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Thomas A. Hendricks

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LIFE AND PUBLIC SERVICES

OF

THOMAS A. HENDRICKS

WITH

SELECTED SPEECHES AND WRITINGS

BY

JOHN W. HOLCOMBE AND HUBERT M. SKINNER

—*Cui Pudor et Justitiae soror*
Incorrupta Fides nudaque Veritas
Quando ullum inveniet parem?
—HORACE.

Indianapolis

CARLON AND HOLLENBECK

1886

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1886.

TO THE
ASSOCIATION

TO
THE PEOPLE OF INDIANA,
WHOM HE SERVED WITH FIDELITY AND AFFECTION,
AND WHO HAVE
IN HIS CHARACTER AND FAME
A DELIGHTFUL MEMORY AND AN INSPIRING LESSON,
THIS LIFE OF
Thomas A. Hendricks
IS DEDICATED.

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PREFACE.

THIS volume does not claim to give the verdict of history upon the career of Thomas A. Hendricks. The events of which he was a part are still so recent, the controversies in which he debated are so lately settled, where settled at all, that the final estimate of the public man can not yet be made. When time shall have further softened party prejudices, and passed judgment upon the questions that have for three decades divided opinion among us, that estimate may be written. There is no fear but it will be high.

There is, however, an important service which a work like this can render. It can give to the present generation the evidence upon which the final verdict must be framed, and preserve for future use material that would otherwise perish with the lapse of time. This care should be taken of the fame of a great man. The high part he played in the history of this nation, the love of party friends and respect of party foes, prove Hendricks great, and deserving of such care.

A man's character, opinions, and deeds are the result of the disposition with which he is born, influenced by the circumstances in which he is placed—the interaction be-

tween the man and the world. For an adequate understanding of his life and work, his ancestry and origin must be explored, to weigh the inheritance of family traits; his theater of action must be surveyed, to measure the influence of persons and events.

An effort has, therefore, been made to describe the Hendrickses of the early day, the strong characteristics of the family and of its prominent members; and, in examining their distinguished contribution to the building of Indiana, to consider at the same time the condition of the young State, in its political, educational, and social aspects. Thus are traced the influences which formed the most eminent man of the family and of the State. In Indiana he grew to maturity of body and mind, and there he was trained for his part on the stage of national history.

Entering upon that wider stage at a time when questions of unparalleled gravity were forcing themselves forward for solution, his career as a national statesman extended through the most momentous period in the life of the Republic. Throughout that season of trial he studied to understand the true interests of the whole country, and strove with his might to promote those interests as he understood them. As a member of the majority, his care was given to the development and civil organization of the public domain; in the thankless part of leader of the opposition, his unvarying aim was to strengthen the Administration with all the people, by rendering its measures acceptable to the powerful minority he represented; and finally when war was over, his efforts were directed to conciliation, the lightening of burdens, and the restoration of prosperity.

A strictly independent view of the controversies which led to war, and of the positions of parties during the period of insurrection and reconstruction, is presented in the following pages, with the constant endeavor to deal fairly with men and measures. The attitude of Hendricks as Representative, Party Leader, and Senator is given clearly, but not in a spirit of vindication; for where fidelity to country and honesty of purpose are manifest, there is nothing to vindicate—"the simplicity of truth is fame." Subsequent events, from whose sentence there is no appeal, have shown the wisdom of his views on most of the questions once fiercely disputed; and, where mistakes must be admitted, the sincerity and fearlessness and skill with which he maintained his opinions still command admiration. Every honest soul loves "an open and sturdy partisanship."

Finally, as affording the best insight into his mind and the sources of his power, a selection from his speeches and writings is given. The instrument of the statesman, the means by which he attains his ends, is speech. As a speaker Hendricks was singularly able. Clearness, force, grace were the qualities of his style; persuasiveness was the characteristic of his utterance. Many of his efforts were addressed to questions of great public interest, and possess a high historic value; others dealt with questions that may again be brought up for review, and should therefore be preserved for future reference. Of both these kinds, some of the most important specimens are reproduced. Of minor importance, but interesting as illustrations of his modes of thought and literary style,

are his brief addresses and letters, called forth on special occasions. A few examples of these also are presented.

Of the man himself it may be said that an integrity interwoven with every fiber of his being, an inflexible courage and a wise discretion, together with a genial disposition, sympathy for all men, and charity for all opinions, gave to the world in Hendricks a rarely noble nature,—a character strong, just and beautiful, infused, to a far higher degree than is often granted to the politician, with those admirable qualities of mind and heart, described to us in these latter days by the phrase “sweetness and light.”

Acknowledgment must be made to many relatives and personal friends of the late Vice-President, but chiefly to Mrs. Thomas A. Hendricks, for invaluable aid and sympathy in the work of preparing this book.

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Life and Public Services

Simplicitas veri fama est.
—DIONYSIUS CATO.



FIRST STATE HOUSE
CORYDON

CHAPTER I.

GOVERNOR WILLIAM HENDRICKS.

Any day toward the close of December of the year 1822, there might have been found seated at a desk or table in a plainly furnished room of perhaps the only brick house in Corydon, a man of interesting, if not striking, personal appearance—a vigorous form, fully six feet tall; a clear, strong face, with the blue eyes and fair, reddish hair which tell of Scotch descent. Engaged in examining manuscripts, printed documents, reports and volumes of statutes, and in writing documents and affixing his signature, he seems to give his whole attention to the work before him, investigating every detail with conscientious care.

The room is spacious, with a ceiling of moderate height, and well lighted by two large, many-paned windows, placed opposite each other. On another side and facing the door is a fire-place, built wide and deep, with hearth of flat stones and fire-dogs of brass, in which burns a generous fire of hickory logs, crackling cheerfully and dropping great coals into a glowing bed. The house is built in the usual style of the Virginia mansion of the day. Two full stories in height, it stands upon the slope of a hill northeast of the town, presenting its chimneyed gables to the east and west, and to the north its side front, at the middle of which a small, columned portico shades the main entrance. The hall runs through the middle of the house. Toward its farther end is the stairway, too small for architectural effect, and a door

leading to the dining room and kitchen in the rear wing. On the sides are the two main rooms of the house, one the parlor, and the other now used for a working office. In this sits the busy worker. From time to time he calls a grave but kindly "Come in!" in response to a knock on the door, for no clerk or secretary assists his labors; much less has he the luxury of a servant within call.

Perhaps toward evening he steps out upon the porch to fill his lungs with the frosty air, and wishing to see if there is any stir of life in the village below, he walks on to the gate, for the corner of the house shuts out the view from the door. In such moments as these perhaps he thinks over the train of events which have brought him where he is—how eight years before, he had set foot for the first time on the soil of the Territory of Indiana, a young school teacher, printer and law student, fresh from the two years of labor in Cincinnati which had followed his graduation from the little Pennsylvania college at Cannonsburg.

His success from that day had been rapid. He brought with him the second printing press seen in the Territory, and established at Madison *The Western Eagle*. His political career opened at once. The winter after his arrival he was made secretary of the General Assembly sitting at Vincennes, and compiled and printed at his own expense a complete collection of the territorial statutes, declining the compensation offered therefor by the liberal Assembly. Next year he was elected a member of the Assembly, and in 1816 was secretary of the Corydon Convention, called to draft a Constitution for the State.

He was elected to Congress immediately on the admission of the State into the Union, and took his seat in that body as the first Representative from Indiana. The horseback journey over the mountains, in company with his courageous wife, he doubtless

recalled with pleasure and pride, as also many an incident of his six years residence in the Federal capital. Among the legislative measures with which he had been identified there was none of greater importance than the Missouri Compromise. As the earnest friend of freedom, he was appalled to find, in 1820, that Missouri had chosen to establish slavery in the heart of the nation, and uttered words of solemn warning against the nationalization of the great evil. It was out of regard for the earnest utterances of such statesmen that the Compromise line was drawn at $36^{\circ} 30'$, and the great Northwest was secured to freedom. This compromise was pretty generally observed, so far as Congress was concerned, for many years, until a new compromise was rendered necessary, which was deemed by the later statesmen to have repealed the old restriction in spirit, if not in express terms.

Now, in his sympathy with all such efforts, he doubtless often, upon entering his office, glanced with admiring affection at a portrait, above the high mantel shelf, of the man who had done more than all others to keep the fatal blight from Indiana—Jonathan Jennings, his successor in Congress and predecessor in his present office—for the house described is the Executive Mansion of Indiana, and the man is William Hendricks, second Governor of the State.

The circumstances of his election were in the highest degree gratifying. The machinery of nominating conventions was then unknown, and the modest announcement of his name as a candidate was the only step taken by him. But that was sufficient. No opposing candidate appeared, and when the votes were counted it was found that he had received every one of the 18,340 that were cast. This was the "Era of Good Feeling," signalized two years previously by the presidential election in which Monroe received all but one of the elec-

toral votes. Still more marvelous was it to be the unanimous choice of the people of a State.

The inauguration occurred on the 4th day of December, in the quaint town of Corydon, which had been for nine years the Territorial and State capital. Its selection for the seat of government, in 1813, was due chiefly to its central location among the settlements of the Territory; for while it was but thirteen miles from the Ohio, it then occupied nearly the middle of the winding strip of peopled land bordering upon that channel, as yet the sole highway of immigration. It now contained about five hundred inhabitants, and perhaps a hundred houses, the most considerable buildings being the private residence rented by the State for the use of the Governor, and the county court house, used for a State House. The latter, a rough-hewn stone structure of modest merits, had been built by Dennis Pennington, the Speaker of the House of the Territorial Assembly—an excellent man, who was often called to lay down his trowel and take the chair. This building stood facing west, in a fine natural grove near the center of the town. Its dimensions were small—about thirty feet square—and a little belfry over the main entrance gave the only suggestion of ornament. In the single lower room sat the honorable the House of Representatives, and a wooden stairway at one side led to the chamber above where the venerable Senate held its deliberations.

Considered with reference to its natural features, Corydon was a desirable location for the capital. Few scenes in Indiana are now more beautiful than views of the old town and its vicinity. High hills stand round about; a broad, clear stream encloses it with silvery arms. The architecture of the place was primitive, dwellings being mostly constructed of logs, though some of them were commodious and tasteful in their proportions and appearance. A seminary had been chartered in 1816, and the

educational advantages of the capital were considered exceptionally good. The nearest town of any importance, and the base of supplies of all manufactured articles, was Louisville, twenty-five miles to the east. Passengers and freight were conveyed by stage coaches and wagons from that place, over very rough roads and through perilous fords; and at seasons the communication was very irregular. In the country around, farming was not conducted on an extensive scale. Cattle, horses and hogs subsisted chiefly upon the long grass of the hill-sides and the mast of the forests, the little grain required being supplied by each farmer from a few acres of corn.

The last three years had been a period of discouragement throughout Indiana. Immigration, active up to 1819, had almost ceased. The scourge of a fever similar to the dreaded plague of the Gulf ports had prostrated almost the entire population, and more than decimated several villages. A financial panic which extended throughout the West deprived the people of a circulating medium. The *Indiana Gazetteer* of 1850 remarks: "There were few bank failures more discreditable than that of the Bank of Vincennes, which had become the State Bank of Indiana, with branches at Corydon, Vevay and Brookville. A large amount of the paper became entirely worthless in the hands of the holders, and the General Government never obtained but a small portion of about \$200,000 of its deposits for lands sold. The paper of the Farmers' and Mechanics' Bank, at Madison, was ultimately redeemed, after passing at depreciated rates for several years." There was no money in the country. All trade was conducted by barter. Persons who owed money were unable to save themselves from ruin, except through the clemency of their creditors; for property would be sacrificed for less than a tenth of its value. The prices of produce fell to a quarter of their former rate.

At such a discouraging period did the new Governor enter upon the discharge of his office.

The rank of a Governor was then deemed far higher than that of a member of either House of Congress. Posey, in former years, had resigned his seat in the Federal Senate to become the Executive of the wild Territory of Indiana. Yet to Governor Hendricks the change must have seemed anything else than a promotion. Washington had been a theater of great events, in which he had been a prominent actor. The affairs of nations were exchanged for the petty details of local administration. Yet with a dignity that admitted of no higher thought, he who had fought with the giants of the Congress in the great struggle of the Missouri compromise, and led in the discussion of that weighty legislation, now directed the humble course of public events in the new State. It was the day of small things. The membership of the General Assembly had been increased by the act of apportionment of 1821. The Senate consisted of sixteen members—a gain of six. The House had grown in membership from twenty-nine to forty-three. The compensation of the legislators of either house was two dollars *per diem*. The sessions were held annually, and lasted about six weeks. Much of the legislation concerned matters upon which no Assembly would deign to bestow its time at the present day. Every corporation of whatever nature must be chartered, and every divorce must be granted by special enactment. The location of a county-seat was contested for years in both Houses. The practice of “log rolling” was common. The passage of an act extending a wagon road or dissolving a marriage tie often meant far more than it seemed, for it secured the triumph or defeat of other measures of great importance. It has been said that the struggle between Centerville and Salisbury, rival contestants for the county-seat of Wayne county, elected United States Senators, formed

new counties, and decided much of the important legislation in the preceding administration.

For eleven years, steamboats had floated upon the Ohio, affording convenient transportation from our southern shore to the town of Pittsburg. Rafts of merchandise were conveyed down the stream to the Mississippi, and thence to St. Louis or New Orleans. The water ways were the main avenues of travel and trade, and these led only to Ohio, Pennsylvania, Virginia and the Southwest. The Great Lakes were not utilized, since they led only to the wilds of Western New York. There was no direct connection with New England or the populous region of the Hudson. All this was destined to be changed by the Erie Canal, begun in 1817 and now nearly finished. This admirable project of Governor Clinton, long ridiculed by his opponents as "Clinton's Big Ditch," was now the subject of universal admiration. It promised an easy and cheap transportation from New York Bay to the log walls of Fort Dearborn, where the agents of Astor were trafficking with the natives for furs. As Southern Indiana was peopled chiefly by Virginians, Pennsylvanians and Kentuckians, it promised that Northern Indiana should be settled by New Yorkers and New Englanders. The great artificial river, extending nearly four hundred miles, from the Hudson at Albany to Lake Erie at Buffalo, was constructed exclusively by the State of New York, though destined to be from the first of inestimable value to the whole nation!

But its triumph, already foreseen, was mischievous in its influence upon other States. There was a clamor for canals in the far West, which ultimately resulted in impracticable and ruinous schemes of State improvements. In the General Assemblies of Indiana and Illinois a project for the improvement of the rapids in the Wabash by the co-operation of the two States had been discussed for a year. From the upper Wabash to the Maumee,

transportation could be conducted only by means of *portages*, the water route being interrupted by a vexatious "carrying" by land; but even this route could become available only by securing a safe passage of the rapids below, and now the project of constructing a canal to connect the two rivers was conceived by bold speculators and urged upon the attention of the two States. The need of wagon roads was keenly felt, and the Federal Government was urged to continue the great national road, so as to connect the capitals of Ohio, Indiana and Illinois. By the act of admission, the Congress had set apart five per cent. of the net proceeds of the public lands in Indiana which should be sold after the following 1st of December, for the purpose of constructing roads and canals. Three-fifths of this amount was to be controlled by the General Assembly, and expended within the State. The remainder was to be applied under congressional direction to the building of a road leading to Indiana. It was too early to expect much of the counties in the way of road-making. The increase in the taxable land in 1822 was 456,159 acres. Land was held at two dollars per acre.

The educational condition was extremely disheartening. The Congress of the old Confederation had in 1785 granted to the inhabitants of each congressional township the sixteenth section of land, as an endowment of public education. The common school lands of the State were estimated at 680,207 acres, supposed to be worth, in the aggregate, \$1,260,414. But they were wholly unavailable as a means of revenue. By joint resolution of the General Assembly of 1821, a committee of seven had been appointed to draft a general school law for the State, but had not yet reported, although the limit of time had long since expired.

The first message of the new Governor was awaited with deep interest. It was an able paper, full of encour-

agement to the despondent and of caution to the over sanguine, and contained valuable suggestions of practical measures.' It referred to the unsettled condition of monetary matters and the attendant embarrassment of the government and of individuals, but congratulated the people upon "the agricultural and social happiness of the State;" that the productions of the soil had never been more abundant, and the necessaries and comforts of life were secured to all; that the population was growing, as immigration had begun to revive; that the people, depending mostly upon agricultural and home products, were enjoying a fair degree of prosperity. On the subject of internal improvements, it said:

"We ought to leave free and untrammelled, as far as we can, our resources, for improvement and for the purposes which the interests of the State may hereafter require—if not at our hands, at the hands of those who succeed us. Let us not lose sight of those great objects to which the means of the State should at some future day be devoted—the navigation of the falls of the Ohio, the improvement of the Wabash and White rivers and other streams, and the construction of the national and other roads through the State."

The Assembly was thus cautioned to practice economy, to avoid haste in the matter of public works, and to keep in view for thought and discussion a few enterprises important to growth and industry. Among the earlier measures approved by Governor Hendricks were bills creating the counties of Montgomery, Johnson, Madison, and Hamilton. On the 11th of January, 1823 was enacted a measure for financial relief, which for its modesty will provoke a smile, though it proved an enactment of excellent wisdom. It authorized the State Treasurer to re-issue fifteen thousand dollars of six-per cent. treasury notes, receivable for taxes and officers' fees, and enacted penalties for counterfeiting them. At the same

time two extensive State roads were determined upon, one to extend from Brookville through Connersville and Centerville to Fort Wayne, the other to pass from Terre Haute through the wilderness of the Wabash to the same terminus. Nineteen other roads of lesser importance were decreed. The General Assembly set an example of economy, and completed its work with commendable dispatch. The entire expenses of the session amounted to but \$8,500, while the Executive Department was allowed for the year two thousand five hundred dollars. The Governor was authorized to draw out the State's deposit of five thousand dollars from the Bank of Vincennes and assume charge of it, lending it or investing it in property for the State, at discretion—the idea being that at such a time a government had no right to hoard money. The revenue of the State for this year was \$36,010.74, the taxable land was about 3,000,000 acres.

At the next session the new county of Allen was formed, December 17, 1823, and three days later the Governor signed with pardonable pride the bill establishing a new county which bears in his honor the name of Hendricks. Another bill which at that time received his signature was the charter of a seminary at Aurora, in Dearborn county, organized through the efforts of James Walker, Jesse Holman, and a few other men of enterprise and influence. An attempt to organize education was made in the "act to incorporate congressional townships, and providing for public schools therein," but as for years there were no State revenues for distribution, the schools could not be free.

A subject of absorbing interest was the establishment of a new capital. Corydon had been adopted only for a term of years. The Government, by the enabling act of 1816, agreed to donate to the State four sections of land at whatever point might be preferred, for a town plat. Thus the State, rather than an individual or com-

pany, was to receive the profits arising from the sale of lots. The new capital had been located in the preceding administration, and, on the suggestion of Judge Sullivan, called *Indianapolis*. It was in the geographical center of the State, and in the midst of a vast wilderness. It is advantageous in many ways to plan in advance a town in a comprehensive plat, before a settlement forms without order or general design. Engineer Ralston, who had assisted to lay out the city of Washington, made the most of his opportunity. To him we owe the central circle, the great diagonal avenues, and the boulevard of Washington street. All through the administration of Governor Hendricks the work of preparation went on at Indianapolis, and its successful outcome was due largely to his prudent and thoughtful care.

Corydon had been deemed an isolated place because it was thirteen miles distant from the river. Indianapolis was remote indeed—one hundred and twenty miles in the wilderness, due north from the old capital. It was accessible only through terrible roads, afforded but few comforts, and seemed all the time to be suffering from a pestilence. Worse than all, the isolation of the settlement was such that only tardy aid could be rendered in case of an attack from the Seneca Indians to the northward. It was hoped, however, that there would be nothing to invite hostilities. This hope was doomed to disappointment. Fiendish outrages of border ruffians were perpetrated in 1824 upon a peaceable and friendly tribe, which called loudly for vengeance and excited wide-spread terror throughout the new settlements in central Indiana. Governor Hendricks was much disturbed for the peace of the frontier, and was determined that justice should be done. Never was a distressing State difficulty more admirably managed. One of the murderers escaped, it is true, but through no fault of the officers pursuing. Others were executed in the following

winter, this instance being the first in American history where a white man was judicially put to death for the murder of a savage. The spirit of justice evinced by the citizens and officers was entirely satisfactory to the Indians, who caused no further alarm.

The legislation of the session of 1823-4 was rendered more memorable by the adoption of a complete revision of the statutes of the State, made by Benjamin Parke, to whom the work had been entrusted at the preceding session. Among the joint resolutions passed was one favoring a Federal tariff which should encourage the home production of staples hitherto furnished mostly by Europe, and another the stock request to Congress for the westward extension of the national road. A third referred to the remarkable message of President Monroe, which had reached the village some weeks before.

The particular part of the message which most occupied attention related not to State or even national affairs, but to matters of international moment. That an Indiana Legislature should occupy itself with the settlement of the Eastern Question will not seem strange when we remember the time and the circumstances. The year 1823 had been one of world-wide excitement. A republic was reestablished in Mexico, on the ruins of Iturbide's brief empire. South America was ablaze with revolution. Byron was aiding the Greeks against the Turks. Our Republic was universally called a confederacy, and the States were designated as sovereign. It long continued customary for Governors to discuss in their messages matters strictly national or international, and for legislatures to throw the moral weight of independent States for or against measures far remote from their sphere. Thus it was that the following joint resolutions came to be:

Resolved, That the General Assembly of Indiana, on the eve of closing their legislative labors, are impelled

by the interesting posture of the Government of the United States in reference to the powers of Europe, to fix their attention for a moment upon the late message of the President, addressed to Congress at the beginning of the present session. It is with no ordinary satisfaction that we recognize in the public declarations of our venerable Chief Magistrate the immortal principles of 1776. It is impossible for a free people to view with indifference the rise and progress or the overthrow and extinction of those principles which they do and must ever regard as the main pillars of individual and national happiness. The action and reaction of tyranny throughout the world must ever produce a corresponding vibration in the hearts of freemen. In the language of the Father of our Country, "Our anxious recollections, our sympathetic feelings, and our best wishes are irresistibly excited whensoever, in any country, we see an oppressed people unfurl the banners of freedom." Under these generous impulses we have witnessed the resistance of our brethren of South America to the merciless tyranny of Spain, and have seen the eagle of liberty expand his wings over a sister continent. With feelings congenial to these, but heightened by the enthusiasm of classic associations, we have more recently beheld the sons of Greece bursting the chains of Turkish despotism and struggling for the the rights and glory of their ancestors. We trust that our undisguised satisfaction at these reiterated triumphs of the rights of man will ever be regarded in Europe, and felt by ourselves, as an unerring criterion of our determination to defend the same rights, whenever assailed.

Then followed resolutions approving the President's message, and expressing sympathy for Greece. Finally it was

Resolved, That His Excellency, the Governor, be re-

requested to submit a copy of these resolutions, with the preamble, to the President of the United States and to each of our Senators and Representatives in Congress.

At the close of the session Lieutenant-Governor Ratliff Boon tendered his resignation, in order to become a candidate for Congress in the First District—there were now three—and James Brown Ray was elected President of the Senate in his place.

It was not without deep regret among the people of the town that Corydon entered upon its last year as the capital, and in that regret the members of the Assembly and the State officials shared, for the place possessed many attractions. The executive residence and its present inmates were especially dear to all. The Governor excelled as a host, and was during the sessions of the Assembly the recipient of frequent visits from the Senators and members, upon whom he exercised a strong influence personally and politically, directing much of the legislation in which they were engaged. And in the long, quiet months between the sessions, his house was the center of life in the quiet town. Seated at evening upon the lawn among his friends, looking out upon the hills that hedged them round about, his mind was not restricted to the range of outward vision or the limits of the State. Many and interesting were his reminiscences of Congress and of Washington, and thorough was his acquaintance with public affairs. The soundness of his judgment, the suavity of his manners, and his unimpeachable integrity impressed all who met him, and are the salient traits ascribed to him by the men of the elder day. No portrait remains to show us his features upon the walls of the Capitol, where the Governors of Indiana look down from their easy chairs, but his image lingered long in the memories of the people,—the erect, well knit figure, the auburn hair, the genial, ruddy face and kindly eye.

The removal of the capital was effected in November. Samuel Merrill, the Treasurer of State, stored in a heavy wagon the documents of the offices and the moneys and accounts of his own department, and set out with a cavalcade of officers and citizens through the wilderness. It was impossible to advance at a higher rate of speed than twelve or thirteen miles a day. For ten nights the company encamped upon the route, when the somber forest was illuminated with cheery fires, and the voices of men mingled with the scream of wild birds and the howl of wolves. Anon the ring of the musket or the crack of the rifle told of the sportsman's shot, and the odor of roasting game gave relish to a supper among the trees.

Indianapolis was reached without accident, and the precious freight of Mr. Merrill's wagon was transferred to the new office—a small brick building on the site of the present treasury (1886), which was to serve for both residence and office. The village contained rather more than six hundred people, few yet possessing many of the comforts of life, but all enthusiastic believers in the future of the place. Work of all kinds was actively driven, in order that the town might be made ready for the coming of the legislators. Streets were opened by felling the timber, though stumps were generally allowed to remain, to the peril of wagon transportation. Taverns were extended and provisioned. The court house was rushed on to completion. This was a structure of some pretensions to architectural merit, and cost the sum of \$14,000.

The General Assembly convened at the court house on the 10th day of January, 1825, in accordance with the original plan. The Senate occupied the upper, and the House the lower story. Mr. Ray was again elected President of the Senate. When it is remembered that Corydon was deemed too far from the river for comfort, the effect of the isolation of Indianapolis can be appreciated. In the pre-

ceding year a large boat, called *The Dandy*, had floated to the town on the high waters of a freshet, bringing a store of salt and whisky, but only on exceptional occasions was the river of any use for transportation. Prices were high, and privations great. The only hope for the place was in the extension of the national road.

The session was a busy one. Union and Clay counties were created, the State library was established, the system of circuit courts was wrought out, the revenue laws were revised and extended. The Governor was authorized to appoint pilots for the river craft at the falls of the Ohio, for it was not until many years later that the Federal Government assumed exclusive control of navigable streams. Roads were extended, changed, or newly created. A moderate plan of river improvements was commenced; local matters concerning the capital received a large share of attention.

The joint resolutions of the Assembly are of peculiar interest. One of these requests the Federal Government to remove the Land Office, at Brookville, to the new capital. A second relates to the visit of General LaFayette, and contains these words: "The General Assembly hail with inexpressible pleasure the prospect of this auspicious visit. They can not, they are aware, receive their benefactor in the costly abodes of magnificence and taste, nor vie with their sister States in the embellishments of a hospitality more brilliant than it is theirs to offer, yet not more sincere. But they can and do, in common with the whole American people, welcome him to a home in their hearts." The resolutions lauded the hero to the skies, and invited him to visit Indianapolis or some point on the Ohio, and placed the whole matter of his entertainment in the hands of the Governor, with permission to draw on the State treasury for expenses to an unlimited amount. Two of the joint resolutions bore on Federal matters, and show clearly the feeling of Northern

Democrats (who constituted the legislative majority) as well as of the Adams men, on the subject of slavery. The first protests against amending the Federal Constitution in the manner proposed by Georgia in 1823. The second, referring to a proposition of the Legislature of Ohio, contains the following :

Resolved, That in the opinion of this General Assembly a system of foreign colonization, with correspondent measures, might be adopted, that would in due time effect the entire emancipation of the slaves in our country, without any violation of the national compact or infringement of the rights of individuals, by the passage of a law by the General Government (with the consent of the slave-holding States), which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of 21 years, being supported during their minority by the persons claiming the services of the parents, providing they then consent to be transported to the intended place of colonization.

Resolved, That it is expedient that such a system should be predicated upon the principle that the evil of slavery is a national one, and that the people and the States of this Union ought mutually to participate in the duties and burdens of removing it. Therefore,

Resolved, By the General Assembly of the State of Indiana, that we do approve of and cordially concur in the aforesaid resolutions of the State of Ohio, and that His Excellency, the Governor, be requested to communicate the same to the Executives of each of the several States in the Union and each of our Senators and Representatives in Congress, requesting their co-operation in all national measures to effect the grand object therein embraced.

Doubtless the resolutions referring to national matters

were largely inspired by the Governor. The members looked to him for guidance, and his influence was unmeasured. His correspondence was extensive. Admirably prepared letters went forth from the Governor's table to the President and his Cabinet, to Senators and Congressmen, to the Governors of other States, and sometimes even to men of note in Europe. Not content was he to circumscribe his influence by State boundaries. As the spokesman of Indiana, he brought his commonwealth up to its fullest measure of influence in the affairs of the Republic and of the world. The duty imposed on him by the "entire emancipation" resolution was grateful to his feelings as an earnest advocate of universal freedom, and no man in any State could have been chosen who would perform that duty more delicately, yet forcibly. One of the interesting events of the session was the election of a successor to Waller Taylor in the United States Senate. Governor Hendricks was the popular choice. In Congress he had given his State importance out of all proportion to her rank. His Gubernatorial term, yet unfinished, had endeared him still more to the people. He had taken the chair in a time of depression and gloom. He had cheered and wisely counseled the people, and had guided the destinies of the young State with a prudent hand. He was elected almost without opposition. On the 12th of February he announced his resignation in the following letter:

"GENTLEMEN OF THE SENATE: Permit me to inform you that I have filed in the office of the Secretary of State my resignation as Governor, and to assure you of the great degree of gratitude which, under all circumstances, I must ever feel for the many signal instances of confidence reposed and honor conferred by the people and Legislature of the State. I have the honor to be, with the greatest respect,

Your obedient servant,

"WILLIAM HENDRICKS."

In the Senate Governor Hendricks won high distinction. He served through three Presidential terms—that of the younger Adams and those of Andrew Jackson. He favored an incidentally protective tariff, a judicious and economical system of public improvements, constitutional aid to education by means of land grants, and all legitimate aid to the growth of freedom. He sustained the vigorous foreign policy of Jackson, which won for the United States a name throughout the world; and he fully supported that great statesman in his strong repression of nullification proceedings and his vindication of the constitutional powers and independence of the Executive. In 1836, when extreme anti-slavery petitions were poured in upon Congress, and the reasonable and unreasonable were alike unceremoniously rejected, he stood bravely with a small handful, of all the Senate, in opposition to the rejection of a prayer of the Friends of Lancaster county, Pennsylvania, for the abolition of the slave trade in the Federal District of Columbia. Likewise, he exhibited moral courage in opposing the exclusion of anti-slavery publications from Southern mails. At the end of his second term—in 1837—the Whigs were in the majority in the Legislature; the Senator was succeeded by O. H. Smith, and retired to private life at Madison, where he busied himself with the cares of a large estate until his death, in 1850. Senator Smith says of him: “Governor Hendricks was my early friend. He gave me the first office I ever held in the State; and although I was elected over him, in 1836, to the Senate of the United States, we were personal friends till he died. The Governor, in person, was large and commanding. His manners were very popular. He had a smile on his face and a warm shake of the hand for all he met. He was not of the very first order of talent, but he made all up by his plain, practical good sense. He never attempted to speak upon subjects he did not under-

stand. He made a good Governor and stood well as a Senator."

Mr. William Wesley Woollen, in an extended tribute to the memory of the departed statesman, remarks: "William Hendricks had as much to do with laying the foundations of this great State and commencing its superstructure as any other man, excepting Jonathan Jennings only. * * He was talented and energetic, and he won."

Mrs. Hendricks still survives. Recently she removed from her old home in Madison to Kansas City, to reside with her daughter, Mrs. E. P. Weyer, but still more recently returned to her old home. She is one of a remarkable family. Her father, Col. John Paul, was the founder of the city of Madison. Her brother was a prominent man of former times in that city. Her sister was the mother of Dr. S. M. Goode and Hon. John R. Cravens. Her cousin, and sister by adoption, was the mother of the Serings—S. B., James and John—and of Mrs. Joseph G. Marshall, Mrs. James H. Cunningham, Mrs. Jefferson Goodman, Mrs. Dr. George Cross and Mrs. Williamson Wright. Two of her sons won fame in the war, and gave up their lives for their country. The *Madison Courier* of January 4, 1886 contains the following mention of the venerable and illustrious lady:

"The Territory of Indiana was the home of wild beasts and savage men, when she came here. The Pigeon Roost massacre, the great league of Tecumseh, and the battles of Tippecanoe and the Thames were consummated during the period of her intelligent observation. * * * All of Indiana's proud, pushing, panoramic progress has passed in rapid succession before her vision. She was born in the last year of Washington's lifetime, and has been, therefore, a contemporary of every President of the United States. In her young wife-hood she twice rode to Washington City on horse-back from Madison, accompanied

by her husband, who sat as Congressman and Senator in the administrations of Monroe, Adams and Jackson. A third time the trip was made in a stage-coach, but that time the journey was not relished, the coach upsetting twice. Mrs. Hendricks speaks enthusiastically of her horse-back journeys. The animal she rode was as easy as a rocking chair. One time the trip was made in the Christmas holidays, and the mountains were crossed in the first days of January. The snow lay two and a half feet deep on the level; but the road was nicely beaten down by the great travel upon it, and no one suffered from the cold who traveled on horse-back. Mrs. Hendricks retains excellent possession of her faculties, and has superintended the management of her household to the last. * * The only remaining member of the once numerous Hendricks family left in the city is William Parker Hendricks."

CHAPTER II.

MAJOR JOHN HENDRICKS.

During the seventeenth century, and especially in its closing years, the Netherlands were an asylum of refuge for the victims of religious persecution in Europe. There it was that the Pilgrim Fathers of America long sojourned, and from the port of Delft-Haven the historic Mayflower sped upon its way.

A pathetic story is told, the antiquarians say, in the port records of the old Dutch sea-board, of the Revocation of the Edict of Nantes. Here a faithful maid is landed, bearing motherless, fatherless babes. There is recorded the arrival of a young child, separated in the terror of flight from all kindred. Then appears the name of a young bride, torn like *Evangeline* from her husband. And thus, even at this late day, removed as we are by centuries from the scene, there is a pang connected with every record of those old debarkations.

The assimilating powers of the Dutch were strong; and as now in America, the refugees and immigrants soon became nationalized. Indeed, it was to prevent this in their own case that the Pilgrims sailed to America. The English, Scotch, Irish and French who remained were in a few years accounted Netherlanders in fact. Thus it happens that many a family of Dutch name and ancestry is now found to bear upon its old armorial escutcheon the thistle, the plumes, the tartan buckle and the blue bells of Scotland, the harp of Erin, or other devices equally characteristic and belonging to

the people of England and France. From Protestant and Catholic persecutions alike, the refugees fled.

From an old family of Huguenots the Hendrickses are descended. From France to the Low Countries, and thence in the character of Hollanders to the Province of New Jersey in America, they migrated. Later, but before the Revolution, they settled among the Germans of Ligonier Valley, in the Province of Pennsylvania.

In the early history of that commonwealth the name is frequently found. In 1749 Tobias Hendricks was collector of taxes for East Pennsboro' Township, in Cumberland county. In 1750 Abraham Hendricks appears on the rolls of the freemen of the commonwealth. In 1754 and 1756 Tobias Hendricks petitioned the Governor on matters relating to Indian troubles. In 1768 the purchase of western lands from the Indians led to the establishment of new settlements west of the Alleghenies. Five years later Westmoreland county was organized. Thomas and Abraham Hendricks were among its earliest settlers. Patents of land were confirmed to the latter in 1793 and 1794. Here they had built a mill some years before, and had given their name to Hendricks's Run, a dashing rivulet which flows into the Conemaugh and thence into the Allegheny.

Abraham Hendricks was a man of high character and wide influence. In 1792 he was chosen to the Legislature. Philadelphia was then the capital of the United States, and Pennsylvania wielded a strong power in the young Republic. As the nation was new, the work of establishing it upon a firm foundation was one which appealed to all statesmanly men. The career of Abraham Hendricks in the Legislature of Pennsylvania was eminently honorable. He was reëlected in 1793, again in 1796, and again in 1797, and achieved prominence in each session for his vigorous policy and sound judgment. He fully sustained the Government in its repression of the

Whisky Insurrection in his State in 1794. He approved the wise plan of government adopted for the new Territory Northwest of the Ohio.

Slavery had been abolished in his State a few years before he entered upon his public services, and he looked forward to its speedy abolition in the adjoining State of Maryland. There was no sectional division of the country then, and Mason and Dixon's line had no more significance than any other State boundary. Americans were they all and brothers, who lived on either side. Abraham Hendricks was a man of strong religious faith, as his ancestors had been before him. He was a man of clear and firm political convictions. Hospitable in his home, given much to thought, to men and to books, he impressed himself deeply upon his community, and was revered as one of the strong pillars of the society of Westmoreland. His wife was of an old Scottish family—the Jamiesons—and possessed the fair features and strong character which belong to her race. Five sons grew to manhood in the old home among the mountains, all of whom eventually removed to Indiana. The subsequent career of the first of these has been related in the preceding chapter.

Boy life in the Keystone State in the last century was hardy and vigorous. The inhabitants were possessed of an indomitable will in their struggle for a home and for wealth and education. Much of their lives was passed in the open air. The forests were felled. Wild beasts were hunted out of existence. Houses and barns were strongly built, and on a generous scale. Each settler was largely independent of others. He made his own farm tools, often manufactured leather in tan yards of his own, and was at times harness maker, blacksmith and carpenter.

John Hendricks was the youngest son of the Pennsylvania legislator, and was the last to leave home. In youth he was as fond of books as of his hunting and his

games; and while he did not, like his brother William, complete a college course, he acquired a good education. He mingled much in society, and met at his father's house many persons of eminence in church and State affairs. In his young manhood, while a guest of Rev. Dr. Black, a noted Presbyterian divine at Pittsburg, he first met Miss Jane Thomson, also a guest of the pastor. She was a captivating maiden, with the light, wavy hair and blue eyes of the Scotch—such an one as inspired the impassioned song of Annie Lawrie.

Jane Thomson possessed more than beauty. The strong sense of duty, the earnest piety, the high character of the best of her race were hers. She was of an eminent family. John Thomson, her grandfather, migrated from Scotland to Pennsylvania some years before the Revolution, and wielded a wide influence in the province. As soon as he became familiar with the country and its people, and could intelligently weigh the subject of immigration, he became convinced of the advantages and opportunities in America. He then wrote to his friends in Scotland a circular letter, or address, in which he portrayed the country in its physical, industrial, political and social features, and advised his former neighbors to cast their fortunes with his, in the New World. This letter was widely published at the time. In its thoughtful views and forcible expressions it reminds one of De Tocqueville. Copies are still preserved in the family, and treasured as a precious legacy. As a consequence of this publication the region between Chambersburg and Carlisle was peopled largely by Thomson's countrymen.

Of this notable man a writer has remarked: "Taking into account his own large family, his influence upon his day and generation has been widely perpetuated. Several of his sons were soldiers in the Revolutionary war, and many of his descendants have attained distinction in

the different walks of life. Besides those bearing his name, mention may be made of the Agnews of New York, the Blacks and Watsons of Pittsburg, the Wylies of Philadelphia, and the Hendrickses of Indiana."

"The wife of John Hendricks and her niece are the only members of the Thomson family who emigrated west," the writer adds, and says, "In nearly every branch of the family the Calvinistic faith of the Thomsons is still maintained."

The intimacy commenced at Dr. Black's resulted in an early union. The marriage of John Hendricks and Jane Thomson, parents of the Vice-President, united two of the oldest and most noted families of the Pennsylvania border. Thus, on both sides of the house, from the men of Colonial days, from the patriotic fathers of a commonwealth, from Revolutionary stock, was the Indiana statesman descended. In the earnest, manly lives of his Pennsylvania ancestors, Mr. Hendricks always felt an honest pride; and on certain occasions it gave him pleasure to recall the family legends told of them at the fireside. Into the vulgar ostentation of family pride, he never fell; yet he highly prized the legacy of his family history, and was interested in whatever pertained to it, were it a commonplace narration or an old escutcheon. A remark which George William Curtis ascribes to Mr. Potiphar is apposite and just. "If I had Sir Philip Sidney to my ancestor, I should wear his crest upon my ring, and glory in my relationship; and I hope I should be a better man for it. I wouldn't put his arms upon my carriage, however, because that would mean nothing but ostentation. It would be merely a flourish of trumpets to say that I was his descendant, and nobody would know that, either, if my name chanced to be Boggs. In my library I might hang a copy of the family escutcheon, as a matter of interest and curiosity to myself, for I am sure I shouldn't understand it. A man may be as proud of his

family as he chooses—and if he has noble ancestors, with good reason. But there is no sense in *parading* that pride.”

The young couple removed, shortly after their marriage, to Muskingum county, near Zanesville, Ohio. Here for a time they resided in a simple log cabin; and here, perhaps, would have been their permanent home but for William Hendricks, whose brilliantly successful career in Indiana lured them still further westward. Two sons were born to them in Ohio—Abram and Thomas Andrews.

John Hendricks removed with his little family in the early spring of 1820 to Madison, the home of Congressman William Hendricks, and entered upon his career in this State. That career was not political, and its details seem commonplace in biography or history. Yet of the five brothers he is one of the most interesting characters. He is accorded the honor of having been the founder of a city. He was a pillar of his church. He was a leader of men in public enterprises. In all southeastern Indiana he lives in the memories of the people, while Congressmen and Senators who were his contemporaries are forgotten. It is often a surprise to inquirers as to his official rank, to know that he was never elected to any important office by the suffrages of the people.

Two years after his arrival at Madison, he had his future home selected and prepared, and thither he now removed. It seemed the heart of a vast wilderness. In 1822, the year of his brother's election to the Executive chair, the cabin of the pioneer was built in the forest, near the banks of Blue river, twenty-six miles in line southeast of the new capital. It was not one of those diminutive, comfortless habitations which one sometimes sees in the form of cabins, but for a log structure was commodious and airy, and contained a pleasant chamber above the main apartments. In a year or two its counterpart was built on one side, with a hall-way between,

though it was at best but a temporary home. To this day the later-built portion of the old cabin remains, intact and inhabited. Neighbors were few, and none had been long in the vicinity. The region was organized into a new county in the same year, and named in honor of Governor Isaac Shelby, of Kentucky. A commission of five members was appointed by the General Assembly to locate the county seat. John Hendricks offered to the county a donation of forty acres for the purpose. John Walker added ten acres, and James Davidson agreed to give twenty acres more, if needed. These generous offers secured the location of the new town to the west of the Hendricks farm.

In August the survey of lots began, and a sale at auction followed in September, when the lands were readily disposed of at prices ranging from thirty to fifty dollars per lot. Only one-twelfth of the purchase money was required in advance, the remainder being payable in three annual installments. Thus the means were raised for erecting the court house, and thus all persons were accorded an equal opportunity to purchase town property. The early growth of the county-seat was rapid, and town lots became a remunerative investment. The improvement of the public square followed soon after the sale. Later, the Michigan Pike road was built, passing in front of the Hendricks homestead.

John Hendricks speedily cleared his farm, and extended a kindly aid to his neighbors. He owned many valuable books, and subscribed for the leading journals of the State. He was known for his generous style of living, and introduced in the wilderness of Shelby the open-hearted hospitality which had characterized his father's house in Pennsylvania. Ministers who traveled through the county began to stop at his house, even before the highway led to his door or any public road was built. On the 7th of July, 1824, the Presbyterian Church was

organized through his efforts, and he became the leading elder—assuming a position which he faithfully filled for many years. The Judges of the court, and often the attorneys also, sought out the forest home of John Hendricks as they did the homes of his brothers at Madison or Corydon and at Greensburgh, and in their peregrinations brought messages from the Governor and the legislator.

Senator Smith, whose most picturesque and interesting book has been mentioned, gives an account of such a judicial pilgrimage from home to home among the Hendrickses, in which he accurately describes his quondam host. The sketch was written in 1857, and is here reproduced in the Senator's own words.

“In early days the counties of Decatur and Shelby were in the woods. The counties had just been organized; the first terms of the courts were about to be held, William W. Wick was President Judge. The court met at Greensburgh, in a log building on the north side of the public square. The Court and Bar stopped with Thomas Hendricks, a brother of Governor William Hendricks. There were few cases on the docket. Court lasted only two days, when the Judges and lawyers left for Shelbyville, where the term was to commence on Thursday of the same week. We started in fine spirits from Greensburgh, after breakfast. The day was cloudy, dark and drizzling. There was no road cut out then between Greensburgh and Shelbyville; there were some neighborhood paths, only, in the direction between them. Judge Wick rode a spirited animal, and at once took the lead. Away we went, at a rapid traveling gait. All at once the Judge stopped at a little log cabin at a fork of the paths, upon the gate-post of which hung a rough board, with the word “whisky” marked upon it with chalk. The Judge hallooed at the top of his voice; the door opened, and out came the woman of the cabin.

“The Judge—‘Have you got any whisky?’

‘Yes, plenty; but we have no license to sell, and we will be prosecuted if we sell by the small. You can have a gallon.’

‘A gallon! I don’t want a gallon. A tin-cupful, with some sugar, will do.’

‘You can’t have it.’

‘Fetch it out. I am the President Judge of the Circuit Court, and this is Mr. Smith. I can quash any indictment these woods’ prosecuting attorneys can find against you. Fetch it out. There is no danger of prosecution.’

“Thus assured, the old woman returned and brought out the whisky and sugar. The Judge took the lion’s part, and on he went; but took the path that led to Brookville instead of the one to Shelbyville. We all followed, but soon becoming aware that we were on the wrong road, we turned, came back to the whisky board, struck the Shelbyville trace, and just at night rode up to the residence, in the woods, of John Hendricks, near Shelbyville.

“The Major received us with a hearty welcome, turned our horses out in his pasture field, and we all walked over to town—about half a mile. There were some three or four houses in Shelbyville; only one public house in the place, kept by a man of the name of Williams. Next day the court was held. Some four or five cases for selling whisky without license were tried, and the court adjourned. Major John Hendricks was a younger brother of Governor William Hendricks. He was one of the finest looking men in the State—six feet high, as straight as a gun-barrel, well built up, head large and erect, high forehead, hair dark and thrown back in front, good features, eyes light blue, sparkling and intelligent. He was a noble specimen of the Anglo-Saxon race. The Hendricks family were early settlers of the State from one of the central valleys of Pennsylvania; were all fine-look-

ing men, in character hospitable, noble, magnanimous and generous—and none more so than the subject of this sketch. I have known him long, and among all my acquaintances I know of no man possessing a higher sense of honor or a greater degree of high-toned moral integrity. I saw him on yesterday, still erect, with hair as white as the drifted snow, his step firm, his countenance wearing the smile of former years. May he live long to enjoy a green old age.”

For many years after the War of 1812 there was a wide and deep interest in military affairs. There was no call for a large standing army, but a demand for a trained and organized militia. Our land successes in that war, it will be remembered, were gained generally against fearful odds, and were due to the extraordinary marksmanship of the riflemen of the West—generally raw recruits. In most of the States, perhaps in all of them, there were regular occasions of muster and parade. Early sessions of the Legislatures of various Western States devoted a large share of their attention to the organization of State militia. The General Assembly of Indiana was not an exception. The militia of Indiana, indeed, dated from early territorial times, and the constant dangers from the proximity of Indian tribes had kept it from falling into disuse. The border troubles of 1824 caused special apprehension on the part of the inhabitants of Shelby county. John Hendricks had been enrolled, doubtless, among the State soldiery of Pennsylvania, and his services were needed in the military organization of the new settlement. The muster might be made farcical or useful, according to its command. In fact it was the frequent lack of proper direction that subsequently brought the system into ridicule. John Hendricks held the rank of Major, and was familiarly and affectionately addressed by that title to the day of his

death. He was never called into active military service, for the land was long blessed with peace. But he was a brave man, an efficient organizer, and an officer who would have reflected credit upon his command on a battle field. Every man possessed his own fire-arms, and all seemed to have some knowledge of tactics. Musters were occasions of friendly reunion, and are remembered with pleasure as having broken the monotony of country life. And indeed few scenes of early days were more picturesque than those musters, with their music and banners and the evolutions of the drill.

There was no popular election for President in 1824, the vote of the State being quietly cast by order of the General Assembly for Andrew Jackson, with the general approval of the citizens. In this approval, however, Major Hendricks and John Walker did not join, as they were strong advocates of John Quincy Adams. The feeling grew strong between the Adams men and the Jackson men in the little town when the election was thrown into the House of Representatives and Adams was chosen to the office for which Jackson had received a larger number of electoral votes. The Jackson men had charge of the county buildings in the earlier days of the strife, and caused the court house to face the west, where the General's supporters owned lots; and to thwart any rivalry as to value of location, made but one doorway in the building. And the accusation of local unfairness in this matter was made an off-set to the charge of unfairness in the action of the House in Mr. Adams's case.

In 1826 John Walker was elected sheriff of the county. One of his first acts was to walk with a brick-mason to the north side of the building, opposite a row of lots owned by Adams men, and say, pointing to the center of the wall,—

“There! I want you to make a door through that wall.”

And this was done at once.

The excitement of that year attendant upon the alleged killing of William Morgan, in New York, reached Shelbyville, and the new party of Anti-Masons found adherents there among the proprietors of lots south of the square. Ovid Butler was one of these, and eventually secured a court house door-way in the south side of the building. Major Hendricks continued to favor the interests of Adams and Clay against the Hero of New Orleans until the magnificent statesmanship of that chieftain was shown in his veto of the Bank bill and his suppression of the nullification, when the Major became one of his staunchest supporters.

As soon as he had placed his farm in order and secured time and means for the erection of a permanent residence, Major Hendricks built a large mansion at some distance from his temporary dwelling. Perhaps no private residence of the State has ever been better known than this, and indeed it would remain an object of popular interest had it never been designated as the childhood home of the statesman whose early years were passed beneath its roof. It still stands, essentially as first constructed, and is worthy an extended description. It rests upon a graceful knoll which rises to a height of about forty feet above the plain, facing to the westward. It is built on the plan of the old homesteads of the wealthy in the vicinity of Chambersburg and common in northern Virginia. Its front possesses the generous breadth of about fifty feet. A large door in the center, capped by a semi-circular window with radiating bars, opens into a great hall, which extends through the main building, a length of thirty-five or forty feet. The ceiling is high and unornamented. On either side are two large doorways, at regular intervals, with suitable heavy casings. In the

rear, turned backward from the main door, is a flight of stairs leading to the sleeping chambers above, and almost lost in the large corridor. In such a hall it was customary to hang, high up, the old family portraits-in-oil, and to range upon the side long, old fashioned sofas. Through it passed freely the cool air in summer days. Here paused the neighbors who came on errands or for short calls. Often the hall, in such a house, is the favorite room of the household. On each side are two large rooms, scarcely less than twenty feet square. Midway in the outer wall of each is a tall, wide fire-place, with a high, deep mantel. On one side of this, extending to the wall, is that well-known compound of side-board and closet, with its turned oaken posts, paneled doors and large drawers, and its broad expanse of thick oaken board above. To the rear of the second room on the right was a kitchen of equal dimensions; and adjoining the latter, on the left, a summer kitchen of the same size.

Such was the Major's home, where his children grew to manhood and womanhood. Of the scores of sketches that have been written of the Vice-President's career, perhaps there is none that does not contain an extended reference to the influence of this home. For a generation it was the resort of the great and good who sojourned in that region. Ministers of all denominations laid down their satchels in the hall, and rested in the spacious chambers from the fatigue of travel and protracted pastoral work; and their voices blended with those of parents and children in evening hymn and prayer at the fireside. Statesmen argued upon questions of public policy in chamber or hall, or under the mighty willow tree that stands before the house. All were welcome who came to claim the hospitality of the free-hearted Major.

The wife and mother who presided with gentle grace

and affectionate spirit over the household was a real home queen, and is remembered with every scene of life in the old mansion as the presiding genius, at once thoughtful and cheerful, serious in life's purpose and joyous hearted in the performance of life's duties.

John Hendricks loved his home. He lived for his home—not selfishly, for none could extend its enjoyments more widely, but as a type of the Home above, a sacred place, the center of his happiness, the subject of his thought and care. Major Hendricks prospered in business affairs. He loved money not for itself, but for the good it might accomplish. He cleared a large farm, and rendered it very productive. He made judicious purchases of town property, which advanced in worth. Being acquainted with the tanner's art, and seeing an opportunity for the establishment of a manufactory of leather, he established a tan-yard on his farm and built up a good trade in hides. He was a good surveyor, and possessed a fine set of instruments. His reputation for accuracy caused his services to be in general demand among land purchasers in locating their tracts. In the last years of Jackson's administration he was appointed assistant surveyor of public lands—an important office, which he discharged for some years with the highest acceptability. Our system of national surveys, it may be remarked, is a triumph of practical wisdom as admirable as our decimal system of money; and the marvels of its vastness in extent and its uniform simplicity, are matters of admiration and pride to the profession of surveyors in America. The surveyor's chain is, moreover, a remembrancer of the Father of his Country, who in youth traced the lines of old estates in Virginia.

In his later years Major Hendricks erected an elegant modern mansion in the heart of the city of Shelbyville, where he resided until the day of his death. He passed peacefully away on the 24th of August, 1866, and was

followed to the tomb by an immense concourse of people, who mourned the departure of one of the notable men of the State. Of the Major's eight children, six were born at the Shelby homestead. Two of these died in infancy, all the others grew to manhood and womanhood. Abram, the eldest, became a Presbyterian minister, and died in 1866; Jane was married to Dr. Webb, of Shelbyville, who died in 1850. She afterward became the wife of Dr. Pierce, of the same city, and they removed to New York, where she died. Anna was subsequently married to the same Dr. Pierce, who survives with her, and they are now residing in New York City. John was postmaster at Shelbyville for a number of years, and died at Delphi, O. a few years since. James, the youngest, still resides at Shelbyville, he and Mrs. Pierce being the only survivors of the family.

remarked Mr. Isaac Wilson, at the close of the address, while Mr. Hendricks was mingling with the crowd. "He has said nothing about Mr. Hawkins."

"No," remarked the Governor, "I confess I do not relish the memory of his birch rods."

Probably Mr. Hawkins was deemed a not unamiable man in his day, but it was the day of corporal punishment in all seasons and for all offenses. In beautiful contrast with the severity of discipline so nearly universal then was the sweet and gentle reign of the noble wife of the pastor.

During the Presidential canvass of 1884, Judge Sleeth and his wife met Mr. Hendricks at the capital, and the latter invited them to an "old fashioned talk," as he expressed it. "Tell me," said he to the lady, "what do you remember of the old log school house?"

"Well, Tom," said she addressing him in the manner of old school days, "do *you* remember the time when you drank Jane's bottle of milk?"

Mr. Hendricks was thoughtful for a moment, then broke into a hearty laugh.

"I believe I do remember it," said he, though it had almost gone from me forever." And then he laughed again as the picture of old days came up before him—the dinner basket with its one bottle of milk, intended for the sister, and his mistaken appropriation of its contents to his own use; his embarrassment and chagrin at finding himself in the position of one defrauding his charge, and the utter impossibility of making any restitution at the time. The trials of childhood seem absurd in later years, but they are great in their proportion.

The Shelby County Seminary was chartered in 1831, and the building was speedily erected. It contained a corridor, a double staircase ascending from right and left of the main entrance, and a large assembly room, in the lower story. There were four rooms on the second floor.

Mr. Kent was the first principal, but did not long remain in charge. A Mr. Coffman followed, and conducted an excellent school. Still later, Prof. F. P. Cummins, a trained and able teacher of long experience and thorough culture, succeeded to the principalship.

Young Hendricks was a studious pupil, and labored to excel. As in all the old seminaries, oratorical exercises were a prominent feature of the work. He took pains to commit his speeches fully and to speak them in natural tones. In learning them he often repeated them along the by-ways on his road to school, when he deemed himself unobserved. Becoming absorbed in the declamation, he would sometimes forget that others might overhear him. It is related that one of his school-fellows noticed him thus reciting to himself and exclaimed,—

“There goes that lunatic!”

“Yes,” interposed the father of the speaker, who chanced to hear the remark, “and I wish you would grow to be a lunatic of the same kind.”

