purpose of the Compact of the Union from which we have withdrawn, was to 'establish justice, insure domestic tranquality, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and posterity;" and when in the judgment of the Sovereign States now composing this Confederacy, it had been perverted from the purpose for which it was ordained, and had ceased to answer the ends for which it was established, a peaceful appeal to the ballot-box declared that, so far as they were concerned, the Government created by that compact should cease to exist. In this, they merely asserted a right which the Declaration of Independency of 1776, had defined to be inalienable. Of the time and occasion for its exercise they, as Sovereigns, were the final judges each of itself. The impartial and enlightened verdict of mankind will vindicate the rectitude of our conduct, and He who knows the hearts of men, will judge of the sincerity with which we labored to preserve the Government of our fathers in its spirit. The right solemnly proclaimed at the birth of the States, and which has been affirmed in the Bills of Rights of States, subsequently admitted into the Union of 1789, undeniably recognizes in the people the power to resume the authority delegated for the purpose of Government. Thus the Sovereign States here represented, proceeded to form this Confederacy, and it is by abuse of language that their act has been denominated a Revolution. They formed a new alliance, but within each State its Government has remained, and the rights of persons and property have not been disturbed. The agent through whom they communicated with foreign nations, is changed: but this does not necessarily interrupt their international relations."

Is there any declaration of war in words like these? Consider this: "They merely asserted a right which the Declaration of Independence of 1776, had declared to be inalienable," that is cannot or should not, be alienated, surrendered or transferred to another." Is the Declaration of Independence good authority? Then who can doubt the correctness of this position? If it cannot be doubted, who caused the war?

Consider these other words: "He who knows the hearts of men, will judge of the sincerity with which we labored to preserve the Government of our Fathers in its spirit." History is full of the sacrifices made by the South, and of her efforts to preserve the Union. This assertion can not be challenged. It greets the patriot's eye on every page of the history of the times.

Again: "It is an abuse of language that their act has been denominated a Revolution. They formed a new alliance, but within each State its Government has remained, and the rights of persons and property have not been disturbed. The agent through whom they communicated with foreign powers is changed; but this does not necessarily interrupt their interna-

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tional relations." With what dignity of speech does Mr. Davis here meet the charge of Mr. Lincoln that he leads a revolution against the Federal Government! The assertion of a revolution "is an abuse of language." "They," the Southern States, have "formed a new alliance" as was their right according to the Declaration of Independence. The United States Government had been their "agent through whom they communicated with foreign nations," but now these States have met and appointed another agent for this purpose. If the Declaration of Independence be true this is not revolution. By it Massachusetts freed her slaves to the surprise of her citizens. For its truth every State in the Union vouches. Then who caused the war?

We quote further from this inaugural address: "Sustained by the consciousness that the transition from the former Union to the present Confederacy, has not proceeded from a disregard on our part of just obligations, or any failure to perform any Constitutional duty; moved by no interest or passion to invade the rights of others; anxious to cultivate peace and commerce with all the nations, if we may not hope to avoid war, we may at least expect that posterity will acquit us of having needlessly engaged in it."

No bugle note of war is heard in these words: But there is a solemn protestation that the Confederate states have "not proceeded from a disregard of just obligations;" that they have "not failed to perform any Constitutional duty;" that they have not been "moved" by any "interest or passion to invade the rights of others;" and that they are "anxious to cultivate peace and Commerce with all nations." It is also a solemn declaration that if war is forced upon them, they "may at least expect that posterity will acquit" them of "having needlessly engaged in it." Who then caused the war?

Again: "An agricultural people, whose chief interest is the export of a commodity required in every manufacturing country, our true policy is peace and the freest trade which our necessities will permit. It is alike our interest, and that of all those to whom we would sell and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of commodities. There can be but little rivalry between ours

and any manufacturing community such as the Northeastern States of the American Union. It must follow, therefore, that a mutual interest would invite good will and kind offices."

What sound of a war-like spirit is to be found in these words? Do they not assert, "Our true policy is peace?" Are they not emphatic in declaring, "There can be but little rivalry between ours and any manufacturing community such as the Northeastern States of the American Union?" Do they not take for granted "that a mutual interest would invite good will and kind offices?" Who then caused the war?

Again: "Through many years of controversy with our late associates, the Northern States, we have vainly endeavored to secure tranquility and to obtain respect for the rights to which we are entitled. As a necessity, not of choice, we have resorted to the remedy of separation.....If a just perception of mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled."

What remotest indication of a threat of war is to be found in these words? In vain we "endeavored to secure tranquility." In vain we attempted to "obtain respect for the rights to which we were entitled." It was from "necessity, not choice," that we "resorted to the remedy of separation." The entire history of the long "controversy" sustains this assertion. Mr. Davis's earnest desire for peace was that of all true Southerners: "If a just perception of mutual interest shall permit us peaceably to pursue our separate career, my most earnest desire will have been fulfilled." Is the thunder of artillery heard in words like these?

Again: "We have changed the Constituent parts, but not the system, of our Government. The Constitution formed by our fathers is that of these Confederate States, in their exposition of it: and in the judicial construction it has received, we have a light which reveals its true meaning." Every syllable, yea every letter, in these words of Davis, breathes of devotion to the Constitution of our fathers. The South's one great sin in the eyes of Lincoln and his party was her fidelity to that instrument. History has piled evidence upon evidence as to this fact till a mountain of testimony kisses the very skies. The South had no pur-

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pose, no desire, no motive, to make war upon the North. It was a libel upon her common sense, upon her self-interest, upon her normal condition to assert that she wished to commit aggression or to do anything wrong whatever to the Northern States or their people. Her only motive in quitting the Union was to preserve for herself "at least the principles of the Constitution." This is why she has been derided by a leading Northern historian as "eighteenth century reactionists," that is, eighteenth century constitutionalists. This derision is her proudest appellation. For the principles of the eighteenth century Constitution, "the eighteenth century reactionists" gave the best blood of their veins. Shut out by blockade from all ports of the world, without war materials and the means of manufacturing them, the 18th century Constitutionalists, less than 650,000 strong, successfully opposed for four long years more than 2,600,000 antieighteenth century Constitutionalists with all the powers of wellorganized Government at their back, and went not, then, down beneath the hail of lead and iron, and the keen edge of the Damascus blade, till death had made their serried columns mere picket lines; and not then till their slaves were proclaimed free and 200,000 of them armed in defense of the North; and not then till plunder and torch had done their most effective work; and not then in abjection, but as heroes invincible still.

Conscious of no wrong, but deeply sensible of right, they bent no knee. They stood erect, majestic, sublime, while the shadows of sorrow gathered about their heroic forms. They knew the meaning of victory upon many hard fought fields. As immortal victors they knew how to vanquish even defeat. And they did it as no other soldiers have ever done. Too conservative to violate the "18th century" Constitution, their conservatism has snatched victory from defeat, and the world to-day is looking upon the restored South as the most glorious section of the Union, and soon to be ranked as the best and most prosperous of all the world.

## CHAPTER XXIV.

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## WHO CAUSED THE WAR? (Continued)

Further evidence of the desire of the South for peace is seen in the resolution passed by the Confederate Congress on the 15th day of February, 1861, declaring its sense "that a commission of three be appointed by the President-elect, as early as may be convenient after his inauguration, and sent to the Government of the United States of America, for the purpose of negotiating friendly relations between that Government, and the Confederate States of America, and for the settlement of all questions of disagreement between the two governments upon principles of right, justice, equity, and good faith."

In accordance with this resolution Mr. Davis appointed the following distinguished citizens of national reputation as that commission of three: John Forsyth of Alabama, Martin J. Crawford of Georgia, and A. B. Roman of Louisiana—all statesmen of acknowledged ability. They were clothed with full power to open negotiations, to settle all matters of joint property, such as forts, arsenals, arms or property of any kind, whatever within the limits of the Confederate States.

As soon as Mr. Lincoln had organized his cabinet they addressed to Wm. H. Seward, Secretary of State, the following communication: "Seven States of the late Federal Union, having in the exercise of the inherent right of every free people to change or reform their political institutions, and through Conventions of their people, having withdrawn from the United States, and resumed the attribute of Sovereign power delegated to it, have formed a Government of their own.

"With a view to a speedy a ljustment of all questions growing out of this political separation, upon such terms of amity and good-will as the respective interests, geographical contiguity and future welfare of the two nations may render necessary, the undersigned are instructed to make to the Government of the United States overtures for the opening of negotiations, assuring the Government of the United States that the President, Congress and people of the Confederate States earnestly desire a peaceful

solution of these great questions; that it is neither their interest nor their wish to make any demand which is not grounded in strict justice, nor do any act to injure their late Confederates."

How was this communication in the interest of peace and good-will received? Two days after its reception by Mr. Seward an indirect and informal answer was made through Justice Nelson of the United States Supreme Court and Justice Campbell of the same Court to the effect that Mr. Seward had a "strong disposition in favor of peace, and that he was greatly oppressed with a demand of the Commissioners of the Confederate States for a reply to their letter: and that he desired to avoid making any reply at that time." This evasive answer was made to Judge Nelson, and by him to Judge Campbell, who on receiving the information, without consulting the commissioners, at once interviewed Mr. Seward with the hope that he might be instrumental in bringing about a peaceful adjustment of all questions at issue. On the evening of the same day Judge Campbell handed to the Commissioners in writing the following:

"I feel entire confidence that Fort Sumter will be evacuated within the next ten days. And this measure is felt as imposing great responsibility on the administration. I feel entire confidence that no measure changing the existing Status, prejudicial to the Southern Confederate States, is at present contemplated. I feel an entire confidence that an immediate demand for an answer to the communication of the commissioners will be productive of evil, and not of good. I do not believe that it ought at this time to be pressed."

Could an appeal have been stronger? Could it have come through a more trust-worthy and more conciliatory medium? Had not Mr. Seward also said to Judge Campbell that "there was no design to reinforce Fort Sumter?"—that "it would be evacuated in less than ten days?" and that "it would be evacuated before a letter could go from Washington to Montgomery?" He knew Judge Campbell would report this information to the commissioners. He knew it would allay their suspicions. For this reason they did not demand an immediate answer, but reported their information to President Davis, and he to Beauregard.

When the specified time had passed Fort Sumter was still not evacuated. Not only this, but Major Anderson was known to be making repairs. The facts were telegraphed to the Commissioners. Judge Campbell again interviewed Seward. Again he was assured "that the failure to evacuate Sumter was not the result of bad faith, but was attributable to causes consistent with the intention to fulfil the engagement, and that as regards Fort Pickens, in Florida, notice would be given of any design to alter the existing status there."

On the 7th day of April 1861, the Relief Squadron left New York, causing general alarm. Judge Campbell then "addressed a letter to Mr. Seward, asking "if the assurance he had given were well or ill founded?" Mr. Seward replied, "Faith as to Fort Sumter fully kept—wait and see." This Relief Squadron was then on its way to Charleston with instructions to provision and reinforce Fort Sumter, "peaceably," if permitted, "otherwise by force."

Here was deception. Here was treachery. Here was falsehood." Here was scheming by Seward, and Lincoln, the leading instruments in causing the then existing conditions. It was against human nature for them to be impartial actors the great drama of these exciting times. The very existence of another Confederacy was a severe and most solemn rebuke to them and their allies. They had gone too far beyond Constitutional limits to retreat. They had said too much to retract. Hence they practiced this most flagrant deception. They used Judge Nelson of New York and Judge Campbell of Alabama, members of the United States Supreme Court, as mediums of intercourse with the commissioners to allay all suspicion. At the same time they were energetically plotting for an advantage in the war they had all the time determined to inaugurate:--vea. in the war they then and there declared by their conduct to be already inaugurated.

Why was this information deferred till the ominous hour when the Relief Squadron was approaching the harbor of Charleston? That was the pregnant hour—the hour of surprise. Upon it all

depended. For the Consummation of this hour falsehood, treachery and deception, disguised in the sacred ermine of the judiciary, personated truth, the peerless gem of virtues. For the consummation of this hour secret counsels were held and secret plans inaugurated. For the consummation of this hour Fort Sumter was not evacuated after many unqualified affirmations, that it would be. For the consummation of this hour emmisaries with false tongues were sent to Charleston and Fort Sumter, and played well their part in the drama of deception.

It was the hour designated by the Washington authorities in which to force the South to fire on the flag of the Union. To this every false promise, every intrigue, every insult, and every threat pointed. It was doubtless desirable to reinforce Fort Sumter, but that was not the paramount desire. We have seen that the accusation of treason, rebellion, meant war. We have heard the notes of war in Lincoln's inaugural address. We have seen that Lincoln and Seward had already declared war by their treatment of the Peace Commissioners. We have seen the red flag of war floating from all the facts. It was necessary, therefore, that the Northern heart should be fired, and the Northern people united. What would do this so effectively as the South's Therefore the Relief Squadron was secretly firing on the flag? sent on its mission of war, and its object made known to Governor Pickens and Beauregard at the hour of its approach. The plot was well laid, and faultlessly executed. The flag was fired on. Fort Sumter surrendered. The Northern heart was fired. The North was unified. The world was told that the South had fired the first gun and therefore had inaugurated the war. But who caused the war?

It is the 9th of April, 1861. The Peace Commissioners have addressed another communication to Mr. Seward. From it we take the following: "Your Government has not chosen to meet the undersigned, in the conciliatory and peaceful spirit in which they are commissioned. Persistently wedded to those fatal theories of construction of the Federal Constitution, always rejected by the Statesmen of the South, and adhered to by those of the administration school, until they have produced their natural and often predicted result of the destruction of the Union, under

which we might have continued to live happily and gloriously together, had the spirit of the ancestry who framed the common Constitution animated the hearts of all their sons.... Had you met these issues with the frankness and manliness with which the undersigned were instructed to present them to you and treat them, the undersigned had not the melancholy duty to return home and tell their Government and their countrymen, that their earnest and ceaseless efforts in behalf of peace had been futile. and that the Government of the United States meant to subjugate them by the force of arms. Whatever may be the result. impartial history will record the innocence of the Government of the Confederate States, and place the responsibility of the blood and mourning that may ensue, upon those who have denied the great fundamental doctrine of American liberty, that 'Governments derive their just powers from the consent of the governed." and who have set naval and land armaments in motion, to subject the people of one portion of the land to the will of another portion

"Your refusal to entertain these overtures for a peaceful solution, the active Naval and Military preparations of this Government, and a formal notice to the commanding General of the Confederate forces in the harbor of Charleston, that the President intends to provision Fort Sumter by forcible means, if necessary, are viewed by the undersigned as a declaration of war against the Confederate States."

"It was indeed more than a mere declaration of war. It was an act of war itself." The departure of the Relief Squadron from New York on the 7th of April, 1861, with provisions and soldiers, under orders, to provision and reinforce Fort Sumter, was the first blow struck in that great war. The whole world knows who struck that blow. It was the beginning of a contest, the magnitude of which is without a parallel in the annals of history. Hannibal, in revenge for the death of his ancestor, razed to the ground the great city, Himera, and offered up to his god an awful holocaust of 3,000 prisoners. Lincoln, in revenge for the refusal of the South to accept his construction of the Constitution, razed to the ground many cities, burned innumerable homes, and devastated the great section of the South,

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and offered up to his god no less than approximately one million patriot citizens of the two sections. In vain was he admonished of "the often predicted result of the destruction of the Union." In vain was he told the North and the South might have continued to live happily and gloriously together, had the spirit of the ancestry animated the hearts of all their sons. In vain was he told the United States meant the subjugation of the South "by the force of arms," and whatever the result might be, impartial history will record the innocence of the Government of the Confederate States, and place the responsibility of the blood and mourning, that may ensue, upon those who have denied the great fundamental doctrines of American liberty, that "governments derive their just powers from the consent of the governed."

It is now known that Gen. Winfield Scott, as Commander-in-Chief of the United States army, advised, "Let the wayward sisters go in peace." It is also of record that Senator Douglas, on the 15th of March offered a resolution to that effect.

Speaking in advocacy of this resolution he said: "We certainly cannot justify the holding of Forts there, much less the recapturing of those which have been taken, unless we intend to reduce those States, themselves, into subjection. I take it for granted no man will deny the proposition that whoever permanently holds Charleston and South Carolina, is entitled to the possession of Fort Sumter. Whoever permanently holds Pensacola and Florida is entitled to the possession of Fort Pickens. Whoever holds the States in whose limits those forts are placed, are entitled to the forts themselves; unless there is something peculiar in the location of some particular fort that makes it important for us to hold it for the general defense of the whole country, its commerce and interests, instead of being useful only for the defense of a particular city or locality."

Note the strong confident language of Mr. Douglas, "I take it for granted no man will deny the proposition that whoever holds Charleston and South Carolina, is entitled to the possession of Fort Sumter." And who was Douglas? In 1841 a judge of the Supreme Court of Illinois, twice a candidate for President of the United States—in 1851 and 1856. This most emminent and

most able statesman says, "I take it for granted." He further said, "We cannot deny that there is a Southern Confederacy, de facto, in existence with its capital at Montgomery. We may regret it. I regret it most profoundly; but I cannot deny the truth of the fact, painful and mortifying as it is.... I proclaim boldly the policy of those with whom I act. We are for peace. There is no concealment on this side." This is the language of censure and rebuke for the policy of the Government. "I regret it most profoundly" is no less a rebuke than are the words, "There is no concealment on this side."

Mr. Douglas next said, "We must choose and that promptly, between one of three lines of policy:

"1. The restoration and preservation of the Union, by such amendments to the Constitution as will insure the domestic tranquility, safety and equality of all the States, and thus restore peace, unity and fraternity to the whole country.

"2. A Peaceful dissolution of the Union, by recognizing the Independence of such States as refuse to remain in the Union without such Constitutional amendments, and the establishment of a liberal system of commercial and social intercourse with them, by treaties of commerce and amity.

"3. War, with a view to the subjugation and military occupation of those States which have seceded, or may secede, from the Union.

"In my opinion the first proposition is the best, and the last the worst, why cannot we arrive at some amicable adjustment of the questions in dispute?

Mr. Douglas knew the seceded States had 'merely asserted a right which the Declaration of Independence had defined to be inalienable;" and they had withdrawn from the Union for the sole purpose of preserving to themselves the principles of the Constitution; and that the holding of these forts was a declaration of war.

This resolution was tabled by a vote of 23 to 11, every Democrat and Anti-Centralist voting for it.

It is an assured fact that eleven Sentaors agreed with Gen. Scott. It is also assured that Mr. Lincoln on the 14th day of March, 1861, telegraphed to the world that Fort Sumter was

to be evacuated; and hence, that, then, Mr. Lincoln himself agreed with Gen. Scott. This fact can not be denied. It is also certain that this historic message caused seven Governors from seven Northern States to hastily assemble in Washington City, where they hastily organized, and in a body opposed the policy of peace, tendering the Government their organized military forces. It is also an established fact that Mr. Lincoln changed his peace policy to that of war. Shall we say it?it is also an established fact that this change of policy was not flashed to the world by the electric spark. True manliness and true honor demanded the same publicity for this change of policy as was given to the policy of peace. But not even the Peace Commissioners from the Montgomery Government were informed as to the change. Believing that Lincoln and Seward were incapable of treachery and falsehood, they were still resting upon assurance.

At the same time, while falsehood and treachery stood as a screen between the Commissioners and the Federal Government, vigorous preparations for war and subjugation were being secretly carried on by the latter. What verdict will be that of the dispassionate and disinterested future historian?

It is an established fact also that Major Anderson agreed with Gen. Scott, as shown by the following letter protesting against Fox's plan for relieving Fort Sumter:

"Fort Sumter, S. C., April 8, 1861.

"To Col. L. Thomas, Adjt. Gen., U. S. Army:

"Colonel: I have the honor to report that resumption of work yesterday (Sunday) at various points on Morris Island, and the vigorous prosecution of it this morning, apparently strengthening all the batteries which are under the fire of our guns, shows they either have just received some news from Washington which has put them on the qui vive, or that they have received orders from Montgomery to commence operations here. I am preparing, by the side of my barbette guns, protection for our men from the shells which will be almost continually bursting over or in our work.

"I had the honor to receive, by yesterday's mail, the letter of the Hon. Sec. of War, dated April the 4th, and confess that

what he there states surprises me very greatly-following as it does, and contradicting so positively the assurance Mr. Crawford telegraphed he was authorized to make. I trust that this matter will be at once put in a correct light, as a movement made now, when the South has been erroneously informed that none such would be attempted, would produce most disastrous results throughout our country. It is of course, now too late for me to give any advice in reference to the proposed scheme of Captain Fox. I fear that its result cannot fail to be disastrous to all concerned. Even with his boat at our wall, the loss of life (as I think I mentioned to Mr. Fox) in unloading her will more than pay for the good accomplished by the expedition, which keeps us, if I can maintain possession of this work, out of position, surrounded by strong works which must be carried to make this Fort of the least value to the United States Government.

"We have not oil enough to keep a light in the lantern for one night. The boats will have to, therefore, rely at night entirely upon other marks. I ought to have been informed that this expedition was to come. Col. Lamon's remark convinced me that the idea, merely hinted at to me by Captain Fox, would not be carried out.

"We shall strive to do our duty, though I frankly say that my heart is not in this war, which I see is to be thus commenced. That God will avert it, and cause us to resort to pacific means to maintain our rights, is my ardent prayer!

"I am, Colonel, very respectfully,

"Your obedient servant,

Robert Anderson,

"Major 1st Artillery, Commanding."

Note that this letter was written on the 8th of April, and yet Major Anderson says frankly "my heart is not in this war which is to be thus commenced. He knew on the 8th of April that war was meant.He then makes that "ardent prayer" "that God would avert it and cause us to resort to pacific means." The "us" refers to the United States Government for he knew from the assurances of Mr. Crawford that the Montgomery Government, was anxiously seeking peaceful means. Evidently Major Anderson knew the United States Government was thus beginning the war.

There is another very important fact mentioned in this letter, viz: "If I can maintain possession of this work," it is "surrounded by strong works which must be carried to make this fort of the least value to the United States Government"—that is Fort Sumter will be of no use to us even if we can hold it. Was the real object of this expedition to hold Fort Sumter? We shall see.

It also shows his dissatisfaction with orders from Washington, and his want of sympathy with his Government's bad faith. It is a vindication of Major Anderson as a character and as a gentleman. It is also to be remembered that he was writing to a superior military officer; and was writing, therefore, with more or less reserve.

Another important fact: On the 11th day of April Governor Pickens and Gen. Beauregard were informally notified through an agent from Washington that Fort Sumter was to be reinforced "peacefully if possible—otherwise by force." Immediately this information was telegraphed to Montgomery, and on the same day Beauregard was instructed as follows: "If you have no doubt of the authorized character of the agent who communicated to you the intention of the Washington Government to supply Fort Sumter by force, you will at once demand its evacuation; and if this is refused, proceed in such manner, as you may determine, to reduce it." Who is the aggressor here?

Beauregard, therefore, sent a messenger demanding the evacuation of the fort. To which Major Anderson replied, "I regret that my sense of honor, and my obligations to my Government prevent my compliance." He then remarked to the messenger, "If you do not batter us to pieces we will starve out within a few days."

Anderson's written reply and his verbal remark, both, were immediately sent to the Montgomery Government; and the reply that, at once, came back was conciliatory and discreet, showing that the Confederate Government would not fire on Fort Sumter unless compelled to do so. It was as follows: "Do not desire needlesly to bombard Fort Sumter. If Major Anderson will

state the time at which, as indicated by himself, he will evacuate, and agree that, in the meantime, he will not use his guns against us, unless ours should be employed against Fort Sumter, you are authorized thus to avoid the effusion of blood. If this or its equivalent is refused, reduce the fort as your judgment decides most practicable."

Why was Major Anderson requested to name the time he would evacuate the fort, and promise "not to use his guns against the Confederates" in the meantime? Because that warlike fleet with war orders was momentarily expected to enter the Harbor of Charleston, and that renewed and persistent act of war would be a defiant challenge for combat, and the challenge was sure of acceptance. In that event, unless Major Anderson would consent not to use his guns, the forces under Beauregard would be exposed to two fires at once—from both the front and rear. It is well known that Anderson refused this request. Why? Because he knew eleven ships with 250 guns and 2400 soldiers were near at hand to reenforce him with both provisions and men.

Thus closed the stirring events late on the 11th day of April. At 3 o'clock on the next morning (12th April) that armed fleet instructed to supply Fort Sumter with men and provisions by force "if necessary," anchored just off the Harbor of Charleston. At 4:30 o'clock on the same fatal morning just one and one-half hours later, the boom of the first gun of that most terrible war was heard. That gun was the culmination of Lincoln's war message and deception and intrigue, and falsehood, and treachery, and threatened force. It was fired in self-defense.

If the threatened invasion of the Harbor of Charleston by this fleet with orders to forcibly supply Fort Sumter did not mean war what did it mean? If on a peaceful mission why those heavy guns? Why those armed men? If peace was its object why did it not come in the garb of peace, and in the spirit of peace? Ablest statesmen, both North and South knew war was meant. They were not deceived. Nor is any well informed man deceived today. War was meant and the North can not becloud the fact.

Henry Hallam in his "Constitutional History of England (vol. 2, p. 219) says, "The aggressor in a war is not the first who

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uses force, but the first who renders force necessary." The first edition of this work was published in 1827; and it has been acknowledged so masterly that it has, since, gone through many editions. It has also been translated into the French and German languages. With him agrees Dryden when he defines the aggressor as the "one who commences a quarrel;" and also Webster when he styles the aggressor the "one who commits the first act." With all these high authorities is common sense in full accord. Therefore the firing of that first gun at 4:30 o'clock on the morning of the 12th of April, 1861, did not inaugurate that most terrible war.

## CHAPTER XXV.

## WHO INAUGURATED THE WAR?

In the last chapter we showed from Hallam that the aggressors in a war are those who render force necessary, and not those who first use force. In this chapter we shall introduce additional testimony that the authorities at Washington, and not those at Montgomery, were the aggressors.

In the Papers of the Southern Historical Society appended to the Southern Magazine for February, 1874, is a letter from Judge Campbell to Col. George Munford. In that letter we are told by Judge Campbell of a visit made by Judge Nelson, on the 15th of March, 1861, to Mr. Seward, Secretary of State, to Mr. Chase, Secretary of the Treasury, and to Mr. Bates, the Attorney General; and that his object was to dissuade them from putting into execution any policy of coercion.

Here is a part of what Judge Campbell says of that visit to "During the term of the Supreme Court he Judge Nelson: (Judge Nelson) had very carefully examined the laws of the United States to enable him to attain his conclusions, and from time to time he had consulted Chief Justice Taney upon the questions which his examination had suggested. His conclusion was that, without very serious violations of the Constitution and Statutes, coercion could not be successfully effected by the Exeecutive Department. As he was returning from his visit to the State Department we casually met and he informed me of what he had done. He said he had spoken to these officers at large; that he was received with respect, and listened to attentively by all, with approbation by the Attorney General, and with great cordiality by the Secretary of State; that the Secretary had expressed gratification to find so many impediments to the disturbance of peace, and only wished there had been more. He stated the Secretary told him there was a present cause of embarrassment; that the Southern commissioners had demanded recognition, and a refusal would lead to irritation and excitement in the Southern States, and would cause a counter-irritation in the

Northern States prejudicial to a peaceful adjustment. Justice Nelson suggested that I might be of service."

Observe that this letter shows four of the very highest legal functionaries,—Chief Justice Taney, Justice Nelson, Justice Campbell and Attorney Gen. Bates,—all agreeing that coercion could not be successfully effected by the Executive Department "without very serious violations of the Constitution and Statutes." For more than six and one-half decades this had been the decision; that is, during the entire life of the Republic. It was never called in question till the exigencies of a political party demanded it. Confirmed by the rigid investigations of the last half century, it will be sustained and strengthened by all future investigations. Founded on the bed-rock of the very fabric of the Republic it can never be changed.

Lincoln, in his inaugural address, referred to his sacred oath, obligating him to enforce the Constitution and execute the laws, yet he refused to consult the only tribunal whose decision is law itself. From the testimony of Justice Nelson, it seems that he was more concerned about "irritation" in the South and "counter-irritation" in the North, than about the enforcement of the Constitution. Yet his policy of deception was a policy of irritation to both sections. His policy of deception was supplanted by that of coercion, a policy of irritation, beside which that of peace would have been to both sections as the gentlest zephyr to the mightiest storm. As for the North it is well known that more than 62 per cent. of her votes were cast against Lincoln, and a large per cent. of his own party were opposed to coercion. Hence the "counter-irritation" in the North would not have been so bad as depicted.

In compliance with the suggestion of Judge Nelson these two distinguished citizens visited the State Department together, and urged Mr. Seward to reply to the Commissioners, and assure them of the desire of the Government, for a friendly adjustment. Mr. Seward objected to an immediate recognition of the Commissioners, on the ground that the North would not sustain it in connection with the withdrawal of the troops from Fort Sumter, which had been determined on. "The evacuation of Sumter," he said, "is as much as the administration can bear." Judge Campbell says: "I concurred in the conclusion that the evacuation of Sumter involved responsibility and stated that there could not be too much caution in the adoption of measures so as not to shock or irritate the public sentiment, and that the evacuation of Sumter was sufficient for the present in that direction. I stated that I would see the Commissioners, and I would write to Mr. Davis to that effect. I asked him what I should say as to Sumter and as to Pickens. He authorized me to say that before that letter could reach him (Davis) he would learn by telegraph that the order for the evacuation of Sumter had been made. He said the condition of Pickens was satisfactory, and there would be no change made there."

The order to evacuate Fort Sumter was never given. Fort Pickens was reenforced. Judge Campbell further says that Mr. Crawford was slow to consent not to press the demand for recognition. "It was only after some discussion and expression of some objections that he consented" to do so. The condition of this consent was that Fort Sumter should be evacuated at a very early date. "Mr. Crawford required the pledge of Mr. Seward to be reduced to writing with Judge Campbell's personal assurance of its genuiness and accuracy."

This statement was put in writing, approved by Judge Nelson, and then submitted to the Secretary of State, who approved of it. This was a pledge not only to the Commissioners, but also to the highest authority. For the Secretary of State is "the official organ of communication of the views and purposes of his Government." What pledge was that? It was, that Fort Sumter would be evacuated within a few days, and that the status of Fort Pickens would not be disturbed. Remember, a pledge is a very strong way of asserting a fact. It is a surety of fulfilling a promise.

Judge Campbell further says: "In the course of this conversation I told Judge Crawford that it was fair to tell him that the opinion at Washington was, the secession movements were shortlived, that his Government would wither under sunshine and that they might have a contrary effect, but that I did not consider the effect. I wanted, above all other things, peace. I was willing to accept whatever peace might bring,

whether Union or disunion. I did not look beyond peace. He said he was willing to take all the risk of sunshine."

It is also fair to say, that, many Southerners believed that with a policy of peace on the part of the North the Confederate and the United States Government would have finally merged into one Government by compromises satisfactory to both sections; that the South's fidelity to the common Constitution was beyond dispute; and that in the North the love for the Constitution would have finally prevailed. Thus many true Southerners believed that by profiting by experience the two sections would unite under a more perfect, a stronger, and a more enduring Government.

After waiting five days the Commissioners telegraphed Gen. Beauregard to know if the Fort had been evacuated, and if not were there any indications that it probably would be soon. Beauregard replied that the Fort had not been evacuated; and that there were no indications of such a purpose, but on the contrary Major Anderson was strengthening its defences.

This dispatch was shown Judge Campbell, who with Judge Nelson immediately called on Mr. Seward. They held two interviews with the Secretary of State. Of the result Judge Campbell states: "The last was full and satisfactory. The Secretary was bouyant and sanguine; he spoke of his ability to carry through his policy with confidence. He accounted for the delay as accidental, and not involving the integrity of his assurances that the evacuation would take place, and that I should know whenever any change was made in the resolution in reference to Sumter or Pickens. I repeated this assurance in writing to Judge Crawford, and informed Governor Seward in writing of what I had said."

How assurances had accumulated that Fort Sumter's garrison would be withdrawn! How startling were the facts that have since been brought to light! All the time these asusrances were becoming voluminous the Government was assiduously engaged in devising means to retain possession of the fort. The President and his Secretary must have been educated in that school of politics whose chief motto is, "All things are fair in politics." That school never turned out two more capable and more illustrious graduates than Seward and Lincoln.

It is well known that G. V. Fox afterward assistant secretary of the U. S. Navy, proposed to President Buchanan a plan for supplying and reinforcing Fort Sumter in February. In a letter published since the war he tells how his plan was renewed to Lincoln's administration and of its reception by Lincoln.

In that letter he says: "On the 12th of March I received a telegram from Postmaster Gen. Blair to come to Washington. I arrived there on the 13th of March. Mr. Blair having been acquainted with the proposition I presented to Gen. Scott under Mr. Buchanan's administration, sent for me to tender the same to Mr. Lincoln, informing me that Lieut.-Gen. Scott had advised the President that the fort could not be relieved, and must be given up. Mr. Blair took me at once to the White House, and I explained the plan to the President. Thence we adjourned to Lieut.-Gen. Scott's office, where a renewed discussion of the subject took place. The General informed the President that my plan was practicable in February, but that the increased number of batteries erected at the mouth of the harbor since that time rendered it impossible in March.

"Finding that there was great opposition to any attempt at relieving Fort Sumter and that Mr. Blair alone sustained the President in his policy of refusing to yield, I judged that my arguments in favor of the practicability of sending in supplies would be strenghtened by a visit to Charleston and the fort. The President readily agreed to my visit, if the Secretary of War and Gen. Scott raised no objection.

"Both these gentlemen consenting, I left Washington the 19th of March, and passing through Richmond and Washington reached Charleston on the 21st."

This letter of Fox shows that on the 12th of March only Lincoln and Blair favored reinforcing Fort Sumter. It also shows that at the very time Secretary Seward was making renewed assurances of the most positive character, through Judges Campbell and Nelson, a secret agent was on the way to Charleston to obtain information and advise plans by which Fort Sumter could be supplied and reinforced. In other words while giving pledges he was spying out means by which he could break those pledges. From the message of Governor Pickens to the South Carolina

Legislature, November, 1861, we learn that Fox obtained permission to visit Fort Sumpter "expressly upon the pledge of pacific purposes." But a pledge to Fox was no more binding than it was to Seward and Lincoln. While in the fort he matured the details of his plan to supply and reinforce the garrison as he himself informs us without making known his plans and purposes to Major Anderson. As the result of that visit his plan was approved and the Relief-Squadron was called into existence.

This is not all. In the same message to which we have referred, Governor Pickens says, "In a very few days after, another Confidential agent, Col. Lamon, was sent by the President (Mr. Lincoln), who informed me that he had come to try and arrange for the removal of the garrison, and, when he returned from the fort, asked if a war vessel could not be allowed to remove them. I replied that no war vessel could be allowed to enter the harbor on any terms. He said he believed Major Anderson preferred an ordinary steamer, and I agreed that the garrison might be thus removed. He said he hoped to return in a very few days for that purpose."

Lamon had gone to the fort upon the same pledge of "pacific purposes." He talked, he acted as if the garrison was to be removed. When a war-vessel was refused by the Governor as the means of removing the garrison he thought "Major Anderson preferred an ordinary steamer." He returned to Washington expressing a hope "to return in a few days for that purpose"—the purpose of removing the garrison. At that very time Mr. Fox was secretly active in making preparations for his Relief Squadron.

Consider the visits of these two emisaries (Fox and Lamon) and their violations of their pledges of "pacific purposes." Let it be remembered at the same time that Lamon did not return to Charleston "for that purpose," as he had promised. Let it also be remembered that on the 10th of March, 1861, Governor Pickens telegraphed the Commissioners in Washington inquiring about Col. Lamon and why he delayed to fulfil the promise of evacuation. Remember too that it was just fifteen days ago when the first assurance of Mr. Seward had been made that Fort Sumter would be evacuated immediately; and just ten days after . he had explained that "The delay was accidental."

That despatch of Governor Pickens was submitted to Secretary Seward by Judge Campbell. The first day of April was appointed for an interview and answer. When that day came Mr. Seward said to Judge Campbell, "There was a point of honor involved; that Lamon had no agency from him nor title to speak." (Judge Campbell's letter to Col. Munford) Honor? where among all these multiplied facts of contradiction and falsehood had it found an abode? But Mr. Seward returned, through Judge Campbell, this answer to the Commissioners: "The Government will not undertake to supply Fort Sumter without giving notice to Governor Pickens." Thus Lamon was debased because he failed. Who doubts if the ruse of Lamon had succeeded that his name would have been placed on the honorroll?

Judge Campbell says in his letter to Munford, "I asked Mr. Seward whether I was to understand that there had been a change in his former communications. His answer was 'none.'"

Because of general rumors Judge Campbell in behalf of the commissioners on the 7th of April wrote again to Mr. Seward, "asking whether the assurances so often given were well or ill founded." Mr. Seward replied in writing: "Faith as to Sumter fully kept. Wait and see." At that very moment the squadron was in the act of leaving New York and Portsmouth.

The very next day (April 8) Mr. Chew, an official of Mr. Seward's department, accompanied by Capt. Talbot, appeared before Gov. Pickens and Gen. Beauregard in Charleston, and read to them the following paper, which he and Talbot said was from the President of the United States:

"I am directed by the President of the United States to notify you to expect an attempt will be made to supply Fort Sumter with provisions only; and that, if such an attempt is not resisted, no effort to throw in men, arms or ammunition, will be made, without further notice, or in case of an attack upon the fort. (Record of Fort Sumter by W. A. Harris.)

What a travesty upon plighted faith! Is this the meaning of "Faith as to Fort Sumter fully kept?" Is this the hidden mean-

ing of "wait and see?" After all the multiplied deceptions practiced by Lincoln and Seward did Mr. Lincoln expect Gov. Pickens and Gen. Beauregard to believe him as to "provisions only?" Where are all those pacific pledges that echo along the march-They are lost in the wide, wide realm of treachof 27 days? Did Mr. Lincoln imagine that his deceptive pacific pledges ery. had thus far succeeded so well that Goy. Pickens and Gen. Beauregard would believe even that a number of gunboats, the vehicles of implements of war, would come burdened with "provisions only?" But agent Chew did not mention gunboats in Lincoln's name. No, but the ever vigilant press had; and he reported that "an attempt will be made." "An attempt" implies force if necessary and Mr. Chew did not say the vessels loaded with "provisions only" would be unarmed.

The time agent Chew delivered Mr. Lincoln's message is the 8th day of April 1861. A portion of Fox's Relief Fleet has been a full day at sea. At the average rate of speed it is expected to ride gracefully and triumphantly into the Charleston Harbor almost immediately after Gov. Pickens and Gen. Beauregard are notified, and before they can prepare to receive it. Why does this expectation fail? It is due to a severe storm which anchors the fleet just off the Harbor of Charleston. Had not the storm surprised and delayed the fleet it would have surprised Gov. Pickens and Gen. Beauregard.

On the very day (April 8) Mr. Chew reported that "an attempt to reinforce Fort Sumter" will be made, the Peace Commissioners sent this dispatch to Gen. Beauregard:

"Washington, April 8, 1861.

Gen. G. T. Beauregard: Accounts uncertain because of the constant vacillation of this Government. We were reassured yesterday that the status of Sumter would not be changed without previous notice to Gov. Pickens, but we have no faith in them. The war policy prevails in the Cabinet at this time.

M. J. Crawford."

This despatch discloses three facts: 1. That the Commissioners had ceased to place any confidence in the promises of the United States Government, or (2) in assurances that the status of Fort Sumter would not be changed without previous notice to Gov. Pickens; (3) "The war policy prevailed at that time."

Mr. Gideon Wells. Secretary of the Navy in Mr. Lincoln's Cabinet, fixes the time when "the President announced his decision that supplies should be sent to Sumter, and issued Confidential orders to that effect. All were gratified with this decision, except Mr. Seward, who still remonstrated, but preparations were immediately commenced to fit out an expedition to for-("Lincoln and Seward," N. Y., 1874, pp. ward supplies." 57 and 58).

The time fixed by Mr. Wells in this letter is the 28th of March, Observe 1, that Mr. Lincoln decided to supply Fort 1861. Sumter on the 28th of March ; 2, that at the same time he "issued orders to that effect;" 3, that these orders were "confidential;" 4, that "all were gratified except Seward, who still remonstrated;" and 5, that perparations were immediately com-And remember that it was the 8th of April when menced. Gov. Pickens was notified-eleven days after Lincoln's decision. All this time "pacific pledges" were being made. All this time the preparations began "immediately" were being secretly performed, under "confidential orders."

Francis Newton Thorpe in "The Civil War from a Northern Standpoint" thus corroborates Gideon Wells: Lincoln exhaused information about Fort Sumter and all pertaining to the question its reinforcement involved. As the result of much negotiation and many interviews Justice Campbell of Alabama, of the United States Supreme Court, reinforced by Nelson of New York, also of the Supreme Court, strongly advised the Secretary of State against any attempt at coercion. Lincoln consented that Fort Sumter should be evacuated, also Fort Pickens' and publication of this decision was made.... This was the political situation on March 28, 1861 (p. 234).

The universal verdict is that this was a true peace policy. It was strongly "advised" by two Supreme Court Judges. Therefore it had strong judicial support. One of these judges was from the North and the other from the South. It was, therefore, non-sectional as well as impartial. It was also "the result of much negotiation and many interviews." It was, therefore, well

considered. In fact there was nothing hasty about it except its abandonment.

If this was a true peace policy, as all admit, by what manner of argument can its very opposite be also a true peace policy? If not a peace policy it was a war policy. No logic can evade this conclusion. Who then inaugurated it?

On the next page (235) Mr. Thorpe says, in defense of Mr. Lincoln, "In truth promise to evacuate Fort Sumter had been made by Secretary Seward without Lincoln's authority," apparently forgetting that he had just said "Lincoln consented that Fort Sumter should be evacuated, also Fort Pickens, and publication of this decision was made". It is to be presumed that Gideon Wells, a member of the Lincoln Cabinet, and present in the meeting on that fatal occasion of such a momentous decision. knew more about it than does Mr. Thorpe. "All were gratified with this decision," says Mr. Wells, except Mr. Seward, who still remonstrated."

The time has come when responsibility should be fixed for that war which brought tears and lamentations to millions of American homes. It can not be fixed on the South. An attempt is now being made to lay the blame on poor Seward. He indeed was the medium of deception as to Lincoln's plans, but Mr. Wells tells us that Seward on that eventful occasion was the only cabinet member that opposed coercion.

But had Mr. Wells not spoken it would be impossible to disassociate the action of the President from that of his Secretary. Can any intelligent American citizen believe that the President can be relieved from responsibility for the conduct of his secretary? Is it a thinkable proposition that the man who "exhausted information about Fort Sumter and all pertaining to the question its reenforcmeent involved," was ignorant, for nearly one month, of what transpired between the Secretary and the Commissioners, and that too, through the medium of the distinguished members of the Supreme Court? Some men may be deceived for a time, but all men can not be deceived for all time.

## CHAPTER XXVI.

## LINCOLN'S FIRST CALL FOR TROOPS.

The mask as to the South has been thrown off. Deception and intrigue have done their work. The South's earnest desire for peace in the closing days of 1860 and in the beginning of 1861 are read in the speeches and addresses of her leading statesmen before and at the time of secession; in all the resolutions of her State Legislatures and State Conventions; in all the acts of her Congress; in the efforts of her Peace Commissioners; in her deep sense of utter want of preparation for war; and in her consciousness that she had all to lose by war and nothing to gain. Had she sprung a Colossus Giant as a Nation full armed into the arena of world-powers, and had each of these powers extended to her the warm strong hand of friendship, it would not have been, even then, to her interest to have invited war.

But, instead, she stood alone, unarmed, a sublime spectacle in the rectitude of her conduct, awaiting the impending storm foreshadowed in Lincoln's inaugural address; in falsehood personifying truth; in treachery wearing the garb of sincerity; in an armed expedition, having "confidential orders, to reinforce Fort Sumter:" in the war-rumors published throughout the North! in short. in the gradual unfolding of the plans of the Federal Government. Not the least among these was the intended surprise for the authorities, at Charleston, S. C., prevented only by a severe storm at sea, viz: The Reinforcement of Fort Sumter.

The light that is now being focussed upon the issues of the Sixties is revealing a conservative South that suffered for the principles of self-government, the principles of the Declaration of Independence; suffered with a matchless fortitude and a heroism unknown; a conservative South, the virtues of whose manhood and womanhood rival those of the palmiest days of Greece and Rome; a conservative South whose Heroic defense of her civil rights challenges the world for a parallel; a Conservative South that stood like the solid rock of Gibralter for four long years against the Northern millions, reinforced by more than

900,000 foreigners and 200,000 Southern negroes; a conservative South that by her courage and valor, having won in the Sixties, the admiration of the world, will be revered and honored for all time as no other section of earth's wide domain has ever been; a conservative South that now, in time of peace, is making a record that bids fair to equal, if not surpass, her record in war.

It is in defense of this South we write. If the North was right in inaugurating war why did she practice deception, intrigue, and falehood? These are not the friends of right, virtue, and truth. If the North was right why did she hesitate and vacillate? Hesitancy and vascillation are twin brothers of doubt and wrong. Right is the child of justice, and both the child and parent have comparatively few friends in this world. Wrong numbers her subjects by the million; right, hers by the hundred.

If the States were mere provinces the North was right. But what tongue so false to truth as to declare they were mere provinces? Did not all the fathers call them States in the full sense? The very name of the Federal Government, United States (States United) would be meaningless if the States were mere provinces. Therefore they were not provinces, but States; and the North by inaugurating the war was guilty of injustice, and treason and murder. The impartial historian of the future will so decclare. The language of fact is often severe.

We have shown that the States are States in the same sense in which Great Britain is; and hence that South Carolina was a State in the full sense. As such she ceded in trust to the Agent of all the States the ground on which Fort Sumter was built—in trust for the defence for her own soil and her own chief harbor. It is universally conceded that all cessions of sites for military purposes by the States were made in trust for the defence of the particular States so ceding the sites.

In South Carolina's case this principle applies with special force. All the streams emptying into that harbor are wholly within her borders. She alone had any distinct interest in a fortress at that point. This is what Mr. Douglas meant when he used the words we have previously quoted: "I take it for granted that whoever permanently holds Charleston and South Carolina is entitled to the possession of Fort Sumter. Whoever holds permanently Pensacola and Florida is entitled to the possession of Fort Pickens. Whoever holds the States in whose limits these forts are placed is entitled to the forts themselves, unless there is something peculiar in the location of some particular fort that makes it important for us to hold it for the general defense of the whole country, instead of being useful for the defence of a particular city or locality."

If Douglas had been President the Constitution would not have been violated by the Federal Government, and the loyal South would not have seceded, and there would have been no war; and American blood would not have enriched American soil. Douglas knew that to have taken possession of Fort Sumter and to have attempted to hold it was as much a declaration of war as to have taken possession of the city of Charleston and to have attempted to hold it. If Lincoln did not know this it was due to his failure to have informed himself. All know that Lincoln's education was limited, and that it was acquired under great disadvantages.

When Fort Sumter fell South Carolina had been a second State for nearly four months. During all that time persistent attempts with two successive administrations had been made for its evacuation. We have already seen how these attempts were met by evasion, deception, prevarication and perfidy. We know that one administration agreed to maintain the status quo; and that this agreement was violated in December, 1860, when the garrison of one fort was removed to a stronger.

We know that agreement was violated again in January 1861, according to the report of Captain McGowan, Commander of the Star of the West. He concealed below the deck of the steamer four officers and two hundred men on arriving off Charleston. His report is in these words: "The soldiers were now all put below, and no one allowed on deck except our crew." It failed because of the vigilance of South Carolina.

If the South finally failed to trust the pledges of the Federal Government whose fault was it? If the South's unexampled forbearance was finally exhausted, who was to blame? Yet the

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South was falsely and treacherously represented to the world as the aggressor—so represented by a great Government which was regarded by the world as incapable of false representation. She was thus officially misrepresented, and that meant misrepresentation in the name of law and organized Government, beside which misrepresentation by an individual was as nothing.

Fort Sumter surrendered on the 13th of April 1861. Two days later Lincoln issued this proclamation: "Whereas the laws of the United States have been for some time past and now are opposed, and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida. Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by ordinary course of judicial proceedings, or by the powers vested in the marshals by law:

"Now, therefore, I, Abraham Lincoln, President of the United States, in virtue of the power, in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth the militia of the several States of the Union, to the aggregate number of seventy-five thousand in order to suppress such combinations and to cause the laws to be duly executed—And 'hereby command the persons composing the combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from this date."

Let it be remembered first that it was not "in virture of powers in me vested by the Constitution and laws," as witnessed by Sec. 4, Art. 4, Constitution, which reads as follows: "The United States shall guarantee to every State in this Union a republican form of Government, and shall protect each of them against invasion, and on application of the Legislature, or of the Eexecutive (when the Legislature cannot be convened) against domestic violence."

Here the Common Constitution of the States makes it mandatory of their common agent, the Federal Government to protect each State against invasion; and the word invasion is not qualified. It therefore means any invasion whatsoever. Let it also be known that Lincoln had declared the seven secended States were still in the Union—that they could not secede. If these States were still in the Union by what authority did he call on other States of the Union to invade them? Was it not a palpable violation of the Constitution?—a flagrant usurpation of power undelegated? The language is plainly compulsory, viz: "And shall protect each State against invasion." "Shall protect against invasion" certainly does not command invasion. "Protect" is the very opposite of coercion. Yet Lincoln construed the Constitution as investing him with the power to coerce. Common sense stands aghast at such a construction.

Are we told that Mr Lincoln justified his course on the ground that the Constitution contains no clause forbidding, in express terms, the coercion of a State? Then the reply is if he did not know the absence of such a clause in the Constitution forbade his coercion of a State he was educationally deficient in the necessary qualifications for the President of this great Republic. Is it possible that we must accept Charles Francis Adam's theory of fatalism:—that it was foreordained that such a man at such a time should be placed at the head of this Government? If so was the Great I Am responsible for all the irregular, treacherous and false means by which it was accomplished?

Again, in this proclamation of Mr. Lincoln we have a very strange fiction: Mr. Lincoln refers to the seven seceded States as forming "combinations too powerful to be surpressed by the ordinary means," and then commands "the aforesaid *persons* composing the combinations" to disperse. Never before nor since, have States been referred to as "*persons* composing combinations." Think of it, "the States of this Union are the Sovereign creators of the Federal Government"—created by them to be made their common agent! It was now the strangest thing in all history occurred, viz: The creature-agent commanded seven of these soveregn creators "to disperse and return peaceably to their respective abodes within twenty days." Is it any wonder that President Lincoln thought the States were mere persons?

To make these State-persons, or person-States, disperse he levied so large an army as 75,000 men. This levy *meant war*. Yet the power to declare war was delegated by the States to Congress only. The President had no more authority to declare war than did the Supreme Court. Again, if this "combination" had been riotous or insurrectionary it would have been, according to the Constitution, against the State and not against the Federal Government. Nor could the President call for the militia to suppress it till the State had made application for that purpose. It could neither precede the application of the State, nor could it be made without the consent of the State. Sec. 4, Art. 4, of the Constitution, to which we have just referred, is very clear on this point.

Let it be remembered in the next place, that this call for troops was not made upon the American people en masse, but upon the States. The governors of the Northern States—not of the Northern Provinces—made prompt response. Indignant replies were returned by all the border States with the one exception of Maryland. Governor Hicks of Maryland refused to obey the command of the President but did it in more polite terms. Thus all the border States refused to furnish troops Was this refusal without its meaning? Had their loyalty ever before been called in question?

Did they not refuse on the ground that the States had never delegated to the Federal Government the right to coerce a State? The right to do this, as we have seen, "was unanimously rejected in the formation of the Constitution." With these border States Mr. Greely, and a vast number of other supporters of Mr. Lincoln, agreed. With these also agreed the vast following of Mr. Douglas, as well as those of Bell and Breckinbridge. May we not again ask, Can it be Charles Francis Adam's doctrine of fatalism is true? "Men of high degree are a lie." (Bible.)

The people of Virginia were in Convention assembled when this proclamation was issued. Hence Virginia was the first State to reply. She loved the Union of the Constitution. For this her people and the people of all the Southland would have died if necessary. But she did not love another union based upor some indefinite fanatical dogma. She had manifested and proved her undying love for the Union of the fathers by her earnest but fruitless efforts to preserve it. Among these efforts was the Peace Congress called at her suggestion. She now believed both the Constitution and the Union were broken. For.

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to break the Constitution was to break the Union. The Constitution was the band that bound the States together. When that band was broken the inevitable result was dissolution.

Lincoln issued his proclamation on the 15th day of April, 1861, two days after the fall of Fort Sumter. Virginia seceded on the 17th of April, 1861, two days after Lincoln's proclamation calling upon her for troops. In doing so she declared her absolute right by "An ordinance to repeal the ratification of the Constitution of the United States, and resume all the rights and powers granted under said Constitution.

"The people of Virginia, in their ratification of the Constitution of the United States of America, adopted by them in Convention on the 25th day of June, in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under said Constitution were derived from the people, of the United States, and might be resumed whenever the same should be perverted to their injury and oppression, and the Federal Government having perverted said powers not only to the injury of the people of Virginia, but to the oppression of the Southern slave-holding States.

"Now, therefore, we, the people of Virginia, do declare and ordain. That the ordinance adopted by the people of this State in Convention on the 25th day of June. 1788, whereby the Constitution of the United States of America was ratified, and all acts of the General Assembly of this State, ratifying and adopting amendments to said Constitution, are hereby repealed and abrogated; that the Union between the States and the Other States under the Constitution aforesaid, is hereby dissolved, and that the State of Virginia is in full possession and exercise of all her rights which belong and appertain to a free and independent State.

"And they further declare the said Constitution of the United States is no longer binding on any of the citizens of this State."

"This ordinance shall take effect and be an act of this day, when ratified by a majority of the votes of the people of this State cast at a pole to be taken thereon on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted. "Adopted by the Convention of Virginia April the 17th, 1861.

"John Janney, President,

"John J. Eubanks, Secretary."

This was Virginia's reply to President Lincoln's call for troops. It said to President Lincoln that "Virginia in adopting the Constitution in 1788, expressly reserved the right to resume the powers granted under the Constitution whenever in her opinion the same "should be perverted to her injury and oppression." Without this reservation Virginia would never have entered the Union. In admitting Virginia into the Union the States of the then Union said to her, "We grant you this right." Virginia now thinks the Constitution has been "perverted to her injury and oppression"; and not only to hers but also to the injury of the entire South.

"Virginia, therefore, replies to your requisition for troops by resuming all the rights and powers she granted in 1788 to the United States under the Constitution of the same. For seventythree years the unbroken voice of the Federal Government has declared this to be Virginia's undisputed right; and therefore the undisputed right of all the States of the Union. It remains for your administration to deny this right so hallowed, so affirmed, and so confirmed, and to turn this great American Government of free and independent States into a despotism-a despotism that defies 'the Constitution and laws' you have sworn to execute-a despotism that now declares its purpose to coerce independent States for exercising a right never disputed by the Federal Government till you emerged from the woods into the open-a despotism that calls on Virginians to join you in your open and known violation of the Constitution, and to unite with your forces in shedding the blood of Virginia's brethren for their fidelity to the common compact of the Union, and for exercising a right they never doubted being theirs. If Virginians must fight they prefer to espouse the cause of the Constitution, the backbone of the Union, and the product and essence of the Declaration of Independence.

"In taking this step Virginia respectfully suggests that she is in the exercise of her own absolute right. Seventy-three years testify that Virginia had the right in 1788 to ratify the Constitution and did it with the consent of all the other States; and that the right to enact involves the right to repeal. This is an undisputed and undisputable proposition. Therefore, aside from her expressed condition on entering the Union, Virginia has the absolute right to resume and exercise the powers delegated to the common agent of the States."