↳ Upon one occasion a sudden and unexpected storm in the fall rapidly covered the ground with snow. One of the boys at the school was in great distress at the close, for he had no shoes and lived at a considerable distance. Thomas Hendricks lent him his boots, and remained alone at the seminary as the short day closed, until they were returned by a sister of the destitute lad. >

Dickens describes the absolute and tyrannical power of the “leader” of a company of school boys, and Eggleston has carried out the idea somewhat in his King Pewee. Unless there be a counter-influence of equal force, the school-boy tyrant has his own way, and often exerts a pernicious power over his fellows. There was a similar influence at work in the old seminary. Many of the boys were given over to mischief, and wasted their time without remorse, annoying the teachers and the citizens with their senseless and rowdyish pranks. Hendricks, then a

boy in his teens, exerted his influence to bring about a better state of things. As fond of amusement and mirth as any of the others, he looked with disgust upon their trifling and dishonorable escapades and waste of opportunities. His old-time school-mates, now bent and gray, relate how he once addressed a group of boys as they paused at a fence corner, on the road from school. Warming up under the taunts of the more reckless, he maintained his ground, that they were doing injustice to themselves and to those whom they influenced. He reminded them that honors in life come not to a class, in this country, but to those who win them, and repeated the old but inspiring saying, that the humblest citizen may aspire even to the Presidency of the Republic. The influence of his words was not lost upon his hearers, as is attested by their long remembering the sentiments—almost the exact words—which he uttered.

When in his fifteenth year, Mr. Hendricks witnessed the construction of the first railway in Indiana, in which great and important enterprise the Major bore a leading part. The story of its inception and first operation is one of the interesting legends of Shelbyville, and is given here in the form in which it has more than once appeared in columns of the press :

Walker's Rail Road—that's what they called it, and that's the way they wrote it. Did you ever hear the story of Walker's Rail Road—the first chartered or operated in Indiana? No? Well, here it is.

February 2, 1832 was a big day for Governor Noble. Nothing ever gratified his heart so much as public improvements, and on this notable day he had five bills to sign, each of which incorporated a great "rail road company." Sign them? Of course; he'd sign anything in the shape of a railway charter. There was no doubt upon his face as his quill pen threaded out his name and the word "approved," in the proper place. Doubtless,

as on occasions of more than usual interest and pleasure, the look of pain, habitual through years of suffering, left his wan features. Canals and railways were his delight. This was the opening out of his administration. Five railways in one day!

“Men shall hear of Thorberg Skafting
For a hundred-year,”

said the old Norseman. “My administration will be a most memorable era of material progress,” soliloquized the noble Governor.

First came the Lawrenceburgh & Indianapolis Rail Road, then the Madison, Indianapolis & Lafayette Rail Road, then the Ohio & Lafayette Rail Road, then the Wabash & Michigan Rail Road, and finally, the Harrison & Indianapolis Rail Road.

The names of these roads generally indicated their terminations. In that early day no twenty-five mile line from Squashville to Podunk was known as the “Pt. Barrow & Cape Horn” or the “Boston & San Francisco” line. Come to think of it, there wasn’t any San Francisco then, nor Chicago, nor Omaha, nor St. Paul, either.

The O. & L. F. R. R. was to run from the Falls of the Ohio to the new city on the Wabash, and the W. & M. R. R. was to continue the line to Trail Creek. Where is Trail Creek? Why, it is the harbor of Michigan City; though there was no town on the south shore then, only piles of blue-white, unearthly looking sand—“dunes” they called them—and the Territory of Michigan claimed them, clear around to Illinois.

But I am digressing from my subject, which is the first railway. It was to have a capital stock of \$500,000. Among the incorporators were several men whose names will be recognized by all old citizens of Indiana. These were Nicholas McCarty and William Blythe, of Indianapolis; there was John Walker, of Shelbyville, father

of the late Dr. John C. Walker. Of the same place was Major John Hendricks, father of Governor Thomas A. Hendricks, brother of the first Governor Hendricks and a man fit to be Governor himself. There were G. H. Dunn and Henry A. Reid, of Ripley county, and Nathan D. Gallion and James Freeman, of Decatur. The road was to be commenced within three years, or the charter would be forfeited.

There were many wise men who opposed the enterprise and all others like it. "You will ruin Indianapolis," they said. "You will carry away all her trade." And to the people along the line the wise men said, "These steam car men will ruin the whole country. There will be no more use for horses and wagons." And they not only asserted this but proved it. They showed it to be a moral certainty.

But there were men of progress in Indiana who took hold of the enterprise with a will. The company was organized; the books were opened; stock was sold. The workmen followed the surveyors and commenced operations. For a time things moved on slowly; money was scarce; the stock of the road was talked up and talked down, taken or refused as payment for debts, eagerly subscribed and contemptuously trifled away—as the hopes of the people rose and fell. John Walker's faith never faltered. He never lost confidence, whatever the discouragement, but used every means to build up the public confidence in the enterprise, that the stock might be quoted at an encouraging figure, and the work be pushed as fast as possible. The people wanted to see something tangible. They could see the road on maps, but it was like the equator—they couldn't see it anywhere else.

The year 1834 dawned. "Old Hickory" (General Andrew Jackson) had entered upon his second administration. Governor Noble's term (three years, under the old

Constitution) was drawing to a close. There was a long line of embankment in Shelby county, but as yet it was as useless as the Egyptian pyramids.

“I will have some of the road in running order by the 4th of July,” said John Walker. “You may mark that down.”

And John Walker always did as he said. But the days went by, and the puff of the steam engine was heard not, neither was there the sound of clinking iron that runs down the long line of road when a spike is “driven home.”

The first of July has come and gone, and the second, and the third, and now, John Walker, what have you to—hey? What! Why, is *that* the—the *Rail Road*? Yes, sir, this is Walker’s Rail Road, a branch of the Lawrenceburgh & Indianapolis (now the C. I. St. L. & C.), which will soon be completed. It is one and a quarter miles long. The rails are wood. The express car, mail car, baggage car, smoking car, ladies’ car, dining car, Pullman’s palace car and all the rest are all in one, and John Walker had it made in Shelbyville. The locomotives (there are two of them) have each four legs, and are very fond of corn and oats. There is to be a picnic at the other end of the line, and you will find plenty of good things to eat and to drink, with good music, good speeches, pretty girls, strong and handsome boys, and all the old settlers of the county and surrounding regions. The fare is only “a shilling,” whatever that may mean, and is not too much for a ride on the first train of the first railway in Indiana.

The morning of the Fourth was bright and beautiful. There was no rain to dampen the picnic or its pleasures. A Union Pacific train could not have carried all who assembled at the Rail Road. The locomotives switched—their tails awhile. The conductor collected the fare from “the fair.” The *belles* rang out their peals of merry

laughter, and the train "pulled out" on its journey. All day it ran, and away into the night. Uncle Billy Jackson, John Morris, John Tarkington, David Macy and a host of others were on board. Nobody who was at that picnic will ever forget it, and the old settlers will talk of it, so long as they talk of anything.

• Men shall hear of Walker's Rail Road
For a hundred-year.

There was no established course for the county seminaries, and no two were exactly alike in the advantages they offered. Everything depended upon the principal. Under the teachings of Coffman and Cummins, Mr. Hendricks enjoyed exceptional advantages; and when he had completed the work of the seminary, he left home in order to avail himself of a course of higher study.

A dozen miles away, in the direction of Greensburg, a school of high repute was conducted by a scholarly pioneer named John Robinson. The institution was called a "college," and the second teacher was a young man from Boston, who was dubbed a "professor." At this school Mr. Hendricks completed his preparatory work. A lady who was an inmate of Mr. Robinson's house relates that the student from Shelbyville protected from persecution and abuse a friendless orphan boy who had been the victim of unkindness from all the other boys of the school. He shamed them into kindness and friendliness toward one who had known only trouble and sorrow, and to whom kind words and deeds were as a healing balm.

It was the year preceding a gubernatorial campaign. The prospective candidates for the executive chair were both Whigs, for Indiana continued in her singular way to elect Whig Governors by Democratic votes. The contest was to be between David Wallace and John Dumont.

The latter addressed a large audience of country folk at the village of St. Omer, two miles from the school. All the boys of the Robinson school were in attendance. The discussion related entirely to State issues. The State was on the verge of bankruptcy, having undertaken a gigantic system of public works, which were destined to prove unprofitable in a large measure. This system had grown in the Legislature, by a course of political log-rolling, into an extravagant and wasteful combination of enterprises. Dumont foresaw at this time the inevitable end, and urged the abandonment of the works, that no further expenditure should result and the loss should be kept within the smallest bounds. Wallace possessed much of the enthusiasm of Governors Ray and Noble in the matter of public works, and was blind to the impending ruin. Dumont's address was an able appeal to the sober second thought of the people. It abounded in statistics of expenditure, interest and taxation. Such an address would seem "dry" to most boys, but it was not to the students at Robinson's. Hendricks, especially, was engaged as with a romance. He listened to every word, and seized every argument advanced, and became thoroughly conversant in the system of public works and the financial condition of the State. From that day he was an advocate of Dumont's views. David Wallace was elected in August, 1837. He was a pure and able man, but unfortunate in the time of his election and mistaken in his policy of State improvements. In Congress, subsequently, he rendered efficient service in promoting the magnetic telegraph. One of his sons—General Lew Wallace—has achieved an international reputation as a soldier, author and diplomat.

Mr. Hendricks's home culture was of great value to him. The Bible was the most loved of classics in the household. Its history, its poetry, its law and its philosophy were alike familiar to the Major's sons, and they

studied it with care. The Vice-President's searching knowledge of Scripture was often the subject of remark in later years. It might with equal truth be said of him, as has been said of Judge Jere S. Black, that he knew everything in the Bible and everything in Shakespeare. Milton was a favorite author with Thomas, and when a child he often read aloud to his mother the magnificent poem of "Paradise Lost," appreciating the majesty of its diction, and the solemn organ-tone of its measures. He was an enthusiastic admirer of Byron, the great poet of that day. He was fond of English history, and loved especially to review the history of Queen Elizabeth and Queen Anne and their times. In later years he projected writing a lecture on their reigns and that of Victoria, but had not sufficient leisure for such work. The present of a copy of Blair's Rhetoric from his uncle, the Governor, opened a mine of untold treasure. He made a critical study of authors, and carefully investigated the principles of taste and criticism. History and politics possessed enhanced value to a boy whose family were connected with them, and of the positions maintained in the field of state by his grandfather and his uncles he became generally cognizant.

< It was his desire to enter college as he completed the work of academic schools. His father had not designed to fit him for any of the learned professions, and was not the first to suggest the idea. The Major wisely gave his sons opportunities of making money for themselves on the farm, and Thomas earned a considerable sum for his own use, intending to apply it towards securing a thorough collegiate training. This fund the Major generously supplemented, and in the fall of 1836 the young student set out upon his journey from home. >



CHAPTER IV.

HANOVER COLLEGE.

The town of Hanover, the scene of Mr. Hendricks's college life, was a village of perhaps three hundred inhabitants, in Jefferson county, near the Ohio. It was about five miles west of Madison, and a good mile from the river. It was a neat village, with regular, well-shaded streets and substantial residences, and was in the midst of a region noted for the beauty and variety of its scenery. In 1836 it possessed a history covering a period of about a quarter century, and was widely renowned as a seat of learning. From the first it had been a leavening influence in the society of an extensive region. The population partook of the character which usually attaches to old college towns. The standard of culture and of morality was high. Religious observances were universal, and of the strictest type. There had never been a saloon in the township, and all traffic in intoxicants was prohibited.

Hanover College was the oldest denominational institution of learning in the State, having begun its career as early as 1827 as a grammar school of the Presbyterian pastor, Rev. John Finley Crowe, D. D., in a log cabin. A brick seminary building replaced the log structure in 1828, and the General Assembly at its next session chartered the institution under the title of Hanover Academy. Three years later a larger building was completed and a college charter was obtained from the legislators, against



HANOVER COLLEGE IN 1837.



MILL CHAIN.



COLLEGE POINT.



CLIFFY FALLS.

the protests of many who desired the State college at Bloomington to have no competition.

The college edifice occupied a central position in the town, and stood in the midst of a pleasant campus. It was a brick building of three stories, fronting the south, in dimensions one hundred by forty feet. In front were six columns, one story in height, on which rested the wall of the stories above. Within these supports was a lobby, which answered the purpose of a porch. Above the front center was a cupola of hexagonal shape, surmounted by a dome, and bearing aloft a globe and a weather vane. The college contained not only the usual recitation rooms, chapel and society hall, but also, upon the third floor, a number of small chambers intended for dormitories. Adjoining the village was a manual labor farm—for Hanover was an industrial college—and there were, besides, numerous shops for various forms of manufacture.

When the fall term opened in September, 1836, the village presented a lively scene. By steamer to the Hanover Landing, by stage-coach, or in the family wagon, came youths from all directions to enter upon their work as students of the college, and not a few made their way on foot, carrying their worldly goods in bundles or satchels. The attendance of the preceding session had reached the unprecedented number of two hundred and thirty—a number which the college was not destined to know again for many years. Hanover College was not endowed. The lands had been presented by Hon. Williamson Dunn and Dr. Crowe. The design of the manual labor system was not merely to afford an opportunity for industrial education and for healthful exercise, but to enable the students to pay their way, either wholly or in part; and the students, with few exceptions, met a considerable share of their expenses through their earnings on the farm or in the shops.

Among the new students at this time was young Thomas A. Hendricks, a bright, handsome boy of seventeen. The nearness of his uncle's residence at Madison, and the interest which the Senator had ever felt in the college, doubtless led to the preference of Hanover as the *alma mater* of the youth from Shelbyville. Moreover, the strong attachment of Major John Hendricks for the men and the institutions of his church was an influence in favor of a denominational rather than a State college for the education of his son. Young Hendricks was not yet fully prepared to enter college, and was enrolled with seventy-one others in the preparatory class. From the first he occupied a place of prominence among the students, not so much on account of the prestige or wealth of his family, but because of his native ability, his obliging manners and his gifts of a social nature.

He was not a book-worm, though he worked hard at his tasks. He was a student of nature and of men. Perhaps his greatest triumphs in college were of a forensic kind, for he was a leader almost without a rival in the debates and the various oratorical exercises of the literary society of Hanover. The college was, of course, for boys only, as co-education in the higher departments of learning was in that day unknown. The course of study was strong in all that pertained to classic lore, though defective in natural science and modern languages, as was the case with all other colleges of the time. In fact, it is surprising to note the amount of "required work" in Latin and Greek in the curriculum. The institution was strictly a "church college," and was conducted on denominational principles. The Bible was a text-book for thorough study, the teachings of which all were required to recite. All Presbyterian students and sons of Presbyterian parents were required, in addition, to commit the Shorter Catechism. The Greek Testament formed a part of the regular course. The discipline was strict.

Quarterly reports were made to parents or guardians, concerning the advancement and deportment of every student.

The faculty was composed of able men. Rev. John Witherspoon, D. D., had been chosen to succeed President Blythe, but had not accepted the call. Thus there was a vacancy in the presidency, which was largely made up by the extra work and care of Dr. Crowe, the professor of logic, rhetoric, political economy and history. Other professors were John H. Harvey, A. M.; M. A. H. Niles, A. M.; W. M. Dunn, A. M. (since Judge Advocate General); Noble Butler, A. M., and Charles K. Thompson, A. B. In addition to these were two tutors, Minard Sturgus (subsequently professor of Latin and Greek) and S. H. Thompson (subsequently professor of mathematics and natural science).

The graphic portrayal of college life in the earlier years of this century by Jacob Abbott, in *The Corner Stone*, seems so appropriate to the days at Hanover that it is here produced, somewhat condensed, as follows:

“Very early in the morning the observer may see lights at a few of the windows of the buildings inhabited by the students. They mark the rooms occupied by the more industrious or more resolute, who rise and devote an hour or two to their books by lamp-light on the winter mornings. About day the bell awakens the multitude of sleepers in all the rooms, and in a short time they are to be seen issuing from the various doors, with sleepy looks, and with books under their arms, and some adjusting their hurried dress. The first who go down go slowly, others with quicker and quicker step, as the tolling of the bell proceeds;—and the last few stragglers run with all speed, to secure their places before the bell ceases to toll. When the last stroke is sounded, it usually finds one or two too late, who stop short suddenly, and return slowly to their rooms.

“The President or one of the professors reads a portion of Scripture, by the mingled light of the pulpit lamps and the beams which come in from the reddening eastern sky. He then offers the morning prayer. The hundreds of young men before him exhibit the appearance of respectful attention, except that four or five, appointed for the purpose, in different parts of the chapel, are looking carefully around to observe and note upon their bills the absentees. A few also, not fearing God or regarding their duty, conceal under their cloaks or behind a pillar or a partition between the pews, the book which contains their morning lesson, and attempt to make up, as well as the faint but increasing light will enable them, for the time wasted in idleness or dissipation on the evening before. When prayers are over the several classes repair immediately to the rooms assigned respectively to them, and recite the first lesson of the day.

“During the short period which elapses between the recitation and the breakfast bell, college is a busy scene. Fires are kindling in every room. Groups are standing in every corner, or hovering around the newly-made fires; parties are running up and down the stairs, two steps at a time, with the ardor and activity of youth; and now and then a fresh crowd is seen issuing from the door of some one of the buildings, where a class has finished its recitation, and comes forth to disperse to their rooms, followed by their instructor, who walks away to his house in the village.

“An hour after breakfast the bell rings, to mark the commencement of study-hours, when the students are required by college laws to repair to their respective rooms, which answer the three-fold purpose of parlor, bed-room, and study, to prepare for their recitation at eleven o'clock. They, however, who choose to evade this law, can do it without much danger of detection. The great majority comply, but some go into their neighbors' rooms to re-

ceive assistance in their studies ; some lay aside the dull text-book, and read a tale, or play a game : and others, farther gone in the road of idleness and dissipation, steal secretly away from the college, and ramble in the woods or skate upon the ice or find rendezvous of dissipation in the village, evading their tasks like truant boys. They, of course, are marked as absent ; but pretended sickness will answer for an excuse, they think, once or twice ; and they go on, blind to the certainty of the disgrace and ruin which must soon come.

“The afternoon is spent like the forenoon, and the last recitation of the winter’s day is just before the sun goes down. An hour is allotted to it, and then follow evening prayers, at the close of which the students issue from the chapel and walk in long procession to supper.

“It is in the evening, however, that the most striking peculiarities of college life exhibit themselves. Sometimes literary societies assemble, organized and managed by the students, where they hold debates or entertain each other with declamations, essays, and dialogues. Sometimes a religious meeting is held, attended by a portion of the professors of religion, and conducted by an officer. At other times the students remain in their rooms, some quietly seated by their fire, one on each side, reading, writing, or preparing the lessons for the following morning ; others assemble for mirth and dissipation, or prowl around the entries and halls, to perpetrate petty mischief, breaking the windows of some hapless Freshman—or burning nauseous drugs at the keyhole of his door—or rolling logs down stairs, and running instantly into a neighboring room so as to escape detection—or watching at an upper window to pour water unobserved upon some fellow student passing in or out below—or plugging up the keyhole of the chapel door, to prevent access to it for morning prayers—or gaining access to the bell by false keys, and cutting the rope, or filling it

with water to freeze during the night—or some other of the thousand modes of doing mischief to which the idle and flexible Sophomore is instigated by some calculating and malicious mischief-maker in a higher class.”

At that early age the character of young Hendricks was thoroughly formed for good. His gentlemanly instincts would not have permitted him to commit an unworthy act or to connive at a wrong. But more than that, his life was guided by religious convictions. None ever appreciated more than he, in later years, the value of the pious counsels of a Christian home, or the influence of early training upon the mind and heart. Probably no student at the college was more regular or strict in all religious observances than he. Mr. Hendricks possessed even in youth the elements of influence over others, and it must be said to his honor that the influence he wielded was ever in favor of the right, as he understood it.

Governor Porter, who was a fellow student of Mr. Hendricks at college, once remarked: “I shall never forget his notice of me on one occasion. I had just delivered a select declamation, and in his gentle, winning way he approached me and spoke a few words of encouragement. He was then about twenty years old, and I was fifteen.” Another of his college fellows remarks: “He was only an average student, but he excelled as a debater, and in general information ranked as the best posted man in college. Unlike some of us who had to work our way through, he had plenty of money—though I am not aware that he ever “put on airs,” or felt himself above us. On the contrary, he exhibited much of the urbanity that always characterized him through life; and I know not how he acquired such excellent manners and easy elocution, unless it was by coming in contact with so many men of culture who visited his father’s house.” Mr. Hendricks as a student possessed the mental characteristics of a person of maturer years. As a

freshman he was a chosen associate of the seniors. "He was a man at eighteen."

Aside from its opportunities for intellectual culture, Hanover was a delightful residence for college students. Mention has been made of the scenic beauty of the environs. Nature was in her happiest mood when those surroundings were formed. One may search in vain in many States for such a panorama of cliff and headland, winding river and cascade, forest and plain. Numerous were the resorts for the boys in hours of recreation. Among the waterfalls are Clifty, Deadman's, Crow, Butler, Chain Mill, One and Two. Cedar Cliff, at Brownsburg, Marble Hill, Monument Point and Plow-handle Point are noted headlands. On Graham's Creek are several small caves. The source of the creek is a remarkable never failing spring. Fair Prospect was the home of Captain George Logan, well known to the college boys of two or three generations. A chain mill of singular construction was a noteworthy feature of the vicinity. The river was a favorite resort for boating, bathing, swimming and fishing. On the strand, in the shadow of overhanging rocks, were favorite walks and nooks for quiet study. In the soft rocks of the cliffs were cut the names of hundreds of boys. Among the games played upon the green was the old pastime of "three old cat" (three hole catch), which was the basis of our later national game, having developed into the base-ball in later days.

Mr. Hendricks completed his preparatory studies during the first year and returned home at the close, having won the respect and confidence of all the faculty and the affectionate regard of his fellow students. He came back next year, and was regularly enrolled as a member of the freshman class—the class of 1841. This was the first of a series of years of disaster and discouragement to the college. A terrible tornado swept over the country, car-

rying destruction in its path. Trees were uprooted, and houses were unroofed. It seemed that the college building was doomed to destruction, and indeed it narrowly escaped utter demolition. The upper part of the structure was ruined, and it was deemed best not to rebuild it, especially since the dormitory plan had fallen into disfavor and the room was not needed. Accordingly the debris of the wrecked rooms was cleared away, and the side walls leveled at the tops of the second-story windows, preparatory to putting on a new roof. Three of the five windows above were left in front, to light the attic. It was thus that the old college is best known. Odd looking to begin with, it was now especially singular in its appearance. The manual labor system proved a failure, and had to be abandoned. The college was in debt, and it was only by the most self-sacrificing zeal and determination of the faculty that the institution maintained itself. Rev. John Matthews, D. D., was now acting president, as he had been during a portion of the preceding year. He was succeeded next year by Rev. Duncan Macauley, D. D., who in turn was followed in the same year by Rev. E. D. MacMasters, D. D.

Life at college is apt to be uneventful and Mr. Hendricks's was no exception to the rule. Vacations were spent at home or at his uncle's. Year by year he was promoted, with honorable rank, to the class above. The number of students was small, since the failure of the manual labor system. The class of 1841, which started out in the preparatory year with a membership of seventy-two, dwindled down to four members. The class consisted of Charles M. Hays, Thomas A. Hendricks, John Lyle King and George Caldwell Lyon. The first of these became a lawyer of Pittsburg, the third a distinguished member of the Chicago bar, and the fourth a physician of Liberty, Miss. Mr. King is the only one of the four who now survives.

Mr. Hendricks completed the course, but was, unfortunately, absent for about three months of the last year, on account of sickness in his father's family, and failed in consequence to receive his diploma with the rest. Later, however, it was deemed just that he should be given the diploma in spite of the rules regarding absence, and he was enrolled with the boys of 1841 upon the list of alumni.

The Hanover College of to-day is much changed. The old college building has been again transformed, and is made over into a very tasteful church—the old walls being permitted to do service in the new building so far as possible, as a matter of sentiment. The new college is not built in the old village, but on The Point—now called College Point—overlooking the river, and commanding a view for many miles up and down the stream. Where the river was, there would the boys be. The river could not come to the college, therefore the college went to the river. Girls are now admitted on an equal footing with boys, to all departments. The old professors have passed away long since, to their reward. Yet the spirit of college life is much the same at all times. The scenery is little changed, and the following letter, recently written by a Hanover boy to the *Indianapolis News*, gives but a new picture of the old time scenes :

“ If any person who has never been here could be blindfolded and transported to the midst of some of the wild scenery around this village, he would imagine on opening his eyes that he was in some of the scenery that is famous throughout the country. Within a distance of five miles along the bluff of the Ohio, there are not less than seven or eight waterfalls, varying in height from fifty to eighty feet. These figures refer to the actual height or depth of the fall. The cliffs rise to a greater height on either side, the water having worn the rocky edges into a series of cascades before making the last

and greatest leap. Farthest down from the village is Hearts Falls. Here, in an overhanging part of the cliff, the limestone has been hollowed out in some way in the form of hearts, which fact gave the name to the falls. Unfortunately, the same causes which created the cavities are still at work, and the result is that all resemblance to hearts will soon be lost. The action of the atmosphere produces another singular effect—that of decomposing ledges of rock in the cliff in such a way that it appears to be the work of waves in past ages. Indeed, this cause is gravely put forth as a theory by many visitors, but they fail to note that some names painted on the rocks, certainly not of antediluvian date, are disappearing in a way that is rather shattering to their argument.

“The students of the college at Hanover have for many years made use of these falls to bring their names, for a time at least, before the public. At Butler’s Falls, but a half mile or so from the village, three ambitious students one day decided to head the list of names scattered over the side of the cliff. Accordingly they procured a rope and a pot of paint, and swung one of their number over the brink. While dangling in the air, he managed to scrawl their initials upon the rock. Upon drawing him up, his comrades, either through awkwardness or with malice aforethought, got him under the stream of water and treated him to a gratuitous shower-bath.

“Old students going back to Hanover will miss one of the most famous of all the old time land-marks and curiosities. Chain mill has been torn down and carted away. Right on the brink of the falls the mill building stood, and the motive power was furnished by a novel contrivance which, it is safe to say, one would have difficulty in finding duplicated. An opening was blasted through the overhanging ledge, and through this there passed an endless chain of buckets. As the buckets filled with water they went down, of course, and of their own

weight turned a huge wheel. At the bottom they upset, and came up empty. Daring students used to climb down the chain when the mill was idle, and thereby caused the miller much vexation of spirit, as he was liable at any time to have a corpse on his hands, to say nothing of damages to the buckets. A young man once undertook the descent without first ascertaining whether the wheel was blocked—which it was not. Consequently he descended with rather more precipitancy and *eclat* than he calculated upon. Very wroth was the miller, who lived near at hand, upon hearing the creaking of the machinery and conjecturing the cause. Leaning over the brink he proceeded to launch a philippic upon the head of the aeronaut below. Somewhat faintly came up the following response:

‘Well, you see, I didn’t know—I thought—I didn’t know—’

‘Yes, I see you didn’t know,’ roared the miller. ‘You don’t know anything. You are a hopeless idiot!’

“The village of Hanover is a beautiful place, especially during the summer. The main street is overshadowed with huge elms. The college building is located upon The Point, a part of the bluff with a deep gorge on each side and looking down upon the Ohio, some four hundred feet below. From the college cupola one can see the city of Madison, five miles above, in a line; and looking down, the river can be traced for many miles, until in its last curve it looks like a lake in the hills. When the river is at a fair stage, there are steamboats passing up and down at all hours of day and night. To one who has lived for years within hearing of their deep, sonorous whistles, answering to each other and echoing from bluff to bluff, there is a positive sense of regret at being located at a distance from the river; and one hears the familiar sound, after an absence, much as he would recognize the voice of an old friend.

“The approaches to Hanover are interesting, unless you make a flank movement and come up by stage, ten miles, from Lexington. Coming in by way of Madison affords one the novelty of a trip down one of the steepest railroad grades in the country, three hundred and twelve feet to the mile, through a deep cut in the bluff. The entire height of the hill is four hundred and sixteen feet. Formerly it was customary to cut loose the engine at the summit and allow the train to descend by its own weight, it being held in check by the brakes; but on one or two occasions there was some hitch in the machinery, which rendered the brakes of no avail, and the cars distributed themselves and their contents over the region contiguous to the base of the hill. Fortunately, there was no one on board on the occasion except a drove of hogs, and they were speedily reduced to sausage meat; and some parties were unreasonable enough to assert that this would be the fate of human passengers, some day, without any hope of the miscellaneous remains being utilized. So the accommodating railroad company had an immense engine built, which has sufficient weight to hold a train in check without its wheels slipping. From Madison to Hanover the drive is very fine; the road ascends the hill, gradually winding in and out the ravine, until after a six miles' ride the village is reached. Fishing is good in the river, and there is an excellent pebbly beach for bathers, although a treacherous ‘step off’ has caused more than one death. The hunting is also good in the woods near Hanover.”

Once when Governor, after the lapse of about a third of a century since his graduation, Mr. Hendricks visited the old college at commencement time, and delivered an address to the students and visitors. What a college education may or may not do for a man, accordingly as he uses or abuses its advantages, was a theme which he developed strikingly and beautifully. He portrayed vividly three classes of college men, illustrating each with

the life story of a fellow student of old time, showing what each of the three boys had done with his opportunities. In his travels in California, the speaker had met the brilliant leader of the old students, a fascinating young man of rarest natural endowments and brilliant prospects in youth, now an abandoned wreck without home, fortune or friends. Two others, of less promise in college days, illustrated success ; one in a splendid public career, the other in a less conspicuous course of life. Memories of college days were always very dear to Mr. Hendricks ; and his instructors, his fellow students, and especially his class-mates, were always cherished by him with deep affection. Hanover was to him in the truest sense of the term, as it has been to so many others of worth and fame, an *Alma Mater*.

CHAPTER V.

STUDY AND PRACTICE OF THE LAW.

The close of college life found Mr. Hendricks again at his old home to the east of Shelbyville, enjoying the association of old neighbors and the scenes of early years. Arrived at the age of twenty-two, it was time to choose his vocation in life. His relatives among both the Hendrickses and the Thomsons had achieved honor and distinction in the profession of law; and to this he had been predisposed from childhood, proving an interested observer and auditor in the legal contests at the court house, even at the age of ten years. He determined to be an attorney, and earnestly set about the preparation for his life-work.

◁ In 1842 he commenced to read law in the office of Stephen Major, a young and brilliant lawyer, nine years his senior, who had resided in Shelbyville since 1834, and had been for six years a practitioner in the Supreme Court of Indiana. ▷ Mr. Major was an interesting personage. By birth an Irishman, he was descended from the Scots who entered the Green Isle under Cromwell; and he traced a still more remote ancestry among the old Norman conquerors. He was possessed of the spirit, the dash, the eloquence of the Irish, with the application and perseverance of the Anglo-Saxon. A close intimacy existed between the two young men in the law office. Hendricks was by far the more scholarly, while Major possessed a world of tact and experience. Having confidence in his powers, the latter determined, ere long,

to remove to Indianapolis. This he did in 1843. Ten years later he was commissioned by Governor Whitcomb as Judge of the Indianapolis circuit. It is interesting to note that in 1864 he was admitted to practice at the bar of the Supreme Court of the United States, on motion of a Senator, and that that senator was his former student and associate in the law office at Shelbyville.

Before the removal of Mr. Major, Mr. Hendricks determined to pursue his studies in a systematic manner and to avail himself of the advantages offered in professional schools. At the suggestion of his mother, he repaired to Chambersburg, in southern Pennsylvania, and entered the law school of his uncle, Judge Alexander Thomson. Nominally this school was an attachment of the Gettysburg College, an old Evangelical German institution of excellent reputation, which essayed to build up on the university plan. It was fitting that its embryonic Law Department was located at Chambersburg rather than at the village where the old college stood, for the former place was noted for the high character and reputation of its bench and bar. <The journey to Chambersburg was made in the spring of 1843. The law student possessed the sum of two hundred dollars in silver, and with this amount he set out for the East. He repaired to Lawrenceburg, and there took a steamer for Cincinnati. He remained for a short time at the Queen City, and for the first time in his life visited a theater, where he had the pleasure of witnessing a play by Edward S. Connor. Again embarking upon the Ohio, he sped up the river to Pittsburg, and thence traversed the mountain region to the old border town in which the school was conducted.

Alexander Thomson, the instructor in law, was a man of high ability and thorough legal training. He had been President Judge of the Sixteenth Judicial District, comprising Franklin, Somerset, Fulton and Bedford counties, and since his retirement had made of his well-filled

library the law school, which merited celebrity and was well patronized.

He was a former resident of Bedford county, but during his official term (1827 to 1841) and since had resided in Chambersburg. His home was a large and well appointed stone mansion on South Main street. Against the north end of this stood a white frame building of one story, containing four rooms and presenting two doors to the street. The two south rooms were used by the law school. The apartment opening on the street was a general office, and a rear chamber served for a consultation room. The Judge was a large, handsome man of the old school, a man of remarkable power and of popular address. He always wore a ruffled shirt, and was religiously faithful in his use of the razor and brush. He conversed on all subjects, and was intimately acquainted with many of the most eminent statesmen of his day. He was careful in the smallest details of his work, and had a comprehensive grasp of the law in all its bearings. He was the students' ideal of the Judge, the advocate and the man.

The schools for legal training in that day were much like other schools. Authors were studied as text-books, and the catechetical method of recitation was employed. The tendency of such teaching was to cultivate exactness and systematic method of thought and expression. Mr. Hendricks remained through the spring, summer, and part of the fall of 1843. Every moment was full of improvement to the professor's nephew, who studied not only the professional course, but also the county and its people.

John Reges was the deputy Register and Recorder of the county for six years, and afterward the head of the office. He states that Judge Thomson required his students to copy every record in the register's office, of each cause in which he was engaged; that Mr. Hendricks and the other students often sat for hours at a time in the

court house, copying entries relating to their preceptor's professional work.

“Without doubt,” he adds, “they received enough of the practical in their study of the law.”

Mr. J. M. Cooper, an eminent citizen of Pennsylvania, remarked sometime since as follows: “I remember the good impression Hendricks made on all who met him at that time. (He was then physically rather small.) His features have undergone a great change in the forty-three years since he was in Chambersburg, and in the Vice-President hardly one trace remains of the young law student. He was of a very pleasant disposition, and won the good will, as I have said, of all he met.

“Mr. Hendricks has a rather vivid recollection of his sojourn at Chambersburg. I talked with him in Washington, in 1860, about it, and he spoke of it as a pleasant episode in his life, and made friendly inquiries about many people with whom he had been acquainted there.

“That little spot of ground measuring sixty or seventy feet along Main street, from Lortz and Wolfinger's corner southwest, seems to have been a good point from which to start in the race for renown. Two men, Hendricks and Baker, went thence to become Governors of Indiana; two, Hendricks and John Scott, to become United States Senators; one, Experience Estabrook, to be a Congressman from New York. These men were all in Chambersburg at the same time. Another fellow student of Hendricks's was Col. Samuel H. Tate, of Bedford, who became Prothonotary of Bedford county, and might have gone to Congress if he had lived a few years longer, as he was very popular and influential.”

As a recreation from his work, Mr. Hendricks here devoted himself to the reading of Shakspeare, noting critically the variations of the text, and the force and aptness of expression of the great dramatist. Judge Jere S. Black

had succeeded Judge Thomson on the bench in that circuit, and the law student became intimately acquainted with that noted jurist and scholar. Judge Black was one of the best Shakspearean critics of his day, and was delighted to find in the person of his predecessor's nephew an equally enthusiastic student of the poet. Before returning to Indiana, Mr. Hendricks visited the city of Philadelphia, where he had the pleasure of listening repeatedly to Forrest, who filled a series of engagements. He remained a week in the Quaker city, visiting and studying the various points of interest. He spent an entire day at Girard College, noting particularly the architecture of the buildings and the economy of the institution. In his later years (1881), Mr. Hendricks expressed himself as follows, in an interview with Mr. Townsend, of the *Cincinnati Enquirer*:

“I remained in Chambersburg only eight months, but to me it was a very great event in my life. Brought up on the flat prairies and woods of Indiana, I had never seen such beautiful mountains and dashing streams as were in that old Cumberland valley. To this day it seems to me a vision of beauty. There were numerous large towns right about us. There was Hagerstown, amid the blue and golden scenery of Maryland; and Shippensburg, which was a bright, active young place; and Carlisle, which was one of the old forts in the valley and a military post. Our law studies were examinations chiefly, not lectures on the law. The land possessed to me a sort of patriotism. The Thomsons, Agnews, Wylies and other Scotch families there were blood connections of my mother. I suppose this Dr. Agnew now attending on poor President Garfield is of that general family.”

Mr. Hendricks returned to Shelbyville in the fall, with only a dollar and twenty-five cents left of his money. He found himself a week too late for the regular fall examin-

ation for admission to the bar of the Supreme Court, but was given an examination by the Circuit Judges, among whom were James Whitcomb, Tilghman A. Howard, and Joseph A. Wright. He was at once admitted to practice, and established an office of his own, starting out independently.

It is usually difficult for young men to build up speedy reputations in the professions in the home of their childhood. The community are slow to learn that boyhood has merged into manhood. So it seemed for a time to the young attorney at Shelbyville. For many days he was a "briefless barrister," and the time dragged slowly in the office. Jacob Vernon was clerk of the court, and gave him his first law business. It was the settlement of a small estate. The work received prompt and careful attention, and was the means of bringing in other practice.

His first cause was tried before 'Squire Lee. Nathan Powell, the son of an old neighbor, Major Powell, was his opponent. The two young men were nearly of an age, had grown up together, finished their school education in the same year, and opened their law offices within a few days of each other. The cause was a trivial one, and each volunteered his services, it being the first effort of young Powell, as well as of Hendricks. The 'Squire's office was crowded, and a prize in the form of a "treat" of fine apples was to be given to the victor by an enthusiastic spectator. The contest was animated. Hendricks won the case, and gracefully served the apples to the friends who were present, not neglecting to compliment his opponent, who had done well, or to share with him the *fruits* of victory.

At about this time Martin M. Ray, a young Whig attorney, settled in the town. He was a man of quick wit, of high ability, and of strong individuality. Personal friends, they were opposed in practice as well as in politics. Their

causes at first were mainly tried before Justices of the Peace, and here they were brought in contact innumerable times, while crowds gathered to observe the contests. In law they were well matched. Into the political field Mr. Hendricks had not yet ventured publicly, though Ray had spoken repeatedly on the "stump" for the Whigs.

Business soon came in larger measure to Mr. Hendricks. Preferring naturally to defend rather than to prosecute, he was yet ready to take the aggressive side against wrong. Twice in his early practice he volunteered to conduct the prosecution. Once, as he was walking to the court house, a colored man appealed to him for protection, being pursued by a burly fellow who was threatening to "teach the d—n nigger" to speak to him on the street. The young lawyer inquired if a friendly salute was the colored man's sole offense, and was answered in the affirmative. He then assured the assailant that he would "teach" *him* something. He procured an indictment, prosecuted the offender, and had the latter sent to jail, all in less than two hours. This mode of punishment for assault and battery was without precedent in that county, but Mr. Hendricks had called the jury's attention to the fact that the assault on a colored man was the more to be condemned because of the inequality of the two men; that the negro was practically a victim with his hands tied, since he dared not retaliate upon a white man. The other instance was one in which a wealthy and well-known citizen had connived at robbery, receiving and concealing stolen horses and goods. It was feared that the culprit's money and influence would secure his escape. The young attorney took the cause in hand, and secured a verdict of guilty against the malefactor, sending him to the penitentiary. The convict was released, on appeal to the Supreme Court, through a technicality; but a useful lesson was impressed upon the community.

Many are the anecdotes told concerning this early prac-

tice. On the last night of his life, while at the reception of Mr. and Mrs. John J. Cooper, of Indianapolis, Mr. Hendricks was presented by Mr. Ross Clark to some friends from abroad, and they expressed surprise at his youthful appearance; whereupon the Vice-President related the following anecdote of his early practice:

“When I was a young lawyer, practicing in Shelby county, I went out into the country to try a law suit before a justice. The attorney on the opposite side was an ex-judge, seventy years old. His head was silvered with gray hairs, but he was as youthful and sprightly as I was myself. When the case was finished and we were waiting for the verdict, I asked the Judge if he would tell me by what means he had clung to his youth. The Judge took from his pocket-book a scrap of poetry which was yellow with age, and which he had evidently carried for years, and began to read the poem, which was entitled ‘Keep the Heart Young.’ The burden of this was, the heart must be kept young by keeping up the enthusiasm of youth throughout all the work of life.

“I was greatly impressed with this poem,” the speaker concluded, “and whenever I can not go to my work with the enthusiasm of youth, I am ready to die, and want to die.”

The lawyer of twenty-four years was courageous, determined and industrious. A biographer, referring to the beginning of his practice, remarks:

“His success was rapid and well earned. There was a charm about him that won him hosts of friends. He was pure in morals, and not merely upright in character, but solicitous to preserve himself from even the appearance of evil.”

His early speeches in court were by no means free from the minor faults into which young attorneys are apt

to fall. It is related that an old friend who loitered about the court house one day said to him :

“Thomas, I heard the speech you made yesterday, and I heard the speech you made to-day. I liked your speech to-day much better. In your speech to-day you said ‘Gentlemen of the jury’ only twenty-two times. Yesterday you said it forty-three times, beginning and ending one sentence with ‘Gentlemen of the jury.’”

Mention has been made by a biographer of an oration which Mr. Hendricks pronounced in Johnny Young’s Grove, on the occasion of a Fourth of July barbecue. It was well received, and added to his reputation as a public speaker. Two years later (1844) Captain Nathan Earlywine, a Whig politician, was invited to deliver the annual address, and came to Mr. Hendricks to borrow his oration delivered in 1842, suggesting that the latter might make some alterations and additions suitable to the time. Mr. Hendricks good humoredly entered into the plan, and inserted some sound Democratic sentiments on the Oregon question. To these the obtuse Earlywine gave emphatic utterance with all confidence, which caused his Whig friends to open their eyes and ears wide, and the Democrats to indulge in unseemly laughter.

↳ In 1843 the social circles of Shelbyville were enlivened by a visit of Miss Eliza Morgan, of North Bend, Ohio, to the home of her sister, Mrs. Daniel West. The visitor was a beautiful girl in her teens, merry-hearted and vivacious, cultured, accomplished, and at home in society. The pet of the social world of Shelby, she won the especial admiration of Mr. Hendricks. They were much in company together, and formed for each other a deep attachment. The season was one of indiscribable charm to both, and its memory was ever fondly cherished. Letters from the young lawyer followed the little lady to her home on the Ohio, and these in turn were followed

by the young man himself. Visits to North Bend were occasions of greatest pleasure to Mr. Hendricks. Miss Morgan was the daughter of a widow, her father, Hon. Isaac Morgan, having died some years before. Her grandfather, Dr. Stephen Wood, was one of the earliest settlers of the town, and built his homestead immediately adjoining that of Gen. William H. Harrison, a fellow-Virginian and his life-long friend. The old hero was now gone from North Bend, having been called to the White House and to the tomb. Two large and beautiful stone mansions, with generous grounds and commanding prospect, looked over the village. One was the home of Mrs. Wood; the other, that of her daughter, Mrs. Morgan. Both were furnished with the elegance characteristic of old Virginia homes. The inmates were hospitable in manners and refined in tastes; and luxuries of the table and of the library alike engaged the favored guest. But the chief charm was the maiden, whose soul was the soul of the home. The latter was a favorite in leading families of Cincinnati, of which city North Bend was a suburb, and entertained many of her city friends, in summer days, at the beautiful retreat on the river. At such an ideal home the future Vice-President met the lady who was to make his own home a model for a nation, a type of all that is sacred and beautiful and sweet on earth. On the banks of the Beautiful River the vows of lovers were exchanged. Mr. Hendricks was ambitious to win a home, that he might claim his bride—a home of their own, where they might enjoy that independence necessary to true happiness. After two years of unceasing endeavor, he found himself in receipt of an income sufficient to furnish a comfortable support, and of sufficient stability to dismiss anxiety as to the future. Late in September he took passage in the stage coach for North Bend, for a final visit. Arriving, he begged the lady to name the day. The girl's friends, who were with

her, answered for her and named the day following, which appointment Mr. Hendricks heartily seconded. There had been no wedding preparations, but what of that? <On the 26th of September, 1845, accordingly, the marriage was celebrated, the Rev. Mr. Jones, Baptist pastor of Cheviott, officiating.> A merry feast was spread next day at the home of Mrs. Wood, where all the family were gathered. A few more days were spent amid the beautiful scenes of Mrs. Hendricks's old home, and then the farewells were spoken. A visit to Cincinnati followed, and a steamboat ride down the river to Madison, where a day was passed at the home of Governor Hendricks. Another day found them at the mansion of Major Hendricks, in Shelbyville, and then they repaired to their own cottage.

Thus with beautiful simplicity began their married life. Mrs. Hendricks entered with earnest sympathy and thorough appreciation into all her husband's plans and purposes. She was ambitious for his success in his chosen profession, and was of great assistance in securing his steady rise. Early in their married life Mr. Hendricks was called to plead a cause before a Justice, several miles in the country. The morning appointed was very cold and stormy. It was not pleasant to cross Eagle Creek on the ice. The fee offered was but five dollars. Mr. Hendricks rose with the intention of abandoning the cause to some other attorney. But his wife had prepared an early breakfast, made ready his leggings and wraps, and arranged in every particular for his journey, and at her solicitation he set forth. The cause was tried before 'Squire Rorer, and Mr. Hendricks won. The gain to him was far more than the amount of the fee; the devotion to the cause of his client elicited admiration, and secured him the conduct of other causes.

A very clever writer of biography says: "The Hendricks's in the beginning, as to-day, were plain, amiable

people, each working industriously. Mrs. Hendricks, assisting with a garden, after the fashion of the period, established a horticultural reputation not yet forgotten in Shelbyville."

An old neighbor has remarked: "Tom Hendricks and I were boys together. Though we have seldom voted the same ticket, I will say what no citizen of Shelbyville can deny. Both as boy and man he was honest, an excellent neighbor, and he never forgets to be a gentleman. You will find the same testimony from the chairman of the Republican Central Committee of this county and the editor of the Republican paper. We are not all Democrats here, by any means, but we are all united in universal respect for Tom Hendricks; and I have thought that he never could have achieved such success in a political way but for his wife. She is generous, wise and discreet. The man born to get on in the world always marries that kind of woman, it appears."

On the 16th of January, 1848, a son was born—the only child. He received the name of Morgan. He was a beautiful boy, the pride of his parents and the joy of the home. It is sad that his sweet life was cut short in its early bloom. The portrait of the child which hangs in the family library is full of babyish grace and spiritual beauty. To the last he lived in the heart of Mr. Hendricks, who noted his birth-day and the anniversary of death in 1851, and who often repeated the baby utterances of his darling child.

To the profession of law Mr. Hendricks was devoted through life, and in it he enjoyed an eminent rank. Judge Walter Q. Gresham, on taking the chair of a meeting of the State Bar after Mr. Hendricks's death, paid a merited tribute to the departed lawyer, which is here produced:

“Although Mr. Hendricks occupied many high stations in the State and nation, finally the second highest in

the gift of the people, all of which he filled with distinguished ability, he never lost his fondness for his chosen profession. His triumphs at the bar were, perhaps, fully as satisfactory as his triumphs in the conflicts of politics. I will not on this occasion speak of his public service further than to say that intellectually, he was the peer of the ablest men of his time, and that he never used official position for private gain—that even in the minds of his political adversaries no stain attaches to his private or official integrity. In capacity for rapid absorption of a case, arrangement of facts in their proper relation, and application of principles to facts, Mr. Hendricks greatly excelled. While he justly stood in the front rank of the profession, perhaps his real sphere was that of the advocate. In this line he had no superiors, perhaps no equals. As a trial lawyer he was self-reliant and courageous, and when a case took a sudden and unexpected turn, and defeat seemed almost inevitable, he exhibited rare skill and great reserve power. It was on such occasions that he appeared to best advantage. His style of speaking was admirable; while he was earnest—at times vehement—he was always graceful and dignified, and therefore pleasing and persuasive. His equanimity and uniform courtesy to the court and bar, in defeat as well as victory, was worthy of all praise, and in this and other respects younger men, members of this bar—a bar in moral tone and elevation second to none, so far as I know—will do well to make him a model for imitation. His amiable, cheery, genial good nature made him a most agreeable companion, and won for him the sympathy and regard of those who were so fortunate as to meet him in social intercourse.”>

Judge David Turpie at the same time spoke eloquently of the absent member, beautifully analyzing his characteristics as an advocate, saying in conclusion:

“ In illustration he was sparing ; in diction, choice, accurate ; upon occasion ornate and elegant ; fluent without superfluity. In pronunciation a purist, clear, precise, with an ear of most delicate fancy. In the collocation, or arrangement, of words in the clause or sentence, not so capable—as apt to close an important sentence with one of the smallest of English prepositions as with a term whose quantities might give to both the voice and the ear a cadence of repose. For mere humor he found not often a place—though happy when so used ; for invective or denunciation, very seldom. The most malignant miscreant in the record was treated by him usually as one who had but fallen into some mistake or error.

“ His deportment toward his brethren of the bar, the jury, his auditors, and especially toward the officer presiding, was the model of courtesy and complaisance. As an advocate he must take high rank in the first class, a class not numerous. He was especially able in adaptation. Fact was closely fitted to fact, and the whole structure of circumstance dovetailed into the law of the case. The parts matched like mosaics in the most highly finished mechanism. To this was united a suave plausibility and a subtle economy which made much—the most—of little when little fell to his side. He had a copious command of familiar terms and expressions, even upon abstruse topics, which became his interpreters to the jury, and this kind of interpretation had for itself the choicest medium, a voice which Persuasion herself had attuned to the very touch.

“ His imagination was strong, active, vivid ; not lawless, but sedulously tempered to the theme he dealt with. None knew better than he when to use it, when to forbear. His best field lay in those causes involving life, personal freedom, the vindication of character, and in those questions concerning human conduct of either public, private or corporate nature, which beset the ever-

shifting line depending upon what is styled discretion or construction. Here the rule is not to be found in statutes, text-books—only in the mind, heart and conscience of those who sit in judgment or in the hints contained in those grand depositories of the law, spoken and unspoken, the constitutional orders and ordinances of the United States.

“It was his fortune many times to face hatred most deadly, prejudice unsparring, the unreasoning odium and fury of the time—fruits of the great military and civil convulsions which characterized the war. In such conjuncture no difficulty disconcerted him, no peril appalled. He will be remembered as an earnest defender of popular rights, of civil and political liberty as defined by law—as a leader for a quarter of a century, steadfast and discreet, of the constitutional majorities of the North and West, which he found in weakness and which he left in power.

“His name will be the synonym of professional honor, courage and fidelity. He was a member of the national bar, for many years of the bar of this city and county, and for a yet longer period of the bar of the State. He is one of those who will always continue to be a member here. His association with us can never be lost. His membership has passed beyond the contingency of employment, of verdict, judgment or appeal. His name and presence will here have an assured perpetuity in his blameless life, his eloquent labors, his lofty example, so worthy yet so difficult of all imitation.”

CHAPTER VI.

THE GENERAL ASSEMBLY.

In 1848 Mr. Hendricks was nominated for the lower House of the General Assembly. He did not seek the honor, but was selected for his ability as a speaker, the Democrats being desirous of seeing the Whig candidate for the State Senate, Martin M. Ray, well matched upon the stump. The latter has been mentioned as a somewhat experienced political speaker. Mr. Hendricks was not yet twenty-nine years of age. His reputation as a speaker and debater rested wholly upon his efforts as an attorney, for he had never made a political speech in his life. He set out upon a thorough canvass of the county, determined that the issues should be fully presented to the voters.

It was the Presidential year in which General Cass and General Taylor were candidates for the highest national honor, and the results of the war with Mexico, just closed, were to be settled. State matters, however, were discussed at some length, and received a fair share of attention. Mr. Hendricks was frank and ingenious in his arguments, concealing nothing and saying only what he heartily believed to be true. He was exasperated at the course taken by his immediate competitor, Captain Nathan Earlywine, who was not very scrupulous as to the truth of his assertions, and was recklessly personal in his remarks.

A notable occasion was a political gathering at a place

called Flat Rock, in the southern part of the county, on a tributary of the White River. A concourse of people had assembled at the river bluff, and a speakers' stand had been erected for the use of the contestants. The Captain spoke first, charging upon the Democrats the responsibility for the Mexican war, which he denounced as an unjust aggression upon the rights of a sister republic. He declared that Mr. Hendricks had admitted this in private conference, but had expressed an intention to deceive his hearers and throw the responsibility upon the Whigs. Mr. Hendricks was standing upon the bank, some distance away, and hearing his name mentioned he listened attentively to the speaker's statement. He could not repress his indignation, but called out, as he looked the speaker directly in the eye, "You know that's a lie." There was something of a rush made by Captain Earlywine's friends toward the spot where Mr. Hendricks stood, and appearances threatened a violent ending of the meeting; but Mr. Hendricks held his ground, and declared he wanted only an opportunity to make his word good. This was accorded him. Earlywine finished his address, and the boyish-looking candidate took the stand. So earnest was he in all his speech, and so clear and telling were his points, that he won and held the attention of the Whigs as well as the Democrats; and it was the general sentiment that if he was wrong in making the interruption, he at least acted under the greatest provocation, since it was manifest before the close that the charge of his opponent was unfounded.

Very different were the contests between Hendricks and Ray. In the good old fashion of Whigs and Democrats, they discussed subjects of national and State finance, and their debates were conducted with dignity and courtesy, and exhibited much thought and investigation on the part of each. A contemporary writer wittily describes these discussions as a joint canvass of "two moneyless

and clientless barristers trying to disagree on the subject of State banks." The campaign was hotly fought out in all the townships—thirteen in number.

The election was held in August. There was a new and singular feature which characterized it and made it ever memorable. Each voter on depositing his ballot was asked, *viva voce*, by the Judge of the election,—

"Are you in favor of free schools?"

The history of the public school agitation dates back two years earlier—to the session of 1846. On the 7th of December of that year, as the members of the General Assembly were gathering at the capital, the *Indiana State Journal* contained a message to the Legislature on the subject of education. Manifestly it was written by an able and learned person, but by whom no one could tell. It was signed "One of the people." It set forth startling facts, substantiated by figures taken from public records, and pointed out a grave danger to the State from the ever increasing illiteracy of the population. There was at the time no uniformity in educational matters in Indiana. Schools were conducted only where they were sustained by the popular vote of a township. Indifference of the people to their best interests, a neighborhood feud or a fanatical opposition to schools might cause the total abandonment of educational work in any township. The "pure Democracy" of the New England town (township) was not adapted to educational progress in the West. The message pleaded for a law securing the maintenance of free schools in all parts of the State. At the session of 1847 a similar message was received from the same unknown hand, and resulted in the passage of an act submitting the question to the people at the next election. It was shrewdly required that the vote be not written on ballots, but given orally and publicly.

The election on that summer day closed an exciting campaign in Shelby county. Mr. Hendricks was suc-

cessful, and received more than his party vote, much to the satisfaction of the citizens who had listened to the discussions of the canvass. Late in the year he repaired to the capital, bearing his credentials to the General Assembly.

The population of the Hoosier city was estimated at about six thousand five hundred. The principal building was the State House, which occupied a single block and fronted on West Washington street. It had been completed fourteen years before, at a cost of about \$60,000, and was really a fine structure for those days. In dimensions it was one hundred and eighty feet by eighty; in form it was fashioned roughly after the Doric model, but was surmounted by a central dome, confusing the "orders" of architecture. Eight huge Doric columns formed the front at each end, north and south, and heavy pilasters were ranged along the sides. The legislative chambers were constructed in imitation of those in the old Capitol at Washington. Edward Eggleston, the novelist and historian, thus describes Indianapolis as it appeared to a young legislator a few years before:

"It was a straggling, muddy village in a heavily wooded morass. The newly projected capital had been laid off with true Hoosier magnificence and hopefulness. The Governor's house, remarkable for a homely bigness and a dirty color, stood in the middle, surrounded by a circular street which left his Excellency's family no back yard—all sides were front. Around this focus most of the new wooden churches were built, so that people going to meeting might inspect the Governor's wood-pile and count the inmates of his chicken-coop whose death-warrants had not yet been signed. Outside of the Circle, the city was laid off with nice retangularity, except that four great diagonal avenues, running from the center, gave the town on the map the appearance of a blazing sun in a cheap picture.

“Nowadays, when more than a hundred thousand people have filled up this radiant outline with many costly buildings, and when the unsightly “Governor’s mansion,” having ceased to exist, no longer presents its back door to the Episcopal Church, the beautiful Hoosier metropolis has justified the hopes of its projectors. But in Bonamy’s time the stumps stood in the streets; the mud was navigable only to a man on a tall horse; the buildings were ugly and unpainted; the people were raw immigrants, dressed in butternut jeans, and for the most part afflicted with either the “agur” or the “yaller janders”; the taverns were new wooden buildings, with swinging signs that creaked in the wind, their floors being well coated with a yellow *adobe* from the boots of the guests. The alkaline biscuits on the table were yellow, like the floors. The fried “middlings” looked much the same. The general yellowness had extended to the walls and the bed-clothing; and combined with the butternut jeans and copperas-dyed linsey-woolsey of the clothes, it gave the universe an air of having the jaundice.”

A number of improvements had been effected since Bonamy’s time. Indianapolis possessed a railway and a telegraph office. The latter had been in operation six months; the former, more than a year. The Masonic Hall, diagonally opposite the State House, was in process of erection, and was deemed a wonderful structure. There were, besides, four seminaries, two market houses and a half-dozen hotels. James P. Drake, the genial host of the old Mansion house, well known to the legislators of other days, was now a General, returned from the war, and the old hotel was about to be rebuilt. East and to the rear of the State House was the residence of ex-Senator O. H. Smith, a fine, large, old-fashioned mansion, adjoining which (its counter-part in plan and appearance) stands in later years the home of the Vice-President, in which he lived and died.

The fall elections had resulted in the success of the Whig national ticket, the popularity of General Taylor overcoming all opposition. Indiana, however, remained Democratic, as the State had always been in Presidential years except when our own old Territorial Governor, General Harrison, was a candidate; and even now the Democrats took comfort from the fact that Taylor was "not an ultra Whig." It was also remembered that the old hero won his early fame as a soldier in Indiana, when at Fort Harrison, in 1812, he arose from his bed of sickness, his fort wrapped in flames and surrounded by savages, to make his heroic defense. The General Assembly was secured to the dominant party in the State. This was the more important, since it secured the election of another Democratic Senator to succeed Edward A. Hannegan. •

Both chambers of the Assembly convened on the 4th of December. George W. Carr was elected Speaker of the House of Representatives, and J. W. Dodd, Principal Clerk. The able message of Governor Whitcomb was received on the 6th. Like its predecessors, it reviewed the condition of the world in general, and was explicit on matters of national concern. It contained the following advice relative to the Mexican cession:

"The acquisition of territory has given rise to a question now occupying too large a space in the public mind to be passed over in silence. Its division into separate governments, and the establishment of the necessary organic laws, must occupy the early attention of Congress; and the question is, shall this territory hereafter be free or slave territory.

"Decided as the opinion of the people of Indiana is against the institution of human slavery, yet they have ever manifested a determination not to interfere with the constitutional rights of any of our sister States upon this subject. They love this glorious Union which was formed

by the Conscript Fathers of the earlier days of the Republic, and to which, under Providence, we are indebted for our present eminence among the nations of the earth. But the present question does not regard slavery in the States or in any State. It refers solely to the propriety of its existence hereafter in a territory now free. This territory has come to us free—it is now free, and it is my opinion that it should remain free, and that every constitutional and legal means should be adopted to continue it free. Nor do I think that our Southern brethren would, in that case, have any well-founded cause of complaint. Florida was ceded to the United States as a slave territory, and so it was suffered to remain; and the same remark will apply to the acquisition of Texas.”

Dropping down to Indiana affairs, the Governor explained the very gratifying financial condition of the State, cautioned the Legislature against extravagant expenditures, and protested forcibly against the recent enormous growth of special, local and “private” legislation. He desired to rid the State of all danger from the evils mentioned, and to that end suggested a new constitutional convention. Encouraging reports were submitted from the so-called “Benevolent” Institutions.

At the same time appeared a third annual message from that mysterious being, “One of the People.” The latter was in his happiest mood. The vote on the question of free schools had resulted in a majority of 16,636 in favor of the schools, the vote being 78,523 to 61,887. “One of the People” analyzed this vote, and pointed out the way in which the wishes of the people should be carried out.

The standing committees of the House were announced on the 8th of December. Mr. Hendricks was appointed chairman of the Committee on Banks—perhaps the most responsible position of the entire list, as the Bank of Indiana, with its branches, was one of the financial marvels

of the day, and was known and trusted from New York to New Orleans, its importance to the business interests of the State being inestimable. It was to have been anticipated that this appointment would fall to one of the oldest members, and one of the most experienced in finance and legislation. That it was given to the young, new member from Shelby, must have been due to the peculiarly clear, full and firm views which he expressed in his canvass. He was also a member of the Committee on Benevolent and Scientific Institutions, and subsequently he served on other special committees.

Mr. Hendricks opened the business of the session. Scarcely had the Speaker announced the committees and the order of business, when the member from Shelby rose and presented the following resolution :

Resolved, That this House proceed *instanter*, with closed doors, to the election of a President of the State Bank of Indiana, and that the Senate be requested to concur in this resolution.

Information was speedily returned from the Senate that that body concurred in the resolution, and the House at once proceeded to an election, with the following result :

For James Morrison, 53.

For Daniel Mace, 47.

Mr. Morrison was thus elected for a term of five years.

On the 14th of December the Houses convened to ballot for a Senator. James Whitcomb, the War Governor of Indiana in the conflict with Mexico, was the general choice among Democrats for the Senatorial office.

He was a scholarly man, of great natural abilities, and occupied the Governor's chair at an eventful time. He adjusted the State debt, and exerted a strong influence in favor of educational institutions, general and special—as, public schools for all and Institutions for the deaf and dumb and the blind—of hospitals and reformatory estab-

lishments. He was the author of the celebrated pamphlet entitled "Facts for the People," issued in 1843, which is pronounced by Woollen "the most effective treatise against a protective tariff ever written." This tract was republished in 1882, as a campaign document.

Governor Whitcomb was elected on the first ballot. The vote stood as follows:

For James Whitcomb.	75
For Edward A. Hannegan	15
For Caleb B. Smith	53
For John Law.	2
For Joseph G. Marshall	1
Blank.	3
	<hr/>
Whole number.	149
Necessary to a choice	75

Lieutenant Governor Paris C. Dunning succeeded to the Executive office.

Two days before this election, the Legislature had chosen a Secretary of State, after a protracted contest, the thirteenth and last ballot resulting as follows:

For Charles H. Test.	76
For David Reynolds	60
Scattering	11

Mr. Hannegan had been an active and noted member of the Senate. He was a man of brilliant parts, but erratic in his course and prone to dissensions. His denunciation of the British Government in the Oregon matter was such as might have been expected from one of Irish descent and fiery temperament. But his imprecation upon President Polk, similar in character, was not to be expected from a Democrat. Yet he made his peace with the President, and in the last days of his term was appointed Minister to Prussia, where he won little honor as a diplomat.

On the day following the Senatorial election, Mr. Hen-

dricks introduced a bill to submit the question of a constitutional convention to the people at the next State election, in the following August, thus taking the initiatory steps for calling into existence that notable body in which he was destined to win distinguished honor.

On the 19th, Senator Hendricks, of Jefferson county, a cousin of Thomas A., introduced in the upper Chamber a joint resolution of some interest, which was as follows :

Resolved, By the General Assembly of the State of Indiana, that our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions to procure the passage of a law to set apart a portion of the territory newly acquired from Mexico for the colonization of the free people of color of the United States.

Resolved, That, in the opinion of this General Assembly, eighty acres of land ought to be given to each person of color who will emigrate to the Territory aforesaid.

Resolved, As the opinion of this General Assembly, that the proceeds of the sale of any lands in said Territory, so set apart, after paying expenses of the sale for surveying and selling the same, ought to be appropriated for educating such free persons of color as may emigrate to such Territory.

Resolved, That the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

This humane resolution was favorably received in the Senate, though it failed of adoption by the Assembly.

The member from Shelby was intrusted with several matters of special legislation—some being the relief of individuals ; others, public improvements of a local nature ; and one, the incorporation of a society. All of these received his prompt and careful attention. His first considerable speech on the floor of the House was made on

January 4, 1849, when he presented a minority report of the Committee on Banks, signed by himself and two others, adverse to a proposition for the establishment of four additional branches of the State Bank. There were several good reasons for deeming the measure ill-advised and attended with risk, and these were ably presented. But the Bank was very apt to have things its own way, so far as they related to itself; and while Mr. Hendricks's report and speech received respectful consideration, they were not entirely effectual. The measure was adopted, though not until the original plan was materially amended. Subsequently he presented several reports of the Committee on Banks and one or two other committees, which were of value in directing legislation. He was one of the most careful and attentive members of the House, and labored earnestly in behalf of various bills of importance to the State.

The new school law was one of these. It was entitled "An Act to Increase and Extend the Benefits of Common Schools," and was approved January 17, 1849. It abolished the office of county school commissioner, provided for one school trustee in each district, and levied a tax of ten cents on the hundred dollars, together with a poll-tax of twenty-five cents and a special tax on insurance companies, for educational purposes. It made provision, moreover, for a special school tax for buildings, furniture and supplies, and also for a special tuition tax, to be levied by districts where desired by the people. It made the State Treasurer *ex officio* State Superintendent of Common Schools, and thus gave the system a head. A singular feature of this act was that in most of its provisions it was left to be ratified by each county for itself. In counties by which it should not be ratified, the old law was to remain in force. But for this unfortunate provision, which was fatal to the efficiency of the statute in the less progressive portions of the State, the measure was

an excellent one, closely resembling the school law of the present time. The principle of "submission" was popular in that day. Legislatures stood in awe of the people, and were fond of shifting from their own shoulders the responsibility for important measures.

Among the earliest acts of the session was one urged by a committee of which Mr. Hendricks was a member, declaring that tuition should be free to all the pupils of the Institution for the Deaf and Dumb. An act approved January 15, authorized the construction of plank roads by corporations. By a joint resolution of January 17, the Federal Government was requested to recognize the independence of Liberia; for a deep interest was manifested in the work of the Colonization Society at that time by the people of the West. It is interesting to note that the amount of a hundred dollars was voted for the old painting representing the Battle Ground of Tippecanoe, which work of primitive art in the Hoosier State is now carefully preserved in the Supreme Court room.

Mr. Hendricks's services as a member of the Lower House were fully appreciated by his constituents, but were decidedly distasteful to himself. The confinement was irksome. There was little active employment, compared with the work of a member of the bar. Law-making is necessarily slow and tedious. The work of the session, however, appears to have been accomplished with all due dispatch, and seemed to drag only because of the ardent, active nature of Mr. Hendricks, who was best pleased when engaged in business which called out more energy and celerity. He returned to his practice in January, thoroughly "out of politics," and devoted himself to his profession with greater assiduity than ever.

CHAPTER VII.

THE CONSTITUTIONAL CONVENTION.

At the August election of 1849, a majority of the voters favored the proposition for a Constitutional Convention. Accordingly the General Assembly, at its next session, arranged for the meeting of such a body in the following fall. By an act approved January 18, 1850, it was ordered that the convention should consist of one hundred and fifty members, to be chosen by senatorial and representative districts. The sum of \$40,000 was appropriated for its expenses. Shelby county was entitled to two members. Thomas A. Hendricks and James Vanbenthusen were chosen, the honor being in each case unsought, and the election without opposition. Mr. Hendricks was thirty-one years of age; his colleague, seventy-three. The one was in the vigor of youth; the other was bowed with years, but wise in experience and strong in counsel.

The Convention assembled in the hall of the House of Representatives at the capital on the 7th day of October, 1850. All but seven of the members were present, and to each the oath was administered by Judge Isaac Blackford, of the Supreme Court. George W. Carr, of Lawrence county, was elected permanent President; and William H. English, of Scott county (not a member of the convention), was made Principal Secretary, with R. M. Evans, of Fountain, H. G. Barkwell, of Perry, and G. L. Sites of Allen, for assistants. Samuel McKenzie was appointed Sergeant-at-arms, and Samuel J. Johnson

Doorkeeper. Among the more noted members were Schuyler Colfax, Horace P. Biddle, William S. Holman, Robert Dale Owen, John Pettit, George Berry, William R. Nofsinger, Daniel Read, David Wallace and John I. Morrison. The *per diem* of three dollars was but a nominal compensation for such services as were rendered, for the work of the Convention received the most faithful and earnest attention of all the delegates, many of whom were men of high ability and animated by enthusiastic zeal. The Convention was ably and speedily organized, and the work proceeded with few interruptions.

Mr. Hendricks was appointed to serve on two important committees, and was eminently qualified for the work of each. One was on County and Township Organization, Powers and Officers, and the other was on Finance and Taxation. The quiet firmness and the thoughtful prudence of the member from Shelby gave him in committee work an influence not possessed by older men and men of greater experience in state-craft. While he gave special care and study to this special work, his efforts were by no means confined to the framing and presenting of reports, nor in debate to the subjects which concerned them. Early in the session he engaged the attention of all by his eloquence, and like Colfax, became recognized as a leader. The work of the Convention was agreeable to him, and he realized its importance. He was a student of constitutional history and of law, and he fortified his position by arguments gained through diligent research.

Judge William S. Holman, who was his room-mate, recently referred to their manner of life as follows: "Three of us roomed together in a big, old-fashioned room, with a bed in each of three corners and a wash-stand in the other. The table was right in the center of the room, and there we used to sit. Hendricks was always the last one to get through talking law points and

studying law and constitutional history. His wife and little boy used to come down from Shelbyville to see him, and the last time he was here, about three weeks ago, he asked me if I remembered something the little fellow said." Mr. Hendricks is described as having been at this time a slender, spare young man, rather good looking, with heavy, flowing hair, and the clear, bright eyes which even in his old days distinguished him. He was fond of society, and was the center of many a social circle of the capital. It was a season long to be remembered in Indianapolis for its public festivities, and the hospitality of the citizens after the close of the Mexican war was especially warm and generous.

Early in the second week Mr. Hendricks offered the following resolution, which was adopted by consent:

Resolved, That the Committee on the Organization of Courts be instructed to inquire into the expediency of so amending the Constitution that the Legislature shall have the power of reducing the number of petit jurors in civil causes and upon trials for misdemeanors, and that a less number than the whole may find a verdict in such causes, and that a less number than the whole may find a verdict of acquittal in trials for felonies.

Eventually these matters were left to the Legislature, the Constitution simply guaranteeing "public trial by an impartial jury" in criminal prosecutions, and declaring that "the right of trial by jury shall remain inviolate in all civil cases."

On the 23d of October the Convention discussed a resolution relative to the abolition of the grand jury system. Mr. Hendricks took the floor, and reviewed the subject in a clear and forcible manner. This was his first considerable participation in the discussions. He spoke extemporaneously, with grace and animation. His speech revealed a thoughtful acquaintance with the philosophy of Anglo-Saxon jurisprudence. From the following ex-

tracts, something of the merits of the address may be gathered :

“ I hope, Mr. President, that the amendment, instead of the original resolution, will be adopted. The facts and arguments which have been urged against the grand jury system are entitled to great weight and consideration. I acknowledge their force, sir, and am therefore anxious for the adoption of the amendment proposed by the gentleman from Dearborn. But, sir, it is no difficult task to find faults and defects in the most perfect workmanship of man. All our institutions are, perhaps, imperfect. The grand jury system has many defects—defects, sir, that are the necessary consequences of its present organization and mode of proceeding ; its *ex parte* and inquisitorial action. These are defects from which it should be freed, or it should cease to be an institution of our country.

“ Gentlemen who advocated the grand jury system as it now is, and those who are in favor of its unconditional abolition, found their arguments upon its origin—its connection with and position in the judicial system of England. Arguments drawn from this source on either side can not be conclusive. Very different and weighty reasons require the continuance of the systems in England, which can have no force under our political institutions. With us the Judiciary is almost entirely beyond the influence of the Executive—the Judges, the court officers and the attorney for the State receiving and holding their offices almost independently of the Executive. With us the citizen can not be reached nor his rights impaired by the Executive through the Judiciary. But, sir, in England it is very different. The Judges hold their positions at the pleasure of the Crown, and the Attorney General is but the mouth-piece of the Executive, and dependent upon court favor for his position. In such a system the grand jury, composed of the gentlemen of the county,

who are beyond the power or the corruption of the court, upon whose charge alone the citizen is compelled to answer the King, is a safeguard to the liberties of the people—a bulwark of liberty standing between the throne and the citizen. Were I a subject of the British Crown, sir, I would fight for the grand jury—I would fight for it as it is, with its secret sessions, its doors closed against Executive influence.

“Reference has been made to the assizes held by Jeffreys, and the corruptions perpetrated by that Judge are used as an argument against grand juries. But, sir, I would ask, gentlemen, what would have been the condition of the people of the western part of England had there been no grand juries—no constitutional bulwark between them and the throne? Petit juries were brow-beaten and insulted, and forced by that minion of the Crown to find verdicts against their own convictions. The law and right were trampled under foot. The vengeance of the Court was to be visited upon the rebels who had followed Monmouth, cost what of law and right it might. But, sir, I ask, how much worse would have been the condition of the people if the King’s attorney could have put them on trial upon his information filed? With such a king as James, with such a judge as Jeffreys, with such an attorney for the Crown as James would select, where, I ask, would have been the liberties of the people? But, Mr. President, these reasons in favor of continuing the system with its present powers and modes of proceeding in England, do not have weight with us, and should not influence us to retain the system if we can obtain a suitable substitute. Complaints are made and fault is found with the grand jury system because it produces so many indictments and so few convictions. I should think that complaints of this character should be made against the law, for the matter complained of results from

the nature of our institutions, and the principle that it were better that guilty men should escape than that innocent men should be punished.

“There was one court referred to yesterday by the gentleman from Wayne, in which conviction was sure to follow the information. That court was the Star Chamber. I never heard or read of a single instance in that court where information was not followed by conviction. There the executive power had control not only over the officers, but over the court that tried the criminal—an illustration, sir, of the importance of a grand jury in a government of executive powers. The question before us is, how shall we have charges in the name of the State brought against a citizen? There must be some power in the State to do this. If, as is proposed, we abolish grand juries, then how are charges of crime to be preferred? Can we decide upon any other mode than by grand juries? Who will make the attempt to point it out? Is there any gentleman here who will say he has learning, judgment and experience enough to designate a plan which will answer for time to come, which shall require neither amendment nor alteration? I am in favor of the proposition of the gentleman from Dearborn, because if you place this matter in the hands of our legislators, and if they see fit to abolish this system they can do so, and establish in its stead some proper tribunal before which charges may be preferred by the State against the citizen in a manner more satisfactory, perhaps, than could be devised here.”

Acting upon the views of the young members from Dearborn and Shelby, the Convention finally agreed upon the following section:

“The General Assembly may modify or abolish the grand jury system.”

About a week later, Mr. Hendricks presented the re-

port of the Committee on Finance and Taxation, relative to a section prohibiting the Legislature from contracting State debts. In view of the unhappy financial experience of Indiana in the past, this subject was one of great interest, and subsequently in its discussion called forth one of his best efforts upon the floor.

The death of the venerable colleague of Mr. Hendricks, on the 13th day of November, caused a temporary adjournment after the passage of appropriate resolutions in his honor. Mr. Hendricks accompanied the remains to their last resting place in Shelby county, and returned to his labors with a heart saddened by real grief that his aged but congenial friend was gone. On the Monday following—the 18th—he rose in his seat and made the following address, which has been much admired for its simple beauty and unaffected grace :

“ Mr. President—Upon my return to the Convention, after a necessary absence of a few days, I find the seat of my colleague vacant. He has left us, sir, to return no more. He has been called from labor to repose. The transition is his gain—it is our loss. He died at his boarding house in this city, at half-past one o’clock on last Wednesday night. From the morning of the 10th inst. he complained of diarrhœa, but continued in the discharge of his duties as a member of this body until Tuesday ensuing. After the adjournment on that evening, he complained of increased illness ; and about ten hours before his death, the epidemic which carried him off so hastily was upon him. His sufferings were soon over, and he died quietly—as the good man, only, dies, who has no regrets when he looks back over the scenes of life and no fears when he looks forward into the great future.

“ Our deceased friend was a native of New York, born in Albany county in the year 1777. As a soldier he served his country in the war of 1812, and was connected

with some of the most exciting scenes of that period. In 1829 he immigrated to this State, and settled in the county of Shelby. Until called upon to serve in this Convention, he lived retired from public life, occupied in the cultivation of his farm. He asked of his fellow-citizens no official position, and held no office until he took his seat with us in this hall. I can give no higher evidence of the confidence of his fellow-citizens in him than that his nomination to this position was the free-will offering of his party, and that without his seeking he was selected to so important and responsible a position. In all the relations of life he was a true man—as a member of the benevolent orders of the country, in his political connections, as a citizen, and as a Christian—he was faithful to all his espousals. To his order, his party, his country and his faith, in their prosperity and adversity, their bright day and cloudy day, he was the same true brother, warm friend, zealous patriot, and unwearying Christian. At home he enjoyed the confidence and esteem of all; and in this body, I am glad to know, by his wise and prudent action he secured the regard and confidence of all with whom he became acquainted. Whilst all have cause to mourn that a faithful public servant has fallen at his post, I feel in the death of my colleague a personal loss. I had relied much upon his mature and ripe judgment for counsel in the discharge of my duties here. His circumstances in life were easy, and he left his family comfortably provided for.

“The death of my colleague having been heretofore announced in this hall, and the Convention having taken such action thereon as seemed appropriate, I have no further action to propose.”

Two days later, Mr. Hendricks joined in the animated debate on the proposition to prohibit the immigration of Negroes and mulattoes. To such immigration he was strongly opposed. Like his uncle, he was never a friend

to the institution of slavery ; and while the States of the North possessed no power or authority to prohibit it in the Southern States, he felt that the free commonwealths should not have any share of responsibility for the existence of that institution. For some years it had been the growing policy of the South to send the old, diseased and vicious of her colored population to the North ; and as the policy became more generally urged and adopted, the people of the States north of the Ohio became alarmed at the rapid increase of so unwelcome an immigration. After reviewing the question in its legal and constitutional aspect, Mr. Hendricks replied to his opponents and defined the reasons for his course, as follows :

“ Mr. President—I will not detain the Convention longer with further argument upon this branch of the subject, but will very briefly consider the question of the right and propriety of our preventing the further immigration of free blacks and mulattoes into our State, and notice some of the objections urged by those who oppose it. Those who favor this measure are charged with pandering to a pro-slavery sentiment. For myself, sir, in reference to this charge, I have only to say that I have no sympathy with the institution of slavery. My strongest prejudices are excited by any oppression of man. But let us examine this charge and see, if we can, which is the pro-slavery side of this question.

“ Two years ago, we heard it from these same gentlemen that the institution of slavery ought not to be carried into the free Territories—not because the number of persons held in bondage would be increased, not that slavery in one State or Territory would be any greater violation of man’s rights than in another, nor that the condition of the slave upon the banks of the Rio Grande would be worse than upon the Roanoke, but that the institution ought to be confined within its present limits until the number would be so increased that slave labor would be-

come unprofitable and the institution become unmanageable and fall by its own weight. The same argument has been urged against the Colonization Society—that it carries off the surplus and unprofitable black population from the South.

“The South, sir, in reference to the free black population, has adopted its policy—a policy which, in my judgment, is as shrewd as it is unjust. The Southern States prohibit such immigration within their borders. Kentucky drives them from her limits, and the other States require such security from the master, when he manumits his slaves, as in fact drives them out. The policy of the South is, that the whole black population which is not continued in servitude shall be driven out. This policy is adopted, not only to relieve themselves of the burden of this population, but to secure the permanency and vigor of their peculiar institution. And, sir, these gentlemen who oppose this measure now say that we must suffer the South to carry out her policy and throw upon us and our children the burdens of their institution; that we shall nourish the institution of slavery, that it may grow and have perpetual vigor. And yet they say that those who demand that the South shall bear its own burdens, and not throw them upon the North, are pandering to a pro-slavery sentiment. I say, sir, that these gentlemen, by their course upon this question, are lending ‘aid and comfort’ to the supporters of slavery.”

However mistaken were the views of the speaker, as judged from the standpoint of to-day, Mr. Hendricks was not only conscientious in expressing them, but was in unison with the general sentiment of the people of Indiana. The proposed section to which he referred was afterward separately submitted to the people, and ratified by a large majority.

On the 22d of November Mr. Hendricks advocated the proposed section prohibiting the General Assembly

from contracting a State debt, and requiring for such a measure a vote of the people. In the discussion the old question of a State bank arose, and Mr. Hendricks said :

When the vote was taken on the motion to strike out the latter part of the pending section on yesterday, I could not vote my sentiments. I could not do so because the remarks of the gentleman from Wayne and the speeches of other gentleman had had the effect to make the whole question turn upon that of the State's borrowing money to bank upon, and becoming a partner in the banking business. To this we were forced by the gentleman declaring that the clause prohibiting the Legislature from contracting a public debt except for the purpose of meeting a deficit in the revenue and for paying the interest on the public debt, etc., was designed to restrict the Legislature from ever connecting the State as a partner in any banking institution. Therefore I voted for the amendment to strike out all that part of the section which proposed that the Legislature might contract a public debt provided the law for that purpose was first submitted to the people and by them approved. For, sir, I am opposed to having the State in any way connected with a bank or banks as a partner. I am opposed to the State's having any connection in interest with banks. Let her have only a controlling power over any banks that may be established. In this I am confident that I carried out the will of the people, and that is what I shall desire to do upon every vote during the session of this Convention.

Replying to those who claimed that the people themselves were not to be trusted with the power to authorize a State debt, and who threw upon the people the responsibility for the ruinous system of public works, which he had opposed almost from boyhood, Mr. Hendricks said :

“ In the debate upon this question, gentlemen are con-

stantly reverting to the events of 1836. Even the gentleman from Posey has carried us back to the disastrous proceedings of that time, and tells us that that was one instance where the people judged wrong. But, sir, I say it was *not* the people. I contend that it was the politicians of that day who went astray and took the people with them. It was not the people who committed the blunder, but the Legislature; and the Legislature was governed by a system of log-rolling which bore down every opposing interest; and the people could not have been controlled by such influences as governed the Legislature. What use is there in pertinaciously declaring that the people were inflamed and excited, and that they involved themselves in the colossal debt which is now and for these years has been hanging over them? I tell you, gentlemen, the people never did it, and never will so involve themselves. It was the Legislature at whose door this whole scheme must be laid, with all its consequences. Then, sir, I say, let us restrict the Legislature by a provision that will forever prohibit that body from contracting a public debt; but let us not restrict the people, who are the source of all political power. Between the people and their representatives I draw a broad line of distinction. The one I regard as the proper subject of jealousy and restriction; the other, as being beyond the need and the proper province of constitutional restrictions."

Article X of the Constitution as adopted contains the following section:

"No law shall authorize any debt to be contracted on behalf of the State except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or if hostilities be threatened, provide for the public defense."

It was impossible that the Convention should complete

its work in the State House, since that building was needed for the session of the General Assembly. Various other places were suggested, and it was proposed to remove to Madison and to other towns. It was finally decided, however, to continue the Convention in the new Masonic Temple, across the way. While yet unfinished, this building was much better adapted to such use than the old hall of the House of Representatives had been, since it was commodious and possessed of good acoustic properties. It was a famous building in its day, and is associated in the memory not only with the Convention, but with Kossuth, Beecher, Greeley, Theodore Parker, Emerson, Alexander Campbell, Patti, Ole Bull, the Countess of Landsfield, Lucretia Mott, Lincoln, and many other famous men and women who lectured in its hall.

The Temple was of generous dimensions, extending on Washington street to the width of sixty-three feet, and on Tennessee street to the length of one hundred and ten feet. It was three stories in height, and built in the simple Doric style. The entablature of the front was supported by six massive columns, thirty-three feet in height, forming a grand portico. The sides and rear were finished with antæ of the same height. The entire entablature was heavy and rich. The surface of the building was covered with a composition resembling stone. The hall was nearly a hundred feet long and half as broad, with a paneled ceiling twenty feet above the floor. The windows were long and wide, admitting a flood of light and air, and opening upon the portico or upon iron balconies.

Among the most noted members of the Convention was Robert Dale Owen, who devoted his best energies to securing the adoption of a section guaranteeing to married women the right to hold property. In this he was opposed by Mr. Holman, who feared the effect of such a provision

upon the family relation. The latter gentleman subsequently presented a petition, signed by ladies of his county, praying for the adoption of the same provision. It was defeated in the Convention, but was embodied subsequently in an act of the General Assembly. Mr. Owen's religious views were the subject of much uncomplimentary remark, especially from Oliver P. Badger, of Putnam county. In reply he repeated the full text of Leigh Hunt's poem, *Abou Ben Adhem*.

Mr. Badger was much given to quoting scripture, and proved to his own satisfaction at least, that the Bible forbids woman the legal status which she now holds. Walter March, of Delaware county, advocated a reform of the legal practice and a codification of the laws, and was successful in securing a provision for such a measure. Horace P. Biddle strongly opposed the grand jury system, in the debate upon that subject. Schuyler Colfax desired to submit separately to the people a section conferring upon negroes the right of suffrage. John Pettit was perhaps the most voluminous speaker of all the members, and was certainly one of the hardest workers.

John I. Morrison, the most renowned of Indiana educators in an early day, was chairman of the Committee on Education. In accordance with the views of "One of the People," who presented a "message" to the Convention, he deemed it necessary to create in the State government a Department of Public Instruction. Overruled by the committee, he made a personal appeal to the Convention itself, and secured the adoption of the rejected section providing for the Superintendency—a section of which he was the sole author. The educational provisions of the Constitution, as finally formulated, are liberal, wise and comprehensive.

The discussions were generally characterized by great interest, and even now are fascinating reading, as recorded in the reports. There was a free play of humor,

intermixed with scenes of deep and solemn earnestness. Once, indeed, the Convention went into a committee of the whole for mere amusement, and devoted itself entirely to merriment, though there was method even in this madness. George Tague, of Hancock county, had been free to ridicule others. He presented a resolution "to abolish the common law of England," probably with the same purpose which Mr. March had in view, but without the ability to present the matter advantageously, as he was little versed in legal matters. A happy mood came upon all, as if by magic. The following extract from the proceedings shows how poor Mr. Tague was laughed down:

Mr. Gibson—I propose to amend the resolution by striking out the word "*of*," and inserting the word "*in*," so that it will read, "in England."

* * * * *

Mr. Anthony—Mr. Chairman, I propose to amend the amendment by adding to the resolution these words: "and forever to abolish logic and the mathematics."

* * * * *

Mr. Colfax—Mr. President, I would suggest that lest the discussion of this resolution might disturb the amicable relations existing between the Government of this county and the Government of Great Britain, it might be prudent for us to sit with closed doors.

Mr. Milroy—I move to amend the amendment by adding the following words: "And Queen Victoria and the Fugitive Slave Law."

* * * * *

Mr. Foster—Mr. Chairman, I offer the following amendment, to come in at the end of the resolution. The amendment was read by the Secretary, as follows: "And abolish the practice of manipulating."

* * * * *

Mr. Kilgore—I desire also to propose an amendment,

whenever it shall be in order, by adding these words: "And the chills and fever."

* * * * *

Mr. Hovey—I propose to amend the resolution by adding the following words: "And that the Chairman inform Her Britannic Majesty by telegraph that the common law in England is abolished."

* * * * *

Mr. Mather proposed to amend by adding these words: "So as to make hickory bark peel the whole year round."

Several of these absurd amendments were actually adopted, and the completed resolution was laid on the table, on motion by Mr. Pettit, who thought the diversion had been carried far enough. In these extravagances Mr. Hendricks did not join. It is due to Mr. Tague to say that his remarks on the proposed resolution were modest, direct and well expressed, and that they contained much good sense—though his resolution, of course, was not in form to be entertained.

On the 7th of January, 1851 Mr. Hendricks addressed the Convention in a masterly manner, delivering a speech which remains in record one of the notable American state papers on finance. The subject discussed was Banks and Banking. The speaker was opposed to free banking, and also to banks in which the State should be a stock-holder. In the State Bank system of his own commonwealth, he took an honest pride. Indiana was one of the few States which had solved the problem of banks under a State system, providing for the people a currency which was equally valuable in New Orleans, New York, and Indianapolis. All the thirteen Branch Banks, scattered through the State, were responsible for the failure of any of their number, but each retained its own profits undivided. When other States were flooded with worthless bills, the paper of the Indiana Bank was as reliable as the "green-

backs" of the Federal Government in later years. The creation of a vast national debt, in war time, furnished the basis for banks under Federal charters—for a system of "national banks," rendering such a system as that of Indiana unnecessary at the present time. Should the national bank system disappear and the national debt be paid, together, the occasion will be ripe for the establishment of a system similar to our old one in the nation at large. One modification Mr. Hendricks favored, for the old Indiana Bank stock was owned in part by the State, and to all such ownership he made objection. The speech of Mr. Hendricks on this occasion is reproduced in the second part of this volume. It gave him a wide reputation at once. It enlisted the earnest attention of financiers, at home and abroad. One is surprised, indeed, that so young a statesman should display so profound a knowledge of finance. In advocating his State system of "a bank with branches" and opposing free banking, Mr. Hendricks was only partially successful. The Constitution as adopted permits "a general banking law" and "a bank with branches"—both or either. Yet if banks under State charters become again an important factor in finance, there is little question that the latter plan will obtain.

The death of ex-Vice-President Richard M. Johnson occurred in the midst of the session, and resolutions appropriate to the event were at once passed by the Convention. It would seem that Colonel Johnson was a man of remarkable independence of thought and action. A typical Southron, while all the South was aghast at the suggestion of race equality even before the law, he was in advance of most Abolitionists in upholding the social equality of the races; and when the South steadily opposed aught that might result in northern annexations, fearing to turn the scale of political power in the Republic against the Southern States, he lent his

active sympathies to the Patriots in the Canadas in the uprising of 1837-9. For this last, the son of a Canadian exile deems it a privilege to lay a single wreath upon the tomb of the old hero. Peace to his memory!

The Convention adjourned February 10, 1851. Harvey Fowler reported its proceedings, and Austin H. Brown printed them in proper form. The volumes containing the debates are rare and costly, but have been much sought after in the years that have intervened.

A meeting of the survivors of the Convention was held at English's Opera House in Indianapolis, October 5, 1885. The venerable President, George W. Carr, was again called to the chair. Mr. W. H. English was Secretary, as of old. Elder Badger invoked the blessing of God, as in other days.

Many letters from absent members were read. A posthumous paper from John I. Morrison was produced, and speeches were made by several present. Vice-President Hendricks spoke as follows:

“The several States of our Union are endowed with all the powers that may be exercised by free and independent communities, which are not prohibited by their own Constitutions, nor by the Constitution of the United States, and which are consistent with their relations to each other and to the Federal Union. The work of revising a State Constitution consists mainly in declaring the rights of the people, in limiting and defining the powers intended to be exercised, and in prohibiting powers not intended to be exercised, rather than in creating rights or conferring powers not possessed. It will be observed, therefore, that the amendments made by the Convention of 1850-1 consist mainly in providing additional protection to natural rights, in removing restrictions therefrom, and in regulating the exercise of powers already recognized as existing. The Legislative Department exercises a discretion in its action far beyond that permitted to either

of the other Departments, even extending to their control in important respects, and therefore the amendments affecting it and its mode of proceeding were of special importance.

“As briefly as possible, I will endeavor to revive a recollection of the amendments made by the Convention. Under the old Constitution the sessions of the Legislature were annual. The laws were then subject to constant modification and repeal. Biennial sessions were substituted, with the authority on the part of the Governor to call extra sessions to provide for special emergencies. Experience has shown the wisdom of the change. Legislation has been more carefully conducted; the laws have become more stable; and the people have been able better to know what the laws are. It was also provided that no regular session should exceed sixty-one days in length, nor any special session forty days. At the time of its adoption this limitation was not, perhaps, too great; but experience now shows that it prevents the careful and thorough consideration of the constantly increasing subjects of legislation. This provision may be readily modified, under the clause providing for amendments. To promote care and integrity in legislation, provisions were made requiring every bill to be read throughout on three several days, unless the rule be suspended on the call of the ayes and noes; but on the final passage the rule can not be suspended; and a majority of all the members elected to each branch, voting on the ayes and noes, shall be necessary to pass a bill. No law may be amended by reference to its title; but the amended law must be set forth at its full length. Under the decisions of the courts, the last provision is of but modified value. It is often difficult to tell what is amended and what is amendment. The provision that no law shall embrace more than one subject is useful and important. It has stopped log-rolling in legislation; a meritorious

measure can not now be made to carry one that has neither merit nor strength.

“Among the best reforms of the new Constitution was that which forbade special legislation where general laws can be made applicable. Under it, special privileges have given way to public right, regulated by general legislation. The provision authorizing the Legislature to provide for suing the State does not appear to have been demanded by public sentiment. The Legislature has uniformly declined to exercise the power conferred. The amendments affecting the executive department of the State were less important. The official terms of the Governor and Lieutenant-Governor were changed from three to four years, so as to correspond with the biennial sessions of the Legislature, and those officers were made ineligible for more than four years in any period of eight years, and to any other State office during the term for which they were elected. The Judges of the Supreme Court were formerly chosen by appointment of the Governor and confirmation by the Senate, and the Judges of the Circuit Court by joint vote of the two branches of the Legislature. By the new Constitution they are made elective—the former by the people of the State, and the latter by the people of the circuit. They are ineligible to any other than judicial offices during the term for which they are elected. The Judges of the Supreme Court are required, upon the decision of every case, to give a statement in writing of each question arising in the record, and to make a decision thereon. The repeal of that provision would relieve that court of great labor, without, as I believe, any hurt to the public interest. Such regulation may be safely left to legislative discretion.

“The limitation upon the legislative power to confer original jurisdiction upon the Supreme Court, in the Constitution of 1816, is removed by a provision in Article VII of the new Constitution, and the Legislature is allowed

entire discretion on that subject. The duty was imposed upon the Legislature to provide for law reform, and promptly and faithfully was it discharged. The importance and value of the reform is felt in the rapid dispatch of business in the courts, in the relief from vexatious and bewildering technicalities, and in the increased certainty that justice will be done. Experience has shown the reform to be much more valuable than at the time was supposed. The Indiana code does honor to the Convention that imposed the duty to revise and simplify the practice and forms of the courts; to the Commissioners, who bestowed patient labor, great learning and excellent judgment upon its production; and upon the Legislature, for its prompt approval and enactment.

“The benevolent institutions of the State, the cause of education and the security of the common-school fund were wisely and permanently provided for. By a wise provision of the new Constitution, our State and county authorities have been prohibited from contracting any serious indebtedness, and the influence of that provision has been most salutary. Enterprise and development have advanced, and the people have accumulated wealth, relieved of the fear and danger of crushing taxation. Systems of State and free banking were provided for, and a well regulated State Bank was established, which for some years contributed largely to the success of our trade and commerce; but its currency has been wholly superseded by that of the national banks. The provisions on the subject of banking are substantially obsolete.

“An article prohibiting the further settlement of Negroes and mulattoes in this State was submitted to the people, separately from the other parts of the Constitution, and was adopted by a large vote. After the adoption of the amendments to the Constitution of the United

States the provisions of that article were inconsistent in spirit with the rights of the colored race, and the article was stricken from the Constitution of the State by an amendment subsequently adopted. By the old Constitution the right to vote was restricted to citizens of the United States. Under the new Constitution that right was extended to foreigners resident in the United States for one year, and in this State six months immediately before any election, and who shall have declared, under oath, their intention to become citizens. The mode of electing some of the State officers was so changed as to make them elective by the people, and changes were also made in their terms of office, and also in the terms of some of the county officers. Important additions were made to the bill of rights, in favor of individual right and the right of conscience.

1. No person shall be held incompetent as a witness in consequence of his opinion in matters of religion.

2. No money shall be drawn from the treasury for the benefit of any religious or theological institution.

3. The assessed value of private property shall be tendered before such property can be taken, except in the case of the State.

4. A reasonable amount of the debtor's property shall be exempt from seizure and sale.

5. The right of trial by jury is extended.

6. Privileges and immunities shall not be granted to one citizen or class of citizens, which, upon the same terms, shall not equally belong to all citizens.

“The new Constitution provides the mode in which it may be amended. Any proposed amendment shall be considered by the Legislature at two separate sessions; and if agreed to at both sessions, it shall be submitted to the electors of the State; and if ratified by them, it shall become a part of the Constitution. The people are made secure against hasty amendments. No proposition can

pass these ordeals without being thoroughly considered and well understood. Future amendments that experience may indicate, can be made in the manner provided, without much delay, without cost to the people, and with every assurance that it is wisely and well done.

“The amendments made by the Convention of 1851 extended to every Department, and have influenced every branch of the public service. The Convention “builted better than it knew.” Its work has borne the hard test of experience. We may judge somewhat of its excellence by the fact that during the thirty-four years that have since elapsed, but few amendments have been required; in all, I believe, but nine, and those mostly because of changes that have since taken place. Three of the latter amendments relate to the change in the legal status and condition of the colored race, made by the amendments to the Constitution of the United States. Another of the amendments was required to make the time of our general election agree with the time fixed by Congress for the election of members of Congress. The increased population of the State made it necessary, in order to defeat illegal voting, to fix by constitutional amendment a period of residence in the voting precinct before the right to vote shall be exercised. The increasing disparity in the fees and salaries of public officers made an amendment necessary so as to permit special legislation on that subject. It seems also to have been thought necessary to modify the language used in defining the judicial power. The last of the amendments was useful, but it did not relate to matters of interest to the State. It was a provision limiting the amount of taxation in cities and municipal corporations.

“By an amendment adopted in 1873, the Legislature is prohibited ever to recognize any liability of the State to pay the Wabash and Erie canal bonds. Thereby that question was forever put at rest. In scarcely a single in-

stance have the late amendments become necessary because of any defective or incomplete work on the part of the Convention of 1851. The Constitution then adopted stands almost without change or modification. Under its provisions the people have maintained local self-government in its highest excellence. In peace and in war its has guarded their rights, protected their interests, and promoted their welfare and prosperity.

“I congratulate you who are living, and I honor the memories of the delegates who are dead, for the perfect work done by the Convention.”

CHAPTER VIII.

MEMBER OF CONGRESS—FIRST TERM.

Mr. Hendricks entered upon his national career at a memorable period in our history. It was the beginning of a new half-century. It was a time for new measures and new men. The members of the illustrious trio in which all memories of previous decades center, were passing away. Calhoun had departed from earth in the preceding year, and Clay and Webster were nearing the portals of the tomb. As if to symbolize the change, new chambers were planned for the Congresses of the future, and the process of transforming the old Capitol into the vast legislative palace of to-day had already begun.

The slavery question, it was hoped, was settled—if not forever, at least for years to come. The great Compromise Measures of 1850 had been the work of statesmen of both parties, and Senators and Congressmen had vied with each other in support of them. Senator Stephen A. Douglas, of Illinois, was always fond of relating the story of this compromise; and since that story depicts the last dramatic scene in the legislation of the closing half-century, it is here given in the Senator's words:

“This country was agitated from its center to its circumference by the slavery agitation. All eyes in the nation were turned to the three great lights that survived the days of the Revolution. They looked to Clay, then in retirement at Ashland, and to Webster and Cass in the United States Senate. Clay had retired to Ashland, having, as he supposed, performed his mission on earth.

and was preparing himself for a better sphere of existence in another world. In that retirement he heard the discordant, harsh and grating sounds of sectional strife and disunion, and he aroused and came forth and resumed his seat in the Senate, the great theater of his great deeds.

“From the moment that Clay arrived among us, he became the leader of all the Union men, whether Whigs or Democrats. For nine months we each assembled each day in the council chamber, Clay in the chair, with Cass upon his right hand and Webster upon his left, and the Democrats and Whigs gathered round, forgetting differences, and only animated by one common, patriotic sentiment, to devise means and measures by which we could defeat the mad and revolutionary scheme of the Northern Abolitionists and Southern Disunionists. We did devise those means. Clay brought them forward, Cass advocated them, the Union Whigs and Union Democrats voted for them, Fillmore signed them, and they gave peace and quiet to the country.”

The Compromise of 1850 was very unlike the Missouri Compromise of thirty years before. The latter was a very simple one, consisting of but two provisions; Missouri was admitted as a Slave State, and it was agreed that all the rest of the national domain in the West which lay north of latitude $36^{\circ} 30'$ should be forever free. The new Compromise of 1850 was a complicated affair. It was rendered necessary by the annexation of Texas with indefinite boundaries and the acquisition of lands from Mexico at the close of the Mexican war, to all of which new territory the Missouri Compromise did not in terms apply. It took into consideration various disconnected subjects of dispute which had helped to estrange the sections. In view of its motley character, it was called an Omnibus Upset. The principal provisions of this Compromise were five in number, as follows:

1. California was admitted as a free State, in accordance with the wishes of her people, who of their own accord had adopted a free State Constitution.

2. Utah and New Mexico Territories were organized, and permitted to work their own will in the matter of freedom or slavery, being left without congressional restriction on the subject.

3. Texas was paid \$10,000,000 to relinquish her claim to a large region on the left bank of the Rio Grande, which was now to form a part of New Mexico.

4. The domestic slave trade was prohibited in the District of Columbia.

5. A more stringent law was enacted for the capture and rendition of fugitive slaves.

That California, if admitted, should be permitted, as a State, to regulate her own domestic concerns, was not strange, but was in exact conformity with the popular idea of the rights of the States. Utah and New Mexico, however, were not States, but Territories. There could be no "State sovereignty" in their case, and the term "popular sovereignty" was invented to characterize this exercise of power by a Territory. Such a course had been suggested in 1848 by General Cass in the celebrated "Nicholson letter," and had been advised by President Taylor in his only message to Congress, in 1849.

Taylor was a Louisiana slaveholder, but not a pro-slavery extremist. He was much influenced by Senator Seward, the anti-slavery Whig statesman of the Empire State. Vice-President Fillmore had been an anti-slavery leader of the same party in the same commonwealth, but became the leader of the more conservative Whigs at the capital. The feeling of rivalry existing between the two New York statesmen had its influence, doubtless, in making them chiefs of opposing factions. On succeeding to the Presidency through the death of Taylor, while the Compromise Measures were pending, Fillmore called

Webster to his cabinet, leaving Clay to be the last of the old trio in the Senate. The new President readily signed the various bills of the Omnibus Upset.

Thus, upon the leading questions which divided the people, the Whig Administration and leaders were in accord with the leading Democrats in Congress.

The career of Mr. Hendricks in the Constitutional Convention marked him as a suitable man to represent his district in Congress. That district—the fifth—was a large one, extending from Brown county on the south to Tipton on the north, and from Madison on the east to Hendricks on the west. It had been ably represented for many years by Jonathan McCarty, James H. Rariden, Andrew Kennedy, William J. Brown, William W. Wick and, again, William J. Brown. So extensive a constituency, including the State capital, demanded a candidate of more than local reputation and of superior qualifications. To enter the legislative councils of the Republic seemed to Mr. Hendricks a worthy and laudable ambition; and as his name was brought forward with enthusiasm by the Democrats of Shelby, he entered the lists with a determination to win.

The Congressional Convention was held at Indianapolis in the Senate chamber, on May 16. There was no end of candidates. One county presented six, and nearly every one had at least a single "favorite son." Thirty-two ballots were taken without result, and on the thirty-third the contest was terminated in favor of the young man from Shelby county. This, it may be remarked, was the last time that Mr. Hendricks ever secured a nomination against any considerable opposition. In every subsequent instance where he was chosen as a candidate for office, it was practically, if not absolutely, unanimous.

Colonel James P. Rush, of Hancock county, was nominated by the Whigs as his opponent, and exerted him-

self to make a strong race. It was a singular canvass. Scarcely any of the old questions which had divided the parties were longer living issues. For the Compromise Measures of the year before, both parties were responsible. The most unpopular of those measures in the North was the Fugitive Slave Law. As yet, the public indignation had not been fully aroused against it, but an influence was being brought to bear which would lash into fury the feelings of the masses in the Northern States. The wife of Professor C. E. Stowe, of Andover, was at that time conducting in the columns of the *National Era*—the anti-slavery paper at Washington—a fascinating serial story of “*Life Among the Lowly*,” portraying vividly the crimes and horrors attendant upon the system of slavery in the South. “*Uncle Tom’s Cabin*,” as it was called, was received with the highest favor at home and abroad, though, of course, it was condemned by the South. In subsequent editions it achieved a wider popularity and exerted a deeper influence than any other book of its class. The force of its influence was not strong in Indiana as yet, and the congressional issue was reduced almost to a choice of men.

A local incident of the canvass represents Mr. Hendricks as a “log roller” in a very literal sense of the term, and is related as follows:

Though the Central District, the back counties were in the back woods. The northern part of Hamilton and all of Tipton county were new. Journeying one day to fill an appointment in a neighborhood yet several miles distant, he alighted from his horse—the only means of navigation at all practicable in those days—to help a man who was doing the hard work of rolling logs. He was trying to accomplish the task (always difficult for one) of putting the third log on the top of two lying together. But with assistance it was easily executed. Mr. Hendricks, without explanation as to his purpose, mounted

and proceeded. That was at a point in Hamilton county. He was to speak that day in New Lancaster, Tipton county. The day after, he addressed a meeting at Boxleytown, in Hamilton county. The exercises concluded, a gentleman came forward and asked Mr. Hendricks,—
“Did you assist a man rolling logs [at such a place] day before yesterday?”

“Yes, I believe I did,” was the answer.

“Well, that settles it,” the interlocutor replied. “We allowed that it was you. The man who is neighborly enough to give that character of assistance, and so polite as to conceal the fact of his candidacy upon such occasion, is our man for Congress. That was my son-in-law. He and another son-in-law, my son, and myself are Whigs, but we have determined to vote for you.”

The returns from that precinct showed that Mr. Hendricks received four Whig votes. While his discourse may have aroused the Democrats, by log rolling he actually changed eight votes.

Mr. Hendricks was more than a match for the Colonel in popularity, and the district was moreover deemed reliably Democratic. The Democrats won. Their majority was between three and four thousand votes. In a few weeks the Congressman-elect made the journey to the Federal Capital.

The old House and Senate chambers were still used, though their abandonment for the newer halls had long been resolved upon, and the vast additions to the original edifice were then preparing. The Hall of the Representatives was the room now used as the National Statuary Hall. In shape it is a semicircle, with a chord of ninety-six feet and a half-dome rising to the height of fifty-seven feet. The old Senate Chamber, now the room of the Supreme Court, was of similar shape but of smaller size. Both halls were of peculiar interest to Mr. Hendricks, for in both the voice of his uncle had been heard through

busy years of legislation ; more than this, the very walls seemed to speak of all the greater orators and statesmen who had guided our nation's course from the earlier days of the Republic. Greenough's statue of Washington stood in its present place, facing the Capitol, and several of the great historic paintings were accounted old. The Executive Mansion appeared, in exterior at least, much as it appears to-day, though Mills's great equestrian statue of Jackson was not then to be found in the adjoining grounds.

The first session of the Thirty-second Congress commenced on the first of December, 1851. The Democrats had a good working majority. Linn Boyd, of Kentucky, was elected Speaker, receiving 118 votes of the 214 that were cast ; and John W. Forney, of Pennsylvania, was chosen to the Clerkship, receiving 128 votes. When the appointment of committees was announced, Mr. Hendricks's name was found upon two—the Committees on Mileage and Expenditures in the Treasury Department. Later, he was appointed one of a special committee of five to inquire into the firmness and stability of the foundations laid for the extension of the Capitol buildings. He was continued upon all these committees through the two sessions of the Congress. There was a lull in the slavery agitation, and the attention of the law makers was given largely to other matters.

Mr. Hendricks heartily supported the Senate Joint-Resolution of welcome to Louis Kossuth, the Hungarian exile, in the same month. It appeared at first that this resolution would be passed unanimously, for in Kossuth Americans saw a hero of their own pattern, who had dared to fight for the right of local self-government and against the despotism of the old monarchal system. The extreme anti-slavery men, however, turned the matter to their own account by making party capital of it, and coupled their eulogies of the great home-rule advocate

of the Hungarians with invectives against the slave-holders of America. This drove away some of the Southern support which the resolution might otherwise have had, and this opposition to the resolution was turned to still greater partisan advantage. The extremists would have been most pleased could they have been its only supporters, for in that event they could have claimed a monopoly of regard for representative government. It is strange that these very extremists, in later years, succeeding the war, favored measures which crushed out representative government in some of the American States, and substituted military control, establishing and continuing for years a state of subjection and humiliation similar to that which Kossuth had sought to terminate in Hungary.

In January, following, it was proposed to give the use of the Hall of the Representatives to the Colonization Society, as a mark of appreciation of the benevolent design of that organization. A motion to that effect was lost, to the regret of Mr. Hendricks, who missed no opportunity of showing his sympathy with the cause of human freedom.

The popular reaction against the Fugitive Slave law grew and extended, from day to day. Yet the Constitution declared unequivocally that a "person held to service or labor in one State, under the laws thereof, escaping to another * * shall be delivered up on claim of the party to whom such service or labor may be due." Loyalty to the Constitution required a fugitive slave law of some form. Faithfulness to a solemn agreement of compromise between the sections forbade its unconditional repeal. Even as late as 1858, when the defects of the law were more fully known and realized, ex-Congressman Abraham Lincoln, of Illinois, declared as follows:

"In regard to the Fugitive Slave law, I have never hesitated to say, and I do not now hesitate to say, that I

think, under the Constitution of the United States, the people of the Southern States are entitled to a Congressional Fugitive Slave law. Having said this, I have had nothing to say in regard to the existing Fugitive Slave law, further than that I think it should have been framed so as to be free from some of the objections that pertain to it, without lessening its efficiency. And inasmuch as we are not now in an agitation in regard to an alteration or modification of that law, I would not be the man to introduce it as a new subject of agitation upon the general question of slavery."

Such was the position of Mr. Hendricks in Congress. He had had no part in the enactment of the law, nor did it commend itself in all respects to his judgment. Yet he was resolved to abide by the Compromise of which it was a part. To test the sense of the House upon the subject, the following resolutions were presented, and brought to a vote on the 5th of April:

Resolved, That we recognize the binding efficacy of the compromises of the Constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours, individually, to abide by such compromises and to sustain the laws necessary to carry them out—the provision for the delivery of fugitive slaves and the act of the last Congress for that purpose included—and that we deprecate all further agitation of questions growing out of that provision, of the questions embraced in the acts of the last Congress known as the Compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless and dangerous.

Resolved, That the series of acts passed during the first session of the Thirty-first Congress, known as the Compromise, are regarded as a final adjustment and a permanent settlement of the questions therein embraced, and should be maintained and executed as such.

Mr. Hendricks voted for these resolutions, as did the majority of the House, the members opposed to the resolutions numbering, respectively, but 64 and 65 out of the 165 who voted—64 being recorded against the first, and 65 against the last.

It was scarcely to be expected that the young Congressman would make an extended speech in the first session; and it is probable that he had not intended to do so, until the discussion of certain measures which ever strongly enlisted his sympathies called him to the floor. Those measures related to the development of the great, unpeopled West. Mr. Hendricks viewed the subject from the standpoint of broad philanthropy and sound national policy. He desired to see the Americans a nation of land-holders—not of tenants. He desired to see the vast plains of the trans-Missouri rapidly peopled by the hardy sons of toil who formed the pioneer class in all the new settlements of the Northwest. He believed that the institutions of freedom were safe when in the hands of a population of land-holders, and that the virgin soil of America was the land destined of Heaven for the solution of social problems relating to evils handed down from former generations and almost ineradicable where deep rooted in old nations and commonwealths.

On the 27th of April he addressed the House upon the subject of the Homestead bill and railway land grants. Mr. Fuller, of Maine, and Mr. Averett, of Virginia, denied the constitutional right of Congress to devote public lands to the encouragement of internal improvements, the aid of education or public charities. Mr. Hendricks reviewed the history of land appropriations, and maintained by irrefutable arguments the constitutionality of such measures. He proposed a substitute for the homestead measure, which he deemed better suited to the accomplishment of the same purpose. He quoted the wise suggestions of President Jackson, and appealed to a con-

tinuous line of precedents which are, as he expressed it, "so numerous in every administration that they are as footprints along the pathway of the country's history." This speech, which is given elsewhere, made a profound impression, and doubtless influenced the succeeding legislation on the subject of Federal aid to education and public improvements by means of land grants.