It is now evident that the seceding States did not violate "the Constitution and laws." It is also evident that Mr. Lincoln either ignorantly or knowingly violated "the Constitution and laws." If he ignorantly violated them he is inexcusable. If he knowingly violated them he is doubly culpable. Even Mr. Adams' fatalism cannot excuse him. For if fatalism controlled the destiny of Lincoln, it controls the destiny of all of us; and we know there is such a thing as responsibility and responsibility means free will action.

We all know that Mr. Lincoln did not make known the clause and section and article of the Constitution investing him with the power to call forth "the militia of the several States" to invade other States. It is also well known that no defender of Lincoln's conduct, however ardent he may be, has placed his finger upon such a clause and such a section in the Constitution. It is therefore mathematically conclusive that no such clause is to be found in the Constitution. If no such clause can be found in the Constitution what was his act but revolutionary?

There is another item in President Lincoln's proclamation which shows that he was either supremely ignorant of the magnitude of the task before him, or that he was deeply conscious that the North was not yet sufficiently unified to follow where he was leading. We refer to the fact that only seventy-five thousand men, were called out, and these for only three months. Compare this handful of men to the millions that marched to the field of blood: compare the three short months to the more than four long eventful years of terrible war. When you have done this tell us, do you attribute it to his ignorance of the magnitude of the task? This perhaps would somewhat ameliorate the crime of causing enough men to fall in battle to make a line of single file more than four hundred miles long, or a line of graves

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each in touch with the other more than one-third the distance around the world.

Perhaps he comprehended the magnitude of the task, and was thoroughly convinced that the North was not yet ready to second such a hazardous undertaking. If so, may he not have reasoned thus: When troops are once in the field and war has actually begun the war spirit will be aflame, and the number can be increased indefinitely?

The secession of Virginia, on the 17th of April was followed by that of North Carolina on the 2nd day of May, Arkansas on the 6th of May, and Tennessee on the 8th of June. Thus Lincoln by this first call for troops forced four other States out of the Union, and then declared them in rebellion. These States were driven to the necessity of choosing between secession and taking up arms against their countrymen for exercising a right which neither they nor their countrymen had ever doubted to be their Constitutional privilege.

On the 4th of July, 1861. Mr. Lincoln in his message to Congress convened in extra session, said:

"It is thus seen that the assault upon the reduction of Fort Sumter was in no sense a matter of self-defense on the part of the assailants. They well knew that the garrison in the fort could by no possibility commit aggression upon them. They knew—they were expressly notified—that the giving of bread to the few brave and hungry men of the garrison was all which would, on that occasion, be attempted unless by resisting so much, should provoke more."

Who can read this message and not know that every word was intended to inflame the North. "They knew" indeed. Yes, they knew just as they knew "Faith fully kept. Wait and see." "They were expressly notified" indeed. Yes, "they were expressly notified," just as they were that "Fort Sumter would be evacuated before a letter could go" to Montgomery. Had they not been told by Mr. Lincoln this and that more than a dozen times in less than a month, and more than a dozen times deceived? If now Mr. Lincoln was not believed whose fault was it? This was an official disguise of fact intended for the North.

If Mr. Lincoln contemplated conciliatory measures, as he intimates in this message, why did he not relieve the hunger of those brave men on a conciliatory basis, by evacuating the fort as he published to the world, on the 14th of March, he would do? If those brave men were really hungry who but Lincoln and his advisers were to blame? These men were kept in that fort against the advice of the Commander-in-Chief of the United States Army, against the judgment of Lincoln's wisest counselors, and against the earnest protest of the Commander of the garrison. Who was at fault?

"The assault upon and the reduction of Fort Sumter was in no sense a matter of self-defense on the part of the assailants" another disguise of fact to inflame the North.

Capt. Fox in his report flatly contradicts Mr. Lincoln when he informs us that the Commander of the Pawnee refused, without orders from a superior officer, to enter the Charleston harbor to inaugurate war." That means that Capt. Fox had "confidential orders" to enter that harbor. And confidential orders meant secret orders. But it is known this commander refused to obey an inferior officer on the ground that it meant the inauguration of war.

Horace, Greely also flatly contradicts Mr. Lincoln. His testimony, like that of Capt. Fox, is of the very strongest kind. All know him to have been an extreme partisan and a warm and generous supporter of Mr. Lincoln for President. Mr. Greely says "Whether the bombardment and reduction of Fort Sumter shall or shall not be justified by posterity it is clear that the Confederacy had no alternative but its own destruction."

Mr. Thorpe and other high Northern authorities are responsible for the statement that Mr. Lincoln on the 28th of March 1861, definitely decided to coerce the South, and immediately "issued confidential orders." Yet Mr. Lincoln gravely and officially tells the world "the assault upon and the reduction of Fort Sumter was not in self-defense."

Lincoln pretended that his acts were sustained by the Constitution. It was *pretense* and *nothing more*. This is so evident that he stands "solitary and alone" in claiming the Consti-

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tution as his support. No creditable historian has dared to de fend him on Constitutional grounds. Hence Francis Newton Thorpe, Chas. Francis Adams, John W. Draper, M. D., LL D. of the University of New York, and others of equal rank, have sought to defend Mr. Lincoln by other means. They know that the Constitution stands an eternal witness in testimony against him.

In another connection we have already quoted Mr. Thorpe and Mr. Adams as witnesses on this point. We therefore, for the present, content ourselves with the testimony of the scholarly Dr. Draper, as given by him in his "The Civil War in America," page 25; "There is a political force in ideas which silently renders protestations, provisions and guarantees, no matter in what faith they have been given, of no avail, and which makes Constitutions obsolete. Against the uncontrolable growth of the anti-slavery idea the South was forced to contend."

We have italicized these words of Dr. Draper to stress their significance He boldly asserts that the Amercian Constitution was rendered "obsolete" by the force of "the anti-slavery idea" in the Sixties. If rendered obsolete was it not by usurpation? In spite of all "force of ideas could it be anything else but usurpation?" If usurpation, was it less than treason Could it be possible to render the Supreme law of any land obsolete by the mere "force of ideas" and it not be treason? If treason, by what right did that treason cloak itself officially in the garb of the Constitution and strut before the world as the bona fide Constitution itself?

Treason is doubly treason when it turns saint and personifies the Supreme law. Treason is doubly treason, when clothed in the robes of State and seated on the throne of power, it curses, condemns and murders the friends of the Constitution who still believe that Supreme law is yet in force.

If the Constitution, in the Sixties, was rendered obsolete by "the force of ideas" or in any other way, why was it not known? Why was it not so proclaimed? On the contrary, the Constitution was declared to be of force. If of force it was not obsolete. If not obsolete no logic can make its violation anything other than treason. Observe how emphatic, how strong, how sweeping is this assertion: "No matter in what faith they may have been given." The special attention of the impartial historian is called to these remarkable words of Dr. Draper. It is the North's best defence. It is their only defence. Two great sections of a common country had sworn, of their own free choice, eternal fidelity to a common Constitution. The weaker of the two sections was earnestly and self-sacrificingly faithful to its oath, even unto death. The stronger of the two, assuming to be justified by "the force of ideas," declared that Constitution to be annulled, "obsolete," and yet in its sacred name asserted that the weaker, or Constitutionabiding section had outraged it, and were "conspirators," "traitors" and "rebels." Were ever wrongs more wrong than this? Will not an impartial future do this noble, this brave, this Constitutional weaker section full justice?

Note again that Dr. Draper says. "Against the uncontrollable growth of the anti-slavery idea the South was forced to contend." If "forced to contend" how could she be the aggressor? If not the aggressor how could she be responsible for the war, and the rain of tears and the rivers of blood shed in that war? The time is near at hand when the South will stand exhonorated and vindicated before the bar of the world. When this shall have been done her praises will not be limited to a half, or even a full century, but they will endure the full circle of time and "the eternal years" shall be hers.

#### ABSOLUTISM.

An unconstitutional platform called for an unconstitutional policy: an unconstitutional policy for an unconstitutional coercion; an unconstitutional coercion for an unconstitutional war: and an unconstitutional war for an unconstitutional Despotism-Absolutism. Neither Turkish, nor Persian, nor Russian, nor any other despot exercised more absolute authority than did Lincoln during THE CIVIL WAR. Authority, uncontrolled and unlimited by either men, or Constitution, or law, was enforced by him at will.

For 73 years of this American Republic of independent States the three equal and all-important Departments of Government

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respected the rights of each other, each exercising authority within its own prescribed limits. It remained for Abraham Lincoln, on ascending the throne of power in 1861, to render "obsolete" both the Constitution and laws, and exert a dictatorship over the other two equal departments of Government, over the Government itself, over the States, and over the people at large. Having created the conditions, he made them an excuse for the exercise of an unbridled despotism. It was not against the Constitution and laws of the Union of the States the South rebelled, but against the plain and avowed violations of that Constitution, and those laws. In this sense and this sense only, the people of the South were true rebels, and as such they glory in the appellation.

The first arbitrary act of Lincoln's administration was the rendering null and void the decision of the Supreme Court, declaring slaves to be property, hence could rightfully be admitted into the common territories. He next repealed unconstitutionally the the writ of Habeus Corpus, and assumed the right to declare war and raise troops, thus violating these plain words of the Constitution: "Congress shall have power to declare war." (Art. 4, Sec. 4), and "to raise and support armies." (Art. 1, Sec. 8).

One unconstitutional step invited another and still another, till no despot exercised more absolute authority than did the President of this great and free Republic, boastful of its free institutions and its liberties. When Rome would destroy Carthage, her sinning but repentant tributary province, she first demanded as hostages, 300 children of the best families of the doomed city. She next by her fair promises persuaded the inhabitants to surrender all their arms of war. She then cruelly declared her purpose to raze Carthage to the ground, and render it fit only for the plowshare.

When Lincoln would become the absolute dictator to the sovereign State of Maryland (not the Province of Maryland) he wrote in friendly terms to Governor Hicks and Mayor Brown of Baltimore, on the 20th of April, saying "For the future troops must be brought here, but I make no point of bringing them through Baltimore." On the very next day he invited Mayor Brown and other influential citizens of Baltimore to visit him in Washington for an interview. This interview was of a most friendly character and was held in the presecue of the Cabinet and Gen. Scott. In reporting this interview the Mayor used these words:

"The Mayor and his companions availed themselves of the President's full discussion of the questoins of the day to urge upon him respectfully, but in the most earnest manner, a course of policy which would give peace to the country, and the withdrawal of all orders contemplating the passage of any troops through any part of Maryland."

This interview, deceptive and false as to the purpose of the Administration, occurred on the 21st of April, 1861. On the 5th of May, Gen. Butler at the head of the United States troops, took possession of the Relay House at the junction of the Washington and Baltimore and Ohio Railrad. Eight days later he occupied Federal Hill; and Baltimore was subjected to military rule. Gen. Butler immediately issued a proclamation declaring his purpose and his authority. In it were these words: "All manufacturers of arms and munitions of war are hereby requested to report to me forthwith so that the lawfulnses of their occupations may be known and understood, and all misconstructions of their doings avoided."

He next demanded of the city all the arms stored in her warehouse. The police refused to obey this order without authority

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from the Police Commissioners. Gen. Butler informed the Police Commissioners that his demand was by order of the President. The arms were surrendered, but under protest. They were sent to Fort McHenry.

Thus the city of Baltimore was unarmed. The next step was to disarm the private citizens. George P. Kane, the City Marshal, was arrested at his home and sent to Fort McHenry. In his stead a Provost Marshal was appointed by Gen. Banks. Α protest was entered by the Mayor and Police Commissioners against the suspension of their functions, saving, "They can not consistently with their views of official duty and of the obligations of their oaths of office, recognize the right of any of the officers and men of the police force, as such, to receive orders or directions from any other authority than from this Board: and that, in the opinion of this Board, the forcible suspension fo their functions suspends at the same time the active operations of the police law." (The Baltimore American, June 8, 1861). The Provost-Marshal at once began the search of private houses, and arms of every description were seized.

Now that both city and private citizens were thus disarmed. Gen. Banks announced, on 1st of July, "In pursuance of orders issued from headquarters at Washington.....I have arrested, and do detain in the custody of the United States the late members of the Police Board—Messrs. Chas. Howard, Wm. H. Gatchell, Chas. D. Hinks, and John W. Davis."

This arbitrary and despotic act was followed by the arrest of twenty members of the Maryland Legislature, among them the Hon. S. Teacle Wallis, who. as a member of the Committee in the Legislature to whom the memorial of the Police Commissioners, arrested in Baltimore, was referred, reported that the arrest was "unconstitutional." and "appealed in the most earnest manner, to the whole people of the country of all parties, sections, and opinions to take warnings by the usurpations mentioned, and come to the rescue of the free institutions of the country." (N. Y. World, Aug. 6, 1867). For this presumptious appeal Wallis, also found lodging in Fort McHenry. For introducing in the House of Congress a resolution in the interest of peace, Congressman Henry May of Mayrland, was also lodged in this convenient fort. So were many other leading citizens of the State without charge, without law, or the form of law.

Compare Rome's act with that of Lincoln, and tell us which was the more despotic, the more cruel and unjust! Carthage had enraged her imperial mistress by waging a just war, without Rome's consent, against her ally, Numidia. The City of Baltimore and the State of Maryland had angered Lincoln by disputing his constitutional right to send troops through the city and State without the State's consent. Rome's first step in subjugating and punishing Carthage was a demand for 300 children of the best Carthaginian families as hostages. Carthage knew Rome to be supreme in power, autocratic and cruel and relentless, and complied with the exacting terms, hoping thereby to rest in security. Lincoln's first step was one of apparent friendship and great respect for the rights of Maryland, protesting that "none of the troops brought through Maryland were intended for any purposes hostile to the State, or aggression against the Southern States." Maryland, not knowing the imperial autocrat character of the free American republic in free North America, was greatly pacified by the very cordial interview and very friendly assurance of Lincoln and his Cabinet. The Carthaginians said to Rome, "Take our children treat them well, and give us a policy of peace." The distinguished citizens of Maryland said substantially to Lincoln and his Cabinet, "Your assurances are most gratifying, and because of your very friendly character we are bold to respectfully, but most earnestly beg of you a course of policy that will give peace to the entire country; and to this end that you will not send any troops through any part of Maryland." Rome's next step was a formal but friendly request for all the arms of Sparta to be delivered into her possession. Sparta for the sake of peace, and of assuring Rome of her sincerity and fidelity, granted her demand. Lincoln's next step was neither formal nor friendly. It was the quick military step of the despot -the forceful possession of the Relay House, a strategic point from which other and more effective steps could be taken in rapid succession. Rome's next step was to expose the punitive hand of the despot. Lincoln's next step was to expose the despotic and punishing arm of an absolute ruler. Federal Hill was

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occupied by the Military, and with it the city. The Chief of the Police was arrested, deposed, and imprisoned. A Provost-Marshal took his place, and assumed his duties. The city was proclaimed under military rule by order of the President. The Mayor, Police Commissioners and prominent citizens were arrested and thrown into prison. All this was the result of false pledges, treachery and absolutism. Rome possessed Carthage by bad faith and a relentless exercise of absolute power. Lincoln possessed the State of Maryland by the same means. To which empire belongs the greater condemnation?

As if encouraged by the success of his ruthless acts and unmoved by the loud mutterings of discontent heard throughout all sections of the country, Lincoln and his Cabinet did not stop here. They not only arrested enough of Maryland's Legislature to prevent a quorum, but made similar arrests in Missouri and Kentucky; also in New Jersey, New York, Connecticut and Vermount and Maine. In addition to these, the editor of the New York Daily News was arrested for denouncing the arbitrary acts of the administration as unconstitutional. To denounce any act of the Administration was to invite arrest and imprisonment in Fort McHenry, or one of the forts.

"The Civil War from a Northern Standpoint" has these significant words: "Able lawyers, warm supporters of the Government questioned the Constitutionality of the President's course, "The Civil War Fifty Years Ago To-Day" (August 22, 1861) also savs: "A wave of dislovalty was sweeping the country." The same writer adds. "The anti-war papers were confined by no means to small country sheets, such as that of Haverhill, Mass., but numbered some of the largest journals in the principle cities." All were silenced. "Coincident with this castigation of the press were many arrests, charged with disloyalty and treason, and 50 years ago to-day at this time, the fortresses of the North were rapidly filling with State prisoners.... Prisoners, thus arrested, were styled 'prisoners of State,' or political prisoners," the implied charage against them being that they intended giving aid and comfort to the enemy." How ruthless, how arbitrary, how despotic were these usurpations!

The same writer says, "One arrest of this character illustrates the method employed in nearly all. On August the 14th the New York police received a dispatch from the Secretary of War, ordering the arrest of Robert Muir, who was expecting to depart for Europe that day on the steamer Africa, of the Cunard line.

"Detectives sent to the pier found that Mr. Muir was already on board the ship. One of them approaching near enough to overhear his conversations, and satisfying himself he had found his man, said: 'Is your name Mr. Robert Muir?' Receiving an affirmative answer, the detective said, 'Will you be kind enough to step out on the deck? There is a gentleman there who wishes to say a word to you.'

After a few other explanatory words, the writer continues: "'At this announcement,' states a reporter. 'Muir seemed taken aback, but soon remarked that he would not go; that he was on board a British ship; that he was a British subject, and claimed the protection of the British flag."

He was arrested—illegally and arbitrarily arrested—and thrown into "Fort Lafayette by an order from Washington. And his baggage was seized." He had important letters, intended for his personal benefit in Europe. "Many of his letters were copied and some of them printed in the New York newspapers."

Remember that the writer of "The Civil War Fifty Years Ago To-Day" referring to the 22nd of Augusts 1861, says:

"The implied charge against them, being that they intended giving aid and comfort to the enemy." Referring to the 27th of August, 1861, he says of Mr. Seward: "He was quoted as saying that he had only to tap a bell on his desk to cause the arrest of any person he might designate....Suspicion was all that was required. Then came the arrest—sudden, genreally secret, often at night—and removal to one of the several prisons—Fort Mc-Henry at Baltimore, Fort Lafayette in the New York harbor, Fort Warren at Boston. Once taken, there was no appeal, and in the prison the man might stay until the Secretary saw fit to release him." All this in free America! All this, because the South and prominent men in all the States preferred the Fathers' construction of the Constitution to that of Abraham Lincoln!

## "The American Bastile"

is the very appropriate and significant title given Fort Lafayette in the New York harbor. It takes its name from the unjustifiable tyranny which is comparable only to the acts of the despotic monarchs of France. Let us compare the bastiles—that of France and that of North America—of imperial France and of free North America.

The Bastile of France was not built for a State prison; nor was that of free America. The Bastile of France was strongly fortified, but it was not as impregnable as that of America. The Bastile of France had forty rooms in its eight towers, besides a number of basement rooms. The prisoners were kept partly in the towers and partly in the basement. The American Bastile had only six rooms. Prisoners were kept in all these. The capacity of the French Bastile was "70 or 80 prisoners," not an average of two to a room. One hundred and seventeen (117) prisoners were actually crowded into the six rooms of the American Bastile, an average of nineteen and one-half (191-2) to a room. The writer is not informed as to how well the bastile of France was lighted, but he is informed that four rooms of the American Bastile "were casemated, low-roofted, brick-floored, 14 by 22 feet inside, with two very small slots in the walls for windows and no ventilation when the door is closed." "These rooms had each from nine to fifteen occupants-at times even more-until they almost equalled the Black Hole of Calcutta." Another room in the American Bastile was 68 ft. by 22 ft. In this room were "thirty-eight (38) people, 38 beds, three washstands, five 32-pound guns and their carriages, so that elbow room was at a premium." "To light this room by day were five port holes and two doors, each port hole being 18 inches The illumination at night consisted of three by 24 inches candles, divided among 38 persons." "The water was bad, frequently full of small tadpoles." In both bastiles "the medical attention was insufficient."

In the French Bastile the prisoners "rarely consisted of persons of lower ranks, or such as were guilty of actual crimes, but of those who were sacrificed to political despotism, Court intrigue and ecclesiastical tyranny—Among these were noblemen, authors, savons, priests, and publishers." In the Ameriacn Bastile the prisoners were "not guilty of actual crimes" but consisted of persons of unimpeachable characters in all the walks of life, "who were sacrificed to political despotism" and executive "intrigue." The Hon. Lawrence Langston, member of the Maryland Legislature, and incarcerated in Fort Lafayette in September 1861, thus testifies:

"The prisoners are those who have been or are now governors, foreign ministers, members of Congress, of different legislatures, Mayors, Police Commissioners, Officers of the army from colonel to lieutenants, of the Navy of all grades, doctors, lawyers, farmers, merchants, editors, sailors and private oarsmen."

What matchless despotism is this? Of what parentage was it born? It was not the legitimate child of the American Constitution, nor of the American Declaration of Independence. It was not born of American Liberty, nor of American institutions. It is the child of a false "Higher Law" and a false "Constitution," a false necessity.

In both the French and the American bastiles "the discipline and police regulations were of the strictest kind." Both were regarded with mingled feelings of awe and horror. Once within the walls of either all hope seemed left behind. Bancroft tells us in his "Life of Seward," that when a prisoner "desired to send for an attorney he was informed that attorneys were entirely excluded, and the prisoner who sought their aid would greatly prejudice his case......If a prisoner wrote a personal letter to the Secretary the letter was usually filed. A second, third, or fourth petition for liberty was usually sent to the Department, but with no result save that the materials for study of history or human nature was enlarged."

Why were attorneys excluded? To admit them would be to advertise the horrors of the American Bastile to the world. This could not be. Crime stalks in the night.

The utmost secrecy alike was maintained in both Bastiles. "To every letter" in the American Bastile, "even if only a note asking for soap or shoes, the prisoners were required to add: "It is my desire that this letter or any part of it shall not be published in

any newspaper." All this in our own free America! America never had but two despotisms—that of the war period and that of the Reconstruction period. It is difficult to tell which was the greater of the two.

When we read of the horrors of Fort Lafayette, Fort McHenry, and Fort Lawrence is it any wonder that the historian tells us, "Secretary Seward and the President were alike denounced as tyrants more dreadful than darkest Russia had known, and the principal, Fort Lafayette, was termed 'the Bastile of North America?"

Nothing now remains of the Bastile of France but a bronze column to mark its site. It was razed to the ground on the 14th of July by 12,000 indignant citizens, and its seven prisoners set free. The Bastile of North America, rechristened to the cause of Liberty, still stands in the New York harbor, as a perpetual witness to deeds of awe and horror indellibly written by the finger of despotism upon the dark and "retributive page of history."

The angry Paris mob demolished the structure of the Bastile of France, but no mob, no violence can erase from the page of history the just retribution it receives at the hands of all coming generations. The North American Bastile in the future, may stand a mighty fortress to eternal liberty—God grant that it may; —but the cruel hand of the despot has marred its form, and written a dark page of awe and terror in its history that will forever be a black record of shame amid its glorious deeds of human rights and human liberty.

Upon what ground did this unbridled, this audaciuos despotism leap all constitutional limits, and write so disgraceful a page of awe and terror and blood and agony in the book of American history? The defenders and applauders of this rank despotism have given a false answer to this question—false to sacred pledges, false to sacred ties,—ties binding equal States into a Union of their own free choice, on equal terms; an answer false to these terms; and therefore an answer false and traitorous to the compact that bound the several States together.

## CHAPTER XXVIII.

# AN EFFORT TO UNITE THE NORTH, RETAIN THE BORDER STATES, AND RECON-CILE THE FOREIGN NATIONS: THE TRENT AFFAIR.

At first the gravity of the situation did not appeal either to Lincoln or his Cabinet. Although the problems of the hour were most momentous, yet, as we are informed by Edward Everett Hale, Jr., (American Statesman—Wm. H. Seward), that "at first Seward was so unwilling to acknowledge the possibility of war that it is doubtful if he had been able to form a foreign policy." When war became a possibility the call for only 75,-000 men for only 90 days tells what Lincoln and his Cabinet thought of it. They attempted at first, to treat it as "a mere insurrection"—"a mere domestic affair," of little concern to the Government and of no concern whatever to the Nations.

But when it developed on a vast scale it became a war of public concern,—a war that concerned all nations, for all nations had citizens in one or both sections, and more or less commercial dealings with one or both. The South's cotton figured mightily to the alarm of the Administartion, for it was a product in which all nations had an interest. Lincoln and his Cabinet now looked with great alarm on the mighty struggle they had recklessly inagurated. They had denounced the South as efeminate and weak till they believed it, and far underrated her strength.

With this introduction let us now glance at the beginning of Lincoln's administration and note his gradual encroachments upon Constitutional rights, and the search for winning issues.

It was the 9th of March, 1861, just five days after Lincoln's inouguration, when an important Cabinet meeting was held. The momentous question for discussion was Fort Sumter. As we shall see, Lincoln had planned to make this fort one of the allimportant issues necessary to unite the North. He now urged

"the necessity of its reenforcemnet." Chase and Bates opposed the proposition. Mr. Seward said, "To make such an attempt would inaugurate civil war." Thus on the 9th of March, 1861, five to two of Lincoln's Cabinet voted for conciliation. Mr. Hale also says, "Mr. Seward would concede nothing outside the Constitution. "Doubtless 5 to 2 is the ratio approximately representing the sentiment of the entire North at that time. The war sentiment had to be cultivated, and was cultivated.

Lincoln was not disconcerted by this vote of his Cabinet. He quietly and sbrewdly bided his time. As a politician he was an expert, and to his shrewdness were added some legal lore. great common sense, and a wonderful knowledge of human nature He knew the United States had taken forceful possession of Fort Sumter, and that South Carolina honestly claimed it as her just and legal right. To his mind this state of affairs furnished a fit opportunity for a clash between the two sections. He knew that by threats and tactful maneuvering of the Government forces the Confederacy could be made to fire on the fort. And that is just what he brought about. What cared he about the legal questions invloved? Legal or illegal, it was immaterial to him. It would answer his purposes and that was enough. That this is true, hear what Edward Everett Hale, Jr., p. 278. says: "The news of firing on Fort Sumter aroused the North to a passion of humiliation and anger and patriotism. Lincoln. it may be supposed, received it with resignation. He had prob ably foreseen its necessity. Necessary or not, the event had placed him in the position in which he desired to stand. The Government had been attacked. It must now appeal to all that were loyal to come to its rescue. Congress was summoned to assemble, and a call for troops was sent to every State."

Thus by threats and shrewd maneuvers Lincoln inaugurated war, and laid the blame on the South. All the authorities in the world might say, "The party who rendered force necessary was the aggressor, and not the one who fired the first shot." What cared he for authorities! He now had the issue he had longed for—the issue that would unite his divided Cabinet, and unite and inflame to a red heat the divided North. He put in motion a great wave of excitement that beat madly against every Northern shore, by summoning Congress to assemble, and calling on all the States for troops. He thus magnified an act of self-defense on the part of the South into a most malignant attack upon the Government. He declared with a trumpet blast that the war had begun, and all loyal citizens must now fly to its rescue, and Mr. Hale tells us the North was aroused to "a passion of humiliation and anger and patriotism."

This impatient assembling of Congress with its mad wild warcry, heard through the press agitations, and from pulpit and forum, culminated in an unexampled display of "passion and anger but not of "patriotism." It was the unreasoning passion of the mob. Lincoln had brought about a crisis in which all had to decide one way or the other. In the North the war-cry was heard in every hamlet and home from the Atlantic to the Pacific. In the South the war-cry in reply was heard from the Atlantic to the Rio Grande and the Rockies.

The forbearance of the South had tried Lincoln's patience. For the South had resolved not to fire on Fort Sumter except in a case of necessity. He was therefore compelled to declare it to be his purpose to reinforce this fort, and follow this declaration with a great relief squadron instructed to provision and reinforce the fort. The hour designated as the time for giving the information as to its reinforcement was also the hour designated as the time for the arrival of the fleet in the harbor of Charleston. To the Confederacy it was a moment of urgency and expectation—urgency in hasty preparation for action, and expectation in the constantly looked for war fleet to hover about the walls of grim old Fort Sumter.

Note the words: "He had probably foreseen its necessity," and "the event had placed him in the position in which he desired to stand." What mean the words "foreseen" and "desired" if they do not testify that he had planned for this very result? To desire without an effort to have that desire fulfilled would be equivalent to no desire at all. To foresee an event, impossible of occurrence without his interference, is also absolute proof of his having planned it. Therefore it was deliberately planned;

and not without a purpose. That purpose was to create an issue that would inflame and unite the North.

The word "necessity" is also pregnant with meaning. It is conclusive proof that Lincoln had no issue that appealed to the great Northern masses: and that it was absolutely necessary to work some device by which the uninformed and unsuspecting could be induced to take up arms. He could not appeal to the Constitution. Seward had said to attempt to reinforce this fort "would inaugurate civil war," and that he would take no step "outside the Constitution." Neither of these declarations was disputed. Thus the word "necessity" proves also that Lincoln's entire Cabinet agreed with Seward as to the Constitution. It is a bad cause that is under the "necessity" of abandoning in its defence the great fundamental law of the Government, and manufacturing a side issue that appeals to "passion and anger."

In reality there was no occasion for war. If Lincoln had not desired war he would not have found in Fort Sumter the occasion for inaugurating war. In less than a half century since that great war the time has come when all high Constitutional authorities have swept Lincoln's shams to one side, and have declared that the South acted within her rights and within the bounds of her imperiled duty in firing on that fort. If Lincoln had been as true to the law as he was to his party platform there would have been no necessity for firing on Fort Sumter, no necessity for disunion, no necessity for war.

It was even proposed in that Cabinet meeting "to declare war against France and Spain and probably England." (Hale, p. 275). At this day the proposition seems very absurd. Yet Hale justifies it by saying, "The idea was that the pressure of foreign war would rally to the Union all the doubtful States and perhaps some of the seceding States or part of them." Such ignorance of the character of the Southern people is very wonderful! They seemed to have had as little conception of the motives that prompted the Southern States to withdraw from the Union as a baboon of the eclipse of the sun. Yet these were the dignitaries of the great American Republic in consultation as to the wisest policy for the good of the country! Their ignorance was equaled only by their fanaticism on the question of slavery. It may be possible, however, that these reasons were given as a mere blind. For Gideon Wells in his diary, 12th of August, 1862, speaks of the "bugaboo of a foreign war, a bugaboo which Seward well knew how to use."

The Northern statesmen were by no means unanimous in the opinion that the Confederacy was not justified in firing on fort Sumter. Hence it was necessary to add another issue, that of representing

# "The South as a People Fighting For Slavery."

It was a false issue, but what cared they for that? John R. Deering in "Lee And His Cause" says, "A recent official report shows that more than 80 per cent. of the Confederate Soldiers owned no slaves. Gen. Joe Johnston, second only to Lee in rank "never owned a slave," while Gen. Grant owned slaves up to the time of Lincoln's emancipation proclamation. Dr. Hunter McGuire, Gen. Stonewall Jackson's chief surgeon, testifies that both Lee and Jackson were opposed to slavery, and "were in favor of freeing all the slaves in the South," and "paying for them after our independence had been gained." It has been said of Gen. Loring that he freed 200 slaves before the war. How true this statement is we do not know. But it is certain that thousands of Southerners would have freed their slaves had the proper conditions existed. It was Northern antagonism that deferred the day when Southern slaves could have been freed with safety.

If the South defended slavery it was because she could not defend her firesides, her legal and inherent rights, without defending that institution so closely associated with these rights. Mr. Hale does the South a bit of justice when he says, "But the war for Union was not a war for fredeom from the Northern standpoint only. The South was also contending for freedom, for freedom to manage its own domestic affairs as it saw fit; and to the Southern mind the Union in trying to prevent their doing so was quite as much a tyrant as George III had been." This bit of justice from the pen of Edward Everett Hale, Jr., is but the echo of that unanimous voice that will increase in volume as the ages roll.

It was urged in that Cabinet discussion that the agitation of slavery had brought about "a crisis that threatened the existence of the Union." They did not discuss where that agitation began. They did not discuss the question who were still adding fuel to the fires of that agitation. All men knew then, and all men now know that agitation was confined to the North exclusively. If it was the agitation of slavery that threatened the existence of the Union it was this same agitation that inaugurated the war. Who then can deny the inevitable conclusion that the North began the war? If then the North began the war, with what hypocrisy was the charge of treason made against the South! The charge could not have been sustained even then, had it not come from the lungs of the Chief Magistrate. Lincoln was the representative of millions. When he opened his mouth it was the open mouth of mililons. When he spoke it was the voice of millions-a voice as powerful as though millions of tongues had spoken. Its mighty volume filled the continent, entering every home and every mountain crevice. It was, therefore, the one voice of supreme dignity and power. Its utterances, true or false, were received as the gospel truth. Before it all things sacred went down. Truth was crushed and justice dethroned.

But while the South was not fighting, except indirectly, for the institution of slavery, it is of record in the plain stern language of fact, that the North "fought for the freeing of the slaves and for that alone." Their claim was, therefore, the more plausible to the Northern masses, that the South was fighting for slavery, and for that alone.

On the 26th day of September, 1861, in the midst of the gloom of defeat, Lincoln issued, at the unanimous request of Congress, a proclamation, calling upon the people to observe a day of "Public Prayer, Humiliation and Fasting." The chronicler of events significantly says: "It was with a militant rather than a chastened spirit that most of the ministers of the North mounted their pulpits to deliver special sermons suggested by the President's proclamation.

"The result was a great outpouring of eloquence against slavery, the greatest perhaps that had ever been known in one day since the agitation which resulted in war had begun....Taken together these utterances showed how earnestly the Northern people believed, as a whole, that the war was fought for the freeing of the slaves and for that alone.

"Had some members of Congress who had voted for this fast day been able to foresee this deep combined utterance on the subject that the most adroit politicians of the North had sought to keep in the background, in the opening of the war, there is little doubt that they would not have asked the President to give the ministers of the North an opportunity to express themselves on the great issues of the day." (The Civil War Fifty Years Ago To-Day).

Note that the Northern ministers well knew what was the purpose of that war; and that their "utterances showed how earnestly the Northern people as a whole believed that the war was fought for the freeing of the slaves, and for that alone." Note too the deception practiced by "adroit politicians" in Congress, seeking to keep the real issue "in the background." Lincoln and his Cabinet practiced the same deception. When dealing with the border States "slavery was not to be interfered with." When dealing with the North and foreign governments "the war was against slavery." Could duplicity like this lift holv hands to high Heaven? Does God open the store house of his blessings in answer to prayers from the lips of deception? Pravers without sincerity are never indorsed in heaven. On the part of the Northern ministers and Northern masses there was no insincerity. They could lift holy hands, but what of Lincoln and his Cabinet and the adroit politician in Congress?

Thus it is clearly shown that the North was fighting to free the slaves of the South and "for that alone." Deeply conscious of this fact, they raised the false issue that "the South was fighting for slavery and that alone." In the early months of 1861 the Administration became greatly alarmed for fear of England's recognizing the Southern Confederacy. On May 25th Horace Greely said, "Nothing is more clear than that England will do nothing to give aid or comfort, or which has the appearance of giving aid and comfort to a people fighting for slavery," showing how universally that false statement was received as

true without question. In order that this false cry might be as effective in Europe as in the Northern States the following distinguished private citizens were dispatched to England, viz: "Archibishop Hughes, the distinguished Roman Catholic Prelate of New York—whose position especially fitted him for such a mission in France,—Bishop McIlvaine of the Portestant Episcopal Church, and with them his own intimate friend, the veteran politician and editor, Thurlow Weed."

But it was soon realized that the mere agitation of slavery even with the great excitement they had raised over Fort Sumter, was not enough. For even the North was divided on this issue and besides it might, lose them the border States. Mr. Hale says "the Southern party was influential in all the border States and how to strengthen the hands of the Union was a difficult problem. Therefore it was urged that the Administration, for the moment, should set aside the question of slavery," and take the definite position of

# "Maintaining the Union."

"For two or three days after the firing on Fort Sumter the New York Tribune headed its war news as 'The Proslavery War.' Before the week was up it became 'The War for the Union.'" (Hale).

What rallying cry was this? Calhoun and Toombs and Yancey and Stephens and Davis and all the South to a man loved the Union. All the North to a man loved the Union. But the South loved the Union of the Constitution—the Union of the fathers. The North loved a Union disguised as that of the true, while in reality it was the Union of a plaftorm, rebuked by the decision of the Supreme Court as unconstitutional, and, therefore, a false Union. For three years the trumpet note of this highest judicial authority known to the Republic, had rung out its thunder peals in the name of the law that the Lincoln platform was rebellion against the Constitution and hence against the Government.

How were the great Northern masses deceived by this false Union disguised as the true? Official sanction and official promulgation had been mighty factors in accomplishing this result.

The hand of Despotism by its terrible work had also accomplished much by silencing all opposition. Then, too, this platform Union was kept in the silent background while the simple term "Union" and the simple term "Constitution" were mentioned in the same breath as one and inseparable. This linking them thus together was a master stroke. The uninformed and unsuspecting took it for granted there could be but one thing called "the Union" and but one thing called "the Constitution." Their deception was only equaled by their fervency.

The Administration and Cabinet now had three great rallying issues—all false to fact but represented as true to fact: Fort Sumter, Slavery and the Union. They constituted the strings of the Government harp upon which Lincoln and his Cabinet played as it suited them with selected variations. As we have already intimated the least word that falls from the lips of the Chief Magistrate of a great Government receives the attention of listening millions. Hence in spite of the highest and best authorities to the contrary, the Northern masses believed that the firing on Fort Sumter inaugurated the war; that the South despised the Union of the Constitution; and was fighting simply to defend slavery.

One of the variations on that wonderful harp of three strings was

# The Trent Affair.

On a dark night in October, 1861, two Confederate envoys with their families and secretaries ran the blockade at Charleston in the steamer Theodora, and arrived safely at Havana. These envoys were James Mason of Virginia and John Slidell of Louisiana. At Havana they embarked on the British steamer Trent, which was destined for St. Thomas. Capt. Charles Wilkes commanding the United States frigate San Jacinto, was on the watch, and boarded the Trent between Havana and St. Thomas. He forcibly transferred Mason and Slidell with their secretaries to his own steamer. On the 15th of November, 1861, the San Jacinto halted at Fortress Monroe for coal, and the message flashed to the world that Mason and Slidell were prisoners aboard the San Jacinto which was going directly to New York. When Capt. Wilkes arrived at New York, he found orders await-

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ing him from Washington to carry the prisoners to Boston and there incarcerate them in Fort Warren. Thus the Government sanctioned the outrage.

Thornton Kirkland Lothrop in his "William H. Seward," pages 324-325, says of this event: "By universal consent Wilkes became at once a hero; the newspapers and people prized him as if he had won a great naval victory; he was feasted in Boston and honored in New York. The Secretary of the Navy, on receiving his report, wrote him: 'Especially do I congratulate you on the great public service you have rendered in the capture of the rebel commissioners....Your conduct in seizing these public enemies was marked by intelligence, ability, decision and firmness, and has the emphatic approval of this department.' The annual report of the Naval Department repeated and indorsed this approval, and when Congress met the House of Representatives voted Capt. Wilkes a gold medal for his good conduct in promptly arresting the rebel ambassadors."

Mr. Wells says, "No man was more elated and jubilant than Seward at the capture of the emissaries, and that for a time he made no attempt to conceal his gratification and approval of the act of Wilkes." (Lothrop, p. 325). The biographers of Lincoln testify to the same fact. Mr. Lothrop continues: "Mr. Seward sent for McClellan when he first learned of the capture, and asked him what we could do if Great Britain made a peremptory demand for Mason and Slidell, and the alternative was either surrender or war; that he was told in reply that if we went to war with England we must at once abandon all hope of keeping the South in the Union; and that he, therefore, said, "If the matter took that turn they must at once be given up." (page 327).

Wilkes had violated international law, and offered an insult to a great nation. It has been said he was but obeying orders. It is certain unstinted praise was given him by Lincoln and his Cabinet and Congress. It is certain the event was magnified and applauded by the press and pulpit. What meant the laudations of Congress? What the emphatic approval of the Navy Department? What the exuberance of Seward? What the earnest desires of Lincoln to retain the prisoners? What the great display of head lines in the daily and weekly press? What the feastings of Wilkes in Boston? What the honors shown him in New York? What meant all these, and more, if not to inflame and enthuse the North? Lincoln and his entire Cabinet realized that they had forcibly taken the commissioners from a neutral ship pursuing a lawful and innocent voyage, and had given an affront to the British flag, and had violated international law. Ordinarily they would have rebuked Wilkes. But now they honored him instead. Why? Because they needed a united North. They were turning every way for an exciting event. This came in the very nick of time. The temptation to use it was too great for resistance in this hour of necessity." They decided to make the most of it and depend on diplomacy. They entertained a hope that they could settle the question by arbitration.

But England's method of arbitration was in the shape of an ultimatum. This ultimatum left no alternative. It was "the surrender of the prisoners of war" and "an apology." The limit was "seven days." If not complied with in that time, Lord Lyons was instructed "to close the legation, remove the archives, notify the admiral of the British Atlantic fleet and Governors of the North American and West Indian Colonies and return home."

Now the situation changed. Exuberance left the Cabinet. Shame and humiliation took the place of exultation. Seward "shutting himself in his room and barring the door against all interruption, began at once" his apology and explanation. (Lothrop p. 330). The task was most difficult. The United States had been the foremost nation in resisting the right of "visit and search." She had made it the cause of the war of 1812. But yesterday, explicit commendations of the act reverberated in the halls of Congress, were heard in the meetings of the Cabinet, and were taken up by the press and repeated throughout all the North. What would the great American Premier now do? Both the war and the Navy Departments of Great Britain were active in making extensive preparations to enforce the demand. When the Secretary of State emerged from that room the haughty temper had disappeared. He held in his hand a

lengthy, and ingenius reply to England's demand. This he handed to Britain's minister at Washington City. To him he simply said: "The four persons in question are now held in military custody at Fort Warren, in the State of Massachusetts. They will be cheerfully liberated. Your Lordship will please indicate a time for receiving them." "How hath the mighty fallen!"

The time was when this great American Republic refused to sanction aggression like this; when she demanded at the cannon's mouth and in the smoke of battle "the right of friendly ships to pass unquestioned on the highway of nations:" when she demanded in a stern voice of war "the right of a neutral flag to protect everything not contraband of war." But that was a time when arrogance and duplicity had not led the Government "into false positions and when the roar of the British lion could not make Americans retract what they had deliberately avowed."

The ultimatum of Great Britain was handed to Mr. Seward by Lord Lyons on the 23d of December, 1861. On the 25th of December Seward emerged from his seclusion and presented his reply. He wrote to a friend, "It was considered on my presentation of it on the 25th and 26th of December. The Government when it took up the subject had no idea of the grounds upon which it would explain its action." Mr. Bates, the Attorney General, says in his diary: "Seward read his proposed dispatch. It was examined and criticized by us all. . . All of us were impressed with the magnitude of the subject . . . I urged the necessity of the case-that to go to war with England is to abandon all hope of suppressing the rebellion. . . The maritime superiority of Great Britain would sweep us from all the Southern waters. Our trade would be utterly ruined and our treasury bankrupt. There was great reluctance on the part of some members of the Cabinet-and even the President himself, acknowledged these obvious truths; but all yielded to, and unanimously concurred in, Mr. Seward's letter. . . after some verbal and formal amendments." Mr. Chase wrote in his journal: "I give my adhesion, therefore, to the conclusion at which

the Secretary of State has arrived. It is gall and wormwood to me."

"After Lincoln's death there was found among his papers the draft of a letter proposing arbitration as a solution of the difficulty. (Lothrop p. 335).

Mr. Bates says: "That when the Cabinet separated on Christmas day, after discussing Seward's dispatch the President said to him: 'Your answer states the reason why they ought to be given up; now I've a mind to try my hand at stating the reasons why they ought not to be given up. . . Lincoln was convinced, though against his will, that the result that Seward had reached could not be avoided." (Lothrop p. 336). It is evident the roar of the British lion, the movements of the British Navy, the mobilizing of British soldiers on the border of Canada, had in them more convincing logic than any words of Seward. "I've a mind to try my hand," tells with what reluctance the President gave up the prisoners. "Especially do I congratulate you on the great public service you have rendered in the capture of the rebel commissioners," tells with what tardiness the Navy Department surrendered them. "It is gall and wormwood to me," tells with what frowns Chase swallowed the dose. "No man was more elated and jubilant than Seward at the capture of the emissaries," tells how reluctantly the Secretary of State bowed his head in consent. "Congress voted Capt. Wilkes a gold medal for his good conduct," shows with what humiliation the House of Representatives said, "We submit to the demands of the Lion." Thus no argument weighed with Congress, with Lincoln, with his Cabinet, but superior force. Right and wrong were interchangeable virtues when it suited their purpose.

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# CHAPTER XXIX.

# THE EMANCIPATION PROCLAMATION.

"Nothing short of Constitutional amendment could give freedom to our black millions"-Julian. "He (Lincoln) wisely employed a popular delusion in the salvation of his country."-Julian. "The simple truth should now be told."-Julian. "Calling the calf's tail a fifth leg does not make it a leg."-Lincoln. "I believe I have no right to do so."-Lincoln. "Any people anywhere have the right to rise up and shake off the existing Government.'-Lincoln. "I have no purpose to interfere with the institution of slavery within the States."-Lincoln. "It is startling to say Congress can free a slave within a State."-"It is natural that the South should resist assaults Lincoln. upon her domestic institutions."-Ex-President Buchanan. "The whole civilized world could be outraged if private property should be generally confiscated, and private rights annulled."-Chief Justice Marshall. "No one has declared that right (to hold slaves) in plainer terms than you have."-The Border States Representatives to Lincoln. "We complain that the Union cause has suffered and is suffering from mistaken deference to rebel slavery."-The Abolition Press.

The year 1862 opened with the Federal Government in great gloom. Conferedate victories and Northern dissatisfaction had rendered the Administration desperate. Civilized warfare was abandoned. Vast military forces were turned into hordes of plunderers. The Constitution as construed by the courts was trampled in the dust. All this and more was done under the plea of necessity, as if necessity could change a statute.

Yet, there never was a time when the eleven seceding States had objected to the enforcement of the Constitution as construed by the fathers and the courts; never a time when peace and fraternity were impossible under the execution of the Constitution in its long accepted sense. Upon what ground then did imperious *Neccessity* stand? All approaches by the administration upon unconstitutional ground were gradual. Hence there was no exception in the case of the Emancipation Proclamation. Morse says "it was an exercise of the President's war-power. They (Abolitionists) demanded the proclamation (Emancipation); and the difficulty in the way of it was that Mr. Lincoln felt, and a great majority of Northern men were positive in the opinion, that such a proclamation at this time would not be an honest exercise of war-power, that it would be only falsely and colorably so-called." (Morse p. 91).

Note in these words the absolute necessity of prudent approaches. If public opinion had remained as it then was the all-important proclamation would never have been issued, as "a war-measure." Why? Because at this time a great difficulty interposed. It was no less than the important fact that "a great majority of Northern men opposed it." They not only opposed it, but they "were positive" in their opposition. But this difficulty gradually gave way under shrewd manipulation.

Julian says, "Nothing short of a Constitutional amendment could at once give freedom to our black millions and make their re-enslavement impossible. . . All this is now attested by very high authorities on international and constitutional law; and while it takes nothing from the glory of Mr. Lincoln as the great emancipator, it shows how wisely he employed a splendid popular delusion in the salvation of his country. . . The simple truth should now be told, and the honor due to Mr. Lincoln placed upon its just foundation." (p. 244).

That all-important Constitutional amendment was not made during Lincoln's life. The Emancipation Proclamation was therefore without Constitutional authority. And Julian says Lincoln knew this. If Julian is to be believed what becomes of the solemnity of Lincoln's message to his "dissatisfied countrymen: You have no oath registered in Heaven?"

Note also the significance of the words, "All this is now attested by very high authorities on Constitutional and International law." This Proclamation was therefore unconstitutional on the evidence of very high authorities. If this be true, does Mr. Julian appreciate the real meaning of "a popular delusion"

which Lincoln so effectively used? According to Webster, delusion is "a false representation." And what depended upon that false representation? Can a war founded on false representations, and justified on false representations, be rightfully declared a war based on truth and justice? Can this be true and yet take nothing from the glory of him who used it for the slaughter of an innocent people? The true nature of all glory is that of the principles upon which it is based. If it rest on falsehood is it not the glory of false representations? If it rest on truth, is it not the glory of immortal truth, and as enduring as truth's eternal pillars?

But there is another very damaging feature about this "splendid popular delusion." It was not nation-wide. It was confined exclusively to the North. Can the ruler of a great country justify the use of a popular delusoin limited entirely to one of the two sections of that country as a basis of a righteous war against the other? If not, was the war justifiable? How is it that such a war takes nothing from the glory of that ruler?

Does not Mr. Julian confess that this delusion of the North, however "splendid and popular," was not above reproach when he declares "the simple truth should now be told?" Now after forty years of false testimony?—now after having been baptized in fratricidal blood?—now after having drained the deluded section of \$8,000,000,000 in treasure, and of the lives of hundreds of thousands of its best citizens. If Mr. Julian will place an estimate upon his own life, and then multiply that sum by the number of all that silent army asleep on the tented field of blood, he will realize that the cost of that war in treasure will be but as a drop to the vast ocean, to the loss in both treasure and lives it brought to either section.

If deceptions, or misleadings, or "false representations" constitute true fidelity and true glory they are virtues worthy to be practiced by the good and true. They are exalting to character. They deserve to be honored and immortalized. But who dignifies them as virtues? Who thinks they exalt human character? If they are not virtues, when Lincoln flew from the sacred precincts of the Constitution and sought shelter under the shield of that "splendid popular delusion" of the North, was he true to that "sacred oath" of his registered in the Court of Heaven? When in the name of that same splendid popular delusion of the North he denounced the undeluded South as "traitors" and "conspirators," was he not doubly deceptive and doubly untrue to that sacred oath registered so high?

When we consider that these denunciations of the undeluded South were proclaimed as truth to all the civilized world in the name of the Constitution of the land, what shall be thought of the enormity of that splendid popular delusion? The writer confesses he hesitates to pen these just conclusions because they are so severe, but he finds his justification in the serious facts themselves, and in the knowledge that these and all their kindred denunciations were applied in the Sixties and long afterwards to his beloved South.

We are writing at a time (April 20, 1912) when the whole civilized world is in mourning because of the destruction of the great Titanic. The more than 1,500 souls that found graves many fathoms deep in the wide Atlantic bear no comparison to the mighty host of brave hearts that sank into the shallow graves under the stroke of that splendid popular delusion of the North. The destruction of that giant of the seas by the noiseless, but irresistible march of the huge iceberg bears no comparison to the great destruction of cities and towns and villages and homes and fields and the ebbings of human lives on the field of strife.

Some one is responsible for every delusion. Many delusions are harmless. But a delusion so ruinous in its results, and so vast in extent as to cover the greater section of this entire North American Republic, in the hands of a wily politician becomes a mighty engine of destruction indeed. Julian says, "Lincoln used this splendid popular delusion in the salvation of his country." He therefore was familiar with its existence. He knew its origin; the pap that gave it suck; the home in which it was reared, and the playground on which it sported. He knew it nursed on unconstitutional milk; fed on unconstitutional meat; breathed unconstitutional air; wore unconstitutional garments; was educated in unconstitutional schools; buckled on un-

constitutional sword; and waged an unconstitutional war against a Constitutional South.

Had the sword of that Northern delusion been drawn against any people less conservative than the very conservative South, there would have been great danger of the wreck of the Government and the substitution in its stead of a despotism of which the three American Bastiles are a type. It was the good sense of the Southern people and their love of contented and happy homes that definitely decided the issues of war settled when their immortal Lee surrendered his sword at Appomatox. It was their high state of civilization that made them so appreciative of stable government as to endure the wrongs and insults of the Reconstruction period. It was their conservatism in this trying hour that saved the wreck of the Constitution and preserved it with comparatively few changes from the vortex of the Revolution.

"A splendid popular delusion may be fanatical. It was fanatical. But conservatism is never fanatical. Delusion knows only false representations, dishonor and despotism. No oaths can No pleas for justice can restrain it. All it dreads hind it. are hard blows. These the South gave till her serried ranks had been thinned out to mere picket lines, till her homes were in ashes, and her granaries were empty, and the remnant of her conservative sons, still unconquered and unterrified, decided that to prolong the war would be madness. Then, and not till then, did they make honorable terms and surrender their arms. But they were heroes still . Not a cringing knee did they bend. Each stood erect, every inch a gentleman, every inch a soldier, as fearless and as brave as when their banners waved in triumph over their victorious legions. Unconquered and unconquerable, they were sublime in the midst of their misfortunes. So terrible had been their blows that they were dreaded still. Even little Alex Stephens was incarcerated for fear he would yet head a rebellion. Delusion never feels safe even when victorious. It fears its own tactics-its own shadow. It is a species of wrong, and wrong is never contented, never happy, never safe, never brave.

Conservatism is never more conservative than when standing in the midst of the ashes of her once splendid possessions with head erect and eyes intent on the future. This was the conservatism of the South. It now bent its energies, so much dreaded in war, to the problems of peace. The same sublime spirit that led the sons of the South to resist unconstitutional encroachments upon their rights now bade them turn their energies to rebuilding their devastated homes, and saving what they could of the Constitution for which they had shed their richest blood with a daring and a bravery that immortalized their heroism, and attested their sincerity in the righteousness of their cause. As soldiers they were matchless in their efforts to preserve unimpaired the Constitution, their priceless heritage As citizens in time of peace, they were matchless in rebuilding their demolished homes, restoring their devastated fields, refilling their empty granaries and re-establishing a civilization that challenges comparison-a new civilization whose prosperity and splendor promise a future civilization more prosperous and more resplendent still.

The South is justly proud of her heroes in war and in peace. They are equaled only by the South's heroines. These suffered not less in time of war than did her sons. The trial of brave hearts is not found alone in the terrors of battle. It is also found in the quiet home where the husband (house-band) or the noble son is absent, confronting the foe on the tented field. There is a heart-pain in such a home that surpasses in intensity any that the missiles of war can give. These heart-pangs the women of the South endured for four long years with a devotion and a heroism unexcelled even by that of their husbands, sons, brothers and sweethearts on the field of battle. When the warcloud had gone, and the duties of peace called the brave remnant of the battle-scarred to noble effort, again the daughters of the South stood by their sides with hearts of courage and examples of inspiration that challenged the admiration of the world. Such heroes and heroines were and are and ever will be incapable of "treason" and "rebellion." The only perfect man was derided as an imposter and was crucified. The only loyal section of the Union was denounced as "conspirators," and was

robbed and murdered. The once hated and abused Christ is now the one resplendent star in all the firmament. If it too much to expect that the once hated and abused South will in time become the one resplendent star in the political firmament of all America? "Truth crushed to earth will rise again," and in her resurrected life will triumph over "Delusion" and error. When this shall have been done, the South will claim her own immortal names and her own immortal principles.

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But it is said upon the very highest authority that truth is established "in the mouth of two or three witnesses." Hence to the testimony of Julian we add that of others. We therefore call Abraham Lincoln to the stand. In the House of Congress in 1848, he said: "Any people anywhere have the right to rise up and throw off the existing government and establish one of their own." In 1861, he said: "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no right to do so"—plain words incapable of misconstruction.

We now have from Lincoln's own lips the confession that the Constitution, the Supreme Law, did not confer on him the power to abolish slavery in the States. We have from a much higher authority, even the Supreme Court, that he did not have the authority to interfere with it in the Territories. We have on the unimpeachable authority of history that he did claim the right to interfere with it in the Territories. The question, therefore, is this: Which is the greater authority, Lincoln or the Supreme Court? Whose decision does the Constitution, the one voice of all the States, recognize as supreme?

We next introduce President Buchanan on the authority of James S. Wadsworth in "Recollections of President Lincoln and His Administration" (p. 33-L. E. Chittenden). In Mr. Wadsworth's own words in reference to an official call made on the President by the Peace Conference, Feb. 7, 1861, we have:

"It was very painful to see him (the President) throw his arms around the neck of one stranger after another, and with streaming eyes, beg of him to yield anything to save his country from bloody fratricidal war. This appeared to be his favorite phrase. He used it many times. He had not one word of

condemnation for disunion, secession or treason. He appeared to look upon the South as a deeply injured party, to which the North owed apology and promise of better conduct in the future. It was natural that the South should resist assaults upon her domestic institutions, he said, and that she demand, if not indemnity, at least security for the future. That security the conference could give. By consenting to the amendments to the Constitution which the South demanded, because they were indispensable to satisfy the Southern people, the Conference could give peace to a distracted country, and save the Union."