On the 9th of June the death of Henry Clay was announced to the House, which immediately adjourned. The venerable statesman passed away at his chamber in the National Hotel. To the last, his thought was given to the welfare of his country. Senator Douglas called and discussed with him, in his last days, the measures of the late Compromise; and Clay expressed himself confidently that the principle of popular sovereignty must be observed in the future, as the true settlement of the slavery question. Douglas pledged him, at that death bed, to give his future efforts to the support of that principle. Joshua R. Giddings, the Abolitionist, called to make reconciliation with the departing Senator, and the widest differences of opinion were lost in the presence of approaching death. The nation mourned the loss of its most distinguished citizen, to whom the Presidency could scarcely have added greater honor.

The session wore on through the hot days of the summer. Late in July Mr. Hendricks opposed the appropriation of moneys to certain river and harbor improvements for which many of his party voted, insisting that such use of the public funds must be able to stand the test of rigid scrutiny.

Scarcely had Congress adjourned when Mr. Hendricks was required to make another campaign, for the new State Constitution had transferred the congressional elections to the even years and to the month of October. The new district consisted of six counties, and included the State capital, as before.

The Whig candidate, John H. Bradley, of Indianapolis, was a brilliant man of mature years, and a public speaker of rare power. He had not been nominated by a convention, but had announced himself as a candidate in response to a written request signed by three of his admirers in Indianapolis. The Whigs adopted him as their unquestioned choice, but refrained from calling a convention, in order that he might descant upon politicians and parties, and pose as a people's non-partisan candidate. He made a thorough canvass of Shelby county, speaking in each of the thirteen townships.

Mr. Hendricks had made but one engagement in Shelby, and was posted for a speech at Flat Rock on the day preceding the election. This was Mr. Bradley's opportunity. On the morning of that day he arrived in Shelbyville, and made immediate announcement of his intention to speak in the court house in the afternoon. Hand-bills and criers announced the speech, the former containing specific attacks upon Mr. Hendricks's record. A large rally had been adroitly worked up by the Whigs, and the town was soon filled with people. Something of a panic seized upon the Democrats. They had arranged no off-set to the enemy's advance, and it was too late to plan a counter demonstration. Mr. Bradley and his friends were correspondingly elated, confident and arrogant.

The news reached Mr. Hendricks in the forenoon at Flat Rock. He spoke, according to appointment, and determined to speak in Shelbyville on the evening of the same day. He had not planned any reply to Mr. Bradley. The address at Flat Rock, delivered in the open air to a large audience, was sufficiently fatiguing for a single day's work. Then there was a journey of several miles to be taken in the interval. Nothing daunted, however, he set out for Shelbyville as soon as he had received the congratulations of his hearers at Flat Rock.

Nearing Shelbyville, he met several of his friends who had come out to meet him, and who were pictures of dismay and chagrin.

After partaking hastily of a light luncheon, they repaired to the court room. Mr. Bradley was at his best, and was savagely attacking the Congressman when the latter entered. He avoided the slavery question, and sought to draw attention to other matters. He complained bitterly that some one had accused him of abolition tendencies, and characterized that person as a liar. As he applied the epithet he gazed fixedly at Mr. Hendricks, who had just entered the room. All turned their glance upon the young man who was the recipient of the unjustifiable fling, and the Whigs are said to have been "charmed, delighted and fairly intoxicated with the aggressive attitude of their candidate."

Mr. Hendricks received their focused gaze with imperturbable dignity, and with a self confidence which seemed to say, "Wait for *my* time to talk!" He waited with the utmost patience and composure until Mr. Bradley had concluded and had sat down, and then without hesitation ascended the steps of the platform. His speech upon this occasion was unlike any other effort of his life. Mr. Bradley had not appealed to the cooler judgment, but from the first to the last had inflamed the passions of his hearers, and had made the most of theatrical effects. Mr. Hendricks resolved to meet him with his own weapons. The apparent coolness of the moment before forsook him, and he seemed burning with indignation. For the only time in his life, he made ready for his speech by removing his coat. He sprang upon his opponent without ceremony, and fairly out-rivaled him in the use of invective and scorn. He told his hearers to vote against him if, after hearing his reply, they were not convinced of the wisdom of his votes on the measures

discussed. He took these up for consideration one at a time, stating in each case some explanatory fact, some important consideration, that had been concealed or omitted. One of the charges contained in the handbill was unfortunately stated, and as it appeared was not true in point of fact.

The opposition were overwhelmed, and the sympathy of the audience rapidly turned in the favor of the speaker. As Mr. Bradley had been accorded fair play, the Democrats were in position to demand the same, and Mr. Hendricks proceeded without interruption to the end, when his triumph was complete. To the former's sneers regarding "political nominations," the latter replied that he was the unanimous nominee of the representatives of many thousands of citizens, while his opponent had been nominated by three individuals—one a respectable druggist, one a citizen little known, and the third "a gentleman of leisure on the streets of Indianapolis." When the speaker made his summary of arguments in the review of each vote, he would say, "Does any one now disapprove of my vote?" and not a man made a rejoinder.

"Bradley left the court house a beaten man," says a narrator of this occurrence. "Almost frantic with rage and disappointment, he mounted a store box on the street, and vainly tried to rally his panic-stricken supporters with an incoherent rejoinder. Undue space, perhaps, has been given to this event of the campaign. But it was one of signal triumph for Mr. Hendricks, and illustrates the fact that his ablest efforts in public speaking were generally those which were extemporaneous and wholly unprepared."

The result was, that the ordinary Democratic majority in the county was nearly doubled for Hendricks, and he was returned to Congress by a very decided majority in his district.

It was the year of a national campaign. The Demo-

crats nominated gallant General Franklin Pierce, of New Hampshire, for their standard bearer. The Whigs chose the venerable General Winfield Scott, a hero of two wars. Both parties adopted platforms firmly upholding the Compromise Measures of 1850, though northern Whigs made it a point to "support the candidate and spit on the platform."

Slaveholders now began to discuss quietly the advisability of subordinating everything else to their special interests. Divided between the two great parties, they were a small minority in each. United as a solid South and attached to one, might they not control that one to their interests? Led by such considerations, many thousands of southern Whigs joined the Democrats of the South, the slave-holders naturally preferring to secure to their cause the historic party of the nation, though the Whigs had been more subservient to their will, and though a Democratic President had grasped the sword to demonstrate that we are a nation and to put down Southern Nullification. But the plan failed.

The slave-holders never became predominant in the party. True, they came into the Democratic lines by thousands in the campaign of 1852 and later. But this gulf stream met its counter current from the North. The General who rode down from the hills of New Hampshire led a mighty army of northern voters. Martin Van Buren, who had led the Free Soil Democrats to revolt against General Cass, four years before, now returned to his father's house and sat down in Tammany Hall. The Whigs carried but four States. Their disaffection in the North resulted chiefly from the approval of the Fugitive Slave law in the platform of the party. Yet Abraham Lincoln, of Illinois, continued to assert, "The Whig party is good enough for me and for you."

The reassembling of Congress found Mr. Hendricks in his place. He was a faithful committeeman and a close

observer of all the measures presented. On the 10th of February, 1853, he voted for a bill to organize a new Territory beyond Missouri, to be named Nebraska. The bill passed the House by a large majority, but failed in the Senate.

CHAPTER IX.

MEMBER OF CONGRESS—SECOND TERM.

The Thirty-third Congress was organized on the 5th of December, 1853. Linn Boyd was reëlected Speaker, and John W. Forney, Clerk. Mr. Hendricks's colleagues were Smith Miller, William H. English, Cyrus L. Dunham, James H. Lane, Samuel W. Parker, John L. Davis, Daniel Mace, Norman Eddy, Ebenezer M. Chamberlain, and Andrew J. Harlan. Mr. Hendricks was appointed Chairman of the Committee on Invalid Pensions.

A riot at Erie, Pa., which the local authorities seemed unable or indisposed to quell, obstructed transportation and travel, and excited the whole country. Strong resolutions were passed at a public meeting in Indianapolis. Mr. Hendricks presented these resolutions to the House in person, on the last day of the year, in a short but vigorous speech, in the course of which he remarked as follows :

“ Sir, this is not a matter of local interest and concern alone. It is not alone a question between the people of Erie and the railroad companies. New York has an interest in the question. Indiana and all the West is a party to it. It is now of national importance and consequence. The fact that the local authorities seem to sympathize with, if they do not abet, this great public wrong, gives it additional and thrilling interest and importance. If companies of six and seven and eight

hundred armed men had invaded our borders and impaired our internal commerce, stopped our mails and hindered the free intercourse of our people, the attention of the nation would at once have been arrested, and all the power of the Government commanded. Sir, the same article, section and clause of the Constitution which gives this Government the power to repel invasions confers the power and imposes the correlative obligation to suppress insurrection. * * I therefore move that the report of the proceedings of the meeting at Indianapolis be referred to the Committee on Military Affairs.”

Following the official and hearty reception of Governor Kossuth was another incident which was a cause of irritation to the Austrian government. Martin Koszta, also a Hungarian exile, came to America to reside, and was legally naturalized. Afterward traveling in the East, in 1853, he was seized by Austrian officers and placed in custody upon a frigate. Captain Ingraham, the intrepid commander of an American war vessel which was fortunately at hand, ranged alongside the Austrian frigate with decks cleared for instant action, and demanded the surrender of the prisoner. Koszta was released, under protest. The Austrian government made loud and bitter complaint of this act, and threatened hostilities. In America the course of Captain Ingraham was generally praised.

On January 11, 1854 Mr. Hendricks voted for a gold medal and for resolutions of approbation to be presented to the spirited commander in appreciation of his brave and timely act. Mr. Hendricks always upheld a firm and vigorous foreign policy. He referred to this incident in later years, as an exemplification of the proper course of the Government in maintaining the rights of American citizens abroad.

On January 26, 1854 he reported, as chairman of the Committee on Invalid Pensions, “A bill extending the

provisions of the pension and the bounty-land laws now in force, so as to include surgeons who served in the Mexican War for a period not less than six months, under contract with the commandants of the regiments;" also, a bill in relation to invalid pensions; also, the following bill, containing three amendments: "A bill to amend the third section of the Act granting bounty land to certain officers and soldiers who have been engaged in the services of the United States." It amended by giving bounty lands to those who served less than one month, and by giving the deceased soldier's elder children his bounty land where he left no widow or minor heirs. The third amendment was merely verbal.

It will be seen that, through his entire career, Mr. Hendricks was the faithful friend of the soldier, appreciating fully the debt of gratitude we owe to our nation's defenders, and providing, so far as possible, for every case that might otherwise involve a hardship to the soldier or his family. He desired the last named bill to be put at once upon its passage, and on presenting it made a telling speech, from which the following extracts are taken:

"The Commissioner of Pensions has decided that a certain class of widows can not get the bounty land which was intended to be given them by the law of 1850. The bill as introduced was intended to remove that difficulty.
* * It was clearly the intention of the law to give lands to widows according to services rendered by their husbands. The Commissioner construes that act to mean that the husband must have died in battle, to give the widow a land warrant. When the soldier of 1812 left his home to serve his country, his children were left to aid in providing for his family. Their services at home enabled the father to go into the camp and field. They are now adults, and by the law of 1850 they can not receive bounty land for the services of their deceased parent. Now I want to remove this inequality—this injustice—at

once, and I do not want to endanger the passage of so just a provision by sending it to the Committee of the Whole on the State of the Union. * * It extends the law so as to give bounty lands to the adult children of soldiers of the War of 1812 in cases in which those soldiers have left no widows or minor children to take the lands. The amendments go further, and provide that if a soldier entered the service of the United States and served the country, although it may have been for a less period than one month, he shall receive forty acres of land. That, sir, is right. The man who enlists, who leaves his home and abandons his business, ought to receive bounty land, even though the service may not have been to the extent of one month—the period prescribed in the law of 1850. Sickness may have caused his discharge; the war may have closed, so that he could not longer serve. His home and business have been abandoned, and the camp and field entered. He should receive the bounty of the Government, provided for the soldier.”

On February 10 he urged a measure of indemnity to his State for the failure of title to a township of land granted, on the admission of Indiana to the Union, in support of the State University. His efforts and those of his colleague, Mr. Dunham, were ultimately successful in this, although the measure was combated in the House at every step.

On the third of March he spoke upon the Homestead bill, as he had in the preceding Congress. Always thoughtfully guarding against exigencies which might distress the settler, and seeking to provide for emergencies, he urged a plan whereby, in case of necessary removal, the homestead-land-holder might perfect his title in a shorter period than the term stated in the law.

The first proviso of the second section of the Homestead Bill contained the following :

Provided, however, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of entry.

Mr. Hendricks moved to amend by adding the following:

Provided, further, That at any time after the expiration of one year from the date of such entry, the person who would be entitled to a patent if said term of five years were then expired, may pay the United States the sum of twenty-five cents per acre, and thereupon shall be entitled to a patent for said land.

He then took the floor and spoke as follows:

“I am in favor of giving lands upon easy terms to actual settlers. But I do not think the plan proposed in the bill is the best that could be adopted. It is not the most favorable to the settler or to the Government. Under the provisions of the bill, the settler must make his location and continue to reside upon and cultivate the land for five years without a title, the title in the meantime remaining in the Government. During these five years he is but the tenant of the Government. Without being the owner, he is required to spend his labor and money in the improvement of the land, and it matters not what changes in his fortune and circumstances may make him dissatisfied with his location or render it impossible for him to continue in it for the five years, if he abandons his location he loses all; the land with the improvements returns to the Government. During this term of five years he has no estate in the lands or in the fields he may have cleared or in the houses he may have built which he can sell to another. He can not labor with the same confidence and earnestness as he would if he had the patent in his pocket. I can not present the objections to any system that would make the people tenants of the land under the Government, with the power and elegance

displayed by the gentleman from Pennsylvania [Mr. Dawson], in his very able speech in favor of this bill.

“I will support the bill ; but I feel that the objections to which I have referred are weighty, and to obviate them as far as possible I offer the amendment. This amendment is based upon the principle that the lands should be given by the Government to the people, in limited quantities, for homes, at the cost price ; and that the title should be secured at once.

* * * * *

“Sir, the land does not cost the Government twenty-five cents per acre, but I propose that the settler pay at that rate. The quarter section will cost him forty dollars. The amendment requires that he shall establish that he is a settler in good faith, by a residence of one year upon the land. He may then pay the forty dollars and receive his patent at once. He is no longer a tenant of the Government, but a free-holder. He is then secure in the money and labor expended, and will work with a good will.

“In most cases, sir, the settler, will prefer paying this small sum and taking his title at once. The Government will be reimbursed. No wrong will be done to any section of the Union. With this amendment this bill, in my judgment, will be one of the great and beneficent measures of this day. Under its provisions the men of the country who wish to secure homes may make their location, maintain it for one year, pay to the Government forty dollars, and become free-holders. And those who can not pay that amount may continue their residence upon and cultivation of the land for five years, and have homes.”

On January 31 the House again adopted a resolution favoring the organization of a “Nebraska Territory,” and by a large majority. As before, it was opposed in the Senate. Archibald Dixon, a Whig Senator from

Kentucky, now demanded that the principle of popular sovereignty, as contained in the Compromise Measures of 1850, should be applied to the new Territory, and that the Missouri restriction should be in terms repealed with regard to it. In this the South joined, with invincible determination. To refuse to incorporate this provision would necessitate the indefinite postponement of all measures for the establishment of civil government beyond the Missouri, where life and property were left insecure and unprotected from depredations of savage Indians and murderous marauders. It would require a two-thirds vote in the Senate to extinguish the Indian title, and this could not be secured while the Missouri restriction should remain.

The central figure of the Senate at this time was Stephen A. Douglas, of Illinois, the leader of the northern Democracy and the popular idol of the West. He was not in doubt as to the sentiment of the people of Illinois on the subject of popular sovereignty in general. After the passage of the Compromise Measures in 1850, the Legislature of his State had repealed the Wilmot Proviso Instructions to Senators, and adopted the following resolution, which was in the nature of a standing instruction to Senators and a request to Representatives of the State in Congress :

Resolved, That our liberty and independence are based upon the right of the people to form for themselves such a Government as they may choose ; that this great principle, the birth-right of free men, the gift of Heaven, secured to us by the blood of our ancestors, ought to be secured to future generations, and *no limitation ought to be applied to this power in the organization of any Territory of the United States, of either Territorial government or State Constitution*, provided the government so established shall be republican, and in conformity with the Constitution of the United States.

And this had been the almost unanimous expression of the representatives of the people, having been opposed by only four members in the popular branch of the Legislature, and having received the hearty support of sixty-one. A similar resolution was passed by a similar vote in the State Senate.

It is a historical fact that the Compromise of 1850 had nullified the Missouri Compromise restriction with reference to a part of the Louisiana Purchase—the only part then under consideration. Had it been the intention of the Compromises of 1850 to nullify that restriction with reference to *the whole* of the Louisiana Purchase so soon as it should be organized? So thought Senator Douglas, though he had preferred the extension of the Missouri Compromise Line to the ocean, as a better means of settling the contention on the subject of slavery finally and forever. Since that could not be, in view of the opposition of Northern men to such extension, he acted upon the plan of the Compromises of 1850. He now presented a bill to organize *two* Territories to the west of Missouri—Kansas and Nebraska, leaving the question of freedom or slavery in those Territories to be decided by themselves. The bill declared “the true intent and meaning of this act” to be “not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.” As chairman of the Committee on Territories—a position which he had filled for several years, and in both Houses of Congress—Mr. Douglas reported the bill to the Senate on the 4th of January, 1854. It was considered in committee of the whole, and made the special order for the next Monday.

The necessity for some form of organization in the region designated was imperative, and not to be ignored. The country was enjoying a comparative rest from the

angry turmoil of the past, and it was deemed a patriotic duty to prevent the renewal of strife by any honorable means. It was hoped that this measure would banish any future controversy to a distant field, and that the dangerous shock of sectional contention would not again be felt at the capital of the nation. At the same time, it seemed manifest to men of the North, at least, that the anti-slavery sentiment was in the ascendant in America, and that little was to be feared from the popular decision in the new Territories. Immigration from the North was active; from the South it was slow. Northern immigrants were generally men of small means, working men, men of strong aversion to the institution of slavery. The transportation of slaves by wealthy Southrons to the new settlements was extremely hazardous to the possession of that species of "property." In the outcome, indeed, Kansas became free by the operation of the popular will.

The discussion of the measure was not entered upon at the designated day, but was postponed from time to time. On the 22d of January, which was Sunday, a handful of Senators and Representatives, constituting the extreme anti-slavery party in Congress, assembled secretly to prepare an address to the people, intending to forestall the popular judgment upon the measure before it should be explained or discussed at all in the Chamber. They appealed to public meetings, to the Legislatures of the various States, and especially to ministers of the gospel in all the churches, to interpose their influence in arrest of the measure, which was denounced in unsparing terms. By some, the appeal was signed in good faith. Unfortunately for the subsequent reputation of the document, the names of others were appended without authority.

On the following day, while the address was in press in a dozen cities, Senator Douglas called up the bill for discussion. Senator Chase, of Ohio, declared that there

had not been time to become acquainted with its provisions, and Senator Sumner, of Massachusetts, politely requested the postponement of the discussion for another week. To this, Senator Douglas assented. Ere another week had passed, the Sunday circular had done its appointed work. Denunciation was thundered upon the Senator and his bill from ten thousand pulpits. The people were startled, it has been aptly said, as by the peal of a fire bell at midnight. At innumerable public gatherings the author of the measure was treated with abuse and contempt. He remarked that he might have traveled from New York to Chicago by the light of his burning effigies. Considered with reference to its influence on subsequent history, this manifesto has scarcely a recorded parallel.

On Monday, following, there was a scene in the Senate which passes description. Douglas stood facing his accusers, like a lion at bay. His pent-up feelings burst all bounds, and broke upon the signers in a pitiless, overwhelming torrent. Senator Seward, of New York, whose name appeared upon the paper, made haste to deny that he had signed it. Senator Chase professed entire ignorance as to the way in which various names had been appended,* and made a fruitless attempt to

* Ten years later, the mystery of the Sunday circular was solved. Mr. Giddings published in 1864 his remarkable History of the Rebellion, in which (page 366) may be found the following statement of the matter: "Mr. Edward Wade, of the House, was sitting in the author's room, one evening, conversing upon the subject of Mr. Douglas's report. It was remarked that its result would be defeat to the Democratic party. Mr. Chase, of the Senate, came in and joined in the conversation. It was agreed by these members that an address to the people ought to be published. Mr. Giddings, regarding Mr. Chase as an accomplished scholar, proposed that he should pen the address. Mr. Chase suggested that if Mr. Giddings would put his thoughts on paper, he, Mr. Chase, would revise and correct them. Mr. Giddings wrote out the address and placed it in the hands of Mr. Chase, who corrected and re-wrote it. It was then submitted to Mr. Smith, who also made some verbal corrections and sub-

show that he had intended no disrespect to the Senator from Illinois. As Douglas proceeded to defend his position, his manner convinced the most skeptical that he was sincere and earnest in his professed belief. Subsequently, on the 3d of March, he spoke again with eloquence and power upon the measure, and, as before, carried his hearers by storm. Even Seward, against whom he had been severe, was moved to say, in making a suggestion :

“I hope the Senator will yield for a moment, because I have never had so much respect for him as I have tonight.”

Aside from its aspersion of the character and motives of Senator Douglas, the Sunday circular was unfortunate in its supposed statements of facts. Assuming that the Compromise Measures of 1850 did not supersede or repeal the Missouri restriction of 1820 in any measure, it declared that the territorial bills of the Compromise of 1850 “applied to the territory acquired from Mexico, *and to that only*. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits.”

Both New Mexico and Utah had been formed in part

mitted it to Mr. Sumner, who also examined and corrected it, and the paper went to press precisely as Mr. Sumner left it. * * It was signed by Senators Chase, of Ohio; Sumner, of Massachusetts; Hall, of New Hampshire; Messrs. Gerrett Smith, of New York; Hewitt, of Massachusetts; Giddings and Edward Wade, of the House. * * * The names of Senators Seward, of New York, and B. F. Wade, of Ohio, were also on the paper; but those gentlemen preferred not to appear before the public in that way, and erased their names before publication. Several members of the House who had signed the paper followed the example of the two Senators and erased their names before the address appeared in public.” The erased names appeared, however, appended to the published circular. Mr. Giddings does not say that these gentlemen ever signed it, but merely states that their names “were also on the paper.”

of the land purchased from France and known as Louisiana. New Mexico included, also, a large tract which the Government had purchased of Texas, and embraced an extensive region lying north of $36^{\circ} 30'$, which had been prospectively cut off from Texas in 1845 and added to the soil reserved to freedom by the extension of the Missouri Compromise line. Certainly the Missouri restriction had been repealed in the case of these lands at least, by the Compromise Measures of 1850.

Among the offensive expressions of the circular mentioned were the following :

“ We arraign this bill as a gross violation of a sacred pledge ; as a criminal betrayal of precious rights ; as part and parcel of an atrocious plot to exclude from a vast unoccupied region, emigrants from the Old World and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves.”

The paper abounded in such expressions as “ pretenses,” “ mere inventions, designed to cover up from public reprehension meditated bad faith,” “ servile demagogues,” etc., and in a postscript Senator Douglas was personally mentioned.

Such was the manner in which Senator Douglas was assailed for favoring a scheme to organize Territories without prohibiting slavery therein. Doubtless it will seem to the reader passing strange that Senator Seward and his political adherents should stand committed to the same policy, a few years later. Yet it is true that when the Republicans came into power in both Houses of Congress, they passed bills organizing the Territories of Colorado, Nevada and Dakota with no prohibition of slavery whatever. In his recent work entitled “ Twenty Years of Congress ” (Vol. I, pages 270-1), Mr. Blaine speaks of this “ extraordinary change of position ” in the following terms :

“It will therefore always remain as one of the singular contradictions in the political history of the country that, after seven years of almost exclusive agitation on this one question, the Republicans, the first time they had the power as a distinctive political organization to enforce the cardinal article of their political creed, quietly and unanimously abandoned it. * * * It was certainly a day of triumph for Mr. Douglas. He was justified in his boast that, after all the bitter agitation which followed the passage of the Kansas-Nebraska bill, the Republicans adopted its principle and practically applied its provisions in the first Territory which they had the power to organize. * * It was the apotheosis of Popular Sovereignty, and Mr. Douglas was pardonable for even an excessive display of self congratulation over an event so suggestive and instructive.”!!!!

Mr. Hendricks's support of the principle of popular sovereignty as applied to the Territories, was qualified. The decision of the slavery question by a Territory for itself, he did not hold to be a guaranteed constitutional right, to be demanded. Yet it seemed to offer the only practical solution of the problem in hand. However strong the probability that the principles of freedom would triumph with the exercise of popular sovereignty, there were serious objections to the measure. The bill had awakened painful apprehensions in the minds of Northern people. It was plain that the struggle on the frontier would be hotly contested. Numerous memorials were received in Congress from Indiana, and from various parts of the country, urging the defeat of the bill. But having made up his mind that it was the best that could be secured, and under the circumstances the only means to secure the imperatively demanded establishment of civil government in the far West, Mr. Hendricks

was not deterred by protests or by the prospect of future defeat, but gave the measure his support.

On the 16th of June, on the consideration of the Postal Bill, he expressed himself as opposed to the Franking Privilege and in favor of a low rate of postage.

The campaign was opened ere Congress adjourned. And now the agitation in the North grew day by day. Old politicians, lost to sight for years, emerged from 'obscurity to join in the chorus of denunciation and to be once more on the popular side. The pulpit continued to declaim against the Kansas-Nebraska bill, in the terms of the Sunday circular. Edition after edition of Uncle Tom's Cabin was exhausted. Schools and theatres reflected the general passion. As we look over the public addresses of the time, we find little intelligent discussion of the measure, but constant appeals to popular feeling. The reply of Douglas was unheard and unnoticed in the general uproar.

The Whig party dissolved. What was left of it in the South went over in platoons to the Democracy. Had not the latter been possessed of an immense membership in the North, the pro-slavery extremists would have succeeded in their plan of gaining control of the organization. Fortunately, even this great accession of members, united with the Democrats from motives of self-interest, could not over-balance the Democratic strength in the North. The northern Whigs were in a chaotic condition. Old distinctions were dropped in some States, and men were divided with reference to the new law.

Indiana contained many Free Soilers, a considerable party of Garrisonian Abolitionists, some advocates of the Know Nothing doctrine, subsequently more noted, and many dissatisfied Democrats who were ready to renounce party fealty. A union of all these heterogeneous elements, and of those who still doggedly called themselves Whigs, was effected, and a "fusion" State ticket was put into

the field. It proved to be a strong one. Erasmus B. Collins was at the head for Secretary of State, with Hiram E. Talbott for Auditor, and William B. Noffsinger for Treasurer; and Prof. Caleb Mills, the noted "One of the People," ended the list as candidate for Superintendent of Public Instruction. Opposed to Mr. Hendricks for Congress was Lucien Barbour, a talented lawyer of Indianapolis, who had been a Democrat, and who exerted himself to combine all the opponents of Democracy. As for Mr. Hendricks himself, he did not desire a re-nomination, as he had stated at the beginning of his second term; but the charge that he had misrepresented his constituents in voting for the Kansas-Nebraska bill, and the challenges made to him personally by the Opposition to defend his course, led him to accept the nomination which his party was eager to bestow upon him.

The Know Nothing movement, which was afterward to react upon the movers, grew rapidly in strength and numbers, and Mr. Barbour made his strongest appeals to the spirit which it evoked, finding that the Democrats were nearly unanimous in support of the Territorial bill.

Mr. Hendricks met the issue squarely. In his speech at Shelbyville, in the canvass, he used the following language:

"When the Democratic administration of Mr. Jefferson came in, liberal laws were enacted, and our young Republic said to the oppressed millions of Europe, 'Come, and cheap lands shall furnish you a home; come, and the flag of the free shall wave over and protect you; come, and just laws shall make you free.' They did come, and with them came the scholar, the artist, the farmer, the mechanic, and the laborer; and they brought no trouble upon our fathers, but much strength, and contributed largely to the development of the country. Our fathers were then only five millions strong, but they were not afraid for their liberties or for

their Protestant religion in the adoption of that policy. Since that day half a century has gone by, and our last census shows us to be a people of twenty-three millions, with a native white population of seventeen and three-quarters millions and a population of foreign birth of only two and one-quarter millions. Our foreign population, animated by a common sentiment of admiration for our institutions, have abandoned the land of their birth, and with their wives and children have settled down among us, making our fortunes their fortunes, our hopes their hopes, and our destiny their destiny. When have they refused to discharge any duty required by the Government? Do they not promptly pay their taxes, diligently labor upon the highways, faithfully serve in our armies, and valiantly fight in defense of our country? It is not true that our liberties or our religion are endangered by the presence of our foreign population.

“Our fathers intended to secure the liberties of the citizen, that the church and State should be separate, and that the church should not control the State nor the State corrupt the church. No test can be made by law whereby one class of men shall be promoted to office and another class deprived of office because of their religion. The Constitution prohibits it for the reason that such a thing ought not to be done.”

“The wave of political revolution,” remarks the editor of the Lancaster Intelligencer, “rose beyond the high-water mark of partisan folly in many States; and though it ebbed more swiftly even than it flowed, the ugly marks of its ascendancy were visible for many years, and the *debris* which floated on its crest is still to be seen scattered here and there in American politics.”

Defeat came to the Democrats of Indiana in October. The entire Fusion State ticket was elected, and Mr. Barbour was chosen to the seat in Congress. This was

Mr. Hendricks's first defeat, and he bore it with becoming dignity.

A single session of Congressional service remained. His diligence was unabated, and he wound up his labors in the House with careful and statesmanly attention to every measure. With the magnificent scheme of a Pacific railroad his name is connected, for he earnestly advocated that measure and promoted its interests in many ways. On January 17, 1855 he offered an amendment to the Pacific Railway bill, to strike out the provision for the Southern Pacific, expressing the hope that some one else would move to strike out the provision for the Northern Pacific. He regarded the construction of a triple line at once as an undertaking too vast to be successful, and wisely preferred to secure beyond question the success of a single line. Ere his term had expired, the surveys for the Central Pacific were ordered, and he had the satisfaction of knowing that the enterprise was secured.

CHAPTER X.

COMMISSIONER OF THE GENERAL LAND OFFICE.

At the close of the session of Congress, Mr. Hendricks returned to Shelbyville and resumed the practice of his profession, with little idea of re-entering the public service, at least for years to come. His wife busied herself in setting their home in order for a permanent residence. Summer passed, and for the first time in four years Mr. Hendricks was at that season disengaged from the cares attendant upon an approaching session.

Late in the season, one August eve, as he sat in his law office, the postmaster came by and handed him a letter. It was from the Executive Mansion, and was directed in the hand-writing of the President. With a puzzled expression on his features, Mr. Hendricks broke the seal. The envelope contained a commission, signed and sealed, appointing the ex-Congressman to the office of Commissioner of the General Land Office—one of the most important trusts in the power of the President to bestow. It would not be easy to depict the surprise of Mr. Hendricks at its reception. He had not sought any appointment at the hands of the Executive. The position was one which Abraham Lincoln had sought in vain of President Taylor, to whom he had rendered great service, laboring successfully to aid in securing the nomination and election of that hero. Even the services of Lincoln to the Whigs, and especially to Taylor, in 1848, and the entreaties of his friends, had failed to secure for him

the coveted appointment which now came unasked to Mr. Hendricks.

The latter did not at once accept. He wished first to learn the situation at Washington and the reason of his appointment; for he surmised that it was a compromise effected between rival claimants, and that it might be only at a personal risk that he could receive it. Mrs. Hendricks joined in his solicitude. After some discussion, it was agreed that the appointee should repair to Washington at once and investigate, leaving his wife to follow at her leisure in case of a final acceptance of the commission. Mrs. Hendricks bravely undertook to arrange the contingent settlement of affairs at home in the event of a removal to Washington. Arrived at the capital, Mr. Hendricks was not long left in doubt. The frank soldier-President assured him that the appointment was made on his own motion and for merit, and was not the result of a bargain or compromise. It was accordingly accepted.

Probably the appropriateness of this appointment had been suggested to the mind of the President by the thorough mastery of the subject of the public domain, evinced in the speeches of Congressman Hendricks, and the special interest which the latter had taken in all congressional matters relating thereto. It is not difficult to account for this interest. In boyhood Mr. Hendricks had witnessed and participated in the upbuilding of a new community, and as the son of a Government surveyor, had enjoyed a special insight of the workings of the public land system.

The office of Commissioner was as old as the Government itself. Until 1849 it had formed a Bureau of the Treasury Department. At that date the Department of the Interior was constituted, with the Land Office as a chief division. The Secretary of the Interior at this time was Robert McClelland, of Michigan, successor of the

Whig Secretary Alexander H. H. Stuart, of Virginia. The Department occupied the central (free-stone) portion of the present magnificent building, and the great marble wings were in process of erection at the time. The General Land Office was almost a Department of itself, and its Commissioner was scarcely second in rank and influence to a Cabinet minister. It would be difficult to conceive of a happier opportunity offered to an enthusiastic and patriotic man; and with memories of the hickory broom in his mind, Commissioner Hendricks turned to his new duties, which were to receive his attention and care for nearly four years.

Under preceding administrations the work had fallen far behind, and it was now nearly four years in arrears. There was a force of one hundred and eighty clerks—a number sufficient, with proper interest and industry, to perform the current work of the office. Yet that work was of astonishing magnitude. The number of patents issued and of records made, seemed almost incalculable. Government surveys were progressing far beyond the confines of civilization. In the vast plains beyond the Mississippi and the Missouri, and through the valleys of California, in the regions bordering on British America and on the plateaus bordering the Rio Grande, the theodolite and the chain, directed by the Land office, were running the lines for future settlements. Perhaps the most difficult part of the work was the adjustment of rival claims to lands; yet for this the new Commissioner was admirably qualified and prepared. Mr. Hendricks realized how vexatious must be to contestants the delay of decisions and to purchasers the withholding of patents. He determined to institute a reform. It required a degree of personal application and a strength of will which his predecessors had not shown, to bring it about; but it was accomplished. A secret of the Commissioner's success in the office was his personal acquaintance with the

clerks. There was none that he did not know and estimate by his own judgment as to qualifications. Where efficiency and zeal were shown, coupled with good character, there was no need to fear removal through pressure of the "spoils system." Where clerks were idle, careless, dissipated or untrustworthy, they were quietly but determinedly told that they must give place to new men. The work of each clerk was by a single general order increased twenty-five per cent., in order that the accumulation of delinquent work of the office might be reduced. Eventually, all the work was brought up until the office was but four months behind in its delivery of deeds and its return of decisions—and this was as small a delay as was deemed wise, for various reasons. No such reform of an office of such importance had ever been witnessed in the Government.

Nearly 400,000 land patents were issued by Commissioner Hendricks, and 20,000 contested land cases were decided. Many of the legal contests over the lands were of great importance, measured by the values involved. Rarely have any of his decisions been reversed by the courts. Once he was approached by a man of influence who offered him a bribe. Many an old-time clerk laughs to this day as he recalls the vigorous treatment the would-be briber received. The offense was not repeated.

One of the Commissioner's decisions gave great offense to a prominent Missourian, who never afterward concealed a feeling of hostility toward that officer. In the last year of his life the Vice-President secured for the son of the Missouri contestant a situation under the Government, a fact which shows that resentment had no place in his heart. The Commissioner's relations with President Pierce were of the most agreeable nature. The latter was in no wise dictatorial, but generous and ingenuous in character and liberal in views. All men had access to him. None were deceived by him.

While Mr. Hendricks was in the General Land Office, a new national party was organized. Its history commenced with the era of political preaching, in 1854. The secularization of the pulpit in America was phenomenal and lamentable. No other class of men possessed so great a measure of influence with the American people as the Christian ministers. This was due not only to the high character of their calling, but also to the fervency of their zeal, their uncomplaining self-sacrifice, and their pure and upright lives, rather than to the breadth of view in civil matters or to the political wisdom which, as a class, they might be deemed to possess. But from whatever sources derived, the power of the Northern pulpit was generally enlisted by the Sunday circular, and used with great effect to oppose the measures of Douglas. Three thousand and fifty ministers of New England were induced to sign a protest against the Kansas-Nebraska bill. To the Senator this was in the nature of a painful surprise. Toiling as he was, in the most difficult of all positions, to secure the best interests of the Republic, he had expected the good people of the North to hold up his hands; at least he had a right to expect that his motives would be appreciated, even though his measures were not sustained. Himself a devout church member, it was to him incomprehensible that a political manifesto, penned on the Sabbath, containing palpable mis-statements, and signed by men of more than heterodox belief and morals, could have influenced the ministry to such a degree. He declared at the time that the protest contained mis-statements, and that the ministers were doing themselves injustice by signing it. The pulpit answered by sending to the Senate a second protest from five hundred ministers of Illinois.

It was in the midst of this popular excitement that the submerged politicians of other days came forth from unkindly obscurity to ride upon a popular wave, in 1854.

The "Fusion" of that year became a perpetual union of all the parties concerned except the Know Nothings, who conducted the next campaign independently; and they also returned subsequently to the "Fusion," later known as the Republican party. The most incongruous constituents united against Douglas. "Of strange, discordant, often hostile elements," said Mr. Lincoln, "we gathered from the four winds." The first National Republican Convention assembled in Philadelphia in June, 1856. Henry S. Lane, of Indiana, an orator of surpassing eloquence, presided. Colonel John C. Fremont, the "Pathfinder," was nominated for the Presidency, his charming and brilliant wife—Jessie Benton, of historic name, the daughter of Colonel Thomas H. Benton—being a scarcely less important factor in the canvass than the nominee himself. All practical questions relating to slavery were waived, excepting the one question of slavery in the Territories—the very one which they disregarded, as Mr. Blaine shows, the moment they came into power. The old congressional restriction was demanded. And upon this platform the conservative Whig stood with the dissatisfied Democrat, the Christian minister with the free-thinker, Greeley's "long-haired, raving Abolitionist" with the defender of the Fugitive Slave law, the strong Union man with the advocate of separation from the South. "Free soil, a free press, free speech and free men," was the rallying cry of the new party. They made the most of the word *free*, employing it in endless reiteration. Its force as a catch-word was somewhat broken by the retort of their opponents characterizing them as "Free Soilers, Free-thinkers, Free-lovers and Fremonters"—a phrase which reminded them that the word *free* is subject to abuse exactly as other words are.

The Democratic National Convention of 1856 met in

Cincinnati, and adopted the following platform on the slavery question :

“The American Democracy recognize and adopt the principles contained in the organic law establishing the Territories of Kansas and Nebraska, as embodying the only sound and safe solution of the slavery question upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—non-interference by Congress with slavery in State and Territory or in the District of Columbia ;

“That this was the basis of the Compromises of 1850, confirmed by both the Democratic and Whig parties in National Conventions—ratified by the people in the election of 1852—and rightly applied to the organization of the Territories in 1854 ;

“That by the uniform application of this Democratic principle to the organization of Territories and to the admission of new States with or without domestic slavery as they may elect, the equal rights of all will be preserved intact—the original compacts of the Constitution will remain inviolate—and the perpetuity and expansion of this Union insured to its utmost capacity of embracing in peace and harmony any future American State that may be constituted or annexed with a republican form of government.”

Four years before, Douglas had been urged for the nomination, at the age of thirty-nine. He was still deemed too young to receive so high an honor. The choice fell upon James Buchanan, of Pennsylvania, a man of note through a number of administrations, having served as Congressman, Senator, Secretary of State, and Ambassador to the court of St. James. Irreproachable in his private life, he was yet cold, repellent and dictatorial in manner, and singularly lacking in frankness and directness. He had been hated and despised by both Jefferson

and Jackson. His boast in early life was that he had not a drop of Democratic blood in his veins, and his early associations were with the Federalists. All this was not remembered against him, for he had been apparently faithful to the party and to principle for many years; and though he had never exhibited any executive ability, much was hoped from his wealth of experience in public life.

Millard Fillmore also took the field, as the American, or "Know Nothing," candidate. The name by which his party was popularly known was not intended to indicate any want of intelligence on the part of its members. They were so called on account of their secrecy, which frequently led them to disavow to outsiders all knowledge of the organization. The intemperate utterances and threats of the extremist wing of the Republican party were goading the South to desperation. The secrecy and fanaticism of the Know Nothings were equally abhorrent to Democrats, who deemed their party the stay and hope of the Republic.

Mr. Hendricks visited Indiana to contribute his aid to the canvass, and dealt telling blows against both parties of opposition. He was now recognized as one of the ablest leaders in the State. Indiana again took her place in the Democratic column, the party electing its State ticket by a fair majority and casting its electoral vote for the nominees of the Cincinnati Convention. It was a day of young men in the Hoosier State. The eloquent Ashbel P. Willard was chosen for Governor, at the age of thirty-six, and John C. Walker had received the nomination for Lieutenant-Governor at twenty-eight—less than the required age.

No one of the Presidential candidates received a majority of the popular vote. Mr. Buchanan was elected; and though he received the votes of but four Northern States, two-thirds of his popular support came from the

North. The new Secretary of the Interior was Jacob Thompson, of Mississippi, who took early occasion to assure the Commissioner of the Land Office that he was not to be superseded. The latter accepted the reappointment, being deeply interested in working out the reforms which have been described, and arranged for a long stay at the capital.

Mr. and Mrs. Hendricks occupied suites of rooms at one or another of the leading hotels of the city, as they had during the terms of his Congressional service, and pursued the same unostentatious manner of life as before. Their parlors were always open, and were a favorite retreat of the most distinguished members of Washington society. Senator Douglas was a frequent guest and a most genial companion of the Commissioner, and many family reminiscences are preserved of that remarkable leader in his hours of social enjoyment and unbending from his cares of statesmanship.

Mr. Hendricks had the welfare of his clerks at heart to a greater degree than is often witnessed. Employment in the civil service was notably precarious; and while it frequently offered young men an opportune assistance to prepare for professional life, it was to be considered a means rather than an end; it could hardly be called a permanent vocation. Encouraging those of his clerks who were professionally inclined, to pursue studies in law, he himself organized a law school at the Department, and conducted it in the evenings. It was a thorough success. Many of its members have attained to eminent rank in the profession, and all received incalculable benefit from the Commissioner's disinterested labors. At one time they forced him to accept a silver purse of gold coins, much against his will, as he rejected all offers of compensation. During much of his life in the Land Office, Mr. Hendricks was a sufferer from malarial fever and some other disorders. For two or three

years, at least, he was confined to his room for weeks at a time.

The relations between Mr. Hendricks and the President were not of the most agreeable character. The latter arranged for several changes in the Land Office, desiring the resignations of efficient clerks to make room for new appointees. The Commissioner would not tolerate any interference with the office, claiming that it is a sound rule of civil service that the chief of each bureau be made fully responsible for the work under his charge, and that offices of the Government should be conducted on business principles. When the President was disposed to be firm, Mr. Hendricks stated that if resignations were wanted, his own must be among the number. Unlike his successor, Mr. Lincoln, who used to complain comically and in perfect good humor that he had no influence with his Administration, Mr. Buchanan was deeply chagrined at his failure to control the "patronage" of the Land Office. Yet for various reasons he did not feel disposed to accept the resignation of the Commissioner.

The Administration of President Buchanan was not successful. It was as complete a failure as that of President Tyler, and exerted a like influence upon the fortunes of the party which called it into existence. While Mr. Hendricks, as Land Commissioner, was solving his own problems, and was not involved in the President's errors, a review of the unfortunate Imbroglio is necessary to an understanding of his subsequent course.

The campaign of 1856 was fairly won upon the principle of popular sovereignty. If any one was deceived, as has been freely alleged, it would seem that he had himself to blame. It is difficult to imagine how the right of the people of a Territory to decide for themselves the question of slavery or freedom could have been more clearly stated than it was, in both the North and the

South. Buchanan said in his letter accepting the nomination for President :

“ This legislation is founded upon principles as ancient as free government itself, and in accordance with them has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits.”

The Vice-Presidential candidate, Mr. Breckenridge, said at Lexington, Ky., June 9th, replying to the congratulations of his neighbors and friends :

“ The whole power of the Democratic organization is pledged to the following propositions: That Congress shall not interpose upon this subject (slavery) in the States, in the Territories, or in the District of Columbia ; that the people of each Territory shall determine the question for themselves, and be admitted into the Union upon a footing of perfect equality with the original States, without discrimination on account of the allowance or prohibition of slavery.”

From the inauguration, the Administration was committed to the doctrine that the people of a Territory had no such power, and that even Congress had no right to confer such power upon them ; that it was only when forming a State Constitution that the people might decide the question of freedom or slavery ; that during the whole period of Territorial existence, to its very close, masters could not be prevented from taking their slaves to any Territory and holding them there in servitude. Thus was the very principle on which the election was carried “ kicked to the winds,” as Mr. Lincoln expressed it, as soon as it had accomplished the purpose of the candidates.

The occasion for this great and lamentable change is to be found in a most notable decision of the Supreme Court. The Missouri Compromise had never been very rigidly observed. Six counties had been added to the

Slave State of Missouri, in 1837, from the land declared to be "forever free", and filled with slaves. In all the period from 1820, army officers, Indians, missionaries and others had occasionally held slaves. One of these, named Dred Scott, had been held in servitude at Ft. Snelling (Minnesota), then taken to the free State of Illinois, and finally carried by force to Missouri and sold. In Missouri he came to the ownership of Rev. Dr. Chaffee, of Massachusetts, a Republican member of Congress. He had sued for his freedom in St. Louis, while held by a Mr. Sandford, and the State Court declared him free. The cause was carried to the Supreme Court of the United States; it was still pending when the election of 1856 occurred. Few causes in the history of American jurisprudence have had so many and peculiar features of interest.

Personally, the suit mattered nothing now to Scott, for his freedom had been already determined upon by Dr. Chaffee. The object in prosecuting it was to establish a principle. The prosecution and the defense were in the same hands. The "poor Dred Scott" whose noble stand for liberty aroused the sympathies of millions, and whose supposed despairing return to life-long bondage drew tears from the eyes and wrung the hearts of the sympathetic throughout the North, was not, like good "Uncle Tom," a moral hero, but if report be true, a dissipated man who was little alive to the tremendous interests involved in his suit. Divested of its reference to the man Dred Scott, and considered as involving the rights of men to liberty, the cause of Dred Scott was one in all respects worthy of the breathless interest with which its decision was awaited.

Upon that decision volumes have been written, and reviews without end have been made. The Court decided that it had no jurisdiction in the case, since Scott was

not a citizen, as the descendants of Negro slaves could not become citizens of the United States. Doctors of law tell us that this was *all that was* decided in the case. However, the Court gave its opinion upon other points. In some of these the Chief Justice was well sustained; in others he was not, and the conflicting opinions of the Justices involve the case in almost inextricable confusion. But it was held by a majority of the Court that slaves were property; that the Missouri restriction had been illegal through all the years of its existence, since it was an interference by Congress with the rights of citizens migrating with their slaves.

George Bancroft, the historian, himself a Democrat, briefly but severely reviewed this decision, not in its exact terms, but in its effect as he understood it, in his memorial address on President Lincoln, February 12, 1866. In a manner characterized by peculiar earnestness and solemnity, he said as follows:

“The South * . * knew that a fair competition foreboded its defeat. But where could it now find an ally to save it from its own mistake? What I have next to say is spoken with no emotion but regret. Our meeting to-day is, as it were, at the grave, in the presence of eternity, and the truth must be uttered in soberness and sincerity.

“In a great republic, as was observed more than two thousand years ago, any attempt to overturn the State owes it strength to aid from some branch of the Government. The Chief Justice of the United States, without any necessity or occasion, volunteered to come to the rescue of the theory of slavery, and from his court there lay no appeal but to the bar of humanity and history. Against the Constitution, against the memory of the nation, against a previous decision, against a series of enactments, he decided that the slave is property; that slave property is entitled to no less protection than any

other property ; that the Constitution upholds it in every Territory against any act of a local Legislature, and even against Congress itself ; or, as the President for that term [Buchanan] tersely promulgated the saying, ‘ Kansas is as much a slave State as South Carolina or Georgia ; slavery, by virtue of the Constitution, exists in every Territory.’ * * Moreover the Chief Justice, in his elaborate opinion, announced what had never been heard from any magistrate of Greece or Rome ; what was unknown to civil law and canon law, and feudal law, and common law ; unknown to Jay, to Rutledge, Ellsworth and Marshall—that there are ‘ slave races.’ ”

The decision was made. What next? There were three courses that might be pursued. The President, Congress and the people might receive the decision in its extreme pro-slavery interpretation as a “ Thus saith the Lord,” an end of all controversy. They might act upon it publicly and privately, and conform their views of moral and political obligation to it. This was the course favored and acted upon by President Buchanan.

Again, even if the extreme southern interpretation of the decision were held to be the correct one, a wronged nation might find refuge in the doctrine of President Jackson, as expressed in his message accompanying his veto of the Bank bill. Jackson held that neither the President nor Congress could be coerced by the Supreme Court, since they were co-ordinate branches of the Government ; and that those who took the oath to support the Constitution were bound to support it as they understood it. Acting upon this view, citizens might continue to vote against slavery in the Territories, Congress or the Territorial Legislatures to prohibit slavery in the Territories, and the President to sustain such legislation, in spite of the dictum of the Court. This was the course advocated by Abraham Lincoln.

A third course was to reject the interpretation of ex-

tremists, and to reconcile practically the Dred Scott decision with the principle of popular sovereignty. This was the course of Douglas. The Court had decided that slaves were unqualified property, and on the same footing, constitutionally, with other property. But Douglas claimed for the Territories the right to legislate *concerning property*. Liquors are property. Gambling stock is property. Admit, for argument's sake, that slaves are property. The Territorial Legislature has the power to prohibit the use of such property. It may not prevent owners from holding such property *in transitu*, but it can prevent the use of it in any profitable way, and refuse the measures of special fostering and protection without which slavery, at least, can not exist for a day. It may enact hostile legislation, which will actually and positively exclude slavery, leaving only the useless right of transit to the property in question. So argued the Illinois Senator. Regarding the error of the Supreme Court as one of theory, which could work little or no practical harm, and deeming the public vituperation of that tribunal a harmful and useless course, he refused to argue the case before the people—"to appeal from the Supreme Court to a town meeting," as he expressed it. But he never wavered an iota in his allegiance to popular sovereignty.

It is a little singular that there were three equally distinct and separate views as to the origin and extent of Federal power in the Territories. The Constitution contains the following provision (Art. IV., Sec. 3): "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The advocates of congressional prohibition of slavery in the Territories, referred with all confidence to this clause, as giving to Congress supreme power in the premises. Judge Taney and the Court set forth the astounding theory that this clause applied only to the territory owned by the

United States at the time when the Constitution was adopted, and had no force whatever relative to the Louisiana Purchase or to any other territory subsequently acquired. Judge Douglas held that the clause *did* apply to *all* the Territories of the Union, but conferred upon Congress powers relating only to territory as public property, before it was sold to individuals—not to persons and communities; that Congress could establish local governments and invest them with powers which Congress itself could not constitutionally exercise; that Congress had no right to interfere with the internal policy of the people who might reside upon lands which the Federal Government had sold to them; that the exclusion of slavery from the Territories was not one of the powers conferred upon Congress.

The Territorial elections in Kansas had been carried by the pro-slavery faction, through a system of organized violence and fraud. Conflicting reports from the scene of outrage, and evidence of lawlessness on the part of both the warring factions in that remote region, had rendered the situation for a long time doubtful. And now, however palpable the usurpation of the pro-slavery Legislature, its supporters had the moral support of the Supreme Court for its measures, and boasted that they claimed only what belonged to the people by Constitutional right; and the President encouraged this claim. However, it is a fact that there were fewer slaves in Kansas under the spurious pro-slavery legislation than there had been years before. For as the Missouri Compromise legislation had had no penalty attached for its violation, it had not in fact prohibited the extension of slavery.

Since none of the "elections" of either party in Kansas had been legally conducted, Douglas looked for a new and valid expression of the popular will in the vote on a proposed State Constitution. That there should be a submission of the question of slavery or freedom and

of other matters to a fair, untrammelled vote, was promised by Mr. Buchanan, and Mr. Douglas continued to support him through the summer of 1857. The President broke faith with the Senator. When it was proposed, in December, to admit Kansas as a Slave State, without such submission, Judge Douglas determined to oppose the measure, even though he should have to stand alone. It was a brave and noble stand; but it was perfectly consistent with his record.

The popular sovereignty of Kansas was in favor of freedom. As the recognized guardian of that principle, he determined to support the Free-State party in the Territory. He called upon the President, to state frankly his purpose. The haughty Chief Magistrate was astounded that Douglas should dare to oppose his power, and admonished the Senator that it would be the ruin of the latter, recalling the political fate of the Democratic opponents of Jackson's Administration.

"Mr. President," said Douglas, "General Jackson is dead. Good morning."

The Lecompton (slave-State) bill was defeated in Congress, the Douglas men and the Republicans uniting their forces against it. Douglas was bitterly reproached for "voting with the Republicans." But the New York Tribune stated the case more truly by saying that the Republicans voted with Douglas. They certainly came to his platform, for they opposed the Lecompton bill on the ground that it was contrary to the will of the people of Kansas. The Lecompton iniquity having been defeated, it was now in order to submit the proposed slave Constitution to the vote of the people of Kansas. A Conference Committee of both Houses brought forth the English bill, providing that the proposed slave Constitution should be thus submitted, and that Kansas should be admitted under it, if it should be ratified; it was also provided that, in the event of the rejection of this proposed

Constitution, Kansas should remain a Territory until she should possess a population sufficient to entitle her to a Representative in Congress on the numerical basis of apportionment. Douglas, it was thought, could not consistently oppose this last provision, since he had always held it to be "a sound rule" to require such a population as a condition of the admission of any Territory into Statehood. But to Douglas the bill did not commend itself. Kansas was offered admission as a slave State with a population of 35,000, but denied admission as a free State until she should have a population of 93,420. "Whenever Kansas has population enough to form a slave State," said Douglas, "she has a population sufficient to form a free State." The English bill passed, however, April 30, 1858. On the 3d of August the popular election was held in Kansas, and the proposed slave Constitution was defeated by 10,000 majority. A systematic course was now adopted for suppressing the Douglas doctrine of popular sovereignty, in the interests of slavery. Friends of Douglas were proscribed in all departments of the Government.

The State canvass in Illinois in 1858 was characterized by peculiar interest. A Legislature was to be chosen, which would elect a successor to the Senator. Encouraged by the hostility of the Administration to the Douglas Democracy, the Republicans took heart and entered the field with admirable skill and strong hopes of victory. To prevent local divisions, their candidate for the Senate was nominated in advance. It was Abraham Lincoln who received this honor—their strongest man. Every postmaster and other Federal officer in Illinois was given to understand that his place depended upon his hostility to the Democratic leader. This hostility extended to the followers of Douglas, who constituted an overwhelming majority of the party. The State Convention was composed entirely of Douglas men, the Administration party

having been defeated in every county of the State. But a new Convention of Federal office-holders was called, to insure Democratic defeat. The popular debate between Lincoln and Douglas, conducted throughout the State, was perhaps the greatest contest of its kind in history.

It did not seem, at first, that there was much to debate about. Freedom in the Territories being the end desired, it was a matter of less importance whether it were secured through the exercise of popular sovereignty or through congressional enactment, so that it were secured in fact. The New York Tribune, seeing the force of this argument, had advised the Republicans of Illinois not to oppose Douglas, but to have all friends of Territorial freedom united under one banner and one leader. Mr. Greeley did not realize that Douglas needed no Republican votes—that his party firmly supported him, in spite of the opposition of the Administration. Mr. Lincoln saw the impossibility of making a strong issue on the mere question of means for securing the same end—the freedom of Kansas. He was shrewd enough to change the issue. The *States* are in danger, he cried. What is to prevent the Supreme Court from making a *second* Dred Scott decision, declaring that the *States* can not constitutionally prohibit slavery? Of course, such a question was entirely unanswerable, as it always must be. Referring to the principle of popular sovereignty, he labored to spread the suspicion that the Democratic leaders of the North had never intended to carry it out in good faith. The mythical “second Dred Scott decision” was his strongest argument with the people, and the reiterated charge of premeditated Democratic duplicity did much to alienate from the Democracy men who were friendly to the principle of popular sovereignty in the abstract.

In his speech at Quincy, Judge Douglas presented the case luminously as follows :

“ Chief Justice Taney, in his opinion in the Dred Scott

case, said that, slaves being property, the owner of them has a right to take them into a Territory the same as other property. Suppose we grant that proposition. Then any man has a right to go to Kansas and take his property with him. But when he gets there he must rely upon the local law to protect his property, whatever it may be. In order to illustrate this, imagine that three of you conclude to go to Kansas. One takes \$10,000 worth of slaves, another \$10,000 worth of liquors, and the third \$10,000 worth of dry goods. When the man who owns the dry goods arrives there and commences selling them, he is stopped and prohibited from selling until he gets a license, which will destroy all the profit he can make on the goods to pay for. When the man with the liquors gets there and tries to sell, he finds a Maine liquor law in force, which prevents him. Now, of what use is his right to go there with his property unless he is protected in the enjoyment of that right after he gets there? The man who goes there with his slaves finds that there is no local law to protect him when he arrives there. He has no remedy if his slaves run away to another country. There is no slave code or police regulations, and the absence of these excludes his slaves from the Territory just as effectually and positively as a constitutional prohibition could."

Judge Douglas quoted from a speech recently delivered by Colonel Jefferson Davis, at Bangor, Maine, in which that distinguished and representative Southern leader had admitted that the popular will would practically settle the question of slavery in any Territory, even under the Dred Scott decision. Said Colonel Davis:

"If the inhabitants of any Territory should refuse to enact such laws and police regulations as would give security to their property or to his, it would be rendered more or less valueless in proportion to the difficulties of

holding it without such protection. In the case of property in the labor of men, or what is usually called slave property, the insecurity would be so great that the owner could not ordinarily retain it. Therefore, though the right would remain, the remedy being withheld, it would follow that the owner would be practically debarred by the circumstances of the case from taking slave property into a Territory where the sense of the inhabitants was opposed to its introduction. So much for the oft-repeated fallacy of forcing slavery upon any community."

Colonel Davis was too good a lawyer to speak of men as "property," and notwithstanding the Dred Scott decision, preferred to speak of property in the *labor* of men," which expression has always had a meaning in law. Jefferson Davis was not alone in his view of the *status* of slavery in the Territories. Judge Douglas cited Speaker Orr, of South Carolina, Alexander H. Stephens, of Georgia, and Sam Smith, of Tennessee, as having expressed the same opinion. The list of Southern men of note who had so expressed themselves might be indefinitely extended.

To Mr. Lincoln, these publicists seemed involved in a hopeless paradox.

"Why," he exclaimed, "Judge Douglas holds that slavery may be legally excluded from a place where it has a legal right to go!"

And yet there is often a sense in which a seeming paradox may be practically true. Mr. Lincoln would doubtless have admitted that a "prohibitory" tariff can be imposed which will effectively exclude certain articles from importation, the importing merchants having all the while a legal right to continue their importation of those very articles.

To overcome the position of Judge Douglas, Mr. Lincoln insisted that, if the Dred Scott decision were cor-

rect, members of the Territorial Legislatures were morally bound to protect slavery by territorial legislation. Protection from illegal violence is one thing. *Special fostering* of a peculiar and pernicious form of "property," in order to make it profitable, or indeed of *any* form of property, good or bad, is another matter. Because liquors were declared to be property, was it the duty of legislators to encourage and foster the saloon business? But Mr. Lincoln went still further. He declared that if the Territorial Legislature failed to protect slave property, it then became the bounden duty of *Congress* to do it, "if the Dred Scott decision were correct."

This astounding proposition of a congressional slave code, even in an argument of *reductio ad absurdum*, set the South in a blaze. Neither Popular Sovereignty nor the Dred Scott decision could add another acre to the domain of slavery. Protected by the Constitution in the States where it existed, it might there long remain; but its further spread was doomed unless—a *congressional slave code* might secure it. As the drowning man catches at straws, the pro-slavery extremists seized upon the idea. From the day when Mr. Lincoln uttered the words of his argument, it was constantly used in the South. "Even the Republicans admit our right to it, under the rulings of the Supreme Court," they said. From that day the doctrines of Douglas were repudiated in the South, for the more acceptable argument of Lincoln. Jefferson Davis and his *confreres* put themselves right about face with the new departure, leaving Douglas to look to others and not to them for support.

Mr. Douglas was triumphant over the "allied army" of Republicans and Administration men, and his return to the Senate was secured by the election of a Democratic Legislature. In the midst of the canvass, Mr. Hendricks arrived in Indiana. Attention was everywhere centered upon the debate in Illinois, the Demo-

crats generally conceding the soundness of Douglas's arguments. The President had not yet attempted his conquest of the Democracy in Indiana, but was concentrating his destructive talents for the overthrow of the Democrats in Illinois. In his interviews with men of the press and with the people generally, Mr. Hendricks avowed a sincere interest in the success of Douglas, and a desire that Kansas be admitted at once as a free State, even with her small population. This last positive position of Mr. Hendricks had a very great influence. It wheeled the entire Democracy of the State into line. From thenceforth, all the Democratic candidates for Congress, with the author of the Conference bill at their head, avowed the purpose of admitting free Kansas at the earliest moment.

On the evening of September 13th Mr. Hendricks was announced to speak on the Circle, but by a slight change in the arrangements he addressed his auditors from the front of the Palmer House. His speech did not cover a wide range. He deprecated as dangerous the constant denunciation of the Supreme Court, and defended the Administration from the charge of extravagance and corruption. With reference to the Dred Scott case, he held that some of the points of the decision—and those against which the Opposition clamored most—were entirely defensible. Perhaps it was unwise for him to discuss any part of the decision, since it was not defensible as a whole, it was of little practical power for harm, and no good was likely to arise from a practice of appealing from courts to popular gatherings. Concerning the Administration, he said as follows :

“During the year ending June 30, 1852, Mr. Fillmore collected of revenue \$49,165,933.84, employing 2,530 men, at a cost of \$3,865,423.28; while during the year ending June 30, 1857, the Democratic Administration collected of revenue \$64,171,030.05, employing 3,088 men at a

cost of \$3,552,359.50; showing that the Democratic Administration for the year 1857 collected of revenue \$15,005,100.21 more—employed 558 men more—at a cost of \$313,063.78 less than during the last year of the Fillmore (Whig) Administration.”

If the speech was less inspiring than the addresses of Mr. Hendricks usually were, it was because of the circumstances with which he was surrounded. A general endorsement of Buchanan was impossible; yet as hope was still entertained that better counsels might prevail with the President, it was clearly not the duty of Democratic officials to surrender at once their positions through which they might hope to influence him. It was plain to Mr. Hendricks, however, that the breach between the Democrats of the North and the President was growing wider, and the hope of a change in the President's course was becoming less.

The year 1859 was one of trouble and anxiety for the nation. When Douglas returned to the Senate he was removed from the Committee on Territories, as being unsound in his political principles; for the party which the Administration had built up in the South abominated the name of popular sovereignty. It was not a mark of personal hostility to the man, so much as an attack upon the Democratic party of the North that sustained him. Bold measures were now taken to stamp out all opposition to the pro-slavery clique of the party. Among the ablest of the supporters of Douglas was Senator Broderick, of California. Facing with equal bravery the angry sea of pro-slavery reactionists in the South and Republican extremists in the North, these men stood grandly for their principles. Douglas, it was thought, was degraded and disgraced, and shorn of his influence. With Broderick, more summary measures were taken. He was challenged by Judge Terry to a duel, and killed. Never since the fall of Hamilton was the country so

moved as by the slaying of this tribune of the people, which

“Roused the vengeance naught but blood could quell.”

The insane and bloody raid of John Brown in Virginia, in the fall of the same year, enraged the South to a like pitch of fury.

Through all the year the power of Douglas rose among the masses of the North and of the border. He seemed possessed of super-human endurance, and he charmed the multitudes as by a spell. There was no just reason why he should not be equally popular in the South, for his platform was broad as the Union, and he joined in no crusade against the South, but was foremost among those who appreciated her position, guarded her rights, and denounced all acts and intents of aggression upon her. Wherever he went (and he spoke in many cities), he gained supporters among the conservative and thoughtful of the population. In September he addressed the public through the channel of Harper's Monthly, setting forth the position of his party in 1856 as the true position on the question of slavery, and defending it by most persuasive arguments.

The resignation of Commissioner Hendricks was finally sent to the President in the summer of 1859. That a Democrat of Mr. Hendricks's standing should have continued his connection with such an Administration for so long a time, requires explanation. His contest with the Missouri land claimant mentioned above was long and bitter. He decided that the land was intended for actual settlers, and must not be seized by speculators upon false claims of residence by their agents. The amount involved in the Missouri case was large, the outcome important—both as to the matter in hand and in the way of precedent. The strongest possible pressure was brought to bear to reverse the decision of the Commissioner or to secure his removal and the appointment of a more

supple officer in his place. Resignation under such circumstances was out of the question.

To say nothing of the determination of the Commissioner that the Land Office should not be made a machine of the "allied army" for destroying the Democratic party—or indeed for any other political purpose—the demand of the President for removals and appointments at the latter's will could not have been complied with except to the serious detriment of the service. Mr. Hendricks adhered to his cardinal doctrine of a true civil service—the responsibility of the chiefs of Bureaus, and the tests of fitness and character on the part of the clerks. Among the young men of the Land Office was Samuel V. Niles, a nephew of the noted author of Niles's Register. He had been a Whig in politics, but in his official relations had not been an offensive partisan. His efficiency and worth were of the highest order. The demand for his removal was met as the other like demands had been. It was pressed, however, in no conciliatory spirit, and was a means of hurrying the resignation, already long resolved upon.

Mr. Hendricks was fully sustained in his ruling in the Missouri case, not only by the courts, but also by the President. Mr. Buchanan, however tortuously he may have twisted the truth, and however weakly he may have submitted to the will of corrupt men in politics, was always honest to the last degree in business dealings, both public and private, where money or property was concerned. Mr. Hendricks's record as Commissioner was one of which he might well be proud. He was a true civil service reformer. His record was clean. Integrity and ability combined to render him, as an officer, wholly unassailable.

The charge that he levied assessments upon the clerks of the Land Office has been made occasionally, in later years. So utterly opposed were such supposed acts to the

whole course of his administration of the office, that he did not for a time deem it worth while to make any reply to the charge. The reiteration of the original allegation, with a material addition, by the *Indianapolis Journal* in 1882, led to the subjoined communication, which appeared in the issue of August 24th.

“ *To the Editor of the Indianapolis Journal:*

“ The following sentence appears in one of the articles of the *Journal* this morning :

“ ‘ It will be remembered by everybody except Democratic statesmen, that Mr. Hendricks not only levied assessments against the clerks under him, but made sure of realizing the same by retaining the necessary amount out of their salaries, so that the money went directly from the United States Treasury into the Democratic campaign fund.’

“ This statement is wholly untrue. But I would not feel called upon to notice it except for the fact that it contains a charge of gross impropriety, the gravity of which I think you failed to realize. It is to the effect that, as Commissioner of the General Land Office, I retained from the clerks of that office portions of their salaries, “ so that the money went directly from the United States Treasury into the Democratic campaign fund.” That could not be ; it was wholly impossible. The Commissioner could not if he wished to, exercise such control. The salaries of the clerks of his office were not paid by himself or any one connected with that office. The pay clerk was an officer of the Interior Department, under the immediate supervision of the Secretary of the Interior. He was independent of the heads of the Bureaus. They, as well as their clerks, were paid by him. His office was in the Interior Department proper. The clerks received their pay from him in person, and each one gave his receipt for it,

and he rendered his account to the proper auditor and comptroller.

“I do not see how it could have been as you state, except by a corrupt or criminal collusion; and I do not think you would make that charge or that I need to deny it.

T. A. HENDRICKS.”

CHAPTER XI.

CANDIDATE FOR GOVERNOR.

The year 1860, big with fatal destinies for the Democracy, found that party dominant in a majority of the States and in the Federal Congress. But the President had apostatized from the historic principles of the party and from the Cincinnati platform on which he had been elected. The party was rent from center to circumference by a breach whose depth none could fail to see; yet in the arrogance of long-held power it was still confident that internal strifes could be allayed, and did not for a moment doubt its triumph in the approaching campaign. Local politics was completely lost sight of in the absorbing interest of national issues; and in every State, Democrats were arrayed on either side of the Kansas-Nebraska controversy. Some, with President Buchanan, supported the pro-slavery theory; others followed Senator Douglas in his popular sovereignty doctrine, in the belief that its effect would be to give the new Territories to freedom through the exercise of their own choice.

This contest was peculiarly sharp in Indiana, a State upon whose teeming soil politics has from the early days flourished with as vigorous a growth as the crops of her boundless prairies. Here as in other States, though perhaps less conspicuously than in Illinois, all the powers of the Administration had been exerted to whip the party into line in support of its policy and candidates; and it was said that no postmaster could speak the name of

Douglas otherwise than in denunciation without danger to his official head. The Administration faction was led and disciplined by John L. Robinson, the United States Marshal, under the chief command of Senator Bright, the party "boss" of that day, and one of the greatest of his kind.

Abler leaders could not have been found. Robinson was a notable man, now in the vigor and maturity of his powers,—“his forehead broad and high, his eyes coal black and wonderfully expressive, and his hair as the raven's wing; in his day he was a power in Indiana, and when he died one of the brightest intellects in the State went out.” Almost in his youth he had won his laurels in public debate with “the Whig Goliath,” Caleb B. Smith, and after six years' service in Congress was appointed by President Pierce (in 1853) to the office he still held. His influence was increased by his ownership of the Rushville Jacksonian, which he made a vigorous Administration organ. And now, within three months of his death, he was about to fight with his usual vigor and skill, but with unaccustomed defeat, his last fight.

Jesse D. Bright had been for a score of years the leader of the Indiana Democracy. After a brilliant and triumphant canvass for Lieutenant Governor, he had been sent when scarcely of constitutional age to the Senate of the United States, and was now in the sixteenth year of his service there, during four of which he had stood, as President *pro tempore* of the Senate, within one step of the Presidential chair. “His physique was splendid, his face was cleanly shaven, and his clothes fitted him well. He had a good head and a good face; he stood straight upon his feet, and carried himself as one having authority. He was imperious in his manner, brooked no opposition from friend or foe, and made personal devotion to himself the test of Democracy.” He was elected the third time to the Senate after a bolt in the Legislature; and the

next General Assembly, being Republican, held this election illegal and attempted to fill the alleged vacancies by electing Henry S. Lane and Wm. M. McCarty. These gentlemen were refused admission to the United States Senate, but Douglas, Mason and Broderick, Democrats, voted in their favor. This action of Douglas exasperated Bright, and led him ever after to oppose with all the vehemence of his nature, the aspirations of the Senator from Illinois. His sympathies and interests were wholly with the Administration faction. Living on the Ohio, owning plantations and slaves in Kentucky, he was at heart a Southerner, and gave his influence to the promotion of the slave interest.

The Administration strove to call off the Indiana Democracy from the support of Douglas by flattering the Presidential aspirations of General Joseph Lane, "the Marion of the Mexican War," a pioneer of Indiana, now United States Senator from Oregon. He had been their favorite candidate in the National Convention of 1852, receiving the solid vote of the State delegation through thirty ballots. In that contest Bright and Robinson had been Lane's enthusiastic champions; and whether they still entertained any hope of his nomination or not, they were now willing to use his heroic figure and the charm of his character and reputation as a bulwark against the powerful tide of Douglas sentiment. Among the other active Administration Democrats were the eloquent Willard, Governor of the State; Cyrus L. Dunham, Secretary of State and aspirant for the nomination for Governor; Dr. J. L. Athon, Auditor of State; and Joseph W. Chapman.

But the star of Douglas was in the ascendant. His manly character had won the admiration of the country, his fearless battles against great odds had inspired confidence and enthusiasm; and his happy discovery and masterly demonstration of the way to freedom in the

Territories, within constitutional bounds, commanded the approval of the liberty-loving Democracy of the North. In Indiana his following was the rank and file of the party, the aspiring young men, and a select few of the older leaders. Among the last was John G. Davis, who at this very time was defending his record and defining the positions of the two factions, on the floor of Congress. Elected in 1858 as an independent candidate, over a Republican and an Administration Democrat, he had said in a speech at Indianapolis, November 18th of that year :

“ Any candidate nominated for the Presidency in 1860 who takes the ground that the Constitution carries slavery into the Territories without local law, can not carry a single township north of Mason and Dixon’s line. It was charged by the opposition in ’56 that the Democracy was the pro-slavery party and intended to make slavery national and freedom sectional. If the doctrine of the President, that the Constitution without local law takes slavery into the Territories, is true, then our Republican friends were correct. Fellow citizens, I enter my solemn protest against this new doctrine. No man of any distinction within my knowledge, except John C. Calhoun, ever intimated that the Constitution took slavery into the Territories without existing laws. That doctrine took Mr. Calhoun down the stream of time politically, and will take Mr. Buchanan and his Administration.”

When his Democracy was questioned in the House, January 4, 1860, he said :

“ I desire to tell the gentleman, the House, and the country that I was elected by a majority of four thousand. I was elected as a Democrat, and in the seventy speeches I made, in which I declared myself a Democrat, I did not cross a *t* or dot an *i* as to my political faith. * * I did not denounce the Administration, except on the Lecompton question. * * My colleague said I

denounced the Dred Scott decision. I said it was false. I never denounced that decision. I respect the decisions of the Supreme Court, and will obey them all, but I have the right to put my own constructions on them,—to differ from the President.”

And this was the right claimed by the young Democracy of Indiana “to differ from the President,” who in his celebrated Silliman letter had construed the Dred Scott decision as determining that by virtue of the Constitution slavery existed as much in Kansas as in South Carolina.

Such was the condition of the party as the 11th of January, the day set for the State Convention, approached (General Jackson’s Day falling this year on Sunday); and such was the general issue upon which the factions would test the question of leadership. The hostility among Democrats was intense, and for the time more bitter than that felt toward the party foe. Charges and counter charges were rife. A letter from Washington to the Cincinnati Enquirer given in the Sentinel, “for what it is worth,” related that nine prominent gentlemen had met after a visit to the White House, and agreed to subscribe eight thousand dollars each for the purpose of securing the Indiana delegation to Charleston against Douglas, the funds to be placed in the hands of energetic friends of the Administration, who were to traverse the State and see the delegates before the Convention. A day or two afterward appeared in the same paper, with sarcastic comment and a profession to have stopped the press for its admission, a letter from “A True Democrat,” revealing that a secret organization of the Douglas Democrats, originating at Indianapolis and extending throughout the State, had been formed for the avowed purpose of breaking up the Convention if the Administration men should get control of it, by taking the doors from their hinges and admitting a mob of armed ruffians. The State Central Committee was accused of intending to help some

scheme of packing the house by its distribution of tickets. But the Committee seems to have done its work well and impartially, having made repeated publication of its arrangements, and having given tickets of admission to both sides in cases of contesting county delegations.

Finally at 10 A. M. of January 11 the now historic Democratic State Convention of 1860 was called to order by Joseph W. Chapman, acting for the State Central Committee. It met in the Metropolitan Hall, now the Park Theatre, and was composed of 395 delegates representing all the 91 counties. Immediately began the fight between the factions in the contest for the organization, and in the first move the Douglas men secured a victory by electing Robert Lowry Temporary President. Their programme then was to make Norman Eddy Permanent President, but in this they were forestalled by John L. Robinson, who moved that the temporary organization be declared permanent. This motion, being in favor of their own organization, could not be opposed by the Douglas men, though made by the leader of their adversaries. Accordingly, though taken by surprise, they joined in its support, and Lowry was elected Permanent President by acclamation. Thus Robinson not only avoided a second defeat, but apparently won a victory. By this manœuvre he hoped to disguise the weakness of the Buchanan faction, and perhaps to rally doubtful delegates to its support. He had himself been announced as the Administration candidate for the Permanent Presidency, a position he had filled with ability and grace in the Convention of '56; but probably seeing disaster ahead, he had withdrawn toward the last, and put forward Judge Samuel E. Perkins, of the Supreme Court. Next came the appointment of a Committee on Credentials, with Lew Wallace, afterward General, as Chairman; and the remainder of the afternoon was consumed in settling contests in the delegations of three counties.

The forenoon of the next day was devoted to the remaining contests in county delegations, and the appointment of various committees, so that it was not till the afternoon of the second day of the Convention that the final trial of strength occurred. This was precipitated by John C. Walker in the presentation of the following clear-cut resolution :

Resolved, That while we pledge the support of the Democracy of Indiana to the nominee of the Charleston Convention, whosoever he may be, the delegates to that body from this State are instructed to cast their votes as a unit for Stephen A. Douglas, and to use all honorable means in their power to secure his nomination.

Mr. Walker was the right man to lead this fight. Of slight figure, high forehead and classic features, the outward man scarcely suggested the intellect, ambition and courage within. He had become a leader among men when scarcely more than a boy, and after honorable service in the Legislature had in '56 defeated the brilliant Robinson in the race for the nomination for Lieutenant-Governor. Withdrawing from the State ticket because under the constitutional age, he had from that time, as editor of the Indianapolis Sentinel, and afterward of the Laporte Times, and as candidate for Congress against Schuyler Colfax, labored to promote Democratic doctrines as interpreted by Judge Douglas. In his own county he had this year led a skillful movement against the Administration wing, and so completely outgeneraled the veteran leaders that when in the convention he had stated his case in the fifteen minute speech allowed to each side, his contesting delegation from Laporte was seated by acclamation.

And now his resolution for instructions was opposed with all the tactics of parliamentary warfare:—a motion by Robinson to substitute the name of Joseph Lane for

that of Douglas ; a motion that each Congressional district instruct its own delegates or not, as it saw fit ; and various other amendments. But all were voted down, and on the original resolution the vote was recorded as follows : Whole number cast, 394 ; ayes, 265 ; nays, 129.

The remaining acts of the Convention were inspired with the spirit of compromise and reconciliation. John C. Walker and Cyrus L. Dunham were placed at the head of the ticket as candidates for Presidential Electors for the State at large, thus representing both divisions of the party. Among the State delegates to the national convention were E. M. Huntington, Robert Lowry, S. H. Buskirk, and J. B. Foley.

The way was now clear for the nomination of candidates for the State offices, a matter which had thus far interested delegates but little. This was due not merely to the absorbing interest in the fight for Douglas, but to the fact that the nomination for Governor was a foregone conclusion, and all felt that nothing remained for the convention but to register the unanimous choice of the party by the nomination of Thomas A. Hendricks. Several distinguished names, it is true, had received favorable mention in connection with this high office ; and the State Sentinel of January 11th announced J. L. Athon, A. C. Downey and Cyrus L. Dunham as candidates. Since his retirement from the Land Office, the previous August, Mr. Hendricks had remained quietly at Shelbyville, attending to such legal work as came in his way, seldom leaving home unless on professional business. Though announcing his candidacy frankly, he made but little effort in his own behalf, having early in the season entered into an agreement with Dunham that they should both suspend all personal canvassing for the nomination. This agreement led to a rather amusing dispute. Dunham having learned that Dr. W. S. Pierce, a brother-in-law of Mr. Hendricks, had visited several county con-

ventions, addressed a card "To the Democracy of the State," a few days before the convention, calling attention to the Doctor's course, which he characterized as a violation of the agreement. To which the Doctor replied next day, saying that if he had supposed the agreement included himself he should have asked to be "paired off" with some of Mr. Dunham's many friends who had been indefatigable in his behalf, and jestingly attributed Dunham's outburst to the "testiness" of old bachelors, for which matrimony would be the best cure.

But whatever efforts were made by other candidates, the sentiment for Hendricks had steadily grown stronger. Every day for months the newspapers recorded the resolutions of county conventions instructing in his favor. This is easily explained. He was personally popular, his record was unassailable, and he was at this time the most available man. Appointed Commissioner of the Land Office by Pierce, whom he lately characterized as "one of the stateliest of our leaders of the earlier days," he had remained in office for a time under Buchanan, with whom, however, he had been heartily out of sympathy. His official labors had removed him in a measure from the field of active politics, and prevented him from assuming an attitude of aggressive hostility to the Administration. He was thus a candidate upon whom both divisions of the party could unite.

Consequently when the convention assembled, Dunham found so many delegates instructed for Hendricks that he resolved to withdraw from the race. This was effected for him by his friend Governor Willard, who, in the discussion on the appointment of national delegates and electors, withdrew Dunham's name as a candidate for Governor, and nominated him for elector for the State at large. This drew forth loud cries of "Dunham!" and in response he made an eloquent and feeling speech, counseling unity of purpose and spirit, in which he said:

“He who is not willing to come forward to this Democratic altar, which I feel to be the common altar of my country, and here offer up his personal ambition, his personal affections and his personal hostilities, is neither a good Democrat nor a true patriot. I am satisfied that my continuance to be a candidate will not contribute to the peace and harmony of this Convention, but that my withdrawal may. I offer it, therefore, a free-will offering to the success of the Democratic party and Democratic principles. I have known my chief competitor, Hon. Thomas A. Hendricks, long and well. He is worthy of your confidence, and I know he will make a good executive officer. I only ask that when the proper time comes I may myself put his name in nomination. I stand by the Democratic eagles. If I can not bear, I will follow them to victory.”

Such was the Roman spirit of Cyrus L. Dunham, a man worthy to be held in remembrance for many high qualities. His fervid eloquence and valiant heart had early attracted attention to his great intellectual powers, and had raised him from obscure poverty through many official trusts to a seat in the Congress of the United States, to which he was three times elected over some of the foremost men of the time. Afterward, as Colonel in the Union army, he proved himself an able soldier and displayed a bravery that was the admiration of all beholders. He was now Secretary of State. If his spirit of self-sacrifice and devotion to country and party had inspired all Democrats, the war might have been postponed if not averted.

Through some accident or contrivance, Dunham's wish that he might himself put his honored rival's name in nomination was not gratified; but after the appointment of delegates and electors was disposed of, on the evening of January 12th, Mr. Lew Wallace made the motion that Thomas A. Hendricks be nominated for Governor by

acclamation. This motion was received with deafening cheers, which continued till the nominee appeared upon the platform and was introduced by the President. Mr. Hendricks was then forty years of age, of medium height, scarcely five feet ten inches, with a figure well rounded though not heavy, a large head, an oval face clean shaven like the statesmen of old, shaded by heavy brown hair and lighted by bright gray eyes. His bearing was easy, but modest, his manners courteous, his speech at once impressive and pleasing. The enthusiasm of his reception showed that he already possessed in a high degree the affection and confidence of his party—sentiments which were destined to grow stronger with each succeeding year. In his speech of thanks to the Convention he said, among other things :

“To you, gentlemen, and those whom you represent. I here tender my heartfelt thanks and gratitude; and this gratitude is increased when I consider that Dr. Athon, distinguished by his high executive abilities, that Judge Downey, celebrated for his great intelligence, and the gallant and talented Dunham, have been mentioned for this high honor. * * I wish it to be understood that from this moment all memory of any opposition that has been made to my nomination is forgotten forever. I honor the men who honored my opponents. * * I expect to devote what of talent and energy I possess to secure the success of the nominations this day made by the greatest Convention before which I have ever stood. * * Indiana is one of the States that have stood out against the current of fanaticism that has swept over so many other States; that current has reached our borders; shall the heart of Indiana cease to beat for the Union? [Shouts of “Never!”] Let that be the word till October shall have decided the result. * * For myself I thank you that you have already put upon the electoral ticket the Hon. C. L. Dunham and the gallant Walker,

to help me in this fight—I thank you for that; and if every man here to-night will go to his home and labor with zeal in the Democratic cause, I believe that victory will perch upon our standard. Let it be so, and believe me, gentlemen, I will fight the battle to the best of my ability. I do not believe that the men of Indiana are going to become sectional in their views. They love not Indiana alone, but all the States cemented together in Union by the blood of our fathers.”

The remaining work of the Convention was rapidly disposed of. The nomination for Lieutenant Governor was conferred upon David Turpie, that fine scholar, faithful Democrat and noble gentleman, still living and ever ready to give his time and talents to the cause of his country and of his party. The other places were filled with excellent men, each one deserving extended notice, so that next morning the party papers displayed at the head of their columns what was deemed a remarkably strong ticket, as follows:

DEMOCRATIC STATE TICKET.

For Governor,

THOMAS A. HENDRICKS, OF SHELBY.

For Lieutenant Governor,

DAVID TURPIE, OF WHITE.

For Secretary of State,

WILLIAM H. SCHLATER, OF WAYNE.

For Auditor of State,

JOSEPH RISTINE, OF FOUNTAIN.

For Treasurer of State,

NATHANIEL F. CUNNINGHAM, OF VIGO.

For Attorney General,

OSCAR B. HORD, OF DECATUR.

For Superintendent of Public Instruction,

SAMUEL L. RUGG, OF ALLEN.

For Clerk Supreme Court,
 CORNELIUS O'BRIEN, OF DEARBORN.

For Reporter Supreme Court,
 MICHAEL C. KERR, OF FLOYD.

The resolutions were many and rambling, attempting to settle all the issues of the day. When they had been read through, Mr. J. C. Walker offered as a substitute for the whole a brief, and emphatic affirmation of the Cincinnati platform of '56; but the lateness of the hour prevented consideration, and the tired Convention adopted the long list with cheers. Among them were an endorsement of efforts for the peaceful acquisition of Cuba, and of homesteads for actual settlers; denunciation of Know-Nothingism and religious intolerance, and of the Harper's Ferry raid, together with the following:

“That now as heretofore, claiming fellowship with and earnestly desiring the co-operation of all who regard the preservation of the Union and the Constitution as the paramount issue, we again declare our utter repudiation of all sectional parties and platforms concerning domestic slavery, which tend to embroil the States, and whose avowed purposes, if consummated, must end in disunion and civil war.

“That the history of the past fully attests the correctness and wisdom of the adoption by the American Democracy of the principles contained in the organic laws establishing the Territories of Kansas and Nebraska, as embodying the only safe and sound solution of the slavery question, upon which the great national idea of the people of the whole country can repose in its determined conservatism of the Union—non-interference by Congress with slavery in State or Territory or in the District of Columbia.

“That in the harmony and union of the Democratic

party consists the strongest bond of union among the several States.

“That, adhering to and being determined to stand by the well considered declaration of principles contained in the Cincinnati platform, as expounded by President Buchanan in his letter of acceptance, we affirm that it is the unquestionable right of ‘the people of a Territory, like those of a State, to determine for themselves whether slavery shall or shall not exist within their limits.’

“That it is a slander upon the Democratic party both North and South, made by the Opposition, when they charge them with being in favor of re-opening the African slave trade.”

The proceedings of this convention have perhaps been given at unnecessary length ; but to one who is familiar with the men of that day and with their subsequent careers of success or failure, the subject has a powerful fascination. The ill-printed newspaper reports are instinct with life, and from the rambling details and skeleton lists of names and figures, flashing eyes and thrilling voices seem to look and speak. It is a grateful task to call back to the light for even a fleeting instant some of the giants of those days.

The Republican State Convention met on the 22d of February, and with no less enthusiasm and far greater harmony than were displayed by the Democratic gathering, nominated as their standard bearers two of the great men of Indiana : for Governor, Henry S. Lane, a soldier of the Mexican War, a pure patriot and peerless orator ; for Lieutenant Governor, Oliver P. Morton, a great intellect and powerful will. The resolutions adopted were briefer and better drawn than those of the Democracy. The expression upon slavery, though in effect substantially the same as that of the Democratic platform, yet with the disingenuousness of party tactics attributed

to the entire Democracy the doctrine emphatically disclaimed and in terms condemned by the great mass of that party. This expression was as follows:

“That we are opposed to the new and dangerous doctrine advocated by the Democratic party, that the Federal Constitution carries slavery into the public Territories; that we believe slavery can not exist anywhere in this Government unless by positive local law, and that we will oppose its extension into the Territories of the Federal Government by all the power known to the Constitution of the United States.”

This Convention exhibited the able management of the leaders and the excellent discipline of the rank and file which have characterized the Republican party throughout its subsequent history, contributing largely to its victories over the less subservient, more independent ranks of the Democracy.

Events flew upon swift wings. The fatal year rapidly arrayed all the elements of discord within the country for the irrepressible conflict approaching.

The parties in Indiana did not wait for the national organization to take action, but in the earliest days of spring opened the canvass with the determination to contest every inch of the State. Colonel Lane announced appointments for speeches on every day except Sundays from April 17th to May 5th, beginning at Jeffersonville and following down the Ohio to Mt. Vernon in Posey county, and thence up the Wabash valley to Sullivan, sixteen points in all; and by mutual understanding it was arranged that Mr. Hendricks should “be present and participate in the discussions.” Mr. Hendricks was on hand. The two distinguished antagonists made their progress together from place to place, and were everywhere greeted by immense crowds. Both being men of high breeding and of unusual sweetness of character, they

easily maintained the most cordial personal relations, and carried away from their repeated contests an increased mutual regard and respect, which lasted through their lives. Their styles of speaking were very different. Lane was more the orator, Hendricks more the logician. Lane was fluent, fervid, fiery, abounding in anecdote and illustration, a master of laughter and of tears, easily stirring to rage or rousing to enthusiasm. Hendricks was argumentative and persuasive, with a spice of genial sarcasm, fortifying his positions by reference to fundamental laws and established institutions, and expressing himself with an elegance and simplicity that were very attractive and always intelligible. The following comments from papers of opposite politics seem just to both speakers :

“ It gives us pleasure to note the fair and gentlemanly manner in which the discussions are conducted. It could not be otherwise, for Colonel Lane is honorable and chivalrous no less than Hendricks is courteous and candid.”—*New Albany Ledger (Dem.)*.

“ The debate closed at midnight. It was conducted in admirable temper, and the competitors proved themselves able champions of their respective causes. Mr. Hendricks surprised his friends by his readiness and general compactness. He understands how to make a strong point, and seems an adept in the art of leaving unsaid what should not be said. Colonel Lane has a hearty manner and an original mode of putting his case, together with a fund of humor and information.”—*Cincinnati Commercial (Rep.)*.

After the Ohio River tour, Colonel Lane took a well-earned holiday to attend the Chicago Convention (May 16th), and then returned to renew the contest with increased enthusiasm, in joint debate at Fort Wayne and nine other points in northeastern Indiana, from May 29th to June 8th. When all the appointments agreed upon

had been filled, Mr. Hendricks desired to continue the joint canvass ; but this Colonel Lane declined, and for the remainder of the campaign the candidates for Governor held separate meetings. During this joint debate the Democratic papers claimed that Colonel Lane was everywhere vanquished in argument, a claim which the Opposition press of course did not admit. But Mr. Woollen's estimate is doubtless correct where, speaking of Lane's refusal to extend the canvass, he says : " In this he acted wisely ; for while he was Mr. Hendricks's superior as a popular orator, he was not his equal as a debater." The difference seems to have been that the one spoke to the understanding and convinced, the other spoke to the feelings and won. And this was about the difference between the motive powers of the two parties ; the Democrats had the logic of the position, but the Republicans had the sympathies of mankind.

In June and July Judge Morton and Judge Turpie, the rival candidates for Lieutenant-Governor, also held joint debates, before large crowds in the central part of the State. Referring to this extraordinary canvass Mr. Woollen remarks : " It is questionable if four men of equal ability were ever pitted against each other as candidates for Governor and Lieutenant-Governor in Indiana."

The national nominations of this year stimulated the the zeal of men of all parties and intensified the political struggle beyond anything that had been known in the country before. The power of the Democracy was on the wane. The division in its ranks weakened its State candidates, while their opponents were proportionately strengthened by the united front of the Republican party and its more positive declarations against slavery extension. Indiana, in October, showed the force of the on-coming wave by a majority of 9,757 for Lane. Morton's majority over Turpie was 10,178, and the General Assembly elected was Republican in both branches. In

November the majority of Lincoln over Douglas was 23,847. These figures show that Mr. Hendricks was many thousand votes stronger in the State than his party ticket.

In the stormy scenes of the Charleston Convention (April 23 to May 4) the Indiana delegation, twenty-six strong, headed by Huntington, Lowry, Buskirk, Dunning and Foley, and accompanied by Bright, Walker, Dunham, Richard J. Ryan and many others, bore itself with honor, and voted steadily for Douglas throughout all the three days balloting. In the adjourned convention at Baltimore (June 18-22), Indiana stood firmly by the organization. The original delegates from Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina and Texas, who had bolted at Charleston, were now excluded by the committee on credentials. Those from Virginia, Maryland, Kentucky, Tennessee, North Carolina, California and Oregon withdrew, and were followed before the balloting began by six delegates from Massachusetts, led by Benjamin F. Butler, who, it will be remembered, had voted at Charleston fifty-four times to nominate Jefferson Davis for President of the United States. What remained of the regular convention nominated Stephen A. Douglas for President, and Benjamin Fitzpatrick—afterward replaced by Herschel V. Johnson—for Vice President. Of the sixteen States that had formally withdrawn, seven—Maryland, Massachusetts, Virginia, North Carolina, Arkansas, Tennessee, and Kentucky—were still represented by a remnant of their delegations; and two—Alabama and Louisiana—were represented by newly chosen delegates. If those who remained are counted as casting the full vote of their States, then Mr. Douglas received the support in the Convention of all but seven States; if, however, they must be recorded as voting merely as individuals, then his nomination was made by $181\frac{1}{2}$ votes against $9\frac{1}{2}$. In either

case he was manifestly the choice of a large majority of the regular Democracy.

The seceders organized the same day (June 18th) in another hall, and nominated John C. Breckinridge and Joseph Lane, by the unanimous vote of 103 delegates, claiming to represent twenty States.* A third Presidential ticket was already in the field—John Bell and Edward Everett, nominated at Baltimore May 9th, by the Convention of the "Constitutional Union Party."

The Democrats of Indiana were overwhelmingly for Douglas; but the unconquerable spirit of Jesse D. Bright, "as true to his friends as the needle to the pole, and as inexorable to his enemies as death itself," would not yield without a last struggle. He assembled a State Convention, which nominated a Breckinridge electoral ticket. To advocate the interests of this ticket he established a weekly newspaper at Indianapolis, *The Old Line Guard*, and himself "stumped" the State in its behalf, excusing himself for breaking with the organization in these words: "Yes, the State Convention did instruct for Douglas, but Hendricks and McDonald, Hammond and Dunham consented to those instructions without consulting me." Through the campaign he received generous Republican sympathy and aid, Republican editors printing the voting tickets and announcements gratuitously.

*In his subtle and plausible book on his own administration, Mr. Buchanan seems to display a rich vein of humor. He invariably alludes to the Breckinridge men as the "Old Democracy," and to the Democrats of '60 as the "New Democracy." His Old Democracy was largely made up of men who had belonged to the party from four to eight years. Their political principles and demands related to such unheard of innovations as the re-opening of the African slave trade, a Congressional slave code, the utter disavowal of popular sovereignty, etc. His New Democracy was made up of life-long Democrats, who demanded the re-enactment of the old platform without the change of a letter. However, as in the case of Senator Bright's *Old Line Guard*, the humor is not intended.

But his efforts were only more futile than those for the regular ticket, and the count of the votes in Indiana showed the following result :

For Lincoln	139,013.
For Douglas	115,166.
For Breckinridge	12,295.
For Bell	5,339.

CHAPTER XII.

THE DEMOCRATIC PARTY AND THE WAR OF SECESSION.

—“Old, unhappy, far off things,
And battles long ago.”

The foregoing pages have related in some detail the incidents of the Kansas-Nebraska conflict, which was the culmination of the forty years' parliamentary contest that preceded the civil war. A summary review of that contest from the beginning, with a statement of the position of the Democracy at each stage of its progress, is essential at this point to an appreciation of the position of the party throughout the conflict of arms.

The course of events, as inevitable as the tread of destiny, had bound upon the neck of the South the yoke of slavery; and the weight of that yoke, light at first, had gradually increased till no peaceful force could lift it. The record of these events, as given in the pages of the philosophical historian, is in the highest degree instructive, as showing how an intelligent and humane people may be warped by self interest and a false idea into a condition of mind and feeling antagonistic to modern progress and at variance with the spirit of the age. Through the influence of slavery, a people of Anglo-Saxon blood had become Orientalized; in the 19th century they lived in an atmosphere of Mediævalism; in the heart of America they cherished the institutions and ideals of Asia.

In the early decades of the Republic the institution of

slavery had no influence upon political parties. It was prohibited in the Northwest Territory in 1784, with but little opposition. It existed in 1790 in all the States except Massachusetts, where it had recently died of inanition, upon a judicial decision and without legislative action. In the eight Northern States there were less than fifty thousand slaves, while in the five Southern States there were more than half a million; and indications of a tendency to divide upon this issue may have been dimly apparent to the prescience of Washington when he uttered his impressive warnings against sectionalism. Yet the leading minds of the South shared with those of the North the belief that slavery was an evil to be abated; and in framing the Federal Constitution, men from all the States joined in preparing the way for a suppression of the African slave trade, in the belief, doubtless, that slavery itself would not long survive when that source of the supply should be cut off. The conscience of the South was not at ease as to the righteousness of the institution, and many Southerners at that day would easily have consented to gradual emancipation. But circumstances entirely unconnected with politics soon produced a complete revolution of sentiment.

The invention of improved machinery for cotton spinning, and the enormous development of that industry in England, created an immense demand for the raw material. Eli Whitney's gin, by enabling the planter to turn the expensive hand labor of his slaves from the tedious process of extracting the seed to the production of the plant, made it possible to supply that demand with profit. The soil of the South was peculiarly adapted to the culture, and that section rapidly became the cotton garden of the world, supplying at one time seven-eighths of the total amount produced. The expansion was immense. In 1790 no cotton was exported; in 1860 the export reached 2,000 millions of pounds.

This great development of the cotton trade and culture made slave labor profitable, created an urgent demand for slaves, and raised their value proportionately. In 1790 an able-bodied slave could be bought for a trifle; in 1860 he was worth \$1,500. The slave population did not keep pace with the demand for labor, though in the cotton States it increased nearly eightfold in fifty years. The increase in the other Slave States was less than 70 per cent. It is thus seen that the growth of slavery was everywhere in proportion to the profit of slave labor. In New England it was unprofitable and died out; in the Middle States where grain and tobacco yielded but moderate returns, its growth was small; in the cotton States, where the profits of the crop had become so enormous, the number of slaves had, by natural increase and a constant drain upon the Middle States, grown 773 per cent., and yet fell short of the demand.

These varying conditions in the different sections of the country promoted opposite views as to the rightfulness of slavery. Among those who were removed from its influence and without participation in its profits, the belief in its immorality, which was almost general at the formation of the Constitution, gained ground. The Abolition Society, founded in Philadelphia in 1774, was followed in 1832 by the New England Anti-Slavery Society; and the agitation rapidly spread throughout the North. For a short time the South also was affected, and even Virginia thought of emancipation and colonization. Measures for these ends failing in her Legislature, many of her citizens liberated their slaves and aided them to settle in Liberia or the North, while some even migrated themselves to the free States, with the avowed purpose of removing their children from the evil influences of a slave community. But the vast material interests of the South outweighed the promptings of philanthropy, and speedily united that section in determined opposition.

Their interests being, as they supposed, so dependent on slavery, the people of the South quieted the remonstrances of conscience by appeals to antiquity and the scriptures, and by contemplation of the improved condition of the African when brought to this country and Christianized. "Whenever States have come to greatness," reported the committee of a convention at Montgomery in 1858, "they have exhibited the condition of unequal classes. There were citizens and slaves in Greece, patricians and plebeians in Rome, peers and viliains in England, nobles and peasants in Central Europe; and generally, wherever there has been social progress and power there has been articulation, a ruling and a subject class, if not a ruling and subject race—an artificial, if not a natural dualism." "I tell you," declaimed a Georgia delegate in the Charleston Convention, "that the African slave trader is the true Union man; I tell you that the slave trader of Virginia is more immoral, more unchristian in every possible view than that African slave trader who goes to Africa and brings a heathen and worthless man here, making him a useful man, Christianizing him, and sending him and his posterity down the stream of time to enjoy the blessings of civilization. * * I represent the African slave trade interest. I am proud of the position I occupy in that respect. I believe that the African slave trader is a true missionary and true Christian."

Moreover, the hot climate of the South produced its usual effect—the indisposition to physical exertion which leads men who have the power to exact labor from others. These specious arguments and overpowering influences produced an intellectual atmosphere in which slavery seemed not only lawful, but the greatest of social blessings, alike profitable to the master and beneficent to the slave.

"Slavery," said the report of a legislative commit-

tee, "is cherished by our constituents as the very paladium of their prosperity and happiness; and whatever ignorant fanatics may elsewhere conjecture, the committee are fully assured, upon the most diligent observation and reflection on the subject, that the South does not possess within her limits a blessing with which the affections of her people are so closely entwined and so completely enfibred."

Thus upon this vital question the two sections, the North and the South, drew gradually farther apart till they finally reached conditions of mind in which it was impossible for them to understand each other, and stood arrayed as geographical parties in irreconcilable antagonism.

Throughout the period of this growing alienation the Democratic party was the mediator, standing as the national union party for peace and an undivided country. As the influence of the fatal institution was manifested, splitting churches and parties asunder, and arraying the sections of the country in hostile camps; the Democracy strove to effect compromises, to remove causes of dispute, to reconcile conflicting interests. Not till the party was itself rent in twain, did the separation of the sections occur.

The struggle between the North and South exhibits, it has been remarked, two phases; first, a parliamentary contest in the Congress; second, war. The chief incidents of the former phase were the Missouri Compromise, Nullification, the annexation of Texas, and the Kansas-Nebraska conflict.

Upon the application of Missouri for admission into the Union, it was proposed that slavery be prohibited in the new State. This was the first attack upon the institution in the Congress of the nation, and it at once arrayed the members from the North and the South in vigorous strife. A settlement was effected in the Missouri Compromise,

arranged by Henry Clay, which provided that Missouri should be admitted as a slave State, but that slavery should be prohibited in the rest of the Louisiana Purchase north of lat. $36^{\circ} 30'$. This occurred in 1820-21, the very midst of the "Era of Good Feeling." Of its political significance, Mr. Jefferson's opinion was probably correct when he said,—“The question is a mere party trick. The leaders of Federalism are taking advantage of the virtuous feeling of the people to effect a division of parties by a geographical line; they expect that this will insure them on local principles the majority they could never obtain on the principles of Federalism.” The Federalist party, beaten before the people on its doctrine of centralization, its Alien and Sedition Laws, its opposition to the war with Great Britain, and its hints of secession in the Hartford Convention, had entirely disappeared in Monroe's first term. But its leaders, restless and ambitious, sought for new issues, and attacked their adversary in the weakest spot. To restrain and finally to destroy slavery was the idea evolved, and it gained irresistible strength as the years rolled on. Now began the struggle of the Democratic party to maintain the paradoxical position of sheltering human bondage while proclaiming the equality of man; and to preserve concord between the Abolitionist of the North and the slaveholder of the South.

The tariff upon imports, first imposed with a view of creating a market for cotton within the country, was a Southern measure enacted in opposition to the views and wishes of the North. Its unexpected operation, in stimulating manufactures at the expense of agriculture and enhancing the value of machine above hand labor, produced a complete interchange of position between the two sections, exemplified in the changed attitudes of Calhoun and Webster. Here the Democracy took the side of the South and advocated a reduction of duties, though the specific measure of relief, the Compromise Tariff of

1833, was arranged by the great compromiser, Henry Clay, now a leader of the Whigs. In this position the party was influenced as much by the scientific truth of the free-trade doctrine as by solicitude for Southern interests. But upon the proposition of South Carolina to nullify the tariff laws of the Congress, the united Democracy spoke in no uncertain terms by the mouth of Andrew Jackson: "The Constitution of the United States forms a government, not a league. It is a government in which the people are represented; which operates directly upon the people individually, not upon the States." The tariff had proved injurious to the labor system of the South; nullification was a retaliatory blow at the labor system of the North. The one was partially abated by the compromise measure of the Congress; the other was vigorously suppressed by the strong hand of the President. These controversies separated from the Democratic party, upon entirely opposite grounds, two very different elements—the protectionists and the nullifiers, whom a common hostility to Jackson drew together into an incongruous followship as Whigs.

The vast acquisitions of territory heretofore made by Democratic administrations, the Louisiana Purchase and the Florida Cession—a magnificent domain, far exceeding in size the original thirteen States—are not in any way chargeable to the spirit of slavery propagandism; nor was the opposition encountered by these measures and by the subsequent formation of States from the new territory inspired so much by objection to slavery as by jealousy of Southwestern aggrandisement. But the Missouri controversy aroused the North and alarmed the South; and in proportion as the former grew determined to check the spread of slavery, the latter became intolerant of opposition. She realized the danger of the situation, perceiving that if Northern sentiment should become consolidated against slavery, she must secure increased

representation in Congress to preserve its existence. A greater number of slaves would, through the rule of three-fifths representation, give her more members of the House; their diffusion through new States would give her more Senators. The life of the institution was seen to depend on its extension, but the Missouri Compromise line had cut off the possibility of this in the territory then belonging to the nation.

The crisis had come. "Let one more Northern State be added," said Mr. Wise, of Virginia, in the House of Representatives, "and the equilibrium is gone, gone forever. The balance of interest is gone, the safeguard of American prosperity, of the American Constitution, of the American Union, vanished into thin air. This must be the inevitable result unless by a treaty with Mexico the South can add more weight to her end of the lever. Let the South stop at the Sabine while the North may spread unchecked beyond the Rocky Mountains, and the Southern scale must kick the beam."

The Texan revolt and war for independence, having been brought about by settlers from the States, received very general sympathy throughout the country, but was hailed with delight by the South, as likely to give her a new field for the growth of her cherished system. "The South has very peculiar institutions to preserve, already violently assailed and boldly threatened," reported a committee of the Mississippi Legislature, and "your committee are fully persuaded that this protection to her best interests will be afforded by the annexation of Texas; an equipoise of influence in the halls of Congress will be secured, which will furnish us with a permanent guarantee of protection."

It must not be understood that the interest in Texan affairs was confined to the South, or was inspired exclusively by the desire for an extension of slavery. There was no taint of this motive in the hearts of the men who

followed Franklin Pierce from the White Mountains of New Hampshire, and Henry S. Lane from the woods and prairies of Indiana, to vindicate against Mexico our right to the realm acquired. The reclamation of a territory once ours, the extension of our empire to the Pacific, the glory of the Republic, excited enthusiasm everywhere.

But the outspoken demand of the South awakened considerable resistance in the North, and John Quincy Adams and other Whig Congressmen declared in an address: "We do not hesitate to say that annexation effected by any act or proceeding of the Federal government or any of its Departments would be identical with dissolution. It would be a violation of our national compact of a character so deep and fundamental, and would be an attempt to eternalize an institution and a power so unjust in themselves and so abhorrent to the feelings of the free States as, in our opinion, not only inevitably to result in a dissolution of the Union, but fully to justify it." Thus was repeated the Northern threat of disunion, first heard from Josiah Quincy in 1811, then murmured timorously in the Hartford Convention, but destined to be proclaimed with louder menace till 1860.

The Northern Democracy was not a unit on the question of annexation. Ex-President Van Buren, their leading candidate for the Presidency, openly opposed it. But this opposition cost him the nomination. Through the influence of the South in the party councils, the "two-thirds rule" being followed in the Baltimore Convention of 1844, James K. Polk was nominated on a "platform" demanding "the reoccupation of Oregon and the reannexation of Texas at the earliest possible period." Mr. Clay, the Whig candidate, had satisfied neither side as to his position; his objection to annexation offended the one, his not objecting to slavery displeased the other. Polk's nomination and election were each a triumph of the aggressive policy of the annexationists over the

passive or evasive tactics of their opposers; and the settlement of the Oregon dispute and the annexation of Texas were effected as a result of that election.

The Omnibus Bill of 1850, Henry Clay's last contribution toward compromising differences between the North and the South, abolished the slave trade in the District of Columbia, but contained the Fugitive Slave law, which in its harsh provisions became a pernicious source of irritation to the entire country. Yet for the next ten years this bill as a whole was invoked by the Democracy, in the interest of peace and unity, as the best possible settlement of existing difficulties.

The bill to organize the Territories of Kansas and Nebraska, introduced by Senator Douglas in December, 1853, was not designed to affect the slavery question. The amendment repealing the Missouri Compromise and permitting slaves beyond the barrier established for a third of a century, was proposed by a Whig—Senator Dixon of Kentucky—and accepted with reluctance by the author of the bill. But he became reconciled to this feature through its accord with the fundamental idea of our civil liberties—local self-government. It is the right of the members of every community which constitutes a governmental organization, to determine for themselves their domestic institutions and local laws. Slavery being authorized by the laws of many States and not prohibited by the Federal Constitution, each new Territory and still more each new State should be permitted to choose or reject it, as well as any other institution. Douglas became still further reconciled to the amendment from the belief that its practical operation would secure to freedom all the territory north and some of that south of the compromise line, while at the same time all reasonable ground of complaint on the part of the South would be removed. Of this last there was urgent need. The discontent of

that section was growing to such a degree that disunion, even war, was imminent; and this it was the duty of statesmen, and especially of those in power, to avert by every possible means. The doctrine of popular sovereignty was the promising and only probable means, since it seemed to afford a common ground upon which both sections might stand. The moderate men welcomed it as the preservation of the Union; the extremists are responsible for its failure. The Northern extremists demanded that Congress should forever prohibit slavery in the Territories. The Southern extremists maintained that the Constitution by its own vigor carried slavery into the Territories, and that neither Congress nor a Territorial Legislature could prohibit it. The new President, Buchanan, by proclaiming the latter interpretation with subtlety and skill, and with the prestige of his reputation as a Constitutional jurist, rallied back into the Democratic party the nullifiers of '32 and the pro-slavery Whigs, to remain for a few brief years, till, in despair of leavening the whole mass with their pernicious idea, they again seceded from the party and this time from the Union also. Against such an interpretation Douglas and the Northern Democrats protested emphatically. The Territories were free, and popular sovereignty meant that they might adopt or reject the institution of slavery by positive enactment.

Defeated in their efforts to make Kansas a slave State, and hopeless of extending the institution into other Territories, the desperate Southern faction demanded from the Charleston Convention of 1860 an expression in favor of a Congressional slave code. Failing to obtain this, they bolted the party and put a pro-slavery ticket in the field.

In these trying times the devotion to what seemed the best interests of the Union, displayed by Douglas and the true Democracy, was nothing short of sublime. For suf-

ficient concessions, great bribes were offered—to the former the Presidency, to the latter an indefinite prolongation of power. Yielding for peace and union's sake as far as honor would permit, they then stood firm, and resigned the greatest prizes and the highest hopes of statesman and party.

Their final trial came in the Charleston Convention of 1860, assembled (April 23d) to nominate candidates for President and Vice-President of the United States. Here Douglas was the candidate of the Northern men, on the doctrine he had so manfully advocated—that the people of a Territory, equally with those of a State, have the right to exclude slavery from their borders. By that doctrine Douglas had stood unflinchingly, so far even as to refuse his support (in 1858) to the English bill, which many of the wisest statesmen had deemed a prudent compromise of the Kansas difficulty. And now his followers stoutly refused to yield to the slaveholders' demands, beyond the pledge that, in regard to the institution of slavery in the Territories, “the Democratic party will abide by the decisions of the Supreme Court of the United States upon questions of constitutional law.” A resolution looking toward a Congressional slave code for the Territories they would not on any terms agree to, and thereupon beheld the dissolution of the Convention and the disruption of their party. All this they consented to from love of freedom; and later, by their denunciations of secession, their proclamation of an indissoluble Union, and their rush forward to aid in suppressing the one and preserving the other, they rebuked and silenced the Abolition disunionists of the North, and nerved the arm of the Government to strike down the pro-slavery secessionists of the South. After the civil conflict was over and the kindly lapse of time permitted men to see with clearer vision, this tribute to the Democratic party was uttered by a Southern states-

man and soldier: "The South loved the Constitution more than the Union; the Republican party may have loved the Union more than the Constitution; but it is written in history that the gallant Democracy of the North were the truest patriots of the land—they loved both the Union and the Constitution, one and indivisible."

The disunion sentiment in the North, above referred to, was undoubtedly a potent ally to Southern secession, since it fostered the belief that separation would not be opposed. From all responsibility for that sentiment the Northern Democracy is free. No true Democratic statesman, politician, orator, convention or newspaper ever, from General Jackson's time onward, countenanced or encouraged the idea of disunion, or uttered anything other than denunciation of sectionalism on the one hand and secession on the other. Their pleadings for peace and unity were unceasing, their fruitless efforts to allay irritation were admirable and pathetic.

The Abolitionists, on the contrary, blinded by their sacred rage against human bondage, would, as one of their eloquent orators declared, "rend the Union to destroy slavery, though hedged round by the triple bars of the national compact, and though thirty-three crowned sovereigns with arms in their hands stood around it."