We next call to the stand "a great cloud of witnesses" that throng the great national highway, reaching from the adoption of the Constitution by the eleven States, all the way to the 4th of July, 1861. Among these witnesses are all the Presidents, including Lincoln. With these stand such illustrious names as Jay and Hamilton and Marshall and a mighty host of other distinguished patriots and statesmen and jurists of the truly great of all the professions. All these are unanimous in one verdict: That no President had the right to interfere with the institution of slavery in the States. Of all the Presidents, Lincoln stands "solitary and alone" in asserting the right to interfere with this institution in the Territories, the common property of all the States alike, in the same sense, on equal terms with equal privileges and equal rights; and almost alone among the truly great and illustrious of his day.

We now call to the front still another most important witness. It is no less than "The Opening of the Twentieth Century." Today, if the enlightened sentiment of the North and the world should be expressed in exact words it would read somewhat like this: "The war was inaugurated by the North on an unconstitutional basis, fought on an unconstitutional basis. and defended on an unconstitutional basis. In "The American Crisis Biographies (Wm. H. Seward by Edmund Everett Hale, Jr.) are these significant words: "The Civil War will not be treated as a rebellion, but as the great event in the history of our nation, which, after forty years, it is clearly recognized to have been." If the beginning of this century thus exempts and honors the South what great encomium will not its close bestow."

We have now established beyond contradiction, by high and reliable Northern testimony, that "Lincoln doubted his right to emancipate under the war power:" that in expressing his opinion on this subject, he often used the homely illustration, that "calling the calf's tail a fifth leg did not make it a leg:" that notwithstanding this clearly expressed opinion of Mr. Lincoln, "he finally yielded to pressure, and in doing so became the liberator of the slaves." We have also shown from the same authority that "nothing short of a Constitutional amendment" could actually free "our black millions:" and that all this is now attested by the very high authorities on international and Constitutional law. We have also shown from the same source that the Northern masses were induced to wage war against the South under a "delusion" of Northern origin, a most effective weapon of aggression in the hands of skillful agitators. We have also established by a "great cloud of witnesses" that no President had the right under the Constitution to interfere with the institution of slavery in a State; and that the dawn of the 20th century exonerates the South from blame.

How was this impregnable testimony evaded? The basis of the evasion was laid before the war, when the idea to create in the Northern mind a "delusion" was first conceived; during the eight or nine year (from 1852 to 1861) in which Uncle Tom's Cabin played its false, but most effective part in establishing that fatal delusion; then men like Lincoln tragically exclaimed, "This country cannot exist half slave and half free;" and men like Wm. H. Seward cried that "nothing less than universal emancipation will suffice."

Now that this "splendid popular delusion" had been fixed in the Northern mind, and Lincoln had been elected on the strength of it, progress was to be made toward "universal emancipation." As the Constitution was a mighty barrier in their way, its approaches at first were gradual. The Administration felt its way as if on the edge of quicksand. The first cautious utterances were somewhat like this: "I have no purpose directly or indirectly to interfere with the institution of slavery in the States where it exists"—to the North most conciliatory, because it disturbed no domestic institution or no interest of theirs; but to the South

most alarming, because *it did not include the Territories*. It was construed to be the entering wedge that was to insure the threat of Mr. Seward, "we will invade your States."

The next step was to raise the cry that "the Government was in a struggle for its existence." If the existence of the Government had really been jeopardized they alone were responsible for it by their now confessed aggressions on the Constitution, and they alone had the power to remove all cause of danger by a return to the true construction of that instrument as rendered from 1789 to the 4th of March, 1861. But disclaiming any violation of the Constitution, and all responsibility for "the miserable conditions" then existing, they represented to the people of the North and to the world that the existence of the Governmnt was in imminent peril, and just as when a person whose life had been threatened had the right to take the life of his assailant in self-defense, so the Government in self-defense had the right to plunder the seceding States, destroy their property and murder and exterminate their citizens. Thus the very creators of the conditions made these same conditions the ground on which to wage a most bitter and most relentless war

Within a few months, after the President had said: "I have no lawful right to do so" (interfere with slavery in the States) Congress began to legislate to abolish slavery in the States. Did Lincoln veto this act of Congress? On the contrary, he approved it. Had the Constitution been amended since he had said: "I have no right to do so?" No, not a word, not a syllable, not a letter, had been changed in that instrument. Yet Congress declared by a majority vote that "Congress had the right to abolish slavery in the States," and Lincoln approved the act. In addressing his "dissatisfied countrymen" in his inaugural, he said substantially, "I have an oath registered in Heaven. You have none." May it not be one thing to register an oath in Heaven and quite another thing to have Heaven approve of that oath?

Did merciful Heaven forgive the violation of that sacred oath registered in the Court of the Sinless on the plea of Necessity? If Heaven decided the question of "Necessity," we have no record of the fact. But we have ample evidence that Mr. Lincoln

and his Cabinet, and Congress did decide it. Therefore, in its last analysis this "Necessity" was no necessity at all, but simply an unauthorized act of Congress and the Administration— no more, no less.

The plea on which this necessity was based is in these words: "Whereas the laws of the United States have been for some time past and now are opposed and the execution thereof obstructed. . . by combinations too powerful to be suppressed by the ordinary judicial proceedings, etc.

Jefferson Davis, in commenting on this plea, justly and significantly remarks: "A new power is this day found under the Constitution of the United States. This means that certain circumstances had transpired in a distant portion of the Union, and the power of the Constitution had thereby become enlarged. The inference follows with equal reason that when the circumstances cease to exist, the powers of the Constitution will be contracted again to their normal state! that is, the powers of the Constitution of the United States are enlarged or contracted according to circumstances. Mankind cannot be surprised at seeing a government administered on such an interpretation of powers blunder into a civil war, and approach the throes of dissolution."

If the Constitution had made express provision for cases of absolute necessity, and Mr. Lincoln had complied with those provisions, doubtless the verdict of history would have acquitted him. But as it is, the enlightened judgment of mankind will forever condemn him as the deliberate violator of his sacred oath. The same great tribunal will forever condemn the 37th Congress as "the Congress of usurpation" for its unconstitutional acts, among which are the following:

"Universal emancipation in the Confederate States through confiscation of private property of all kinds; prohibition of the extension of slavery in the Territories; emancipation of slavery in all places under the control of the Government of the United States; emancipation with compensation in the border States, and in the District of Columbia; practical emancipation to follow the progress of the armies; all restraints to be removed from the slaves, so that they could go free wherever they pleased, and be fed and clothed at the expense of the United States, literally to become 'wards of the Government.'"

The Constitution of the United States has no article, no section, no clause, no word, conferring a grant of power on the Government of the United States to make war upon the States of the Union; and therefore it provides no rules concerning captures on land and sea! no rules whatever concerning the conduct of such a war. Its silence on this subject is the strongest possible denial of the right of the Government to declare war on one or more of the States of the Union. No fact in history is more evident.

If Lincoln and his Cabinet and Congress had recognized this fact, and had acknowledged the independence of the Confederacy and had then waged war on these States as a distinct and independent Government, they would then have been consistent; they would then have been provided with a code of laws for the conduct of their war on these States. Their justification would have been found in Art. 1, Sec. 8, of the Constitution which reads as follows:

"The Congress shall have power to declare war, grant letters of marque and reprisal and make rules concerning captures on land and water; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of land and naval forces," etc.

Thus the Constitution grants to the Government the right to make war upon foreign nations. In such cases usage determines the laws of war. Mr. Wheaton, the great American publicist, is high authority on laws governing modern warfare. In his "Elements of International Law" are these words:

"By the modern usages of nations, which have now acquired the force of law, temples of religion, public edifices, devoted to civil purposes only, monuments of art and respositories of science are exempt from the general operations of war. Private property on land is also exempt from confiscation with the exception of such as may become booty in special cases, when taken from the enemy in the field, or in beseiged towns, and of military contributions levied upon the inhabitants of the hostile territory. This exemption extends even to the case of an abso-

lute and unqualified conquest of the enemy's country." (page 241).

On the 22d of August, 1815, John Quincy Adams wrote to the Secretary of State: "Our duty is the restoration of all the property, including the slaves, which by the usages of war among civilized nations, ought not to have been taken. All private property on shore was of that description. It was entitled by the laws of war to exemption from capture."

On the 28th of July, 1856, William L. Macy, Secretary of State, wrote to the Count de Startiges: "It is a generally received rule of modern warfare, so far at least as operations upon land are concerned, that the persons and effects of non-combatants are to be respected. The wanton pillage or uncompensated appropriation of individual property by an army even in the possession of an enemy's country, is against the usage of modern times."

The late Chief Justice Marshall (United States vs. Percheman, 7 Peters 50,) says: "It may not be unworthy of remark that it is very unusual, even in cases of conquest, for the conqueror to do more than displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that the sense of justice and of right which is acknowledged and felt by the whole civilized world would be outraged if private property should be generally confiscated and private rights annulled."

Let us now compare these declarations of Wheaton, the publicist; of President John Quincy Adams; of Wm. L. Macy, Secretary of State; and of that most illustrious and greatest of American jurists, Marshall, to the policy of President Lincoln in the "War between the States." Let us note how Sherman in his famous "March to the Sea' laid waste a belt of country irom thirty to forty miles wide and boasted of the thoroughness of his work. This is but a sample of the widespread destruction and confiscation of private property contrary to the usages of modern warfare. More than that, Lincoln yielded to the "pressure" of intense partisans, contrary to the Constitution, wantonly annulled private rights, created the "miserable conditions" of which he complained, and then made these conditions

an excuse for waging war upon the South, whose only sin was her protest against the violation of the Constitution. The South had never violated the Constitution. All through the turbulent history of the Republic of Republics, her only demand was compliance with the Constitution. Calhoun in the United States Senate emphasized this one demand of the South when he said: "We want no compromise but the Constitution, and we ought not to be satisfied with less.' Robert Toombs in the same Senate declared substantially, "Give us the Constitution as construed by the Courts, and all questions between us will settle themselves." Search the record, and you will find that these distinguished sons of the South did but voice the unanimous sentiments of their much abused section. The most deligent search of the last half century has been able to find nothing to the contrary. No reputable historian will deny this fact. Does fidelity to the great fundamental law make "traitors" and "rebels" and "conspirators?" No, it is the confessed violators of this fundamental law that are guilty of "treason" and "conspiracy" and "rebellion." And who were the confessed violators? They were no less than Lincoln and his Cabinet. Therefore, the wrongs of the Sixties, distinguished as far the bloodiest page in all American history, cannot be charged to the South."

Nor was Congress more true to the usages of modern warfare than were Lincoln and his Cabinet. On the 6th of March. 1861, the Congress enacted, that "property of every kind belonging to persons residing in the Confederate States, who were engaged in hostilities against the United States, or who were aiding or abetting those engaged, should be confiscated, allowing exemption of private property, and the proceedings in court shall be for the benefit of the United States and the informer equally." This included slaves and all kinds of private property in known violation of the laws of all civilized nations. The verdict of the last half century is a denunciation of this act of Congress as uncivilized, inviting the utmost indignity and injustice by the division of the spoils between "the United States and the informer equally;" violation of the usages of modern warfare is unjust and unconstitutional. On the other hand it is a complete acquittal of the South and insures her vindica-

tion for all time. The defeat of the South was but temporary. Justice often seems, but never is defeated. The South is now a new star in the political firmament. Each year it rises higher. Each year it grows in brilliancy. In less than another half century it will glow like the sun undimmed by cloud of vituperation or even suspicion.

The quotations just cited are sufficient to show that all the principles of the law of nations were violated in the name of the Constitution, and yet without the shadow of authority under that instrument. If it be objected that this is an indictment of a name loved, revered and honored as few names are, it is replied that it is the indictment of facts, and the testimony of facts is impartial. It knows no distinction. It condemns, and it honors, with equal justice the high and the low. It crowns the head of immortal justice.

The actors of that day are rapidly passing the border line between this world and the next. Among them is the writer. Another decade, and few indeed will be the survivors on either side of the great struggle to stand guard over the passions and the issues of the immortal Sixties. When all these shall have passed that narrow line between time and eternity, disinterested and impassioned eyes will review the record. Like the dying boy on the battlefield of Manassas, they will ask "What was all this for?" The question will then be decided whether Francis Newton Thorpe is right when he says "a hundred men of the South inaugurated the war," or whether Lincoln and his Cabinet of seven inaugurated it.

In discussing the Confiscation Act of August 6th, 1861, "it was estimated on the floor of the House of Representatives that the aggregate amount of property within the limits of the Southern Confederacy subject to be acted upon by the provisions of this act would affect upward of six millions of people, and would deprive them of property of the value of nearly five thousand million dollars." How ruthless and relentless the hand that penned that act, the Congress that passed it, and the official that endorsed it! This Confiscation Act was itself intended as a long step toward universal emancipation. Immediately after approving the bill, Mr. Lincoln sent a message to Congress in which are these words:

"It is startling to say that Congress can free a slave within a State, and yet, if it were said the ownership of the slave had first been transferred to the Nation and Congress had then liberated him, the difficulty would then vanish. And this is the real case. The traitor against the general Government forfeits his slave at least as justly as he does any other property; and he forfeits both to the Government against which he offends. The Government, so far as there can be ownership, thus owns the forfeited slaves, and the question for Congress is 'Shall they be made free or sold to new masters?'"

Had Lincoln actually forgotten his sacred obligtaions to obey the Constitution under that oath he had "registered in Heaven?" Or was he in reality ignorant of both the Constitution and the laws of nations? Have we not shown in this very chapter by John Quincy Adams and other most eminent and most reliable authorities that under the usages of civilized nations private property, including slaves, is not subject to confiscation? Was he ignorant of this fact? Did he not know that "the trial of all crimes, except in the case of impeachment, shall be by jury?" Was he also ignorant of the fact that "such trial shall be held in the State where the said crime shall have been committed?" (Art. 3, Sec. 2, Constitution.)

There is but one fact in all that most remarkable statement to Congress, and that one fact is the opening sentence: "It is startling to say that Congress can free a slave within a State." Through all coming time the enlightened judgment of mankind will be: "It is also startling to say that a President of the United States could send such a message to an intelligent Congress and have them accept it as sound logic and sound law."

Let us assume that the seceding States had actually committed treason, and we will then ask, was Lincoln so ignorant of the Constitution as not to know that "no attainder shall work corruption of blood, or forfeiture, except during the life of the person attainted?" (Art. 3, Sec. 3, Constitution.) Neither the

Confiscation Act, nor Lincoln's message provided for the proof of the crime, or the trial by jury, or forefiture for life time.

Shall the enlightened judgment of mankind be, that the most terrible war of modern times was the result of ignorance? If it was not due to ignorance, there is no other alternative but to attribute it to an intelligent depravity of heart and mind. In very mercy let us attribute it to ignorance.

No man was more the master of the art of deception than Lincoln. Observe with what characteristic skill he introduced this subject: "It is startling to say Congress can free a slave within a State." This "startling" proposition was immediately followed by an "And-yet-if" proposition, which is conditional. The next pen-stroke obliterates the condition; and then is made the positive assertion that Congress can "free slaves within a State." Lincoln was remarkable for such sophistry as this, effective for the time, but, like all other fog, it vanished at the rising of the sun.

This whole question was treated on an unconstitutional basis. Mr. Lothrop in his Wm. H. Seward, p. 38, reports Seward as saying: "Wherein do the strength and security of slavery lie? You answer that they lie in the Constitution of the United States, and the Constitution and laws of all slave-holding States. Not at all. They lie in the erroneous sentiment of the American people." Again we ask how can men swear to abide by the Constitution, and yet subject it to what they were pleased to call "an erroneous sentiment?" Are we driven to the inevitable conclusion that the high sense of honor which distinguished all the other administrations was wanting in this?

## A Few Other Facts Systematically Stated

may be in order just here. Up to the 6th of March all the unconstitutional approaches to emancipation, as we have seen, were indirect, insidious, and gradual. On this very day Lincoln sent to Congress a message recommending the adoption of a resolution providing for the gradual emancipation of slavery. Thus began the direct unconstitutional interference with slavery. When asked by the Congress for the Constitutional authority for this act he pointed to these words in the preamble: "To provide for the general welfare." ("Hard pressed," you say?) Compare this message with all its previous declarations, viz.: That he did not contemplate any interference with slavery within the States.

On the 25th of April, 1862, Gen. Hunter issued an order declaring Georgia, South Carolina and Florida under martial law. Two weeks later Gen. Hunter boldly declared "the persons held as slaves in those States to be forever free."

This second order of Hunter wes declared by Mr. Lincoln to be void, saying, "Whether at any time or in any case it shall have become a necessity dispensable to the maintenance of the Government to examine such supposed power, or questions which, under my responsibility, I reserve to myself." Note the words, "Such supposed power." They mean progress along unconstitutional lines.

On the 12th of July, 1862, Representatives of the Border States at his own request met Lincoln in conference. To them he said: "In repudiating its (Hunter's order), I gave dissatisfaction, if not offense, to many whose support the country cannot afford to lose. And this is not the end of it. The pressure in this direction is still upon me and is increasing." (So were the chances of the Emancipation and proclamation increasing). This pressure came from his extreme partisans. It was "a demand for immediate and universal emancipation of the slaves."

This demand was natural. Lincoln had declared before his election, "This country could not exist half slave, and half free." Seward had declared from many platforms that the object of the Republican Party was "universal emancipation." Hundreds of other speakers had declared the same. Hence the pressure, afterwards termed necessity! This, too, was what the South had predicted would be the result, and was assigned by the seceding States as one of the causes of their withdrawal from the Union. Evidently the South was not wrong in her prediction.

The President, with his usual tact, on this 12th day of July, 1862, thus addressed the Representatives of the border slaveholding States:

"I intend no reproach or complaint when I assure you that, in my opinion, if you all had voted for the resolution in the gradual emancipation message of last March, the war would now be substantially ended. And the plan therein proposed is yet one of the most potent and swift means of ending it...

"How much better for you as seller and the nation as buyer to sell out and buy out that without which the war could never have been, than to sink both the thing to be sold and the price of it in cutting one another's throats!" Give special attention to the words, "without which the war could never have been." They mean, if anything, that with no slavery in the South there would have been no aggressions on the part of the North : and with no aggressions on the part of the North there could never have been war. Thus deception often contradicts itself, and exposes to light its false motives, its false position.

The border State representatives, to whom Lincoln thus spoke, were no less than Senators and Representatives of the border States in the Congress. Twenty of these were present. After considering the subject, the majority replied:

"The right to hold slaves is a right appertaining to all the States of the Union. They have the right to cherish or abolish the institution, as their States or their interests may prompt, and no one is authorized to question the right, or limit its enjoyment. And no one has more clearly affirmed that right than you have. Your inaugural address does you great honor in this respect, and inspired the country with confidence in your fairness and respect for law.'

After referring to the fact that many of their people were in the armies of the Confederacy because they believed the Administration was hostile to their rights, they added:

"Remove their apprehensions; satisfy them that no harm is intended to them and their institutions; that this Government is not making war on their rights of property, but is simply defending its legitimate authority, and they will gladly return to their allegiance."

Note the words spoken to Lincoln's face: "No one has more clearly affirmed that right than you have." Will Lincoln stand by his own affirmations? Watch the approaches to emancipation and see.

Note the other words: "Remove their apprehensions; satisfy them that no harm is intended to them and their institutions; that this Government is not making war on their rights of property... and they will gladly return to their allegiance." These are significant words. They would have applied to the entire South before the war began.

Was this earnest appeal effective? No. Why not? That mighty "pressure" was increased. The anti-slavery press had sprung into the arena, and were remniding him of his preelection pledges. He didn't have the backbone of a Washington, a Hickory Jackson, or a Grover Cleveland. They charged him in the name of "twenty millions of people that a great proportion of those who triumphed in his election were sorely disappointed and deeply pained by the policy he seemed to be pursuing with regard to the slaves of the rebels.

"Horace Greeley printed a signed editorial in his paper with the modest title of "The Prayer of 20,000,000," giving harsh expressions to the abolitionists' point of view." (Hapgood in "Abraham Lincoln, the Man of the People." p. 273.)

These papers further declared, "We consider that the Union cause has suffered, and is now suffering, immensely from mistaken deference to rebel slavery. Had you, sir, in your inaugural address, unmistakably given notices that in case the rebellion already commenced was persisted in, and your efforts to preserve the Union and enforce the laws should be resisted by armed force, you would recognize no loyal person as rightfully held in slavery by a traitor, we believe the rebellion therein would have received a staggering, if not a fatal blow." "Pressure" and "Necessity" have now almost become identical.

Lincoln's non-committal reply was with characteristic tact: "If there be those who would not save the Union unless they at the same time could save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. . . If I could save the Union without freeing any slaves I would do it." Horace Greely said he "prepared it in advance and merely took that opportunity to get his views before the public." "Sub rosa, I can't trust your 'honest old Abe' said the unsatisfied Greeley, 'he is too smart for me. He thinks me a d-d fool; but I am never fooled twice by the same individual." (Hapgood p. 274.)

A call was now made for an additional 300,000 men. Enlistments were slow. It seemed necessary to make threats of a draft, and at the same time offer most liberal bounties to induce enlistments. This reluctance of the people to volunteer was declared by the friends of emancipation to have been caused by the policy of the Government. These champions of emancipation proclaimed that by the adoption of this measure "the streets and by-ways would be crowded with volunteers to fight for the freedom of 'the loyal blacks;' and that thrice 300,000 could be easily obtained."

The word *pressure* now is spelled *necessity*. On the 13th of September, 1862, Mr. Lincoln had said to a delegation of "Christians" from Chicago who had presented to him a memorial requesting him to issue an emancipation proclamation, "I have not decided against a proclamation of liberty to the slaves, but hold the matter under advisement."

Nine days later, on the 22d of September, 1862, "the preliminary proclamation of emancipation" was issued by Mr. Lincoln. In it he declared that at the next session of Congress he would renew his recommendation for emancipation in the border slaveholding States; and that on January 1, 1863, he would recommend that—

"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."

On the 1st day of January, 1863, another proclamation was issued by Mr. Lincoln, bending his knee to Pressure-Necessity. It was the now famous "Emancipation Proclamation." When read before his Cabinet it was discovered that the name of God had not been mentioned in it. He was reminded that such an important document should in some way recognize the name of Deity. Lincoln declared he had overlooked this fact, and called on his Cabinet to assist him in the preparation of a paragraph recognizing God.

At the next Cabinet meeting Mr. Chase presented the required paragraph in these words: "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." It was accepted by Mr. Lincoln without the crossing of a "t" or the dotting of an "i."

Note the words: "Warranted by the Constitution upon military necessity." This is either true or false. It was universally conceded at the time that all warrants by the Constitution were in "express terms." But the Constitution in express terms warranted nothing upon the plea of "military," or any other kind of "necessity." Therefore the assertion that the proclamation was warranted by the Constitution upon military necessity was false. The "considerate judgment" of a large portion of mankind may have been given to the document, because deceived by its pious speech, but it is certain that God was not deceived by it, and his gracious favor may have been withheld from the document, but bestowed upon the innocent millions of both sections.

But was there in reality at that time a "military necessity?" If not there was a misstatement of fact. It is estimated that the white male population of the Northern States then was 13,-690,364, while that of the Confederacy was 5,449,463. The number of troops then under the flag of the United States exceeded one million, while the number under the flag of the Confedracy was less than 400,000. The navy of the United States at that time was third in rank among the nations of the world, while that of the Confederacy consisted of one small ship. The commerce of the United States floated upon every ocean and every sea, and to it all the ports of the world were open, while to the commerce of the Confederacy every port in all the world

was closed. In manufactures of all kinds the people of the United States were the rivals of those of the world's greatest nations, while the manufacturers of the Confederate States were very few indeed and very inferior. The treasury of the United States was possessed of the resources and the accumulations of four-fifths of a most prosperous century, while that of the Confederacy had to be developed by its own financial resources in the midst of a strenuous war. The ambassadors of the United States and their representatives were received with open arms in all the courts of the world, while not one court of the world recognized the representatives of the Confederate States.

In the fact of this telling record men may have been deceived men were deceived, but was God, whose gracious favor was invoked upon that deception?

Contrast "I believe I have no right to do so," with these words of the proclamation: "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."

Contrast the amendment to the Constitution, made (?) by this proclamation under the plea of "Necessity," with Art. 5 of the Constitution, which reads as follows: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the Application of the Legislatures of two-thrids of the States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States. or by Conventions in three-fourths thereof, as the one or the other mode of ratification, may be proposed by the Congress, provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the first Article: and that no State, without its consent, shall be deprived of its equal suffrage in the Senate." These are the words of Art. 5, Constitution of the United States, without the omission of a word or a syllable or a letter. It will be observed that the greatest possible safeguards are thrown around amendments.

Contrast these concluding words of the Emancipation-Proclamation-Constitution with these other words of the genuine document, Sec. 2, Art, 2: "The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States when called into active service of the United States; he may require the opinion, in writing, of the principle officers in each of the executive Departments, upon any subject, relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachments." Without the omission of one word, one syllable or one letter, we have here every power conferred by the Constitution upon the President as Commander-in-Chief of the Army and Navy of the United States. We search in vain for "the power in me vested" to emancipate slaves in all the States or in the Territories. This section verifies the truth of his inaugural assertion, "I have no right to do so." And the words, "I have no right to do so," is exclusive of all right whatever-even the right claimed "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 rebellion against the authority and Government of the United States. and as a fit and necessary war measure for suppressing said rebellion." How self-contradictory! How Constitutionally contradictory! Withal, how unconstitutional for an Executive who took the following oath: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect and defend the Constitution of the United States." Is the Constitution of the United States of such a peculiar nature that it is "preserved, protected and defended" by its most evident violation? If violation of the Constitution is not revolution, what is it?

# CHAPTER XXX.

# OTHER FACTS CONNECTED WITH EMANCIPATION.

Too much light cannot be thrown on the history of the Emancipation Proclamation. That it was without Constitutional, or legal authority, cannot be denied. Clearly, therefore, it was a usurpation of authority. Yet all the honors bestowed upon Lincoln as Chief Magistrate of the United States center in this proclamation. It was Lincoln's pet. All his hopes of a cherished immortality gathered about it. He said to Sumner, "I know very well that the name which is connected with this act will never be forgotten." (Tarbel, Vol. 1, page 98). We have already referred to the fact that it was so regarded by his Cabinet. Sumner himself called it "our best weapon;" while its supporters, in general, regarded it as "an attack on the enemy's rear."

It was an amazing violation of the Constitution because of its stupendous results. It was this astonishing feature that so completely captivated the mind of Lincoln. To him the great distinction and honor of having struck the shackles from the limbs of nearly 4,000,000 slaves, would more than counterbalance the sin of having violated the Constitution. To him it was a greater issue than the Constitution itself; greater than all the wrongs that the violation of his oath brought to the South and the country at large. At first the violation of the Constitution troubled him, for Wells, in his diary, says, "He had been prompt and emphatic in denouncing any interference by the Government with the institution." But finally "the dark days" came, when victory rested on the Confederate arms, when "compulsory service" was the imperative resort, when the States, lacking in interest, attempted to avoid their quota of soldiers, and when partisanship was charged against the Administration (Hapgood p. 293). These were arguments within themselves both potent and urgent. When coupled with that of the deep and abiding conviction, "that the name which is connected with this act will never be forgotten," it became an argument irresistable in force.

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It triumphed over all compunction of conscience as to its legality.

Having once resolved to "cross the Rubicon" by abandoning the Constitution, Lincoln immediately set about preparing the public mind for its favorable reception. No emergency was ever too great for his acuteness—his ingenuity. Carl Schurz, Minister to Spain, had written him it was absolutely necessary to "satisfy Europe and that speedily, that the war was to end in the destruction of slavery;" otherwise, "there was great danger of the Southern Confederacy's being recognized by France and England." This was an additional argument for emancipation.

Lincoln immediately wrote Carl Schurz to come at once to this country. He promptly obeyed, arriving in January, 1862. "The President gave undivided attention to his argument, and was inclined to accept his view, but 'was not sure the public sentiment of the country was ripe for such a policy. It had to be educated up to it. Would not Mr. Schurz go to New York and talk the matter over with their friends, some of whom he named?"

A few days later Mr. Schurz reported to Mr. Lincoln "that the organization of an Emancipation Society for the purpose of agitating the idea had been started in New York, and that a public meeting would be held at the Cooper Institute on the 6th of March."

Mr. Lincoln replied: "That's it; that is the very thing. You must make a speech at the meeting. Go home and prepare it. When you have got it outlined bring it to me, and I will see what you are going to say."

In a few days Mr. Schurz submitted to Mr. Lincoln the skeleton of his argument on "Emancipation as a Peace Measure." After reading it the President declared: "That is the right thing, and remember you may hear from me on the same day."

"On the 6th of March, the speech was delivered, as had been arranged, before an audience which packed Cooper Union." Just as Mr. Schurz took his seat he was handed a copy of the President's "message given that afternoon to Congress. Mr. Schurz at once read it to the audience, which, already thoroughly aroused, now broke out again into a tremendous burst of applause." (Tarbel p. 100).

This very adroit plot to "agitate," deceive, inflame and educate the minds of the people finds its equal only in the plot to compel the Confederates to fire on Fort Sumter. Friendly newspapers were in the plot. They were there to tell of "the repeated cheers," and "the applause that shook the hall." A specimen of their exaggeration may be seen in the comment of "Harper's Weekly:" "The cannon shot against Fort Sumter, effaced three-fourths of our political lines; the President's message has wiped out the other fourth." Both were the result of plotting—of intrigue.

Thus the masses were tricked—"educated up to it." They were not instructed in the Constitution, in the fundamental principles of Government, the only safe political education. They were beguiled into the adoption of Lincoln's policy. The very plot, having for its object the deceiving, exciting and inflaming minds of the people, declares an avowed acknowledgement on the part of Lincoln and Schurz and the newspapers, that the emancipation proclamation was unconstitutional. For shrewd cunning, if Fort Sumter does not furnish a parallel, where in all political history can it be found? And this is the logic—the logic of deception—that bestows upon the South the appellation of rebels!

To show that "Harper's Weekly" did not speak the truth, but simply indulged in exaggeration, is not difficult. Hear what one of Lincoln's own historians says: "But to Mr. Lincoln's keen disappointment the Border States representatives in Congress let the proposition pass in silence. He saw one after another of them, but not a word did they say of the message. The President stood this for four days, then he summoned them to the White House to explain his position.

To them he said, "The wrong of slavery was not the question they had to deal with. Slavery existed, and that, too, as well by the act of the North as of the South; in any scheme to get rid of it the North as well as the South was bound to do its full and equal share. He thought the institution wrong, and ought never to have existed, yet he recognized the rights of property which had grown out of it, and would respect those rights as fully as similar rights in any other property; that property (in slaves) can exist and does legally exist. He thought

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such a law wrong, but the rights of property resulting must be respected; he would get rid of the law, not by violating it, but by encouraging the proposition, and offering inducements to give it up."

These representatives rejected his proposition. Perhaps they compared these soft expressions, kindred creations of the Cooper Institute plot, with the oft-repeated assertion of Lincoln that there could be "no property in slaves." Doubtless, too, they could not reconcile the assertion, "slavery existed and that, too, as well by the act of the North as by the South," with the stern and terrible realization that the North was then waging war on the South, because, for reasons beyond her control, the institution still existed in the South. Then, too, they must have realized that their fellow citizens, thousands of them, were then fighting in the Union Army because assured that slavery was not to be interfered with. They also realized that the sole purpose of the war was to free the slaves and that they, as a part of the South, were "bound to do" their "full and equal share of the work." They realized, too, that their State Governments were completely in the hands of the military authorities of the United States Government by reason of intrigue and deception. They well knew also that all they could now do was to say. "We will consider it," and then fold their hands in silent submission.

These Border State representatives were not all by any means who contradicted the exaggerated fiction of "Harper's Weekly." A most prominent citizen of Ohio, a man high in the councils of the Nation, Vanlandingham, was a prominent example of those who believed the Constitution was best preserved by complying with its terms. He so expressed himself in a number of speeches. He was arrested by Gen. Burnside, whose headquarters were in Cincinnati; was tried and convicted by a military tribunal. Gen. Burnside approved the finding, and threw him into prison. All efforts to be released on habeas corpus failed. "There was an immense outcry all over the North. Governor Seymour of New York denounced the arrest as dishonorable despotism. He said: "The action of the Administration will determine in the minds of more than one-half of the

people of the loyal States whether the war is waged to put down rebellion in the South, or to destroy free institutions in the North." (Hapgood p. 308).

Note that cry went up "all over the North." When the outcry became so loud and extensive, when Seymour denounced it in the name of the great State of New York, Hapgood says: "The President met the complaints by commuting the sentence in an original and adroit manner. He sent him to the South, and on May 25th he was accepted by a Confederate picket.

"Still the noise continued, and June 11th (just two weeks) the Ohio Democrats nominated Vanlandingham for Governor.

"To some of the resolutions denouncing the arrest the President thought it well to reply. . . A few sentences may give some idea of its false premises and hence false logic:

"I understand the meeting whose resolutions I am considering to be in favor of suppressing the rebellion by military force by armies. Long experience shows that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction this punishment." (Hapgood pp. 308-309).

That meeting did not understand that the South was in "rebellion" at all. It claimed then what the close of the 19th century and the opening of the 20th century have asserted in ringing tones that will be heard all down the coming ages, that the South was not in rebellion, but was simply defending her constitutional rights. Hence all arguments based on Lincoln's opening sentence are false, since no fountain can rise higher than its source. If no "rebellion," of course there was no use for a military force to put it down. Besides Vanlandigham was no deserter. He was only exercising the right of a free citizen in a free State.

Vanlandigham said and did no more than Governor Seymour. But Vanlandigham was a private citizen, while Seymour was the official head of a great State. What was wrong in Vanlandigham was a multiplied wrong in Governor Seymour. The latter spoke as the representative of the State of New York; the former as a private citizen. If the right to arrest Vanlandigham existed, that right demanded with emphasis the arrest of Sey-

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mour. Had not Seymour spoken, Vanlandigham doubtless would have remained in prison till the close of the war. If Lincoln had no legal right to hold Vanlandigham in prison, he had no such right to banish him from the country. One was as illegal as the other, and both were the exercise of "dishonorable despotism." .(Seymour.)

Lincoln also said in his defense, "The case required and the law and the Constitution sanction this punishment." It is seen that he makes no other reference to the Constitution. There is no fact better established in all history than this: The Constitution does not provide for the general Government to coerce a state of the Union. In not providing for such coercions it denies the General Government the right to coerce a State. This being true there was no State in rebellion. Hence the war was a falsehood and rank revolution.

The South issues this defiant challenge. She challenges the world, including the most profound expounders of the Constitution in all the North, for a single clause or clauses conferring on the United States Government the right to coerce a State. If that clause can be found, Lincoln had the right to declare war on the eleven seceding States. If it cannot be found, he had no such right.

The South issues another challenge as follows: That no man can truthfully deny that the proposition was made in the Convention that framed the Constitution, to confer on the Government of the United States the right to coerce a State; and that *it absolutely received no favor at all in that Convention*. If thus voted down it was not conferred on the Government. On what ground then did Lincoln claim the right to coerce a State?

The South has a question to ask right here: If the Convention that framed the Constitution had provided for the general Government to coerce a State, how many of the thirteen original States would have adopted the Constitution when submitted to them for their ratification or rejection? Have we not shown from the record of their votes on the ratification of the Constistitution by the several States how jealous they were of their rights? Does not Charles Francis Adams say that at the time of ratifying the Constitution that nine out of every ten of the

citizens of the Northern States, and ninety-nine out of every hundred of the citizens of the Southern States believed the States had a right to secede? Have we not also shown that this right was actually taught the cadets at West Point by the Government? In what, therefore, did the wrong of the South consist?

After all, the results of the emancipation proclamation were somewhat disappointing to Lincoln. He was as ignorant of the relation between the master and slave in the South as it was possible for an enlightened Northerner to be. He anticipated "insurrections and massacres" of Southern families as a result. Instead there was not a massacre or insurrection reported. With few exceptions, the faithful slaves remained on the plantations. true to their sacred charge. We have already referred to this fidelity of the Southern blacks when brave men left their hearthstones, treasures dearer than life, in charge of their black friends, and went to the front in defense of their inherited and Constitutional rights. This display of heart-felt affection and unwavering devotion to their trust by an enslaved race is without a parallel in the annals of time. It gives the lie in no unmeaning terms to the false accusations of "Uncle Tom's Cabin," the fictitious fountain of falsehood from which Lincoln and thousands upon thousands of others unsuspectingly and confidingly drank, both in the North and throughout all Europe. When Lincoln met Mrs. Stowe he said, "And this is the little woman that caused the great war?" Charles Francis Adams says, in substance, "it was 'Uncle Tom's Cabin' that whipped the war."

The proclamation had a favorable effect upon Europe. As we have shown, it did not disturb the Border States for these were in the military grip of the United States Government. They could neither move this way nor that. As to the North, Hapgood says, "Never on the other hand had lukewarmers, approaching Southern sympathy, been so bad in the North. Lincoln felt under the necessity of rendering it as useful as possible. He urged the Generals commanding departments in the South to use their influence in causing the slaves to abandon the plantations. "On the 14th of January, he wrote to Major Gen. Dix, marked 'private and confidential:' "The proclamation has been issued. We were not succeeding without it. Now that we have it, and bear all the disadvantages, we must take some benefit from it, if practicable. I, therefore, will thank you for your well considered option, whether Monroe and Yorktown, one or both, could not, in whole or in part, be garrisoned by colored troops, leaving the white forces now necessary at those places to be employed elsewhere?'

"In March he wrote to Andrew Johnson, Military Governor of Tennessee, afterward Vice-President and President of the United States: 'I am told you have at least thought of raising a negro military force. In my opinion, the country now needs no specific thing so much as some man of your ability and position to go to this work. . . The colored population is the great available and yet unavailable force for restoring the Union. The bare sight of fifty thousand armed and drilled black soldiers upon the banks of the Mississippi would end the rebellion at once." This ignorance displayed here, both of the Southern whites and Southern blacks, is superb. Through his emissaries he placed muskets in hands of two hundred thousand blacks, and to all these he was compelled to add not less than nine hundred thousand foreign whites and thousands upon thousands of whites from the North; and the end was not yet. No doubt Andrew Johnson, who knew the South and the negro, smiled when he read that "effusive" letter.

A few days later he wrote to Gen. Banks that it was "very important if not indispensable" to raise colored troops.

Although the message was rejected by the Border States, it stimulated Congress to pass an act forbidding the army and navy to aid in the return of fugitive slaves. Doubtless many slaves, induced by fair promises to fly to the sheltering arms of the Government wished to return to their masters and comfort. This act made it unlawful for the army or the navy to assist them in their return. Congress also recognized the independence of Liberia and Haiti, and completed a treaty with Great Britain to suppress the slave trade—a measure long approved by the South. The District of Columbia, being pro-slavery when the war broke out, Congress now also passed an act freeing all the slaves in the District, appropriating one million dollars to compensate loyal slave holders and one hundred thousand dollars to defray

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the expenses of such negroes as might desire to emigrate to Liberia or Haiti.

The influence of the proclamation on Lincoln was extreme. "Oh! how I wish the Border States would accept my proposition," he exclaimed to Arnold and Lovejoy one day, "then you, Lovejoy, and you, Arnold, and all of us, would not have lived in vain. The labor of your life, Lovejoy, would be crowned with success. You would live to see the end of slavery." It was this soul-possessing, this all-pervading passion for "the end of slavery," that distinguished Lincoln's life and finally found its culmination in war. To this passion he even subordinated fraticidal war. Standing upon the battlefield of Antietam before the earth had had time to drink in the blood of the slain, he was charged with levity. He could not help it. A passion stronger than his will controlled him. His vivid imagination contrasted terrible pictures of slavery with the brightest of all futures and himself as laurel-crowned in the midst of that future.

"Could you have seen the President," wrote Sumner to a friend, "as I have seen him often while he was considering the greatest questions on which he has already acted—the invitation to emancipation in the States, emancipation in the District of Columbia, and the acknowledgement of independence of Haiti and Liberia, even your zeal would have been satisfied.

"His whole soul was occupied, especially by the first proposition (emancipation in the States) which was peculiarly his own. In familiar conversation with him I remember nothing more touching than the earnestness and completeness with which he embraced the idea. To his mind it was just and beneficient, while it promised the sure end of slavery."

Soon after his election, and before his inauguration, in Independence Hall, Philadelphia, he said "that the great principle or idea which had kept the Union together so long was 'that which gave promise that in due time the weights should be lifted from the shoulders of all men, and that all should have equal chances. . . If this country cannot be saved without giving up that principle, I was about to say I would rather be assassinated on this spot than surrender it." (Hapgood p. 181). The comment of the historian is: "The speeches" (he was speaking through the States) "seem to have been rather disappointing at the time, as the people longed for less cautious declarations."

It was this all-consuming soul-passion that peculiarly fitted him, and him alone, for the terribly cruel mission for which destiny seems to have elevated him to power. Was Charles Francis Adams, the scholar and historian of Massachusetts, right when he says, "It was foreordained—predestined?" It required just such a passion—a passion that was absolutely madness itself —to ride rough shod through the smoke of battle, and over the prostrate forms of suffering, bleeding, dying patriots to reach the goal of his ambition, "the end of slavery." How terrible must have been his picture of the horrors of slavery in the South! What "legion of demons" must have inspired his imagination! Whether to pity the more, or condemn the more, we know not.

Lincoln's great trouble was, not simply this madness. He either did not see, or could not see, or would not see, his own responsibility, and that of his party for the conditions then existing. His madly impassioned soul could see nothing but "our form of Government saved to the world, its beloved history and cherished memories vindicated, and its happy future fully assured and rendered inconceivably grand"—words of his own to the Border States representatives, to whom he added, "To you more than any others the privilege is given to assure that happiness and swell that grandeur and to link your names therewith forever." What mattered it to him that the Constitution furnished a remedy ? That remedy was not fast enough. The surgery of the sword must take its place.

When Lincoln was elevated to power this was the most prosperous Government in the world. Its great charter of safety was the Constitution. In vain the South clung to it as their only hope, saying, "Give us this and we shall be satisfied." He had it in his power to assure the South and calm her fears. But he answered her pleas in terms the South understood to mean threats and war; and which the North construed as ambigous, yea, in reality self-contradictory. A great number declared it was conciliatory, while equally as great a number declared it meant "war to the hilt." The ministers of the Gospel and the great masses believed slavery was the one issue, while Congress and the President were instant in denial. "A splendid popular delusion" prevailed among the Northern masses, while a more personal and more powerful delusion occupied the President's chair.

"Our form of Government" was not imperiled till the tall, shrewd, delusive form of Abraham Lincoln rose above the plains of Illinois. Till then, therefore, it needed not be "saved to the world." All "its beloved history," all "its cherished memories," antedated his rise to power and delusion. Two years of "a brothers' war" had been draining the best blood of the veins of the Nation when he addressed these soft persuasive words just quoted, to the Border States Representatives. The bloody battle of Antietam had just been fought. That great battle and the many that had preceded it had not then furnished to the Government any "cherished memories," or "beloved history" during Lincoln's two years' reign. Besides, every day was one of anticipated battle, every hour one of unrest, and every moment, one of agony. He seemed supremely ignorant of his responsibility for the conditions his policy had brought about. The highest boast of these awful conditions was the matchless display of heroism by the soldiers of the armies of the two sections on the field of struggle.

In all this pathetic address to the Border States representatives, not a tear moistened his eyes, for the heroes wounded and suffering and dying in the strife; not a sigh or word of commiseration escaped his lips for the homes draped in mourning in all the crowded East, in all the Sunny South, or in all the Wild West. The one great thought that now possessed his mind, that now crowded out all other thoughts, was "a happy future fully assured and rendered inconceivably grand." That picture was ever incomplete without himself conspicuously at the head of the victorious procession. The intense imagination that painted this splendid picture of future happiness and grandeur was colored by the all-absorbing "end of slavery."

Time with him was too short to pause to consider whether this picture could have come without making our country a cemetery in which to lay for their final sleep the blood stained forms of a million heroes. Were the lives of our heroes so cheap as not to deserve a more serious consideration? Was the Constitution of so little importance that its method of solution was considered unworthy of trial? Was there any absolute necessity for substituting the Chicago Platform for the Constitution of the States? The platform meant war, the Constitution meant peace. The platform meant the will of less than 39 per cent of the people; in the Constitution the will of more than 65 per cent. The platform meant the rule of madness, the Constitution that of sanity.

When the splendid picture of "future happiness and future grandeur" failed to captivate the Border States representatives, Lincoln did not despair. In all the earnestness of an indomitable passion he exclaimed, "I must save this Government if possible. What I cannot do I will not do, but it may as well be understood once for all, that I shall not surrender this game, leaving an available card unplayed." The next day he explained to Seward and Wells what he meant by "available card." It was the emancipation proclamation, admitted by himself to be unconstitutional, and yet issued in the name of that instrument and by virtue of its authority.

How President Davis viewed it may be seen from his message of January 1863:

"The public journals of the North have been received containing a proclamation dated on the first day of the present month, signed by the President of the United States, in which he orders and declares all slaves within ten of the States of the Confederacy to be free, except in such as are to be found within certain districts now occupied in part by the armed forces of the enemy. We may well leave it to the instincts of that common humanity which a beneficent Creator has implanted in the breasts of our fellow men of all countries to pass judgment on a measure by which several millions of human beings of an inferior race—peaceful and contented laborers in their sphere—are doomed to extermination, while at the same time they are en-

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couraged to a general assassination of their masters by the insiduous recommendation to abstain from violence unless in necessary self-defence. Our own detestation of those who have attempted the most exerciable measure recorded in the history of guilty men, is tempered by profound contempt for the impotent rage which it discloses. 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. The enlisted soldiers I shall continue to treat as unwilling instruments in the commission of these crimes, and shall direct their discharge and return to their homes on the proper and usual parole."

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# CHAPTER XXXI.

# A WIDER VIEW AND REPLY TO DISTIN-GUISHED AUTHORS.

In the last chapter devoted to the Emancipation Proclamation, we showed how Lincoln in the beginning of his administration denied having any right whatever to interfere with slavery in the States; and how, by gradual approaches upon constitutional ground, he finally proclaimed he had absolute authority to free all slaves without regard to State lines:—that is, that his approaches were from *no authority* whatever *to absolute authority* —from *zero* to infinity.

In this chapter we shall feel at liberty to take a wider scope, and reply to arguments presented by distinguished authors. pertaining to any phase of the subject, even including that of the last chapter. In fact this chapter may develop mostly into a continuation of the last.

In the "American Statesman," (Abraham Lincoln) edited by John T. Morse, Jr., Vol. 2, page 95, are these words: "While loyalty to the Union operated as a bond to hold together the people of the North, slavery entered as a wedge to force them asunder." Slavery was not always a wedge. The time has been when it was a binding force. It must therefore have been forged into a wedge by beating and hammering. As it had not changed its character in the South, the wedge must have been forged in the North. But a wedge even when placed is harmless unless driven home. All know that the same section which did the forging did the driving. Mr. Morse said: "It was not long before the wedge proved a more powerful force than the bond, for the wedge was driven home"—by the North.

Many were the men of the North who believed that the South would be satisfied with a true construction of the Constitution. They so proclaimed. They were denounced as "Northern men with Southern principles" (compliments) and were christened "copperheads." Pronounced "more odious than avowed secessionists," they were ridiculed, mobbed, and denounced as "auxiliaries to the Confederate army." It was derisively said of them,

"The North would have been much better off with a hundred thousand of them in the Southern ranks, and the rest of their kind thoroughly subdued at home" (Grant.) These friends of the Constitution, and hence of right and justice, and of the South and of peace, did not enter the Confederate ranks but they "were thoroughly subdued at home" by the terrors of "the North American Bastile." Let it be written in letters of gold on the tablet of eternal truth that the Union would never have been endangered had not the wedge of slavery been forged and driven home by the North.

This one prominent fact refutes all false charges about "the endangered Union" and "the threatened destruction of the Government." If this Union was endangered, all the facts testify it was due to the aggressions of the North, and not to the sins of the South. Therefore, in the light of facts and truth, upon what ground was the South charged with treason against the Government? In the same light, upon what ground did an American President exercise a false war-power? Do not all know the Constitution bestows no power except delegated power —delegated in express terms? All know that the war-power to invade a State is neither delegated in express terms, nor in any other way.

But Mr. Lincoln and Congress may have imagined that the Constitution in some mysterious way conferred on them the "war-power" to invade a State as a moral or natural right. To refute such a position we have only to emphasize the incontrovertible fact that the Constitution confers no right other than a delegated right. It can confer neither a *moral* right nor *natural right* to violate itself. No human production can delegate a moral right. No human production can delegate a moral right. No human production can delegate a natural right. It is not mankind's to give. Such a power eminates only from a higher source. Hence the "war-power" to invade a State is not delegated power from any standpoint. It is therefore no authorized power at all.

The exercise of this so-called war-power, unknown to the Constitution, justified all the forebodings of the South in case the Republican party should become possessed of the Government; and hence the South's rightful and legal protest by se-

cession. Had not the Lincolnian party already given evidence absolute of their disregard of the Constitution before their accession to power, by knowingly, and defiantly violating, deriding, and abusing a Supreme Court's decision, which denied the right to restrict slavery in the Territories? And after the election of Lincoln, and before his ascension to power, was not this same party still "breathing out threatenings and slaughter" against "the hated slave-holder"? Did not all the world know now that the avowed policy of restriction in the Territories was but a step toward restriction in the States? Did not all men know that restriction in such antagonistic hands would be characterized by the venom of hate, and not by that gentle virtue "which thinketh no evil"? Had not the South shown the spirit of conciliation by all the honorable means within her power? Was it not the Old Dominion that suggested the Peace Congress? Did not twenty-one States respond to her appeal for conciliataion and meet in Washington? Did not the Lincolnian party send emissaries there to antagonize its proceedings? When this noble body of sincere patriots had completed their task and had presented a report in the interest of peace, honorable alike to the North and South, did not that same party vote as a unit against it? Did not this vote proclaim in language that could not be misunderstood, the purpose of a relentless exercise of undelegated power by the Government? Had the South by any act of hers lost the right to demand the simple terms of the Constitution? When the Constitution was fresh from the hands of its framers did not all New England claim the right to secede? Did a single State in all the Union deny to her that right? Did not all the states thus concede that secession was Constitutional? If secession was Constitutional, in what sense could it have been treasonable? If not treasonable, upon what ground could a false "war-power" be justified? If not justified, was it not unjustified? If unjustified was it not treason against the Constitution, and against the South? If treason against the Constitution and the South was not the conduct of the South, during the Sixties, justified? And do not all now concede that this is the verdict of history?

Right, like the center of a circle, can be approached from all directions. Hence let us reach the same conclusion from another standpoint. Do not all admit that whatever fundamental rights the States reserved to themselves, in framing and adopting the Constitution, remained unchanged up to the Sixties, or the termination of the war? Have we not shown that the thirteen colonies declared themselves States in the same sense in which England is a State? Do not all know England to have been then, as now, an independent State? Did not the thitreen States therefore declare themselves to be as many separate and independent and free States? Did any one doubt England's right as an independent and free State to form alliances with France, or Germany, or any other power? If not, could any one doubt the right of each of the thirteen States, free and independent, to form alliances with one or all of the other States, or with any other power? Did they not form such an alliance among themselves? Was not that alliance termed by them a Union of the States? Was not the Constitution the expressed terms of that alliance, no more, no less? Does any one doubt England's right to withdraw from an alliance she has made with another power, either for cause or without cause? If not. could any one doubt the right of one of the States to withdraw from the alliance it had formed with the other States, either for cause or without cause? If not, who can doubt the right of one or more of the States, that were parties to the alliance of the States, called the Union of States, to withdraw for cause, or even without cause? Who therefore can deny the justice of the conduct of the South during the Sixties? Is not this the same conclusion reached by another course of reasoning? Tf the South was right the North was wrong. The South therefore stands vindicated. But what of the North? Let that cruel. relentless war testify, and leave its testimony to the mercy of the judgment of rising generations, if such a judgment can be merciful.

Let us look at the question of right from another standponit. Is it not known by all that restriction of slavery to the States was the declared object of the Lincolnian party? Had not the eleven Confederate States settled that question (restriction) by

withdrawing from the Union? Do not all know that by their act of secession they had declared slavery limited to their own borders? If so, how could the restriction of slavery to the States be any longer an issue? Did not these eleven States declare more, by this act, viz: that slavery was doomed, and that its complete abolition was only a question of time? Hence, did they not declare by the act of secession that they preferred to free their slaves in their own way, undisturbed by antagonizing influences? Did they not also declare by this act that they would settle this question undisturbed because of their exceedingly deep interest in the security of their fire-sides, their peace, their prosperity, and their happiness, and, at the same time, to the best and most human interest of the slaves themselves? Do not all men of intelligent benevolent purposes, familiar with the conditions of society in the Southern States, know they were right? If right, should it not have been their supreme privilege? Have we not already shown by most competent testimony that both Gen. Lee and Gen. Jackson had developed a plan by which the slaves could have been gradually freed had the South succeeded in her cause? Therefore did not the Southern States, by seceding, rob Lincoln and his party of their plea of "restricting slavery to the States"?

Let us not forget that right can be approached from all directions. Let us therefore next approach it from the objects of the war. Were they not varied? Was not its first note, "to revenge the insult to the flag"? Do not all now know the flag was not insulted; and that the Cabinet and the President were soon found in search of real issues? Do not all know that slavery was next declared to be the issue? Is it not also known that this issue was not universally acceptable? Were they not compelled to eliminate this issue in the border States? Were they not also compelled to use it directly before the courts of some of the foreign Governments? Did they not therefore hold on to slavery in sections, discarding it as an issue in others; and at the same time proclaiming that the Union was the issue? Do not all intelligent men know that a war begun with no definite cause for its origin is a war wrong in principles? If wrong in its source, can it be anything other than wrong in all its terrible

and bloody course? As are the waters of the fountain, such are the waters of the stream. May we not then correctly judge the character of that war by that of its origin, and vice versa? Have we not shown that all rules of civilized warfare were violated in it? Was not private property ruthlessly destroyed as if by vandals? Did not the South suffer the annihilation of more than 400,000,000 dollars worth of her property from the invading armies? Were not her innocent women and children left roofless? Were they not subjected to brutal insults and hardships unknown to civilization? Were not the three American bastiles crowded with political prisoners, arrested on mere suspicion, without the shadow of law? Were not these prisoners denied the right of counsel on penalty of bringing upon themselves increased indignities? Were not the members of the legislatures of the border States arrested without charge crime, and incarcerated in one of the three bastiles, thus breaking up quorums and preventing legislation? Was not the social fabric of all the Southern States disrupted without compunction of conscience? Were not all the branches of industry disarranged? Was not all good order destroyed? In short, was not a flood of evils poured out upon the South compared with which the loss of all the property, caused by the war, was insignificant? Was the commander-in-chief ignorant of the savage character of that war? No: he could not have been. Did he not say "I subpose I have the right to use any measures which may best subdue the enemy?" (Morse). Does not the term "any measures" include the vilest as well as the best? Did he not say with solemn deliberation, "Understand, I raise no objection to it (emancipation proclamation) on legal or Constitutional grounds?" (Morse). Is not this a bold and frank confession that he disregarded the Constitution whose precepts he had sworn to obey? Did he not go even further and exhibit the cruel vindictiveness of the savage, by saving, "Nor do I urge objections of a moral nature in view of the possible consequences of insurrection and massacre in the South?" (Morse). Who said this? Who weighed the words when he said it? (Excuse the words). Could a savage chief have been more vindictive? Can the character of that war, as waged by the North, be painted in

darker colors? Can it be described in more merciless words? Can its unbridled cruelty be more appropriately expressed? Yet, who did more to bring about the conditions that thus aroused his savage nature than did Abraham Lincoln? Were the Northern masses moved by the same vindictive spirit? It is to be supposed not. For John T. Morse, Jr., in his "Abraham Lincoln," tells us they were fighting under "a splendid popular delusion." As to the nature of that delusion it was more or less different among the different individuals. Do not these and the thousands of kindred facts condemn both the origin and conduct of that war in terms such as few wars have seldom, if ever, been condemned?

Having just referred to some of the objects, or rather excuses of the war, let us single out the one excuse that was finally emphasized as *the excuse*, viz.: Union. May it not also have been a popular delusion? From the very nature of things could a forced Union be identical with that real hand-to-hand and heart-to-heart Union of the fathers? Could a forced Union, a Union baptized in the blood of brothers, a Union of strife and war, be the same as a voluntary hand and heart Union? Are bayonets the essence of love? Is force identical with free volition? Is war identical with peace? If not the Union of force and war is not the same as that of free choice and love. The Union of free States according to their own free will, bound together by heart-strings necessarily cannot be the same as a Union held together by bayonets. Hence the issue, Union, was a delusion, or false issue; and if a false issue, revolutionary.

Let us next look at the question of right from another standpoint on the circumference of the circle of facts. Is is not a fact that the Union was intact in 1860? Do not all know that but for the very violent threats of the leaders of the political party, that year elevated to power, there would have been not even the thought of secession? If no thought, certainly no act of secession; and if no act of secession, certainly no endangered Union; and if no endangered Union, certainly no excuse for the exercise of a false war-power to protect it? Does it not therefore follow inevitably that the war had its origin in the violent threats originating in hearts that cherished only hatred for

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the slave-holder. If so, who then were the aggressors in that war? Have we not shown from the very highest authorities on Constitutional law that the aggressors in all wars are those who render force necessary and not those who strike the first blow, or fire the first gun? It therefore follows again that the North were the guilty parties in that war.

Let us consider the question of right from still another standpoint. Is it not universally admitted that not a single interest of the Confederacy demanded war on her part against either the North or any other power? Did not her very unpreparedness contradict all accusations to the contrary? Had she made any preparations at all for war? Did not her self-protection. her very existence, call for peace and only peace? Do not all know it was that absolute unpreparedness of the South that so confidently induced the aggressions of the North? Do not all know that had the North and the South in the Sixties been equipped equally in numbers and all the facilities for war, as in the days of Madison and Jefferson, there would have been no clash of arms between the two sections? May we not pertinently ask, if being equal in numbers and in all the facilities of war would make secession right and legal, as in the days of the secessionists of New England, how is it that being unequal in men and war facilities would make secession wrong and illegal? Was it in reality with Lincoln and his Cabinet a question of right? Was it not rather a question of power on the one hand, and the want of power on the other? If so, what must mankind think of the claim put forth by Lincoln and his Cabinet that the unprepared South made war on the U.S. Government?

We will consider another fact. Do not all know that if the seceding South had been left unmolested to pursue her own course, the years would have been comparatively but few before a reconciliation would have resulted, and a new Union formed on a more enduring basis? Even Jefferson Davis, whom the North unjustly termed "the arch-traitor," intimates as much in his "Rise and Fall of the Confederate Government." Then what blessings would have come to both sections—blessings infinitely greater than all the gold in all the hills and mountains and valleys and streams in both Americas! These blessings would have come in the saving of millions of precious lives in a "brothers' war," and the preventing of tens of millions of heart-aches, and lamentations that reached from sea to sea, and from the Great Lakes to the far off Gulf of Mexico. What are the honors of the distinguished few compared with results like these?

Take another fact: Is it not in evidence that Lincoln and his Cabinet talked of the great honor and the great distinction that would belong to the man who should be instrumental in freeing nearly 4,000,000 of slaves? Is it not human to court immortality? It required no seer to foretell that an extraordinary achievement like this would result in immortal distinction, and in immortal honor. To strike the shackles from 4,000,000 human beings at one fell blow was no ordinary event. Yet ye candidates for the honors of the world, tell us, was there not here a great temptation for the man in position to trample in the dust both law and morals, yea, even if necessary, to violate his sacred oath, to attain such a transcendent distinction, and, from the standpoint of Lincoln, such a transcendent benefaction? Is it not highly probable that Lincoln turned a human ear to the siren voice of that very great distinction, that very great honor? Yea, is it not more than probable that he coveted the prize?

Let us next consider the "necessity" that was the plea of Lincoln; the necessity the demands of which he regarded as superior to those of the Constitution; the necessity that turned a Republic into an Empire—a Despotism—and then ruled that despotic Empire with an iron hand. Has not Lincoln confessed in plain terms that he violated the Constitution and justified himself on the plea of "necessity?"

To know the true character of necessity we must know its origin. To determine whether necessity is excusable or inexcusable, whether its exercise is commendable or condemnable, just or unjust, we must know its character; and its character is determined by its origin. Have we not a key to its origin in these words of Miss Tarbell in her "Life of Abraham Lincoln, Vol. 2, page 6: "Six weeks before, when he wrote the document (the inaugural), he had determined to answer some of

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their questions. The first of these was, 'Will Mr. Lincoln stand by the Platform of the Republican Party?' He meant to open his address with this reply:

"The (more) modern custom of electing a chief Magistrate upon a previously prepared platform of principles supercedes, in a great measure, the necessity of restating those principles in an address of this sort. Upon the plainest grounds of good faith, one so elected is not at liberty to shift his position....

"Having been so elected upon the Chicago Platform, and while I would repeat nothing in it of aspersion or epithet or question of motive against any man or party, I hold myself bound by duty, as well as impelled by inclination, to follow, within the executive sphere, the principles therein declared. By no other course could I reasonably meet the expectations of the country.

"But these paragraphs were not read. On reaching Washington in February, Mr. Lincoln's first act had been to give to Mr. Seward a copy of the paper he had prepared, and to ask for his criticisms. On the paragraphs quoted above, Mr. Seward wrote:

"I declare to you my conviction that the second and third paragraphs, even if modified as I propose in my amendments, will give such advantage to the Disunionists that Virginia and Maryland will secede, and we shall within ninety, perhaps within sixty days, be obliged to fight the South for this capital, with a divided North for reliance."

Do not these plain words from Tarbell's Abraham Lincoln locate the origin of Lincoln's Necessity in his determination to supplant the Constitution with the Chicago Platform? But for the criticism of Seward these two paragraphs would have removed all doubt about the meaning of his adroit "conciliatory" (?) words in that inaugural. The very fact that they were intended to be a part of that document shows the color of the policy of the administration in its very beginning. With these paragraphs in that message not even the Northern masses would have suffered "delusion." All would have understood alike the meaning of "I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States," and that it meant coercion. Who does not read in the paragraphs quoted and in "enforcing the law in the States," the origin of that necessity of which Lincoln made so much?

Do we not also find the same spirit in these other words of Lincoln: "When Anderson goes out of Fort Sumter I shall go out of the White House." (Tarbell). Who thinks Lincoln had any idea of leaving the White House? Therefore who thinks Lincoln expected Anderson to go out of Fort Sumter without a vigorous protest on his part? Do we not find here the basis of that necessity which played such a terrible and despotic part in the great war inaugurated by the policy of Lincoln? It was the determined spirit of these emphatic words that culminated in the dark days of the year 1862 into an uncivilized despotism.

We have now located that *Necessity's* origin. It fed on the milk of its mother, the Chicago Platform. It breathed the atmosphere of Delusion and Hate. It was educated in the school of Cunning. It exercised in the gymnasium of falsehood. It grew rapidly in the heat belt of passion till its giant form straddled and strangled the Constitution.

Who does not now know the character of this *necessity*, the child of the Chicago Platform, itself an illegal child, denounced by the Constitution? Nursed in the arms of an illegal mother, and reared in an illegal atmosphere, it grew to manhood in open rebellion to the Constitution; and then dressed itself in the garb of law, truth and morality, and strutted with the pompous air of the peacock before the gaze of the world, as a veritable instrument itself.

If the plea of "necessity" on the part of the North was an argument to justify Lincoln's violations of the Constitution, was not the existence of such a necessity a sufficient argument to justify the South's withdrawal from the Union? If necessity on the part of the Administration justified a violation of the Constitution must not necessity on the part of the South have justified her secession? If preserving the Union by coercion of the States was an argument to justify these violent usurpations by the United States Government, was it not still more forcibly an argument to justify the South's separation and resistance of

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invasion? Could there be a necessity requiring a violation of the Constitution by the North without bringing to the South an urgent necessity to resist, by all honorable means, such violation of that instrument? Can a Constitution be preserved by being violated—by being destroyed? Is not a violated Constitution a very different thing from the Constitution itself?

We shall now give only one other fact, viz: There were two sections, the North and the South in 1860-65. Did Lincoln know this? Both were under the same Constitution. Did Lincoln know this? The South had from the origin of the Republic believed a State had the right to withdraw from the Union. The North not only believed it up to 1850, but had often affirmed it, and had once virtually practiced it. Did Lincoln know all this? If not, how prodigious was his ignorance! But he was only recently from the prairies of Illinois. If he was not prodigiously ignorant with what astonishment ought we to read these words of his inaugural address!

"I hold in 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 governments? Here he reverses with the insane faith of the madness of fanaticism the universal decision of the founders of the Republic. He essays to prove it, and the same mad confidence predominates in his proof. He assumes with the air of absolute certainty the correctness of his premises and his conclusion. Is this the presumption of ignorance? Or shall we conclude they were not the words of ignorance? Certainly we must; otherwise we must decide that this Republic had elevated to the Chief Magistracy a man unworthy to become a doorkeeper in the capital. The meaning of his words are incapable of being misunderstood. What then? We must find a motive for their utterances on this august occasion. May it not be that The New York Herald gave that motive in its criticism at the time, in these words:

"The inaugural is not a crude performance; it abounds in traits of craft and cunning. . . . It would have caused Washington to mourn, and would have inspired Jefferson, Madison or Jackson with contempt." The Pennsylvanian took the same view, calling it a "tiger's claw concealed under the fur of Sewardism." The Atlas and Argus of Albany characterized it as a document, "inviting civil war." Who can doubt its key-note was craft and deception?

Mr. Lincoln may have been ignorant of the Constitution. We believe he was, but not to the extent this language indicates. But who believes he was ignorant of human nature? Who believes he was not skilled in "craft and cunning?" Had he not sized up the ignorance of the masses? Did he not know how, with guasi-authoritative and guasi-conciliatory words, to strike the note of popular accord, and thus unite the masses of the North? Did ever a man so pervert the Constitution, and so contradict the acknowledged facts of history, and yet so strongly impress the masses of a great section with his sincerity as to the truth of every utterance from his lips? That was a masterful address, but its masterfulness does not consist in its profound truths and its statesmanlike utterances, but in its deeplaid "craft and cunning."

It also failed in true statesmanship because it refused to consider the momentous issues of the hour from the disinterested standpoint of each of the two great sections. Had the South no grievances? If not, did he not know they believed they had? If they sincerely believed they had grievances, should not these have been considered from their standpoint? Do not all know that Lincoln was elected by less than 38 1-2 per cent of the votes cast by the States? Did such a small vote justify him in saving, "I hold myself bound in duty" to discard the long established construction of the Constitution, "and follow within the executive sphere, the principles therein (Chicago Platform) declared?" Did he not know that even though had he been elected by a majority vote that fact would not have authorized him to say, "No State upon its mere motion can lawfully get out of the Union; that resolutions and ordinances to that effect are. legally void; and that acts of violence within any State or States against the authority of the U.S. are insurrectionary, or revolutionary, according to circumstances?" Was it not by "resolutions and ordinances" that these States entered the Union? Is it possible Lincoln was so ignorant as not to know that un-

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der "universal law" as well as under the "Constitution" that what these States did of their own free will they could undo in the same manner? Whether he did or not, the South knew it, and the North had known it.

Why then did he not meet the South upon the standpoint of her grievances? Was The Atlas and Argus right in saying he was "inviting civil war?"

The deeper the probe goes into this inaugural address the more evident becomes the fact that Lincoln made no effort to pacify the South.

Tarbell says:

"In his original copy of the inaugural address, Mr. Lincoln wrote: 'All the power at my disposal will be used to reclaim the public property and places which have fallen; to hold, occupy, and possess these, and all other property and places belonging to the Government?' At the suggestion of the Hon. O. H. Browning, of Illinois, he dropped the words, 'to reclaim the public property and the places which have fallen." (vol. 1, p. 9).

The spirit of these far-reaching words was anything else than conciliatory; it was the spirit of madness, the spirit of war. Disguise it as you please, all omissions and all changes of phraseology were strokes of policy—mere strokes at deception. When this address shall have been thoroughly analyzed and thoroughly sifted of all its ambiguities and all its contradictions by the future historian, the question will be raised was Lincoln sane or insane? Can his enigmatical life, his confident assumption that all who had preceded him were wrong and he alone was right, be accounted for on the ground of sanity? We may devote a chapter to Lincoln's insanity.

# CHAPTER XXXII.

# A FALSE WAR-POWER UNDER THE PLEA OF NECESSITY.

"There is no longer any Constitution."—Thadeus Stevens.

In the last chapter we have shown that all war-power rightfully belonging to the Federal Government refers to foreign wars —not to a war with one or more of the States. In fact, a proposition was made in the Philadelphia Convention to give the Federal Government the right to coerce a State, and it was voted down by such an overwhelming majority that it was never again mentioned till Lincoln had invaded the Southern States, and needed it. For Lincoln to need a thing was for Lincoln to have it. He was, however, prudent enough to keep his hand on the public purse, and to know when it was safe to take an illegal step. As proof of this fact witness these words of Morse, page 99:

"It was as an exercise of the President's War-Power they (Abolitionists) demanded the proclamation (Emancipation); and the difficulty in the way of it was that Mr. Lincoln felt and a great majority of the Northern men were positive in the opinion, that such a proclamation at this time would not be an honest and genuine exercise of war-power, that it would be only falsely and colorably so-called."

The phrase, "At this time," is very significant when taken in connection with the opinion of "a great majority of Northern men." Mr. Lincoln dared not issue that proclamation till the public opinion of the North would tolerate it. This fact suggests that Northern public opinion was manufactured according to the demands of the wants of the Government. Hence the first thing to do now was to create a different public opinion. And the "craft and cunning" of the Administration had not yet known failure.

Those not familair with the Constitution might infer from the words of Morse, just quoted, that they were discussing some important clause in the Constitution, and were in doubt just under what peculiar conditions the war-power became operative.

But from preamble to finish there was no such clause. They were not discussing the Constitution at all, but one of its substitutes. Why then this display of scruples of conscience? Why this pretended honesty of purpose? May it not have been to make it appear there was such a clause in the Constitution? Did they not know that the masses, their main dependence, got all their views of the Constitution, not by reading it, but by what others said about it? Therefore they spoke and feigned before they acted. With all their scruples and honesty of purpose were they ever known to specify the Article, Section and Clause in which their *war-power* to invade a State was found?

As a result of the foregoing it is evident that the concluding paragraph in the Emancipation Proclamation was both an unconstitutional and false invocation; "And upon this act, 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." It is well known that Judge Chase is the author of this paragraph, and that Lincoln merely assented to it.

It is also well known that for a long time Lincoln was known as "that infidel;" and had he now become the most devout of all the devout, it would be inconsistent with his piety to invoke God's favor on an unconstitutional measure—a measure, which we shall show from Lincoln's own lips in the following pages of this chapter, he thought might be attended with most disastrous results to defenseless women and children in the South.

In all ages of the world and among all civilized people a violated oath has ever been regarded as one of the greatest of all wrongs to the peace and security of society. Unless indeed this act was warranted " by the Constitution" there is no evading the conclusion that Lincoln violated his oath of office. Mr. Lincoln himself declared he violated the Constitution in these words: "I felt that measures otherwise unconstitutional, might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assumed this ground and now avow it." (Abraham Lincoln--Morse Vol. 2, p. 102).

Here is an unqualified confession made by the President, deliberately made, and emphatically declared, that he had violated his oath of office. Upon what ground did he justify this violation of his oath? Hear him: "I felt." Felt what? "That unconstitutional measures might be made lawful." How? By the House and Senate with the approval of the President and threefourths of the States? No: that is the Constitutional method. not now desired; but by the strange method of preserving the Constitution by violating it-by destroying it. To preserve a Constitution by destroying it is the eighth wonder of the world. Do not all know the opportune time to preserve the Constitution by preserving the nation was before he and his party began their first attacks upon it? Is it not now known that all the dangers that then threatened the Constitution and the Government, were the direct results of those party aggressions? Will history indorse the men who madly and blindly endangered the Constitution, and then made its very dangers the bulwark of their defense? Shall the authors of a wrong to a peaceful and law-abiding people, murder them in the name of that wrong because that people resisted; and then plead that wrong in selfdefense?

In this same communication Mr. Lincoln wrote: "I am naturally anti-slavery. If slavery is not wrong nothing is wrong." Without either contradicting or assenting to this proposition, it is universally admitted that no fact is better established than this: The very Constitution he would preserve by destroying it, endorsed and protected the institution of slavery; it was strongly proslavery. It is also universally admitted that no fact is better established than that the Government for which that proslavery Constitution stood, had, in its beginning, for its chief corner stone this same institution; that when this Constitution was adopted all the States were proslavery; and hence the Revolutionary War was fought by proslavery States without a single exception.

If now it be conceded that slavery was wrong the conclusion is inevitable that all the States were participants in that wrong. Ought not a wise and just ruler have been influenced by this fact? Shall one of the two sections of a great country sell a

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great wrong to the other section, pocket the money, and then turn upon it and rob it and plunder and murder and defame it for that wrong? Is this characteristic of a just and wise executive?

If the violation of an oath "is not wrong, nothing is wrong." To this wrong Lincoln pleaded guilty. In it he was sustained by the North. It was the violation of no ordinary oath. It was that of the Chief Magistrate of the great American Republic. It involved the rights and the welfare of many millions of human beings, and the security of many billions of property. Few sane men would have risked the violation of such an oath. For an individual to violate his oath, in a court of justice, is universally regarded as a very great wrong. How great a wrong, therefore, with all of its infinite reaches, must be the violation of the oath of the Chief Magistrate of a great nation?

But Mr. Lincoln pleaded in self-defense, "I did understand, however, that my oath to preserve the Constitution to the best of my ability imposed upon me the duty of preserving, by every indispensable means, that Government—that nation of which the Constitution was the organic law." A very pertinent question here is, *How could the Government be preserved unchanged by violating the Constitution*? To enforce a violated Constitution was to enforce a changed Constitution; and a changed Constitution necessarily involved a changed Government. Hence Mr. Lincoln was attempting that which was impossible; and his excuse was groundless.

Mr. Morse's comment on this very extraordinary, illegal and revolutionary position is as follows: "None could deny that the North could abolish slavery in the South only by beating the South in the pending war. Therefore, by his duty as President of the Union and by his wishes as an anti-slavery man. Mr. Lincoln was equally held to win this fight."

Here again we find the central and controlling motive of the great conflict to have been the abolition of slavery in the South. This fact dominates every issue of the war. As this could be accomplished "only by beating the South in the pending conflict," Mr. Lincoln was under obligations both "as President and as an anti-slavery man" to use every indispensable means to that end. Every indispensable means included the horrors of the North American bastiles, and every conceivable exercise of unbridled illegal authority. Yet his title was that of Executive, one who carries laws into effect.

Mr. Greeley, a leading statesman of Lincoln's party, "demanded to be informed whether Mr. Lincoln designed to save the Union 'by recognizing, obeying and enforcing the laws or by ignoring and disregarding and in fact defying them." Mr. Greeley lived long enough to receive the answer to his question He learned that just as the Constitution was preserved by violating it, the laws were enforced by disregarding them. Is there any wonder that "Thaddeus Stevens was wont to say in his defiant inconoclastic style, that there was no longer any Constitution; and that he was weary of hearing 'this never-ending gabble about the sacredness of the Constitution?" (Morse vol 2, p. 109). Thaddeus Stevens and Lincoln had equal reverence or rather equal irreverence, for the Constitution. The bluntness of the irrepressible and irresponsible Stevens permitted him to conceal nothing. The caution of the politic Lincoln caused him to hug the Constitution to his bosom while violating it.

On the 13th of September, 1862, to a body of clergymen from Chicago, urging immediate and universal emancipation, Mr. Lincoln used the following words coming little short, in character, if any, to those of Thaddeus Stevens: "Understand I raise no objections to 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 the possible consequences of insurrection and massacre in the South." (Morse, vol. II, p. 111). We have already referred to these words but because of their peculiar appropriateness we repeat them here.

"Understand I raise no objections to it on legal or Constitutional grounds," means, if anything that neither the laws enacted by the National Legislature or State Legislatures, nor the Constitution, the fundamental law of the Nation, influenced him at all. He virtually exclaimed with Thad Stevens, "There is no Constitution"—"no law, but my will."

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"I suppose I have a right to use any means in time of war which may best subdue the enemy" is a mere supposition. It is unsustained by law. It means that he is without any legal restraints whatever, concealing the fact that all reference to wars in the Constitution is to wars with foreign Nations. The Constitution is just as free from all reference to a war between the Central Government and one or more of the States as it is to a war between the Government and the man in the moon Why? For the simple reason that the framers of the Constitution were very jealous of the rights of their respective States. and did not think it safe to authorize the Federal Government. under any circumstances, to make war on a State. Only the insanity of fanaticism would have assumed that the power to regulate the conduct of a war with a foreign nation applied to a war between the Government and a State, or States. Nothing is plainer than that the Constitution made no provisions for such a war.

.: "Nor do I urge objections of a moral nature in view of the possible consequences of insurrection or massacres in the South" deserves the anathemas of civilization-anathemas in the sense of "excommunication with curses" from the right to be classed among the utterances of civilized rulers. It shows to what merciless and unbridled extent in outrage and murder of innocent women and children in their defenseless homes. he would go. And this was Abraham Lincoln, the "spotless" (?) Apostle of freedom (?), of right (?), and of "justice" (?)! We can account for this anomaly among civilized rulers on one or both of two grounds only, viz.: his ignorance of the Constitution or his insanity on the subject of abolitionism. Nor can the depths of his depravity be fathomed without unearthing the very prominent part he and his allies took, by speech and threats, and by denunciations of the Constitution, before his election, in creating the very conditions then existing. He was willing to encourage "insurrections and massacres in the South" because of conditions his own sins and the sins of his allies had brought about. Are our school books correct in saying, "Lincoln had a tender heart?" If so, were not the emotions of that tender heart overruled by the madness of fanaticism as to anti-slaveryism? Socrates said to a new acquaintance, "Speak that I may see thee." Lincoln has spoken. In what light do we see him? If the facts do not justify this criticism we apologize.

Let it not be forgotten that the basis of this war was laid by the North years before the secession of the Southern States; laid in the vituperations, and abuses of the South; in the open abuses and violations of the Constitution. Had the North been as true to the Constitution as had been the South, the Union would never have been "endangered," and the red hand of war would never have left its imprint of destruction in the blood of brothers, on the most conspicuous page of American history.

Let not the indifference of the living in the midst of their prosperity overlook the loss of the noble dead in both the North and the South. They gave their lives to the cause they believed right. In giving their lives they sacrificed all things dear to young manhood. All this was due to the violations of the Constitution.

In the midst of the great prosperity that has succeeded the war we are too apt to forget that a friendly settlement of our differences was possible without a resort to war; that this policy would have brought equally as great blessings to the North and far greater to the South than the sword did. The South would then have been spared the evil consequences of the sudden and irregular emancipation of the ignorant and helpless slaves. Nor would they have had this evil indefinitely increased by the equally as sudden gift of the ballot to these freedmen, a fact that brought with it the untold evil of the great swarms of carpet-baggers who, by false representations, used the ignorant negro to secure political positions which enabled them to rob the Southern States of millions of revenue.

In estimating the losses caused by that war we must not only consider the sacrifices these noble and brave heroes made in giving up their lives, but we most also include in the calcultaion the money value of all these lives to the Government. It is estimated by the Committee of One Hundred on National Health (Bulletin 30) that the "net worth of a person in dollars" is as follows: "No years old, \$90; 5 years old, \$950; 10 years old, \$2,000; 20 years old, \$4,000; 30 years old, \$4,100; 50 years old, \$2,900; and 80 years old, \$700."

If we make these figures the basis of our estimate and add to the vast number who, at different times, died as the result of wounds received on the field of war, the loss in dollars will go far up into the billions. It has been estimated that the cost of that war to the United States alone, independent of the patriotic lives that went out as the result of that struggle, was no less than "eight billion dollars." Combine the two estimates and tell us what the immense loss was to this American Republic. We affirm that it was possible, by pursuing Constitutional methods. to have settled our differences without resort to war. In other chapters we have shown how this could have been done. Then all the lives sacrificed could have been devoted to constructive pursuits, and all that treasure to peaceful channels in enriching the Republic.

We are prone to imagine in the midst of our prosperity that no other alternative than that of war could have made the country so prosperous. If the South is prosperous today it is in spite of the annihilation of her millions upon millions of dollars; in spite of the ashes of her dwellings and her granaries; in spite of the sacrifice of the lives of the vast majority of her patriotic sons; in spite of all the bitterness and hate engendered by war; in spite of all the additional wrongs and robberies of reconstruction—wrongs surpassed in cruelty and extent only by the great war itself. If the South could recuperate and grow rich in so short a time after all these wrongs and losses why should not a recourse to peaceful and Constitutional methods have been attended with infinitely greater blessings?

"About the end of July or the beginning of August, 1862, Mr. Lincoln called a cabinet meeting. To this assemblange of his Secretaries he then said with his usual simplicity that he was going to communicate something about which he did not desire them to offer any advice since his determination was taken; they might make suggestions as to details, nothing more. After this imperious statement he read the preliminary proclamation of emancipation..... Such presentations of one man power certainly stood out in startling relief upon the background of popular government and the great free republican system of the world." (American Statesmen, Edited, John T. Morse, vol. II, pp. 114-115).

And this was in free America! Consider the words "imperious statement," and "one man certainly stood out in startling relief upon the background of popular government;" and then tell us what is the character of the praise they imply? Have they the true ring of immortal verity? Is not "imperious" the synonym of despotic? And who has the right to be despotic but a despot? How insignificant was the great American Constitution in the presence of this "imperious statement!" Yet that Constitution was the production of the labored effort of the wisest of statesmen after much discussion and many compromises; and the adoption of that Constitution by the States was the result of a wider discussion and a searching criticism to which few public documents have ever been subjected.

It is but natural that Morse and Lothrop and Hale and Putnam, and the great host of other Northern writers should defend Lincoln in his "startling" usurpations. They belong to that section which claimed Lincoln, and in whose name he waged the great war. Whatever honor or dishonor the future judgment of mankind shall bestow upon Lincoln the section to which he belonged will share it to a greater or less extent. The future historian will exhonorate the great Northern masses who were misled by that "splendid popular delusion," to which reference has been made, but will hold the leaders in that "splendid popular delusion to a strict account."

Perhaps it is not generally known that Lincoln is not extolled for any great virtues except in the North and by Northern writers. Hear what Mr. Hapgood, a writer well known to the readers of this volume, says: "Singularly enough, perhaps, almost nothing of worth has been written about Lincoln in foreign countries." As a philanthropist and statesman his praise is confined almost exclusively to the North. The outside world regards him in the light of a usurper, a cruel autocrat in a Republic of Republics. (If the facts do not justify this criticism, we are at fault.) When his own sectional admirers shall have passed from the stage of action, and a new generation shall

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review the facts of the Sixties in their true light, they will confess with sorrow the errors of Lincoln and the North, and will place no higher estimate upon the character of Lincoln than do the scholars of foreign nations today.

A talented Englishman (Henry) devotes two large volumes to the character and merits of Stonewall Jackson; and Lee is held in highest admiration for his superb talents and virtues the world over. Davis, too, is regarded as the peerless President of "the pure white Republic" that rose like a "thing of beauty" on the political horizon and went down without a stain. These and other Southern stars will shine with brighter luster throughout the ages to come. With them the necessity to violate the usages of civilized warfare was even greater than with Lincoln and his Cabinet, yet they proudly point to their record and challenge the world for one act of theirs that will not stand the severest test of civilization.

Perhaps there is no stronger defense of the South than the character of her statesmen, her military leaders, and the rank and file of her army. Even her privates were superb in character. The invasion of Maryland and Pennsylvania testifies to their individual integrity and their regard for private rights. They were refined, they were competent, they were models as privates. Nine out of ten would have worn with credit the insignia of a commission. As to the officers of the Confederacy, both civil and military, they were the peers of the best whose names history delights to honor. Is it characteristic of such men as these to commit treason against their Government? Think of Lee, matchless not only as a military chieftain, but as a character also. The world has never produced his superior as a moral character. Was Lee guilty of treason? If Lee was not neither was his army. If the Confederate forces were not neither was Davis. The entire South was on the defensive against her protest, and against her best efforts to avert disunion and war. This being true, who were in the wrong? Facts have tongues, and facts are immortal. Their language is that of immortality. It is as true as undying. To the immortal proclamation of the facts the South confidently commits her cause.

# CHAPTER XXXIII.

# SOME SIGNIFICANT FACTS AND SOME IM-PORTANT WITNESSES.

We have shown, in a general way, that there are at least three very important facts overlooked or disregarded always by Lincoln, viz: (1) That the basis of the Civil War was laid years before the Sixties in the aggressions of Northern abolitionism; (2) The equal responsibility of the North and the South for the existence of the institution of slavery in this country; and (3) the impossibility of a correct and just decision of the questions, growing out of the institution of slavery, without resting them on the true basis of the war and the common responsibility for the institution.

Lincoln said, "I am naturally anti-slavery." He was therefore naturally inclined to find some excuse to evade the Constitution which was strongly proslavery. We have seen how hard pressed he was by the Chicago clergymen and Northern abolitionists to issue the emancipation proclamation. "The Dark Days" of 1862 also spelt in their own peculiar hieroglyphics, the word necessity. Then, too, Lee with his dreaded "invincibles" began his Northern march. This was immediately followed by a very influential conference, no less than that of the Governors of the loyal States. It was held at Altoona on the 24th of September, 1862. Its object was "to discuss the situation and especially the emergency created by the Northern advance of Lee." (Morse vol. 2, page 117). Here was no ordinary influ-It was welcomed by Lincoln. Perhaps it originated in ence. his own shrewd brain. It is well known that about this time he sent Seward through all the Northern States, asking "the Governors and influential men" to urge him (the President) to issue a call for more troops. This influence was added to that of the ministers, the abolitionists, "the dark days," the Governors' Conference, and of the coming of Lee. Then the die was cast. It was then the President said, "You must not expect me to give up this Government without playing my last card."

If he had not played his first card so aggressively and pompously, following it up with threats and illegal acts, he would not now have been compelled to play "his last card." The last card of the entire pack had now been thrown, and without a single exception all had been thrown for war and not for peace.

The infinite phrase, "To give up this Government," was as full of deception and cunning as an egg is of meat. It falsely implied that the South was the aggressor, and it was maliciously attacking the Government to destroy it. It implied that the basis of the then existing troubles was not laid in the long ago bitter assaults of anti-slaveryism-not in the avowed unconstitutional platforms. It implied, that all the teachings of three-fourths of a century were erroneous. It implied that an election by less than 38 1-2 per cent of the voters of the States had changed the Constitution; and that all who refused to consent to this fact were traitors and rebels. It implied that, while it was once possible for nine of these same States to withdraw from the original compact of thirteen States without destroying the great principle of self-government, it was impossible in the Sixties for eleven out of 33 States to withdraw without demolishing the Government. It implied that the 13 colonies were mistaken when they declared themselves free and independeni States in the same sense that Great Britain was a State. It implied that the Declaration of Independence was a fraud and a falsehood. In short, it implied that Lincoln was the embodiment of right, and that all his utterances were the gospel of the Government. Thus the facts of history were contracted with infinite complacency and self-assurance; and the system of Government changed with superb indifference. We can account for such a character at such a time only upon the basis of ignorance and moral insanity, either or both; and we believe that the time will come when the world will thus account for his anomalous conduct.

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Let it also be remembered that the South had never violated the Constitution (unless she did so by her votes in the spirit of compromise), but had simply contended in the halls of Congress and on the rostrum for her rights in the plain terms of the Constitution. Let it also be remembered that in the Convention which framed the Constitution the proposition to grant to the General Government the power to coerce a State or States of the Union was overwhelmingly voted down, thus receiving no favor in that convention, which knew far more about the Constitution than did Lincoln, Lincoln to the contrary notwithstanding. These and other equally important facts will forever stand out above the plane of the Constitution like the peaks of the great Rocky Mountain system, as eternal witnesses to the truth of history. Before their testimony all such pleas as "playing my last card" will be assigned to ignominy as hypocritical, unjust, illegal and tyrannical.

We might suppose from his complacency and self-assurance that this proclamation was well received throughout the North. But was it? Mr. Morse says. "The measure took the country by surprise;" that "some remained just as distrustful and dissatisfied toward him (Lincoln) as ever." "Some said he had been forced into this policy, some that he drifted with the tide." thus evidently without the all important compass, the Constitu-Others said "he was false to the responsibility of a tion ruler." "Its immediate practical effect was to unite the South and divide the North. Upon the whole, it created general alarm throughout the North." These extracts from Morse's Abraham Lincoln (American Statesman) speak for themselves. Are they condemnatory? They show that the spirit of Northern injustice was not yet general. So great was the sentiment of dissatisfaction that Congress felt compelled to come to the assistance of Lincoln and by resolution ratify the President's policy "as well adapted to hasten the restoration of peace" and "well chosen as a war measure." It is thus always with wrong and injustice. Truth and right never need props. Wrong and injustice always do.

Consider another fact. "The President himself afterward declared 'his conviction' that had the proclamation been issued six months earlier it would not have been sustained"—thus declaring it absolutely necessary to first create a public opinion before it would be sustained. As it was, when issued, Mr. Wilson says, "The larger numbers received it with deadly and outspoken op.

position." Professing great respect, even reverence, for public opinion, he created a public opinion to suit his purposes.

What now becomes of that "Necessity," declared to have made the proclamation constitutional? If this necessity was the result of his own creations was it not artificial, and hence false? But according to Wilson, public opinion did not sustain it at the time the proclamation was issued. For "the larger numbers received it with deadly and outspoken opposition." Had he changed as to public opinion? Did he not assert in his inaugural address that his election upon the Chicago Platform committed his policy to the principles of that platform because of the will of the people? And this, too, when elected by less than 39 per cent of the votes cast? But he was elected, and on the Chicago Platform? Yes. Did that platform express the sentiments of the American people? No; not by sixty-one and fourfifths per cent. But did not Mr. Lincoln assume that the people had elected him President? Yes; and correctly so. Did not this election, therefore, place the Chicago Platform above all Supreme Court decisions? By no means. That platform had not been submitted to the States as an amendment to the Constitution, and was not so regarded. The Constitution makes special provision for submitting to the States Constitutional amendments for their approval or rejection. The submission of that platform to the people was made by a political party, and not as an amendment to the Constitution.

But did not Mr. Lincoln assume that his election demanded the policy of the Chicago Platform? Yes, but wrongfully so. Did he not say, "If I had issued that proclamation six months earlier it would not have been sustained?" Does not Mr. Wilson say, "It met with deadly and outspoken opposition by the large numbers" when issued? Do not Lincoln and Wilson establish the fact that public sentiment was against it six months earlier and at the time it was issued? But even if sustained by public opinion would that justify his assumption as to making the Chicago Platform his policy? Not even if he had been elected by a majority vote, for that platform was unconstitutional according to a Supreme Court decision.

If public sentiment was decidedly against the proclamation six months before it was issued what about it on the 4th of March, 1861, the time of the inauguration nearly two years earlier? Will not all admit that if Lincoln in his inaugural address had declared his purpose to issue a general emancipation proclamation the entire North would have stood as a solid wall of adamant against him? How then was this great change of policy brought about? Who can say every step of approach was not of cunning and deception?

We ask further: If the Chicago Platform had declared in advance in favor of issuing a general emancipation proclamation under any circumstances, would Lincoln have been elected? Do not all know that both Lincoln and his platform would have met with a Waterloo? Whence then this boast that it was in accordance with the sentiment of the American people? Do not all know, therefore, that the war was the result of a disguised policv? That every step in its conduct was a step of cunning and intrigue? Has it not been admitted that the Northern masses were under "a splendid popular delusion?" Do not all know that foreign powers were deceived both as to the character of the Government and the cause of the war? Do not all know that Federal defeats were often claimed as victories by the Government, and that small victories were often magnified into great ones? Was not even the drawn battle of Antietam claimed as a victory, and made the occasion of issuing the emancipation proclamation? These things being true, was not the war from the standpoint of the South a contest for truth and principle, and from the standpoint of the North a contest for emancipation and revolution?

Mr. Morse says, "It soon became evident that a formidable reaction of this (hostile) kind had taken place; that dissatisiaction with the anti-slave measures and discouragements together were even imperiling Republican ascendency, meant, in fact, the speedy settlement of the war by compromise. . .Therefore in those elections of the autumn months in 1861 the whole question of Union or Disunion had to be fought out at the polls in the loyal States, and there was an appalling chance of its going against the Union party. . .

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"The Democracy made its fight on the ground that the antislavery legislation of the Republican majority in the 37th Congress had substantially made abolition the ultimate purpose of the war. Here, then, they said was a change of base.

"The administration had committed itself, the party and the nation decisively to the 'bold, far-reaching, radical and aggressive policy,' from which it would be impossible afterward to turn back without deliberately resolving to sacrifice our nationality. In his proclamation Lincoln proclaimed to the people "that their only chance now lay between slavery on the one hand and nationality on the other, so that of the two things they might take that one of the two they deemed the more worthy. The two together they never could again have."

Unless the people could divest themselves of all delusions, and look backward to the origin of the troubles of these "dark days" it would seem utterly impossible to present to them a stronger appeal than these simple words of Lincoln. Yet who does not see the fallacy in such phrases as these, "without deliberately sacrificing our nationality" and "between slavery on the one hand and nationality on the other." Would the nationality of the United States have been destroyed by the secession of a few States? Just as well ask would a tree be destroyed by removing a few of its limbs? Lincoln had a peculiar genius of making error appear to be truth, and fiction appear to be Morse says, "He was a shrewd politician in matter of fact. detail." The very atmosphere of a frontier life seems to implant in the human mind a cunning, a shrewdness, to which civilization is a stranger; and when to this is added a moral insanity the cunning and shrewdness become such indeed.

Under strong appeals like these the men of the loyal States went to the polls in the autumn of 1862. "In September, in Maine upon a vote for Governor, a Republican majority, which usually ranged from 10,000 to 19,000, was reduced to 4,000, and for the first time in ten years a Democrat secured a seat in the House of Representatives."

"In October, Ohio elected 14 Democrats to 5 Republicans. In Indiana 8 Democrats and 3 Republicans were sent to Congress. In Pennsylvania the Congressional delegation was divided, but the Democrats polled the larger vote by about 4,000; 'whereas Mr. Lincoln had had a majority of 60,000'! In New York the famous Democratic leader, Horatio Seymour, was elected Governor by about 10,000 majority. Illinois, the President's own State, showed a Democratic majority of 17,000, and her Congressional delegation stood 11 Democrats to 3 Republicans. New Jersey turned from Republican to Democracy. Michigan reduced a Republican majority from 20,000 to 6,000. When the returns were all in, the Democrats who had only 44 votes in the House in the 37th Congress, had 75 in its successor. Even if the non-voting absentees in the army had been all Republicans, which they certainly were not, such a reaction would have been appalling.

"Fortunately some other Northern States—New England's six and Iowa, Kansas, Minnesota, California and Oregon—held better to their Republican faith. But it was actually the border slave States which in these dark nad desperate days, came gallantly to the rescue of the President's party.

"Thus was the much maligned border State policy at last vindicated; and thanks to it the frightened Republicans saw, with relief, that they could command a majority of about twenty votes in the House. Mr. Lincoln (not the border States) had saved the party whose leaders had turned against him.

"Beneath the dismal shadow of these autumnal elections the thirty-seventh Congress came together for its final session December 1, 1862. The political situation was peculiar and unfortunate. There was the greatest possible need for sympathetic co-operation in the Republican party; but sympathy was absent, and co-operation was imperfect and reluctant. The majority of the Republican members of Congress obstinately maintained their alienation from the Republican President! an enormous popular defection from Republicanism had taken place in its natural strongholds; and Republican domination had only been saved by the aid of States in which Republican majorities had been attainable because a large proportion of the population was so disaffected as either to have enlisted in the Confederate service, or to have refrained from voting at elections held under Union

auspices." (American Statesmen—Abraham Lincoln—Edited by John T. Morse, vol II, pp. 120-126).

We have quoted extensively from Mr. Morse because of his graphic statement of facts, and because of his high rank as a Northern authority.

Note that Democracy made its fight on the ground that the Republican majority in Congress had substantially made abolition the ultimate purpose of the war; "and that the Republicans made their fight on the ground that the only choice of the people now lay between slavery on the one hand and nationality on the other so that of the two things they might take that which they deemed the more worthy," adding "the two together they never could have again?"

The issues were clearly made. We have seen the result. Lincoln was overwhelmingly voted "a want of confidence." He was saved only by the border slave States, not because they "came gallantly to the rescue," but because in these States in the words of Morse himself, "Republican majorities had been attainable since a large proportion of the population was so disaffected as either to have enlisted in the Confederate service or to have refrained from voting at elections held under Union auspices."

"Under Union auspices" meant under bayonet rule. Under bayonet rule meant under a military despotism ,a despotism that had created the three American bastiles-a despotism that meant absolutely subjection to the will of the administration. In that election the border slave States had no more will of their own than a machine in action. It therefore follows that it was the grip of the iron hand of absolutism upon the border States that won out in the great struggle in which the South went down exhausted, fighting for her Constitutional rights. Without the shadow of authority to invade a State, Lincoln covered the border States with his hordes of soldiers. With greedy lust for power, under the plea of necessity, he throttled these local governments and turned them into political machines for the accomplishment of his own purposes. He arrested and imprisoned their citizens till fear and prudence subdued their patriotism. When the North turned against him and voted him

a want of confidence he called these political machines to his rescue, forgot his great respect for public opinion, and triumphed over the North as well as the South. All this time he claimed to be panoplied with the Constitution. Shall we account for such a character! Or shall we stand confounded before such an anomaly? If he was honest he was ignorant of the Constitution. For no one who has sworn to execute the Constitution would honestly violate it. If he was ignorant of the Constitution, he had sworn to obey, he should have studied it in the light of the best authorities. As to the best authorities he could not have been mistaken, for the Constitution itself testifies that these are the Judges of the Supreme Court. If now he discarded the decision of these judges designated by the Constitution, and unanimously endorsed by the people for threefourths of a century, and substituted, in lieu thereof, the opinion of less than 39 per cent of the voters, because they elected him President under the provision of that Constitution, what is to be thought of him?

But whatever we may think of the ignorance of Lincoln as to the Constitution, and his oath of office, there is at least one thing about which there can be no doubt, viz: That but for the vote of the border slave States in the autumn of 1862 the war would have been terminated by compromise; and that this vote was determined by their military possession and their complete subjection to military rule; and that this military rule was as unconstitutional and unjustifiable as was the assassination of President McKinley, or President Lincoln.

Mr. Chas. Francis Adams, no stranger as a Northern historian, in his memorial address on the Life, Character and Service of William H. Seward, says: "I must then affirm without hesitation, that in the history of our Government, down to this hour, no experiment so rash has ever been made as that of elevating to the head of affairs a man with so little previous preparation for his task as Mr. Lincoln." These are plain words from a Northern soldier, a distinguished son of Massachusetts, a direct descendant of the two Adamses and the head of the Massachusetts Historical Society.

May we not assume with absolute surety that had a Washington, a Madison, a Jefferson, an Adams or any other of the illus-

trious line of Presidents, been in office in 1861 there would have been no war; and hence no sacrificing of a million of human lives on the altar of a false morality, a morality dominating an oath-bound Constitution, a mortality confessed to be that of a despot in these words of Morse's Abraham Lincoln, vol. II, pp. 112-113. (American Statesmen)? "History is crowded with tales of despots, but it tells of no despot who thought and decided with the tranquil taciturn independence, which was now marking this President of the free American Republic."

"Despot of the free American Republic!" How does it sound? Did this free American Republic clothe Lincoln with the powers of the despot? If so, when? Burke's definition of a despot is this: "An emperor, king or prince, invested with absolute power, or ruling without any control from men, Constitution, or laws. Hence in a general sense a tyrant." If Lincoln had proclaimed in advance of his election that, *under any conditions whatever*, he would rule if elected, "without control from men, or Constitution, or laws," he would not have received a hundred votes in all this great American Republic. As we have already intimated, had he declared in a frank manner when he took the oath of office, that he meant by "the enforcement of the laws" the subjugation of the South the North itself would have risen up in arms against him.

But with the cat-like movement of approach and with the cunning that beguiled Mother Eve, he began his administration by quoting approvingly from his party platform these words: "We denounce as lawless the invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes."

These words fell from the lips of the President in his inaugural address. Mark the words. "We denounce," and then what "We denounce" as lawless "the invasion." Note next what is meant by "lawless invasion," and read carefully "the lawless invasion of the soil of any State or Territory by armed force." Then search these words from Lincoln's own lips for a single exception when such an invasion would not be lawless. You will search in vain, but you will find these clear, strong, and exclusive words: "No matter under what pretext," excluding all pretexts whatever, even that "Necessity" which he "supposed" would make "an unlawful act lawful." Mark his own denunciation of this "lawless invasion." It is in these well chosen words "as the gravest of crimes."

Did Lincoln invade "the soil of any State by armed force?" Then he pronounced in advance this act of his "as lawless." Did he comply with that all-exclusive promise? "No matter under what pretext?" If not, without contradiction, he denounced himself as guilty of one of "the gravest of criminals." Shall Thorpe, shall Curtis, shall Herndon, shall Hapgood, and shall all that vast host of other Northern writers, too numerous to be named here, prove him innocent by mere empty phrases of praise, when he himself denounces his invasion of the soil of a State or Territory by armed force as both "lawless" and "among the gravest of crimes?" It is to be noted that he did not even except "the invasion of the soil of a Territory" from his denunciation as "lawless" and most gravely "criminal."

Doubtless, it was this plank in his party platform together with a divided Democracy, that won him his election in 1860. If we were to determine his "honesty" by these words, and his future words and future acts, what decision would we render? The one contradictes the other, as truth contradicts falsehood. He was the compound of contradictions. He even flatly, yet adroitly, contradicts himself of this very address, when he declared his purpose "to enforce the laws in the seceding States." Leading Republicans, as well as the many, many other distinguished statesmen, declared that this policy put into execution "meant war and only war." And so it did.

Without contradiction the North, and many of the South, regard him as an honest man. If an honest man, how shall we account for his contradictions in word and deed? Must it be on the ground of depraved human nature, or on the ground of an unbalanced mind on the subject of the institution of slavery? Or shall it be on both of these grounds, with a considerable quantity of ambition to be called the liberator of nearly 4,000,000 slaves thrown in? On the 21st day of May, 1860, the New York Herald said of him, "He is a worshipper of John Brown without his pluck"; and on the 23rd day of May the same paper

called him "an abolitionist of the reddest dye, liable to be led to extreme lengths by other men. Without education or refinement, he will be the plaything of his party, whirled along the vortex of passion, if he should gain the control of the Government."

The world regarded John Brown as insane on the subject of human slavery. To have been "the worshipper of John Brown" is to have been not far from the border line of the same species of insanity. And so the New York Herald thought when it said of him, "He voluntarily proclaimed in one of his speeches, he did mean to go to the banks of the Ohio, and throw missiles into Kentucky to disturb them in their institutions."

On the 21st day of May the Boston Post said of him: "He can only be the tool of the fanatical host he will lead on"; and three days later the *Philadelphia Evening Journal* said of him: "He even exceeded Seward in the extravagance of his views respecting the slavery question."

From these few quotations, samples of the great number of Northern editorials along the same line, we may form some estimate of the character of Lincoln, whether we consider him from the standpoint of human depravity, a weakness common to us all, or from the standpoint of abolitionism, standing on this subject with that extreme class of abolitionists known as John Brownism. With "the facts all in" it still is a very difficult question to determine whether he was influenced more by the weakness of his human nature, or by his burning madness on the subject of human slavery. With it all, neither he, nor John Brown, nor the average abolitionist knew any more about the character of the institution of slavery in the South than did the Esquimaux in the icy North. It can be said with certainty that the average slaves of the South lived sumptuously in comparison with the average laboring classes in the North. It is also possible to say with certainty that 99 negro children out of 100 had an easier and happier life than did Abraham Lincoln in his The institution of slavery in the South was the childhood. mildest institution of the kind the world has ever seen. It was a family institution, in which the negroes took pride equally with the whites. Disagreeable and unreasonable families were

exceptions, just as they are in the North and South of to-day. But Lincoln's conception of this elevating and Christianizing Southern institution, like that of his greatly admired friend, John Brown, was that of slavery among savages. But slavery in the midst of the most splendid specimens of Christian manhood and Christian womanhood was an institution of no mean character, but one in which the noble virtues were taught, and upon which peace and contentment smiled.

A SKETCH OF LINCOLN'S LIFE.

We have had much to say about Lincoln and his peculiarities. A few authentic facts from his biographers may not be out of order here. They will tend to reveal the man and account in part, at least, for his disregard of the Constitution. As we have seen, he never did treat the Constitution as the product of the States but simply as the work of individuals in the interest of individuals, and not States in the interest of States.

His family came from England in 1637. His grandfather, Abraham Linckom, moved from Virginia to Kentucky in 1789, following in the wake of Daniel Boone. His youngest son, Tom Linckern, was the father of our Abraham Lincoln. The spelling of the name took its present form at some time later in Illinois.

"Tom Linckern (Lincoln) was a cabinet maker, but was too lazy to make much use of it. He was entirely illiterate, but he had social qualities, among them the ability to tell the stories picked up in a vagrant life. He could not write his name till his first wife taught him to scrawl it, the farthest reach of education he ever acquired.....

"Tom was taken with spasms of religion, belonging part of the time to no denominations, and then again to several in succession, none of which affected the truth of the statement of his relative, John Hanks: 'Happiness was the end with him.'

"On June 12, 1806, near Beachland, in Washington County, Kentucky, Thomas married Nancy Hanks, daughter of Joseph Hanks, of Elizabethtown, in whose shop he had learned his trade. She is said to have been melancholy, sensative, brooding, frail with native refinement, the rudiments of an education and delicate instincts.....which failed to make his marriage an ideal one.....

"Abraham Lincoln was born in Hardin County, Kentucky, February 12, 1809."

This infant spent his life in what was called a camp, because it was made of poles.....Life on the frontier was not luxurious and little Abraham's father was not the most enterprising of settlers......He was but four when his father, who spent his life in moving, went on to another farm, 15 miles to the northeast, on Knob Creek. In 1816 when Abraham was seven, Tom took another change, this time sampling Indiana. He proceeded on horseback, aided by one wagon, to a new farm near Little Pigeon Creek, about 15 miles North of the Ohio river and one and one-half east of Gentryville, in Spencer County......So primitive was the country, that on the journey Tom was in places compelled to cut his way through forests. When he reached his destination.....he built a camp. This camp was one of the proudest achievements of Tom's history. It was half-faced which signifies that it was a shed of poles, entirely open on one side, roughly protecting the wife and two small children from the weather in the other three directions. In this shed, winter and summer, the family lived a whole year, while Tom and Abe cleared a little patch for corn, and Tom built a permanent dwelling. Into this mansion he moved before it was half completed. and found it so attractive that he left it for a year or two without doors, windows or floors. For chairs there were threelegged stools; the bedstead was made of poles stuck in between the logs in the angle of the cabin..... The bedclothes were skins. When Abe went to bed, however, it was not in this, the only room in the cabin, but in the loft on a bunch of leaves which he reached by climbing a ladder, made of wooden pegs driven into the logs. There was a dining table, consisting of a large, hewed log standing on four legs, and the nourishment was prepared and served by Mrs. Linckern with the aid of a pot, a kettle, a skillet, and a few tin and pewter dishes.

..... "The woods were full of malaria, which in 1818, in October, took the life of Nancy Hanks Lincoln. Tom made a coffin of green lumber, cut with a whip-saw and, taking his children and a handful of Gentryville friends, buried her.

....."It is probable, however, that when Abraham Lincoln,

in after years spoke of his 'angel of a mother,' or his 'sainted mother,' it was not of this frail woman that he thought, but of the stronger and more decisive person with whom his father filled her place. Tom had wished to marry Sarah Bush when he was a bachelor, but Sarah was not impressed by his talents and chose a man named Johnson. A very few months after Nancy died, Tom started for Kentucky, where his old friend was the widowed mother of three children. To her he offered himself again, alleging reformed habits and an improved worldly condition. On these representations she took him, and soon after Abraham and his sister saw their cabin approached by the most prosperous woman who had ever entered their lives. In the wagon which carried her goods were furniture, cooking utensils, and bedding of a magnificence and luxury beyond their experience. Not too much cast down by the contrast between her husband's story and his cabin, she took both him and it in hand. She forced him to put in doors and floor, perhaps windows, which consisted of greased paper over a hole, and she taught the children some of the order and habits of civilization." (Abraham Lincoln, the Man of the People-Hapgood pp. 4-9).

"It was a superstitious community and to the very day of his death Linckern never failed to believe in supernatural portents. If a dog ran directly across the hunter's path, bad luck would follow unless the little fingers were hooked together and vigorously pulled as long as the dog remained in sight; charmed twigs pointed to springs and buried treasure; faith doctors with their mysterious ceremonies wrought cures. If a bird alighted in the window, one of the family would die; a horse breathing on a child gave whooping cough.....If a fence was not made in the light of the moon it would sink; and Friday was fatal to every enterprise." (Hapgood p. 15).

When Lincoln was nearly twenty-one years of age, in March, 1830, his father moved to Macon County, Illinois, and settled about ten miles west of Decatur.

In 1822, when Lincoln was 13, an abolition newspaper was started about 100 miles from the village. and during his whole boyhood and youth there was plenty to lead his mind, at least occasionally, onto the topic.

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"The talkative youth presented a pictorial appearance in coat, trousers and moccasins of tanned deer hide." (Hapgood p. 16).

Under the head of "Beginnings of Politics and Love," Mr. Hapgood says:

"In the summer, 1833, he went to Springfield to assist John Calhoun, the county surveyor.....His work left him time to read Paine, Volney, and Voltaire, according to Herndon, who makes him out quite an argumentative disbeliever. He was evidently very popular with his neighbors.....

"In 1835 he returned to New Salem, found Ann Rutledge, the girl of the tavern, was in trouble. Her fiance had gone away about a year before, and Ann had heard disquieting rumors..... As months passed on and Ann received no letters she told her secret, and all her friends met the story with convincing scepticism.

"Lincoln asked the girl to be his wife. She consented in the Spring to marry him when another year had enabled her to have an autumn and winter season in Jacksonville academy, and had helped him to make a further start in life.

"But Ann never reached the academy. As the spring and summer passed her memories haunted her. What she felt about Lincoln we do not know. McNair (her fiance) was on her conscience. Had she wronged him? Was he still faithful? Had she every right to love him in spite of silence? She fell so ill that Lincoln was kept from her presence......Her death came August 25, 1835.

"Lincoln always tending toward fits of gloom, had his mind almost unsettled by the blow. For the sadness that marked his face through life many reasons have been given by those who know him best. One of his most intelligent friends believed that constitution was the real cause. Others find it inherited from his unhappy mother. Others tell of the gloom of the pioneer life, the desert spaces, the malaria, the loneliness, the absence of opportunity for a man who feels his powers ready within him. Whatever the cause, almost all, who knew Lincoln well, believed that the death of Ann Rutledge was an aggravation of the morbid tendency.....Two months later McNair returned with proof of his honesty and gave a final touch to the pioneer tragedy.