The following are a few specimens of their expressions in the press or in public speeches or resolutions:

"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 a revolutionary right, but exists nevertheless; and we do not see how one party can have a right to do what another party has a right to prevent. We must ever resist the asserted right of any State to remain in the Union and nullify and defy the laws thereof;

to withdraw from the Union is quite another matter. And whenever a considerable section of our Union shall resolve to go out, we shall resist all coercive measures designed to keep her in. We hope never to live in a republic whereof one section is pinned to the residue by bayonets."—*New York Tribune*, Nov. 9, 1860.

"I have only to add, under a full sense of responsibility to my country and to my God, I deliberately say, better disunion, better a civil or servile war, better anything that God in his providence shall send, than an extension of the bounds of slavery."—*Horace Mann*.

"The Republican party is molding public sentiment in the right direction for the specific work the Abolitionists are striving to accomplish, viz. : the dissolution of the Union, and the abolition of slavery throughout the land."—*The Liberator*.

"There is a merit in the Republican party. It is this: It is the first sectional party ever organized in this country. It is the North arrayed against the South. The first crack in the iceberg is visible; you will yet see it go with a crack through the center."—*Wendell Phillips*.

"O, if the South would only go! Sacrifice anything to keep the slave-holding States in the Union? God forbid! We will rather build them a bridge of gold and pay their toll over it, accompanying them out with glad noise of trumpets, and 'speed the parting guest.' Let them not stand upon the order of their going, but go at once. Let them take the forts, empty our arsenals, and we will lend them besides jewels of gold and jewels of silver, and Egypt will be glad when they are departed. * * * The Union, then, is a failure. * * * All hail, then, disunion! Beautiful on the mountain are the feet of him that bringeth good tidings, that publisheth peace, that saith unto Zion, 'Thy God reigneth.' The sods of Bunker Hill will be greener, now that their

great purpose is accomplished. Sleep in peace, martyr of Harper's Ferry! Your life was not given in vain."—*Wendell Phillips*.

"Tear down the flaunting lie;
Half mast the starry flag;
Insult no sunny sky
With hate's polluted rag."

—*New York Tribune*.

(Compare the above with this Democratic sentiment, uttered as a toast on a memorable occasion: "Our Federal Union: it must be preserved!"—*Andrew Jackson*.)

The last effort of the Democracy to effect a pacification of the sections was made through the proposal, in the United States Senate, of a series of constitutional amendments whereby the Missouri Compromise line should be restored and extended to the border of California, slavery to be prohibited in all the territory north, and permitted in all the territory south of that line, till the formation of a new State, when the people thereof should themselves pronounce upon the institution; whereby Congress should be deprived of power to abolish slavery in the District of Columbia so long as it existed in Maryland and Virginia; and whereby the Fugitive Slave law, pronounced constitutional by the Supreme Court, should be maintained and its execution guaranteed.

There is no doubt that these measures, so manifestly inadequate in the light of after events, were suggested by the purest patriotism and the most ardent desire to give peace to the distracted nation. The proposed amendments were offered in December of 1860, the season memorable for efforts at reconciliation. Their author was the illustrious Crittenden, a patriot without reproach, of whom the eloquent Cox, in his eulogy upon Douglas, said: "Kentucky still spares to us one of kindred patriotism, fashioned in the better mould of an earlier day,

the distinguished Statesman who has just spoken, Mr. Crittenden, whose praise of Douglas living I love to quote, and whose praise of Douglas dead, to which you have just listened, *laudari a viro laudato*, is praise indeed." John J. Crittenden, a veteran of the War of 1812 and of the Mexican War, ex-Governor, and several times Senator, offered this plan of compromise, and spoke upon it in such burning words as these: "I wish to God it were in my power to preserve this Union by recognizing and agreeing to give up every conscientious and other opinion. Are you bent on revolution, bent on disunion? God forbid it! I can not believe that such madness possesses the American people. * * I do not despair of the republic. I can not despond. I can not but believe that we will find some means of reconciling and adjusting the rights of all parties, by concession, if necessary, so as to preserve and give more stability to the country and to these institutions."

The Crittenden Compromise was advocated by the Democracy in the Congress and throughout the nation. State Legislatures and State and County Conventions passed resolutions approving it. It failed. Whether its adoption would have delayed the irrepressible conflict, it is now vain to speculate. In view of the destruction of the gigantic evil it was designed to regulate, its failure can not at this day be wondered at or regretted.

But all efforts at conciliation were fruitless, and secession became an accomplished fact. Then, to fire the Southern heart, the storming of Fort Sumter was precipitated. This produced the effect desired by the leaders in the South, and added to the Confederate column the great State of Virginia, as well as Arkansas, North Carolina and Tennessee. But the same event roused the North to a high pitch of excitement, and consolidated public sentiment in support of war, if necessary, to avenge the insult to the national flag and to uphold the

authority of the Federal Government. The day after the evacuation of the fort the President issued (April 15, 1861), a proclamation, calling upon the States for seventy-five thousand militia, "in order to suppress unlawful combinations, and to cause the laws to be duly executed," and summoning the Congress to meet in extra session on July 4th. In answer to the call for troops the people, almost with one accord and without distinction of party, rose up, and promptly filled the President's requisition, volunteers enough to fill it many times over offering themselves.

No man in the Nation was more zealous for the Union than Stephen A. Douglas. He had attended the inauguration of his great rival, and pledged him the support of his party and himself for the maintenance of the Government. And he fulfilled that pledge at the price of his life. His stirring call to arms was heard through the length of the land, as in numerous speeches delivered with little rest between he appealed to the people to sink party distinctions and fight for the Union, under command of the President lawfully elected. But even the sturdy frame of "the Little Giant" was not equal to the demands of his mighty spirit, and Douglas died of sheer exhaustion June 3, 1861. The following tribute to this great man is from the pages of Arnold's "Abraham Lincoln":

"On the 15th of April, the President issued his proclamation calling for seventy-five thousand soldiers. While he was considering the subject, Douglas called and expressed his approval, regretting only that it was not for two hundred thousand instead of seventy-five thousand; and, on the 18th of April, Douglas wrote the following dispatch, and placed it in the hands of the agents of the associated press, to be sent through the country:

"April 18, 1861, Senator Douglas called on the President, and had an interesting conversation on the present

condition of the country. The substance of it was, on the part of Mr. Douglas, that while he was unalterably opposed to the Administration in all its political issues, he was prepared to fully sustain the President in the exercise of all his constitutional functions, to preserve the Union, maintain the Government, and defend the Federal capital. A firm policy and prompt action was necessary. The capital was in danger, and must be defended at all hazards, and at any expense of men and money. He spoke of the present and future without any reference to the past.'

“ Douglas took this means to inform the country how he stood, and to exert all the weight of his influence in uniting the people to sustain the Executive in his efforts to suppress the rebellion by force. Not only did he issue this dispatch, but he started for the Northwest, and everywhere, by his public speeches and conversation, sounded the alarm and rallied the people to support the Government. On the 23d of April, at Columbus, Ohio, he made a speech for the Union, in which he said that the chairman of a committee of secessionists had been instructed to tender the command of all the forces in Virginia to General Scott. The reply of the General, said Douglas, was this: ‘I have served my country more than fifty years; and so long as I live, I shall stand by it, against all assailants, even though my native State, Virginia, be among them.’

“ Douglas made a speech at Wheeling, Virginia, of the same tenor, and passing on to Springfield, on the 25th of April, spoke to the Legislature and citizens of Illinois at the Capital. In this great speech he said, among other things:

“ ‘ So long as there was a hope of a peaceful solution, I prayed and implored for compromise. I have spared no effort for a peaceful solution of these troubles; I have failed, and there is but one thing to do—to rally under the flag. * * * The South has no cause of complaint.

* * * Shall we obey the laws or adopt the Mexican system of war on every election? * * * Forget party—all—remember only your country. * * * The shortest road to peace is the most tremendous preparation for war. * * * It is with a sad heart, and with a grief I have never before experienced, that I have to contemplate this fearful struggle. * * * But it is our duty to protect the Government and the flag from every assailant, be he who he may.”*

“From Springfield, Douglas came to his home in Chicago, and, at the great “Wigwam,” repeated his appeal for the Union. He said that we had gone to the very extreme to prevent war, and the return for all our efforts had been ‘armies marching on the National Capital,’ a movement to blot the United States from the map of the world. ‘The election of Lincoln is a mere pretext; the secession movement is the result of an enormous conspiracy, existing before the election.’ ‘There can be no neutrals in this war—only patriots and traitors.’ Worn with excitement and fatigue, he went to the Tremont House in Chicago, was taken ill, and on the 3d of June thereafter died, at the early age of forty-eight.

“Senator McDougall, of California, his warm personal and political friend, said in the Senate, speaking of his last speeches: ‘Before I left home I heard the battle-cry of Douglas resounding over the mountains and valleys of California and far-off Oregon. His words have communicated faith and strength to millions. The last words

* Governor Shelby M. Cullom, then Speaker of the House, who presided at the meeting, says:

“Douglas spoke with great earnestness and power. Never in all my experience in public life, before or since, have I been so impressed by a speaker. While he was speaking, a man came into the hall bearing the American flag. Its appearance caused the wildest excitement, and the great assemblage of legislators and citizens was wrought up to the highest enthusiasm of patriotism by the masterly speech.

“Douglas told me that ‘the Union was in terrible peril, and he had come home to rouse the people in favor of the Union.’”

of the dead Douglas, I have felt to be stronger than the words of multitudes of living men.'

“The name of Douglas is familiar in Scottish history, as it is in Scottish poetry and romance; but among all the historic characters who have borne it, from him of ‘the bleeding heart’ down, few, if any, have surpassed in interest Stephen Arnold Douglas.

“His death was a great loss to the country and a severe blow to the President. It recalled the words which Mr. Van Buren, then Senator from New York, had spoken on the death of his great rival, De Witt Clinton: ‘I, who while Clinton lived never envied him anything, am now almost tempted to envy him his grave with its honors.’ These words might have expressed in part the feelings of Lincoln on the death of Douglas.”

The people answered the call of Lincoln and the appeal of Douglas, and no one at this day will venture to say that Democrats were less prompt than Republicans in enlisting in the army. But in view of the ungenerous charges that have been made in the past for partisan purposes, an analysis of the figures is presented. A well informed and cautious writer claims that the Democracy furnished “fully two-thirds of the officers and soldiers of the Union armies.” This estimate may be too large, but an examination of the votes cast in the Presidential election of 1860 will demonstrate that the rebellion could never have been suppressed without the active aid of the Northern Democrats. The votes were:

For Lincoln in the Free States	1,840,022
For Lincoln in the Slave States	26,430
Total	<u>1,866,452</u>
For Douglas in the Free States	1,211,632
For Douglas in the Slave States	163,525
Total	<u>1,375,157</u>

For Breckinridge in the Free States	277,082
For Breckinridge in the Slave States	570,871
Total	<u>847,953</u>
For Bell in the Free States	74,658
For Bell in the Slave States	515,973
Total	<u>590,631</u>

Assuming that the voters of the Slave States supported the Confederacy, the South had 1,276,799 adult males at her command. Had the Douglas voters of the Free States espoused the Southern cause, they would have given it a mighty contingent of 1,211,632 men, besides the Northern Breckinridge voters, who would have followed. The South would then have mustered as her defenders 2,765,513 men over twenty-one years of age, and more than half of them in the midst of her enemy's country, with which to oppose 1,941,110 men, the combined vote of Lincoln and Bell in the Free States. From this it is manifest that had the Democratic party sympathized with secession the Government could not have put a regiment in the field; and had a half, or even a third of it taken up arms for the South, her success would have been almost certain.

The truth is that all the sympathies of Democrats, through their historic memories and party traditions, were intensely national. Theirs had been the imperial policy which had extended the domain of the Republic to the Mexican gulf and the western ocean; theirs the strong hand that had stricken down Nullification; theirs the long struggle to maintain concord between the jarring factions. The idea of a dismemberment of the Union was repugnant to all their sentiments, as involving a destruction of their own work; and they rallied round the Government with enthusiasm, resolved to support it in all constitutional and legitimate measures for putting

down the rebellion. It was Democratic public sentiment that stopped the Republican cry, "Let the Union slide." Such was the temper of the Democratic party till its ardor was cooled by a change of policy toward slavery and a series of harsh and unconstitutional measures on the part of the Administration.

On the question of slavery the Democratic position was logical and consistent. The party had repeatedly guaranteed to the South protection to its constitutional rights in that species of property, and the same pledge had been given by the President in his proclamations, by the Republican party in its platforms, and by the Republican Congress in its resolutions.

Confiding in such pledges, Democrats crowded into the army and contributed of their substance, for the suppression of the rebellion. They had not yet learned to regard the destruction of the domestic institutions of the States as the legitimate purpose of the war; nor did they deem abolition a politic war measure, believing that the declaration of such a purpose would confirm the South in her obstinacy and still longer defer or forever prevent the restoration of the Union. The Emancipation Proclamation they consequently deemed unconstitutional and impolitic.

The declaration of martial law in the peaceful States of the North, the draft on the militia, and the arbitrary arrest of citizens without process of law, Democrats everywhere considered wantonly tyrannical, as they believed them to be entirely unnecessary. Added to these measures, so repugnant to their notions of patriotism and sound policy, was the constant iteration of charges of Democratic disloyalty and sympathy with rebels, made by the same men and newspapers that had urged the "wayward sisters" to depart, and had called union with the South "a league with death" and the American flag "a flaunting lie." Surely the party in power made it hard for Democrats to be patriotic during the late civil

war, and their path was a path of thorns. But bravely and patiently they walked the bitter way, looking to the end. Should they desert the Administration, the Union must perish. So they gave their strength to the war, while urging measures for peace. In Congress, in the Legislatures, in conventions, on every battle field, they fought the fight of the Union, and bore the odium incurred by outspoken criticism of the Government.

The position of the Democratic party during the war is so admirably stated by Hon. S. S. Cox, in his able work, "Three Decades of Federal Legislation," that this chapter can not omit the following quotation from his pages. He says:

"The conflict of arms was far from being irrepressible, whatever might be the character of the moral conflict between the spirit of liberty and the spirit of slavery. And even after it had commenced, its continuance was not at any time an absolute necessity for accomplishing a peace with union—if slavery were left as for seventy-five years of constitutional government it had existed—namely, a State institution—a domestic relation. These are the views which actuated the Democracy of the North in accepting the Crittenden proposition. They sought above all things to avert a war of sections. It became a capital tenet of Democratic faith that war could be avoided; and after the war came, that peace and union were at all times within reach, on terms of compromise honorable and equitable to both sections. It is in this light that the course of Northern Democrats is to be judged, preceding and during the secession war. They would shed no blood either to maintain or to destroy the institution of slavery; but all that they had would be freely given to maintain the Union and the supremacy of the Constitution of their fathers. They ask no special credit for destroying slavery—the war effectually did that, and they

were not aloof from its perils. They scorned the charge that they desired to maintain it as an institution. They wanted slavery to die in peace rather than in war. The idea of a temporary sacrifice to slavery with a view of maintaining the Union was always paramount in the Democratic councils. It would be waste and excess to detail the acts of the factions which precipitated the whole people into a state of war. It is sufficient to say that war was forced upon the country while the great mass of the people desired peace."

The spirit of Douglas was abroad in Indiana. Two days after the fall of Sumter and the very day the call for seventy-five thousand men was issued, the following telegram flashed over the wires and thrilled the hearts of the people of the State:

"INDIANAPOLIS, April 15, 1861.

"*To Abraham Lincoln, President of the United States:*

"On behalf of the State of Indiana, I tender to you for the defense of the nation and to uphold the authority of the Government, ten thousand men.

"OLIVER P. MORTON, Governor of Indiana."

More than three times Indiana's quota of the President's requisition volunteered within a week. Democrats were noticeably outspoken in demanding a vigorous war policy and in enlisting in the army. Yet a disposition to divert the universal patriotism to party ends, combined with a malignant purpose to injure Democratic leaders, already appeared here and there. An instance of this was a seemingly malicious falsehood sent in by some one to the *Indianapolis Journal* and made the subject of comment by that paper. It is explained in the following letter, which it drew from Mr. Hendricks:

"INDIANAPOLIS, April 24, 1861.

"MR. EDITOR—My attention has been called to an editorial in the *Journal* this morning, in which it is stated

that, at a Union meeting held at Shelbyville a few evenings since, a committee was appointed to wait on me with the request that I should speak; that being called upon by the committee I refused to speak, saying that I had no hand in originating the difficulty and would have nothing to do in extricating the country from its perilous condition.

“The writer has been wholly misinformed. I never heard of the appointment of such a committee, and suppose that none was appointed. No committee waited upon me with such a request. Had I been so honored, I certainly would have responded. I have never withheld my views upon any question of public interest from the people of Shelby county. Upon all occasions when it appeared proper, I have expressed my opinions in relation to our present troubles. Since the war commenced, I have uniformly said that the authority of the Government of the United States is not questioned in Indiana, and that I regarded it as the duty of the citizens of Indiana to respect and maintain that authority and to give the Government an honest and earnest support in the prosecution of the war until, in the providence of God, it may be brought to an honorable conclusion and the blessings of peace restored to our country—postponing until that time all controversy in relation to the causes and responsibilities of the war. No man will feel a deeper solicitude in the welfare and proud bearing of Indiana’s soldiery in the conflict of arms to which they are called, than myself.

“Allow me to add that in my judgment a citizen or newspaper is not serving the country well in the present crisis by attempting to give a partisan aspect to the war or by seeking to pervert the cause of the country to party ends.

Respectfully,

“THOMAS A. HENDRICKS.”

And so he never failed to aid by word and deed the Federal and State Governments in all measures directed

to the vigorous and efficient prosecution of the war, though ever watchful to point out and fearless to denounce every instance of the unlawful exercise of power and of corruption in public affairs. This he deemed the best service that a leader of the minority could render to the country, and that there was only too much need of such watchfulness and courage in those evil days can not be denied.

Having fulfilled his pledge to the State Convention by a vigorous campaign, which had added to his reputation as an attractive speaker and strong debater, Mr. Hendricks had accepted the popular verdict gracefully and had turned his attention to his profession. He was naturally disappointed at the defeat of his own ambition, but his greatest concern was for the safety of the country; for in the words of the platform on which he was nominated, he did "regard the preservation of the Union and the Constitution as the paramount issue," and believed that "in the harmony and union of the Democratic party consists the strongest bond of union among the States." Gifted by nature with the faculty of looking before and after, and of estimating events and deeds by their foreseen results—the secret of his caution and conservatism—he could not fail at this time to be deeply apprehensive, however little he may have anticipated the dread reality. But in "the current of fanaticism" referred to in his convention speech—a current which he lived to regard, with the younger generation, as a necessary agency of human progress—and in the rock-rooted pro-slavery sentiment against which this current seemed to dash in vain, he saw grave danger of wreck to the ship of state. He was an unusually intelligent, and therefore a profoundly anxious, observer of the course of events, "the prologue of the portents coming on."

On retiring from the Land Office he had returned with Mrs. Hendricks to Shelbyville, and there she had re-

mained among their relatives and friends while he was campaigning in all parts of the State; but they had decided not to reestablish their home permanently till the result of the elections should be known. They naturally looked toward Indianapolis, which, though still in the crude stages of early growth, was rapidly becoming the commercial, social and political center of the State, and was the most favorable location for a man who aspired to distinction in professional or public life. They accordingly moved in the fall of 1860 to this city, which was destined to be their home for a quarter of a century.



CHAPTER XIII.

THE STATE CAMPAIGN OF SIXTY-TWO, AND THE GENERAL ASSEMBLY.

The Democratic State Convention of 1862 was called, according to time-honored custom, for the 8th of January. It was a large assemblage, well attended by delegates and other citizens from all parts of the State. Mr. Hendricks was by acclamation made permanent President, and on taking the chair delivered an address, which is given in full in the latter part of this volume. It is a comprehensive exposition of Democratic doctrine at that date.

The principal subject discussed was the policy of the country toward slavery. Emancipation as a war measure, which some were now beginning to urge, he opposed from the conviction that it would prove to be "weakness and not strength, a burthen and not a support," which could be adopted "only as a means of revenge to destroy the South, but not to restore the Union." He opposed it on economic grounds as "the destruction of Southern labor and the ruin of our rich trade and the value of our products." "To encourage production in the South, that they may be large buyers from us, is the true interest of the Northwest; and that political party that would destroy that market is our greatest foe." He denounced the proposal to arm the blacks as an implication that the white men of the North were not able to suppress the rebellion, and as exposing the people of the South to the danger of servile insurrection. Similar opinions on these points were still held, it will be remembered, by all but the ex-

treme Abolition wing of the Republican party. The doctrines of the Indiana Democracy were very well summarized in the resolutions adopted by the Convention, some of which were as follows :

“That we are unalterably attached to the Constitution, by which the Union of these States was formed and established ; and that a faithful observance of its principles can alone continue the existence of the Union and the permanent happiness of the people. * * * *

“That we are utterly opposed to the twin heresies, Northern sectionalism and Southern secession, as inimical to the Constitution ; and that freemen, as they value the boon of civil liberty and the peace of the country, should frown indignantly upon them.

“That in this national emergency the Democracy of Indiana, banishing all feeling of passion and resentment, will recollect only their duty to the whole country ; that this war should not be waged in the spirit of conquest or subjugation, not for the purpose of overthrowing or interfering with the rights or institutions of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired ; and that as soon as these objects are accomplished the war ought to cease.

“That we will sustain with all our energies a war for the maintenance of the Constitution and of the integrity of the Union *under the Constitution* ; but we are opposed to a war for the emancipation of the negroes or the subjugation of the Southern States.

“That the purpose, avowed and advocated by the Northern disunionists, to liberate and arm the negro slaves, is unconstitutional, insulting to loyal citizens, a disgrace to the age ; is calculated to retard the suppression of the rebellion, and meets our unqualified condemnation.

“That the total disregard of the writ of *habeas corpus*

by the authorities over us and the seizure and imprisonment of citizens of loyal States where the Judiciary is in full operation, without warrant of law and without assigning any cause or giving to the party arrested any opportunity of defense, are flagrant violations of the Constitution and most alarming acts of usurpation of power. * *

“That the meritorious conduct of the Indiana troops in every battle field where victory has perched upon the national banner has filled the people of this State with the highest gratitude to her gallant sons, and that we send our best wishes to officers and men, dispersed throughout the country, and the heartfelt greetings of every Democrat for their further brilliant achievements in the coming contests for the maintenance of the Constitution and the Union.”

The following “Democratic Union State Ticket” was nominated: for Secretary of State, James S. Athon; for Auditor of State, Joseph Ristine; for Treasurer of State, Matthew L. Brett; for Attorney General, Oscar B. Hord; for Superintendent of Public Instruction, Milton B. Hopkins. The last named gentleman afterward declined the nomination, and Samuel L. Rugg was substituted by the State Central Committee.

For six months from this convention there was a lull in politics, the attention of all being absorbed in the events of the war. This was the time of McClellan’s Peninsular campaign.

The growth of the sentiment of opposition to the extension of slavery in the Territories had been rapid in Indiana. The entire Republican party, in the majority at the last election by nearly ten thousand, was inspired with this sentiment; and being free from political alliance with the South, it could afford to be aggressive in proclaiming its views. But the controlling wing of the Democracy was no less firm in the same faith, having caught

up with enthusiasm the popular sovereignty doctrine as the means under the Constitution of securing freedom in the Territories and free Constitutions for the new States. The vote of instructions for Douglas in the Democratic State Convention of 1860, which turned upon this issue, was, it will be remembered, ayes 265, noes 129; and the proportion in the popular election was much greater, viz., for Douglas 115,166, for Breckinridge 12,295.

But Senator Jesse D. Bright had experienced no change of view. Elected to high offices years before the strife over slavery had swallowed up all other questions, he had maintained his power by his great abilities and strong character, and now presented the anomaly of a Kentucky slave-holder representing in the Federal Senate the free State of Indiana. Mr. Woollen, who knew him well, thus describes the close of his political career:

“During most of the time for many years he lived at Washington and in Kentucky in the midst of slavery. So it is no wonder he became politically permeated with the virus of that abominable institution. When the war came and slavery was about to be destroyed, he had no heart for the contest. All the Southern Senators, save those from the border States, excepting Andrew Johnson only, left Washington and went home to help on the rebellion. Mr. Bright did not believe that war would restore the Union as it was, and therefore he opposed the war. He wanted the Union to stand dominated and controlled by Southern men and rather than have any other Union he was willing to see the country go to pieces. It is but just to say that he was not a Secessionist *per se*, and would gladly have had the Union remain as it was. He knew that war meant the destruction of slavery, and, being a slave-holder he opposed the war. Just before the commencement of hostilities, but when it was apparent that the conflict must come, he wrote a letter to Jefferson Davis, the Provisional President of the Confederate States,

introducing an old friend and former fellow townsman. The letter was as follows:

‘ WASHINGTON, D. C., March 1, 1861.

‘ My Dear Sir—Allow me to introduce to your acquaintance my friend Thomas Lincoln of Texas. He visits your Capital mainly to dispose of what he regards a great improvement to fire-arms. I recommend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

‘ Very truly yours,

‘ JESSE D. BRIGHT.

‘ To His Excellency, Jefferson Davis, President of the Confederation of States.’

“ Lincoln was arrested on his way to the Confederate Capital with the letter of Mr. Bright upon his person. Proceedings were at once commenced against the writer, and after a short and angry contest, ended in his expulsion from a body in which he had sat for sixteen years and over which he had presided for a quarter of that time. He defended himself as best he could and when the vote was taken, gathered up his books and papers, and left the Senate never to return. He came back to Indiana, and for some time quietly staid at his home. But when the Democracy, in 1862, elected a majority of the Legislature, he determined to be a candidate for his unexpired term in the Senate. When the Legislature met he came to Indianapolis and asked his party friends to vindicate him by sending him back to the body which had disowned him. But the ‘scepter had departed from Judah,’ and the boon was refused him. Judge Turpie was elected to the place, and Mr. Bright left Indianapolis, swearing vengeance against those who had brought about his discomfiture. He laid the principal blame of his defeat at the door of Governor Hendricks, and ever afterwards was a personal and political enemy of that gentleman.”

The resolution of expulsion was passed February 5, 1862, and Governor Morton immediately appointed to the vacancy ex-Governor Joseph A. Wright, who had recently returned from his post abroad, as Minister to Berlin. Governor Wright had been a life-long Democrat, of strong anti-slavery views, and a rival of Bright for the leadership, and being now disposed to join the Republican party, it seemed to Governor Morton an instance of "poetic justice" that he should succeed to the seat of his fallen enemy. But the campaign of 1862 was to reverse all calculations and give the seat of Bright to a third Senator within the single term.

Early in July the Democratic State Central Committee, George McOuat, Chairman, opened the political campaign with an elaborate call for a Mass Convention to meet at Indianapolis the 30th of the same month, to consider the condition of the country; and about the same time Mr. Hendricks entered actively into the field. At a barbecue at Anderson, in July, the latter spoke for an hour and a half to an audience of five thousand people, and is reported to have repelled in a masterly manner the charge of disloyalty brought against Democrats. He held that allegiance to the Government means fidelity to the Constitution. No man should be before him in that regard. All men were bound to that, and no oath could increase the obligation resting upon them. Let those who charged Democrats with disloyalty answer where the army came from. It was the duty of all to support the war; but the anti-slavery party could never bring about a settlement, and a change of officers was necessary to the restoration of the Union. He would give a cordial support to the Administration in all legal and necessary measures in peace and war, but claimed the right at all times to criticise the policy of the Government, come what might. In the same strain he spoke at Greenfield on the 12th, and at Vernon on the 16th. The following

sentiments from his hour-and-a-half speech delivered on the court house steps at Franklin, July 17th, are reported: That it was the duty of the Democratic party to aid the Administration with men and money to prosecute the war; it was their duty to pay their taxes, and he knew they would do their whole duty. He would venture the prediction that when the delinquent lists of Johnson and other counties were made out, it would be found that those who were howling "Traitor!" at honest Democrats would be recorded there, while the so-called traitors would have done their duty by giving the Government the aid the law demanded.

Preparations for the Mass Convention went forward, and it was announced that John J. Crittenden, S. S. Cox and others would be in attendance to address the meeting. The Convention assembled, according to the call, with a large attendance. Mr. Hendricks was made President by acclamation. His speech on taking the chair was brief, urging order and decorum, but he spoke very seriously, impressed with the perilous conditions of the times. He thanked the Convention, and added:

"All I desire to say is this: We are Indianians. We are surrounded by troubles. Our society is in an excited condition; and it is the duty of every good citizen, it is the duty of every good patriot, to maintain the public peace."

Later he read a letter from Captain Benjamin Harrison, of the 70th Regiment, calling the attention of the convention to the subject of recruiting for the army. He earnestly commended the subject of the letter to those present, declaring that the Democracy was ready to respond to the demands of the Government with men and money. Speeches were made by others and resolutions of the usual tenor were adopted.

From this time forward the contest was waged with vigor by both parties, and with an ever increasing bitter-

ness. The Democratic speakers made the most of every mistake or failure on the part of the Government and every instance of inefficiency and corruption among officials and contractors, to prove the incapacity or indisposition of the Administration to prosecute the war to a speedy conclusion. It must not be a contractors' war, aggravated and prolonged for the sake of plunder and speculation. It was being perverted from its legitimate purpose, proclaimed in repeated declarations of both parties—the preservation of the Union under the Constitution—to an Abolitionist war for the emancipation of the slaves. The suspension of the writ of *habeas corpus*, with the military arrests of citizens while the State courts were in operation and competent to try all offenders, were justly denounced as an unnecessary subversion of civil liberty. The removal of General McClellan just as he had brought the army into an efficient condition, was severely criticised. In this campaign Mr. Hendricks bore his full part, speaking at many places, and marshaling all the points of the argument with his usual logic and force; but the candid critic will not find an expression in all his speeches which goes beyond the limits of the legitimate partisan opposition, or fails in loyalty to the Union or in zeal for the prosecution of the war.

The Republican press and orators appealed to the patriotism of the people, their love for the Union, and their pride in the deeds of the soldiers in the field and the efforts of the able and devoted Governor at home, in urging them to stand by the administration, both State and National; but resorted with but too little scruple to the cheap weapon of denunciation, branding as disloyalty any criticisms of the measures or agents of the Government. These tactics were unavailing in Indiana, and in the October election the State swung back to her old position and elected the Democratic ticket by a majority

of 9,591, and Democratic majorities in both houses of the General Assembly.

The General Assembly convened January 8, 1863, and organized with Ex-Governor Paris C. Dunning as President of the Senate and Samuel H. Buskirk as Speaker of the House. This Assembly has been branded as the "Rebel Legislature," and abused in the most unsparing manner. It is not the province of this book to attempt to vindicate it or any of its measures, some of which must be pronounced unjustified even by the necessities of the occasion and the provocations of the time. But of many of the men who composed the majority in both Houses, it is just to say that their patriotism was as pure and their love of country and State as strong, as could be found among the best of their opponents upon the floor. This is attested by the often renewed confidence of the people, who seldom err gravely in such a case, in electing or nominating them for high and responsible offices. They were filled with the intense party rancor of that time, and believed themselves the vindicators of free government against the encroachments of despotism. Their errors were errors of judgment and not of evil intent; they were true men, and the people of Indiana, whose elected representatives they were, can not patiently hear the charges that have been brought against them.

While no apologies are offered for this Legislature, there is on the other hand no disposition to detract from the praise of Governor Morton—praise justly his due for his devotion to the Union and his solicitude for the honor of the State; for his energy in putting troops in the field and his forethought in providing for their wants; for his determination in overcoming obstacles, his courage in assuming responsibility, and his skill in delivering the State by extra legal means from the difficulties with which she was beset. By his great deeds, his strong will, his powerful intellect, his rugged eloquence, his unwavering

love and implacable hate, he towers above the history of that time, a colossal figure for the admiration and the terror of men.

Much, however, had already happened that was well calculated to alarm the patriotic. The determined stand of the Government against conciliation, the denunciation as traitors of all who favored a termination of the war on however honorable terms, the declaration of martial law in the North, the proclamation of a draft, arbitrary arrests without charges and on mere suspicion, the disregard of the writ of *habeas corpus* and of the decision of the Chief Justice of the United States denying the validity of certain arrests—all seemed to be unnecessary and oppressive, and to evince a determination on the part of the Government to establish despotic power upon the ruins of the most cherished conquests of the Anglo-American race—personal liberty and free speech. The Emancipation Proclamation, manifestly extra-constitutional, was regarded as changing the object of the war from the restoration of the Union to the subversion of the domestic institution of the States. Added to these causes of irritation there was in Indiana a merciless proscription against Democratic military officers, which forced many out of the service, and affixed upon others the stigma of dismissal from the army without charges or opportunity of defense.

These things had been discussed before the people of the State; and upon the argument submitted, the Democrats had triumphed. It is not strange, therefore, that the Democratic majority in the flush of victory took their seats in the legislative halls in a temper of exasperation against the State and Federal Administrations; nor is it strange that in their zeal for civil liberty and for an honorable restoration of the Union, they often passed the bounds of discretion, in resolutions favoring compromises and peace conventions, and in condemning emancipation,

the arming of negroes, and the harsh, impolitic agencies employed to suppress opinion in the North.

A paragraph from a letter of Joseph Ristine, Auditor of State, to Daniel W. Voorhees, Member of Congress, written a year before this time, has been quoted with comments of heavy censure, as an evidence of Democratic treason; but it may also seem to the candid reader to reflect a grave reproach upon the vindictive and repressive policy which could draw such expressions from a sincere and honorable man. He said:

“The successful resistance of the South I regard as the only safety of us of the North. Should she be overwhelmed, woe betide us who have dared oppose the policy of the Administration! A Democrat of the North who dares oppose the policy of the present leaders is as much hated as those of the South; and I look upon this war as much and more a war upon the Democracy than any anything else.”

The temper of parties in the Legislature was soon manifested. The majority determined to go into the election of United States Senators on the afternoon of the second day, the time which had usually been set apart for receiving the Governor's message. To avoid going into joint convention, the Republican Senators broke the quorum by retiring from their chamber in a body. At this juncture the Governor's secretary appeared at the door of the House to present the message. It was customary to receive this document in joint convention, and there was no precedent for its presentation when a quorum was lacking in either house.

A similar event had occurred in the Congress in 1855. The Republicans were in the midst of their long struggle to elect to the speakership General N. P. Banks, author of the expression, “Let the Union slide.” Mr. Giddings and others expressed indignation that the President had “thrust” his message upon an unorganized

body, and voted not to receive it. To emphasize the indignity it was pigeonholed unread, and ignored for two months. With this treatment of a Democratic President fresh in their minds, the majority in the Legislature might have been expected to show a spirit of retaliation; but they contented themselves with returning the message for the time, with an explanation of the circumstances, and subsequently appointed a committee to notify the Governor that the Assembly was organized and ready to receive his communications. In view of his now declining "any further consideration of the subject," the resolution "that the House adopt the exalted and patriotic sentiments contained in the message lately delivered to the Legislature of New York, by his excellency, Horatio Seymour," which was received with applause but not adopted, can not fairly be deemed an affront to the Governor of Indiana.

The measures proposed by this Legislature which have been most severely condemned by the Republican press and politicians, were a Military Board bill, and a Metropolitan Police Bill. The latter measure, drawn by Wm. E. Niblack, since eminent as member of Congress and Justice of the Supreme Court of the State, was designed to withdraw from partisan control the police force of the capital. A similar law has since been enacted (1883), and commends itself to the people without regard to party. Its operation in Indianapolis and Evansville has been highly beneficial, and the experience of the large cities of other States has fully justified the system.

The Military Board bill provided that the Secretary, Auditor, Treasurer and Attorney General of the State should constitute a Board which should have the custody of the State's arms, and be empowered to appoint a Major General and Brigadier Generals for the militia. The Major General was to appoint his own staff. The Governor was to remain commander-in-chief, and his staff was

to be continued. Against this bill the cry was raised that such a law would be unconstitutional and would rob the Governor of every vestige of military power ; and it was further characterized as a defiance of both the State and National Governments. But the Constitution plainly declares that the militia "shall be organized, *officered, armed, equipped and trained* in such manner as may be provided by law ;" thus placing these matters wholly under legislative control ; and while the Governor is made the source of military commissions, he is empowered to *appoint* only the Adjutant, Commissary and Quartermaster Generals. Without doubt the proposed law would have taken away much of the Governor's power ; but it would not have left him in the utterly impotent condition to which President Johnson was reduced in later years by Senator Morton and the Republicans in Congress, when they stripped him of the right to name his own Secretary of War, or to issue a military order unless with the consent of a Secretary who was hostile to his person and opposed to his views.

The resolutions offered or adopted, of which this General Assembly was unusually prolific, have been bitterly assailed. It will be remembered that Indiana was the only Northern State that elected a Democratic Legislature while the war was in progress. This Legislature was therefore regarded as the spokesman of the party, and its utterances were received with the disposition now rampant in the country, to make the term Democratic synonymous with disloyal. None but Republicans could be allowed to be patriotic ; no Democrat could be suffered to rise in the army or succeed in civil life.

The legislative resolutions have therefore received scant indulgence. Their criticism of the conduct of the war was counted disloyalty, their suggestion of negotiations for its termination on the basis of the Union was denounced as treason, their praises of the soldiers in the

field were stigmatized as hypocrisy. Yet their position upon the more important subjects touched, with the exception of emancipation, has been justified by subsequent events; and their view of emancipation as a constitutional question has been affirmed by the best legal authorities. The great case, *Ex Parte Milligan*, has amply vindicated their bitterest invectives against the arbitrary exercise of power in arresting citizens. Of that unwarrantable usurpation, the resolutions said that it was "arbitrary, violent, insulting, and degrading to a degree unknown to any government on earth, except those avowedly and notoriously cruel and despotic." Upon the same question the Supreme Court of the United States has since said, by the mouth of David Davis, in language of judicial calm but of no less positive censure: "A citizen not connected with the military service, and resident in a State where the courts are open and in the proper exercise of their jurisdiction, can not, even when the privilege of the writ of *habeas corpus* is suspended, be tried, convicted or sentenced, otherwise than by the ordinary courts of law. The Supreme Court hold that the constitutional guaranty of trial by jury was intended as well for a state of war as in time of peace, and that it is equally binding upon the people and the Federal authorities at all times and under all circumstances."

The Appropriation bill was generously framed, making ample provision for the support of the State government and the Benevolent Institutions, and for the soldiers of the State in the service of the Government. It was satisfactory to both parties, but it was never passed. On the 25th of February the Military Board bill was brought to a final vote; when the Republican members of the House left the chamber, thus breaking the quorum. On March 9th, after waiting in vain for their return, the General Assembly adjourned.

The responsibility for the failure of the Appropriation

bill is not with the Democrats. It was known that the bills objected to could not pass the Senate, though passed by the House, since Senator A. C. Downey, of Ohio county, had pledged himself to vote against them, and his vote was necessary to give the Democrats a constitutional majority. It was charged at the time that certain great corporate interests broke up the General Assembly to prevent other legislation then pending, while the ostensible reason of the bolt was to prevent the passage of the Military Board bill and the Metropolitan Police bill.

But meantime the election of United States Senators, though delayed somewhat by the factious conduct of both sides, had been duly held. Indiana at this time was represented in the Federal Senate by Henry S. Lane and Joseph A. Wright. The former was elected in January, 1861, after having occupied the Governor's chair for but two days; the latter was holding by appointment of the Governor. It was, therefore, in order to proceed at once to the election of a Senator for the few remaining weeks of the unexpired term, as well as one for the regular term to begin March 4th. The climax of Governor Wright's disappointments was at hand. One of the most eminent and influential of the Governors of Indiana, he had reached his high position by his own merits and unaided efforts. His long term in the executive chair (1849-1856) connected the eras of the two Constitutions of the State, and shaped much of the legislation under which we still live. A Democrat "from way back" and high in the councils of his party, he had been a member of Congress and a Minister Plenipotentiary of the United States. He had justly aspired to a seat in the Senate as the crown and completion of his public career, but in this he had been thwarted by his very virtues; for it was not through accident that he was hostile to Jesse D. Bright. His strong anti-slavery sentiments naturally arrayed him against that powerful leader, and thus barred his way to the coveted

prize. When at last Governor Morton, who of old as a Democrat had supported Wright in his rivalry with the party dictator, appointed him to the seat of his fallen enemy, they both hoped, perhaps, that enough Democrats would follow the new Senator in his course to secure a Legislature favorable to his election. But the majority was against him; and so greatly had political feeling become intensified that there were few of his old party friends but rejoiced in his discomfiture.

The majority had not far to look for available men of unimpeachable Democracy. Their late candidates for Governor and Lieutenant Governor had received the highest indorsement of the party and had increased their popularity by an able canvass. For this reason as well as for their eminent fitness, they were nominated unanimously by the party caucus the evening of January 8th, and the afternoon of the 14th they were elected in joint convention,—David Turpie for the small remainder of the term of Bright and Wright, and Thomas A. Hendricks to succeed him on the 4th of March, for a full period of six years.

Mr. Turpie went immediately to Washington, where in seven weeks he made perhaps the most brilliant record that was ever made in the United States Senate in so short a time. Of this able statesman, Senator Daniel W. Voorhees recently said to the President, when asked by him who Mr. Turpie of Indiana was, "Mr. Turpie is a gentleman to whom I feel like apologizing whenever I meet him." "Why so?" asked the President. "Because," answered the Senator, with a wit worthy of Sir Charles Sedley, but a generosity of sentiment all his own, "I am in the United States Senate, and he is not."

The career of Mr. Hendricks as a Senator will be reserved for another chapter.

CHAPTER XIV.

UNITED STATES SENATOR.

The six years during which Mr. Hendricks occupied a seat in the Senate were among the most momentous in the history of the nation. Questions relating to the support of vast armies and the conduct of a great war, the restoration of insurrectionary States to their Federal relations, the amendment of the Constitution, and the impeachment of the President of the greatest Republic on earth—some of the most stupendous questions that ever came before a legislative body—were dealt with and settled. It will be impossible to give in a single chapter more than an outline of Mr. Hendricks's career as a Senator, but the attempt will be made to show clearly his position on important measures, using his own words when available for the purpose.

On the call of the roll of Senators (March 6, 1863), to take the oath of office, Messrs. Buckalew, Hendricks, Johnson, and Wright remained in their seats. Since the last ceremony of this kind had taken place, a new and unusual oath had been prescribed by an act of Congress of July 2, 1862, to be taken by all civil officials of the United States, and it was this test oath which the newly elected Senators were called upon to take and subscribe. After those who went forward had been sworn, Reverdy Johnson of Maryland, a man of earnest patriotism, rose and said that while he had no objection to taking the oath prescribed, yet two difficulties occurred to him: according to his interpretation of the Constitution a Senator was

not a civil officer within the meaning of the statute ; and, in his own words, “ The only oath prescribed by the Constitution is an oath to support the Constitution, and the oath required by this act is an oath that you never have in the past violated it, so that it concedes in point of fact a particular member may be just as loyal now as any other member of the body, although disloyal in the past. I doubt very much the authority of Congress to impose a restriction of that description, which, according to my reading of the article, is inconsistent with the mere oath which the Constitution prescribes.”

At the close of Mr. Johnson’s remarks, Mr. Hendricks said : “ I desire to adopt the explanation of the Senator from Maryland, and with that explanation I will take the oath.” Thereupon, Messrs. Buckalew, Hendricks, Johnson, and Wright went forward and were sworn.

This was the special session of the Senate, held for the admission of new members, and no other business of any importance was transacted. The Senate adjourned March 14th.

The War Congress—1863-5.

On January 16, 1864, Senator Hendricks called up an amendment he had previously offered to the enrollment act, and prefaced a brief explanation of the measure with this remark, which may be taken as the key to his position while in the Senate, in reference to measures for the prosecution of the war : “ In the language of the Senator from Massachusetts [Sumner] I think it will ‘ popularize ’ the bill to some extent. It can not impair the efficiency of the measure.”

Such was his constant endeavor—to remove from the war legislation of the time all provisions which would inflict unnecessary hardship upon the people or would press with unnecessary weight upon their financial resources—“ to popularize,” but never to impair in efficiency—, the legitimate measures of the Government. No man

knew the people better than he, no man knew better the Democratic party. He deemed it wisdom on the part of the majority to render its legislation acceptable, as far as possible, to men of all parties; and he believed it to be his duty as a member of the minority to point out to those in power every improvement of which he deemed any bill susceptible, and to induce them by argument and persuasion to accept such improvements. He realized the importance to the Government of the united support of all the people of the Union States; and no one regretted more than he the harsh repressive measures of the Administration—in his opinion, equally uncalled for and illegal—which had alienated from it so many loyal citizens. He wished Democrats as well as Republicans to be permitted to be patriotic.

In the present case the amendment he had proposed seems eminently wise and humane, explained in his own words, as he continued: “As there may be some Senators present who were not present when this amendment was before the body on a previous day, I will say it is simply this: that the military force shall be divided into two classes, married and unmarried, and that the unmarried men subject to do military duty shall be drafted before there shall be a draft of the married men. It is suggested by a Senator near me that it might require a re-enrollment. In reply I will say that the present enrollment shows who are married and who are unmarried, and there will be no practical difficulty and no delay consequent upon the adoption of this measure.”

The amendment was not adopted, but among the twelve votes recorded in its favor were those of Doolittle, Sumner, and Lane of Indiana, all Republicans.

In the same humane spirit he objected to an amendment offered by Lane, providing that “the payment of commutation money by any drafted person shall not operate to release the State in which he was drafted, from

filling its quota," on the ground that it would permit the well-to-do to buy off and leave the poor only subject to the draft. "Notwithstanding the Government receives the money," he said, "we throw upon the truly poor men the responsibility to furnish men, and the money is but a revenue. I am not willing to vote for any such proposition, and I suggest to Senators that it will subject the measure to very great hostility throughout the country."

To the policy of this and all other acts providing for drafting men into the army he was entirely opposed, knowing the dislike with which they were regarded by the people, and believing that drafted men never make as good soldiers as volunteers. He thought the army could easily be kept filled by a liberal system of bounties, and he believed that such a system would be cheaper in the end. But though opposed to the draft, he strove to mitigate its hardships, and to make it effective by rendering it as unobjectionable as possible.

In his care for the rights and liberties of the citizens under the Constitution, no detail of legislation escaped Senator Hendricks. Thus we find him urging that indictments for hindering the draft be limited to the Circuit Court, in order that the accused might have an appeal to the Supreme Court. He said: "I do not wish to be understood as agreeing that we can confer jurisdiction upon the United States Courts of the crime of murder in the States, but if we attempt to do it, I suggest that it ought only to be tried in the Circuit Court of the United States; in analogy with all our existing laws in regard to the trial of capital cases." This suggestion was accepted, and the bill was amended accordingly.

He opposed the enlistment of colored troops on the ground mainly that such a measure would be so objectionable to the white soldiers as seriously to weaken the army, and to that effect explained his vote on an amendment offered by Doolittle, saying:

“I do not intend, by voting in favor of this proposition as I shall do, to say that I agree to the policy that colored troops shall be enlisted at all; but if they are enlisted they ought to go to the credit of the locality in which they are found. And here I desire to say that I think the Senator from Massachusetts is mistaken when he says that Massachusetts has had credit only for enlistments in that State. I think there were agents of that State in Indiana, and negro troops were raised in Indiana for Massachusetts regiments. So I have understood.”

The views of Doolittle and Hendricks on the point involved prevailed and became part of the law.

If the buying-off system were to be permitted, he favored a scale of commutations proportionate to the property and income of the individual, and introduced an amendment embodying this principle. At this juncture the irascible Chandler broke forth: “If you want men do away with that exemption entirely, and have your men come up and serve or furnish substitutes. I am opposed to this whole theory of commutation. The Government wants men and not money. It will get no men under this provision, and the enemies of this bill will vote for this amendment.” And he charged that the enemies of the bill were the men who had been consuming day after day and week after week in talking it to death, and that Doolittle in particular came under that category. To that charge Mr. Hendricks was not liable. He was opposed to the principle of the bill, but his was not a factious opposition. He had not consumed the time of the Senate by unnecessary talk—a thing he was never guilty of—and his amendments and criticisms had been prompted by the single desire to improve the measure. When at last the enrollment was returned from the conference committee of the House and Senate, he moved that the report of the committee be printed for the information of Senators. It being somewhat unusual to print such re-

ports, the insistant majority voted down his motion, and were pressing the bill to a final vote. But he again rose, and urged the very great importance of the measure and its unusual character, and with the consent of Wilson, the chairman of the committee, secured a reconsideration of the vote and an order that the report be printed. Such was the personal popularity, the uniform fairness, and the persuasive power of Senator Hendricks that he had perhaps more influence with the "mad majority" than any other Democrat in the Senate.

His popularity with his brother Senators of the opposite party (and he early became a warm friend of the most gitted among them), was not due to any weakness of his political principles, or any hesitancy in speaking out his convictions. Always courteous in debate, he never assailed an opponent with personal invective or abuse, but was ever fearless in attacking the principles and measures of the majority. Nor did he ever hesitate to defend the past history and present position of the Democratic party, or to vindicate it from the charges which it was by this time the policy and custom of Republicans to heap upon it. April 7, 1864, he said :

"But, sir, I claim for the Democratic party that it did all that it could do to avoid the commencement of these hostilities. * * The Democrats in this body and in the other House did all in their power to adjust the differences between the North and the South, and to avoid the calamitous war that has come upon the country. Can the Senator from New Hampshire say as much for his party?"

"The Senator also said that the Democrats were indulging the delusion that if their party could succeed they might bring peace and prosperity again to the country. Sir, I do indulge such a hope, and I think it is not a delusion. It is a hope based upon the experience of the past. * * The Senator referred to the few Demo-

cratic Senators in this body, and said that when they spoke it was 'like the voice of one crying in the wilderness.' I thank the Senator for the illustration. That was the voice of John the Baptist. His voice was to prepare the way of the Lord in the wilderness, and to make straight a highway in the desert. If it should be the fortune of the few Democrats who are in this body, and of the Democrats in the country, to prepare a highway in which the people may again walk in prosperity and union and harmony, I shall rejoice in such a result."

His opinion of secession was the opinion of Douglas and the Northern Democracy. He said:

"Secession had not justification in the fact that a Northern party succeeded, and that a sectional President had been elected. But will the Senator deny that if a sectional party had not succeeded, and a sectional President had not been elected, this trouble would not have come upon the country? While I do not justify the course that has been pursued by the South, but utterly condemn and repudiate it, I say that if a sectional policy had not been pursued on the part of the North, encouraged and participated in on the part of the leaders in the South, we need not have had the present troubles which are so calamitous to the country."

Early in 1864 the radical majority had determined to abolish slavery by an amendment of the Constitution. On this proposition Mr. Hendricks said (April 7th):

"In the first place, I will not vote for the resolution because I think the times are not auspicious. It is not a favorable time for us to lay our hand upon the work of the fathers. Our Constitution was made after the War of the Revolution was closed, when peace had returned, when there was but little party prejudice and strife in the country—a time most favorable for laying the foundations of government. Our fathers were statesmen, taught in

the scenes of the Revolution. They laid the foundations of government; and, for myself, I am not willing to disturb them in these times of excitement and strife. Ought not the people deliberately to consider any proposition for an amendment of the Constitution? Ought it not to be considered more deliberately than any ordinary measure of government or of administration? Sir, what is our condition? We are in a state of war. The minds of the people are greatly excited. They come to conclusions now not so much upon reflection and argument and reason as they do upon the passions of the hour. I ask Senators whether a time like this is favorable to consider amendments of the organic law?

“Besides that, there are many of the States that are especially in no condition to consider amendments to the Constitution. * * Is this to be their Constitution as well as ours? Is this to be a Constitution for Louisiana as well as Indiana, for Florida as well as New Hampshire? Then, sir, if it is to be their great law, to which they will owe allegiance and render obedience, shall they not be in a condition to consider so important an amendment before it is proposed to them?”

Always liberal in the matter of appropriations for the war, Senator Hendricks attempted, April 22, 1864, to improve the condition of the soldiers. He said:

“Very many of the soldiers who are now in the army of the United States enlisted on the call of the President, when their compensation was fifty per cent. more than it now is; when there was but very little difference between the gold and silver currency of the country and the paper currency. But the depreciation has gone on until that compensation is now fifty per cent. less than it was, and the expense of maintaining a family while the soldier is in the army is also largely increased. The reason therefore, is very strong in favor of the increase of the compensation of the soldiers and non-commissioned officers

of the Army of the United States. * * In my amendment I propose simply that the pay shall be increased from this day. Mr. President, I offer the following amendment as an additional section to the bill :

“And be it further enacted, That the pay of the soldiers and non-commissioned officers of the Army of the United States shall hereafter be fifty per cent. greater than is now allowed by law.

“The Senator from Maine has felt it to be his duty also to say that I had said that I was in favor of the war, but the war could not succeed. I will ask the Senator when he heard me say so.”

MR. FESSENDEN. “I did not undertake to repeat the language of that gentleman. I was barely repeating the general line of argument on the other side of the House.”

MR. HENDRICKS. “I should be obliged to the Senator to say if he has heard any Democratic Senator say that at this session.”

MR. FESSENDEN. “I think I have. It is my very strong impression. I will not undertake to designate.”

MR. HENDRICKS. “The Senator has heard no such words from me ; he has heard no such sentiment from me, nothing bordering on it.

“He also suggested that I was in favor of the subjugation of the South, but thought they could not be subjugated. I do not know what the Senator means by “subjugation,” sir. If he means that I am in favor, with all the earnestness of my nature, of a restoration of this Union, upon the basis of the Constitution, he speaks correctly. If he means to say that I am in favor of the destruction and—to use the language that has been uttered in another branch of the Congress—of the devastation of the South, I am not in favor of that. I am in favor of the prosecution of this war upon such a policy as will secure a return of the Southern people, that there may be prosperity and greatness there to support the prosperity”

and greatness and enterprise of the North at the same time."

On December 4, 1884, in an address at Indianapolis to a meeting of veteran soldiers, Mr. Hendricks said:

"To opposition to the draft I must certainly plead guilty. I did not regard the draft as a reliable support of the army. Prior to that time 125,000 men had been drafted, 6,000 had entered service under the draft, 10,000 substitutes were furnished, and 20,000 were induced to volunteer by the bounties. The draft of 125,000 resulted in 36,000 soldiers in the field. * *

"On the 23d of April, 1864, I offered an amendment to the Appropriation bill, to increase the pay of the soldiers and non-commissioned officers reasonably in proportion to the then depreciated condition of the currency. I thought that proposition was an encouragement to the army and to enlistments; and I may say that Colonel Lane, then my colleague in the Senate, voted with me on that subject. On the same day I voted for the great Appropriation bill—I believe the largest Appropriation bill ever passed by this Government—voting \$530,000,000; and it was under that appropriation that the army was carried to the end of the war, that many of the battles were fought, that Sherman marched to the sea, and that the surrender was made to Grant."

The above extracts are all that space allows to illustrate Senator Hendricks's views during the war; which were, in brief, that the Government should receive a liberal and loyal support in all measures for suppressing the rebellion, but should be held strictly within the constitutional limits of its powers.

Socially Mr. Hendricks was on terms of cordial friendship with many of the leaders whom he opposed most constantly in the Senate, and his admiration and regard for Mr. Sumner were warmly reciprocated by that distinguished statesman.

His appreciation of Mr. Lincoln grew into a sentiment of affectionate reverence, as in frequent visits to the White House he came to understand the massive virtue and single-minded patriotism of the great President. On the adjournment of the Thirty-eighth Congress, before starting for Indianapolis, he called on the President to say good-bye. A pleasant interview occurred, with expressions of mutual good will and wishes for each other's health and welfare during the summer, and of joy at the probable return of peace. At parting Mr. Lincoln said :

“ We have differed in politics, Senator Hendricks, but you have uniformly treated my administration with fairness. Presently there will be no differences between us.” Then taking his arm and leading him to a window overlooking the Potomac, the President continued : “ Within a few months there is to be such universal good feeling over there that it will bring us all together.”