Lincoln in one fashion or another, for several years loved rather readily, seeming in a mood to offer his hand and heart whenever a sympathetic relation was established, but in case of Ann alone was the feeling deep. He and his friends feared for his sanity. As long as five or six years, he consulted Dr. Drake, a celebrated Cincinnati doctor, by letter, but the physician refused to give an opinion without a personal interview, and Lincoln was unable to make the trip. To a fellow member of the Legislature within two years after the death, the representative from Sangamon said that although he was alone, that he no longer dared to carry a pocket-knife in spite of his old time love for whittling. After the first election to the presidency, he answered his old friend. Isaac Colgate, who asked if it was true he ran a little wild about the Rutledge matter: 'I really did. I ran off the track. It was my first. I loved the woman dearly. She was a handsome girl; would have made a good loving wife; was natural and quite intellectual, though not highly educated. I did honestly and truly love the girl, and think often of her now.' There was a popular belief that in all weather he used to sit for hours alone on her grave.....

"Apparently it was this experience more than any other which fixed the habit of reciting mournful verse..... One of them has been made famous as his favorite, the poem which he recited for some thirty years at every opportunity. Part of it is:

"'Oh! Why should the spirit of mortal be proud?

Like a swift-fleeting meteor, a fast-flying cloud,

A flash of the lightning, a break of the wave,

He passeth from Life to his rest in the grave.'

"This brand of melancholy poetical reflection became such a large settled part of Lincoln's life that it is, next to his wit, perhaps his most famous personal trait.....

"The melancholy which increased after Ann Rutledge's death, however, is but one side of as enigmatical a character as is known in history. If the great President is ever to be understood as a man, it must be by reconciling wonderful sanity with vagaries almost insane, and it is the wilder and queerer side of his nature that comes to the front for several years after Ann's death..... "During this year, Lincoln was again candidate for the Leglature.....He was elected. The three things he proved were that he was a very adroit politician, that he shared a financial insanity which just then pervaded the State, and that he had convictions on slavery."

In the session of the Legislature in 1837-38, the following resolutions passed almost unanimously, the protest being signed with but two names:

"Resolved by the General Assembly of the State of Illinois: That we highly disapprove of the formation of Abolition societies and of the doctrines promulgated by them:

"That the right of property in slaves is sacred to the slaveholding States by the Federal Constitution, and that they cannot be deprived of that right without their consent;

"That the General Government cannot abolish slavery in the District of Columbia against the consent of the citizens of said District without a manifest breach of good faith;

"That the Governor be requested to transmit to the States of Virginia, Alabama, Mississippi, New York, and Connecticut a copy of the foregoing report and resolutions." (Hapgood p. 58).

These resolutions endorsing in unqualified terms the position of the South in the Sixties are not quoted so much for that reason as to show the influence of Abolition literature on his mind. When he was but 13 years of age, in 1822, he was called "the talkative youth" on the subject of abolition, "presenting a pictorial appearance in coat, trousers and moccasins of tanned deer hide."

The two names signed in protest to these resolutions were A. Lincoln and Dan Stone. Note with what adroitness they word their protest:

"They believe that the institution of slavery is founded on both injustice and bad policy, but that the promulgation of abolition doctrines tends rather to increase than abate its evils.

"They believe that the Congress of the United States has no power under the Constitution to interfere with the institution of slavery within the different States.

"They believe that the Congress of the United States has the power under the Constitution to abolish slavery in the District of Columbia, but that the power ought not to be exercised unless at the request of the people of the District.

Dan Stone,

A. Lincoln."

As we are presenting Lincoln's peculiarities for a purpose we further quote Hapgood:

"In 1839 Mary Todd, aged twenty-one, came to her sister's house in Springfield, and speedily became popular with that city's swains, among them Lincoln, to whom she became engaged.....

"One evening, according to Herndon, who was a clerk in Speed's store, Lincoln read Speed a letter to Miss Todd, telling her he did not love her enough to marry her and asked Speed to deliver it. Speed, who was the most intimate friend of Lincoln, threw it into the fire, and said the message ought to be deliverd orally. Lincoln obeyed, but when Mary burst into tears and said something about the deceiver being deceived, her fiance wept also, caught her in his arms, kissed her and allowed things to drift on towards the marriage, which was fixed for January 1, 1841. According to Herndon's story, which has been doubted, but not essentially shaken, Lincoln failed to appear when all preparations had been made, but was found at daybreak in so distraught a state that friends watched over him and kept him from all knives, razors, and other weapons with which he might have ended his troubles. One story is that he had just fallen in love with Miss Matilda Edwards. At any rate three weeks later he wrote to his partner Stuart:

"'I am now the most miserable man living. If what I feel was equally distributed to the whole human family, there would not be one cheerful face on earth. Whether I shall ever be better I cannot tell; I awfully forebode I shall not. To remain as I am is impossible. I must die or be better it appears to me.....I fear I shall be unable to attend any business here, and a change of scene might help me. If I could be myself, I would rather remain at home with Judge Logan. I can write no more.'

"Herndon tells of a few lines sent by Lincoln at this period to the Sangamon Journal under the title of 'Suicide,' and later cut out of the files. According to Herndon also, Miss Todd re-

leased her fiance from his engagement by a letter a few days after the incidents of what Lincoln called 'that fatal first of January, 1841.'

"On October 5, he wrote to Speed:—'I want to ask you a close question—Are you now in feeling, as well as in judgment, glad you are married as you are? From anybody but me this would be an impertinent question, not to be tolerated; but I know you will pardon me. Please answer it quickly, as I am impatient to know.'

"He was contemplating marriage again. Just how long he had been wavering we do not know. During the summer friends had brought the former fiances together and they immediately saw much of each other.....

"On the morning of November 4, 1842, Lincoln went to the room of James H. Mathering and asked him to be his best man at a marriage, not yet announced, but to be celebrated that night. Miss Todd at the same time asked of a friend a similar favor. The license was obtained, a minister summoned, and in the presence of a few friends the deed was done. While the groom was dressing at Butler's home, a small Butler boy asked him where he was going. 'To hell, I suppose,' was the reply..... Thus in a life containing more mystery than that of any equally celebrated modern life a mysterious wedding was accomplished." (Hapgood p. 85).

## Lincoln's Infidelity.

"Lincoln believed, as is shown by his correspondence, that his expected defeat by Edward H. Baker was due largely to his being suspected of deism. Some years earlier, full of Volney's 'Ruins' and Paine's 'Age of Reason,' he had prepared an extended argument against the inspiration of the Bible, which one of his cautious friends deposited in the stove.....He once asked Herndon to erase the word 'God' from the draft of a speech because it suggested the existence of a more personal power than Lincoln believed in. He did not believe in eternal punishment and never joined a church. During his presidency a convention of preachers asked him to recommend to Congress an amendment to the Constitution recognizing the existence of God, and the first draft of his message called attention to the subject, but he struck out the clause in correcting the proof. His creed, as far as it can be gathered, seems to have been very much like Hamlet's, and he was fond of quoting, 'there's a divinity that shapes our ends, rough hew them how we will.' From the days when he imbibed a belief in luck and omens from his environment to the time when he took his own son Robert to Terre Haute to be cured by a mad-stone of the bite of a dog, down to the war when he forbade a movement on Sunday because Bull Run was bought on the Sabbath, he was still foreseeing good and evil fortune, private and public. Superstition, faith and doubt were inextricably mixed up in him." He also left God out of his emarcipation proclamation till Chase reminded him of it, and then wrote the concluding paragraph for him.

"Infidelity was again urged the next time he was a candidate." (Hapgood p. 89).

"One observer says of him: As for Lincoln, he had three different moods, if I may so express myself; first, a business mood, when he gave strict and close attention to business; second, his melancholy moods, when his whole nature was immersed in Cimmerian darkness; third, his don't-care-whether-school-keeps-or-not mood." (Hapgood).

"Mr. Whitney says: 'At Danville, the county seat of Vermilon County, the Judge and Lincoln and I used to occupy the ladies' parlor of the old McCormick House, changed to a bedroom during Court. Lincoln and I occupied a bed jointly..... One morning I was awakened early, before daylight, by my companion sitting up in bed, his figure dimly visible by the ghostly firelight, and talking the wildest and most incoherent nonsense all to himself. A stranger to Lincoln would have supposed he had suddenly gone insane. Of course I knew Lincoln and his idiovnerasies, and felt no alarm, so I listened and laughed. After he had gone on in this way for some minutes, while I was awake, and I know not how long before I was awake, he sprang out of bed, hurriedly washed, and jumped into his clothes, put some wood on the fire, and then sat in front of it, moodily, dejectedly, in a most sombre and gloomy spell, till the breakfast bell rang, when he started as if from a sleep and went to breakfast with us. (Hapgood p. 118).

"Shortly after his election Lincoln had a vision, which was thus related by him to Noah Brooks:

"'It was just after my election in 1860, when the news had been coming in thick and fast all day, and there had been a great 'hurrah boys!' so that I was well tired out, and went home to rest, throwing myself down on a lounge in my chamber. Opposite where I lav was a bureau, with a swinging glass upon it'-and here he got up and placed furniture to illustrate the position--- 'and looking in that glass I saw myself reflected, nearly at full length; but my face. I noticed, had two separate and distinct images, the tip of the nose of one being about three inches from the tip of the other. I was a little bothered, perhaps startled, and got up and looked in the glass, but the illusion vanished. On lying down again I saw it a second time-plainer if possible than before, and I noticed that one of the faces was a little paler, say five shades, than the other. I got up and the thing melted away, and I went off, and in the excitement of the hour, forgot all about it-nearly, but not quite, for the thing would once in a while come up, and give me a little pang, as though something uncomfortable had happened. Later in the day, I told my wife about it, and a few days later I tried the experiment again, when (with a laugh) sure enough the thing came again; but I never succeeded in bringing the ghost back after that, though I once tried very industriously to show it to my wife, who was worried about it somewhat. She thought it was a sign that I was to be elected to a second term of office, and that the paleness of one of the faces was an omen that I should not see life through the last term." (Hapgood p. 169).

"While we were traveling in anti-railway days," says Henry C. Whitney, "on the circuit and would stop at a farm house for dinner, Lincoln would improve the leisure in hunting up some farming implements, machine, or tool, and he would carefully examine it all over, first generally and then critically; he would sight it to determine if it was straight or warped; if he could make a practical test of it he would do that; he would turn it over or around and stoop down, or lie down, if necessary, to look under it; he would examine closely, then stand off and examine it at a little distance; he would shake it, lift it, roll it about, up-end it, overset it, and thus ascertain every quality and utility which was in it, so far as acute and patient investigation could do it. (Hapgood pp. 113-114).

Let it be understood that Lincoln had no special interest in the tool he was thus critically and minutely examining. Let it also be remembered it was his usual practice under similar circumstances.

# "Insanity of Genius."

Mr. J. F. Nesbit in the preface of the first edition of "Insanity of Genius" says:

"Men of genius have exercised a powerful influence in the world since history began. As chiefs and warriors among savage tribes, as men of letters, art or science, statesmen or military commanders in civilized communities, they win the admiration of their fellows without furnishing in their own lives any conclusive indication of the means by which their success is achieved. They strike out a path for themselves, and seem to owe little or nothing to help or example. Genius has never been the monopoly of any class or system. It is as likely to manifest itself in the peasant as in the peer; and, indeed, in any list that might be drawn up of the great men of the world, examples would be found of intellectual capacity asserting itself in all conditions of life, and quite independently of the much vaunted advantages of education. By what fatality a small number of individuals thus find themselves born to pre-eminence in every successive generation-carrying, so to speak, the marshal's baten in their knapsacks-is one of the most interesting questions that can engage the human mind, and many, accordingly, have been the peculiarlities indulged in with regard to the nature and origin of the gifts which lift the favored few above the general level of their species.

"For over two thousand years some subtle relationship has been thought to exist between genius and insanity. Aristotle noted how often eminent men displayed morbid symptoms of mind. .....Dryden borrowed from Seneca the suggestion of his wellknown lines as to great wit and madness being near allied...... In modern times the connection of genius with insanity has been

scientifically insisted upon By Leut, Moreau (de Tours) Lambroso, and one or two more recent writers.....

"In 1859 Moreau laid down the principle, based upon a number of rather doubtful examples, that genius was essentially a nervose, or nerve, affection, his contention being that originality of thought and quickness or preponderance of intellectural faculties were originally much the same thing as madness and idiocy. A few years later Lombroso, in Italy, supported this nervosite theory, quoting some further examples of insanity in distinguished men, or their near relatives, but admitting that many others had shown no trace of mental aberration."

Maudley says: "There is a disorder of mind in which without illusion, delusion, or hallucination, the symptoms are mainly exhibited in perversion of those mental faculties which are usually called the active or moral powers, the feelings, affections, tempers, habits, and conduct. The affective life of the individual is profoundly deranged, and his derangement shows itself in what he feels, desires and does. He has no capacity of true moral feeling; all his desires and impulses to which he yields without checks, are egotistic; his conduct appears to be governed by immoral motives which are cherished and obeyed without any evident desire to resist them. There is an amazing moral insensibility. The intelligence is often acute enough, being not affected otherwise than in being tainted by feelings under the influence of which the persons think and act; indeed they often display extraordinary ingenuity in explaining, excusing and justifying their behavior, exaggeratiing this, ignoring that, and so coloring the whole as to make themselves appear the victims of misrepresentation and persecution. Their mental resources seem to be greater sometimes than when they were well, and they reason most acutely, apparently because all their intellectural faculties are applied in the justification of their selfish desires." (Maudley-Responsibility in Mental Diseases pp. 184-5).

"Among English writers who have become actually insare, or who had hallucinations and idiosyncrasies, may be mentioned Swift, Johnson, Cowper, Southey, Shelley, Byron, Campbell, Goldsmith, Charles Lamb, Walter Savage Landor, and Edgar Allen Poe, with whom may be coupled among foreign writers, Rousseau, Pascal, Chateaubriand, Tasso, Pellico, and Alfieri." Nesbit says of Swift "he has been harshly judged by those who regard genius and wisdom interchangeable terms. There was certainly much excentricity, and even cruelty in his conduct, especially in his treatment of two helpless women, known as Stella and Vanessa, to whom he held out the delusion of marriage, but he was not quite responsible for his actions." Wilde, in reference to his treatment of these two women, said, "he was constitutionally incapable of any passion stronger than friendship." All his eccentricities were symptoms of brain disease.

"From his father Johnson inherited 'a vile melancholy' which, to borrw his own words, made him 'mad all his life, or at least, not sober.'.....At twenty Johnson was in a state of 'perpetual irritation, fretfulness, impatience, gloom and despair.' From hypochondria he was never afterwards free.....The dread of insanity haunted Johnson as it did Swift, and he must sometimes have been on the very brink of mental derangement. Upon his other disorders hallucinations of hearing supervened. 'One day at Oxford,' says Boswell, 'as he was turning the key of his chamber he heard his mother distinctly call, 'Sam.' Although she was then at Litchfield.'

"At twenty-one when Cowper was studying for the bar he fell into melancholia. 'Day and night,' he says in his autobiographical notes, 'I was upon the rack, lying down in horror and rising up in despair.....This state of mind continued near a twelvemonth, when having experienced the inefficacy of all human means, I at length betook myself to God in prayer!' Throughout his life Cowper's hallucinations had a strong religious coloring. The long fits of depression referred to ended as suddenly as it began. He was walking one day on the cliffs at Southampton. 'On a sudden," he says, 'as if another sun had been kindled at the instant in the heavens on purpose to dispel my sorrow and vexation of spirit, I felt the weight of all my misery taken off me. My heart became light and joyful in a moment.'

"Such lightning-like changes are frequent in insanity, and however subtle they may seem, all are known to be dependent upon strictly physical conditions. In another year Cowper's mel-

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ancholia returned with redoubled force, inspiring him, to use his own words, with the 'dark hellish purpose of murder.' His attempts at suicide are detailed with curious minuteness in his autobiographical sketches." (Southey's Life of Cowper).

"The immediate progenitors of Shelly were eccentric. His grandfather Bysshe Shelley, had a melancholy temperament ..... Similar characterics appeared in Timothy Shelly, the poet's father. From boyhood Shelley was of a peculiar disposition. At Eton he was known as 'Mad Shelley.'.....

"There is no doubt that Shelley had actual hallucinations: while staving in Keswick, he was alarmed one morning by a noise outside the cottage he occupied. He went to the door, opened it, and instantly received a blow which struck him to the ground where he lay for awhile unconscious. This was Shelly's account of the affair, but the neighbors were skeptical as to his supposed adventures, and believed him to be the victim of delusion..... If the Keswick hallucination is a doubtful one. there is proof of his having had visions in Italy. 'After tea' wrote Williams shortly before he and Shelley were drowned in the Bay of Spezzia, Shelley complained of being unusually nervous, and, stopping short he grasped me by the arm, and stared steadfastly at the white surf that broke upon the beach under his feet. Observing him sensibly affected, I demanded of him if he were in pain, but he only answered by saying, 'There it is again, there!' He recovered after some time, and declared that he saw, as plainly as he then saw me, a child rise from the sea, and clap its hands as in joy, smiling at him. This was a trance that it required much reasoning and philosophy to awaken him from, so forcibly had the vision operated on his mind. Again it is related by Medwin on Byron's authority that Shelly thought he met one day on the terrace near his Italian residence a figure wrapped in a mantle, which lifted up the hood of its cloak and revealed the phantom of himself, saying 'Siete Soddesfatto?' (Are you satisfied?). Mary Shelley also mentions this vision, saving that Shelley often saw such figures when ill. Seeing a special image of one's self is a form of hallucination that occurs among the apoplectic and the insane; and it is often

also during the delirium of fever. Goethe experienced it in open day as well as Shelley.....

"As a child Campbell was precocious; he wrote verses at ten, was imaginative, sensitive and passionately fond of music. At eighteen he was attacked by melancholia, and Prof. Pillans, who knew him a year or two later, wrote as follows to a friend: 'He accompanied me to my father's in the lowest state of depression, so much so that my father taunted me with bringing to his house a man who seemed to be bordering on insanity..... At the height of his reputation Campbell showed signs of insanity, believing that he was ruined, for example, while he was really in the most prosperous circumstances.""

Of Goldsmith Nesbit says: "There was a strong tincture of ne'er-do-wellism in his character, and such foolish moralizing on his account has been indulged in by biographers, who see in him only the man of genius condemned to live from hand to mouth, and to write immortal works in a garret.....According to his sister, he was 'subject to most particular humors, with the most unaccountable alternations of gaiety and gloom.' This mental condition explains his boyish freak of running away from home for six weeks, and also his prolonged vagabondage on the Continent. Boswell says 'Goldsmith disputed his way through Europe.'.....He died of some nervous affection."

Of Charles Lamb Nesbit writes: "He appears to have owed his political literary capacity to a converging heredity of brain and nerve disease. His father, who occupied the humble position of servant in Lincoln's Inn. wrote verses, and about his fiftieth year lapsed into a state of imbecility; his mother became paralized. Mary, sister, became subject to fits of insanity, in one of which she stabbed her invalid mother to the heart, and killed her. Charles Lamb was himself confined for six weeks in a madhouse about his twentieth year—the period at which he wrote most of his sonnets.....

"In his defiance of all authority, his reckless impulse, his fierce outburst of temper, his swift changes of mood, his general singularities which the most indulgent of biographers do not attempt to conceal, Walter Savage Landor would most certainly have been entitled to be classed as a victim of the 'insane tempera-

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ment' even had his closing years been unmarked by any of the more unmistakable characteristics of insanity.....His laugh is historical; it must have surpassed in volume even that of Shelley and Byron. 'Higher and higher,' says Forster, in describing it, 'went peal after peal until regions of sound were reached very far beyond the ordinary lungs.'....In public and private affairs his plan of proceeding was on the eccentric principle of differing as widely as he could from everybody else.....

"The close of his life was spent in Italy, where according to a letter of Browning's, he required to have some one always at home to explain his irritations and hallucinations as they arose......His death at 89 was brought about by his abstaining for three weeks from food, whether as the result of weakness or of some hallucination is unknown.

"Thomas Chatterton, the most precocious literary genius the world has ever seen, was the offspring of a 'drunken wild-eyed choir singer, who died before his marvelous son was born; and of a woman who was long afflicted with a nervous disease,' probably palsy. His sister, a Mrs. Newton, had an attack of insanity. The boy's 'temper had in it something quite unusual in one so young. Generally very sullen and silent, he was liable to sudden and unaccountable fits of weeping, as well as to violent fits of rage.' In his 18th year he committed suicide......Before his suicide, however, his landlady 'did not think him to be quite right in his mind.' He showed a growing restlessness and 'sudden fits of vacancy or silence that came upon him, sometimes while he was talking rapidly.'"

Mason says. "He would often look steadfastly in a person's face without speaking or seeming to see the person for a quarter of an hour or more till it was quite pitiful. Young as he was, the boy had acquired a name for immorality in his native town of Bristol.

Nesbit says "Jean Jacques Rousseau was a melancholy temperament, and more than once had hallucinations of persecutions. (Moreau). There seems to have been insanity on his father's side, a cousin of the same name of Rousseau having been afflicted with that disorder.....Corancez, a friend of Jean Jacques, has left on record some curious details as to the philosopher's

mental condition. Rousseau lived under the constant belief that his life was being conspired against; and in the most trifling of circumstances he saw a confirmation of his suspicions..... Corancez discovered Rousseau on several occasions in which his features wore a strange and terrifying expression."

Nesbit says "Quite on the border land of genius and insanity stands William Blake, the contemporary of Charles Lamb..... He was moody and mystical of hearing; celestial voices seemed to call him. He took to engraving as a means of livelihood, but he wrote poetry copiously, turning out betwen his twelfth and fifteenth year no fewer than seventy pages of verse. By-and-by hallucinations of sight beset him. Historical figures of poets, heroes and princes swarmed around him. These he mistook for He would frequently sketch their figures as he saw reality. them.

"As Cunningham rightly observes, 'Mad Blake always dealt with such visionary matters, he would have no claim to be a man of genius, some of whose works are worthy of any age or nation.

"Chateaubriand belonged to a mad family and was himself of a melancholy temperament..... The illustrious author of the Memories d'Outre Fambe was haunted by ideas of suicide. As he himself relates he one day loaded a fowling-piece, sought a retired place, and tried to fire the weapon into his mouth; it failed to go off, and he was disturbed before he could carry out his intention. This occurred in his youth, but his suicide ideas never quitted him. 'My great defect,' he writes in the work above mentioned, 'is ennui, a distaste for everything and a perpetual doubt.'

"Not a few other writers of eminence have shown symptoms of insanity. George Sand was, in her youth, profoundly melancholic, and felt tempted to commit suicide. 'This temptation,' she writes, 'was sometimes so strong, so sudden, so strange, that it can only be described as a species of insanity. It partook of the character of a monomania.' The sight of water, of a precipice, of a loaded pistol, or of bottles containing poison, was sufficient to arouse suicide ideas in her mind.

"Tasso's homicidal mania and other eccentricities caused him

for a time to be confined as a lunatic. He saw apparitions, sometimes glorious, as when the Virgin appeared to him in crimson vapor; sometimes hellish and impish; he heard aerial laughter, hissing and the ringing of bells.

"Silvo Pellico had hallucinations of sight, hearing and touch. The stillness of his prison cell was broken by groans and laughter, while spirit hands seemed to pluck him by the garments.....

"Both Tannahill and Lenan committed suicide. The latter, who ranks high as a poet in Germany, was, from his boyhood, of a restless and extravagant disposition.....His deep melancholia was followed by a stroke of paraysis.....

"Holderlin's insanity lasted him nearly forty years.

"Edgar Allen Poe, although never placed under treatment, was undoubtedly an insane subject. More than once he attempted or threatened suicide under delusions of persecutions.....

"Alfieri had fits of extreme exaltation and melancholy, was eccentric, and more than once attempted suicide.

"The Roman Poet, Lucretius, suffered from intermittent mania, in the lucid moments of which he wrote his great work, 'Do Rerum Nature.' At 44 years of age he is said to have committed suicide."

Rush, on the "Diseases of the Mind," says, "Insane patients of little or no education astonished Lombrozo by the depth of their remarks upon philosophical and scientific subjects. One, a tailor, named Farino, placed in confinement for killing the mother of the girl with whom he believed himself in love, wrote a long and detailed, and extremely graphical account of the crime......He was without the smallest literary culture. Neverthless, his memoir, quoted in full by Lorenzo, is a curious example of hallucination existing side by side with perfect reasoning powers, and conscientiousness of right and wrong, and is marked not only by clearness of propriety, and correctness of memory, for the smallest events of by-gone years, but even eloquence of style. His reminiscences, in fact, exhibit a much greater variety and accuracy than would those of an ordinary person of sound mind."

"Sidney Smith's father was eccentric to the point of insanity. He was a man of considerable ability, endowed with great force of character, and a keen sense of humor.....He seems to have had a mania for doing rash and unaccountable things. One of these unaccountable things was to leave a newly-wedded wife at the church door and rush off to America, returning to her only after some years."

Abraham Lincoln was the son of an eccentric father, and of "a melancholy, sensitive, brooding, and pale mother." As a boy he was precocious and possessed a wonderful memory. He could repeat, verbatim, on Monday the sermon of Sunday. At the age of thirteen he manifested a mania for the principles of Abolitionism. At fourteen he was famous as "the talkative boy." "Always tending towards fits of gloom," the death of his father, "almost unsettled his mind." "He and his friends feared for his sanity." "During his fits of melancholy he was inclined to suicide, and no longer dared to carry a pocket knife in spite of his old time love for whittling." "There was a popular belief that in all weathers he used to sit for hours on her (his fiance's) grave." "He had a fixed habit of reciting mournful verses." With "vagaries, almost insane," he was "the shrewdest of politicians." Like Sidney Smith he was "eccentric almost to the point of insanity;" like him also "he had a keen sense of humor;" and like him "he had a mania for doing rash and unaccountable things." In his second love affair, when all the preparations for the marriage had been made "he failed to appear," and at day break was found in so distraught a state that friends watched over him, and kept from him all knives and razors and other weapons with which he might have ended his life. He said of himself, "I am the most miserable man living. If what I feel were equally distributed to the whole human race there would not be a cheerful face on earth." An observer said of him, "In his melancholy moods his whole nature was immersed in Cimmerian darkness."

Whitney found him "talking the wildest and most incoherent nonsense all to himself," and said, in speaking of it, "A stranger would have supposed Lincoln had suddenly gone insane," but he "knew his idiosyncrasies and felt no alarm." Like Rousseau "his features wore a strange and terrifying expression."

Like Shelly, Lincoln had actual hallucinations. Shelly at one time saw a smiling child rise above the sea foam and "clap its

hands." At another time he met a figure wrapped in a mantle. On lifting the cloak he revealed the phantom of himself. In 1860, just after his election, Lincoln saw "Two separate and distinct images of himself, the tip of the nose of one being about three inches from the tip of the other." Disturbed and alarmed he arose. "He looked in the glass, but the illusion vanished." He said, on lying down again, "I saw it a second time, plainer, if possible, than before." Nesbit says, "seeing a special image of one's self is a form of hallucination that occurs among the apoplectic and insane."

We have given twenty names of persons each of whom is declared to have been a genius, and each has also been scientifically pronounced insane. Lincoln was more or less like each of these twenty geniuses.

In his deep and spasmodic melancholy, he was more or less like Johnson, Cowper, Campbell, Goldsmith, Lamb, Rousseau, Chateaubriand, Holderlin, Poe and Alfieri.

In his inclination to commit suicide, he was more or less like Chatterton, Chateaubriand, Sand, Tannahill, Lenau, Poe, and Lucretius.

In his hallucinations, he was more or less like Shelly, Landor, Rousseau, Blake, Tasso and Pellico.

In his dread of insanity, he was more or less like Swift and Johnson.

In the strange and periodic "terrifying expression" of his features, he was more or less like Rousseau, the statesman and philosopher.

In his treatment of the woman to whom he had plighted his faith, he was more or less like Sidney Smith's father.

In his eccentricity, he was more or less like them all.

But there is one feature of insanity in which he was unlike them all. It is given by Henry C. Whitney in these words: "While we were traveling in ante-railway days on the circuit, and would stop at a farm house for dinner, Lincoln would improve the leisure in hunting up some farming implement, machine, or tool. He would carefully examine it all over, first generally and then critically; he would right it to determine if it was straight or warped: if he could make a practical test of it he would do that; he would turn it over, or around, and stoop, or lie down, if necessary, to look under it; he would examine it closely, then stand off and examine it at a distance, he would shake it, lift it, roll it about, up-end it, over-set it, and thus ascertain every quality and utility which inhered in it." (Hapgood, pp. 113-114.)

We have shown that "Wisdom and genius are not interchangeable terms." Lincoln is admitted to have been a man of genius, but is so far from being famed for his erudition, that Charles Francis Adams, of Boston says, "I must therefore affirm, without hesitation, that in the history of our government, down to this hour, no experiment so rash has ever been made as that of elevating to the head of affairs a man with so little preparation for the task as Lincoln." This accounts for his persistent claim that the silence of the Constitution gave liberty to the Federal government, and not to the States; and that "measures otherwise unconstitutional, may become lawful" under emergencies of his own creation.

We have seen "hallucinations and perfect reasoning powers existing side by side." Few, indeed, are those whose reasoning powers were more acute than were Lincoln's. Fewer still are they who so cunningly and successfully combined fact and fiction as to give to the latter the color of the former.

Had he been a man of erudition and had he possessed a thorough knowledge of the Constitution, and been as devoted to its teachings as he was to the liberation of the Southern slaves, he would have immortalized his administration in the truest and highest sense.

It is also in evidence that *Egotism* is very conspicuous in subjects of this class of insanity. This explains "the talkative boy" and "The Talkative Man." During his youth there came to his town a distinguished lecturer. Abe's friends said, "Abe can beat that." Mounting a convenient box he showed them that he, too, thought so. He, afterwards, criticised a decision of the highest Court in America, and, perhaps, the greatest in the world, as "A sort of a decision," in comparison with his own. At the same time he claimed to have produced "evidence so conclusive and argument so clear that even the fathers' great

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authority can not stand." Yet that "so conclusive evidence" was such that no efficient court would accept, and, hence, the argument based on it was no better.

It is also in evidence, on expert testimony, that subjects of this species of insanity have "the affective life deranged;" and that "there is an amazing moral insanity;" that "the intelligence is often acute enough, being tainted by feelings under the influence of which persons think and act." With Lincoln "the precise fact" that tainted all of his thoughts and acts was "the wrong of slavery." This blinded his mind and heart to the sacredness of the Constitution. By it his "affective life was deranged;" and his "moral insanity was amazing," as seen in these words addressed to the Chicago ministers: "Nor do I urge objections (to Emancipation) of a moral nature in view of the possible consequences of insurrection and massacre in the South."-a barbarism in violation of all civilized warfare,-a barbarism no sane ruler of an enlightened country would sanc-The same "amazing moral insanity" is also seen in the tion. three American bastiles, to one of which we have referred in Chapter XXVII. Political prisoners from Governors and Congressmen down to bailiffs, were thrown into these on mere suspicion, "without law or the form of law." All this in free America! in the model Republic of the world! Only insanity, in such a country and in such a Republic, could have been guilty of a despotism like this. 'It has been said by many Northern writers and truly said, that no other man could have inaugurated that war, and so wrought upon the public mind as to have overcome both a divided North and a solid South. Nor could he have done it had he not been controlled by a mania whose zeal and cunning knew no bounds or limitation.

This brings us to say next, that we have produced expert testimony showing that subjects of this peculiar species of insanity possess no ordinary *"ingenuity and cunning."* In considering this phase of the question, let it be remembered that Lincoln meant war from the beginning. His cunning was seen first in his "smooth phrases of enforcing the law and collecting the revenue," when all well informed Constitutional lawvers knew there were no laws to enforce and no revenue to collect.

It was seen in his skillful manipulation of two supreme court judges to inspire the Confederate peace commissioners with hope of peace, while all the time he was secretly active in planning and plotting to re-enforce Fort Sumter. It was seen in the deeper plot of making Fort Sumter the means of causing the Confederates to "fire on the flag;" and then, in turn, of using this event as the means of inflaming the Northern minds against the South. "The flag was fired on." The event was declared to be a declaration of war on the part of the South. Congress was hastily summoned. A shrewd and inflammatory message was immediately sent to both Houses. The excitement grew. The mob spirit of the North was kindled into a blaze. Seventyfive thousand troops were called out for ninety days. It is a question whether this small force and this short time imply ignorance on the part of the executive or cunning strategy. Mr. Hale intimates it means the latter when he says "Lincoln, it may be supposed, received the news (firing on Sumter) with resignation. He had probably foreseen its necessity. (Mark the word necessity. Necessary or not the event had placed him in the position in which he desired to stand." According to Hale, it was therefore a strategic move to initiate war; and war in reality, meant to him the freedom of four million slaves; and his suggestive words are: "I know very well that the name connected with this act will never be forgotten."

In the dark days of 1862 "when Confederate victories were at high tide and the spirits of the North at low tide, the same matchless ingenuity and cunning manifested themselves. The public pulse was against him. Then it was he sent Seward through the Northern States to request "Governors and influential citizens to ask him to issue a call for more troops." Then it was the Governors of the loyal states met in Convention at Altoona "to discuss the situation,"—the result of his scheming. It was now, too, that Carl Schurz, minister to Spain, wrote him that "there was great danger of the Southern Confederacy's being recognized by France and England." His cunning was then again equal to the emergency. He immediately invited Schurz to come home. He arranged for him to deliver ar address in New York City on "Emancipation as a Peace Meas-

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ure," saying "remember you may hear from me the same day." The day for the speech was fixed. It was well advertised. A large audience greeted the distinguished speaker. He delivered his address. At the opportune moment, just as he was in the act of taking his seat, he was handed a copy of the President's message, given that afternoon to Congress." At this moment of surprise and excitement it was read amid the wildest applause. The scheme had succeeded. Reporters were there to do the rest. This was immediately followed by the organization of "Emancipation Societies." It is a question perhaps difficult to decide whether the scheming of Lincoln or the millions of armed men had the more to do in the success of the North, with the odds in favor of the former.

There is yet still another characteristic that is very common, according to the evidence, in subjects of this class of the insane. It is their inclination to exaggerate. We shall not attempt to compile here the many exaggerations of Lincoln. We shall refer the reader to Lincoln's Cooper Institute speech, as given in Chapters IX, X and XI. Indeed the entire speech is an exaggeration. We shall content ourselves here with one characteristic specimen, found in this chapter. It is this: "If what I feel were equally distributed to the whole human race, there would not be a cheerful face on earth."

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This chapter is the result of the writer's investigations of the history and philosophy of this Government from its origin to the surrender of the armies of the Confederacy. He could not account for the sayings and acts of this very erratic and unique figure, elevated to the head of affairs in 1860, on the ground of sanity. Lincoln was an engima. He was gloomy. witty and genial. Both his wit and melancholy were proverbial. "His observation on common things displayed unusual acumen." His homely phrases and illustrations are still quoted with ap-He rose unaided and unheralded like a meteor probation. above the plains of Illinois, shot athwart the political sky, attracted international attention, became a world-theme and died a mystery. Reasoning with a strange and earnest madness, he reversed, by means of shrewd scheming and plotting, the practice and teachings of the government from Washington to Lincoln or for three-fourths of a century. Setting at naught the advice of his party leaders and leading statesmen, he successfully inaugurated revolution. Holding his hand on the public pulse, he knew just when to act and how to act. A fatalist, he believed he "had come to the kingdom for this purpose"-to free By his cunning he shaped public opinion at will. the African. From a bed of leaves in a garret, he rose by rapid strides to a gilded couch in the mansion of the Nation. Without either great social or educational advantages he became a power superior to his tented millions. It was not the army, nor was it Congress, that prevented compromise and peace in the fall of 1862, but Lincoln with his mailed hand on the throats of the border states. It was through these states, and these alone, that the war against the South succeeded in its purpose.

If Lincoln retains the high place now assigned him, as a statesman and philanthropist, *it must be*, and *it will be*, because of his peculiar insanity, or moral madness, that enabled him to rise to a niche in autocracy, where it could be said of him and him alone, "history is crowded with tales of despots, but of no despot who thought or decided with the tranquil taciturn independence which was now marking this president of the free American Republic." (Morse's Abraham Lincoln—American statesman. Vol. 11<sub>1</sub>)

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## CHAPTER XXXVI.

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## THE FALL OF THE CONFEDERACY AND THE ARREST AND IMPRISONMENT OF DAVIS

The fall of the Confederacy was as sudden as complete. Even President Davis seemed slow to believe that the fall of Richmond was so near at hand. He was in no haste to remove the State archives from the city. It was as late as the memorable 2nd of April, 1865, that he abandoned Richmond, and then only to go as far as Danville. It was here Lee expected to remarshal his "invincibles" with the hope of uniting his forces with those of Johnston in the direction of Roanoke river. But Grant's movements caused him to retreat in the direction of Lynchburg.

It was at Danville Mr. Davis was informed of Lee's surrender. He immediately left for Goldsboro, North Carolina. Here he held a consultation with Gen. Johnston, and then moved southward. At Lexington he received a despatch, requesting the presence of Gen. Breckinridge, his Secretary of War. Gen. Sherman had submitted a proposition for the surrender of the forces under Johnston, who considered the terms too comprehensive for him to assume the repsonsibility of deciding upon them. Gen. Breckinridge and Postmaster General Reagan were sent to meet Gen. Johnston near Raleigh. On their arrival Gen. Sherman submitted terms of surrender "on which an armistice was declared."

A very remarkable feature of the terms submitted by Gen. Sherman "was a declaration of amnesty to all persons both military and civil." Particular attention was called to this clause by Gen. Johnston, Breckinridge and Reagan. But Sherman replied, "I mean just that," and gave as his reason that it was "the only way to have perfect peace."

The authorities at Washington refused to approve these terms, and ordered the armistice to cease after a specified time. Davis remained in Charlotte until the hour when the armistice ended. He then resumed his journey southward passing through South Carolina to Washington, Georgia. His cavalry escort with which he had started from Charlotte was not heard of after arriving at Washington because, as he supposed, they had learned of the surrender of Johnston.

While here he learned that a Federal force of cavalry was thought to be approaching the town. But the news did not disturb him. He remained over night. He did not apprehend "any molestation from the Federal troops, even if occupying the same town." He thought he was protected by the terms of Johnston's surrender which "he believed to be still in force all over the country East of the Chattahoochee River—the territory embraced in Sherman's immediate command.

Feeling assured that he was protected by Gen. Sherman's armistice, Mr. Davis did not believe "that any expedition could or would be sent for his capture, or for any other war-like purposes." He cited as an evidence of the correctness of his opinion that while he was in Washington "Gen. Upton of the Federal Army with a few members of his staff passed unattended over the railroad, a few miles from the place, en route for Augusta, to receive the muster rolls of the discharged troops. and take charge of the immense military stores there that fell into Gen. Sherman's hands by the surrender, Gen. Upton was not interfered with, the country being at peace, though nothing would have been easier had Davis been so inclined." For this reason Mr. Davis was not afraid of being captured, and did not conceal his movements. How prone a truly honest man is not to doubt the honesty of others!

Had not Davis yet profited by his knowledge of the intrigues at Headquarters in the District of Columbia? At this very time while his soul was so much at ease, an entire division of Federal cavalry was covering that district of declared peace for the purpose of his capture.

Mr. Davis left Washington in company with Gen. Reagan, his three aides, and an escort of ten mounted men. Receiving reliable information that bands of marauders were going through the country stealing horses and committing other depredations, he became alarmed about the safety of his wife and family, and determined to hasten to their protection, riding seventy miles without halt, reaching there just at daylight.

Finding "the region infested with deserters and robbers, he

traveled several days with his family who had a considerable train of wagons, furnished them by the Quartermaster at Washington. He evidently did not yet think it necessary to conceal either his person or his movements. He still believed when he had crossed the Chattahoochee he would be in danger of arrest and not before.

The very evening before his arrest he had planned to leave Mrs. Davis and the children to go to the trans-Mississippi Department, believing Mrs. Davis to be now safe. But just then one of his aides reported that a party of guerrillas or highwaymen was coming that night to seize the horses and mules of his wife's train. He, therefore, decided to remain another night.

It was now the 9th of May, 1865. The place was Irwinville, 75 miles from Macon, Ga. One other night's protection in an emergency, and then a fond farewell, a God-bless-you and a race for the trans-Mississippi Department! But alas! the dawn of another day told a different story.

It was just the day before (the 8th May) that Gen. Minty issued an order addressed to Lieutenant Col. H. N. Howland, commanding a brigade as follows:

"You will have every port and ferry on the Ocmulgee and Altamaha Rivers, from Hawkinsville to the Ohoopee River, well guarded, and make every effort to capture or kill Davis, the rebel ex-President, who is supposed to be endeavoring to cross the Ocmulgee South of Macon." (104 War of Rebellion, 665).

On the same day Major Gen. J. H. Wilson wrote Gen. Upton: "the President of the United States has issued his proclamation announcing that the Bureau of Military Justice has reported upon indisputable evidence that Jefferson Davis, Clement C. Clay, Jacob Thompson, George N. Sanders, Beverly Tucker, and W. C. Cleary incited and concerted the assassination of Mr Lincoln, and the attempted assassination of Mr. Seward. He, therefore, offers for the arrest of Davis, Clay and Thompson \$100,000 dollars each: for Sanders and Tucker \$25,000 each: and for Cleary \$10,000. Publish this in handbills, circulate everywhere and urge the greatest possible activity in the pursuit. (104 War of Rebellion 665).

Here was Davis trusting implicitly in the armistice of Sherman. At that very hour an immense reward was offered for his arrest by the President of the United States, based, as he claimed, "upon indisputable evidence." But the time was short indeed when the evidence was both disputed and refuted.

Gen. Wilson also wrote Gen. Steedman: "Everything is on the lookout for J. D. His cavalry is dissolved, and he is a fugitive, but in what direction is not known. (104 War of Rebellion 666).

On the 10th day of May, 1865, Lieut.-Col. B. D. Pritchard, commanding the 4th Michigan Cavalry "captured at Irwinville, Ga., Mr. Davis with his family, his wife's sister and brother, Mr. Reagan, his Postmaster-General, Mr. Burton N. Harrison, his private Secretary, Col. W. Preston Johnston, and Col. Lubbock, of his staff, and Lieut. Hathaway; together with five wagons and three ambulances.

The mere statement of the foregoing facts, is proof positive that President Davis was not caught in an effort to "escape in his wife's clothing." It was the fabrication of a newspaper correspondent. Col. Pritchard in his announcement of the capture said nothing of any such endeavor on the part of Davis. Yet "Major-General J. H. Wilson in his official report to Mr. Stanton, the Secretary of War, on the 14th of May, makes the statement, saying he derived it from 'the captors.'"

Why should Gen. Wilson make such a charge under the phrase "from the captors," when Col. Pritchard in his official report and correspondence makes no such statement? Col. Pritchard was the one man whose testimony should have weighed with Gen. Wilson. Yet under the indefinite term, "the captors" he makes the grave charge. The man traveling with a train of five wagons and three ambulances with his family and a number of others, without effort to conceal his identity, does not feel the need of disguising himself. Besides, James H. Parker, one of "the captors," and the first to recognize him, published in the Portland Argus (Maine) a full story of the capture while Davis was still in prison. In this story he writes:

"She (Mrs. Davis) behaved like a lady and he as a gentleman, though manifestly he was chagrined at being taken into

custody. Our soldiers behaved like gentlemen, as they were, and our officers like honorable, brave men, and the foolish stories that went the newspaper rounds were all false.....I defy anybody to find a single officer or soldier (and there was not less than two regiments present) who was present at the capture of Jefferson Davis, who will say, upon honor, that he was disguised in a woman's clothes, or that his wife acted in any way unladylike and undignified on the occasion."

True Southerners place their honor above their lives. No English lord excelled them in dignity. No conditions could betray them into unbecoming conduct. It is a custom among newspaper men to add sensational features to their stories for publication, that they may be the more readable. This falsehood was the mere fabrication of a newspaper correspondent, and yet it was given more credence than the official report of Col. Pritchard.

When honesty is wanting, dignity is either lacking or clothed in borrowed light. Honesty of purpose was wanting in the proclamation of President Johnson and in the official report of Major-General Wilson. All the dignity that belonged to these two distinguished personages was borrowed from their high official positions.

T. H. Peabody, an eminent lawyer of St. Louis, was also one of the captors. In a speech to the Grand Army Post a few days after the death of President Davis, he also denied the whole story.

It was however, a sweet morsel to the President of the United States, to Major-Gen. Wilson, and to the Secretary and Assistant Secretary of War. Three days after the capture of Davis the Secretary of War, Mr. Stanton, wrote to the Rev. R. J. Breckinridge of Kentucky that "Jefferson Davis was caught three days ago in Georgia trying to escape in his wife's clothes." (121 War of Rebellion 555).

Twelve days after the capture of Davis the Assistant Secretary of War, Mr. Dana, ordered Gen. Miles to have Col. Pritchard to bring with him "the woman's dress in which Jefferson Davis was captured, (121 War of Rebellion 569). That dress was not produced, for the best of reasons. Had Messrs. Stanton and Dana possessed one-tenth of the chivalry of Davis they would have publicly confessed their error, and have asked Davis's pardon.

In as much as high officials have ratified the newspaper charges, and in as much as this fact is of record, it is proper that we set this question at rest forever. About the time of the arrest of Davis, the public mind throughout the entire country, especially in the North, was in the highest state of excitement. In the midst of this abnormal condition of things a conspiracy was formed for the purpose of deceiving Mr. Holt, the Judge Advocate General, and obtaining money from the Government. The conspirators consisted of six men and two women. all under fictitious names. Lincoln had just been assassinated and perhaps no crime in the history of the world had stirred deeper feelings of indignation than did that of the assassination of Lincoln. That crime was seized upon as the means of accomplishing their purpose. They cunningly implicated Davis, Clay, Thompson and others in the crime. They detailed fictitious conversations with Davis and others. They falsely represented the deeds of these men. Through the press of the North they inflamed to fever heat the public mind. Though their fabrications were such that it has been truthfully said of them, "a child who would faithfully believe the dreams of Alice in Wonderland would reject them as false," yet Mr. Holt, the Judge Advocate General, swallowed them all as sweet morsels, and poured large sums of money belonging to the Government into the laps of the conspirators.

Congress finally ordered an investigation of the charges made by these conspirators, and appointed a committee to examine into them. That committee consisted of the Judiciary Committee of the Lower House, with J. C. Turner of the Bureau of Military Justice.

The first thing this committee did was to designate Mr. Turner to investigate the character of the witnesses upon whose testimony they were to rely to establish so heinous a crime. This resulted in a confession of many of the so-called witnesses that the whole "matter was a conspiracy for the purpose of de-

ceiving Gen. Holt and obtaining money from the Government."

The report of that committee, as made by Col. Turner is as follows:

"Sanford Conover-his true name is Dunham: lawyer by profession, formerly lived at Croton, then in New York and Brooklyn: a very shrewd, bad, dangerous man. William Campbellhis true name is Ioseph A. Hoare, a gas-fixer by trade; born in the State of New York and never South of Washington. Joseph Snevel-his true name is William H. Roberts, formerly ticket agent on Harlem railroad, then kept tavern at Yonkers, etc.: was never South. Tarnum B. Wright-true name John Waters; is lame in knee; works in a brick yard near Cold Springs, on Long Island, etc. John H. Patten-true name Peter Stevins, lives at Nvack, near Piedmont, on the North River; is now a justice of peace there. Sarah Douglas and Miss Knapp -the true name of one is Dunham, who is the wife of Conover: the name of the other is Mrs. Charles Smythe: she is the sister. or sister-in-law, of Conover and lives at Cold Springs; her husband is a clerk on Blackwell's Island. Mr. McGill-his name is Neally; he is a licensed pedler in New York, and sometimes drives a one-horse cart."

The report closes with: "My investigation and the disclosure made prove (undoubtingly to my mind) that the depositions made by Campbell, Snevel, Wright, Patten, Mrs. Douglas and others, are false; that they are cunningly devised diabolical fabrications of Conover, verified by suborned and perjured accomplices."

This report completely exhonorated Davis, Clay, and all others charged with the murder of Mr. Lincoln. At the same time it greatly embarassed Mr. Holt, the Judge Advocate General. Withdrawing his depositions he defended himself in "Eleven closely printed pages, detailing all the correspondence and interviews with Conover, and the other conspirators." If in this labored effort he convinced himself he is perhaps the only man convinced. The example is conspicuous for the ease with which "the wish becomes father of the thought." It is evident that all these "diabolical fabrications of Conover" were "cun-

ningly devised" by him for the money he received from the Government; and that they were "verified by his suborned and perjured accomplices" for the same purpose. Conover knew Gen. Holt's readiness to believe any disreputable report about Davis and the other distinguished Southerners. He was not deceived, but Holt, his willing tool was. This was "the indisputable evidence" reported by Holt to President Johnson, and upon which the President based his \$100,000 rewards for Davis and Clay.

How did Conover, the leading conspirator and shrewd lawyer, know Holt so well? Mrs Suratt, innocent of the crime charged against her, had just fallen a victim to the fury of the vindictive Judge Advocate General, and had paid the penalty of her life. The ease with which this imposition was accomplished, led to the conspiracy. If Holt had not lost his reason in the case of Mrs. Suratt he would not have been duped in the case of Davis and others.

Col. Pritchard took his prisoners to Macon, reaching that place in four days. From Macon they were transferred to Augusta by rail—"Mr. Davis thanking General Wilson for having treated him with all the courtesy possible to the situation."

On the 19th of May, 1865, the propeller William P. Clyde dropped anchor in Hampton Roads. She had on board, as prisoners, Jefferson Davis and his family, Alexander H. Stephens, John H. Reagan, Clement C. Clay and other State prisoners belonging to the Confederacy. On the 21st day of May, Mr. Stephens, Mr. Reagan, and other prisoners were transferred to the gunboat Maumee, and sent to Fort Warren in Boston Harbor. On the afternoon of the same day Mr. Davis and Mr. Clay were sent to Fortress Monroe.

The procession from the gunboat Maumee to Fort Monroe is described by Dr. Craven, the physician of the Fort as "simple though monotonous, and was under the immediate inspection of Major-Gen. Halleck and the Hon. Charles A. Dana, then Assistant Secretary of War: Col. Pritchard of the Michigan cavalry, who immediately effected the capture, being the officer in command of the guard from the vessel to the fort. First came Major-Gen. Miles, holding the arm of Davis, who was dressed in a suit of plain Confederate grey, with a grey slouched hat—always thin, and now looking much wasted and very haggard. Immediately after these came Col. Pritchard, accompanying Mr. Clay with a guard of soldiers in their rear. Thus they passed through files of men in blue from the Engineer's Landing to the water Battery Postern; and on arriving at the casemate which had been fitted up into cells for their incarceration, Mr. Davis was shown into casemate No. 2, and Clay into No. 4, guards of soldiers stationed in 1, 3, 5 upon each side of them. They entered. The heavy doors clanged behind them...

"Being ushered into his inner cell by Gen. Miles, and the two doors leading thereinto from the guard-room, being fastened, Mr. Davis, after surveying the premises for some moments and looking out through the embrasure with such thoughts which his lined and expressive face, as may be imagined, suddenly seated himself in a chair, placing both hands on his knees and asked one of the soldiers pacing up and down within his cell, this significant question: 'Which way does the embrasure face?'

"The soldier was silent.

"Mr. Davis, raising his voice a little, repeated the inquiry. But again dead silence, or only the measured foot-falls of the pacing sentries within, and the fainter echoes of the four without.

"Addressing the other soldier, as if the first had been deaf and had not heard him, the prisoner again repeated his inquiry.

"But the second soldier remained silent as the first, a slight twitching of his eyes only intimating that he had heard the question, but was forbidden to speak.

"'Well," said Mr. Davis, throwing his hands up, and breaking into a bitter laugh, 'I wish my men could have been taught your discipline!' and then rising from his chair, he commenced pacing back and forth before the embrasure, now looking at the silent sentry across the moat, and anon at the two silently pacing soldiers who were his companions in the casemate.

We have italicized the following for a purpose: "guards of soldiers stationed in 1, 3, 5, upon each side of them." "The heavy doors clanged behind them," "asked one of the soldiers pacing up and down within his cell;" "the measured footfalls of

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the pacing sentries within and the fainter echoes of the four without;" and "at the two silent pacing soldiers who were his companions—in the casemate."

We also have the testimony of Mr. Dana, the Assistant Secretary of War. The one may throw light upon the other. We quote as follows italicizing as it suits us:

"The arrangements for the security of the prisoners seem to me as complete as could be desired. Each one occupies the inner room of a casemate. The window is heavily barred. The sentry stands within before each of the doors leading into the outer room. These doors are to be grated, but are secured by bars fastened on the outer side. Two other sentries stand outside of these doors. An officer is also constantly in the outer room, whose duty it is to see his prisoners every fifteen minutes. The outer door of all is locked on the outside, and the key is kept exclusively by the general officer of the guard. Two sentries are also stationed without that door. A strong line of sentries cuts off all access to the vicinity of the casements. Another line is stationed on top of the parapet overhead, and a third line is posted acrosss the moat on the counterscarp opposite the places of confinement. The casemates on each side and between those occupied by the prisoners are used as guard rooms and soldiers are always there. A lamp is constantly kept burning in each of the rooms. The furniture of each of the prisoners is a hospital bed, with iron bedsteads, a chair, a table, a movable stool closet. A Bible is allowed to each. I have not given orders to have them placed in irons as Gen. Halleck seems to oppose it, but Gen. Miles is instructed to have fetters ready if he thinks them necessary. The prisoners are to be supplied with soldiers' rations, cooked by the guard. Their linen will be issued to them in the same way. I shall be back tomorrow morning."

In the previous part of this account by Mr. Dana we are told that Mr. Davis, after parting with his wife, his secretary, and his staff, "bore himself with a haughty attitude, his face was somewhat flushed, but his features were composed and his step firm."

Later on that same day, before leaving the fort, Mr. Dana,

annoyed perhaps as he recalled the "haughty attitude" of Mr. Davis, wrote in Mr. Stanton's name:

"Brevet-Major-General Miles is hereby authorized and directed to place manacles and fetters upon the hands and feet of Jefferson Davis and Clement C. Clay whenever he may deem it advisable in order to render their imprisonment more secure."

(121 War of Rebellion 565.)

Had he not just said "the arrangements for the security of the prisoners seem to me to be as complete as could be desired?" Does not his own account, given that very day, show most conclusively that not even "manacles and fetters on the hands and feet of Davis and Clay, both old, delicate, emaciated, weak and worn, could not "render their imprisonment more secure?" If instead of placing "manacles and fetters" on their "hands and feet," they had driven the sword of hatred into the very hearts of Davis and Clay, they would not have been more helpless? Sentinels within, and sentinels without; sentinels on each side of them and sentinels on the "top of the parapet overhead;"-lines of sentries, first, second, and "third," all these to guard two old men who could not run fifty vards without endangering their lives, if at liberty and unmolested. Besides all these, they were shut in by "heavy doors" and strong walls; and each casement had an "inner room," and each of the distinguished prisoners was confined in an "inner room," and thus two walls, to say nothing of the strong thick walls of the fort itself, intervened between the prisoners and liberty. Nor was even this all Two sentinels pace in the immediate presence of each, day and night, witnessing every movement of the body, hearing every sigh, and able to lay violent hands on them at any moment. Was ever an imprisonment more secure, more trying upon the nerves, more cruel, more insulting?

On the 24th day of May 1865, Gen. Miles wrote to Mr. Dana: "Yesterday I directed that irons be put on Davis ankles, which he violently resisted, but became more quiet afterwards." (121 War of Rebellion 570-71.)