In view of such an expression, how shocking, how disgraceful to the city and State, was the scene which must now be described ! On receipt of the dreadful news of the President's assassination, a meeting of the Indianapolis bar was held, to take appropriate action on the sad event. Many speeches were made, and among them one by Senator Hendricks—an eloquent and feeling tribute to the dead President's virtues and fame. At the close of this meeting, Mr. Hendricks, Mr. Joseph E. McDonald and Major Jonathan W. Gordon repaired together to the office of the Governor, to take part, by invitation, in a mass meeting of citizens. The Governor conducted them to the speakers' stand; which had been erected near the southeast corner of the State House. Around the stand in the capital square and streets was a dense crowd, perhaps numbering, it is said, ten thousand persons, with several regiments of soldiers in line. Speeches were

made by Governor Morton and ex-Governor Wright. Mr. Hendricks then rose and began to speak in the same strain he had followed at the bar meeting, repeating some of the very sentences of that well considered address. Presently the crowd was stirred with unaccountable fury, and the miscreant rabble element rushed toward the speaker, brandishing weapons, with cries of, "Kill him!" "Hang him!" "Don't let the traitor speak!" "Pull him down!" and other shrieks of dreadful menace. Terror smote his friends, and many thought that the blood of a Senator would be added to the horrid murders which the partisan frenzy of that time had committed. Governor Morton sprang to his feet. General Stevens sped toward the troops. The Governor raised his hand, and with his terrible eye and ringing voice, commanded and besought, and quelled the crowd. But the uproar lasted many minutes; to some it seemed hours. During this time Mr. Hendricks stood in his place, and, says Major Gordon, "Neither tremor or pallor indicated the slightest fear. His courage was like Othello's sword—of the ice brook's temper." When quiet was restored the speaker continued, without going back or repeating a word, from the point where he had stopped, and closed with this fearless pledge: "And I too will support his successor just as far as I can, always saving my conscience void of offense." At the end of the speech he made his way, accompanied by Major Gordon, to his office. To the Major's question whether he had arms, he said, "No, I never carry them."

In July, 1865 Senator Hendricks visited Minnesota. The Common Council and the citizens of St. Paul tendered him a banquet, on the 5th, in recognition of his services to their city and State. The feast was spread at the International Hotel. Mayor Prince presented the city's guest in the following words:

"Gentlemen—I have the honor to introduce to you our

distinguished guest, Senator Hendricks, of Indiana, a gentleman who, as Commissioner of the General Land Office and subsequently as United States Senator, has proved himself to be the warm supporter and advocate of the interests of our State. With a just appreciation of the commanding geographical position of Minnesota, and of her other great natural advantages, he has generously labored for her benefit. And we are assembled this evening, at the invitation of the City Council, to welcome him as a visitor among us and to give expression to the grateful recognition, which we all entertain, of his good offices. His name will be associated with the history of Minnesota as one of her best and truest friends."

The reply of Senator Hendricks was eloquent and appropriate, and elicited universal praise throughout the Northwest.

The Reconstruction Congress—1865-7.

With the commencement of the Thirty-ninth Congress begins the baleful "Era of Reconstruction." It will be remembered that when President Lincoln was elected in 1860 by a plurality vote, through the division of the majority party, the Republicans were in the minority in both Houses of Congress. It was only through the wholesale resignations of members from the seceding States that the minority in Congress became the majority in that body. In the North the Republicans formed the more numerous party of citizens; in the Republic at large they were greatly outnumbered. During the four years of conflict, partisanship was largely forgotten in the North, and in the purpose of suppressing the insurrection the people were practically a unit. But during the four years of conflict the question must often have occurred to the politicians of the dominant faction, What of the future? It was not likely that such opportunities for the success of a minority as those of '60 and '64 would pre-

sent themselves again in a century. When the seats of the resigned Senators and Representatives should again be filled, the control of legislation would return to the majority.

The year '65 witnessed the conclusion of the war, and the triumph of the Union. It was worth all the blood that had been spilt, and all the treasure that had been poured out for its accomplishment; and the hearts of the people were filled with joy unspeakable and with praise to Jehovah for the preservation of their beloved land. With this joy was mingled untold sorrow for the tragic death of the brave, true-hearted Lincoln, who had purposed to be not the sectional head of a sectional party, but the President of the whole people, "with malice toward none, with charity for all," and with the avowed intention of restoring the Union and upholding the Constitution. In his chair now sat the bold and fearless man of the people, Andrew Johnson, of Tennessee. Strong-willed as Jackson, and equally imbued with devotion to the Union and the Constitution, he had in the interval of Congress exerted himself to secure the restoration of the unrepresented States to full and normal relations with the Federal Government.

The Thirty-ninth Congress convened on the 4th of December, 1865. The chief interest centered in the House of Representatives, which is organized anew with each Congress; while the Senate, being a permanently organized body, simply receives new members.

In the House were assembled at the opening all the Congressmen elect. The clerk of the House of the last preceding Congress—Edward McPherson—struck the gavel and began to call the roll of members elect, according to the unvarying custom of opening. In doing so he arbitrarily omitted the call of eleven States. Mr. Maynard, of Tennessee, twice arose to speak, but was not recognized. There was no "Old Man Eloquent"

then to pour out his vials of wrath and scorn upon the "mere clerk" of the House and take the floor, as in 1839. But while the motion to elect a Speaker was pending, Mr. James Brooks, of New York, rose and said :

"I trust that we shall not proceed to any revolutionary step—any step like that, without at least hearing from the honorable gentleman from Tennessee. If Tennessee is not in the Union, by what right does the President of the United States usurp his place in the White House, when an alien and a foreigner, and not from a State in the Union?"

Interrupted by the stentorian voice of Mr. Wentworth, of Illinois, and called to order, he was permitted by the grace of the gifted clerk to proceed.

"If he is not a loyal man, and is not from a State in this Union, what man, then, is loyal? In the darkest and most doubtful period of the war, when an exile from his own State, I heard his eloquent voice on the banks of the St. Lawrence, arousing the people of my own State to discharge their duty to the country."

It was of no avail. The plain, unmistakable guaranty of the Constitution giving to each State its due representation in Congress, in terms which the simplest could understand—without qualification, without restriction, without exception—were not regarded by the clerk, and it was evident that the Representatives of the majority in the Union could not control the House without a bloody struggle, the end of which no man could foresee.

The organization of the House proceeded. Soon after, Mr. Stevens, of Pennsylvania, offered the following resolution, which was adopted :

"*Resolved*, By the Senate and House of Representatives in Congress assembled, that a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the Senate,

who shall inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either House of Congress, with leave to report at any time by bill or otherwise; and until such report shall have been made, and finally acted upon by Congress, no member shall be received into either House from any of the said so-called Confederate States; and all papers relating to the representation of the said States shall be referred to the said committee without debate.”

In marked contrast with the crowded, excited House was the scene presented in the Senate on that eventful morning. With quiet dignity the old members took their accustomed seats. In the chair of the President sat Senator LaFayette S. Foster, of Connecticut, who had been chosen President of the Chamber, during the temporary absence of Vice President Johnson, in the former session. The committees were announced on the third day. Mr. Hendricks was appointed to a place on the Committee on the Judiciary, an exceptionally strong one, of which Senator Doolittle, of Wisconsin, spoke the following eulogy:

“From its very organization the Senate designs to make that committee its constitutional adviser—not that its opinions are to be conclusive or controlling on the vote of any member of this body, like the opinions of the bench of Judges in the House of Lords; but its members are chosen in consideration of their high professional ability, their long experience, and well known standing as jurists, in order that their report upon constitutional questions may be entitled to the highest consideration. And, sir, if you look into the organization of the Judiciary Committee appointed by the Senate at the present session, what is it?” Here followed a mention of each member—Trumbull, of Illinois; Harris, of New York; Poland, of Vermont; Clark, of New Hampshire; Stewart, of Ne-

vada; and Hendricks, of Indiana, "each of whom stands eminent in the profession in the State he represents, and all of whom are recognized here as among the ablest jurists of this body."

The House joint resolution of Mr. Wade had been presented to the Senate on the preceding day—the second of the session. How this measure was reconciled in the minds of its supporters with the constitutional provision that "each House shall be the judge of the elections, returns and qualifications of its own members," does not appear. The resolution was amended in the Senate by striking out all the words after *otherwise*—an amendment in which the House subsequently concurred. Senator Hendricks spoke upon this resolution as follows:

"I shall vote against this resolution, because it refers to a joint committee, a subject which, according to my judgment, belongs exclusively to the Senate. I know that the resolution no longer provides in express terms that the Senate, pending the continuance of the investigation of this committee, will not consider the question of credentials from these States; but in effect it amounts to that. The question is to be referred to the committee, and according to usage, and it would seem to be the very purpose of reference that the body shall not consider the subject while the question is before them. I would not vote for a resolution that refers to a joint committee a subject that this body alone can decide. If there are credentials presented here, this body must decide the question whether the person presenting the credentials is entitled to a seat; and how can this body be influenced by any committee other than a committee that it shall itself raise?"

Mr. Hendricks and ten others voted against the resolution, which, however, was adopted by both Houses.

On the 18th of January Senator Stewart, of Nevada, spoke ostensibly upon the new Freedmen's Bureau bill, but really upon Reconstruction and Negro suffrage. The new bill was a monstrosity which had not been dreamed of in the time of actual war. Its provisions extended even to Northern States; it created an army of new officers, at enormous expense, and armed them with almost absolute power. Calmly, dispassionately, Senator Hendricks reviewed the measure, next day, in a masterly address, from which a few brief extracts are given below.

“I hear Senators speak very frequently of the necessity of economy and retrenchment. Is this a specimen, increasing the number of officers almost without limit and increasing the expenditures? I think one might be safe in saying that if this bill passes we may not expect to get through a year with less than \$20,000,000 of expenditure of this Bureau. But that is a mere opinion; for no man can tell until we have the number of officers that are to be appointed under the bill prescribed in the bill itself, and this section leaves the largest discretion to the Bureau in the appointment of officers. I appeal to Senators to know whether, at this time, when we ought to adopt a system of retrenchment and reform, they are willing to pass a bill which will so largely increase the public expenditures. * * *

“Then, sir, when this army of officers has been organized, the bill provides—‘And the President of the United States, through the War Department and the Commissioner, shall extend military jurisdiction and protection over all employes, agents and officers, of this Bureau.’

“Will some Senator be good enough to tell me what that means? If Indiana be declared a State within which are found refugees and freedmen who have escaped from the Southern States, and if Indiana has a Commissioner appointed to her, and if in each county of Indiana there

be a Sub-Commissioner at a salary of \$1,500 a year, with two clerks with a salary of \$1,200 each, and then the War Department throws over this little army of office-holders in the State of Indiana its protection, what does that mean? The people of Indiana have been ground hard under military authority and power within the last three or four years, but it was borne because it was hoped that when the war would be closed the military power would be withdrawn from the State. Under this bill it may be established permanently upon the people by a body of men protected by the military power of the Government. An officer is appointed to the State of Indiana to regulate the contracts made between the white people and the colored people of that State; and because he holds this office, not military in its character, involving no military act whatever, the military throws over him its iron shield of protection. What does that mean? If this officer shall do a great wrong or outrage to one of the people, and the wronged citizen appeals to the court for his redress and brings his suit for damages, does the protecting shield of the War Department prevent the prosecution of that suit and the recovery of a judgment? What is the protection that is thrown over this army of office-holders? Let it be explained. * * *

“The fourth resolution, as amended, provides for the setting apart of three million acres of public lands in the States of Florida, Mississippi and Arkansas for homes for the colored people. I believe that is the only provision of the bill in which I concur. I concur in what was said by some Senator yesterday, that it is desirable, if we ever expect to do anything substantially for the colored people, to encourage them to obtain homes; and I am willing to vote for a reasonable appropriation for the public lands for that purpose. I shall not, therefore, occupy time in discussing that section. * * *

“I regard it as very dangerous legislation. It pro-

poses to establish a government within a government—not a republic within a republic, but a cruel despotism within a republic. In times of peace, in communities that are quiet and orderly and obedient to law, it is proposed to establish a government not responsible to the people, the officers of which are not selected by the people, the officers of which need not be of the people governed—a government more cruel, more despotic, more dangerous to the liberties of the people than that against which our forefathers fought in the Revolution. There is nothing that these men may not do, under this bill, to oppress the people.

“What relation do we desire that the people of the North shall sustain toward these people of the South—one of harmony and accord, or of strife and ill will? Do we want to restore commerce and trade with them, that we shall prosper thereby as well as they, or do we wish permanent strife and division? I want this to be a Union in form, under the Constitution of the United States, and in fact by the harmony of the people of the North and South. I believe, as Gen. Grant says, that this Bureau, especially with the enlarged powers that we propose to confer upon it, will not be an instrument of concord and harmony, but will be one of discord and strife in that section of the country. It can do no good, but in my judgment will do much harm.”

Against this bill were recorded the votes of Senator Hendricks and nine others. In the House it was opposed by thirty-three members, after some amendments were made. It was then re-amended by the Senate. The House concurred, and it was passed. It was promptly vetoed by the President, and an effort to pass it over the President's veto failed.

The Civil Rights bill came next into prominence. It was avowedly based upon the old fugitive slave law, in all provisions relating to the enforcement of the act, it

being the "happy thought" to thus compel an acknowledgment of its constitutionality from the Democrats. This was the very feature to which Senator Hendricks, most pointedly objected; and he moved to strike out the clause providing that "such part of the land and naval forces of the United States or of the militia" as should be deemed necessary might be employed in the enforcement of the proposed law. He said:

"Sir, what is this bill? It provides in the first place that the civil rights of all men, without regard to color, shall be equal; and in the second place, that if any man shall violate that principle by his conduct, he shall be responsible to the court, that he may be prosecuted criminally and punished for the crime, or he may be sued in a civil action and damages may be recovered by the party wronged. Is not that broad enough? Do Senators want to go further than this? To recognize the civil rights of the colored people as equal to the civil rights of the white people, I understand to be as far as Senators desire to go. In the language of the Senator from Massachusetts [Mr. Sumner], to place all men on an equality before the law; and that is proposed in regard to their civil rights. * *

"I recollect how the blood of the people was made to run cold within them when it was said that the white man was required to run after the fugitive slave. The law of '50 made you and me, my brother Senators, slave catchers; that the *posse committatus* could be called to execute a writ of the law, for the recovery of a runaway slave, under the provisions of the Constitution of the United States; and the whole country was agitated because of it. Now slavery is gone. The negro is to be established upon a platform of civil equality with the white man. That is the proposition. But we do not stop there; we are to re-enact a law that nearly all of you said was wicked and wrong—and for what purpose? Not to pursue the negro any longer; not for the purpose of catch-

ing the great criminals of the land; but for the purpose of placing it in the power of any Deputy Marshal in any county of the country to call upon you and me and all the body of the people to pursue some white man who is running for his liberty because some negro has charged him with denying him equal civil rights with the white man. I thought, sir, that that frame work was enough. I thought when you placed under the command of the Marshal in every county of the land all the people, and put every one upon the track of the fleeing white man, that that was enough; but it is not. For the purpose of the enforcement of this law the President is authorized to appoint somebody who is to have the command of the military and naval forces of the United States—for what purpose?"

The Fugitive Slave Law, a bitter necessity in former days, because required by the Constitution, was called up to justify this most unconstitutional enactment. As a joke it lacked the relevancy to make it humorous, for the precedent in no wise applied. But it was not a piece of pleasantry. It was a terrible fact—hideous, soulless, horrid. Twelve votes were recorded against the bill in the Senate. In the House it was amended, and it passed through Congress on the 15th of March, '66. On the 27th it was returned with the President's veto. It was passed over the veto on the 9th of April.

Following this success, a second Freedmen's Bureau bill was presented in the House, May 22d. In the Senate Mr. Hendricks made an ineffectual effort to amend it so as to relieve it of its unconstitutional features. It finally passed both Houses, and was vetoed by the President on the 16th of July: Mr. Hendricks supported the President in an eloquent speech, but was unable to prevent its passage over the veto, which was effected ere the close of the session.

Meanwhile a proposed amendment to the Constitution

(13th Amendment) received attention. This was to effect a change in the basis of representation of the States in Congress. Singularly enough, it did not propose either citizenship or population as a basis for the whole country. Practically the new basis was to be population in the populous North, and citizenship in the South, where the citizens, under the law, were fewer in proportion to the population. Northern States might continue to limit the suffrage by property and residence qualifications; the South must *not* limit it to the white population without losing a proportionate representation in Congress. Senator Hendricks spoke against the measure as follows:

“Upon what principle do Senators propose to adopt this amendment to the Constitution? I can understand it if you say that they shall be represented in the House of Representatives upon their population; I can understand it if you say that they shall be represented upon their voters; but when you say that one State shall have the benefit of its non-voting population and another State shall not, I can not understand the principle of equity and justice which governs you in that measure. Sir, if it does not stand upon a principle, upon what does it rest? It rests upon a political policy. A committee that had its birth in a party caucus brings it before this body, and does not conceal the fact that it is for party purposes. This measure, if you ever allow the Southern States to be represented in the House of Representatives, will bring them back shorn of fifteen or twenty Representatives. It will bring them back so shorn in their representation that the Republican party can control this country forever. And if you cut off from fifteen to thirty votes for President of the United States in the States that will not vote for a Republican candidate, it may be that you can elect a Republican President in 1868. * *

“I think this proposition was designed to accomplish three objects: First, to perpetrate the rule and power

of a political party; in the second place, it is a proposition the tendency of which is to place agriculture under the control of manufactures and commerce forever; and in the third place, it is intended, I believe, as a punishment upon the Southern States. * *

“Now that the war is over, now that the Southern people have laid down their arms, now that they have sought to come again fully and entirely into the Union, now that they have pledged their honor and their fortunes to be true to the Union and to the flag, now that they have done all that can be done by a conquered people—is it right, after a war has been fought out, for us to take from them their political equality in this Union, for the purpose of punishment? The Senator from Maine, the chairman of the committee, says that the right to control the suffrage is with the States, but if the States do not choose to do right in respect to it, we propose to punish them. You do not punish New York for not letting the foreigner vote until he resides there a certain period. You do not punish Indiana because she will not allow a foreigner to vote until he has been in the country a year. Those States are not to be punished because they regulate the elective franchise according to their sovereign pleasure; but if any other States see fit to deny the right of voting to a class that is peculiarly guarded and taken care of here, then they are to be punished.”

On the last day of the session the State of Tennessee was fully represented in Congress, Senator Patterson being on that day seated, his colleague in the Senate and the Representatives in the House having been previously admitted. On reassembling in December, '66, the Congress early took up for consideration the question of “impartial suffrage” in the District of Columbia. Senator Hendricks favored an amendment limiting the extension of the suffrage to such persons as were able to read and write their own names, saying ·

“I propose to vote for it, not because I am in favor, as a general thing, of an intelligence qualification for the right to vote, but because in this particular instance I think it to be proper to prescribe it.”

The amendment was lost.

On the 4th of February Mr. Williams, of Oregon, introduced in the House “A bill to provide for the more efficient government of the insurrectionary States.” It provided for the utter overthrow of the State Governments of ten States, and divided the “so-called States” into “military districts,” to be ruled by military officers. If there be conceivable in the minds of men anything more utterly revolting to the normal conscience of an American or more violently opposed to the letter and the spirit of the Constitution of the United States, it would be difficult to name or characterize it. The bill was rushed through the Senate without discussion.

“It is extraordinary,” said Senator Doolittle, of Wisconsin, “that a bill of this kind, that proposes to establish a military despotism over eight millions of people and a country larger than England, France and Spain combined, is to be pressed to a vote in this Senate the first day it is taken up for consideration.”

Said Mr. Hendricks, “If the measure will not bear argument, then let it be passed in the dark hours of the night. I think it is becoming, when despotism is established in this free land, that the best blood that ever ran in mortal veins was shed to make free, that that despotism shall be established when the sun does not shed its bright light upon the earth. It is a work for darkness, and not for light.”

The Senate amended the bill by substituting the term *rebel* for the word *insurrectionary*, as applied to the States whose governments were to be overthrown. It was

passed on the 20th of February, and vetoed two days later. Said the President :

“ I submit to Congress whether this measure is not, in its whole character, scope and object, without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive of those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure.”

Senator Saulsbury not only upheld the veto, but counseled resistance to the measure by the people of the South. Senator Hendricks joined issue with him at once, though concurring in the support of the veto ; for he desired the people of the South to bring to bear upon the subject their coolest judgment and their highest patriotism. The bill was passed over the President's veto. On the 7th of January, 1867, Mr. Ashley, of Ohio, brought before the House measures for the impeachment of the President. They were reported from the Committee on the Judiciary, and handed over to the next Congress.

The Impeachment Congress 1867-9.

The Fortieth Congress is distinguished for the inauguration of measures for conferring the elective franchise upon the colored race, and for the impeachment of the President of the United States—matters of serious import to the Republic.

The Fourteenth Amendment, proposed by Congress in 1866, and now pending before the Legislatures of the States, while insuring to the colored people equality before the law, had not granted to them the right of suffrage. Many even of the most radical leaders hesitated long before taking that step ; for though eager to force Negro suffrage upon the South as a means of preserving party ascendancy, they did not desire it in their own

States. Some were undoubtedly influenced in its favor by their ideas of philanthropy and justice more than by partisan considerations, and one of these made the first move in Congress. Senator Sumner introduced a bill (July 17, 1867) to enact "that in the District of Columbia no person shall be excluded from any office by reason of race or color, and all laws making any such distinction are hereby repealed."

This proposition Senator Hendricks frankly opposed. Criticising it and the policy foreshadowed, he said:

"The Senator from Massachusetts was the author of the proposition that the colored people should vote. He began with the District of Columbia. He now claims—and I believe his party friends have come up to his position—that that policy is to be made universal throughout the States. I suppose he will be frank enough to inform us whether it is intended as the commencement of the policy that Negroes shall be allowed to become office holders and to hold both Federal and State offices throughout the country. I suppose he does, from the fact that he expressed with a great deal of warmth, the other day, the desire that he might see colored Senators here in a very short time. If we are to regard this as the inauguration of that policy, it is well enough to know it."

Upon Senator Sumner's "Civil Rights Bill" Senator Hendricks had declared his views a year before this time, in a similar strain. He had then said:

"It is a difficult thing to define citizenship. I do not wish to see it cheapened in this country. In times past, to be called an American citizen was a very proud title. * *

"I am satisfied, sir, that the Senator has now declared the end to which we are to come, and that by the action of the Federal Government the social as well as the political equality of the Negro is to be forced upon the white

race. If that be the judgment of the country, we shall have to accept it. The people that I represent in this chamber have not yet adopted that sentiment. The distinction between the two races is yet maintained in Indiana. How much longer it will be maintained, I am not able to say."

These words were uttered February 10, 1866. A few months before that date, the most distinguished of his constituents, Governor Oliver P. Morton, had, in his message to the General Assembly (November, 1865), expressed his own sentiments, if not those of the people represented by Senator Hendricks, on "the distinction between the two races," in these words:

"It is a fact so manifest that it should not be called in question by any, that a people who are just emerging from the barbarism of slavery are not qualified to become a part of our political system and take part not only in the government of themselves and their neighbors, but of the whole United States. So far from believing that Negro suffrage is a remedy for all our national ills, I doubt whether it is a remedy for any, and rather believe that its enforcement by Congress would be more likely to subject the Negro to a merciless persecution than to confer upon him any substantial benefit."

A few years afterward Governor Morton became a champion of Negro suffrage in the United States Senate, and admitted his change of position in these manly and strikingly picturesque sentences:

"I confess, and do it without shame, that I have been educated by the great events of the war. The American people have been educated rapidly; and the man who says he has learned nothing, that he stands now where he did six years ago, is like an ancient mile-post by the side of a deserted highway."

But Senator Hendricks had not been so rapidly edu-

cated. He opposed Negro suffrage as he had opposed the civil-rights force bill, deeming the one premature, and the other nugatory. Now, when the sober second thought of the nation has enabled it to recognize that, in the rapid education it went through, there was too much passion in the people and too much partisanship in the leaders; when the convulsions and disasters through which Negro suffrage has been established, are considered; and when the unconstitutionality of the civil-rights bills has been pronounced by the Supreme Court of the United States—even party opponents must admire the statesmanship which could foresee these results, and the courage which could oppose, in that time of popular clamor, the measures that produced them.

The President had become an obstacle to the radical course of the Congress. His vetoes of their measures, his fearless messages and finally his bitter speeches had created a political gulf between him and the majority, and had exasperated many of them personally. They resolved to get rid of him.

In dealing with the Southern States he had acted upon the theory of State vitality, that the States were still in, and had never been out of the Union. This was the theory of the Government in all its Departments throughout the rebellion. The secession ordinances, being null and void, did not take the States out of the Union. The military operations of the Confederacy were domestic insurrection, not foreign war. The right of secession was denied by all; the ordinances were invalid and of no effect; hence the right of the Government to suppress secession. For if secession were valid, then the seceding States became independent; and to make war upon them was a crime. This theory was recognized in the President's proclamation, in the decisions of the Supreme Court, and in the resolutions and acts of Congress. This

was the theory of the Democratic party, and had been that of the Republican party also up to this time.

It would follow from this that, when the insurrection should be suppressed the States would resume all their rights and relations under the Constitution, but individuals could be punished for their participation in rebellion against the Government.

President Johnson, accordingly, proceeded to rehabilitate the States. He issued a proclamation of amnesty, excepting from its operation many classes of persons under the conviction that "treason must be made odious." He appointed Provisional Governors, in conformity with a proposed act of Congress of 1863. The Governors were to call Conventions of all persons entitled to amnesty who had taken the oath of allegiance, and the Conventions were to amend the State Constitutions so as to secure the results of the war. The reorganized State Governments were then to be recognized by the President, and again to send their Senators and Representatives to the Federal Congress. But this could not be permitted by the Republicans. Let the South regain her representation, and their majority was gone. To prevent such a result they announced the startling doctrine that the effect of the suppression of the rebellion was to extinguish altogether the States as such, and to reduce the territory of which those States were composed at the time when the insurrection broke out, to the condition of unorganized Territories or of conquered provinces. They accordingly denied the Southern Senators and Representatives the seats in Congress to which the Constitution entitled them, till such time as they could secure their own power with the aid of Negro suffrage. To this end they enacted Reconstruction measures, which the President vetoed. The Congress retaliated with the Tenure of Office act, and a House resolution (March 7, 1867) authorizing the Judiciary Committee "to inquire into the

official conduct of Andrew Johnson, Vice President of the United States, discharging the present duties of the office of President of the United States.”

The majority of the committee reported to the next Congress, recommending the impeachment of the President for several minor offenses, but mainly because of his attempts to reconstruct the rebellious States independently of Congress.

But meantime the President had given another cause of offense—the dismissal of Secretary Stanton in disregard of the Tenure of Office act—and this was made the chief count in the articles of impeachment agreed upon by the House, March 3, 1868. The managers of the trial were Messrs. John A. Bingham, George S. Boutwell, James F. Wilson, John A. Logan, Thomas Williams, Benjamin F. Butler, and Thaddeus Stevens—who on the 5th of March presented the articles of impeachment to the Senate sitting as a high court of justice under the presidency of the Chief Justice of the United States. The President was represented by able and distinguished counsel: Henry Stanbery, lately Attorney-General, B. R. Curtis, Jeremiah S. Black, William M. Evarts, and Thomas A. R. Nelson. The scene was an impressive one and the occasion one of the most momentous in the history of the nation.

The following is Senator Hendricks's concise summary of the offenses charged:

“In the eleven articles of impeachment the President is charged, in the different forms of statement, with six acts of official misconduct, as follows:

“1. The removal of Mr. Stanton from the office of Secretary of War.

“2. The appointment of Lorenzo Thomas, the Adjutant General of the army, to the office of Secretary of War *ad interim*.

“3. The conspiracy with said Thomas to prevent the

execution of the tenure of office act by hindering Mr. Stanton from holding the office of Secretary of War.

“4. The instructions to General Emory that the second section of the act of March 2, 1867, requiring all military orders made by the President or Secretary of War to be issued through the general of the army was unconstitutional.

“5. The President’s speeches against Congress.

“6. The denial of the authority of the Thirty-ninth Congress, by the attempt on the part of the President to prevent the execution of the tenure of office act, the army appropriation act, and the act to provide for the more efficient government of the rebel States.”

The trial began March 30th, and proceeded “with all convenient dispatch, under the rules of the Senate sitting upon the trial of an impeachment,” as had been ordered by an amendment of Senator Hendricks, offered under the inspiration of the words of the State Constitution he had helped to frame, “justice shall be administered speedily and without delay.” The course of the proceedings can not be followed. The managers were skillful and determined; the counsel for the defense were able and devoted; the outside pressure was tremendous. The radical press was clamorous for conviction; the House managers were “openly predicting dire calamity to the country as the result of an acquittal, primarily because a verdict of ‘not guilty’ would encourage Mr. Johnson to ‘do rash things,’ ‘go on in his excesses,’ ‘encourage the ex-rebels;’ and the alarmists in the Senate had begun to threaten ‘with infamy’ any Senator who should vote ‘not guilty,’ and secretly in their talks among themselves the radical Senators were endeavoring to “frighten off’ the so-called doubtful Republican Senators who it was believed would vote for acquittal.” Such is the contemporaneous account of an intelligent observer who was closely studying the events he described.

There was much able argument and eloquent appeal. The candid and accomplished Stanbery said, near the close of his final address :

“ Listen for a moment to one who perhaps understands Andrew Johnson better than most of you, for his opportunities have been greater. From the moment that I was honored with a seat in the Cabinet of Mr. Johnson, not a step was taken that did not come under my observation, not a word was said that escaped my attention. I regarded him closely in Cabinet, and in still more private and confidential conversation. I saw him often tempted with bad advice. I knew that evil counselors were more than once around him. I observed him with the most intense anxiety. But never in word or deed, in thought, in action, did I discover in that man anything but loyalty to the Constitution and the laws. He stood firm as a rock against all temptations to abuse his own powers or to exercise those which were not conferred upon him. Steadfast and self-reliant in the midst of all difficulty, when dangers threatened, when temptations were strong, he looked only to the Constitution of his country and to the people.”

At last a vote was taken (May 16th) on the eleventh article first.

The Senators who voted “ Guilty,” were Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Willey, Williams, Wilson and Yates—35, all Republicans.

The Senators who voted “ Not Guilty,” were Messrs. Bayard, Buckalew, Davis, Dixon, *Doolittle*, *Fessenden*, Fowler, *Grimes*, *Henderson*, Hendricks, Johnson, Mc-

Creery, Norton, Patterson of Tennessee, *Ross*, Saulsbury *Trumbull*, Van Winkle and Vickers—19, all Democrats except the six printed in *Italics*.

A two-thirds vote being necessary for conviction, the Chief Justice announced that the President was acquitted of the charges contained in the eleventh article. The Court then adjourned to the 26th of May, when votes were taken on the second and third articles with the same result as on the eleventh; and then the Court adjourned *sine die*, closing the most important impeachment trial of our day.

Among those voting "Guilty," especial mention should be made of Benjamin Wade and John Sherman. The former was President *pro tempore* of the Senate, and in the event of the President's conviction would have succeeded to his office. By a flagrant violation of judicial propriety, he claimed and was allowed by the majority a right to be a judge where his own interests were at stake. Senator Sherman had said in discussing the Tenure-of-Office bill (in 1867):

"That this provision does not apply to the present case [removal of the Cabinet officers] is shown by the fact that its language is so framed as not to apply to the present President. The Senator shows that himself, and argues truly that it would not prevent the present President from removing the Secretary of War, the Secretary of the Navy and the Secretary of State."

Now he judged the President guilty of violating the provision in question, in removing the Secretary of War, revealing the animus of his decision in this accusation:

"He has abandoned the party which trusted him with power, and the principles so often avowed by him which induced their trust."

Too great praise can not be accorded to the Republi-

cans who voted for acquittal. Their act required an heroic courage and a sublime devotion to their sense of duty.

In accordance with an order adopted at the beginning of the trial, each Senator was permitted to file a written opinion within two days after a vote upon any article. Of this privilege twenty-nine Senators availed themselves. The following extracts from the opinion of Senator Hendricks show his position on the important points at issue and fairly represent the views of the Democrats of the Congress and of the nation :

“In the presence of the provision of the Constitution of the United States which protects the right of free speech, and in the absence of any law, State or Federal, declaring its exercise in any manner or by any person to be a crime, it is not necessary to examine the tenth article, which rests its charge of a misdemeanor upon the President’s speeches made to the people, in response to their calls, in his capacity as a citizen and not in the exercise of his office. In our country, as long as the Constitution stands, no legislative body can make it a crime to discuss the conduct of public officers with entire freedom, and the House of Representatives can not by any proceeding whatever, shield itself from individual criticism and popular review; and any effort to do so betrays conscious weakness, and disturbs public confidence. * * *

“If the tenure of Mr. Stanton’s office be changed by the Tenure of Office act, it is by the proviso to the first section; and clearly the proviso has no such effect. The proviso is that the Cabinet officers ‘shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter.’ Not having been appointed during the existing presidential term, Mr. Stanton has no new tenure bestowed upon him, but he still holds, in the language of his commission, ‘during the pleasure of the President.’ * * *

“Supported by a long line of precedents coming through our whole history unchallenged and unrebuked by Congress, President Johnson stands before us upon these charges; and I ask my brother Senators what answer we will make to the people when they ask us why we selected him for a sacrifice for doing just what was always recognized as right in his predecessors? Upon my oath I can not strike such a blow.

“The judgment of the First Congress was that the President has the right under the Constitution to remove the Secretaries, and that judgment is supported by the uniform practice of the Government from that day till the meeting of the Thirty-ninth Congress. The evidence shows that Mr. Johnson was advised by every member of his Cabinet, including Mr. Stanton, that he had that right under the Constitution, and that Congress could not take it from him nor impair it, and therefore it was his duty to veto the Tenure of Office bill; and that the bill did not include the appointments made by Mr. Lincoln; and that, notwithstanding the passage of the bill, he would have the right to remove the Secretaries of War, of State and of the Navy. This advice was given by the members of the Cabinet under the obligations of the Constitution and of their oaths; and now if we say that he, being so informed and advised, was guilty of a crime in demanding the right to select his own constitutional advisers as it has been conceded to all the Presidents, and for that drive him from his office and give it to a member of this body, it does seem to me that we will do an act of such flagrant injustice and cruelty as to bring upon our heads the indignant condemnation of all just men, and this impeachment will stand itself impeached before the civilized world.”

As has been remarked, Senator Hendricks was very popular in Washington. The men who opposed him most bitterly in politics, early learned to value his candor,

fairness and honesty, and to find pleasure in his genial companionship. Against Charles Sumner, the author or champion of all the Reconstruction and enfranchisement measures, he was most often pitted in what on the battle field would have been deadly strife; but he warmly admired the brilliant Senator from Massachusetts, and did not doubt his sincerity of purpose. One day in the Reconstruction debate he broke forth, with spontaneous eloquence, into a glowing tribute to his great adversary; eulogizing his intellect, his accomplishments, his philanthropy, and pronouncing him the leader of his party and the author of policies which for good or evil were shaping the destinies of the nation. It happened that the great scientist, Louis Agassiz, a life-long friend of Sumner, heard this passage from the gallery, and was thrilled with delight. He rushed to the cloak room to meet his friend, and embraced him in his impulsive foreign fashion, declaring that it was the happiest day of his life, since he had heard the great leader of the opposition place his dear friend in his true position before the people. Sumner then called out Senator Hendricks and presented Agassiz to him. After a pleasant chat the Senator from Massachusetts invited his two friends to be his guests at a little supper, and arranged that they should spend the evening together. What sparkling wit in conversation, what wisdom in the serious discussion of grave topics, what generous good-fellowship must have characterized the friendly meeting of three such men! Indeed, Mr. Hendricks often spoke of that evening as one of the pleasantest he ever spent.

Such questions as these have been asked: What policy did Mr. Hendricks ever originate? With what great measure is his name associated? Was he not merely an objector, obstructing all the important legislation which has moulded the country to its present shape?

The answer is evident. Mr. Hendricks was a member

of a hopeless minority, throughout a season of passion and strife. He had no opportunity to originate policies or to devise measures. That prerogative was jealously guarded by the majority, and measures proposed by the other side had no hearing. His proper and legitimate functions were criticism and opposition, and in the exercise of these he did the Republic good service.

Constitutional opposition is an element of free government. The best safeguard of an administration is that its policy and measures be constantly subjected to the intelligent criticism of political opponents. Especially is such criticism salutary in time of war, when corruption and tyranny have their opportunity. In reviewing the troubled history of our civil war and the period of disorder which followed, it is scarcely too much to claim that, if the Republican Administration restored the Union, the Democratic opposition saved the Republic. Of the Democratic opposition Mr. Hendricks was a skillful and fearless leader; and no one who reflects upon the turmoil and commotion through which much of the legislation he opposed has worked out its ends, can deny that he displayed a high order of statesmanship in his course as a Senator of the United States.

Perhaps the least noted services of a statesman are those which he performs as committee-man of the Senate or House. Yet those services are often of vast importance. Senator Hendricks's work in committees was exceptional for its extent and for its value. On entering the Chamber, he was at once made a member of three Standing Committees—on Public Lands, on Claims, on Public Buildings and Grounds. Of the first-named he remained a member throughout his senatorial term. In the session of '64-5 he was transferred from the Committee on Claims to that on Naval Affairs, and on the latter he continued to serve through the two succeeding Congresses—five regular sessions in all. In '65-6 he ex-

changed his place on the Committee on Public Buildings and Grounds for a membership of the Committee on the Judiciary, which he retained as long as he remained in the Senate.

Of Mr. Hendricks in the Senate, Mr. Blaine speaks as follows, in his recent work :

“Thomas A. Hendricks entered from Indiana as the successor of Jesse D. Bright, who had been expelled upon a charge of disloyalty. Mr. Hendricks had served in the House of Representatives from 1851 to 1855. He was but thirty-one years of age when first chosen, and his record in the House had not prepared the public to expect the strength and ability which he displayed as Senator. He was in the full maturity of his powers when he took his seat, and he proved able, watchful and acute in the discharge of his public duties. He was always at his post, was well prepared on all questions, debated with ability, and rapidly gained respect and consideration in the Senate.”

Ere the close of his term, Mr. Hendricks was very generally mentioned in connection with the next Presidential nomination. Perhaps no other member of the Senate has ever risen to such eminence in a single term of service.

CHAPTER XV.

THE CAMPAIGNS OF SIXTY-EIGHT.

The Democratic State Convention met, according to custom, on the 8th of January, 1868. It was held at Morrison's Opera House, in Indianapolis. Hon. Joseph E. McDonald was chosen Permanent Chairman, and addressed the Convention in an eloquent and forcible speech, affirming the loyalty of the Democracy to the Constitution, denouncing the iniquitous Reconstruction measures of Congress, demanding one currency for all, and praising the brave stand of the President in opposition to unconstitutional acts.

Col. Samuel C. Wilson presented the name of Senator Hendricks for the Gubernatorial nomination. The applause which greeted the name was deafening and long continued. No other person was presented as a candidate for the honor, and the Senator was nominated by acclamation. Hon. A. P. Edgerton received the votes of a majority for the second honor, being nominated for Lieutenant Governor. The ticket was strong throughout, and the Democracy of the State were inspired with high hopes of success.

The Republican State Convention was held on the 20th of February, in the same building. Acting-Governor Conrad Baker was nominated for Governor, without opposition. Hon. Will Cumback was declared the nominee for Lieutenant Governor on the first ballot, and the rest of the ticket was likewise made up of able men.

The State canvass thus began far in advance of the

national campaign ; but State issues received little attention at the hands of the speakers or of the press, popular interest being occupied with the dramatic events of Congress and the positions assumed by the great leaders of both parties.

“The Democratic National Convention of 1868,” says Mr. Blaine, “was invested with remarkable interest.” That Convention met in New York City on the 4th of July. Governor Horatio Seymour, of New York, who had presided four years before at the Chicago Convention, was chosen Permanent Chairman. The platform adopted characterized the Reconstruction acts as “usurpations, unconstitutional, revolutionary and void,” and declared that “all the obligations of the Government not payable by their express terms in coin, ought to be paid in lawful money”—“greenbacks,” of course being intended, and the idea being that expressed in the campaign motto, “One currency for plow-holder and bondholder.” The voting commenced on the third day. On the first ballot Mr. Pendleton, of Ohio, had 105 votes ; President Johnson, 65 ; Judge Church, of New York, 34 ; General Hancock, of Pennsylvania, 33 ; Mr. Packer, of Pennsylvania, 26 ; Mr. English, of Connecticut, 16. The remainder were scattering. Six ballots were taken on that day. Pendleton declined to 99 on the second, but recovered at once and continued to rise.

At the close of the day the name of Senator Hendricks was presented amid tumultuous applause, and received at once 30 votes. On the following day the fortunes of Hancock and Hendricks rose, and those of Pendleton fell. New York withdrew the name of Church and voted for the Indiana Senator. Subsequently Illinois transferred half her vote from Pendleton to Hendricks. On the eighteenth ballot, at the close of the day, General Hancock was in the lead, with $144\frac{1}{2}$ votes ; Senator Hendricks came next, with 87 ; and Pendleton had $56\frac{1}{2}$. At

the close of the balloting it was generally conceded that Mr. Hendricks would be nominated. Next morning he gained and Hancock lost. On the twenty-first ballot there were $135\frac{1}{2}$ votes for Hancock and 132 for Hendricks, with $48\frac{1}{2}$ for other candidates. There was now but one obstacle in the way of Mr. Hendricks's success. The Indiana delegation was not united in his support. Richard J. Bright, a nephew of Jesse D. Bright, was a member of that delegation, and could not be induced to lay aside his opposition to the Senator, whom his uncle had regarded with vindictive hostility since '63, when the latter failed to secure a return to the Senate. This steady and strong opposition secured the defeat of the Indiana candidate. On the next ballot Governor Seymour was nominated, and General Frank P. Blair was at once designated as the Vice-Presidential candidate.

The Gubernatorial race in Indiana was very interesting. Senator Hendricks and Governor Baker were called upon to make a tour of the State, and both responded with alacrity to the call. A joint canvass was arranged, to include one debate in each of the eleven congressional districts. Immense multitudes thronged to hear at all the discussions. The first of these was conducted at Portland, Jay county, on Saturday, the 12th of September. A part of the debate is reprinted elsewhere in this volume. The Governor spoke ably and earnestly, and had on his side the prestige of political power and the deeply stirred feeling of the people against the South. Mr. Hendricks fairly eclipsed himself. There was triumph in his voice, and perfect confidence in his manner. If he overmastered his competitor, it must be remembered that he had on his side the Constitution, the President, the memories of Lincoln, the words of Morton and generally, as we believe, the right. On the following Monday the candidates debated at Peru; on Tuesday, at Delphi; on Thursday, at South Bend; on Fri-

day, at Waterloo ; on the next Monday, at Stilesville ; on Tuesday, at Brazil ; on Thursday, at Brookville ; on Friday, at Versailles ; on the next Monday, at Salem ; and on Thursday, at Rockport. On the day last named, the 1st of October, the joint canvass was concluded. Fairness and gentlemanly courtesy had characterized it throughout.

The campaign was one long to be remembered for its splendid pageants. The hero of Appomattox being the Presidential candidate of the Republicans, and the country being wearied of military displays, a novel campaign feature was adopted in the formation of Tanner clubs. General Grant was a tanner by trade ; and as rails had been in demand in Lincoln's campaigns, so now leather aprons and capes, symbols of the great hero's former handicraft, were worn by teeming thousands. The Democrats clung to the loyal color, and organized their legions of youths in clubs of White Boys in Blue. For miles, on nights of parades, swept the lines of starry fires. For miles, on days of rallies, passed the floats of beautiful and impressive street pageants. Colfax, of Indiana, being the Vice-Presidential candidate, called forth great enthusiasm in Indiana, especially in the northern counties of the State.

The hand that writes this page bore a torch in that campaign. The White Boys in Blue included boys just entering their teens ; and never before, perhaps, had the young sons of Indiana been so attracted by a political canvass or so thoroughly interested in the discussions. Our torches were supplied with turned handles of soft wood. They would not answer, so long as Porter county contained a hickory tree. We exchanged them for forest boughs of the old Democratic fiber. All the citizens contributed to the displays of the political rallies. In Valparaiso our opponents built a heavy arch, bristling with black wooden cannon. Our own arch, light, airy, tall

and graceful, bore the portraits of Seymour and Blair, with the calm, majestic face of Washington above them. It bore no symbols of war, but the flowers and leaves which bring sweet memories and are emblems of peace and love. Doolittle, of Wisconsin, opened our local canvass, preceding the National Conventions. He pronounced Hendricks the first of living American statesmen, and predicted the nomination of the latter for President. Mr. Hendricks followed, some weeks later, and discussed in his happiest manner the issues of the hour. He uttered no vituperation. He spoke little of past issues. But in a masterly way he presented the questions of finance and of reconstruction so that a child might comprehend their import. There had never before been so large an assembly of people in the city. The speech was so eloquent, so convincing, so well addressed to the better feelings of the heart, that it won many votes for the candidate in that Republican stronghold.

The election occurred on Tuesday, the 13th of October. Large Democratic gains were noticeable in the returns received—so large, indeed, that the ratio of the gains would give the State to the Democrats by a good majority. By Wednesday night the victory was pretty generally conceded to Hendricks and Edgerton, and there were demonstrations of public rejoicing in all parts of the State. On Thursday the situation was in doubt, though there was little satisfactory evidence of a turn in the tide, on account of the slowness of the returns—which situation was most exasperating. Since the result might depend upon a few votes for either party, there was the greatest temptation to fraud in reporting the final returns; and when, after days of waiting, those returns were finally received, the Democratic advantage was found to have been fully compensated. There were irregularities in many counties. Votes of Democratic townships and precincts were recklessly thrown out on the merest techni-

calities, where the freedom and integrity of the ballots were unquestionable and unquestioned. The same technicalities, however, which threw out the returns in Democratic precincts, did not operate to throw out Republican returns in others.

The following seemingly well substantiated cases are mentioned, to illustrate the situation :

In Kosciusko county the returns from a township giving a Democratic majority of 61 were thrown out. Two townships were likewise thrown out in Laporte county. One hundred Republican votes were added to the vote of one township in Hamilton county, and the poll books and tally sheets were destroyed. In Grant county a majority of 128 for Ryan, for Secretary of State, was changed to a majority of 442 for his opponent. In one township in Randolph county the ballot box was carried home by one of the custodians, and afterward yielded a return of 291 Republican majority. In Richmond the south poll, giving over 200 Democratic majority, was thrown out. In one township of Wayne county 9 votes for Judge Reid were thrown out because the ballots were written REED. A heavily Republican township in Lawrence county was without any registration as required by law, but its returns were accepted without question. Instances of like nature might be multiplied. The stain upon the election is indelible.

Whether Mr. Hendricks would or would not have triumphed but for the technicalities and frauds in the returns, it has ever been the general belief of his party that he received a majority of the ballots cast. At all events, it is hardly to be questioned that he would have received a majority had the election been fair throughout. No State election, perhaps, was ever wholly free from frauds on both sides. Still it will be admitted that the importation of non-resident voters and the corruption resulting from the accumulation of large campaign funds in the

hands of unscrupulous men were apt to be advantageous to the party in power rather than to the Democrats. Governor Baker was a man of unquestionable honor. He accepted the office in the hope that it was at the bidding of a majority of the voters. But he never ceased to regret that the election by which he was elevated had not been less impeachable.

Governor Baker's majority was officially stated to be 961. Mr. Hendricks made no contest and betrayed no personal disappointment at the result. On the 24th of October he addressed a large audience in Chicago, to which city he had gone as an escort of Governor Seymour. He also spoke to a vast concourse of people at Detroit. In the November election Indiana was carried for Grant and Colfax by an average majority of 9,592.

Mr. Hendricks at once resumed the practice of his profession at Indianapolis. In the following year he made a journey to the Far West. He was royally received in Omaha, July 14, and the city was illuminated in his honor in the evening. He addressed the citizens from the balcony of the Metropolitan Hotel, on Douglas street. On the 21st of August he spoke in the Metropolitan Theater at San Francisco. Returning home a few days later, he was called to take part in the Ohio canvass, then pending. He complied, and spoke at Hamilton on the 11th of September, and at Zanesville on the 21st.

In the winter following, Mr. Hendricks made his first visit to the Far South. On the 15th of February he spoke to a large audience in New Orleans. His words were calm, temperate and encouraging.

It was in the midst of the reign of irresponsible governments. In speaking of the events of this period in the South, a writer is always confronted with the seeming incredibility of those events. Can it be received for truth that the legislative expenses of a single session in South Carolina were \$1,533,574.78? Can we believe that a gov-

ernment seraglio was furnished at State expense, and that the gold watches, jewels, laces, vases, toilet sets and attire of courtesans were charged to the expense account and paid for by the disbursing officer of the Legislature? Yet these are facts attested by the official records of that State for the fiscal year '71-2, and few things are better established by human testimony. Such may be the condition of any State where irresponsible government is maintained by external force of arms. That such a result was intended, desired, or understood by the men of the North, is not to be supposed for an instant. Unconstitutional measures had simply failed. And so will they, always.

CHAPTER XVI.

GOVERNOR OF INDIANA.

Nothing ever happened to better demonstrate the popularity of Mr. Hendricks and the strength of his hold upon the affections of the people of Indiana, than the elections of 1872. In spite of much dissatisfaction with General Grant's Administration, the Republican party nominated him for a second term at its Convention which met in Philadelphia on the 5th of June. Henry Wilson, of Massachusetts, was nominated for the second place on the ticket.

Before this, however, those Republicans—the progenitors of the Mugwump—who were tired of the corruptions of their party and also of its tariff policy, had met at Cincinnati (May 1st), and as though sick with political blindness had chosen Horace Greeley as their candidate for the Presidency, associating with him B. Gratz Brown of Missouri.

Honest government and universal amnesty were demanded in the platform of the revolvers from corruption and sectionalism. There was a charm in the new movement which enlisted popular sympathy at once, and sagacious politicians seemed to see in it the advance of a great tidal wave, which would overwhelm all opposition. But it was soon discovered that the nominations were unfortunate. Political sentiment can not be divorced from the demands of the hour for practical measures. Granting the honesty, the large-hearted philanthropy and the innate goodness of Horace Greeley, what was his posi-

tion on finance? What were his views on Resumption and the tariff? Unsound, all. Sober second thought withdrew the half-extended hands of the people. The tidal wave ebbed ere it had risen far.

After the Cincinnati Convention had done its work the old important question was, what will the Democratic party do? It hardly seemed possible that it would indorse Mr. Greeley, its relentless opponent for a third of a century. It could do this only on the theory that the issues presented at Cincinnati were the overshadowing interests—practically the sole issues—of the hour.

This, however, the Democrats did, at their Convention, which met in Baltimore on the 9th of June. A fourth National Convention met at Louisville, and nominated Charles O'Connor and Charles Francis Adams, as leaders of recalcitrant Democrats. There never was so unwise a political move as the Democratic ratification of the Liberal Republican nominations; for the Democrats who would vote for Greeley must sacrifice, for the time at least, the principles of their whole lives. This was more than large numbers of them could do; hence the stay-at-home vote was unreasonably large, and Mr. Greeley was the worst beaten candidate that ever ran for the office. The State campaign was a vigorous one; for Indiana, voting in October, was a "pivotal" State, and it had to be carried at all hazards. <General Thomas M. Browne was the Republican candidate for Governor; while the Democratic ticket was headed by Mr. Hendricks.> The canvass was thoroughly made by both parties--as is always the case in Indiana. The State was filled with speakers and almost swamped with literature; campaign clubs were numerous. There was not the usual amount of fire works, noise or enthusiasm; however, there was much discussion, and there were probably few citizens in the State who did not get a glimpse of one or both the candidates.

Indiana could not desert Mr. Hendricks; and sadly as the Republican party needed the moral effect of an October victory, and desperately as its leaders tried to gain that victory, Hendricks was elected over his opponent by a majority of 1,148. The only other Democrat who was successful was the candidate for the office of Superintendent of Public Instruction, Milton B. Hopkins. This was a remarkable result. <Hendricks was the first Democratic Governor elected in a Northern State after the war>—and this was in Indiana, right on the border, as one may say, where the war feeling was very high, and when there had been trouble at home. No one can question Indiana's loyalty or her devotion to the Union.

Again, the Democratic party was badly demoralized on the Greeley episode. It was not at all in fighting trim. Democrats had lost heart—they had no interest in the election—but they would go to the polls to vote for Hendricks.

When the November election came, poor Greeley was beaten in Indiana by a majority of 22,924. In one short month the majority of 1,100 for Hendricks had changed to one of nearly 23,000 the other way.

Before the day arrived for the meeting of the Electors in the various States, Greeley was dead; and the question arose, for whom should the Democratic electors vote? Of course they were free to choose—as they were legally before the death of their party's candidate—but it had been many years since this freedom had been exercised. Each Elector considers himself in honor bound to vote for the man his party has declared to be its choice, and so solemn was this obligation felt to be, that five gentlemen from Georgia threw their votes for a dead man, rather than violate what they looked upon as a sacred trust. So it was that Horace Greeley, though dead, received five electoral votes, though they were thrown out by the Senate. The Democratic party had chosen Horace

Greeley as its candidate ; these Georgia Democrats could but respect the choice. The other Electors, however, were not so punctilious, and most of them voted for Mr. Hendricks, instinctively looking to him as their great party leader.

⟨Mr. Hendricks's term as Governor was not a commonplace one, by any means. The whole machinery of the State government was in the hands of his political enemies. The Legislature was largely Republican, and affairs are not apt to go altogether without friction when the Executive and Legislative Departments differ in political faith.⟩

∟Nevertheless, the administration of Governor Hendricks was in every way creditable to himself and to his party. His never-failing courtesy, his great urbanity and his wide tolerance, served to soften the asperities of political warfare, and so to render impossible any serious difference between himself and the legislative majority.∟

Governor Hendricks chose for his Private Secretary Mr. Samuel R. Downey, thus honoring the son of his old competitor of 1860, Hon. A. C. Downey, the eminent jurist. So exceptionally efficient were the services of this gentleman that he was retained through the next administration—that of Governor James D. Williams—serving in all eight years. The executive office consisted of two chambers on the lower floor of the old State House, but these were exchanged in June for the rooms still used (1886) by the Governor of Indiana, in the building on the southwest corner of Washington and Tennessee streets, then recently erected for the temporary accommodation of the State Government.

The General Assembly met early in January, 1873. The Inaugural address of the new Governor was delivered on the 13th of the month. It was a very brief and sensible document—dignified and temperate, as were all the utterances of the man. Even the Opposition press could

make no criticism except that the paper dealt somewhat with national politics, and admitted that it was fairly good and that most of its recommendations were wise.

When we recollect that several of the States of the Union, notably Louisiana and Arkansas, were at that time totally deprived of the right of self-government and at the mercy of irresponsible rulers supported by Federal bayonets, we will not think it strange that a Democratic Governor of a Northern State should deem it wise to review in an official paper, the great principles of Anglo-Saxon liberty—principles which the majority in Congress seemed to have but little respect for, yet which can not be held too sacred by American freemen.

Among the most important recommendations were certain changes in the election laws in the interest of honest elections, and some scheme for minority representation, in which principle Mr. Hendricks was a firm believer.

Decidedly the most important act of this Legislature was the passage of the Baxter law—a very rigid law for the regulation of the liquor traffic. The temperance question did not divide men on party lines thirteen years ago any more than it does to-day. There was a great deal of shuffling on both sides, and the party papers discussed the Baxter bill with bated breath. “It would undoubtedly accomplish much good,” they would say in one sentence; in the next they would speak of its great severity, and suggest that if it did not work well it could be amended or repealed.

On the 5th day of February it passed the House by a vote of 53 to 36, eleven Democrats voting in the affirmative. The Senate passed it by a vote of 30 to 19, six Democratic Senators voting aye. The Governor signed the bill February 27th. This was in many respects the most radical liquor law in the West. It is impossible to give more than a brief synopsis of the law in this place. It

made it unlawful to sell or give away any intoxicating liquors to be drunk upon the premises, without obtaining a permit from the County Commissioners. The applicant was required to file with the Commissioners a petition signed by a majority of the legal voters of the ward, town or township, showing that he was a proper person to have such a permit, and to file a bond in the sum of \$3,000 conditioned for the payment of fines, costs and damages resulting from the sale of liquors sold by him. Permits were forfeited for the violation of any of the provisions of the law, and no new permit could be granted for five years. Sales to minors, intoxicated persons or persons in the habit of becoming intoxicated, were forbidden. Any person causing the drunkenness of another was held liable for the reasonable expense of taking care of the drunkard. Drunkenness was made unlawful and punishable by fine. No liquor could be sold on any public holiday or between the hours of 9 P. M., and 6 A. M. Any device to evade this law was unlawful. Any one injured by the intoxication of another was given a right of action in which exemplary damages might be recovered, and the real estate where such liquor was sold was made liable for such damages.