It was therefore on the 23rd day of May-just thirteen days after his arrest and the second day after his incarcerationwhen Davis was placed in irons. Evidently it was intended to humble that "haughty attitude." This act of hate, and malice, of shame and disgrace was that of two officials, and therefore the act of the Government. That it was not at all necessary, the facts, as given above, show with a conclusiveness that is absolutely indisputable. If the Government can be excused at all it is due to the misfortune of having officials, one of whom, while in a soldier's garb and position, was without a soldier's training and a soldier's high sense of honor; and the other while commanding the Department of War in a great Government, either from his education or his slavery to passion and hate, could not rise above the level of the savage chief. Then too what shall be said of the President who sanctioned it by permitting it? It is well known that he was a tailor and illiterate when he married: and that his wife educated him after his habits were formed. What distinction could he draw between an eminent and honorable prisoner and a felon as prisoner?

Gen. Miles simply says of the shackling of Davis: "He violently resisted, but became more quiet afterward." Dr. Craven, the surgeon of the prison, in his book on "The Prison Life of Jefferson Davis," gives the particulars in detail. He says:

"It was while all the swarming camps of the armies of the Potomac—over two hundred thousand bronzed and laureled veterans, were preparing for the grand review of the next morning, in which, passing in endless succession before the mansion of the President, the conquering military power of the nation was to lay down its arms at the feet of the civil authority, that the following scene was enacted at Fort Monroe:

"Captain James E. Titlow, of the Third Pennsylvania Artillery, entered the prisoner's cell, followed by the blacksmith of the fort and his assistant, the latter carrying in his hands some heavy and harshly-rattling shackles. As they entered, Mr. Davis was reclining in his bed, feverish, and weary after a sleepless night, the food placed near to him the preceding day still lying untouched on its tin plate near his bedside.

"Well?" said Mr. Davis, as they entered, slightly raising his head.

"I have an unpleasant duty to perform, sir," said Captain

Titlow, and as he spoke, the senior blacksmith took the shackles from his assistant.

"Davis leaped instantly from his recumbent attitude, a flush passing over his face for a moment, and then his countenance growing livid and rigid as death.

"He gasped for breath, clutching his throat with the thin fingers of his right hand, and then recovering himself slowly, while his wasted figure towered to its full height, now appearing to swell with indignation and then to shrink with terror, as he glanced from the Captain's face to the shackles—he said slowly and with a laboring chest:

"'My God!' you can not have been sent to iron me!"

"Such are my orders," replied the officer, beckoning the blacksmith to approach, who stepped forward, unlocking the padlock and preparing the fetters to do their office. These fetters were of heavy iron, probably five-eights of an inch thick, and connected together by a chain of the same weight. I believe they are now in the possession of Major-General Miles, and will form an interesting relic.

"'This is too monstrous' groaned the prisoner, glaring hurriedly around the room, as if for some weapon or means of self-destruction. 'I demand Captain, that you let me see the commanding officer. Can he pretend that such shackles are required to secure the safe custody of a weak old man, so guarded, and in such a fort as this?'

"'It could serve no purpose,' replied Capt. Titlow, 'his orders are from Washington, as mine are from him.'

"'But he can telegraph,' interposed Mr. Davis eagerly; 'there must be some mistake. No such outrage as you threaten me with, is on record in the history of nations. Beg him to telegraph, and delay until he answers.'

"'My orders are peremptory,' said the officer, 'and admit of no delay. For your own sake, let me advise you to submit with patience. As a soldier, Mr. Davis, you know I must execute orders!'

"'These are not orders for a soldier,' shouted the prisoner, losing all control of himself. "They are orders for a jailor for a hangman, which no soldier wearing a sword should accept.' "I tell you the world will ring with this disgrace. The war is over; the South is conquered; I have no longer any country but America, and it is for the honor of American, as for my own honor and life, that I plead against this degredation. "'Kill me! Kill me!' he cried, passionately throwing his arms wide open and exposing his breast, 'rather than inflict on me and on my people through me, this insult worse than death.'

"'Do your duty, blacksmith,' said the officer, walking toward the embrasure as if not caring to witness the performance. 'It only gives increased pain on all sides to protract this interview.'

"At these words the blacksmith advanced with the shackles, and seeing that the prisoner had one foot upon the chair near his bedside, his right hand resting on the back of it, the brawny mechanic made an attempt to slip one of the shackles over the ankle so raised; but as if with the vehemence and strength which frenzy can impart, even to the weakest invalid, Mr. Davis suddenly seized his assailant and hurled him half way across the room, and the sergeant advanced to seize the prisoner. Immediately Mr. Davis flew on him, and seized his musket and attempted to wrench it from his grasp.

"Of course such a scene could have but one issue. There was a short, passionate scuffle. In a moment Davis was flung upon his bed, and before his four powerful assailants removed their hands from him, the blacksmith and his assistant had done their work—one securing the rivet on the right ankle, while the other turned the key in the padlock on the left.

"This done Mr. Davis lay for a moment, as if in a stupor (what Gen. Miles called "more quiet"). Then slowly raising himself and turning around, he dropped his shackled feet on the floor. The harsh clank of the striking chain seems first to have recalled him to his situation, and dropping his face into his hands, he burst into a passionate flood of sobbing, rocking to and fro, and muttering at brief intervals: "Oh! the shame the shame!"

Dr. Craven closes this account of the fettering of Mr. Davis by saying, "He gave me, after some two months, a curious explanation of the last feature in this incident.

"He had been speaking of suicide, and denouncing it as the worst form of cowardice and folly. 'Life is not like a commission that we can resign when disgusted with the service. Taking it by your own hand is a confession of judgment to all that your worst enemies can allege. It has often flashed across me as a tempting remedy for neuralgic torture; but thank God! I never sought my own death but once, and then when completely frenzied and not master of my actions. When they came to iron me that day, as a last resource of desperation, I seized a soldier's musket and attempted to wrench it from his grasp, hoping that in the scuffle and surprise, some one of his comrades would shoot or bayonet me.'"

We have now discussed the imprisonment of Mr. Davis from the standpoint of disinterested and enlightened informationinformation from the lips of one who was in position to know the facts. What motive prompted it? Certainly it was not the want of absolute security. The infirmity of age and all the facts testify to the contrary. There was no motive, there could have been no motive-but "the bitter and infuriated malice of the Government"-a motive that "sought through the entire war to cast every obloquy upon the character of the great Southern Chief." Had not this Government for four long vears of war that taxed all its resources, called him an "assassin" and "a murderer?" Had it not all that time hoped to overwhelm him and his cause with false accusations? Especially within the last few days, in the face of the strongest evidence to the econtrary, had not the Government attempted to immerse and bear him down in ridicule and humiliation by charging him with an effort to escape arrest, "disguised as a woman?"

This official falsehood, this official wrong, and this official outrage deserve the scorn and the indignation of the enlightened world. Those who thus attempted to overwhelm him with ridicule and humiliation, and who tried "to brand him with a felon's shame by degrading him with a felon's shackles," deserve no less than the brand of shame they would heap upon him. A future whose confines lie well beyond the borders of the present will laud only the brave, the virtuous, the noble and the true. In that impartial realm shame, falsehood, and all that is ignoble

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will be rewarded with curses. When Napoleon was a prisoner on St. Helena, he wore his sword "merely as an ornamental sidearm." It is said that when the officer in command of the British forces there demanded of him the surrender of his sword, he refused, and that "all Europe rang with the insult and outrage." The English Government had respect to "the dignity of their illustrious prisoner and of the feeling of outrage in all Europe. and the order was withdrawn?" "How different the conduct of our Government toward a prisoner scarcely less eminent than the great Corsican!" England was magnanimous. She could afford to be. The United States Government could have been magnanimous, and should have been, but it was, instead, petty and spiteful and vindictive and cruel. The conduct of England toward her illustrious prisoner is honored and magnified to-day and will be for all time. The conduct of the United States toward her illustrious prisoner is censured and denounced to-day and will be for all time. As the glory of England for this generous deed will never fade, so the stain upon our civilization will never be erased. "Here was a man who a few short weeks before was the acknowledged ruler of six millions of people; with immense armies at his command; with cabinet officers. ambassadors, and a staff of devoted adherents; filling a foremost place in history, the world ringing with his deeds and in sympathy with his hopes; he who had founded an empire and maintined it through a war more formidable than any of modern times-a man thus eminent and conspicuous, cast into a dungeon and shackled like any common felon! There is indeed in history little to parallel it, and the indignity intended as a humiliation to Jefferson Davis, has reacted and become our own burning shame."

As with all Europe in the case of Napoleon so the people of the United States, denounced the act of Johnson, Stanton, Dana, and Miles in the most bitter terms. They expected sympathy. but received censure. They expected their act of shame to be received with enthusiasm, but "cruelty is not a characteristic of the American." When they learned that the shackles on Davis had "excited sympathy and indignation instead of applause," they became alarmed; and on the 28th day of May, just five days after irons had been placed on the ankles of Davis, the Secretary of War telegraphed Gen. Miles from Washington:

"Please report whether shackles have been or have not been placed on Jefferson Davis.....If they have been, when was it done, and for what reason, and remove them." (121 War of Rebellion 577).

This dispatch implies that Stanton did not know that Davis was shackled; and hence that he did not order it. It is both a command and a rebuke.

Gen. Miles' reply is is characteristic. It is as follows:

"I have the honor to state in reply to your dispatch that when Jefferson Davis was first confined in the casemate the inner doors were light and wooden ones without locks. I directed anklets to be put upon his ankles which would not interfere with his walking, but would prevent his running, should he endeavor to escape. In the meantime I have changed the wooden doors for grated ones with locks, and the anklets have been removed. Every care is taken to avoid any pretence for complaint, as well as to prevent the possibility of escape." (121 War of Rebellion 577).

Both these dispatches were in reply to an indignant public, North as well as South. Be it known that the shackles were not removed until the very day (May 28) on which he was ordered to remove them. We thus learn what is meant by "in the meantime."

In the diary of Dr. J. J. Craven, as given in his "The Prison Life of Jefferson Davis," page 62, we find the following:

"Sunday, May 28—At 11 A. M. This morning was sitting on the porch in front of my quarters when Capt. Frederick Korte, 3rd Pennsylvania Artillery, who was officer of the day, passed toward the cell of the prison, followed by the blacksmith. This told the story, and sent a pleasant professional thrill of pride through my veins. It was a vindication of my theory that the healing art is only next in sacredness and power to that of the healers of the soul—an instance of the doctrinal toga forming a shield for suffering humanity which none were too exalted or powerful to disregard. I hastily followed the party, but remained in the outer guard-room while the smith removed the shackles. Did not let Mr. Davis see me then, but retired, thinking it better the prisoner should be left alone in the first moments of regaining so much of his personal freedom."

Dr. Craven had interceded with Gen. Miles in behalf of Mr. Davis and was exultant because he thought his intercessions had prevailed. He did not then know of the telegram Gen. Miles had that very day received.

On page 48 we find another entry antedating this in Dr. Craven's diary as follows: "Told him to spend as little time as he could in bed; that exercise was the best medicine for dispeptic patients. To this he answered by uncovering the blankets from his feet and showing me his shackled ankles. 'It is impossible for me, Doctor; I cannot even stand erect. These shackles are very heavy, I know not with the chain how many pounds. If I try to move they trip me and have already abraded broad patches of skin from the parts they touch. Can you devise some means to pad or cushion them, so that when I try to drag them along they may not chafe me so intolerably? My limbs have so little flesh on them, and that so weak, as to be easily lacerated.'

"At sight of this I turned away, promising to see what could be done, as exercise was the chief medical necessity in his case, and at this moment my first thrill of sympathy for my patient was experienced."

Here is an officer of the United States army, holding a commission that entitles him to be honored in all parts of the civilized world. Yet his zeal in bitterness and hatred toward a distinguished prisoner has compromised his intergrity and committed him to falsehood. Dana had said, "The arrangements for the security of the prisoners seem to me as complete as could be desired." Dr. Craven had said, "The heavy doors clanged behind them." Miles said, "The doors are light." Miles was writing in self-defense; Dana and Craven were not. Dana had said the doors were secured by bars on the outside; Miles said "the doors were without locks,' adding nothing about their being secured by bars fastened on the outside. From Dana and Craven we learn that never were prisoners more securely guarded—confined in a cell within a cell, constantly under the eves of two trusty

sentinels, and every fifteen minutes inspected by a commissioned officer, with soldiers quartered, all the time, in contiguous cells on both sides of him, shut in by the very thick walls of the strongest fort in the Continent, and line after line of guards inside and outside. Yet, Gen. Miles said, "I directed anklets to be put upon his ankles, which would not interfere with his walking, but would interfere with his running. should he endeavor to escape."

Had Davis been an athlete in the prime of life, in the best possible condition,—as active as a tiger, and as strong as a lion, none knew better than Gen. Miles that shackles would not have been necessary. On the contrary, Miles knew him to have been a physical wreck. Not only did he know that, in the truest sense, Davis was unable to run, but was also unwilling. Yet never was the most vicious wild beast, fresh from the jungles, half so securely guarded.

"Anklets!" what are they? Shackles "five-eights of an inch thick, with chain of the same thickness!" Anklets that "would not interfere with his walking!" Whom shall we believe, Dr. Craven and Davis, or Miles? The most fitting anklet for a character of Davis' type would have been his honor. To have put him upon his honor would have been to have placed upon his limbs the strongest anklet in the world. His honor would also have been the safest guard that could have been placed around him. Old Fortress Monroe, with all her more than 370 guns, and all the chivalry that stood behind them, would not have been as strong a guard as his simple word of honor. But of a safe guard like this, Miles, and Dana and Stanton were ignorant till an indignant public protest aroused them to their senses.

When Miles shackled Davis for five days he shackled himself for all time. When he penned that dispatch in self-defense he wrote his everlasting condemnation. No living mortal believes him—not even excepting himself.

### CHAPTER XXXVII.

### THE IMPRISONMENT OF DAVIS (Continued).

In 1866 Mr. Doolady, publisher, 448 Broome Street, New York, published "Life and Military Career of Stonewall Jackson," from authentic sources. From this book we copy the following, saying in advance that all italics are ours. We do this becuase it is authentic and concise.

"The health of Mr. Davis was now failing rapidly. Suffering greatly from neuralgic disorders and other various affections. greatly reduced in system, without appetite, unable on account of his shackles to take exercise, supplied with coarse rations and refused even a knife and fork, without books, pen, paper or even a pencil, incessantly watched by two sentinels, who night and day paced his cell; thus depriving him of even so poor a boon as solitude and silence, the health of the unfortunate prisoner failed rapidly, and would soon have succumbed entirely to the inhuman treatment to which he was subjected, had not Dr. Craven actively interested himself in his behalf and procured the removal of the shackles, and some changes in his rations. But still the prisoner was a great sufferer, his nights were sleepless; he was without appetite; the incessant pacing night and day, of the ever present guards, acted upon his nervous system and tormented him almost into insanity.

"Referring once to the severity of his treatment, Mr. Davis said to Dr. Craven: 'Humanity supposes every man innocent until the reverse shall be proven; and the laws guarantee certain privileges to persons held for trial. To hold me for trial, under all the rigors of a condemned convict, is not warranted by law—is revolting to the spirit of justice. In the political history of the world, there is no parallel to my treatment. England and the despotic governments of Europe have beheaded men accused of treason; but even after their conviction no such efforts as in my case have been made to degrade them. Apart, however, from personal treatment, let us see how this matter stands:

"'If the real purpose in the matter be to test the question of

secession by trying certain persons connected therewith for treason, from what class or classes should the persons so selected be drawn?

"From those who called the State Conventions, or from those who, in their respective Conventions, passed the ordinance of secession? Or, from the authors of the doctrine of State rights? Or, from those citizens who, being absent from their States, were unconnected with the event, but on its occurrence returned to their homes to share the fortunes of their States as a duty of primal allegiance? Or, from those officers of the State who, being absent on public service, were called home by the ordinance, and returning joined their fellow citizens in State service, and followed the course due to that relation?

"'To the last class I belong, who am the object of the greatest rigor. This can only be explained on the supposition that, having been most honored, I therefore excite most revengeful feelings for how else can it be accounted for?

"'I did not wish for war, but peace; therefore sent commissioners to negotiate before war commenced; and subsequently strove my uttermost to soften the rigors of war; in every pause of conflict, seeking if possible, to treat for peace. Numbers of those already pardoned are those who, at the beginning, urged that the black flag should be hoisted, and the struggle be made one of desperation.

"'Believing the States to be each sovereign, and their Union voluntary, I had learned from the authors of the Constitution that a State could change its form of government, abolishing all which had previously existed; and my only crime has been obedience to this conscientious conviction. Was not this the universal doctrine of the dominant Democratic party in the North previous to secession? Did not many of the opponents of that party in the same section, share and avow that faith? They preached and professed to believe. We believed and preached, and practiced.

"'If this theory be now judged erroneous, the history of the States, from their colonial organization to the present moment, should be rewritten, and the facts suppressed which may mislead others in a like manner to a like conclusion. "'But if as I suppose—the purpose be to test the question of secession by a judicial decision, why begin by oppressing the chief subject of the experiment? Why in the name of fairness and a decent respect for the opinions of mankind, deprive him of the means needful for the preparation of his defense; and load him with indignities which must deprive his mind of its due equilibrium? It ill comports with the dignity of a great nation to evince fear of giving to a single captive enemy all the advantages possible for an exposition of his side of the question. A question settled by violence, or in disregard of law, must remain unsettled forever. (What a terrible arraignment is this, and yet how just!)

"'If the doctrine of State Sovereignty be a dangerous heresy, the genius of America would indicate another remedy than the sacrifice of one of its believers. Wickliffe died, but Huss took up his teachings; and when the dust of this martyr was sprinkled on the Rhine, some essence of it was infused in the cup which Luther drank.

"'The road to the grants of power is known and open; and thus all questions of reserved rights on which men of highest distinction may differ, and have differed, can be settled by fair adjudication; and thus only can they be finally set at rest.'

"At another time Mr. Davis remarked it was 'contrary to reason, and the law of nations, to treat as rebellion, or lawlees riot, a movement which had been the deliberate action of an entire people through their organized State governments.' To talk of treason in the case of the South, was to impose an arbitrary epithet against the authority of all writers on international law. Vattel deduces from his study of all former precedent-and all subsequent international jurists have agreed with him-that when a nation separates into two parts, each claiming independence, and both, or either, setting up a new government, their guarrel, should it come to trial by arms, or by diplomacy, shall be regarded as settled precisely as though it were a difference between two separate nations, which the divided sections, defacto, have become. Each must observe the laws of war in the treatment of captives taken in battle, and such negotiations as may from time to time arise shall be conducted

as between independent and sovereign powers. Mere riots, or conspiracies for lawless objects, in which only limited factions of a people are irregularly engaged, may be properly treated as treason, and punished as the public good may require; but Edmund Burke had exhausted argument on the subject in his memorable phrase, applied to the first American movement for independence: 'I know not how an indictment against a whole people shall be framed.'

"But for Mr. Lincoln's untimely death, Mr. Davis thought there could have been no question raised upon the subject. That event, more a calamity to the South than to the North, in the time and manner of its transpiring, had inflamed popular passions to the highest pitch, and made the people of the section which had lost their chief now seek an equivalent in the life of the chief of the section conquered. This was an impulse of passion, not a conclusion which judgment or justice could support. Mr. Lincoln through his entire administration, had acknowledged the South as a belligerent nationality, exchanging prisoners of war, establishing truces, and sometimes sending, sometimes receiving, propositions for peace. In the last of these occasions, accompanied by the chief member of his Cabinet, he purposely met the commissioners appointed by the Southern States to negotiate, going half-way to meet them not far from where Mr. Davis now stood; and the negotiations of Gen. Grant with Gen. Lee, just preceding the latter's surrender, most distinctly and clearly pointed to the promise of a general amnesty; Gen. Grant in his final letter, expressing the hope that, with Lee's surrender, all 'difficulties between the sections might be settled without the loss of another life,' or words to that effect."

Following Dr. Craven we find that the health of Mr. Davis grew sensibly worse. Step by step the kind-hearted physician obtained an amelioration of the condition of the eminent prisoner; but the severity of the treatment he had experienced in the early part of his confinement still told greatly on his health, and it can readily be appreciated how any confinement to a man in his physical and mental condition must have resulted unfavorably to his health. Proceeding to follow Dr. Craven, we extract passages from several interesting conversations had with the prisoner; and we also quote from the worthy Doctor's daily diary, a few references to the physical condition and suffering of his illustrious patient:

"June 8—was called to the prisoner, whom I had not seen for a week. Found Mr. Davis relapsing, and very despondent. Complained again of intolerable pains in the head. Was distracted night and day by the unceasing tread of two sentinels in his room, and the murmur or gabble of the guard in the outside cell. He said his casement was well formed for a torture-room of the inquisition. Its arched roof made it a perfect whispering gallery, in which all sounds were jumbled and repeated. The torment of his head was so dreadful, he feared he must lose his mind. Already his memory, vision and hearing, were impaired. He had but the remains of one eye left, and the glaring whitewashed walls were rapidly destroying this. He pointed to a crevice in the wall where his bed had been, explaining that he had changed it to the other side, to avoid the mephitic vapors.

"Of the trial he had been led to expect, had heard nothing." This looked as if the indictments were to be suppressed, and the action of a Military Commission substituted. If so, they might do with him as they pleased, for he would not plead, but leave his cause to the justice of the future. As to taking his life, that would be the greatest boon they could confer on him, though for the sake of his family, he might regret the manner of its taking.

"Mr. Davis remarked that when his tray of breakfast had been brought that morning, he overheard some soldiers in the guard-room commenting on the food given our prisoners during the late war. To hold him responsible for this was worse than absurd---criminally false. For the last two years of the war, Lee's army had never more than half, and was oftener on quarter rations of rusty bacon and corn. It was vet worse with other Southern armies when operating in sections which had been campaigned over any time. Sherman with a front thirty or forty miles, breaking into a new country, found no trouble in procuring food; but had he halted anywhere, even for a single week, must have been starved. Marching every day, his men

ate out a new section, and left behind them a starving wilderness.

"Col. Northrop, his Commissary-General, had many difficulties to contend with; and, not least, the incessant hostility of certain opponents of his administration, who, by striking at Northrop, really meant to strike at him. Even General...... Otherwise so moderate and conservative, was finally induced to join this injurious clamor. There was food in the Confederacy, but no means for its collection, the holders hiding it after the currency had become depreciated; and, if collected, then became the difficulty of its transportation. Their railroads were overtaxed, and the rolling stock soon gave out. They could not feetheir own troops; and prisoners of war in all countries and ages have cause of complaint. Some of his people confined in the west and at Lookout Point, had nearly starved at certain times, though he well knew, or well believed, full prison rations had been ordered and paid for in these cases.

"Herd men together within an inclosure, their arms taken from them, their organization lost, without employment for their time, and you will find it difficult to keep them in good health. They were ordered to receive precisely the same rations given to the troops guarding them; but dishonest commissaries and provost-marshals were not confined to any people. Doubtless the prisoners on both sides often suffered, that the officers having charge of them might grow rich; but wherever such dishonesty could be brought home, prompt punishment followed. Gen. Winder and Col. Northrop did the best they could, he believed; but both were poorly obeyed or seconded by their subordinates. To hold him responsible for such unauthorized privations, was both cruel and absurd. He issued order after order on the subject; and, conscious of the extreme difficulty of feeding the prisoners, made the most liberal offers for exchange-almost willing to accept any terms that would release his people from their burdens. Non-exchange, however, was the policy adopted by the Federal Government-just as Austria, in her late campaigns against Frederick the Great, refused to exchange; her calculation being, that as her population was five times more numerous than Prussia's, the refusal to exchange would be a wise measure. That it may have been prudent, though inhuman, situated as the South was, he was not prepared to deny; but protested against being held responsible for evils which no power could avert, and to escape from which almost any concessions had been offered.

"Sunday July 11-Was sent for by Mr. Davis. Found prisoner very desponding, the failure of his sight troubling him. and his nights almost without sleep. His present treatment was killing him by inches, and he wished shorter work could be made of his torment. He had hoped long since for a trial, which should be public, and therefore with some semblance of fairness; but hope deferred was making his heart sick. The odious, malignant, and absurd insinuations that he was connected in some manner with the great crime and folly of Mr. Lincoln's assassination, was his chief personal motive for so earnestly desiring an early opportunity of vindication. But apart from all this, as he was evidently made the representative in whose person the action of the seceding States was to be argued and decided, he yet more strongly desired for this reason to be heard in behalf of the defeated, but to him still sacred The defeat he accepted, as a man has to accept all cause. necessities of an accomplished fact; but to vindicate the theory and justice of his cause, showing by the authority of the Constitution and the Fathers of the Country, that his people had only asserted a right-had committed no crime-this was his last remaining labor which life could impose on him as a public duty.".....

"Mr. Davis expressed some anxiety as to his present illness. He was not one of those who, when in trouble, wished to die. Great invalids seldom had this wish, save when protracted suffering had weakened the brain. Suicides were commonly of robuster class—men who had never been brought close to death nor thought much about it seriously. A good old Bishop once remarked, that 'dying was the last thing a man should think about,' and the mixture of wisdom and quaint humor in the phrase had impressed Mr. Davis. Even to Christians, with the hope of an immortal future for the soul, the idea of physical annihilation—of parting forever from the tenement of flesh in

which we have had so many joys and sorrows—was one full of awe, if not terror. What it must be to the unbeliever, who entertained absolute and total annihilation as his prospect, he could not conceive. Never again to hear of wife or children, to take the great leap into vacuity, with no hope of meeting in a brighter and happier life the loved ones left behind, the loved ones gone before!

"He had more reasons than other men, and now more than ever, to wish for some prolongation of life, as also to welcome death. His intolerable sufferings and wretched state argued for the grave as a place of rest. His duties to the cause he had represented, and his family, made him long to be continued on the footstool, in whatever pain or misery, at least until by the ordeal of a trial he could convince the world he was not the monster his enemies would make him appear, and that no willful departure from the humanities of war had stained the escutcheon of his people. Errors, like all other men, he had committed; but stretched now on a bed from which he might never rise, and looking with the eyes of faith which no walls could bar, up to the throne of Divine mercy, it was his comfort that no such crimes as men laid to his charge reproached him in the whispers of his conscience.

"'They charge me with crime, Doctor, but God knows my innocence. I endorsed no measure that was not justified by the laws of war. Failure is all forms of guilt in one to men who occupy my position. Should I die, repeat this for the sake of my people, my dear wife, and poor darling children. Tell the world I only loved America, and that in following my State I was only carrying out doctrines received from reverenced lips in my early youth, and adopted by my judgment as the convictions of riper years.'"....

"September 6—Called upon Mr. Davis once or twice, I remember between the interval of my last date and this, but have lost notes. Called today accompanied by Captain Titlow, officer-of-the-day, Third Pennsylvania Artillery, and found prisoner in more comfortable state of mind and body than he had enjoyed for some days. Healthy granulations forming in the carbuncle.

"Mr. Davis said the clamor about 'treason' in our Northern newspapers was only an evidence how little our editors were qualified by education for their positions. None seemed to remember that treason to a State was possible, no less than to the United States: and between the horns of this dilemma there could be little choice. In the North, where the doctrine of State Sovereignty was little preached or practiced, this difficulty might not seem so great; but in the South a man had presented the unpleasant alternatives of being guilty of treason to his State when it went out of the Union, by remaining what was called loyal to the Federal Government or being guilty of treason to the General Government by remaining faithful to his State. These terms appear to have little significance at the North, but were full of potency in the South and had to be regarded in every political calculation."

"Dr. Craven's record of the Prison-Life of Mr. Davis continues until November 1865, when his earnest efforts in behalf of his prisoner, so far excited the ire of the powers that be, that he was at first forbidden to hold any intercourse with the prisoner, and afterward removed entirely.

"But the treatment of Mr. Davis is now essentially changed. He has been removed to better quarters, is now supplied with adequate food, is allowed books, his family are permitted to see him, his friends have access to him; and his position in all things is now more nearly worthy the dignity of a great country, and suitable to his rank as an eminent State prisoner and not as 2 convicted felon.

"He and the country now await with interest his approaching trial. Thanks to the firmness of the President, the efforts of certain of the Radicals to bring him to a mock trial before a Military Commission, in which the result would be only a foregone conclusion, has been thwarted, and he will undergo a Constitutional trial before the highest tribunal in the country. It is feared, however, by some that the trial will never come off, but by one pretext or another, will be postponed from time to time, until the prisoner, harassed by hope deferred, and carried into a fatal illness by his confinement, will die." (What a commentary is this upon the corruption of the officials!) "A

fair, searching, exhaustive trial, in which the doctrine of State Sovereignty shall receive ventilation and logical assertion it has never yet received in which the limitations and conditions of the Government, under the Constitution, shall be examined by an acumen and learning never yet brought to bear upon the subject, would be a trial not of Jefferson Davis, but of the Republican party and its acts; and this trial the leaders and controllers of that party dare not meet. They may feel some assurance in the fact, that a conspicuous member of this party will preside at the trial; but the doctrine of State Sovereignty. if once authoritatively asserted by the Supreme Court, would palliate, if it did not justify secession, would render the present attitude of the party towards the Southern States untenablewould thwart and check their scheme for centralization-would establish the unconstitutionality of many of their laws effecting the status of the citizens of the several States-would overthrow their whole theory of the Union, their platforms, their logic and their ambitions, and reassert the old Jeffersonian landmarks and principles. Will they dare stand this test? They may, relying on the partisan proclivities of the Chief-Justice; but men who have studied the Constitution of the United States and comprehend its real significance and meaning, need not fear to see the doctrine of State Sovereignty under which the seceding States acted, brought to the tribunals of the Court, need not fear for a moment the triumphant issue of the attempt to try Jefferson Davis for treason."

A few facts suggested by the foregoing should be emphasized. His bed was only a few feet above the water level, and on the damp side of the fortress, resulting in neuralgic disorders and rapidly failing health. The removal of the shackles was due to the activity of Dr. J. J. Craven, and not to locks having been put on doors. Davis was treated as a condemned convict while in the eyes of the law he was innocent till proved guilty.

### CHAPTER XXXVIII.

# THE FAILURE TO TRY DAVIS AND ITS MEANING.

As an introduction to this sham trial a concise review of a few facts may not be out of order, as his crued treatment affirmed him many times guilty.

On May the 8th Gen. Minty ordered that every effort be made "to capture or kill Davis the rebel President." The next day Gen. Wilson notified Gen. Upton that President Johnson had offered \$100,000 reward for the capture of Jefferson Davis," implicating him "upon indisputable evidence" in the assassination of Lincoln. Two days later, the 10th of May, Davis was captured at Irwinville, Ga., by Col. Pritchard, while surrounded by his family and a few friends thinking himself secure from arrest under the Sherman armistice. Some irresponsible person reported that he was arrested while attempting to escape disguised in female attire. Although the least investigation would have exposed its falsity, yet Gen. Wilson reported it to the War Department as a fact. It was a sweet morsel to Gen. Wilson, Gen. Stanton and his Assistant Secretary, Dana, Stanton displaying his pleasure by writing to the Rev. T. J. Breckinbridge of Kentucky that "Mr. Davis was captured while trying to escape in his wife's clothes," and Dana showing his keen pleasure by ordering Col Pritchard to send him "the woman's dress in which Mr. Davis was captured."

On the 19th day of May the William P. Clyde cast anchor in Hampton Roads. Jefferson Davis with other distinguished prisoners was on board. With his arm in the firm grasp of the gallant (?) Miles and surrounded by a strong guard Mr. Davis was escorted in style to his carefully prepared cell in fortress Monroe, the strongest fort on the American Continent. He was there incarcerated in a dungeon only a few feet above the water level of the bay. Such was the dampness that "mould covered his shoes," and such the darkness that a lighted lamp was necessary day and night; and as to ventilation the very conditions declared it the worst possible. In front of the pris-

oner's pallet paced two sentinels night and day, the lamp brightly burning. Every fifteen minutes, or no less than 96 times in every 24 hours, a commissioned officer verified the prisoner's presence. As if all this torture was not enough, within less than five days after his imprisonment heavy iron shackles, "about five-eights of an inch thick," fresh from the anvil, were riveted to his ankles. Within less than five other days Dr. Craven was called upon to "pad" or "cushion" "the broad abrasions on his skin" made by the heavy irons. It was then Dr. Craven felt his "first thrill of sympathy" for his patient.

The charge of murder having now been discarded as false, there remained only the charge of treason-a charge Davis was anxious to meet and the Government anxious to avoid. The great trouble was how to avoid it gracefully and without suspicion of blame. There stood the prisoner accused of treason, untried and uncondemned, yet treated as a convicted felon of the worst type. Expecting to be tried for his life, he was denied the necessary books and all other means of preparing for his defense. Friends were denied him. Even his wife was denied, not only his presence, but also the hospitality of both Virginia and Marvland. Confined for months in that damp, dark, unventilated dungeon, no friendly voice greeted him except as it came from the lips of Dr. Craven, his attending physician; and his sympathy cost him, by general order, no less than his official position.

There is no lonesomeness so real as that of being alone while in the midst of an unsympathetic multitude. Here was Davis in a rock-ribbed prison, shackled and otherwise abused, with soldiers in front of him and soldiers behind him, soldiers to the right of him and soldiers to the left of him; in the midst of a solemnity that was torture, and a monotony that was nervedestroying; with the solemnity and monotony punctured only by the sound of the beating waves outside and that of the measured steps of the silent sentinels within; in a low down dungeon as incapable of being ventilated as his tormentors were of sympathy; in an atmosphere as damp as the dampest and as dark as the darkest, and vet an atmosphere far more cruel than it was either damp or dark or both. Was ever lonesomeness greater than this?

This was Davis's condition:—This his refined, condensed and prolonged torture. The wild and untutored savage knows how to torment and torture his victim. But the tortures of the savage are only temporary and as the mere scratch of a pin in comparison to the physical, mental, and soul-piercing tortures to which Mr. Davis for many long months was subjected.

It was this worse than savage cruelty that first moved the heart of Dr. Craven to sympathy. It was this too that touched the heart of Dr. Cooper, his successor, with sympathy. It was this cruelty that awoke sympathy in the breasts of the brave sentinels and through them found an outlet. When once beyond the walls of the old fortress, whose silence was no longer possible, a chivalrous North and South caught the infection of sympathy and "commented severely on the treatment of the State prisoners, Davis and Clay."

Gen. Miles, as if rebuked, in compliance with public sentiment was transferred to another post much against his will and earnest protest. The administration began to relax. Even the Secretary of War was touched in a tender spot, and ordered 36 dollars a month to be paid "for furnishing the prisoners—Davis and Clay—with such food as they require, and for the payment of the laundresses who do their washing." What a change was this! What a power is public opinion when backed by a noble, patriotic and sympathetic press! Tigers were turned into lambs!

As the summer of 1866 grew apace, Davis and his family were reunited. They were given "rooms in Carroll Hall, a commodious house within the bounds of the fort." Davis was given the freedom of the place. "His friends came from Baltimore, Washington and Richmond to pay their tribute of respect and devotion." What a pleasing contrast is this!

It seems cruel now to turn our eyes again back to that very dark dungeon within a very dark dungeon. But it was in the midst of the deepest gloom of these two cells that a ray of hope came from an unexpected source to cheer the very lonesome and forlorn prisoner. It was in the shape of a note from

Charles O'Conor of New York, the acknowledged head of the legal profession in the United States. That note was dated June 2, 1865. It was addressed to Jefferson Davis. As it sounded the first note of Davis' defense we give it here.

It reads as follsw:

"Gentlemen who have no personal acquaintance with yourself, and who never had any connection by birth, residence or otherwise with any of the Southern States, have requested me to volunteer as counsel for the defense, in case you should be arraigned upon an indictment which has been announced in the newspapers. No less in conformity with my own sense of propriety than in compliance with their wishes, I beg leave to tender my services accordingly. I will be happy to attend, at any time and place you may indicate, in order to confer with yourself or others in relation to the defense. The Department of War having given its assent to the transmission of this letter through the proper military authorities, I infer that if my professional aid be accepted, you will have full permission to confer with me in writing and orally at personal interviews, as you may judge desirable."

This letter must have awakened in Mr. Davis every emotion of gratitude. It made it clear to him and the Administration that others than Southerners stood at his back ready to defend him. The natural impulse of Mr. Davis, prompted him to answer this note at once. But he had neither paper, pen, nor ink.

The handwriting on the wall was seen. There was quaking in the knees. The clock of caution had struck the momentous hour. The responsibility of furnishing Mr. Davis with the necessary paper, pen and ink was too great for the politic Miles. Hence on the 6th of June, he telegraphed Gen. Townsend as follows: "General, shall I furnish Jefferson Davis with writing material to answer Mr. O'Conor's letter?" Gen. Townsend replied: "The Secretary of War says you may furnish sufficient for the specific purpose." (121 War of Rebellion 642.)

Mr. Davis' letter in reply was rejected by Mr. Stanton, Mr. Seward and Mr. Speed as "an improper communication." Mr. Davis struck out "the improper language" and again it was rejected. If any reply ever reached Mr. O'Conor the records do not disclose the fact. (121 War of Rebellion 655-7). What did it mean? What could it mean?

As we have seen in the previous chapter an effort was made to try Mr. Davis by a military commission, but was early abandoned by all the officials except Gen. Holt, the Judge Advocate. Accordingly it was arranged that Mr. Davis should be "indicted at the May term (1865) of the United States Court at Norfolk over which Judge Underwood was to preside. This was to be done, despite the fact that the Judge had previously been of the opinion that 'rebellion' had become a civil war of too great proportions to make it proper and expedient to indict its leaders for treason." He was nevertheless indicted by this same Judge Underwood, and the District Attorney at once moved for a bench warrant, which was refused. Why? Amid the doubts and fears and confusions of the Court an elephant confronted them. The indictment was lost but the huge elephant remained in the shape of the Constitution-too large to lose.

"An indictment against Mr. Davis was also found in the District of Columbia." But it, like the one at Norfolk, was also consigned to oblivion.

On the 10th of August President Johnson asked Chief Justice Chase for a conference in reference to the "time, place and manner of the trial of Jefferson Davis." What took place in that conference has never been divulged, (121 War of Rebillion 715-16.) The conditions were nervous.

On the 21st day of September, 1865, the Senate asked the President for information on the trial of Jefferson Davis, but the President was silent for three months and sixteen days, waiting till the 7th of January, 1866. It was then decided (?) that he should be tried in the State of Virginia, and that the Chief Justice should preside. But the Chief Justice refused to hold the Court, for reasons of his own.

A general outcry was heard against the unconstitutional delay of the trial. The Senate becoming impatient under the influence of this outcry, nine days later (January 16) called on the President for the correspondence between himself and the Chief Justice. From that correspondence it was learned that

the Chief Justice was unwilling to hold Court so long as martial law prevailed in Virginia. Who does not know that the power that called the martial law into existence would have annulled it? Why should a local martial law interfere with a civil case of concern to the entire nation? It was anything for an excuse.

Thus delay followed delay with no plausible excuse. The real excuse was withheld. It was the Constitution. It stood a mighty bulwark of defence in favor of the accused. The North had waged war against the South on the ground that secession was unconstitutional and hence rebellious. Now that the question is about to be submitted to the highest tribunal of the Nation the Administration shrinks from the trial. If Davis should be acquitted, the great responsibility of that stupendous war with all its death record, with all its sorrows, its hardships, its destruction of property, and disorganization of society, would belong to the Republican party and the Administration. More than that, all the wrongs saddled upon the leaders of the South in the name of the Constitution would be laid at the same door More still, all the false representations of the Governmental officials to foreign nations would constitute one of the blackest pages in all the deceptive records that distinguished that unjust war from beginning to end. So long as the voice of the Courts. the great Civil tribunals that should have settled all questions of disputes between the two sections, was silenced by war's usurpations, tyranny was bold and rampant. But now all the forces at the back of tyranny and usurpation are scattered. Civil law again reigns supreme. The Courts again have come into their own, and judges unterrified again represent the majesty of the But the authors of that war are still in control of the law. executive department of the Government. They have virtually sworn that a decision, involving the justice of that war, shall never be rendered by the highest court tribunal in the world. Knowing in 1861, that the Law and the Constitution and the Right were on the side of the South, they dissembled, and inaugurated war. Now that the war is over, and the one eminent and distinguished representative of the cause of the South is clamorous and anxious for a trial they again dissemble. They

proclaim the righteousness of their cause by the exercise of the basest cruelty, the only test they dare give of the justice of the cause they espoused.

Because of unconstitutional delays and unconstitutional proceedings, men of all parties and all sections begin to demand "the discharge of Davis from custody either on bail or on parole."

Gen. Bradly Johnson has given a report of the trial (?) of Mr. Davis in which he details the slow process of obtaining a trial, and gives a summary of the reasons prepared by Charles O'Conor why Mr. Davis should not be tried for treason. (Chase's Circuit Court Reports).

Gen. Johnson is authority that what was said or done by each actor was submitted to him for his approval, and was not published until corrected by him. The report is therefore doubly valuable.

The following is a quotation from Mr. O'Conor's reasons why Mr. Davis should not be tried for treason:

"When rebels and traitors oppose their Government by open violence and are summarily put down, those not slain in the combat may fairly be tried for treason in the civil courts and dealt with as ordinary criminals. The transaction constitutes only a species of riot. But far different results ensue when rebellion maintains itself so long and so effectively as to compel between itself, its people, and its territory, on the one hand, and the lawful Government on the other, the institution and acceptance of rules and usages which obtain in regular wars between independent nations. Amongst men claiming to have attained a high civilization, war is recognized as a State or condition governed by law. In its conduct or at its close, sight is not lost of mortality or justice. If successful the rebels acquire the power of establishing an independent State, which all men regard as not only legitimate, but honorable in its origin; if they fail, the victor may be as indulgent as he will, or, as far as he dare, may consecrate to his revenge the field of his ruin. Whatever severity can be justified at the bar of public opinion may be practiced; and certainly no more should be exercised. Τo the latter proposition every magnanimous spirit will assent. Washington might have failed; Kosciusko did fail.

After an open territorial war of this kind had existed for four years, it might be thought by some that the rebels were still criminal violators of municipal law, and that they ought to be dealt with as such. By way of reasoning it might be urged that the extent of their operations merely intensified their guilt, and should not in any way affect the question. But this reasoning, if such it may be called, proves too much. On the fall of the rebellious State, after sustaining a belligerent attitude for one hundred years, its chiefs and leaders might with equal propriety be brought to trial as traitors in civil courts, although they and their ancestosr had for several generations been uniformly regarded and treated as public enemies, carrying on war against the ultimate victor, a regular national war. This can not be admitted. The law of nature forbids it; and there are broad and comprehensible doctrines deducible from the universal practice of nations which forbid it. And these doctrines are founded in necessity.

"These views induced the belief that Jefferson Davis could not lawfully be convicted of treason, and to compass his death by means of a civil trial, judgment and execution, would be disgraceful to those who administered the Government and discreditable to our own people. Therefore, gentlemen at the North entertaining strong opinions against the right and act of secession united in requesting counsel to interpose a defence should anything of the kind be attempted." (Chase's Reports, pp. 12, 14, 17).

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Mr. O'Conor does not base this defence on the right of secession, for it was not necessary, and would have been impolitic under the circumstances, but on the ground that the South "had compelled the institution and acceptance of the rules and usages which obtain in regular wars between independent nations." The Government either knew or did not know that "amongst men claiming to have attained to a high state of civilization, war is recognized as a state or condition governed by law." If the Government knew this, it was willfully cruel and savagely unrelenting, and deserved all the condemnation civilization has heaped upon it. If the Government did not know this, the fact proves an inexcusable ignorance and entitles it to the condemnation of the civilized world. It also shows that just as ignorance of the Constitution inaugurated the war, so now ignorance of the rules and usages of war between civilized communities, and of what constitutes treason, was disgracing the Government, and through the Government the nation, by its savage-like unrelenting cruelty to the most distinguished representative of a defeated Government that had in good faith laid down its arms Between knowledge and ignorance, it is perhaps more charitable to place the mantle of ignorance over the causes that led to so much bloodshed, to so much devastation, and to such unparallelled cruelty, than to attribute it to willful violation of law and of the usages of war between civilized people.

It is however difficult to understand how the United States Government could have been ignorant of the "broad and comprehensible doctrines deducible from the universal practice of nations"—"doctrines founded in necessity." Northern statesmen knew "that Jefferson Davis could not lawfully be convicted of treason, and to compass his death by means of a civil trial, judgment and execution would be disgraceful to those who administered the Government and discreditable to our people." Why should not Johnson and his Cabinet have known it? We are facing facts pregnant with meaning. Who can interpret them to the honor and glory of this great American Republic?

If it would have been disgraceful to have thus compassed the death of Mr. Davis, was it not equally as disgraceful to have incarcerated, shackled and otherwise treated him as a criminal?

On the Sth of May 1806, an indictment was found against Jefferson Davis in the Circuit Court of the United States for the District of Columbia. It presented....

"Jefferson Davis late of the city of Richmond in the county of Henrico, in the District of Virginia, aforesaid, yeoman, being an inhabitant of and residing within the United States of America, not having the fear of God before his eyes, nor weighing the duty of his said allegiance, but being moved by the instigation of the Devil, and wickedly devising, intending the peace and tranquility of the United States of America to disturb

and the Government of the United States of America to subvert, and to stir, and move, and incite insurrection, rebellion and war against the United States of America, on the 15th day of May 1864 in the city of Richmond," etc.

What an indictment is this! It favors the theory of ignorance on the part of the Government. Examine its date-8th Note the date on which Davis "moved by the of May 1866. instigation of the Devil" and without "the fear of God before his eyes," wickedly devised and intended to disturb the peace and subvert the Government," and to stir, and move and incite insurrection, rebellion and war against the United States." It was on the 15th day of May 1864, more than three years after the secession of the States. Were the two battles of Manassas no rebellion? Was McClelland's Peninsular Campaign waged Did Lee force McClelland to seek the against no rebellion? cover of his gunboats without being guilty of rebellion? Did Johnston win the battle of Shiloh without being guilty of rebellion? Did Lee march his invincibles into Maryland and Pennsylvania, striking terror to the heart of Washington, and vet was not guilty of rebellion? The great war, called the rebellion, was about three years old on the 15th day of May, 1864. Was it miscalled rebellion up to that time? Why name the 15th day of May as the peculiar day on which Davis was possessed of the Devil? The 15th day of May, 1864, and the 8th day of May, 1866, are witnesses in favor of the theory of ignorance on the part of the Government, and yet their testimony smacks of the incredible. Did the Government actually intend to say Davis committed treason on the 15th day of May, 1864, and that he was guilty of treason on the 8th day of May, 1865? Let him who would have an answer consult the facts.

On the 5th day of June, 1866, Messrs. James T. Brady, of New York, William B. Read of Philadelphia, James Lyon and Robert Ould of Richmond appeared in the Court for the city of Richmond as counsel for Mr. Davis, and through Mr. Read in very terse and clear language asked the Court what was to be done with the indictment, and whether it was to be tried. This last question, he said, he probably had no right to ask, but he claimed the right to that speedy and public trial guaranteed by the Constitution, and wanted to know when and where that trial was to be had."

Note the facts: "Major J. S. Hennessy, the Assistant United States Attorney for the District, replied that Mr. Chandler, the District Attorney, was absent, and he was not prepared to answer." Why was not Mr. Chandler there? If he knew he could not be present why had he not instructed Major Hennessy, his assistant?

The matter was laid over till the next morning. Note the facts. When the next morning came Mr. Chandler was still absent. But Mr. Hennessy read a paper in which he set forth that Mr. Davis was not in the custody of the Court, and was beyond its control; that the District Attorney was so much engaged with official duties that he could not attend; and thirdly that Mr. Davis was too unwell to stand a long trial at that season of the year. For these reasons he moved the Court to lay the matter over until the first Monday in next October."

"Mr. Brady replied that it was true that in a technical sense, Mr. Davis was not in the custody of the Court, but that was a plea for Mr. Davis to make if he wanted delay. On the contrary he waived any such plea and demanded a speedy trial; and that as to the heat of the weather, Mr. Davis could stand it in Richmond as well as at Fortress Monroe, and his counsel would willingly serve him under any conditions."

Here stands a prisoner to whom the Constitution grants a speedy trial. Yet, as we see, the most flimsy excuses are given by the prosecution for delay. The prosecution at last found out that Davis was sick, and in the name of sympathy pleaded for him to be longer imprisoned in fortress Monroe. What duty could the prosecuting Attorney, Chandler, have had more important than trying a man, charged with treason, "instigated by the Devil?" Yet he was "so much engaged (?) with official duties that he could not attend the trial!"

Judge Underwood stated that the Chief Justice was to preside at the trial and that he could not be present until the first Tuesday in October, to which day the cause was adjourned. The United States judges and United States officials must have agreed

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with Thad Stevens in the opinion that "there is no Constitution."

"On the 7th of June (next day) Messers. Charles O'Conor of New York, Thomas G. Platt. ex-Governor of Maryland, representing Mr. Davis; and Mr. Speed the Attorney Ceneral representing the Government, waited on Chief Justice Chase at his residence to ascertain whether he would entertain a motion to release Mr. Davis on bail. The Chief Justice, without any formal application for bail, announced that he considered it improper for him to act in this matter so long as the State of Virginia was under military rule; and that he would not act until the writ of Habeas Corpus was fully restored, and martial law abrogated. His opinion on this subject is set out in full in Gen. Johnson's report:

"Mr. O'Conor and Mr. Shea of New York, as counsel for Mr. Davis, also made application subsequently to Judge Underwood in the Attorney General's office in Washington. He also declined on the same grounds as those given by Judge Chase. The President, the Chief Justice, the Attorney General, and Judge Underwood all intimated their desire to grant the release, but each found some refined Constitutional objection to gratify their wishes, and the result of their self-denial was that Mr. Davis remained in custody." (The Trial & Trials of Jefferson Davis, pp. 5-6.)

The report of the Committee, headed by Col. Turner, to which we have referred, stated that no further legislation was necessary to aid the courts in bringing Davis to trial, and that it was the duty of the Executive Department of the Government to do so. Therefore the Executive inquired of the Attorney General what yet remained for him to do that Mr. Davis might be tried. The answer of the Attorney General was made on the 12th of October. In it he said to the President, "It was only necessary for him to order the keeper of the Fort Monroe jail to deliver Mr. Davis up to the Marshal of the District of Virginia on proper application."

But the Attorney General set forth many reasons why the Court could not sit, why it had not convened on the 6th of October, to which day it had adjourned; that by an act of Congress the Court to be held in Richmond was to convene on the 1st Monday in May and 4th Monday in November; and that this act of Congress abrogated the special term fixed for October. It was further held that Congress had changed the judicial circuits; and that this change required a new allotment which only the Supreme Court could make, and not by this Court till it met. During all these intrigues and excuses, Davis was a prisoner in Fortress Monroe anxiously demanding a trial as his absolute right under the terms of the Constitution.

Chas. M. Blackford an eminent Virginia lawyer, in an address on "The Trials and Trial of Jefferson Davis," delivered in 1900 before the annual meeting of the Virginia Bar Association, commenting on the expressions of desire by the officials to see justice done while "something always rose to prevent their carrying out their philanthropic wishes," used these very pertinent words: "The historian of the future with all the light which will then illumine his research, will tear away the flimsy veil and show that Mr. Davis was so long kept in confinement to gratfiy the personal bitterness of men who had once been his associates, and well knew the dignity and purity of his character."

The civilization of the United States blushes for the civil Government of our country when the humanity of its officials is compared with that of the commanding officers of the military departments. Grant was generous and merciful to an extreme. His noble soul knew no other impulse. Sherman was equally noblehearted and generous as Grant, giving "amnesty to all persons both military and civil." When Johnston and Breckinridge and Reagan called his attention to these particular words, he replied, "I mean just that," adding "it is the only way to have perfect peace." Sherman and Grant were statesmen in comparison with whom President Johnson and his Cabinets were pigmies in official garb. When you touch the chords of nobility of soul you awake vibrations that charm the Southerner's heart. Sheridan and Thomas had kindred hearts to those of Grant and Sherman. It was so with all the field officers of the Union army with only a very few exceptions. Notable among the exceptions is Gen. Miles, and he perhaps did not appreciate the true character and the true dignity of an American military officer. Elevated from

a clerkship in a Boston mercantile house to the rank of General. he lost his head and was bigoted, fanatical, intolerant and extremely cruel. Mercy, justice and respect characterized the military commanders as a rule. They had stood where hate had no foothold, and had measured swords with an enemy whose chivalry they honored. Chivalry is the same exalted principle upon whichever side it stands. The brave are tender and compassionate. In the first battle of Cold Harbor a Confederate Lieutenant in the front line of a charging column approaching a wounded soldier in blue, hurriedly transferred his own canteen full of water to that of his wounded enemy and passed on in the victorious charge, followed by the benedictions of the soldier in blue. Less than 48 hours previous this same Lieutenant had bent over the dying form of a brave brother on the field of battle. Compare this act with that of Seward when asked by Davis's attorneys for assistance. Pointing to the scar on his neck, made by the assassin's knife, he said "You hardly expect me to aid you."

On the 20th of May, 1866 Surgeon Cooper's reports as to the health of Mr. Davis were made public. They created an indignation which found voice in the newspapers of all parties and all sections. We quote but a word from the New York World in its comment on this report as a specimen: "The American people, should these stories prove true, will have a serious account to settle with the functionaries who could thus misrepresent and belittle them in the eyes of Christendom and of history."

Similar articles appeared in other newspapers of all sections, condemning the refusal of the common courtesies of life to a man "who for four years wielded the resources of eleven belligerent States against the whole power of the Union."

Thus the functionaries in charge of the Government at Washington were condemned in most bitter and most unrelenting terms, while the military officers, as a rule, presented untarnished shields to the light of civilization. The chivalry of the South delights in honoring a magnanimous chivalry of soul in the army of the North.

We shall now quote freely from the "Trial and Trials of Jefferson Davis" by Chas. M. Blackford, the gifted Virginia lawver.

"On the first day of May, 1867, Judge Underwood opened the Circuit Court of the United States at Richmond, when George Shea, of New York, as counsel for Mr. Davis, filed a petition for habeus corpus. It was granted, and on the 10th was served on Brigadier-General Henry S. Burton, successor of Gen. Miles as commandant at Fort Monroe, who after obtaining the permission of the President, brought Mr. Davis to Richmond.

"Deep anxiety was felt about the trial, which, it was believed, would begin on Monday, the 13th of May. On that day the streets were filled with nervous people and great crowds surrounded and packed the stairway and passages of the Custom House where the Court room is situated. Mr. Davis, his counsel and Gen. Burton and his staff were at the Spottswood Hotel. The Court was to sit at eleven o'clock, but long before that time many persons had secured positions in the Court-room by permits issued by the marshal. In this way seats were secured for a few ladies, the reporters and a number of distinguished visitors.

"A few minutes before eleven the counsel for the defense entered the Court-room. They were a very distinguished group: Mr. Charles O'Conor, the leader of the bar in the United States: William B. Read, of Philadelphia: George Shea of New York, both high in the ranks of their profession; John Randolph Tucker, already distinguished as a Constitutional lawyer and late Attorney General of Virginia; Robert Ould, the most skillful debater and logical speaker of his day, and Mr. James Lyons, who had long been prominent in the courts of this State.

"It is seldom that any case has brought together a more distinguished array. The Government was represented by Mr. Evarts, the Attorney General of the United States, also a leader of the bar of New York, and a man of learning, high culture and refinement; Mr. Chandler, a northern resident of Virginia, who could take the iron-clad oath, was District Attorney. Besides the Counsel engaged in the case there were a number of other men of mark, both civil and military; among them may be men-

tioned Judge J. A. Meredith, the Irish patriot; Gustavus A. Meyers, and Generals Schofield, Granger, Brown, Imboden, John Minor Botts. A few moments before the clock struck eleven the large doors were thrown open and the crowd rushed in and filled every spot outside the bar. At eleven Horace Greely entered the room, and there was a buzz of interest. The object of his visit was known, and excited much good-feeling toward him, which was exhibited by kindly comment from the crowd and many cordial shakes of the hand by men inside the bar.

"When Judge Underwood came in, the proclamation was made. After the proclamation there was a hush of expectation and all eyes strained to catch the first glimpse of the distinguished prisoner. As said before, he was at the Spottswood Hotel, in front of which a vast crowd was gathered to see him come out. Carriages were arranged in front of the hotel as if to take him and his party, but to avoid the crowd the proprietor had caused a coach to be brought into the court-yard in the rear, and while the crowd were standing expectant in front, Mr. Davis, Gen. Burton, Dr. Cooper, of the United States army, and Mr. Burton Harrison got into the carriage and were driven rapidly by a circuitous route to the Custom House. The crowd did not discover that they had been outwitted until he had reached his destination.

"On the arrival of the party at the Custom House they were taken to the conference room by a private way and thence at once entered the court room, where he was escorted by Gen. Burton to a comfortable chair with more of the manner of a sympathizing friend than that of his keeper. Mr. Davis was much worn and showed the marks of extreme feebleness, but he looked cheerful and bright and bowed to his many friends and shook hands with a few who were nearest.

"As soon as he had taken his seat Judge Underwood, who was incapable of appreciating the dignity of his official position, said, turning to the United States army officers who were present, "The court is honored on this occasion by the presence of so many of the nation's noblest and bravest defenders that the usual morning routine will be omitted.' The sentiment so far as it refers to the spectators, is unobjectionable, but its utterance on such an occasion has no parallel in judicial conduct since Jeffries held his court at Taunton.

"Gen. Burton then presented Mr. Davis to the Court in obedience to the writ of habeas corpus. In reply the judge tendered him the thanks of the Court "for his prompt and graceful obedience to its writ. He has thus added another to the many laurels he has gained upon the battle-fields of his country." Imagine Chief Justice Marshall, who once presided in the same Court in a great trial for treason, effusively tendering his thanks to any one who obeyed the mandate of his writ. Inter arma silent leges had so long been the prevailing condition in the land that this abasement of the ermine attracted no attention.

"After this display of gratitude, the judge declared that the prisoner had now 'passed under the protection of American Republican law' and was in the custody of the marshal.

"What species of law that was it is hard to explain, and when it is remembered that, though ever clamoring for his constitutional right to a speedy trial, it was over three years before it was awarded him, the difficulty in understanding him is increased.

"The prisoner having thus passed from the control of martial law into that of this 'republican law,' Mr. O'Conor announced that the defense was ready and desired a trial. To this Mr. Evarts replied that the case would not be heard at that term, to which, of course, the judge assented. Motion for bail was then made, and by the practical consent of the prosecution it was granted and the penalty was fixed at \$100,000, but this was not effected until Judge Underwood had interpolated a stump speech, lauding the Government of the United States and the beneficence of its administration.

"The bail-bond in the usual form of such bonds was ther given. The sureties were Horace Greely, Augustus Schill, Horace F. Clark, Gerrit Smith, and Cornelius Vanderbilt, of New York; Welch and David K. Jackman, of Philadephia; R. Barton Haxall, Isaac Davenport, Abraham Warwick, Gustavus A. Meyers, John

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Minor Botts, Thomas W. Doswell, James Thomas, Thomas Price, and several others of Virgina.

"When the bond was duly executed, the marshal was directed to discharge the prisoner, which was done amid deafening applause.

"The streets around the Custom House were crowded with people awaiting the result. As soon as the decision was announced someone ran to the main street window of the Custom House and shouted "The President is bailed!" A mighty roar of applause went up from the people below, which was taken up and echoed and re-echoed from street to street and house to house, though strange to say a considerable period of time elapsed before the crowd on the Bank street were informed of the result, then they joined most heartily in the shouts. A company of United States infantry had been brought up to the door of the Custom House when Mr. Davis was carried in by Gen. Burton. No one has ever yet known what became of them. They vanished in the uproar, doubtless rejoicing that they were relieved of the ignoble function which had been assigned to them. as jailers.

"Some time elapsed before the bond was signed and the order of release was entered. Then Mr. Davis left the room, and with Mr. O'Conor on one side and Mr. Ould on the other, came out of the Custom House door on Bank Square. They were greeted with a sound which was not a cheer or hurrah, but that fierce yell which was first heard at Manassas, and had been the note of victors at Cold Harbor, at Chancellorsville, the Wilderness, and wherever battle was fiercest.

"The trio got into an open carriage and drove to the Spottswood Hotel, at the corner of Main and Eighth Streets. As they moved amidst the rejoicing crowd, the rebel yell was their only applause, their happiest greeting. It was the outburst of brave men who could best give their expression to their indignation for what was past and their joy for the present.

"As the carriage approached the hotel, all sounds ceased, and a deep and solemn silence fell upon the crowd, less demonstrative than yell, but more tender in its sympathy. As Mr. Davis stood up in the carriage, preparatory to alighting, a stentorian voice, 'Hats off, Virginians', and five thousand bare-headed men did homage to him who had suffered for them, and with moistened eyes and bated breath, stood silent and still until their representative entered the hotel.

"The treatment which the Federal Government had imposed upon Mr. Davis had made him a martyr; the applause was an attestation of that fact. Around the court-room were thousands of men who met danger and suffered loss. Each man felt that Davis had suffered vicariously for him. If Davis was a traitor, so was he. If Davis should suffer the penalties of law, so should he. This it was which made the feeling so intense.

"The Southern people had profound respect for Mr. Davis personally because of his pure character and intellectural abilities, but for him there was no such deep and abiding devotion as for Lee and many of the other military chieftans. Mr. Davis impersonated their failure; the Generals their brilliant success as long as success was possible. But when the victors charged him falsely with crimes abhorent to his nature, put him under ward and manacled him as a felon, and then indicted him as a traitor, he became their martyred hero, and history will so record him."

What did the Athenians gain by putting Socrates to death? They but rendered him doubly immortal and endeared his name to all races and all times. What did the Samoans gain by burning Pythagoras at the stake? The light of that fire is as enduring as that of the sun. What did the Jews gain by the crucifixion of Christ? His is the one name which marks the center of time. What did the Federal Government gain by their savage treatment of Davis? They have but immortalized him and his cause. They have but given him a name that will rank with the best, the noblest, and the greatest of any age. Injustice and hate are mere shadows of a day, but principles are eternal, and their might and their light, though often overwhelmed and crushed, never die. The chivalry of the eleven States, at the head of which stood their "uncrowned king," their vicarious martyr, will grow in admiration and luster as the ages add to the circles of time.

"At the November term, 1867, Mr. Evarts, the Attorney General, was present, representing the prosecution before Judge

Underwood. Mr. Davis, through his counsel, was ready, earnestly demanding a trial.

"The Government asked that the trial be put off until the succeeding March to suit the convenience of the Chief Justice. The defense was anxious for Judge Chase to preside, so it consented to the delay.

"On the 26th day of March, 1868, a new indictment was found against the prisoner charging him in many counts with many acts of treason, conspicuous among which was 'conspiring with Robert E. Lee, J. P. Benjamin, John C. Breckinridge, William Malone, H. A. Wise, John Letcher, William Smith, Jubal A. Early, James Longstreet, William H. Payne, D. H. Hill, A. P. Hill, G. T. Beauregard, W. H. C. Whiting, Ed Sparrow, Samuel Cooper, Joseph E. Johnston, J. B. Gordon, C. F. Jackson, F. O. Moore, and with other persons whose names are to the grand jury unknown, to make war against the United States; fighting the battle of Manassas, appointing one Giradi, then acting as Captain, to command a brigade, and one Mahone, to be Major-General; fighting a battle near Petersburg in company with R. E. Lee and others, and another at Five Forks, all of which things were done traitorously, unlawfully, maliciously and wickedly.'

"The various historic acts, styled crimes in this lengthy document, were proved before the grand jury by the following witnesses summoned for the purpose: R. E. Lee, James A. Seddon, C. B. Duffield, John Letcher, G. Wyther Munford, John B. Baldwin, Charles E. Wortham, and Thomas S. Haygood."

Is there nothing in the fact that no less than twenty illustrious names besides that of the prisoner are charged with the same crime of treason, and yet not one of them is arraigned before the Court? Does not this fact alone bear evidence that the whole trial is a farce? Yea, more than this—R. E. Lee, the most eminent citizen of his century, if not of the age, is charged with the same crime, and yet was summoned as a witness in the case. A man whose virtues equaled, if they did not excel, his courage and skill on the field of battle, charged with the crime of treason, was called from his own free pursuits of high and noble purpose to testify against himself. Was ever a farce like this? Why did not that grand jury summon the Constitution? That would have been summoning the immortal framers of that instrument from their graves, who "though dead yet speak." That was the last witness they wished to hear.

"On the finding of this indictment the trial was continued until the the 2nd day of May, 1868, then to the 3rd day of June, and then again until the fourth Monday in November, when it was arranged that the Chief Justice should be present. This date was again changed to the 3rd of December in the same year."

What did all these changes mean but a solemn, a fixed, and a heart-and-head conviction of the innocence of Davis as to the charge of treason?

"During this delay the fourteenth amendment to the Constitution was adopted and became a part of the organic law of the land. The third section of that article reads as follows:

"'No person shall be Senator or Representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, who, having previously taken 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 Unted States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may by a vote of two-thirds of each House, remove such disability."

This was a very sweeping clause. Ingenuity could not have made it more so. It assumed that we Confederates were all guilty of rebellion, and hence of treason. Had it been as correct in its assumptions as it was sweeping in its exclusive details, Davis and all of us should have been hung. But with all the painstaking of its authors, this very amendment was made the basis of quashing the indictment against Davis. And a very peculiar fact about it is, that the suggestion was made to Davis's counsel by the Chief Justice of the United States. That high official knew Davis was not guilty of treason. He knew that ignorant and rash officials had compromised the dignity and honor of the Gevernment, and had involved the Government in complications of the most serious character. He had called to his aid the ablest lawyers of the North, and the more light that was focused on the subject, the clearer was the proof that the South had the Constitution on her side. Doubtless all the delays and all the postponements in this so-called trial were due to the fact that the Supreme Court of the Nation was nervously and constantly in search of some plausible ground on which to release Davis. The eagle eye of the Chief Justice at last found it in this amendment.

Davis as a member of Congress had in 1845 taken the oath to support the Constitution of the United States, "and had afterwards engaged in insurrection and rebellion, as charged in the indictment. Such crime, if crime it was, had been already punished by the penalties and disabilities denounced against and inflicted upon him thereafter by the third section of the fourteenth amendment of the Constitution. General Bradly T. Johnson has written that he had it from Messers. O'Conor and Ould that this point was suggested by the Chief Justice." (Blackford p. 61).

It was known that the sectional prejudices of Judge Underwood would never permit him to indorse this view of the case, and that with Chief Justice Chase's decision there would be a divided Court—so much the better for the purposes in view.

"Preparatory to the motion to quash on the ground, set forth above, Mr. Ould filed in open Court his own affidavit that on the 8th day of December, 1845, Mr. Davis on taking his seat in the House of Representatives, as a member from Mississippi, had taken the oath to support the Constitution of the United States. He then moved for a rule on the attorney of the United States to show cause why the indictment should not be quashed.

"On Thursday, the 3rd of December, 1868, the question, arising under the rule, was taken up in the Circuit Court of the United States, sitting at Richmond, with Judges Chase and Underwood on the bench, and the real and final trial of Mr. Davis began" but never materialized.

"There was not as much pomp and ceremony, nor as much dramatic effect as at the trial of Warren Hastings, nor has any such master of the art of word painting as McCaulay ever described it. In some respects, however, the scenes were alike, despite the difference in the character of the prisoners and in the style of crimes with which charged. In each case the prisoner

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at the bar was a man of high intelligence and strong will. Each had ruled an Empire. Hastings had governed a vast territory with many millions of population, and had added a continent to the crown of England. Davis had been the chosen leader of eleven commonwealths combined under him into a constitutional government which had met great armies and great captains in the field, and for four years, against desperate odds, and dependent solely on its own resources, had accomplished mighty deeds, won brilliant victories, and challenged the admiration of the civilized world by its sturdy fortitude and by the heroic defense of what it regarded right.

"The very indictment against Jefferson Davis was the catalogue of the great acts of a sovereign—a sovereign who conspired with Lee and Jackson and the Johnstons, with Stuart and Forrest and Kirby Smith and Taylor, and many others to fight such battles as the two Manassas, the seven at Richmond, the two at Fredericksburg, and the bloody fields of Gettysburg, the Wilderness, Chancellorsville and Spottsylvania.

"Great publicists like Chase and O'Conor and Evarts knew that the law and the custom of nations did not look upon such deeds as those of a traitor, and that the world stood aghast at the effort to thus debase the principles of international justice: but President Johnson and Judge Underwood, at a safe distance, would have read the riot act to the rebel army, and then held forfeited to the gallows the life of every gallant man who did not at once lay down his arms.

"Mr. Davis sat behind his counsel on the day of his final trial, much improved since his last appearance in the same room. He was not an unworthy hero for such a scene. His eyes flashed with intellectural fire, his nervous energy was still alert, though his physical strength was much wasted. As he sat in the midst of the distinguished group, he was easily primus inter pares. His calm dignity and his dauntless courage inspired the zeal of his defenders and won the respect of those whose official duty it was to prosecute. He sat at that court arraigned for the crimes of a great people, a sovereign called upon to answer for the misdemeanor of an empire. His mien and bearing proved him worthy of the dignity of the position.

"The Chief Justice of the United States presided, and it is with pleasure that it can be recorded that he well maintained the functions of his high office. He occupied the same position which was held by Chief Justice Marshall in that other great trial, when Aron Burr stood indicted for treason at the same bar, and to his credit be it said, he was equally just and impartial.

"The somewhat notorius Underwood sat by his side, but the arguments of counsel were, it is said by eye-witnesses, addressed only to the Chief Justice. Mr. O'Conor especially ignored his very existence, and the Chief Justice seemed to forget that he was beside him on the bench, except when, with the effrontery of ignorance, he exercised his right to dissent. The late Robert Whitehead, of Nelson, who was present, wrote that some time during the session of the Court something was said about the difficulty of securing an impartial jury in Richmond. Judge Underwood, with a wave of his hand towards the gallery packed with negroes, said he could easily secure a jury; but the suggestion was treated by Judge Chase with the contempt it deserved. Be it known that this man wore the ermine of a judge presiding in a high court of justice, and justice is not herself unless impartial.

"Of the many counsels for Mr. Davis, only four were selected to appear for him on that day, Messrs Charles O'Conor, Robert Ould, William B. Read and James Lyons; and of these Messrs. O'Conor and Ould were especially designated to make the argument on the motion to quash.

"For the Government there appeared the newly appointed District Attorney S. Ferguson Beach, Richard H. Dana, Jr., of Boston, and H. H. Wells, who had been the military appointee as Governor of Virginia. The Attorney-General, Mr. Evarts, was not present, it being stated that 'official duties rendered it impossible for him to be present.""

Here was a trial supposed to involve issues of the most transcendent importance—the honor of the Government itself, and the right of the Government to coerce the South. What official duties of greater importance could have "rendered it" necessary for the Attorney-General to have been absent? Does it not look like the Government knew in advance what the Court's decision would be?

"A demand was made for a written specification of the point upon which the motion to quash was made. This was soon written out by Mr. O'Conor, and the argument was opened by Mr. Ould in a speech of great clearness and logic.

"At the close of Mr. Ould's speech the Chief Justice said that he was not surprised, as intimated by Mr. Dana, at the ground taken by the defendant. The course of the argument, he said, was anticipated, as the point urged was the common principle of constructive repeal.

"Mr. Beach then opened for the Government, and Mr. Wells and Mr. Dana followed on the same side. Mr. O'Conor closed for the defense.

"On the close of Mr. Wells' speech the Court adjourned until the next day, which was occupied by Mr. Dana and Mr. O'Conor."

We have seen that the Chief Justice "was not surprised at the ground taken by the defendant;" and that he affirmed "the course of the argument was anticipated as the point urged was the common principle of constructive repeal." He had suggested the quashing of the indictment. No doubt but Judge Chase felt humiliated, as the head and representative of the judiciary of the nation, that Davis was ever indicted for treason and was ever arraigned for trial.

"The argument having closed on the 4th of December, the Court adjourned until the next day, when it announced what was well understood at the outset would be the case—that the Court could not agree. Although not stated in the order, it is known that the Chief Justice held the point taken by the defense to be good and that the indictment should be quashed while Underwood would have overruled the motion and proceeded to trial. The difference was that between a learned and upright lawyer, who could rise above political prejudice in the assertion of a great principle, and an ignorant partisian who permitted his personal bitterness to guide his judicial findings.

"The result of this disagreement of the judges was that the motion to quash failed and thereupon the case was continued until the May term, 1869. The fact of the disagreement was certified to the Supreme Court that it might be there decided."

This was the end of the celebrated cause. Later in December, 1868, President Johnson published his general amnesty proclamation, which by common consent was held to cover Mr. Davis's case, and upon the 15th of February, 1869, the following order was entered in the Circuit Court:

"Monday, February 15, 1869.

"United States

Vs. Upon Indictment for Treason. "Thomas Turner, William Smith, Wade Hampton, Benjamin Hugher, Henry A. Wise, Samuel Cooper, G. W. C. Lee, W. H. E. Lee, Charles Mallory, William Mahone, O. F. Baxter, Robert E. Lee, George W. Alexander, James Longstreet, William E. Taylor, Fitzhugh Lee, Robert H. Booker, John DeBree, M. D. Corse, Eppa Hunton, Rodger A. Pryor, D. H. Bridgford, Jubal A. Early, R. S. Ewell, William S. Winder, George Booker, Cornelius Boyles, William H. Payne, R. S. Andrews, C. J. Faulkner, R. H. Dulaney, W. N. McVeigh, H. B. Taylor, James A. Seldon, W. R. Richards, J. C. Breckinridge, and Jefferson Davis."

What chivalrous Southerner would not rejoice if his name was enrolled with this illustrious company of great patriots! They had been denounced as rebels, and charged with treason by the United States Government. Now the same Government has acquitted them of rebellion and treason, and has thus charged themselves with rebellion and treason. The thirty-four illustrious names given in the indictment represented the South and her glorious record in advocacy of the Constitution. Their vindication is the vindication of the entire South. The vindication of the South is the accusation of the North. Both could not have been right. Now that the South has been declared in the right by the Government's own Court, by the same high authority the North is declared to have been in the wrong.

## ("Two Cases").

"The District Attorney, by leave of the Court, said that he will not prosecute further on behalf of the United States against the above named parties upon separate indictments for treason. It is, therefore, ordered by the Court that the prosecutions aforesaid be dismissed."

"Strange to say an order was entered upon the first of February reading 'that in as much as the indictments had been dismissed, he and his bondsmen were forever released.'

"The motion, on appeal in the Supreme Court, of course, was never called, and is now filed among the archives."

Thus ended this great historical case. If Davis and his illustrious patriots with all the brave defenders of the "Lost Cause" had been guilty of treason, the proof would have been forthcoming; and Davis and all the principal leaders would have been hung; and justly so. But the proof was not forthcoming.

# CHAPTER XXXIX.

## THE TREATMENT OF PRISONERS.

On this subject the South has been charged with most atrocious cruelty. This false accusation has been so completely refuted by Benjamin H. Hill, of Georgia, that we give his speech in full (omitting interruptions) as a complete refutation of the charges.

On the 10th day of January, 1876, James G. Blaine in the House of Representatives, a prospective candidate for the presidency of the United States, delivered a well-prepared address in the House in which he charged that "Mr. Davis was fully, deliberately guilty and wantonly cognizant of, and responsible for the organized crime and murder of Andersonville." He also said, "I now assert deliberately before God, as my Judge, knowing the full measure and import of my words, that the cruelties of the Duke of Alva in the Low Countries, the massacre of St. Bartholomew, and the screws and tortures of the Spanish Inquisition did not approach in cruelty the atrocity of Andersonville."

One has said, "No speech ever delivered in Congress created a profounder impression than this one. It is logic on fire with truth and patriotism, literally consuming falsehood and sectional hatred. If Mr. Hill had never again opened his mouth in Congress, this speech would have made him famous and forever embalmed him in the grateful hearts of his countrymen. Its conclusion furnishes as fine declamation as can be found in the English language and is a favorite selection for college declamation."

The speech follows:

"Mr. Speaker, the House will bear witness we have not sought this discussion. Nothing could have been farther from the desires and purposes of those who with me represent immediately the section of country which on yesterday was put upon trial, than to reopen the discussion of the events of our unhappy past. We had well hoped that the country had suffered long enough from feuds, from strife, from inflamed passions, and we came here, sir, with a patriotic purpose to remember nothing but the country and the whole country, and, turning our backs upon all the horrors of the past, to look with all earnestness to find glories for the future.

"The gentleman, who is the acknowledged leader of the Republican party on this floor, who is the aspiring leader of the Republican party of this country, representing most manifestly the wishes of many of his associates-not all-has willed otherwise. They seem determined that the wounds which were healing shall be reopened, that the passions which were hushing shall be re-inflamed. Sir, I wish this House to understand that we do not reciprocate either the purpose or the manifest desire of the gentleman on the other side, and while we feel it our imperative duty to vindicate the truth of history as regards the section which we represent, feeling that it is a portion of this common country, we do not intend to say anything calculated to aid the gentlemen in their work of crimination and recrimination, and of keeping up the war by politicians after brave men have said war shall end. The gentleman from Maine on vesterday presented to the country two questions which he manifestly intends to be the fundamental principles of the Republican party, or at least of those who follow him in that party. The first is what he is pleased to term the magnanimity and grace of the Republican party; and the second is the brutality of those whom he is pleased to term 'the rebels.' Upon the first question I do not propose to weary the House today. If, with the history of the past fifteen years, fresh in the memory of the people, the country is prepared to talk about the grace and magnanimity of the Republican party, argument would be wasted. If master enslaved, intelligence disfranchised, society disorganized, industry paralized, States subverted, Legislatures dispersed by the bayonet, the people can accord to that party the verdict of grace and magnanimity-may God save the future of our country from grace and magnanimity.

"I advance directly to that portion of the gentleman's argument which relates to the question before the House. The gentleman from Pennsylvania (Mr. Randall) has presented to this House, and he asks it to be adopted, a bill on the subject of amnesty, which is precisely the same as the bill passed in this House by the gentleman's own party, as I understand it, at the last session of Congress. The gentleman from Maine has moved

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a reconsideration of the vote by which it was rejected, avowing his purpose to be to offer an amendment. The main purpose of that amendment is to except from the operation of the bill one of the citizens of this country, Mr. Jefferson Davis.

"'And I here before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva, nor the massacre of St. Bartholomew, nor the thumbscrews and engines of torture of the Spanish Inquisition, begin to compare in atrocity with the hideous crimes of Andersonville.'

"Sir, he stands before this country with his very fame in peril if he, having made such charges, shall not sustain them. Now I take up the propositions of the gentleman in their order. I hope no gentleman imagines that I am here to pass any eulogy upon Mr. Davis. The record upon which his fame must rest has been made up, and he and his friends have transmitted that record to the only judge who will give him an impartial judgment-an honest unimpassioned posterity. In the meantime no eulogy from me can help him, no censure from the gentleman can damage him, and no act or resolution of this House can affect him. But the charge is that he is a murderer, and a deliberate, willful, guilty, scheming murderer of 'thousands of our fellow citizens.' Why, sir, knowing the character of the honorable gentleman from Maine, his high reputation, when I heard the charge fall from his lips I thought surely the gentleman had made a recent discovery, and I listened for the evidence to justify that charge. He produced it: and what is it? To my utter amazement, as the gentleman from Pennsylvania (Mr. Kelley) has well stated, it is nothing on earth but a report of a committee of this Congress, made when passions were at their height, and it was known to the gentleman and to the whole country eight years ago.

"Now, I say first in relation to that testimony, that it is exclusively ex parte. It was taken when the gentleman, who is now put upon trial by it before the country, was imprisoned and in chains, without a hearing and without an opportunity to be heard. It was taken by enemies. It was taken in the midst of fury and rage. If there is anything in Anglo-Saxon law which ought to be considered sacred, it is the high privilege of an Englishman not to be condemned until he shall be confronted with the witnesses against him. But that is not all. The testimony produced by the gentleman is not only ex parte, not only exclusively the production of enemies, or at least taken by them and in the midst of passion, but the testimony is mutilated. Why, sir, one of the main witnesses is Dr. Joseph Jones, a very excellent gentleman, who was called upon to give his testimony in what is called the Wirz trial, and which is produced before the House and attention called to it by the gentleman. The object of the gentleman was to prove that Mr. Davis knew of these atrocities at Andersonville, and he calls the attention of the House to the report of this committee and thanks God that it has been taken in time to be put where it can neither be contradicted nor gainsaid as a perpetual guide to posterity to find out the authors of these crimes

"One of the most striking and remarkable pieces of evidence is this whole report made by Dr. Jones, a surgeon of fine character, and sent to Andersonville by the Confederate authorities to investigate the condition of that prison. That gentleman made his report, and it is brought into this House. What is it? The first point is as to the knowledge of this report going to any of the authorities at Richmond. Here is what Dr. Jones says:

"'I have just completed the report, which I placed in the hands of the Judge Advocate under orders from the government, when the Confederacy went to pieces. That report never was delivered to the Surgeon-General, and I was unaware that any one knew of its existence until I received orders from the United States Government to bring it to this Court in testimony.'

"Now, he was ordered by the United States Government, the first time this report ever saw the light, to bring it and deliver it to the judge-advocate on the trial of Wirz. In accordance

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with that order he did bring it and deliver it to the judgeadvocate general. And when the report itself, or that which purported to be the right report, was presented to him while he was a witness, he discovered that it was mutilated, and he asked permission to state that fact. Hear what he says on that subject:

"'I beg leave to make a statement to the Court. That portion of my report which has been read is only a small part of the report. The real report contains the excesses, which were given by the officers present at Andersonville, which I thought it right to embody with my report. It also contains documents forwarded to Richmond by Dr. Stevenson and others in charge of the hospitals. Those documents contain important facts as to the labors of the medical department and their efforts to better the condition of things.'

"All that part of the report is suppressed, and with that suppression this magnificent receptacle of truth is filed away in the document room for the information of posterity.

"The Committee ask him:

"Q.-'Are your conclusions correctly stated in this extract?"

"A.—'Part of my conclusions are stated—not the whole. A portion of my conclusions and also my recommendations, are not stated.'

"Q.-'Well, touching the subject of exchange?"

"A.—'Yes, sir; the general difficulties environing the prisons and their officers.'

"Q.—'What became of your original report?

"A.—"This is my original report."

"That is he had there the extract as far as it went.

"Q.—'Did you make this extract yourself?' The committee seem to think that he was the man that simply made the extract and brought it before the committee.

"A.—'I did not. My original report is in the hands of the judge-advocate. I delivered it into his hands immediately upon my arrival in Washington.'

"And this Committee of Congress to which the gentleman refers, absolutely tells us that this mutilated report was the one introduced in evidence against this man Wirz, and it is the one incorporated in this book.

"Now, I want to call attention to another extract from that original report—a part not included in this book. There are a great many such omissions; I have not been able to get all of them.

"Dr. Jones in his report is giving an account of the causes of the sickness and mortality at Andersonville; and he says, among other things:

"'Surrounded by these depressing agents, the postponement of the exchange of prisoners and the constantly receding hopes of deliverance through the action of their own Government, depressed their already desponding spirits and destroyed those mental and moral energies so necessary for a successful struggle against disease and its agents. Homesickness and disappointment, mental depression and distress, attending the daily longing for an apparently hopeless release, are felt to be as potent agencies in the destruction of these prisoners as the physical causes of actual disease.'

"Ah! why that homesickness, that longing and the distress consequent upon it, and its effect in carrying those poor, brave, unfortunate heroes to death? I will tell this House before I am done.

"Now, sir, there is another fact. Wirz was put on trial, but really Mr. Davis was the man intended to be tried through him. Over one hundred and sixty witnesses were introduced before the military commission. The trial lasted three months. The whole country was under military despotism; citizens labored under duress; and quite a large number of Confederates were seeking to make favor with the powers of the Government. Yet, sir, during those three months, with all the witnesses they could bring to Washington, not one single man ever mentioned the name of Davis in connection with a single atrocity at Andersonville or elsewhere. The gentleman from Maine, with all his research into all the histories of the Duke of Alva and the massacre of St. Bartholomew and the Spanish Inquisition, has not been able to frighten up such a witness yet.

"Now, sir, there is a witness on this subject. Wirz was con-

demned, found guilty, sentenced to be executed; and I have now before me the written statement of his counsel, a Northern man, a Union man. He gave this statement to the country and it has never been contradicted.

"Hear what this gentleman says:

"'On the night before the execution of the prisoner, Wirz, a telegram was sent to the Northern press from this city stating that Wirz had made important disclosures to Gen L. C. Baker, the well known detective, implicating Jefferson Davis, and that the confession would probably be given to the public. On the same evening some parties came to the confessor of Wirz, Rev. Father Boyle, and also to me as his counsel, one of them informing me that a high cabinet officer wished to assure Wirz that if we would implicate Jefferson Davis with atrocities committed at Andersonville his sentence would be commuted. The messenger requested me to inform Wirz of this. In the presence of Father Boyle I told Wirz the next morning what had happened."

"Hear the reply:

"'Captain Wirz simply and quietly replied: 'Mr. Schade, you know I have always told you that I do not know anything about Jefferson Davis. He had no connection with me as to what was done at Andersonville. I would not become a traitor against him or anybody else even to save my life.'"

"Sir, what Wirz, within two hours of his execution would not do, would not say for his life, the gentleman from Maine says to the country to keep himself and party in power. Christianity is a falsehood, humanity is a lie, civilization is a cheat, or the man who would not make a false charge for his life was never guilty of wilful murder.

"He who makes a charge must produce his witness. They must be informed witnesses. They must be creditable witnesses. The gentleman from Maine makes his charge, but produces no witnesses. He says that men sent by Jefferson Davis to Andersonville were his officers, executing his orders, commissioned by him, and he therefore charges Mr. Davis with these atrocities by inference. It was only when the gentleman reached that portion of his argument that I thought I began to discover the real purpose of his movement. I will not charge him with it, but a suggestion came immediately to my mind.

"What is the proposition which the gentleman proposes to establish. It is that those high in authority are to be charged with the sins and the treacheries of their agents, commissioned by them and acting under their orders. Is the gentleman artfully—I beg pardon—under the cover of prejudice and passion against Jefferson Davis, seeking to assault President Grant? If Jefferson Davis sent Gen. Winder to Andersonville, why President Grant sent McDonald and Joyce to St. Louis. Nay, more, sir; is not the very secretary of the White House, the private confidential secretary, indicted today for complicity in these frauds? Does the gentleman want to establish a rule of construction by which he can authorize the country to arraign Gen. Grant for complicity in the whisky frauds?

"Sir, is Gen. Grant responsible for the Credit Mobilier? Was he a stockholder in the Sanborn contracts? Was he co-partner in the frauds upon this district? With all his witnesses the gentleman never can find a single man who was confidential secretary to Mr. Davis and charged with complicity in crime, that Mr Davis ever indorsed any man as fit for office who was even gravely charged with any complicity in fraud. Yet the gentleman's President, as I understand it, absolutely sent to the Senate of the United States for confirmation to a high office the very man who stood charged before the country with the grossest peculation and frauds in this district, and, that, too, after these charges were made and while the investigation was pending.

"Sir, I am neither the author nor the disciple of such political logic. And I will not, nor would I for any consideration, assume the proposition before this House to furnish an enemy which would implicate the President of the United States in the grossest frauds. Yet, if the gentleman's proposition be true, Gen. Grant, instead of being entitled to a third Presidential term, is entitled to twenty terms in twenty penitentiaries. But, sir, he is not guilty. The argument is false. It is a libel upon the American rule of law and English precedent. You cannot find its precedent anywhere in any civilized country. I acquit Gen. Grant of any

complicity in the whisky frauds, and the facts acquit Mr. Davis of any complicity in any atrocity anywhere.

"Now, Mr. Speaker, I pass from the construction of that question to the real facts about Andersonville. First, I want to call the attention of the House to the law of the Confederate Government on the subject of the treatment of prisoners. I read from the act of the Confederate Congress on that subject; it was very simple and direct:

"'The rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the army of the Confederacy.'

"That was the law; that was the law Mr. Davis approved; and that was the law Mr. Davis, so far as his agency was concerned, executed.

The gentleman in his speech has gone so far as to say that Mr. Davis purposely sent Gen. Winder to Andersonville to organize a den of horrors and kill Federal soldiers. I do not quote exactly his language, but I know it is 'to organize a den of horrors." but I am sure I cannot use any language more bitter than the gentleman used himself. Therefore the next thing I shall read is the order given for the purpose of locating this prison at Andersonville, or wherever it should be properly located. The official order for the location of the stockade enjoins that it should be in a 'healthy locality, with plenty of pure water, with a running stream, and, if possible, with shade trees, and the immediate neighborhood of grist and saw mills.' That does not look like the organization of a den of horrors to commit murder. That was the official order. That was not all. Those prisoners at Andersonville were not only allowed the rations measured out to Confederate soldiers both in quantity and quality in every respect, but they were allowed also to buy as much outside as they desired; a privilege, I am reliably informed, which was not extended to many of the Confederate prisoners. I do not know how this is.

"I do not wish to charge it if the facts were otherwise. But in the book which the gentleman from Maine himself produces we find this testimony, given by a Union soldier. He says:

"'We never had any difficulty in getting vegetables; we used

to buy almost anything that we wanted of the sergeant who called the roll mornings and night. His name was Smith, I think; he was Capt. Wirz's chief sergeant. We were divided into messes, eight in each mess; my mess used to buy from two to four bushels of sweet potatoes a week, at the rate of \$15.00 per bushel Confederate money.'

They got \$20.00 of Confederate money for \$1.00 of greenbacks in those days.

"'Turnips were bought at \$20.00 per bushel. We had to buy our own soap for wasking our person and own clothing; we bought meat and eggs and biscuit. There seemed to be an abundance of these things; they were in the market constantly. That sergeant used to come down with a wagon load of potatoes at a time, bringing twenty or twenty-five bushels at a load sometimes.'

"Now, sir, Mr. Davis himself alluded to that privilege which was allowed to Federal soldiers. The Confederate authorities not only allowed them to purchase supplies as they pleased outside in addition to the rations allowed them by law—the same rations allowed to Confederate soldiers—but he says:

"'By an indulgence perhaps unprecedented, we have even allowed prisoners in our hands to be supplied by their friends at home with comforts not enjoyed by the men who captured them in battle.'

"The Confederate Government gave Federal prisoners the same rations the Confederate soldiers in the field received. Federal prisoners had permission to buy whatever else they pleased, and the Confederates gave their friends at home permission to furnish them the means to do so. And yet, Mr. Speaker, it is true that, in spite of all these advantages enjoyed by these prisoners, there were horrors, and great horrors at Andersonville. What were the causes of these horrors? The first was the want of medicine. That is given as a cause by Dr. Jones in his testimony; that is given by this very Father Hamilton, from whom the gentleman of Maine read. In the very testimony, which the gentleman read, Father Hamilton says:

"'I conversed with Dr. White with regard to the condition of the men, and he told me it was not in his power to do anything

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for them; that he had no medicine and could not get any and that he was doing everything in his power to help them.'

"Now, how was it that medicines and other essential supplies could not be obtained? Unfortunately they were not in the Confederacy. The Federal Government made medicine contraband of war; and I am not aware that any other nation on earth ever did such a thing before-not even the Duke of Alva. sir. The Confederate Government, unable to introduce medicine according to its right under the laws of Nations, undertook to run the blockade, and whenever possible the Federal Navy captured its ships and took the medicine. Then when no other resource was left, when it was suspected the women of the Norththe earth's angels, God bless them-would carry quinine and other medicines of that sort, so much needed by the Federal prisoners in the South, Federal officers were charged to capture the women and examine their petticoats, to keep them from carrving medicine to Confederate soldiers and Federal prisoners. and they were imprisoned. Surely, sir, the Confederate Government and the Southern people are not to blame for a poverty in medicine, food and rainment, enforced by the stringent war measures of the Federal Government-a poverty which had its intended effect of immeasurable distress to the Confederate armies, although it incidentally inflicted unavoidable distress upon Federal prisoners in the South.

"The Federal Government made clothing contrabrand of war. It sent down its armies and they burned up the factories of the South wherever they could find them, for the express purpose of preventing the Confederates from furnishing clothing to their soldiers, and the Federal Government, of course, shared this deprivation of comfortable clothing. It was the war policy of the Federal Government to make supplies scarce. Dr. Jones in his testimony and Father Hamilton in his testimony, which I will not stop to read to the House, explained why clothing was scarce to Federal prisoners.

"Now, then, sir, whatever horrors existed at Andersonville, not one of them can be attributed to a single order of the Confederate Government, but every horror of Andersonville grew out of the necessities of the occasion, which necessities were cast upon the Confederacy by the war policy of the other side. The gentleman from Maine said that no Confederate prisoner was ever maltreated in the North. And when my friend answered from his seat, 'A thousand witnesses to the contrary in Georgia alone,' the gentleman from Maine joined issue, but as usual produced no testimony in support of the issue. I think the gentleman from Maine is to be excused. For ten years, unfortunately, he and his party have been reviling the people who were not allowed to come here to meet the reviling. Now, sir, we are face to face, and when you make a charge you must bring your proof. The time has passed when the country can accept the impudence of assertion for the force of argument, or recklessness of statement for the truth of history.

"Now, sir, I do not wish to unfold the chapter on the other side. I am an American. I honor my country, and my whole country, and it could be no pleasure to me to bring forward proof that any portion of my countrymen have been guilty of wilful murder or cruel charge. These horrors are inseparable, many of them and most of them, from a state of war. I hold in my hand a letter, written by one who was a surgeon at the prison at Elmira, and he says:

"The winter of 1864 was an unusually severe and rigid one, and the prisoners arriving from the Southern States during the season were merely old men and lads, clothed in attire suitable only to the genial climate of the South. I need not state to you that this alone was ample cause for an unusual mortality among them. The surroundings were of the following nature; namely, narrow, confined limits, but a few acres in extent—'

"Andersonville, sir, embraced twenty-seven acres---and through which slowly flowed a turbid stream of water which, horrible to relate, was the only source of supply, for an extended period, that the prisoners could possibly use for the purpose of ablution and to slack their thirst from day to day; the tents and other shelter allotted to the Camp at Elmira were insufficient and crowded to the utmost extent; hence small-pox and other skin diseases raged through the camp.

"Here I may note that owing to a general order from the Government to vaccinate the prisoners, my opportunities were

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ample to observe the effects of spurious and diseased matter, and there is no doubt in my mind but that syphilis was ingrafted in many instances; ugly and horrible ulcers and eruptions of a characteristic nature were, alas! too frequent and obvious to be mistaken; small-pox cases were crowded in such manner that it was a matter of impossibility for the surgeon to treat his patients individually; they actually laid so adjacent that the simple movement of one would cause his neighbor to cry out in agony of pain. The confluent and malignant type prevailed to such an extent and of such a nature that the body would frequently be found one continuous scab.

"'The diet and other allowances by the Government for the use of the prisoners were ample, yet the poor unfortunates were allowed to starve.'

"Now, sir, the Confederate regulations authorizes ample provisions for Federal prisoners, the same that were made for Confederate soldiers, and you charge that Mr. Davis is responsible for not having those allowances honestly applied. The United States made provisions for Confederate prisoners, so far as rations were concerned, for feeding those in Federal hands; and yet what says the surgeon? They were allowed to starve.

"But 'why?' is a querry which I will allow your readers to infer and draw conclusions therefrom. Out of the number of prisoners, as before mentioned, over three thousand of them now lay buried in the cemetery located near the camp for that purpose—a mortality equal if not greater than any prison in the South. At Andersonville, as I am well informed by brother officers who endured confinement there, as well as by the records at Washington, the mortality was twelve thousand out of, say, forty thousand prisoners. Hence it is readily to be seen that the range of mortality was no less at Elmira than at Andersonville.

"Now, will the gentleman believe testimony from the dead? The Bible says "The tree is known by its fruit.' And after all what is the test of the suffering of these prisoners North and South? The test is the result. Now, I call the attention of the gentleman to this fact, that the report of Mr. Stanton, the Secretary of war—you will believe him, will you not? on the

19th of July 1866-send to the Library and get it-exhibits the fact that the Federal prisoners in Confederate hands during the war, only 22,576 died, while of the Confederate prisoners in Federal hands 26,436 died. And Surgeon-General Barnes reports in an official report, I suppose you will believe himthat in round numbers the Confederate prisoners in Federal hands amounted to 220,000 while the Federal prisoners in Confederate hands amounted to 270,000. Out of the 270,000 in Confederate hands 22,000 died, while of the 220,000 Confederates in Federal hands over 26,000 died. The ratio is this: More than twelve per cent. of the Confederates in Federal hands died, and less than nine per cent. of the Federals in Confederate hands died. What is the logic of these facts according to the gentleman from Maine? I scorn to charge murder upon the officials of Northern prisons, as the gentleman has done upon Confederate prison officials. I labor to demonstrate that such miseries are inevitable in prison life, no matter how humane the regulations. I would scorn, too, to use a newspaper article, unless it were signed by one, who gave his own name and whose statements, if not true, can be disproved, and I would believe such a one in preference to any politician over there who was thirty-six miles away from Elmira. That gentleman, so prompt to contradict a surgeon, might perhaps have smelled the small-pox, but he could not see it, and I venture to say that if he knew the small-pox was there he would have taken very good care to keep thirty-six miles away. He is a wonderful witness. He is not even equal to the mutilated evidence brought in vesterday. But, sir, it appears from the official record that the Confederates came from Elmira, from Fort Delaware, and from Rock Island and other places, with their fingers frozen off, and with teeth dropped out.

"But the great question is behind. Every American, North and South, must lament that our country has ever impeached its civilization by such an exhibition of horrors on any side, and I speak of these things with no degree of pleasure. God knows if I could hide them from the view of the world I would gladly do it. But the great question is, at last, who was responsible for this state of things? And that is really the only ma-

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terial question with which statesmen now should deal. Sir. it is well known that, when the war opened, at first the authorities of the United States determined that they would not exchange prisoners. The first prisoners captured by the Federal forces were the crew of the Savannah, and they were put in chains and sentenced to be executed. Jefferson Davis hearing of this communicated through the lines, and the Confederates having meanwhile also captured prisoners, he threatened retaliation in case those men suffered, and the sentences against the crew of th Savannah were not executed. Subsequently our friends from this way-I believe my friend before me from New York (Mr. Cox) was one-insisted that there should be a cartel for the exchange of prisoners. In 1362 that cartel was agreed upon. In substance and briefly it was agreed that there should be an exchange of man for man, and officer for officer, and whichever held an excess at the time of exchanges should parole the excess. This worked very well until 1863. I am going over the facts very briefly.

"It was then this cartel was interrupted; the Federal authorities refused to continue the exchanges. Now commenced a history which the world ought to know, and which I hope the House will grant me the privilege of stating, and I shall do it from official records. This, I say frankly to the gentlemen on the other side, was in truth one of the severest blows stricken at the Confederacy, this refusal to exchange prisoners in 1863 and continued through 1864. The Confederates made every effort to renew the cartel. Among other things, on the 2d of July, 1863, the Vice-President of the Confederacy, the gentleman to whom the gentleman from Maine (Mr. Blaine) alluded the other day in so complimentary terms, Mr. Alexander H. Stephens, was absolutely commissioned by President Davis to cross the lines and come to Washington to consult with the Federal authorities, with a broad commission to agree upon any cartel satisfactory to the other side for exchange of prisoners. Mr. Davis said to him. Your mission is simply one of humanity and has no political aspect. Mr. Stephens undertook that work. What was the result? I wish to be careful, and I will state this exactly, correctly. Here is his letter.

"'Confederate States, Steamer Torpedo in James River, July 4, 1863.

"'Sir: As military commissioner, I am the bearer of a commission in writing from Jefferson Davis, Commander-in-Chief of the land and naval forces of the Confederate States, to Abraham Lincoln, Commander-in-Chief of the land and naval forces of the United States. Hon. Robt. Ould, Confederate States agent of exchange, accompanies me as secretary, for the purpose of delivering the communication in person and conferring upon the subject to which it relates. I desire to proceed to Washington in the Steamer Torpedo, commanded by Lieut. Hunter Davidson, of the Confederate States navy, no person being on board but Hon. Mr. Ould, myself and the boat's officers and crew.

"'Yours most respectfully,

"'Alexander H. Stephens.'"

"'To S. H. Lee, Admiral'"

"This was directed to S. H Lee, Admiral. Here is the answer:

"'Acting Rear Admiral S. H. Lee, Hampton Roads: The request of Alexander H. Stephens is inadmissible.

"'Gideon Wells, Secretary of War.

"You will acknowledge that Mr. Stephen's humane mission failed. The Confederate authorities gave to that mission as much dignity and character as possible. They supposd that of all men in the South Mr. Stephens most nearly had your confidence. They selected him to be the bearer of messages for the sake of humanity in behalf of the brave Federal soldiers who were unfortunate prisoners of war. The Federal Government would not even receive him; the Federal authorities would not hear him.

"What was the next effort? After Mr. Stephens's mission failed, the Commissioner for the exchange of prisoners, Col. Ould, having exhausted all his efforts to get the cartel renewed, on the 24th of January 1864, wrote the following letter to Major-General E. A. Hitchcock, agent of exchange on the Federal side:

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"'Confederate States of America, War Dept.

"'Richmond, Va., Jan. 24, 1864. "'Sir: In view of the difficulties attending the exchange and release of prisoners, I propose that all such on either side shall be attended by a proper number of their own surgeons, who, under rules to be established, shall be permitted to take charge of their health and comfort. I also propose that these surgeons shall act as commissaries, with power to receive and distribute such contributions of money, food, clothing, and medicines, as shall be forwarded for the relief of prisoners. I further propose that all these surgeons shall be selected by their own Government, and that they shall have full liberty, at any and all times, through the agents of exchange, to make reports not only of their own acts, but of any matters relating to the welfare of the prisoners.

"'Respectfully your obedient servant,

"'Robt. Ould, Agent of Exchanges.

"'Major-General E. A. Hitchcock,

"How, sir, did the Federal Government treat that offer? It broke the cartel for the exchange of prisoners; it refused to entertain a proposition, even when Mr. Stephens headed the commission, to renew it; and then, sir, when the Confederates proposed that their own surgeons should accompany the prisoners of the respective armies, the federal authorities did not answer the letter. No reply was ever received.

"Then again in August 1864, the Confederates made two more propositions. I will state that the cartel of exchange was broken by the Federal authorities for certain alleged reasons. Well, in August 1864, prisoners accumulated on both sides to such an extent and the Federal Government having refused every proposition from the Confederate authorities to provide for the comfort and treatment of these prisoners, the Confederates next proposed, in a letter from Col. Ould, dated the 10th of August 1864, waving every objection the Federal Government had made, to agree to any and all terms and renew the exchange of prisoners, man for man and officer for officer, as the Federal Government should prescribe. Yet, sir, the Federal Government rejected that proposition.

"Then, again, in that same month, August, 1864, the Confederate authorities did this: Finding that the Federal Government would not exchange prisoners at all; that it would not let surgeons go into the Confederacy; finding that it would not let medicines be sent into the Confederacy; meanwhile the ravages of war continuing and depleting the scant supplies of the South. which was already unable to feed adequately its own defenders, and much less able to properly feed and clothe the thousands of prisoners in Confederate prisons, what did the Confederates propose? They proposed to send the Federal sick and wounded prisoners without equivalent. Now, sir, I want the House and the country to understand this: that, in August, 1864, the Confederate Government officially proposed to Federal authorities that if they would send steamships of transportation in any form to Savannah, they should have their sick and wounded prisoners without equivalent. That proposition, communicated to the Federal authorities in August, 1864, was not answered until December 1864. In December 1864, the Federal Government sent ships to Savannah. Now, the records will show that the chief suffering at Andersonville was between August and December. The Confederate authorities sought to avert it by asking the Federal Government to come and take its prisoners without equivalent, without return, and it refused to do that until four or five months had elapsed.

That is not the only appeal which was made to the Federal Government. I now call the attention of the House to another appeal. It was from the Federal prisoners themselves. They knew as well as the Southern people did the mission of Mr. Stephens. They knew the offer of January 24th for Surgeons. for medicine and clothing, for comforts and food, and for provisions of every kind. They knew that the Confederate authorities had offered to let these be sent to them by their OWIT Government. They knew that these had been rejected. Thev knew of the offer of August 10th, 1864. They knew of the other offer to return sick and wounded without equivalent. They knew all these had been rejected. Therefore they held a meeting and passed the following resolutions; and I call the attention of the gentlemen on the other side to these resolutions.

I ask if they will not believe the surgeons of their hospitals; if they will not believe Mr. Stanton's report; if they will not believe Surgeon-General Barnes' report, I beg from them to know if they will not believe the earnest heart-rending appeal of those starving, suffering heroes. Here are the resolutions passed by the Federal prisoners the 28th of September, 1864.

"Resolved, while allowing the Confederate authorities all due praise for the attention paid to our prisoners, numbers of our men are daily consigned to early graves, in the prime of manhood, far from home and kindred, and this is not caused intentionally by the Confederate Government, but by the force of circumstances.

"Brave men are always honest, and true soldiers never slander. They say the horrors they suffered were not intnetional; that the Confederate Government had done all it could to avert them. Sir, I believe the testimony of gallant men as being of the highest character, coming from the sufferers themeslves.

"They further resolved:

"The prisoner is obliged to go without shelter, and in a great portion of cases without medicine.

"'Resolved, That whereas in the fortunes of war it was our lot to become prisoners, we have suffered patiently and are still willing to suffer, if by so doing we can benefit the country; but we would most respectfully beg to say that we are not willing to suffer to further the ends of any party or clique to the detriment of our own honor, our families, and our country. And we would beg this affair be explained to us, that we may continue to hold the Government in respect which is necessary to make a good citizen and soldier.'

"Was this touching appeal heeded? Let any gentleman who belonged to the clique or party that the resolutions condemn, answer for his party.

"Now, sir, it was in reference to that state of thigns, exactly, that Dr. Jones reported, as I have already read to the House, in his report which was mutilated before that committee in Congress and in the trial of Wirz—it was in consequence of that very state of things that Dr. Jones said that depression of mind and despondency and home-sickness of these poor prisoners carried more to their graves than did physical causes of discase. That was not wonderful at all.

"But, Mr. Speaker, why were all these appeals resisted? Why did the Federal authorities refuse to allow their own surgeons to go to their own soldiers and carry them medicine and clothing and comfort and treatment. Why? Why did they refuse to exchange man for man and officer for officer? Why did they refuse to stand up to their own solemn engagements, made in 1862, for the exchange of prisoners? Who is at fault? There must be a reason for this. That is the next point to which I wish to call the attention of the House. Sir, listen to the reading. The New York Tribune, referring to this matter in 1864, said—I suppose you will believe the Tribune in 1864, if you do not believe it now.

"'In August the rebels offered to exchange man for man. Gen. Grant then telegraphed the following important order: 'It is hard on our men held in Southern prisons not to exchange them, but it is humanity to those left in the ranks to fight our battles. Every man released on parole or otherwise becomes an active soldier against us at once, either directly or indirectly. If we commend a system of exchange which liberates all prisoners taken, we will have to fight on till the whole South is exterminated. If we hold those caught, they amount to no more than dead men. At this particular time to release all rebel prisoners North would insure Sherman's defeat, and would compromise our safety here.'

"Here is Gen. Grant's testimony before the Committee on the exchange of prisoners, February 11, 1865. You believe him, do you not?

"Q. 'It has been said that we refused to exchange prisoners because we found ours starved, diseased and unserviceable when we received them, and did not like to exchange sound men for such men?'

"That was the question propounded to him. His answer was:

"There never has been any such reason as that. That has been a reason for making exchanges. I will confess that if our men who are prisoners in the South were really well taken care of, suffering nothing except a little privation of liberty, then,

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in a military point of view, it would not be good policy for us to exchange, because every man they get back is forced right into the army at once, while that is not the case with our prisoners when we receive them; in fact, the half of our returned prisoners will never go into the army again and none of them will until after they have had a furlough of thirty or sixty days. Still, the fact of their suffering as they do is a reason for making this exchange as rapidly as possible.'

"Q. 'And never has been a reason for making the exchange?" "A. 'It never has. Exchanges having been suspended by reason of disagreement on the part of agents of exchange on both sides before I came into command of the armies of the United States and it then being near the opening of the spring campaign, I did not deem it advisable or just to the men who had to fight our battles to re-enforce the enemy with thirty or forty thousand disciplined troops at that time. An immediate resumption of exchange would have had that effect without giving us corresponding benefits. The suffering said to exist among our prisoners was a powerful argument against the course pursued and so I felt it.'

"There is no disputing the fact, that with the knowledge that his prisoners were suffering in the South, he insisted that the exchange should not be renewed, because it would increase the military power of the enemy. Now, that may have been a good military reason. I do not quote it for the purpose of reflecting upon Gen. Grant in the slightest. I am giving the facts of history. I insist that the Confederacy shall not be held responsible for the results of the war policy of the Federal Government, especially when the record proves that the confederate authorities made every possible effort to avert these results. Nor do I allege inhumanity on the part of Gen. Grant's interpretation of those facts. Let the world judge.

"Now, sir, we have other authorities upon that subject. Here is a letter by Junius Henri Browne. I do not know the gentleman. He signs his name to the letter. He writes like a scholar. He is a Northern gentleman, and I am not aware that his statement has ever been contradicted. Now, what does he say? "'New York, August 8, 1865.

"'Moreover, Gen. Butler in his speech at Lowell, Mass., stated positively that he had been ordered by Mr. Stanton to put forward the negro question to complicate and prevent the exchange ......Every one is aware that when the exchange did take place, not the slightest alteration had occurred in the question, and that our prisoners might as well have been released twelve or eighteen months before as at the resumption of the cartel, which would have saved to the Republic at least twelve or fifteen thousand heroic lives.

"'That they were not saved is alone due to Edwin M. Stanton's peculiar policy, and dogged obstinacy; and, as I have remarked before, he is unquestionably the digger of the unnamed graves that crowd the vicinity of every Southern prison with historic and never to be forgotten horrors.'

"That is the testimony of a Northern man against Mr. Stanton and he goes on:

"I regret the revival of this painful subject but the gratuitous effort of Mr. Dana to relieve the secretary of War from the responsibility he seems willing to bear, and which, merely as a question of policy, independent of all considerations of humanity, must be regarded as of great weight, has compelled me to vindicate myself from the charge of making grave statements without due consideration.

"Once for all let me declare that I have never found fault with any one because I was detained in prison, for I am well aware that was a matter in which no one but myself and possibly a few personal friends would feel any interest; that my sole motive for impeaching the Secretary of War was, that the people of the loyal North might know to whom they were indebted for the cold-blooded and needless sacrifice of their fathers and brothers, their husbands and their sons.'

"I understand that Mr. Browne is a contributor to Harper's Monthly, and was then. The man, so he tells you, who was responsible for these atrocities at Andersonville was the late secretary of war, Mr. Stanton.

"Now, Mr. Speaker, what have I proven. I have proven that the Federal authorities broke the cartel for the exchange of

prisoners deliberately; I have proven that they refused to reopen the cartel when it was proposed by Mr. Stephens, as a commissioner, solely on the ground of humanity; I have proven that they made medicine contraband of war and thereby left the South to the dreadful necessity of treating their own prisoners with such medicines as could be improvised in the Confederacy; I have proven that they refused to allow surgeons of their own appointment, of their own army, to accompany their prisoners in the South, with full license and liberty to carry food, medicine, and raiment, and every comfort that the prisoners might need; I have proven that when the Federal Government made the pretext for interrupting the cartel for the exchange of prisoners, the Confederates yielded every point and proposed to exchange prisoners on the terms of the Federal Government, and that the latter refused it: I have proven that the Confederates then proposed to return the Federal sick and wounded without equivalent in August 1864, and never got a reply until December, 1864; I have proven that high Federal officers have assigned as a reason why they would not exchange prisoners that it would be humanity to the prisoners but cruelty to the soldiers in the field. and therefore it was a part of the Federal military policy to let Federal prisoners suffer rather than that the Confederacy should have an increase of military force; and that the Federal Government refused it, when it would have received more prisoners than it returned to the Confederates.

"Now what is the answer to all this? Against whom does the charge lie, if there are to be accusations of any, for the horrors of Andersonville?"

Mr. Bright—"What was the percentage of death in the prison?"

Mr. Hill—"I have already given it I have proved also, that with all the horrors at Andersonville the gentleman of Maine has so ostentatiously paraded, and for an obvious partisan purpose of exciting upon the floor of the House a bitter sectional discussion, from which his party, and perhaps himself, may be the beneficiary, greater sufferings occurred in the prisons where Confederate soldiers were confined, and that the percentage of death was three per cent. greater among Confedrate troops in Federal hands than among Federal soldiers held by the Confederates. And I need not state the contrast between the needy Confederacy and the abundance of Federal supplies and resources.

"And, sir, when the gentleman rises again to give breath to that effusion of unmitigated genius without fact to sustain it, in which he says,

"And I here before God, measuring my words, knowing their full import, declare that neither the deeds of the Duke of Alva in the Low Countries, nor the massacre of St. Bartholomew, nor the thumb-screws and engines of torture of the Spanish inquisition, begin to compare in atrocity with the hideous crime of Andersonville,' let him add in that mortality at Andersonville and other Confederate prisons falls short by more than three per cent. the mortality in Federal prisons.

"Sir, if any man will reflect a moment he will see that there was reason why the Confederate Government should desire exchange of prisoners. It was scarce of food, pinched for clothing, closed up with a blockade of its ports; it needed troops; its ranks were thinning.

"Now, Mr. Speaker, it is proper that I should read one or two sentences from the man who has been arraigned as the vilest murderer in history. After the battles around Richmond in which McClellan was defeated some ten thousand prisoners fell into the hands of the Confederacy. Victory had perched upon its standard and the rejoicing, naturally following the victory, was heard in the ranks of the Confederate army. Mr. Davis went out to make a gratulatory speech. Now, gentlemen of the House, gentlemen of the other side, if you are willing to do justice, let me simply call your attention to the words of this man that fell from his lips in the hour of victory. Speaking to the soldiers he said:

"You are fighting for all that is dearest to man, and though opposed to a foe who disregards many of the usages of civilized war, your humanity to the wounded and prisoners was a fit and crowning glory to your valor.

"Above the victory, above every other consideration, even that victory which they believed insured protection to their homes and

families, he tells them that at last their crowning glory was their humanity to the wounded and prisoners who had fallen into their hands.

"The gentleman from Maine yesterday introduced the Richmond Examiner as a witness in his behalf. Now it is a rule of law that a man can not impeach his own witness. It is true the Examiner hated Mr. Davis with a cordial hatred. The gentleman could not have introduced the testimony of perhaps a bitterer foe to Mr. Davis. Why did it hate him? Here are its reasons: 'The chivalry and humanity of Mr. Davis will inevitably ruin the Confederacy.' That is your witness, and the witness is worthy of your cause. You introduced the witness to prove Mr. Davis guilty of inhumanity, and he tells you that the humanity of Mr. Davis will ruin the Confederacy. That is not all. In the same paper it says: 'The enemy have gone from one unmanly cruelty to another.' Recollect this is your The enemy have gone from one unmanly crueity to witness. another, encouraged by their impunity, till they are now and have for sometime been inflicting on the people of this country the worst horrors of barbarous and uncivilized war.' Yet, in spite of all this the Examiner alleged that, 'Mr. Davis, in his dealings with the enemy, was as gentle as a sucking dove."

Mr. Garfield.-""What volume was that?"

Mr. Hill.—"The same volume, page 531, and is taken from the Richmond Examiner—the paper the gentleman quoted from yesterday. And that is the truth. Those of us who were there at the time know it to be the fact. One of the persistent charges brought by that paper and some others against Mr. Davis was his humanity. Over and over again Mr. Davis has been heard to say, and I use his very language, when appealed to to retaliate for the horrors inflicted upon our prisoners, "The inhumanity of the enemy to our prisoners can be no justification for a disregard by us for the rules of civilized war and of christianity." Therefore he persisted in it, and this paper cried out against him that it would ruin the Confederacy.

"I am sure I owe this House an apology for having detained it so long; I shall detain it but a few moments longer. After all, what should men do who really desire the restoration of

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peace and to prevent the recurrence of the horrors of war? How ought they to look at this question? Sir, war is always horrible; war always brings hardships; it brings death, it brings sorrow, it brings ruin, it brings devastation. And he is unworthy to be called a statesman, looking to the pacification of this country, who will parade the horrors inseparable from war for the purpose of keeping up the strife that produced the war.

"I do not doubt that I am the bearer of an unwelcome message to the gentleman from Maine and his party. He says that there are Confederates in this body, and that they are going to combine with a few from the North for the purpose of controlling this Government. If one were to listen to the gentleman on the other side he would be in doubt whether they reioiced more when the South left the Union, or regretted most when the South came back to the Union that their fathers helped to form, and to which they will forever hereafter contribute as much of patriotic ardor, or noble devotion, and of willing sacrifice as the constituents of the gentleman from Maine. Oh. Mr. Speaker, why can not gentlemen on the other side rise to the height of this great argument of patriotism? Is the bosom of the country always to be torn with this miserable sectional debate whenever a presidential election is pending? To that great debate of half a century before secession there were left no adjourned questions. The victory of the North was absolute, and God knows the submission of the South was complete. But, sir we have recovered from this humiliation of defeat and we come here among you and we ask you to give us the greetings accorded to brothers by brothers. We propose to join you in every patriotic aspiration that looks to the benefit, the advancement, and the honor of every part of our common country. Let us, gentlemen of all partiees, in this centennial year indeed have a jubilee of freedom. We divide with you the glories of the Revolution and of the succeeding years of our national life before that unhappy division, that four years' night of gloom and dispair-and so we shall divide with you the glories of all the future.

"Sir, my message is this: There are no Confederates in this

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House; there are no Confederates anywhere; there are no Confederate schemes, ambitions, hopes, desires, or purposes here. But the South is here, and here she intends to remain. Go on and pass your qualifying acts, trample upon the Constitution you have sworn to support; abnegate the pledges of your fathers; incite raids upon our people, and multiply your infidelities until they shall be like the stars of heaven or the sands of the seashore, without number; but know this, for all your iniquities the South will never again seek a remedy in the madness of another secession. We are here; we are in the house of our fathers, our brothers are our companions, and we are at home to stay, thank God!

"We come to gratify no revenges, to retaliate no wrongs, to resent no past insults, to re-open no strife. We come with a patriotic purpose to do whatever in our political power shall lie to restore an honest, economical and constitutional administration of the Government. We come charging upon the Union no wrongs to us. The Union never wronged us. The Union has been an unmixed blessing to every section, to every state, to every man of every color in America. We charge our wrongs upon that 'higher law' fanaticism, that never kept a pledge nor obeyed a law. The South did seek to leave the association of those who she believed would not keep fidelity to their covenants; the South sought to go to herself; but so far from having lost our fidelity for the Constitution which our fathers made, when we sought to go, we hugged that Constitution to our bosoms and carried it with us.

"Brave men of the North, followers of Webster and Fillmore, of Clay and Cass and Douglass—you who fought for the Union for the sake of the Union; you who ceased to fight when the battle ended and the sword was sheathed—we have no quarrel with you, whether Republicans or Democrats. We felt your heavy arm in the carnage of battle; but above the roar of the cannon we heard your voice of kindness, calling, "Brothers, come back!" And we bear witness to you this day that that voice of kindness did more to thin the Confederate ranks and weaken the Confederate arm than did all the artillery exploded in the struggle. We are here to co-operate with you; to do

whatever we can in spite of all our sorrows, to rebuild the Union; to restore peace; to be a blessing to the country and to make the American Union what our fathers intended it to bethe glory of America and a blessing to humanity.

"But to you, gentlemen, who seek still to continue strife, and who, not satisfied with the sufferings already endured, the blood already shed, the waste already committed, insist that we shall be treated as criminals and oppressed as victims, only because we defended our convictions-to you we make no concessions. To you who followed up the war after the brave soldiers that fought it had made peace and gone to their homes-to you we have no concessions to offer. Martyrs owe no apologies to tyrants. And while we are ready to make every sacrifice for the Union, even secession, however, defeated and humbled, will confess no sins to fanaticism, however bigoted and exacting.

"Yet, while we make to you no concession, we come even to you in no spirit of revenge. We would multiply blessings in common for you and for yours. We have but one ambition, and that is to add our political power to the patriotic Union men of the North in order to compel fanaticism to obey the law and live in the Union according to the Constitution. We do not propose to compel you by oaths, for you who breed strife only to get office and power will not keep oaths.

"Sir, we did the Union one great wrong. The Union never wronged the South; but we of the South did the Union one great wrong; and we come, as far as we can, to repair it. We wronged the Union grievously when we left it to be seized and rent and torn by the men who had denounced it as "a covenant with hell and a league with the devil." We ask you, gentlemen, of the Republican party, to rise above all your animosities. Forget your own sins. Let us unite to repair the evils that distract and oppress the country. Let us turn our backs upon the past, and let it be said in the future that he shall be the greatest patriot, who shall do most to repair the worngs of the past and promote the glories of the future."

## CHAPTER XL.

# SHERMAN'S MARCH THROUGH GEORGIA, SOUTH CAROLINA AND NORTH CAROLINA.

Northern historians approvingly call it "The Great March." Yet, it was a march of wide-spread desolation, and of unparalleled barbarity, including rape and murder. Historians of the North boast that "it could be traced by its wide-spreading columns of smoke that rose wherever the army went." Its terrible barbarity was characterized in all its track, 30 miles wide and hundreds of miles in length, by burning dwellings and the wail of exposure and starvation. It was a march, every step of which was in violation of the code of civilized warfare. The twentieth century has pronounced it, in no uncertain terms, to be the one great disgrace of the civilization of the nineteenth century. The crimes of that march put to shame the cruelties of the uncivilized tribes of the isles of the sea.

With this introduction we shall now give the reader a glimpse, and only a glimpse, of that "Great March." We can not venture here into full details of the barbarous excesses that marked all the wide and long miles of that savage march.

On the 2d day of September 1864, the Mayor of Atlanta surrendered that City to Gen. Sherman. Just three days later, September 5th, Gen. Sherman ordered all the civilians, male and female, to leave the city, giving them only five days in which to obey his order. Mayor Calhoun and other city officials appealed in vain to have this order revoked, urging, in compassionate terms, "the woes, the horrors and sufferings, not to be described by words," that would result. To them Sherman replied:

"I give full credit to your statements of the distress that will be occasioned by it, and yet shall not revoke my order. because my orders are not designed to meet the humanities of the case."

Alva in the 16th century, in the Low Countries, sent thousands of non-combatants to the gallows. Sherman, in the middle of the enlightened 19th Century, ruthlessly expelled in five days' time, thousands of defenceless women and children, together with the lame, the maimed, and those laboring under the infirmities of old age, to endure woes, and horrors and sufferings untold. Alva, in his overwhelming pride, erected a statue of himself in the citadel of Antwerp, with nobles, and peoples at his feet, and with a bombastic inscription of his own praise. Sherman in overwhelming savage cruelty, in the very heart of the great American Republic, erected a statue of himself with women and children and decrepit old age suffering and starving at his feet, and the cruel inscription of "My orders are not designed to meet the humanities of the case."

On the 16th day of July 1865, Gen. Sherman's army camped on the banks of the Congaree River just opposite Columbia, the Capitol of South Carolina. The next day the Mayor, claiming that protection of life and property guaranteed to non-combatants by the laws of all civilized wars, surrendered the City to Col. Stone, Commanding a brigade of the 15th corps.

The guarantee was utterly disregarded. By order of Gen. Sherman Columbia was burned to ashes. Gen. Sherman, realizing that by this act he had incurred the reproaches of the civilized world, deliberately and falsely attributed the enormous crime to Gen. Wade Hampton, saying: "I saw in a Columbia newspaper the printed order of Gen. Wade Hampton, that on the approach of the Yankee army all the cotton should be burned, and from what I saw myself, I have no hesitation in saying that he was the cause of the destruction of your city." These are plain, strong, and deliberate assertions of positive knowledge. Note the words: "I saw in a Columbia newspaper the printed order of Gen. Wade Hampton" etc. "From what I saw myself I have no hesitation in saying," etc. He could not have used stronger or more positive language.

Gen. Hampton's attention having been called to this charge of Gen. Sherman in the published proceedings of Congress, he wrote on the 21st day of April, 1866, to the Hon. Beverly Johnson, United States Senate, saying in part:

"This charge made against me by Gen. Sherman, having been brought before the Senate of the United States, I am naturally

most solicitous to vindicate myself before the same tribunal. But my State has no representative in that body. Those who should be her Constitutional representatives are debarred the right of entrance into those halls. There are none who have the right to speak for the South; none to participate in the legislation which governs here; none to impose the taxes she is called upon to pay; and none to vindicate her sons from misrepresentation, injustice or slander. Under these circumstances I appeal to you, in the confident hope you will use every effort to see that justice is done in this matter.

"I deny emphatically, that any cotton was fired by my order. I deny that 'the citizens set fire to the thousands of bales rolled out into the streets.' I deny that any cotton was on fire when the Federal troops entered the city. I most respectfully ask of Congress to appoint a committee, charged with the duty of ascertaining, and reporting all the facts connected with the destruction of Columbia and thus fixing upon the proper author of that enormous crime the infamy he richly deserves. I am willing to submit the case to any honest tribunal. Before any such I pledge myself to prove that I gave a positive order, by direction of Gen. Beauregard (Gen. Beauregard was at that time in command of the Confederates) that no cotton should be fired; that not one bale was on fire when Gen. Sherman's troops took possession of the city; that he promised protection to the city; and that, in spite of his solemn promise, he burned the city to the ground, deliberately, systematically, and atrociously. I therefore most earnestly request that Congress may take prompt and efficient measures to investigate this matter fully. Not only is this due to themselves, and to the reputation of the United States army, but also to justice and truth. Trusting that you will pardon me for troubling you, I am, very respectfully, your obedient servant.

"Wade Hampton."

This is a manly letter. It bears truth and sincerity upon its face. It calls for "truth and justice." For ten long years Gen. Sherman, by his silence, repeated and re-affirmed these grave charges. Then, after so long a time, from some cause,—

# perhaps the pangs of conscience, he made this very humiliating confession, in his published memoirss

"In my official report of this conflagration, I distinctly charged it to Gen. Wade Hampton, and confess I did so pointedly, to shake the faith of his people in him." And this was Gen. Sherman, holding the next highest rank to Gen. Grant in the largest army marshalled in modern times. This was Gen. Sherman, the typical official and agent of those who inaugurated and Sherman confesses he officially prosecuted the great war! lied. His falsehood, undenied, was conspicuous for ten years in his official reports. It has been copied into Northern histories; rehearsed in Northern schools, and proclaimed from Northern It is today, after five decades lacking only one year, rostrums. believed and taught by many educators of Northern youth. Tt is still to be found, uncontradicted, in a vast number of Northern libraries, and is still believed by the masses of the rising generation in that great section of our common country. It is to refute such slanders as this that we write

Is it improper to ask, in this connection, if Sherman was false to truth, as he confesses, in regard to the destruction of Columbia, may it not be that he was also wanting in fidelity to truth in other statements of his memoirs? What credence is To lie to an individual the historian to give his utterances? is a grave charge. How infinitely more serious is it to lie officially, thus placing the seal of a great government upon falsehood; and hence lying to all the millions yet unborn! An official falsehood is caught upon the wings of the wind and swiftly borne over land and sea to all parts of the world. Truth is slow of foot, but sure of her ground and final triumph. As the days unfold the dark deeds of Northern invasion, the South looms higher and brighter in the sky of right and patriotism.

That we may be clear as to future statements we here remark that Gen. J. E. Johnston, on the 23d day of February, 1865, relieved Gen. Beauregard at the request of Gen. Robt. E. Lee, and took command of the troops in North Carolina.

Brevet Major George Ward Nichols, Aid-de-Camp to Gen. Sherman, pp. 112-3, in his "The Story of the Great March, from a Diary of a Staff Officer," says: "With untiring zeal

the army halted almost every inch of ground in the vicinity of the dwellings was poked by ramrods, pierced with sabers, or upturnd with spades, searching for valuable personal effects. to see a group of these red-bearded, bare-footed, ragged veterans punching the unoffending earth in an apparently idiotic but If they 'struck a vein' a spade certainly most energetic way. was instantly put into requisition, and the coveted wealth was speedily unearthed. Nothing escaped the observation of these up, a bed of flowers just set out, the slightest indication of a change in the appearance or position, all attracted the gaze of the military agriculturists. It was all fair spoils of war. and the search made one of the excitements of the March."

The last sentence is proof positive, that "searching for valuable personal effects, plate. jewelry. and other rich goods." had the full sanction and vigorous approval of a staff officer of the commanding General. The fact that this searching invariably occurred "whenever the army halted," shows that there was no secret about it: and hence was known and approved by Gen. Sherman himself and his entire staff. This fact accounts for its being "one of the excitements of the march."—one—not all.

Another excitement was burning dwellings, churches, granaries and other buildings. Still another was that of witnessing the discomfort, the distress, the sufferings, and the wailings of helpless women and children.

The right of an army to forage, while marching through an enemy's country, is universally conceded by civilized nations. But no civilized nation construes the term, forage, to mean the right to rob citizens of their furniture, plate, jewelry, and other rich valuables. The word forage is derived from ferre, meaning fodder. Hence its primary meaning is fodder. The law that controls all civilized nations defines it as "a search for provisions;" or "the act of feeding abroad." a right limited to the actual necessities of the invading army. It therefore does not include the right of individuals to enrich themselves by forcibly appropriating any kind of "rich goods" belonging to the inhabitants of the invaded country.

This construction by the invading army was the result of necessity. Convinced that the South could not be subjugated by civilized warfare, the United States Government had resort to the barbarously cruel method of robbery, the torch, starvation and murder, regardless of the attendant evils that would result, very naturally, from the encouragement this policy would give to a licentious soldiery, such as assaults upon innocent women. It was this same necessity that established the three American bastiles; that refused to exchange prisoners, thus bringing sufferings and untimely deaths to thousands of these unfortunate soldiers on both sides; and the wide reaching policy of the general Government to spread devastation and ruin wherever its soldiers marched.

Hence, this disregard of civilized warfare was not confined to Sherman's command.

In the "Memoir of the Last Year of the War" by Lieut. Gen. Early telling of his pursuit of Major Gen. Hunter in his (Hunter's) retreat from Lynchburg,—begun on the 19th of June, 1864,—down the Shennandoah valley, he thus described the destruction witnessed along the routes:

"Houses had been burned, and helpless women and children left without shelter. The country had been stripped of provisions, and many families left without a morsel to eat. Furniture and bedding had been cut to pieces, and old men and women and children robbed of all the clothing they had, except that on their backs. Ladies' trunks had been rifled and their dresses torn to pieces in mere wantonness. Even the negro girls had lost their little finery. At Lexington he had burned the Military Institute with all its contents, including its library and scientific apparatus. Washington College has been plundered, and the statue of Washington stolen. The residence of ex-Governor Letcher at that place had been burned by orders, and but a few minutes given Mrs. Letcher and her family to leave the house. In the country a most excellent Christian gentleman, a Mr. Creigh, had been hung, because, on a former occasion he had killed a straggling and marauding Federal soldier,

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while in the act of insulting and outraging the ladies of his family."

What conclusion are we to draw from the general facts but this: The policy of destruction, ruin, starvation and murder was no less than that of the Government itself? It was the policy of all the Northern armies, in whatever section of the country they operated, and under whatever commanders they served.

Some of Gen. Sherman's foragers had added to their crime of stealing every species of private property, the greater crime of assaulting women, and a few of them had been summarily dealt with by those whose wives and daughters they had outraged, and whose homes they had made desolate. Gen. Sherman made this fact a cause of complaint and informed Gen. Hampton that in retalition he had ordered a number of "Confederate prisoners of war put to death." Hampton's prompt reply was: "For every soldier of mine murdered by you, I shall have executed at once two of yours, giving in all cases preference to any officers who may be in our hands," adding that he had ordered his men "to shoot down all of your men who are caught burning houses." It is believed that this threat of Hampton produced a salutary effect.

On the 14th day of September 1865, the Rev. Dr. John Bachman, pastor of the Lutheran Church, City of Charleston, S. C., writing from that city, makes the following statement of facts:

"When Sherman's army came sweeping through Charleston, leaving a broad track of desolation for hundreds of miles, whose steps were accompanied with fire, and sword, and blood, reminding us of the tender mercies of the Duke of Alva, I happened to be at Cash's Depot, six miles from Cheraw. The owner was a widow, Mrs. Elerbe, seventy-one years of age. Her son, Col. Cash, was absent. I witnessed the barbarities inflicted on the aged, the widow and the young and delicate females. Officers. high in command, were engaged tearing from the ladies their watches, their ear and wedding rings, the daguerreotypes of those they loved and cherished. A lady of delicacy and refinement, a personal friend, was compelled to strip before them, that they might find concealed watches and other valuables under her dress. A system of torture was practiced toward the weak, un-

armed and defenseless, which as far as I know and believe, was universal throughout the whole course of that invading army. Before they arrived at a plantation, they inquired the names of the most faithful and trustworthy family servants; these were immediately seized, pistols were presented at their heads, with the most terrific curses, they were threatened to be shot if they did not assist them in finding buried treasures. If this did not succeed, they were tied up and cruelly beaten. Several poor creatures died under the affliction. The last resort was that of hanging, and the officers and men of the triumphant army of Gen. Sherman were engaged in erecting gallows and hanging up these faithful and devoted servants. They were strung up till life was nearly extinct, when they were let down, suffered to rest awhile, then threatened and hung up again. It is not surprising that some should have been left hanging so long that they were taken down dead. Coolly and deliberately these hardened men proceeded on their way, as if they had perpetrated no crime ("one of the excitements of the March"), and as if the God of heaven would not pursue them with his vengeance. But it was not alone the poor blacks (to whom they professed to come as librators) that were subjected to torture and death. Gentlemen of high character, pure and honorable and grav-headed, unconnected with the military, were dragged from their fields or beds, and subjected to this process of threats, beating and Along the whole track of Sherman's army, traces hanging. remain of the cruelty and inhumanity of the aged and defense-Some of those who were hung up died under the rope. less. while their cruel murderers have not only been left unapproached and unhung, but have been hailed as heroes and patriots The list of those martyrs whom the cupidity of the officers and men of Sherman's army sacrificed to their thirst for gold and silver. is large and most revolting. If the editors of this paper will give their consent to publish it, I will give it in full, attested by the names of the purest and best men and women of our Southern land.

"I, who have been a witness to these acts of barbarity that are revolting to every feeling of humanity and mercy, was doomed to feel in my own person the effects of the avarice, cruelty

and despotism which characterized the men of that army. I was the only male guardian of the refined and delicate females who had fled there for protection and shelter. I soon ascertained the plan that was adopted in this wholesale system of plunder. insult, blasphemy and brutality. The first that came was headed by officers, from a colonel to a lieutenant, who acted with seeming politeness, and told me that they only came to secure our firearms, and when these were delivered up nothing in the house should be touched. Out of the house, they said, they were authorized to press forage for their large army. I told them that along the whole line of the march of Sherman's army, from Columbia to Cheraw, it had been ascertained that ladies had been robbed and personally insulted. I asked for a guard to protect the females. They said that there was no necessity for this. If any did not treat the ladies with proper respect, I might blow their brains out. 'But,' said I, 'You have taken away our arm,s and we are defenseless.' They did not blush much, and made no reply, shortly after this came the second party before the first had left. They demanded the keys to the ladies' drawers, took away such articles as they wanted, then locked the drawers and put the keys into their pockets. In the meantime they gathered up the spoons, knives, forks, towels, table-cloths, etc. As they were carrying them off I appealed to the officers of the first party; they ordered the men to put back the things; the officer of the second party said he 'would see them d-d first;' and without further ado, packed them up, and they glanced at each The elegant carriage and all the vehicles other and smiled on the premises were seized and filled with bacon and other plunder. The smokehouses were emptied of their contents and carried off. Every head of poultry was seized and flung over their mules, and they presented the hideous picture in some of the scenes in 'Forty Thieves.' Every article of harness they did not wish was cut in pices.

"By this time the first and second parties had left, and a third appeared on the field. They demanded the keys of the drawers, and, on being informed they had been carried off, cooly and deliberately proceeded to break open the locks, took what they wanted, and when we uttered words of complaint were cursed. Every horse, mule, carriage, even to the carts, was taken away for hundreds of miles, the last animal that cultivated the widow's cornfield, and the vehicles that once bore them to the house of worship, were carried off or broken into pieces and burned.

"The first party that came promised to leave ten days' provisions, the rest they carried off. An hour afterwards, other hordes of marauders from the same army came and demanded the last pound of bacon and the last quart of meal. On Sundav the negroes were dressed in their best suits. They were kicked and knocked down and robbed of all their clothing, and they came to us in their shirt sleeves, having lost their hats, clothes and shoes Most of our own clothes had been hid in the woods. The negroes who had assisted in removing them were beaten and threatened with death, and compelled to show them where they were concealed. They cut open the trunks, threw my manuscripts and devotional books into a mud-hole, stole the ladies' jewelry, hair ornaments, etc., tore many garments into tatters, or gave the rest to negro women to bribe them into criminal intercourse. These women afterwards returned to us those articles that, after the mutilations, were scarcely worth preserving. The plantation of one hundred and sixty negroes, was some distance from the house, and to this place successive parties of fifty at a time resorted for three long days and nights, the husbands and fathers being fired at and compelled to fly to the woods.

"Now commenced scenes of licentiousness brutality, and ravishment that have scarcely had an equal in the ages of heathen I conversed with aged men and women, who were barbarity. witnesses of these infamous acts of Sherman's unbridled soldiery, and several of them, from the cruel treatment they had received, were confined to their beds for weeks afterward..... During this time the fourth party whom I was informed by others, we had the most reason to dread, had made their appearance. They came, as they said, in the name of 'the great General Sherman who was next to God Almighty.' They came to burn and lay in ashes all that was left. They had burned bridges and depots, cotton gins, mills, barns and stables. Thev swore they would make the d-----d rebel women pound their corn with rocks, and eat their raw meal without cooking. They

succeeded in thousands of instances. I walked out at night, and the innumerable fires that were burning as far as the eye could reach, in hundreds of places, illuminated the whole heavens, and testified to the vindictive barbarity of the foe. I presume they had orders not to burn occupied houses, but they strove all in their power to compel families to fly from their houses that they might afterward burn them. The neighborhood was filled with refugees who had been compelled to fly from their plantations on the seaboard. As soon as they had fled, the torch was applied, and for hundreds of miles, these elegant mansions, once the ornament and pride of our inland country, were burned to the ground.

"All manner of expedients were adopted to make the residents leave their homes for the second time. I heard them saving 'this is too large a house to be left standing, we must contrive to burn it.' Canisters of powder were placed all around the house, and an expedient resorted to that promised almost The house was to be burned down by firing certain success. These were so near each other that firing of the out-buildings. the one would lead to the destruction of all. I had already succeeded in having a few bales of cotton rolled out of the building, and hoped, if they had to be burned, the rest would also be rolled out, which could have been done in ten minutes by several hundred men who were looking on, gloating over the prospect of another elegant mansion in South Carolina being left in ashes. The torch was applied, and soon the large storehouse was on fire This communicated to several other buildings in the vicinity, which, one by one, were burned to the ground. At length the fire reached the smokehouse, where they had already carried off the bacon of two hundred and fifty hogs. This was burned, and the fire was now rapidly approaching the kitchen which was so near the dwelling house that, should the former burn, the destruction of the large and noble edifice would be inevitable.

"A Captain of the United States service, a native of England, whose name I would like to mention here, if I did not fear to bring down upon him the censure of the abolitionists as a friend to the rebels, mounted the roof, and the wet blankets we sent up to him prevented the now smoking roof from bursting into flames. I called for help to assist us in bringing water from a deep well; a young lieutenant stepped up, condemned the infamous conduct of the burners, and called on his company for aid; a portion of them came cheerfully to our assistance; the wind seemed almost by a miracle to subside; the house was saved, and the trembling females thanked God for their deliverance. All this time about one hundred mounted men were looking on, refusing to raise a hand to help us; laughing at the idea that no efforts of ours could save the house from the flames.

"I had assisted in laying the foundtaion and dedicating the Lutheran Church at Columbia, and there, near its walls, had recently been laid the remains of one who was dearer to me than life itself. To set that brick church on fire from below was impossible. The building stood by itself on a square but little built up. One of Sherman's burners was sent up to the roof. He was seen applying the torch to the cupola. The church was burned to the ground, and the grave of my loved one desecrated. The story circulated, that the citizens had set their own city on fire, is utterly untrue, and only reflects disbonor on those who vilely perpetrated it. Gen. Sherman had his army under control. The burning was by his orders, and ceased when he gave command.

"I was now doomed to experience in person the effects of avarice and barbarous cruelty. The robbers had been informed in the neighborhood that the family which I was protecting had buried one hundred thousand dollars in gold and They first demanded my watch, which I had effectualsilver. ly secured from their grasp. They then asked me where the money had been hid. I told them I knew nothing about it. and did not believe there was a thousand dollars worth in all. and what there was had been carried off by the owner, Col. Cash. All this was literally true. They then concluded to try an experiment on me, which had proved so successful in hundreds of other cases. Cooly and deliberately they prepared to inflict torture on a defenseless gray-headed old man. Thev carried me behind a stable, and once again demanded where the money was buried, or 'I should be sent to hell in five minutes.'

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They cocked their pistols and held them to my head. I told them to fire away. One of them a square-built broad-faced. large-mouthed, clumsey lieutenant, who had the face of a demon. and who did not utter five words without an awful blasphemy. now kicked me in the stomach until I fell breathless and prostrate. As soon as I was able, I rose again. He once more asked me where the silver was. I answered as before. 'I do not know.' With his elephant foot he kicked me on my back till I fell again. Once more I arose, and he put the same ques-I was nearly breathless but answered as before. tion to me. Thus was I either kicked or knocked down seven or eight times. I then told him it was perfectly useless for him to continue his threats or his blows. He might shoot me if he chose. I was ready and would not budge an inch, but requested him not to bruise and batter an unarmed, defenseless old man, 'Now.' said he, 'I'll try a new plan. How would you like to have both your arms cut off?' He did not wait for an answer, but with his heavy sheathed sword, struck me on my left arm, near the shoulder. I heard it crack; it hung powerless at my side. and I supposed it was broken. He then repeated the blow on the other arm. The pain was most excruciating, and it was several days before I could carve my food, or take my arm out of a sling, and it was black and blue for weeks. (I refer to Dr. Kollock of Cheraw). At that moment the ladies, headed by my daughter, who had only then been made aware of the brutality practiced upon me, rushed from the house, and came flying to my rescue. 'You dare not murder my father,' said my child; he has been a minister in the same church for fifty years, and God has always protected him, and will protect him.' 'Do you believe in a God, Miss?' said one of the brutal wretches; 'I don't believe in a God, a heaven, nor a hell.' 'Carry me.' said I, 'to your General.' I did not intend to go to Gen. Sherman who was at Cheraw, from whom, I was informed, no redress could be obtained, but to a General in the neighborhood, said to be a religious man. Our horses and carriages had all been taken away, and I was too much bruised to be able to walk. The other young officers came crowding around very officially telling me that they would represent the case to the Genearl,

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and that they would have him shot by 10 o'clock the next morning. I saw the winks and glances that were exchanged between them. Every one gave a different name to the officers. The brute remained unpunished, as I saw him on the following morning, as insolent and profane as he had been the preceding day....

"A few weeks after this I was sent for to perform a parochial duty at Mars Bluff, some twenty miles distant. Arriving at Florence in the vicinity. I was met by a crowd of young men connected with the militia. They were excited to the highest pitch of rage, and thirsted for revenge. They believed that among the prisoners that had just arrived on the railroad car. on their way to Sumter, were the very men who committed such horrible outrages in the neighborhood. Many of their houses had been laid in ashes. They had been robbed of every means of support. Their horses had been seized: their cattle and their hogs bayoneted; their mothers and sisters had been insulted, and robbed of their watches, ear and wedding rings. Some of their parents had been murdered in cold blood. The aged pastor. to whose voice they had so often listened, had been kicked and knocked down by repeated blows, and his hoary head had been dragged about in the sand. They entreated me to examine the prisoners and see whether I could identify the men that had inflicted such barbarities on me. I told them I would do so. provided they would remain where they were and not follow me. The prisoners saw me at a distance, held down their guilty heads, and trembled like aspen leaves. All cruel men are cowards. One of my arms was still in the sling. With the other I raised some of their hats. They all begged for mercy. T said to them, 'the other day you were tigers. You are sheep now.' But a hideous object soon arrested my attention. There was that brutal enemy-the vulgar, swaggering lieutenant, who had ridden up to the steps of the house, insulted the ladies, and beaten me most unmercifully. I approached him slowly, and, in a whisper asked him: 'Do you know me, sir?'--'the old man whose pockets you first searched, to see whether he might not have a penknife to defend himself, and then kicked and knocked him down with your fist and heavy scabbard?' He presented the picture of an arrant coward, and in a trembling voice im-

plored me to have mercy: 'Don't let me be shot; have pity! Old man, beg for me! I won't do it again. For God's sake O God, help me!' 'Did you not tell my daughter save me! there was no God? Why call on him now?' Oh, I have changed my mind; I believe in a God now.' I turned and saw the impatient, flushed, and indignant crowd approaching. 'What are they going to do with me?' said he. 'Do you hear that 'Yes,' said he, they are cocking their sound.---click. click?' pistols. 'True' said I, 'and if I raise a finger you will have a 'Then I will go to hell; dozen bullets through your brain.' don't let them kill me. O Lord, have mercy !' 'Speak low,' said I, 'and don't open your lips.' The men advanced. Already one had pulled me by the coat. 'Show us the men.' T gave no clew by which the guilty could be identified. I walked slowly through the cars, entered the waiting carriage and drove off."

In these atrocities we have the blackest record, all things considered, in history. It was savagery on the largest scale, and under the direction of the most competent organized skill. It was divided into four separate and well instructed bands of greed, rape, licentiousness and murder, each succeeding band being more atrocious than the one just preceding it. The three bands in advance left nothing but empty dwellings and empty out buildings. The fourth and last band applied the torch, and used the gallows, and other kindred cruelties in search of valuables. It was

"The wildest savagery, the vilest stroke

That ever wall-eyed wrath, or staring rage Presented to the tears of helpless victims."

#### A CONTRAST.

There was another army that invaded an enemy's territory. It, too, was on American soil, and in the sixties. It was commanded by the peerless Lee. Sherman's orders were not designed to meet the humanities of the case;" but Lee's were in full sympathy with all that is tender and true. Sherman's march was characterized by smouldering ruins and beastly brutalities;

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Lee's by its humanities. "The excitements" of Sherman's "march" were theft, rapine, inordinate desires, and murder. Those of Lee's army were deeds of kindness, and their assur-"We make no war upon non-combatants." The ing words: record of Sherman's army is that of uncivilized barbarity; that of Lee's is written on the loftiest peaks of the civilization of the nineteenth century.

Thus the two records stand. The one is as black as night. The other is as bright as the full orbed sun. We are told by Northern writers if Davis had been more like Lincoln the Confederacy would not have failed. Davis was incapable of some And to his honor, he could not endorse uncivilized things. The Confederacy went down, it is true, but like the methods. All the Confederacy stood for cloudless sun in the west. during its short but glorious life, is as illuminating and enduring as the bright orb of that cloudless sun; and just as sure as that sun will rise again to refresh and warm the earth, just so sure will the Confederate cause survive its short night of apparent defeat, and live again to refresh and warm the patriot hearts of all coming generations, and restore to this great American Republic the true principlesy of Constitutional liberty.



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## CHAPTER XLI.

### THE CONFEDERATE NAVY.

From an address delivered before Camp 171 U. C. V. of Washington, D. C., by Perry M. DeLeon, on Navies in War, and the Confederate Navy in the War Between the States, we make the following extract:

Semmes on the Alabama and Sumter destroyed ..... 87 ships He would have destroyed the Kearsage had the shell

planted in her rudder port exploded.

Waddell on the Shendoah destroyed 36 ships	5
Maffitt, Barney and Morris on the Florida, destroyed. 37 ship	5
Wood on the Tallahassee destroyed 29 ships	5
Read on the Clarence and Tacony destroyed 23 ships	5
Maury on the Georgia destroyed 8 ship	5
Wilkinson on the Chickamauga destroyed 4 ships	5
Other vessels destroyed 35 ships	;

First, Calling the war Three things make my gorge rise: between the States a rebellion; second, calling our gallant naval officers pirates, and our cruisers privateers; and third, accusing the officers who resigned from the old service, of violating their oaths, and being guilty of ingratitude to a government which That man has read history in vain who apeducated them. plies the term rebellion to a contest between sovereign States. The charge of piracy is too utterly contemptible and mendacious If Semmes was a pirate, so was Farragut. to need reply. If the Alabama was a privateer so was the Hartford, and every Federal ship that captured a vessel flying a Confederate flag engaged in commerce. The charge of piracy and ingratitude is likewise utterly mendacious and contemptible. During and since the war, Semmes was honored by the nations wherever he went. England, the greatest of sea-powers, especially doing him homage, the British naval officers and others presenting him with a sword after the Alabama met her glorious death.

As to ingratitude the charge is simply absurd; the expenses of their education were paid by both the North and South, the South contributing far more than her share. These charges were made during the war by unprincipled politicians to bring They have been repeated since the our cause into disrepute. war by mendacious historians, or rather romancers who manufacture history to suit their fanaticism. As to privateers, it is thus legally defined: "A privateer is an armed vessel belonging to private parties, hence the name. It operates under a letter of marque issued by the Government of which her owners are subjects or citizens, to protect from being treated as a pirate."

A man-of-war is a vessel belonging to either a de jure or a de facto government and cruises under a regular commission, her officers being also commissioned by the same power. The Southern Confederacy was not only a de facto government but was recognized as a belligerent. So much for balderdash current during the war and the ravings of fanatical sectionalists of today.

The war found the South without ships, without seamen, with no commercial marine, and, at first with one navy yard, later on with none, with no powder works, no ordinance foundries, with but few machine shops, few ship carpenters, and not *a* single shop in which the simplest marine engine could be constructed. Our energetic and efficient secretary of the Navy, Hon. Stephen R. Mallory of Florida, had indeed a herculean task; and the wonder is that he accomplished so much with means so scant. It is but truth to state that it was as difficult for him to procure iron for his ironclads as for the United States Secretary Wells to build a gunboat. The story of our gallant little navy is a sad but glorious one.

Despite the facts I have mentioned the genius of the naval officers of the South electrified the world. John M. Brooke, Williamson and Porter, revolutionized naval warfare in the construction of the famous Virginia, commonly called the Merrimac, as Ericson likewise did with the Monitor. Their famous contests made wooden warships a thing of the past. Brooke first taught how to rifle smooth-bore guns, and also taught gunmakers that great guns could be made almost non-explosive by shrinking bands over their breeches, and their effectiveness increased to an extent to excite the wonder and admiration of all seamen. Hunter Davidson first made torpedoes effective for attack and defense. Gallant sailor that he was, he was as great in action as in the laboratory.

I challenge the world to produce a more able, more gallant, more unselfish band of patriots than the peerless officers who, born in the South, and bred under the Stars and Stripes, were to win deathless fame under the Stars and Bars. Loving the old flag with a devotion sailors only know, glorying in its traditions, proud of its achievements, and their own part therein, caring naught and oft knowing naught of political issues, leaving their homes as boys, and far removed by their profession from early friends and associations and the burning issues of the day, their devotion to their native South was sublime.

But alas! this sentiment was far from general. Leaving, as I have said, their States as boys, dissociated from the "ties that bind," very many Southern naval officers had ceased to regard their native States as sovereign, which they were, and believed their allegiance due to the flag that floated over them. That brilliant and original thinker. Governor Henry A. Wise, of Virginia, was wiser than many thought when he advised the South to fight in the Union and under the Stars and Stripes. The sentiment of the Union was a tremendous factor, and sent tens of thousands into the Federal ranks. Of Southern born line officers, including commanders and lieutenants, 126 resigned, 127 remained in the Federal Navy; of the junior officers, masters and midshipmen eleven resigned, twenty-five did not; of the acting midshipmen, boys at the Naval Academy, 106 resigned, twenty-two did not; of the staff officers, paymaster, and surgeons 38 resigned, 56 did not; taking the total, 299 followed the Stars and Bars, 288 the Stars and Stripes; eliminating the midshipmen, boys as I have said, 193 resigned, 260 did not. In a word, excluding the "middles" fresh from home and subject to the order of their parents, a considerable majority of the Naval officers elected to remain in the United States Navy. Of the Marine Corps 14 resigned, 14 remained. \* \* \* \*

We can not question the motives of any of these men. I for one with the flag floating over me for five years while Consul General in South America, can well understand the devotion felt by naval officers for the Flag, and I do not doubt for a moment that they were true to their convictions, and did what they deemed their duty; yet it is painful to reflect that the most vital wounds the South received were inflicted by her own sons— Farragut, Drayton, S. P. Lee, Winslow, Goldsboro, et al. This painful fact recalls these beautiful lines of Byron:

"So the struck eagle stretched upon the plain, No more thro' rolling clouds to soar again,

Viewed his own feathers in the fatal dart And winged shaft that quivered in his heart,

Keen was his pang, but keener far to feel, He nursed the pinion which impelled the steel,

While the same plumage that had warmed his nest Drank the last life-drop from his bleeding breast."

The naval officers who resigned gave up their means of livelihood, sacrificed their careers, and severed the ties of a lifetime for a cause, the success of which some of them like Commodore Ingraham believed to be at least doubtful. Patriotism and self-sacrifice could no farther go.

With the officers of the army it was quite different. They were on the spot, conversant with the political questions of the day, in the thick of the sectional storm which raged over the country, swayed by the passions of the hour, and imbued with the sentiments of their friends and kindred. Hence when the die was cast nearly all of them espoused the cause of the South, even the great Lee, who declined to become the generalissimo of the Union Forces, because he belived his allegiance was due to his beloved Virginia, and his duty required him to cling to her, and obey her commands. Sordid indeed is the soul which questions his sincerity or asperses his memory.

Sad was the fate of the older Confederate States Naval officers; bred on the deep, unfamiliar with affairs, knowing naught but their profession, separated thereby from the world, its fluc-

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tuations and its concerns, the end found them broken in fortune, without a profession, bowed down with despair, utterly unfitted to fight the battle of life, and in the Southern cataclysm their countrymen too poor to aid them, or reward their services. A number of officers succumbed to despair and died in poverty; others were glad to receive any crumb that fell to their lot. \* \* \* \*

Who then were they? Tattnall had achieved an international reputation, as had Ingraham, Hollins and Maury. The first at Periho, declaring that blood was thicker than water, had saved an English warship from destruction and earned the plaudits of Britain Ingraham at Smyrna had cleared his ship for action and demanded from Austria the release of the Hungarian patriot. Kostza, under threat of opening fire on the Hussar, a vessel somewhat superior to his own, on which the prisoner was held,-the threat was effective-Austria gave up the captive, and Congress voted Ingraham a medal. Hollins at Georgetown had given the snuff-colored Dagos a needed lesson Last and greatest of all was Matthew F. Maury, the first of naval scientists, who did more for the marine than any man who had ever lived. His works. Physical Geography of the Sea, Gulf Stream, Ocean Lanes, are his monument, more en-He it was who first proposed an Atlantic during than brass. cable, which was laid in the line he had mapped out. Twelve nations conferred orders of knighthood upon him; Cambridge and the great Universities of Europe had honored him. When he resigned, both before and after the war, the greatest governments of Europe besought him to accept high position, but like Lee he clung to his beloved Virginia, and ended his life as a Professor at the Virginia Military Institute. Thus Virginia has given to the world two of the greatest of men. Maury and Lee, as in earlier days a Washington, a Jefferson, a Henry, a Marshall, a Mason, and many more.

Eulogy has exhausted itself in characterizing Lee. His name is honored by the North, enshrined in the hearts of the South, and lauded by the whole civilized world.

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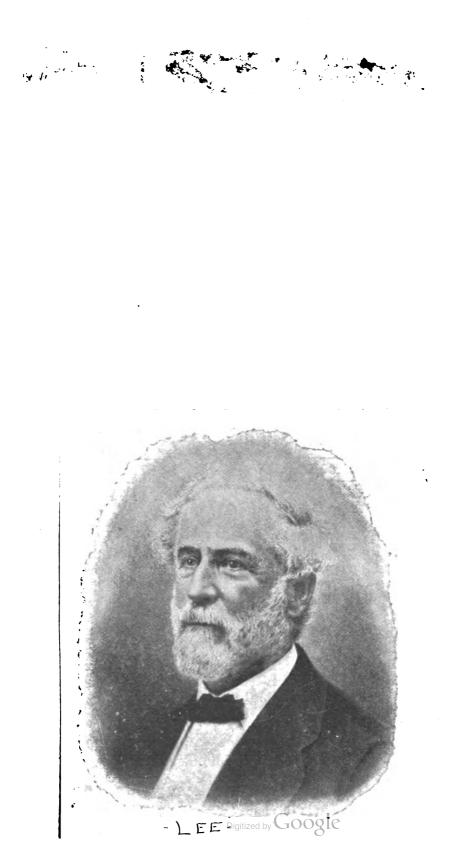
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From life-size portrait in the Tennessee State Capitol, by Groelius Hankins, Nashville, Tenn.





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# eteran Dies at 112.

## Atlanta Journal, At-Lanta, Ga., 7-5-1925.

RIVATE BILL THOMPSON, of Company D, Eighteenth North Carolina infantry regiment, Conberate States of America, died recentat Nichols, Ga., at the age of 112. t the Private Bill who was laid to st. June 22, was not a gray-bearded teran but an old lady, Mrs. Lucy Mada Kenny, the only woman who ught, in a man's uniform, throughout e Civil war.

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### Private Bill Volunteers

1861, she had just become the wife of anything remarkable about

nly Woman Confederate of her death, dwelt long, in her reminiscences, on the fear that smote her at the thought of separation. Finally she decided to accompany him to the Just what the young bride+ front. groom thought of this plan will never be known, but in those days, sixty years before bobbed hair, knickers and woman's rights, women who "unsexed" themselves were looked on askance. Despite that fact, Lucy Matilda cut herthick hair close to her head, took up a few seams in or . of her husband's suits, oiled her squirrel musket and boarded a troop train for Virginia, under the name of "Private Bill Thomp-

#### Expert Sharpshooter

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As those who composed the volunteers from that section were neighbors of "Private Bill," and friends of her husband, they sympathized with her bravery and their silence as to her true The story of Lucy Matilda Kenny's identity made her career as a soldier distment with her young husband in possible. If the officers in command  $\beta$ 661, her adventures on the battle-of the company, Captain Robert Tate and Lieutenant Wiley Sykes, knew that "Private Bill" was a woman, they kept rred and finally her sad pilgrimage the matter to themselves, and the rick to Georgia with the body of secret never went further than compa-ryant Gauss, her husband and com- ny headquarters. What mattered most mar mar nys nys zcd ide, make up a story as absorbing as to the officers was that she was an exide, make up a story as absorbing as pert sharpshooter, sang well in a husky ussian Battalion of Death, the ex- marches in the rain, and had a knack

bits of Molly Pitcher and the Between the strange young couple and the state of the Maid of Orleans. Born in 1812 near Bladensborough, who went off to war so gallantly there wisted the pact that if either should be wisted the other should bear the be killed the other should bear the be killed the other should bear the be body back to the old country burying and bear the and he are all and of masculine appearance, there inter it. The only fear that gae hough not without feminine charm, seemed to be in the hearts of either A the possessed all the health and vi- was that their bodies would lie in unto women accustomed known graves, far from the home they

nventions had lightened farm and The privations suffered by this young nouse work. She could ride like a woman, from the first battle of Manas-'The privations suffered by this young cowboy, hunt all day without wearying. sas, where she was wounded, until the and was, best of all, one of the expert Seven-Day battle around Richmond, where her husband was killed, are unbelievable. When speaking of her ex-  $\ge 2$ periences in after years, the old lady When the Civil war broke out in never seemed to think that there was her ex-Bryant Gauss and, like many women ploits. She marched shoulder to be at the Confederacy, faced the tragedy shoulder with rough soldiers, slept on of parting, perhaps forever, from her wet ground without a blanket, often g new husabnd, for Gauss volunteered marched for days through snow and with the first men from that section, rain without an overcoat. When the g While other women were content to bitter winter compaigns in northera while back tears, wave good-by to Virginia were fought, "Private Bill" a cheering troop trains and then go was one of those whose weary, half soberly back to the spinning wheel and bare feet left blood tracks in the soberly back to the spinning wheel and bare feet fert blood tracks in the loom, Lucy Matilda had other thoughts. white snow. Her rations were no bet-She loved her young husband devot-edly and not only did she fear that he would be killed on some far away Vir-gina field, but worst of all that his body would be so mutilated with shell riety of spiral black bread, made by that he would lie, unidentified in an winding corn meal dough around bayunknown grave. She told him that she onets and baking them over smoking and the star behind, rolling ban-bivouac fires "them over smoking the scant they were dages and weaving uniforms and not lucky, comprised the scant fare the start for the scant fare the scant form the scant form the scant fare the scant form the scant fare the scant form the sca

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Only Woman Confederate Veteran Dies at 112.

Atlanta Journal. Atlanta, Ga., 7-5-1925.

THOMPSON, of RIVATE BILL Company D, Eighteenth North Carolina infantry regiment, Confederate States of America, died recently at Nichols, Ga., at the age of 112. But the Private Bill who was laid to rest, June 22, was not a gray-bearded veteran but an old lady, Mrs. Lucy Matilda Kenny, the only woman who fought, in a man's uniform, throughout the Civil war.

The story of Lucy Matilda Kenny's enlistment with her young husband in possible. If the officers in command 1861, her adventures on the battle-field, the hardships and wounds endured and finally her sad pilgrimage the matter to themselves, and the back to Georgia with the body Bryant Gauss, her husband and com- ny headquarters. What mattered most rade, make up a story as absorbing as the annals of Madam Butchkareva's Russian Battalion of Death, the exploits of Molly Pitcher and the death- at taking care of the wounded, less tale of the Maid of Orleans.

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#### **Private Bill Volunteers**

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Th later years, the old lady, whose memory was unimpaired until the day of her death, dwelt long, in her reminiscences, on the fear that smote her at the thought of separation. Finally she decided to accompany him to the front. Just what the young bridegroom thought of this plan will never be known, but in those days, sixty years before bobbed hair, knickers and woman's rights, women who "unsered" themselves were looked on askance. Despite that fact, Lucy Matilda cut her thick hair close to her head, took up a few seams in one of her husband's suits, oiled her squirrel musket and boarded a troop train for Virginia, under the name of "Private Bill Thomp-son."

#### Expert Sharpshooter

As those who composed the volunteers from that section were neighbors of "Private Bill," and friends of her husband, they sympathized with her bravery and their silence as to her true identity made her career as a soldier "Private Bill" was a woman, they kept of secret never went further than compato the officers was that she was an ex-pert sharpshooter, sang well in a husky so is voice to keep up spirits on long so is in the sharpshooter. marches in the rain, and had a knack

Between the strange young couple a ss tale of the Maid of Orleans. Born in 1812 near Bladensborough, who went off to war so gallantly there of the should of the pact that if either should of the should be should b N. C., Lucy Matilda came of sturdy be killed the other should bear the Revolutionary stock. She weighed 165 body back to the old country burying pounds when she was seventeen, was ground, near their birthplaces, and > pounds when she was sevenceen, was ground, hear their bittiplaces, and the sevence is there inter it. The only fear that the sevence is though not without feminine charm, seemed to be in the hearts of either and the sevence is the possessed all the health and vi-tality common to women accustomed known graves, far from the home they to be one home the post.

The privations suffered by this young She could ride like a woman, from the first battle of Manascowboy, hunt all day without wearying. sas, where she was wounded, until the and was, best of all, one of the expert rifle shots in her county. believable. When speaking of her ex-  $\ge$  3 periences in after years, the old lady When the Civil war broke out in never seemed to think that there was Ξđ her exto 5 shoulder to bitter winter compaigns in northern Bill" a to Virginia were fought, "Private loom, Lucy Matilda had other thoughts. white snow. Her rations were no bet-

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cident, "for he was a good friend of heart through many battles and sit

Manassas that Frivate Bill was wound- to take Gauss' body home for buria. ed. Unaccustomed to the thander of Of course, this was granted, but there artillery and the sight of loved friends was a sad farewell between the tall dropping moaning on either side of young widow in her faded "butternut" her, she was dismayed but unafraid. uniform and the company who The smoke rolled about the North had loved her and fought beside her. Carolina regiment as they went for- They knew that they were faying good-ward yelling amid a rain of rifle bul- by to "Private Bill Thompson" forever lets, "and the rifle pits we went over and that few of them would return to were slippery with mud and blood and the North Carolina homes from whence I couldn't seem to see any Yankees, because everything was so confused, was the way she described it. But, set the heartbroken girl o. her journey shoulder to shoulder with her husband, she charged on into the Federal lines and fought until a bursting shell flung torn by two armies and filled with dean iron scrap on her, tearing open her scalp from forehead to the back of her head.

The terrified young husband dropped beside her, fearing the worst but finding her still living, bore her out of the muck of fighting to a place where, eventually, an ambulance picked her up. Her sex being discovered, during fields, saying nothing at all concerning her convalescence in the hospital, she her war record. Soon after the war, was ordered home, but Private Bill dis- she moved to Savannah, Ga., where regarded orders and rejoined her husband and her company, wearing a red scar that she carried till her death. Kenny. During the years between her There was a celebration held on her second marriage and 1914, the ex-rcturn to the company, for not only private kept her secret, probably bewas she popular as a comrade-in-arms, cause she did not care for curious but the gray ranks thinned a little and questions and because she believed sharpshooters like "Private Bill" were that in fighting for the Confederacy needed.

#### **Returned After Illness**

After her first taste of battle, of taking life and risking her own, Lucy Matilda completely forgot that she had even been a somewhat timid country girl, kindly toward her fellow beings and unwilling to hurt a fly. She had shed her blood and the Confederacy was threatened and it was "up to me to kill as many Yankees as I could." Once, after a long campaign where names of comrades, battles, even small short rations, tattered uniforms and skirmishes, was unimpaired until the hand-to-hand fighting had been the regiment's lot for weeks, Private Bill fell ill and was sent home to recover. she again rejoined her regiment, thin and gaunt, but unable to remain away

the young wife had carried in he. first husband's death.

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cident, "for he was a good iriend of near through man, realized. Brithing but," she added with pride, night marches was realized. Brithing "that was one of the few times I ever Gauss was killed. True to her did miss!" It was during the first battle of and begged a "permanent furlous" they had come.

Many were the difficulties that besouth with her husband's body, for she was traveling through a countryside serters, wounded men and camp fol-lowers. But her sad trip was ended at last and she buried her husband amid the childhood scenes he loved so well.

Her fighting days being over, she put on a homespun crinoline, allowed her cropped hair to grow and went back to weaving and to working the she was not known and some years later married her second husband, Mr. she had done her duty.

In 1914 she told the history of her Civil war experiences to her pastor, and through him they were made pub-lic. When questioned the old lady denied that there was anything extraordinary in her conduct, taking her feats of courage and endurance as matters of course. Her eyes remained keen, even after she had passed the century mark, and her memory for dates, day of her death. Her second husband died in 1916, and thereafter Fate visited upon this "veteran" her full share of trouble. However, she bore these with the humor and fortitude that had from her husband's side any longer. It was during the Seven Days' battle died at the age of 112, having feared around Richmond that the fear which anothing in its except "God and my the young wife had around and the sevent "God and my



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