From these provisions—and they are the most important—it will be seen that this was a pretty advanced law. In the belief that the people wanted it, Governor Hendricks—though not in sympathy with it as it came to him—felt that he could not refuse to sign it. Some attempt was made to enforce it, but it gave so little satisfaction that it was repealed by the act of March 17, 1875.

Besides the Baxter bill, which proved to be a very unsatisfactory measure, the Legislature of '73 gave our divorce laws some much needed attention; increased somewhat the salaries of the Judges, as the Governor had recommended; made provision for increased local taxation so as to make possible longer school terms; reformed

the criminal procedure so as to give the State the opening and closing in criminal trials, and so as to allow the accused to testify in his own behalf; and abolished the office of State printer.

Of course there was about the usual amount of unfinished business, but it must be owned that it was not a bad Legislature. It adjourned in the middle of March.

Immediately after the Governor signed the Baxter bill, the State was alarmed by a rumor of his death; and indeed he narrowly escaped the loss of his life from a fall on slippery stone steps of his home, then on Tennessee street, at the corner of St. Clair. For some days he was seriously ill, but his strong constitution carried him through.

On the 10th day of September, 1873, the First Indianapolis Exposition was opened with appropriate ceremonies. Mr. Hendricks, as Governor, made the principal address, giving a sketch of the project, dwelling upon the great importance of such exhibitions, and urging the people to do what they could to make the Exposition a success. The address was very graceful indeed, and in every way suited to the occasion. It but furnished another illustration of Mr. Hendricks's remarkable ability to say the right word in the right place.

In January, 1874, there was an extensive railroad strike at Logansport, and in March of the same year there was trouble with the Clay county miners. These matters were handled with much skill by the Executive, and quiet was restored without any serious outbreak having occurred.

Things moved along quietly until July, when, on the 15th, the Democratic State Convention met at the Academy of Music in Indianapolis. The Convention was a very large one, numbering over 1800 delegates. Mr. McDonald, Chairman of the State Central Committee, introduced Governor Hendricks, the Permanent Chair-

man of the Convention, as the "next President of the United States." The Chairman's speech was a model one for the occasion. One paragraph of it would serve as a plank for a winning platform to-day. We can not refrain from quoting it in this connection, so excellent is it.

"A rigid economy in public expenditures never exceeding the absolute wants and demands of the public service; unconditional obedience to constitutional prohibitions and a close adherence to constitutional requirements in all official conduct; integrity to pervade and animate all the public service, and reform to be wrought wherever needed; local self government and the reserved rights of the States in accordance with the spirit of the Constitution, to be preserved and maintained; and the legal subordination of corporate and all special rights and privileges to the paramount rights, interests and welfare—are well-known and conceded sentiments of our party, but they can not be too often reasserted."

A good chart was that for the Convention to steer by, in the construction of its platform.

The Governor declared himself in favor of the resumption of specie payments, and made this very sensible statement: "If we are to have a paper currency—and I believe all concede that our condition requires its continuance for some indefinite period—then I know of no rule or standard to determine the quantity but the *demands of the legitimate business of the country.*" We have grown wiser since that time, for we have discovered that Congress can regulate the volume of our currency much more effectively than old fashioned natural laws, in which Governor Hendricks evidently believed!

As to the Baxter bill, the speaker explained that that bill was clearly not a piece of hasty or inconsiderate legislation, but that on the contrary it represented the deliberate judgment and will of the Legislature; and as

it was unquestionably constitutional, he had signed it. It was not supported by public opinion, and therefore did not accomplish the end aimed at; it had encountered hostility even among temperance people. He thought that the next Legislature would modify or repeal it; and as Prohibition had been decided unconstitutional, regulation of the traffic was all that was left. He himself favored the license system.

The platform arraigned the Administration by pointing out abuses specifically, denounced the Republicans, and declared in favor of a strict construction of the Constitution and its Amendments, and the impartial enforcement of the laws; tariff for revenue; local self-government; return to specie payment as soon as the business interests of the country would permit; payment of the Five-Twenty bonds in greenbacks, as the law provided; a liberal system of education for both whites and blacks: against all official gratuities in the form of retroactive salaries both State and National, high fees and salaries, the Civil Rights bill (since declared unconstitutional by the Federal Supreme Court); and closed by demanding economy, reform, and finally the repeal of the Baxter law.

The ticket was as follows: Secretary of State, John E. Neff; Auditor, Eb. Henderson; Treasurer, B. C. Shaw; Attorney General, Clarence A. Buskirk; Judge of Supreme Court, Horace P. Biddle; Superintendent of Public Instruction, James H. Smart.

On Monday, September 14th, in the "Wigwam" at Indianapolis, the Governor delivered an extended speech, which is still remembered as one of the ablest of his political utterances. It is reproduced farther on in this volume. It was extensively read in all the States, and shaped the issues of the national canvass. But the campaign, as the *Sentinel* said on the eve of the election, was "dull and spiritless." The Democratic ticket was elected by a majority of 17,252, winning even in Marion county.

The Democrats also carried the Legislature and elected nine out of thirteen Congressmen. It was a tidal wave, indeed. Indiana was getting ready for 1876.

On December 29th he delivered the address of welcome to the State Teachers' Association, which met in the hall of the Y. M. C. A. building, This was one of the most graceful of his shorter addresses.

The new Legislature did not adjourn without repealing the obnoxious Baxter law. The repealing statute, which became a law on the 17th day of March, 1875, was simply a license law—substantially the one in force to-day—and looked only to the regulation of the traffic, thus again following the suggestion of the Governor. The Legislature was, as has been said, Democratic, and Indiana Democrats were proud to follow when Hendricks led the way; indeed, as we have seen, even the Republicans, were not above adopting an occasional suggestion of this Democratic Governor.

The Assembly met on the 7th day of January, 1875. The Senate was organized by the Republicans and "Independents," and the House by the Democrats, the latter having a majority on joint ballot.

The Governor's Message was a remarkable document, as will be seen from the expression of the *Journal* upon this subject. That paper called it a "business-like document" and proceeded with its comments thus: "It is a lucid, orderly and succinct exposition of the details necessary to inform the Legislature of the subjects upon which and the circumstances under which it must act. It does not suffer by comparison with any state paper of like character with which we are acquainted. It leaves little that needed or suggested discussion overlooked; and notwithstanding the author's well known aversion to decided expressions on positive measures, is liberally furnished with recommendations, in which we think public opinion will concur. It is creditable to the State and to

the Governor, as showing not only a thorough mastery of our business, but of a clear and compact business style of statement." That is high praise, coming from a political paper whose business it was to find fault.

The session was a singularly barren one. The Fee and Salary bill failed, the Appropriation bills all failed, the temperance bill failed, the educational bill failed, and no tax levy was made. This inaction was due to the antagonism between the two Houses. The *Sentinel*, in an editorial fairly dividing the responsibility, uses the following language: "It has spent sixty days in fruitless debate, and has had the unparalleled impudence to adjourn without making the ordinary provision for carrying on the State Government."

Of course a special session was necessary, and it was called immediately upon the adjournment of the regular session. The Governor's message was brief but pointed. In five days the work that had been left undone was all completed, and the Legislature had adjourned. The Fee and Salary bill was passed, as was the License law repealing the Baxter bill, and on March 11th the act authorizing the construction of the new Insane Hospital building became a law.

Affairs ran along very smoothly during 1875. There was no general election in that year, and the people were saving themselves for the great struggle in the following year. The paper money craze was sweeping through the West, and Indiana was not exempt from the ravages of the disease.

In September, Governor Hendricks made several speeches in Ohio, in aid of the Democratic State campaign, notably at Zanesville, in his native county, on the 3d, where Governor Allen, candidate for re-election, appeared with him, and the two Governors were honored with a serenade and unusual demonstrations of enthusiasm.

In October, the Commission of the proposed Centennial Exposition invited the Governors of the States to meet at Philadelphia, for the encouragement of the enterprise. At this meeting his address was well received. The Americus Club, taking advantage of his presence in their city, invited him to address them; and he gave them, October 22d, an able speech upon the political issues of the day. It dealt very largely with the financial question, and pronounced clearly for resumption of specie payments, though criticising severely the bill of Senator Sherman. The speech was a very strong one, and was received with much enthusiasm. Governor Hendricks made a great many speeches and addresses during his term of office, and they were without exception most felicitous.

In February, 1876, Governor Hendricks visited the far South, and was warmly received at New Orleans, where he addressed a large audience upon political issues, foreshadowing the approaching campaign. This year Indiana, an October State, was the battle ground, and it was true to Hendricks. After an exciting canvass, James D. Williams was elected Governor over Benjamin Harrison, and in November the State went for Tilden and Hendricks by 6,000 plurality.

Early in 1877 Mr. Hendricks delivered his last message to the General Assembly,—a long paper, comprehensive and able, recommending, among other things, the erection of a new State House. Thus closed his Gubernatorial career. It had been a singularly good one, and the interests of the State had been most carefully looked after. The retiring Governor's strongest opponents were forced to admit the great skill with which the office had been conducted—and in nothing was this skill more clearly shown than in the very trying matter of pardons—and they could not but respect the purity, integrity, patriotism and ability of Mr. Hendricks.

During most of his term as Governor, Mr. and Mrs. Hendricks lived in their own house, a substantial brick residence on Tennessee street, at the northeast corner of St. Clair. Their hospitality was generous and elegant without ostentation, and their own delightful social qualities gave them a popularity which mere official position would never have won. In the winters of the legislative sessions they entertained the members at dinner, and the members and the public together at fortnightly receptions, while the best people of the city thronged their rooms on all convenient occasions.

Mrs. Hendricks took great interest in her husband's work, and visited with him the penal and benevolent institutions of the State. Her observations and advice in regard to these were of great practical value. In 1875 her health absolutely required rest and change; so she spent three months with relatives in California, the longest period she was ever separated from her husband. In the summer of '76 they broke up housekeeping, and lived for a year or more at the Bates House, where, though not entertaining formally, they were easily accessible, and were as cordial to visitors as ever.

Mr. Hendricks was again a private citizen, and by the decision of the Electoral Commission, he was destined to remain in private life.

But he did not need office to make him great or happy; and so the eight years of his retirement, passed for the most part in his home at Indianapolis, were very pleasant years to him. He could afford to wait.

CHAPTER XVII.

THE CENTENNIAL YEAR.

Having received a majority of the Democratic electoral votes in 1872, Governor Hendricks became at once the recognized leader of his party in the whole country; while the fact that he was the first Democrat elected Governor of any Northern State after the war, added greatly to the prestige he had enjoyed at the time of the Convention of '68. He had made the first breach in the Republican lines; he alone had led to victory a division of the Democratic hosts, in the year of their national disaster. His pure and able administration of the State government was an earnest of what might be hoped from a Democratic national administration with Hendricks in the Presidential chair. His ability to organize and uphold his party was proved during his term as Governor. In '72 he was almost alone in his success, and it was said that his election was an accident. But in 1874, the middle of his term, the entire Democratic State ticket was triumphant, and it began to be seen that under his lead, Indiana was safely Democratic.

Had it not been for a remarkable train of events in the East, which possessed great dramatic interest and attracted the public attention to themselves in the years of his term, Governor Hendricks would probably have been nominated for the Presidency by acclamation in the next Democratic Convention.

The tendency of the people in the later decades to gather into the business centers, and the consequent

rapid growth of cities, at a time when the interest in national politics overshadows local affairs, have been prolific of great evils in the government of large cities, and have caused many patriotic men to doubt the wisdom of an unrestricted suffrage in municipal government. Especially deplorable was the condition of the city of New York, the population of which is so largely foreign and transient, and made up of people unused to such a measure of political power; for the restraints of permanent residence and individual property are needed safeguards of a free ballot. The corruption, the arrogance, the entrenched power of the Tweed Ring need not be described here. The overthrow of that Ring was a shining deed of knighthood. To grapple with the monster was a hazard which none but the most courageous man, possessed of all the elements of power, could assume. It was left to one of the most distinguished of Americans in private life to render that great service to the people.

Samuel J. Tilden, a descendant of men of the Mayflower and of the Revolution, a noted political writer and philosopher, a gentleman of vast wealth and of the highest eminence at the bar, was called by the necessities of the hour to assist actively in the work of political reform. With such men statesmanship is a passion, the spoils of office are nothing. Never seeking political honors, he had been for many years the counselor of statesmen on all great public questions. He had notably influenced the Cabinet of Lincoln in times of national peril; and two members of that Cabinet eventually became numbered with his political adherents. Always a Democrat, he was often wiser than his party. His home in the City of New York and his villa on the Hudson were the resorts of men of letters, statesmanship and art; and his libraries, his paintings, his sculptures and his princely hospitality were famed even in foreign lands. The unsought nomination of such a man in '72 for Governor of New

York was an event invested with singular interest. His triumphant election in spite of a large defection of spoils-men who had called themselves Democrats, and the phenomenal breaking down of party-lines among the best classes of the people, were marvels in our political history.

The two years following formed a period in the history of Indiana and New York of which every American is proud. The contrast between the State administrations and the course of the Government at Washington was vivid in the extreme ; for the last term of the great soldier was clouded by deplorable scandals in the public service, which even his own unimpeachable integrity was powerless to prevent. Throughout these years the names of Hendricks and Tilden were everywhere mentioned in connection with the next Presidential nomination.

The Democratic National Convention of 1876 was the first ever held west of the Mississippi. It convened in St. Louis on June 27th, in the Chamber of Commerce, the largest auditorium in America. General John A. McClernand was chosen Permanent Chairman. His address was a forcible arraignment of the Administration and an appeal to the Convention to take a bold stand upon the great issue of reform.

On the second day Judge Meredith, of Virginia, chairman of the Committee on Platform, presented the committee report, which was read by Lieutenant Governor Dorsheimer, whose appearance was greeted with loud applause. "His rendering of the platform," says a contemporary, "was unique. Instead of the monotonous, business-like tone into which platform readers usually fall, his voice was the voice of oratory and his gestures were the gestures of a giant. He read the platform with wonderful effect, giving it all the inflection and emphasis of a great oration." After the cheers which followed the reading had subsided, General Ewing, of Ohio, rose and

presented a minority report, suggesting that the financial resolution be so changed as to demand the immediate repeal of the Resumption clause of the act of '75, and followed his report with a speech in advocacy of the change. In this, however, the minority of the committee were not sustained.

After an animated discussion, the vote of the States was taken, when it was found that the majority report was sustained by 515 of the 734 delegates present.

As soon as nominations were in order, Delaware nominated her favorite son, Senator Thomas F. Bayard. Mr. Williams, of Illinois, then presented the name of Governor Hendricks, amid great applause. Mr. Fuller, of Indiana, seconded the nomination in an eloquent speech; and Mr. Campbell, of Tennessee, followed, to say that his State was more confident of success with Hendricks than with any other leader. New Jersey brought forward the name of her war Governor, Joel Parker. Francis Kernan, of New York, then nominated Governor Tilden, and clearly stated the reason why his nominee was to be deemed by the Convention the most available. The nomination was seconded by Colonel Flournoy, of Virginia, and Mr. Herndon, of Texas, who predicted a sweeping victory under the great reformer's banner. But their most sanguine estimates of his prospective majority fell far short of the outcome. Ohio came forward with ex-Governor William Allen. Pennsylvania offered her gallant soldier, General Winfield Scott Hancock.

Ere the nominations closed, ex-Senator Doolittle, of Wisconsin, made a strong plea for the nomination of Hendricks, assigning as a reason that all depended upon Indiana, while New York was already safe for the Democracy. He did not foresee that in the grand upheaval of 1876, even Indiana could have been spared from the Northern States! Hendricks was needed for himself—not merely for the locality in which he resided.

Added to the aforementioned circumstances which made Mr. Tilden's nomination apparently more opportune, was a superstition of the business world that the affairs of finance are safest in the hands of Eastern men.

The first ballot was as follows :

Whole number of votes	713
Necessary to a choice.	476
For Tilden.	403½
For Hendricks	133½
For Hancock	75
For Allen	75
For Bayard.	27
For Parker.	18
For Broadhead	19

Missouri at once changed fourteen of her votes, giving seven to Tilden and seven to Hendricks. On the second ballot Governor Tilden received 508 votes, and Governor Hendricks 75.

Pennsylvania moved to make the nomination unanimous. Indiana seconded the motion, which was carried without dissent.

The Convention then adjourned, to meet on the following morning. During the interval scarcely any one was thought of for the Vice-Presidency but Governor Hendricks. The next session was short. Mr. Hendricks was placed in nomination, in the face of a protest from the Indiana delegation that they disavowed all responsibility for the act, as Governor Hendricks was not a candidate for the honor. In the midst of tumultuous enthusiasm the roll of States was called, and Indiana's favorite son received all but eight of the seven hundred and thirty-eight votes, and the nomination was at once made unanimous. The great Convention adjourned.

The platform adopted was a forcible presentation of

principles. It was unmistakably favorable to "hard money." Specifically and pointedly, it arraigned the corrupt men who had brought the Administration into disrepute by official malfeasance. Clearly and beautifully it set forth the "moral triumphs of a hundred years" in the establishment of true principles of self-government.

From the adjournment of the Convention, letters poured in upon Governor Hendricks from eminent men in all parts of the country, urging him to accept the unsought nomination. Public anxiety was not relieved until his letter of acceptance was received, simultaneously with that of Governor Tilden. The letter was admirably conceived and happily expressed, and in its patriotic tone and breadth of view is one of the models of political correspondence. It is given in the second part of this volume, in chronological order, among the speeches and writings.

There was a moral grandeur in the campaign of '76. It was the Centennial year, when the hearts of the millions were filled with patriotic pride and moved by no ordinary impulses; when gratitude to the Almighty for His mercies was upon the tongue of men unused to prayer; when the soul was raised to the highlands of faith and hope to view the train of centuries advancing; when to the reverted gaze the fathers of our country, the sages and heroes of the Revolution, seemed to look down upon us, never so real before.

The key-note of reform appealed to the better sense of the nation. To break its force, Republican editors and orators had recourse again to the dead issues of the war, and endeavored to fan into life the embers of a dying hate. It proved a mistake. North and South the people yearned for a re-united land and for the cessation of strife. It was amazing to hear in a year so far removed from the conflict the harsh cry of the Norse god:

“ Force rules the world still,
 Has ruled it, shall rule it ;
 Meekness is weakness ;
 Strength is triumphant ;
 Over the whole earth
 Still it is Thor’s day.”

And from the hearts of the people came back the answer of St. John :

“ It is accepted,
 The angry defiance,
 The challenge to battle.
 It is accepted,
 But not with the weapons
 Of war that thou wieldest
 Cross against corselet,
 Peace-cry for war-cry,
 Love against hatred.”

The nominations at St. Louis were appropriate for such a time. The reformation of abuses in the Government and the complete reconciliation of the North and South were the cardinal issues. The banner of reform and reunion was borne by the most eminent of statesmen ; by men of spotless character and broad, national views and sentiments. That banner, flung to the breeze, enlisted the hearts of the millions, and awakened a fervor of zeal, an earnestness of purpose, a fixedness of resolve and a confidence without parallel.

The American *plebiscit* is called a *campaign*, in allusion to the operations of an army. From the opening to the close it is an onward march. In a political movement of lofty purpose, of historic sentiment, of deep moral significance, the metaphor is peculiarly striking. All through the season of '76 seemed to resound the tread of marching feet. Each day brought them nearer, nearer, nearer. No step was missed, and none was retraced. There was perfect cadence in that unwavering advance. In every village and hamlet and crossing there were accessions, and from the best class of the citizens. Workers in the

churches and the schools, men of thought and conviction, everywhere swelled the ranks, their former deep prejudices overcome or their long hesitation gone. It ceased to be a surprise, ere the campaign was over, for the most earnest of old-time Republicans to enlist under the banner of Tilden and Hendricks. The pageants of the canvass were striking as to numbers and display. Yet it was not the appeals to the eye that rendered it most notable, but the constant cadence of the march—the foot-fall of that invisible army which, by night or day, was advancing to certain victory. That victory was in the faces and tones of men. It was in the air. It was as real as the mountains and the rivers and the prairies.

The summer wore on amid the unceasing tread. The guns of October told that the majority were returning to power, as they rang in unison with the advancing columns. Indiana elected her full Democratic ticket by a handsome majority; and even Ohio was barely saved by the Republicans. When the November day closed on which the ballots fell, the great work was done; and one might almost hear the exulting millions shout—

“We are come! We are come!”

Can the exercise of the right of suffrage be made an act of religious solemnity, a holy thing? Sometimes it may seem a common-place matter—an unquestioned right, so general, so unrestricted in its exercise, and sometimes so unimportant in its immediate results, that a just sense of its value is lost. We estimate our privileges aright when we are deprived of them. What the ballot would have been to Hungary, to Poland, to Ireland, it was to the South in '76. Aye, more. Hungarians, Poles and Celts were less alive to the impulse for self-government than the Anglo-Saxons, to whom since 1215 the Magna Charta has been a birthright. After the red day of war, had succeeded the long, black night of disfranchisement and

irresponsible government. The morn of a new day was about to break ; and eternal Hope whispered—

“The dawn is not distant,
Nor is the night starless.
Love is eternal.
God is still God, and
His faith shall not fail us.
Christ is eternal.”

And so, for the first time in sixteen years, the men of the South voted the will of the people. Home again, at last, no longer men without a country, they were heirs of Washington and Jefferson, and men of the Republic. They were like them that dream. Then was their mouth filled with laughter, and their tongue with singing. For their captivity was turned again, as the streams in the South. With less emotion, but with no firmer convictions of duty, came the legions of the North to the polls. They came to the support of Reform and Reconciliation in overwhelming force. They thought that the time had come for a new Emancipation Proclamation which should free the South from the oppression of the carpetbagger and the tyranny of federal bayonets. The victory that was won accomplished this beneficent result, although the spoils of the victory remained with the Republicans.

Following the first reliable returns was a time of jubilation unknown since the fall of Richmond. The cities flashed in rivers of fire, and pyrotechnic glories melted into the stars. Nature was in sympathy with man. Down from the far North swept an atmospheric ocean, cold and clear. Never sped the sound of cannon on readier wings. Never shone the moon and stars with brighter luster. Never dawned the autumn days with more transcendent beauty. How the joyous thunders of artillery rolled and reverberated, responsive to those other echoes, which

“Roll from soul to soul,
And grow forever and forever!”

If any Democrat apprehended that the election would be "close," so far as the popular vote was concerned, he was greatly in error. From the time when the people had first voted in Presidential elections, no other men had ever received anything approaching so great a vote as was polled for Tilden and Hendricks. Considered with reference to the majority over all opposition, and leaving out of consideration the war and Reconstruction years, when an expression of the whole people was not had, and the single year in which there was no Democrat nominated (1872), there is no such majority to be found in American history. In the first popular election of Presidential Electors (1824), Jackson received the support of a plurality. In 1828, his majority was 138,124. In 1832, his majority was 124,205. In 1836, Van Buren's majority was 24,893. In the great "tornado" of 1840, the majority of Harrison was 140,256. In 1844, Polk received a mere plurality. The same was true of Taylor, in 1848. In the splendid victory of Pierce, in 1852, the majority was but 58,747. Buchanan, in 1856, received a mere plurality; and so, likewise, did Lincoln in 1860. Tilden and Hendricks received a majority of 157,037 over all opposition, and a plurality of 250,935, even according to the Returning Boards, and after the throwing out of thousands of Democratic votes. These, it must be remembered, are Republican figures.

All other victories at the polls pale into insignificance before it, when all the circumstances are considered. The entire influence of the Federal Government was used against the Democratic nominees. A great part of the suddenly enfranchised ex-slave population, unlettered and utterly bewildered, was stampeded to the polls under the goading menace of reënslavement in the event of Democratic success—a thing so ridiculous as to obtain credence only among the most helplessly ignorant of men. Several of the Southern States were yet controlled

by Federal bayonets, and the polls were shadowed by soldiery—a state of affairs not to be found elsewhere on earth in a land of Anglo-Saxon government. There were three other tickets in the field. The saintly and venerated Peter Cooper, the working man's ideal, with the matchless organizer and orator, General Sam Cary, headed a formidable movement on financial issues. The Prohibitionists were aggressive in their canvass, and were led by an able man—Green Clay Smith. It is safe to say that the result exceeded the most sanguine expectations, though the success of the ticket was scarcely a matter of serious doubt at any time during the canvass.

The loud notes of the popular rejoicing had not died away ere startling rumors filled the air. In the interval between the popular election of Presidential Electors and the casting of the electoral ballot (December 6), what might not be accomplished by the irresponsible clique of adventurers in the South who were to pass upon the returns? The preposterousness of a reversal of so tremendous an expression of the popular will, at first evoked general laughter; but ere long the public mind became filled with painful apprehensions. People of the North had not fully comprehended the situation. Few Republicans of the North had any conception of the remorseless character of the usurpations in the South, labeled “Republican.” The remnants of that unholy crew that had loaded a crushed and broken people with a debt of three hundred millions of dollars, that had plundered out of existence the public schools, that had enthroned in society the iniquities of Babylon—could not hesitate at any deed of crime. The plain truth of their record had been received in the North as the wildest fiction. The name Republican, hallowed by the memory of Lincoln and Lovejoy and Whittier and Emerson, and the long line of the great and good who had borne it proudly, was the cloak in

which satyrs were masquerading in another section. And true was the solemn averment of the South—

“ I hear a voice you can not hear,
I see a hand you can not see.”

In Florida, Louisiana and South Carolina an iniquitous scheme was at once arranged. Daring politicians of the North began to advance the claim that the electoral votes of these three States might still be secured by the action of Returning Boards; and the party in power at once seized upon the claim with new hope. It must be said that such machinery was unknown in the North, and of course the moral obliquity involved in its operation was not generally understood by the people of the Northern States. Through our electoral system it is possible, perhaps, for a candidate who receives the lowest popular vote to secure the Presidency in a legal way, though no President had ever been chosen without a plurality, at least, of the votes of the people; and it was plausibly argued to the masses that such a contingency had occurred. To corrupt leaders, and not to the people, must attach the infamy of the acts which followed. The House of Representatives passed a solemn resolution declaring that Tilden and Hendricks had been elected. But the Senate was Republican, and would agree to no course of proceedings by which their election could be legally declared. Double or triple—genuine and spurious—returns were received from various States, for the first time in our history. The President of the Senate, Mr. Ferry, a vain, weak man, whose accidental rise to an important position had inflated his conceit beyond even its usual bounds, declared that it was a matter to be decided by himself which paper was the genuine return from any State; and this preposterous claim was supported by many of his colleagues. The former rules governing the reception or exclusion of returns were

now repudiated by the Senate. On the 8th of January were excited gatherings in many parts of the Union, at which the forcible maintenance of the claims of Tilden and Hendricks was urged and the demand of the people for the inauguration of the men of their choice was uttered in thunder tones. The days following were ominous of civil war; for the army was gathered at the capital to support the claims of the defeated candidates. The newspapers advocated many wild schemes. It was proposed to declare Morton Dictator; to proclaim Grant for a third term; to inaugurate Hayes and outlaw the President-elect. But better counsels prevailed; and by a magnanimous compromise the Democrats consented to the formation of a Joint High Commission to investigate and settle the questions relating to the contested returns. In this they showed their proud consciousness of the righteousness—the unquestionable justice—of their claims. The Republicans, after much opposition and delay, consented to the measure, being driven thereto by expressions of public opinion which could not be disregarded. The Electoral Commission bill passed on the 29th of January, 1877. Its provisions relating to diverse returns were as follows:

“All such returns and papers shall be opened by him [the President of the Senate] in the presence of the two Houses, when met as aforesaid, and read by the tellers; and all such returns and papers shall thereupon be submitted to the judgment and decision, as to which is the true and lawful electoral vote of such State, of a Commission constituted as follows: namely,—

“During the session of each House on the Tuesday next preceding the first Thursday in February, 1877, each House shall, by *viva voce* vote, appoint five of its members, who, with the five Associate Justices of the Supreme Court of the United States to be ascertained as hereinafter provided, shall constitute a *Commission for the decis-*

ion of all questions upon or in respect of such double returns named in this section."

Further on, four of the Judges are designated, though without being personally named, and these four were to choose a fifth, to complete the Commission.

Accordingly the members of the Commission were appointed by the Senate and House. Of the first named Chamber, the members chosen were as follows :

Republicans,—George F. Edmunds, Oliver P. Morton, Frederick T. Frelinghuysen ; Democrats,—Thomas F. Bayard, Allen G. Thurman. The last named retired from the Commission on the 26th of February, on account of illness, and was succeeded by Francis Kernan.

Of the Representatives, the following were selected :

Democrats,—Henry B. Payne, Eppa Hunton, Josiah G. Abbott ; Republicans,—James A. Garfield, George F. Hoar.

It was altogether strange that Mr. Garfield should be appointed to a place on the Commission, for he had been one of the most active attorneys of the Returning Board of Louisiana, upon whose electoral returns judgment was to be passed by the Commission.

The membership from the Supreme Court was constituted as follows :

Justices Nathan Clifford and Stephen J. Field, of the First and Ninth Circuits, respectively, were Democrats.

Justices William Strong and Samuel F. Miller, of the Third and Eighth Circuits, respectively, were Republicans.

Justice Joseph P. Bradley, of the Fifth Circuit, a Republican, was chosen by his Associates to complete the number.

Besides the ablest lawyers in Congress, eminent legal talent of various States was arrayed in the contest before the Commission. For the Democrats appeared O'Connor, of New York ; Black, of Pennsylvania ; Merrick, of the

District of Columbia ; Greene, of New Jersey ; Carpenter, of Wisconsin ; Hoadley, of Ohio, and Whitney, of New York ; for the Republicans, Evarts and Stoughton, of New York, and Matthews and Shellabarger, of Ohio.

Let us briefly review the situation :

Florida was carried by the Democrats ; the Returning Board, however, threw out enough votes to turn the scale, and the Republican Governor gave commissions to Republicans claiming to have been chosen as Electors. The Returning Board made no pretense of proof of fraud or intimidation ; and even if they had done so, their action was utterly unauthorized by law. The men who were really chosen by the people of Florida as Electors, well knowing that the action of the Republicans would not be sustained in law, met and cast their votes for Tilden and Hendricks. The Governor's attestation was wanting to their return list, but the certificate of the Attorney General of the State was placed upon it. This return contained a statement of the popular vote, as well as the vote of the Electoral College of Florida. The so-called Republican Electoral College likewise met, and cast its vote for Hayes and Wheeler, which vote was certified by the retiring Executive, Governor Stearns. The action of this "Returning Board" was brought before the Supreme Court of the State, and decided to be *ultra vires*, illegal and void. To remove all doubt of regularity in the matter, if possible, the Legislature authorized a recount of the popular vote, by a law approved January 17, 1877. By the recount, the Tilden Electors were shown to have been elected by an unquestioned majority ; and now certificates were issued to them by the newly inaugurated Executive—Governor Drew (chosen at the same election)—and the Electoral College met again, voted again, and sent a second return to the President of the Senate, this one bearing the Governor's attestation.

Thus were triple returns received at Washington, from Florida.

In Louisiana the Democratic Electors had an average majority of 7,639 votes, but the Returning Board threw out enough votes to enable them to declare the Republican electoral candidates chosen. McEnery, a Democrat, was chosen Governor, though William Pitt Kellogg, a Republican, claimed the election through manipulations of the Returning Board, and for a time each claimed to act as Governor. The Electors met and cast their votes for Tilden, and sent their return, with the attestation of Governor McEnery, to the President of the Senate. The Republican electoral claimants met and voted, and sent in their return under the seal of Mr. Kellogg, claiming to be Governor, in charge of a messenger (Anderson). The latter, on reaching Washington, found to his dismay that the return was utterly worthless, since it was directly at variance with the constitutional requirement in form.* In breathless haste he sped back to New Orleans, to secure another session of the so-called Republican Electoral College, and another return list. But the members of that supposed body were widely scattered, some of them hundreds of miles away, and with no railway or telegraphic connection. What was to be done? No time was to be lost. The affair was kept a

* The nature of the defect was this: The "College" had made but one list of the ballots for President and Vice President, whereas the Constitution requires that they shall make "distinct lists"—one for President and one for Vice President. Anderson reached Washington with some ladies, on Christmas eve, and gave his papers to Mr. Ferry, President of the Senate. That worthy discovered that they were not properly indorsed on the envelope. Anderson tore open the envelope, and the unconstitutional form of the return was observed. Without a night's rest, he started upon his return to New Orleans, and reached that city on the morning of Thursday, the 28th of December. He at once informed Mr. Kellogg that Mr. Ferry had said that the papers were not in form, and new ones must be prepared.—See Electoral Count, pp. 539-541; 674.

profound secret. Such "members" as could be found were summoned to a secret chamber in the top of the State House, and the signatures of absentees were supplied by *forgeries*. And these lists thus prepared, a lying, forged return, were sent on to Washington.

In South Carolina there was no constitutional election. The Constitution of that State required a registry of the votes, and the irresponsible Legislature had made no provision for such registry. Moreover, there had been violence throughout much of the campaign, and to such an extent that the President had been invoked to restore order by means of troops. Both Democrats and Republicans claimed to have won. Two "Electoral Colleges" were constituted. Neither of the returns sent to Washington was considered valid by the Democrats. The return which was ultimately received was deficient in its statement, as it did not set forth even that the vote of the supposed Electors was by ballot, nor show that these supposed Electors had been sworn, as required by law.

These States for a time received the undivided attention of the people. A loud clamor was made that neither Congress nor any court could "go behind the returns"—could question the legitimacy of any return which bore a Governor's attestation, however patent, naked and bald the fraud or violence which procured that attestation.

A case which presented itself in Oregon gave the Democrats an opportunity to test the sincerity of this claim. Oregon had gone Republican by a small but unquestioned majority. One of the electoral candidates chosen, being a Federal officer, was deemed ineligible, by a strict construction of the law, and the Governor commissioned in his place his opponent, a Democrat, as having the next highest number of votes. Thus the Electoral College of Oregon, which should have been composed of three Republicans, was declared by the Governor to consist of two Republicans and one Democrat. The two Republi-

cans refused to act with the Democrat (Mr. Cronin), but acted with their colleague on the ticket (Mr. Watts), who resigned his office after the election, in order, if possible, to remove his disability. The Governor, not recognizing their action, withheld his attestation from their return; and their papers were sent to Washington certified only by the Secretary of State. Mr. Cronin, as required by law in case of vacancies, filled the college by appointing two Republicans to act with him, and they sent to Washington their return, containing two votes for Hayes and Wheeler and one for Tilden and Hendricks, and with the Governor's attestation. That one vote for Tilden and Hendricks, if counted, would have seated a Democratic President and Vice President. Yet not a man of the Electoral Commission, as related hereafter, voted to receive it. No reputable Democrat, to our knowledge, ever wished to receive it, even were the eligibility of Mr. Watts unequivocally and emphatically denied by all the courts in Christendom. For the sacredness of the ballot, as a register of the will of the people, must be upheld, even to a waiver of weighty technicalities. Yet that Oregon transaction, believed by the Governor and Mr. Cronin to be strictly in accordance with law (though in violation of the will of the people), served fully its purpose as a test case, and involved the Republicans in an inconsistency from which no sophistry could possibly extricate them.

To summarize the plural returns, they were as follows:

From Florida—(1) The first return of the Electors chosen by the people, signed on the 6th of December, but unattested by the Governor; (2) the second return of the same Electors, *signed on a later day* (after the recount) and attested by the new Governor—Drew; (3) the return of the pretended Electors, signed on the 6th of December, and attested by Governor Stearns. The two papers

first named were Democratic returns; the last was Republican.

From Louisiana—(1) The return of the legally chosen Electors, signed on the 6th of December, and attested by Governor McEnery; (2) the return (wrong in form, worthless, and never considered) of the Republican electoral claimants, signed on the 6th of December, and attested by Mr. Kellogg, claiming to be Governor; (3) the *second* return of the Republican electoral claimants, containing forgeries, *signed on the 29th of December*, and certified by Mr. Kellogg. Of these, the first named was Democratic; the last two were Republican.

From Oregon—(1) The return of Mr. Cronin and two Republicans, signed on the 6th of December, and certified by Governor Grover and the Secretary of State; (2) the return of Mr. Watts and the two legally chosen Electors who refused to serve with Mr. Cronin, uncertified by the Governor, but with the certificate, as to the two chosen, of the Secretary of State. The first of these contained one vote for Tilden and Hendricks.

From South Carolina—(1) A return from persons claiming to have been chosen Electors, signed on the 6th of December, but not attested by the Governor; (2) a return from persons claiming to have been chosen Electors, signed on the 6th of December, and attested by Governor Chamberlain. The latter was Republican.

The Republicans had secured a majority of the Commission, yet their victory in this respect was worthless without the most glaring self-stultification. Let us examine the case. Florida, it is admitted, had chosen Democratic Electors. Let it be held, however, that their first return could not be received, on the ground that the Governor's certificate is absolutely essential to the validity of the return. This would throw out the first Democratic return from Florida, but would also throw out the Republican (second) return from Oregon, without which,

the election of Hayes and Wheeler would fail. On the other hand, let it be held that the absence of the Governor's certificate could not defeat the vote of the chosen Electors. In this case the three votes in Oregon must be counted for the Republican candidates; but Florida must inevitably be counted for Tilden and Hendricks, for there was no claim advanced against such count except the above mentioned want of legal formality. In this case, as in the other, the election of Tilden and Hendricks would stand. But even if the Governor's certificate were absolutely essential to the legality of the return, the second Democratic return from Florida was attested by Governor Drew. Let it be held that this return was invalid because signed at a later day than the 6th of December. It may then be shown that the only considered Republican return from Louisiana was signed on the 29th of December (though fraudulently dated back to the 6th), and without it the election of the Republican candidates must fail.

There were various other matters to be considered. Mr. Humphreys, one of the electoral claimants of Florida, had been a Federal officer at the time of the election, it was claimed; for though he had written his resignation before, it had not been accepted. Under such circumstances, it was claimed, he had been ineligible. Other electoral claimants were declared to have been Federal officers at the time of the election—two in Louisiana and the one mentioned (Mr. Watts) in Oregon. Moreover, the electoral claimants of Louisiana had violated the State law by holding the session of their "College" in secret and not allowing the presence of a Democrat or of a Federal officer. The Commission at first admitted evidence to prove that Mr. Humphreys, of Florida, had written his resignation of his Federal office before the election, and held that such an act was a complete resignation in itself. Mr. Watts, of Oregon, it will be remembered,

had not even offered his resignation before the election. All further evidence was ruled out, by a strict party vote. The end was foreseen from the beginning. On all material issues the vote of 8 to 7 was steadily given. Jere Black poured upon the heads of the impassible eight a torrent of blistering invective, to no purpose. The majority voted that the first return of the Florida Electoral College could not be received, since it was unaccompanied with an Executive certificate; but they accepted the second Oregon paper without such certificate. They ruled out the second return of the Florida Board, because it was made out on a day later than the 6th of December; but they accepted the forged paper from Louisiana, prepared on the 29th of that month. They held that the resignation of Mr. Humphreys was valid, because offered by him; but they would not receive evidence that Mr. Watts was still a Federal officer at the time of the election. They recognized Mr. Kellogg as the true Governor of Louisiana; yet in the sequel he abandoned the pretense after a few weeks of assumption. The Commission was a unit in rejecting the Cronin return from Oregon, and the return of the Democratic electoral claimants of South Carolina—the Democrats declaring in the latter case that no return should be received from that State, as neither the election nor the action of either of the “Colleges” had been legal. It is proper to add that the Democratic members of the Commission were at the time ignorant of the Louisiana forgeries and of the fact that the spurious return was prepared on a day later than the 6th. Some of the Republican members, likewise, were unaware of the precise character of the document upon which they passed. But the slightest investigation would have disclosed it. The Republican leaders knew about it, and gave orders that the Louisiana case must be passed without investigation. And this was

done. And thus was consummated the act which overthrew the will of the people as expressed in the unprecedented victory of '76, so far as it related to the choice of men. No words can characterize it. Denunciation can not add to its enormity. The facts speak for themselves.

But the hand does not turn back on the dial of history. President Hayes was actuated by a sincere desire to reform abuses, and to conduct a clean and honorable Administration, in which desire he was supported by the better element of his party, who were drawn irresistibly into the current of popular thought and feeling. The crimes of the Returning Boards did not accomplish their ultimate purpose. The President and his noble wife gave ear and sympathy to the stricken South. The troops were remanded to military pursuits, and the irresponsible governments heard their death knell in the Executive order.

Then the procession began to move. The gilded throng of perjurers, forgers and assassins of the now disenthralled South took up the line of march. The Senators and Representatives at Washington who had risen through crime, finished their terms, but returned no more to the Southern States. Rigid economy characterized the rule of the people. Keys turned in the rusty locks of school houses. Carpenters and masons erected new buildings for the education of the white and the black. Hopefully, joyously, the South turned to its labors. Abundant harvest came. Manufactures sprang up as by magical touch. Immigration was welcomed, and grew from year to year. The earth seemed greener, the skies brighter. Slavery, war and political serfdom had passed away, and the new South entered upon its happier destiny.

CHAPTER XVIII.

PRIVATE AND PROFESSIONAL LIFE.

Wearied by the long and trying Presidential campaign, which lasted virtually until the inauguration of Mr. Hayes, Mr. Hendricks sought needed rest and recreation in a trip abroad. This was in June, 1877. He visited Great Britain and Ireland, France, Germany and Austria, and his observations upon the laws, customs and institutions of those countries are interesting and instructive. As is the case with most lawyers, he especially enjoyed his stay in England, the birthplace of the liberty and law under which we live.

He landed at Queenstown after a pleasant voyage, saw Dublin and the Lakes of Killarney, stopped at Belfast for a short time, and then crossed to Glasgow. This city and the beautiful Edinburgh, so famous in history, were thoroughly enjoyed by the traveler; but he was on his way to London, and like all intelligent Americans he was impatient to see this monster city of the Anglo-Saxon. He spent three weeks in London on his first visit. He dined with General Grant at the residence of Minister Pierrepont, met Sir Stafford Northcote, then Chancellor of the Exchequer, Mr. Bright and many members of Parliament, attended Parliament and listened with great interest to the debates. He felt the progress that Democratic ideas were making in England, and how rapidly, though retaining the old forms, the government was becoming in fact a government by the people. We can not do better than to quote from a speech made by

Mr. Hendricks upon his return to Indianapolis. The contrast between the English and the French is made with striking clearness, and the peculiarities of the English mind and methods are most satisfactorily described.

“While you see no revolution,” he says, “in England since 1688, still you are impressed with the fact that there is much of advancement even there. * * So I might speak of other great reforms in this half century. But they don’t come by revolutions. They come by the action, cool, deliberate and determined, of the English mind. But I predict that some of you young men will live to see this great reform accomplished in England. In France—you recollect how it was there. In their wild fury of revolution, in storms of blood, the feudal system and the terrible burdens it imposed upon the shoulders of labor passed away in a night. But in England it will hardly be so, and why? *Because the Englishman is entirely devoted to the institutions of his country.* * * Now in France it is not so. *They don’t care much for their institutions in France, but they do love France.*”

Here the Governor hit upon the vital difference between Anglican and Gallican liberty—the one is institutional and the other is not.

Paris, he thought, was a charming city, but he preferred smoky and grimy old London. France was ablaze with political excitement, for the people were to decide whether they should live under a republic or a monarchy. The Governor said that he “became somewhat of a politician while in France.” He talked with Gambetta, with whom he was very favorably impressed, and this great Frenchman assured him that the liberal cause would triumph. It is hardly necessary to say that Mr. Hendricks’s sympathies were with the liberal cause.

Germany and Austria were next visited—the principal halting places being Frankfort-on-the-Main, Hamburg, Carlsbad and Munich.

Everywhere he was the same careful observer. Nothing seemed to escape him. He found some traces of the federal system in the Austrian Government, and he came to the conclusion that "with all the forms of the empire, the Emperor of Austria could not put a man upon trial for such things as are charged to-day, in the establishment called the Republic of France, against Gambetta." He was not deluded by forms. The letters which he wrote home were full of interest.

The trip lasted about four months, as the Governor landed in New York early in October, where he was tendered a reception by admiring friends. But the warmest greeting, of course, awaited him in Indianapolis. He was met by a large crowd of his fellow townsmen. The address of welcome was made by the Hon. George W. Julian, and Mr. Hendricks replied in a speech, from which extracts have already been given.

Once again back at his old home, he devoted himself assiduously to the practice of the law. The daily record of the lawyer's life is not of much interest to the general reader. His defeats and triumphs alike are soon forgotten. As a member of one of the leading firms of the State, Mr. Hendricks was a very busy man. He shirked no duty, and shrank from no task however arduous. There were few important cases in the Indiana Courts in which the firm of Baker, Hord & Hendricks was not engaged on one side or the other.

There was a great deal of railroad litigation in the Federal Courts during these years, involving very important and complicated interests, which demanded the closest attention and the greatest skill. There was no department of the law in which Mr. Hendricks was not at home thoroughly, no situation of which he was not the master.

His professional labors were frequently interrupted by calls to deliver occasional addresses, his happy talent in that line making him very popular. Among his efforts

of this class in the period under consideration, those most deserving mention—and space will allow nothing more—were an address of welcome to the National Convention of Millers, Indianapolis, May 30, 1878; an address to the Law School of the Michigan University, Ann Arbor, December 6, 1878; a speech to the Hendricks Club, Indianapolis, October 29, 1879; a speech at Nashville, Tenn., May 22, 1880; an oration on the laying of the corner-stone of the Indiana Capitol, September 28, 1880; a Fourth of July oration at Greencastle, Ind., 1881; a response to the toast, “Our Country,” at the Jackson banquet of the Iroquois Club, Chicago, March 15, 1882; an address on “The Advocate,” to the Central Law School, Indianapolis, April 13, 1882; a speech at a banquet tendered the Democratic editors, Indianapolis, June 30, 1882; and a response at the banquet to Lord Coleridge to the toast, “A Common System of Jurisprudence Must Cement National Friendship.” Several of these are reproduced farther on.

Every political campaign, of course, made a heavy draft upon his time and strength, which he promptly honored; for his services were always at the command of his party. When asked once if he were out of politics, he answered that he expected never to be out of politics while he was out of his grave; and he has frequently said that the Democratic party had treated him with such kindness, and bestowed so many honors upon him, that it could ask no sacrifices which he would not make in its behalf. Thus he often presided over the State conventions of the party, and always made them wise and inspiring speeches, notably those of February 20, 1878, and of June 10, 1880; in which he gave the “key-notes” of the campaigns approaching.

Local politics also received his attention. Previous to the election of township trustees in 1881, he made an impressive and instructive speech to the township Democ-

racy in the Park Theater, Indianapolis, March 30th, in which he considered the importance of local affairs, and the duty of the citizen in regard to them.

He was in great demand in other States, also, and seldom turned a deaf ear to the appeal, "Come over and help us." His speech at Allegheny City, October 28, in the Gubernatorial canvass of 1878, has often been mentioned with admiration. Some railway detention excited fears that he might not arrive in time, and a special train was sent to meet him. It ran fifty miles in less than an hour, and when he reached the hall he was borne to the stage on the shoulders of the people. But the wildest possible enthusiasm was manifested when he uttered this sentiment: "Do you think the Democratic party can die? Other parties can die, other parties may die, other parties do die, but the Democratic party can never die. Democracy, democratic principles, are always enthroned in the hearts of a free and liberty loving people." He took part in the Iowa canvass in 1883, and delivered a number of effective speeches in that State.

As the year 1880 approached, public attention was fixed upon Mr. Hendricks. The demand for the Old Ticket was very strong, and it would unquestionably have been nominated but for two reasons. Mr. Hendricks absolutely declined to accept another nomination for the Vice-Presidency, and Mr. Tilden decided not to let his name go before the Convention. The letter of the latter to the delegates at Cincinnati, declining, on the score of ill health, to accept the nomination if tendered to him, made it evident that the Old Ticket was out of the question.

In November of the previous year General Grant had returned from his foreign travels, after having circumnavigated the globe. He had been received everywhere with the most distinguished honors; and from the day of his landing at San Francisco, his countrymen had vied with each other to welcome the great commander to his

native land. The Army of the Tennessee had appointed its reunion at Chicago, and had fixed the date so that the General could be present. He was there, and the occasion was a grand one. The annual oration was delivered by General Walter Q. Gresham, of Indiana. The same enthusiasm greeted the General wherever he went; the people without distinction of party were glad to welcome him home.

For about two years a "third term" movement had been managed by Republican editors and politicians, with a phenominal show of strength, and now a final effort was made to commit the Republican party to the candidacy of General Grant. Senators Conkling and Logan were the leaders of the Grant wing of the party, afterwards known as the Stalwarts, while Mr. Blaine was the chief of the Half-Breeds. The fight was very bitter; and when the Convention met in June, in Chicago, it was found that the two factions were of about equal strength—at least each was strong enough to prevent the triumph of the other. The battle was a long and hard one, and it was not until the 35th ballot, and after sitting for almost a week, that the Convention nominated General James A. Garfield for the Presidency. General Arthur was nominated for Vice President, as a sop to the Stalwart Cerberus.

Later in the same month the Democratic Convention met at Cincinnati. The Indiana delegation had been instructed by the State Convention with unanimity and enthusiasm to support Mr. Hendricks for the Presidency, and under the lead of Hon. Oscar B. Hord and Senator Joseph E. McDonald, it labored zealously in his interest. But the New York influence would not permit the nomination of Mr. Hendricks over Mr. Tilden; and the splendid soldier, General Winfield Scott Hancock, was selected on the second ballot as the standard bearer of the national Democracy. But an Indiana man was deemed indispensa-

ble to the ticket, and the Hon. Wm. H. English was accordingly named unanimously for the Vice Presidency.

It was thought by some at one time during the convention that the Eastern men would support Senator McDonald for the nomination if Indiana would present his name; and malicious reports were afterward circulated to the effect that the Indiana delegates, or some of them, telegraphed Mr. Hendricks asking if he would withdraw in favor of McDonald, and that he declined to do so, or at least sent no answer to the message. These reports were entirely false. There was no communication between Mr. Hendricks and the Indiana delegates during the convention, beyond a telegram from him that he left altogether to the delegation the relation he should sustain to the convention. The Indiana delegates were under strict instructions from the Democracy of their State, and were all personally devoted to Mr. Hendricks. They stood by him loyally at this time, and none more loyally than Senator McDonald himself.

So the candidates were named; the issue was joined again. The fight was warm in Indiana, and Governor Hendricks was as usual in the thickest of it. The candidates for Governor were Franklin Landers, Democrat, and Albert G. Porter, Republican—both good campaigners—and they threw themselves into the canvass with all their strength.

There was at one time something of an alliance between the Democrats and Nationals, but it was now to end. Captain W. R. Myers, of the Ninth District, and Rev. Dr. De La Matyr, in the Seventh, had been elected to Congress by the united support of Democrats and Nationals, and at no sacrifice of principle on the part of either, for in some of their strongest demands relating to financial measures the "hard money men" and the "soft money men" were in accord, and united against the Republican policy. The Democrats and Nationals now

united again in support of Captain Myers, and of Mayor John N. Skinner, of Valparaiso, in the Tenth District. But when the Nationals renominated Dr. De La Matyr the Democrats failed to endorse the nomination, and their failure to do so enraged the Nationals of the entire State, and broke up the alliance.

The Republican candidate for Governor, Hon. Albert G. Porter, was a tower of strength to his party. A gentleman of high culture, unblemished character, and recognized statesmanship, he developed remarkable force as a campaigner. He had been connected with state affairs almost from boyhood. He was remembered by old Democrats as the secretary and favorite of their great Governor, James Whitcomb, and it was an open secret that he was the writer of the Jacksonian veto message of Governor Wright, relative to a State bank. As a Democrat he had been elected by the Legislature Reporter of the Supreme Court. Later, as a Republican, he had won distinction in Congress. He resigned the office of Comptroller of the Treasury of the United States to enter upon the canvass. As a forcible and attractive speaker he had few equals in the West. After his accession to the Governor's chair his name was frequently mentioned with favor for even higher honors.

Governor Hendricks, of course, gave the key-note, and it was he also who closed the campaign for the Democrats in a speech of rare power.

But it was all to no purpose. Late in the campaign the Republicans thrust the tariff question upon the people, and the Democrats unfortunately failed to meet it squarely; and this undoubtedly contributed to the disaster. But the *cause* of the overthrow was Senator Dorsey. This gentleman came into the State, bringing with him \$400,000, took the whole management of affairs into his own hands, and literally bought a victory. The Republican managers have confessed as much; for shortly after

the election, a dinner was given to Dorsey by New York Republicans, at which speeches were made, referring to the Star Route Senator as the "man who had carried Indiana." And the "man who had carried Indiana" declared openly that he had done it by the liberal use of "soap." There was no difficulty in procuring "soap," for political assessments were openly made upon Federal employes. Even Garfield, who was naturally above this business, wrote a letter to the notorious Jay Hubbell, asking how the Departments were doing. W. W. Dudley, the United States Marshal, was an able assistant to Dorsey, for through his important position he could be of great service in appointing Deputy Marshals on election day. The State was carried by the Republicans in October, by a plurality of 7,928, no party having a majority.

Still the fight went on. There was no surrender, no weakening even, on the part of the Democracy; and the last speech of the canvass, made by Mr. Hendricks in the Indianapolis Wigwam, to five thousand people, seemed to breathe victory in every word. But the Republicans were successful, though they secured only a trifling plurality of the popular vote.

Though not personally concerned, Mr. Hendricks felt keen disappointment at the Democratic defeat; but he quietly resumed the usual tenor of his professional life. During the summer months he prepared an able and thoughtful article for the *North American Review* (October, 1881) entitled, "Shall Two States Rule the Union?" in which he discussed the protection policy of the Government with reference to the iron of Pennsylvania and the manufactures of Massachusetts. This article is reproduced elsewhere.

The sad death of President Garfield (September 14, 1881), the result of the assassin's bullet received in July, made General Arthur President, and perhaps accom-

plished the purpose of the execrable Guiteau in preventing the split in the Republican party, which seemed imminent. This distressing event had a tendency to weaken the force of party and sectional divisions, by uniting the hearts of the whole people in a common grief, and may thus have made easier to the country the change to a Democratic administration, which was to come.

Mr. Hendricks was profoundly shocked at the dreadful tragedy, and spoke with feeling and regret of "poor Garfield," on his bed of suffering. Remembering his own sharp assaults on General Garfield when the latter was a Presidential candidate, he had nothing to retract, for he had then spoken upon careful consideration and within the bounds of legitimate party warfare; but he could not but regret that circumstances had ever made it his duty to attack even in fair battle one on whom the hand of Providence was so heavily laid.

The Indiana campaign of 1882 enlisted his interest and active services. In the Convention of August 2d he was Chairman of the Committee on Resolutions, and his opinions and style are recognizable in the platform then adopted. He made many speeches in different parts of the State, and under his inspiring leadership the Republican majority of two years before was reversed and the entire Democratic State Ticket was elected by an average plurality of about 7,000.

January 4, 1883, he wrote a letter to the Democratic Editorial Association, in which he paid a high tribute to the press as an agency in the recent victory, which he characterized as not a purely partisan victory, but as the result of a united effort of citizens "for important reforms, for reduction of revenue, for tariff adjustment, for reduced expenditures, and for integrity in the Departments," and continued with a frank and forcible discussion of the proposed laws of Congress to regulate the

civil service, and a condemnation of the proscriptive policy of the party in power.

In December 1883, Mr. and Mrs. Hendricks, accompanied by Judge Frederick Rand and Mr. William Morgan, sailed for Europe, this time seeking health and rest. Mr. Hendricks was far from well. A slight paralytic stroke had affected his right arm, and he had also been alarmed by a singular malady of the foot. Overwork, physical and mental, was beginning to tell upon his constitution. It is not, therefore, surprising that he felt the need of rest and recreation.

He visited England and France once more, and this time he went also to Italy and Spain. His tour is related somewhat at length in one of his letters to a friend at home, which was published in the *Indianapolis Journal*, and is reproduced elsewhere. An unimportant incident of his visit furnished amusement to the Parisians. Strolling one day along the streets of the French capital, he entered a shooting gallery. Being handed a rifle, he took steady aim and fired at a distant mark, piercing the center exactly. This excellent marksmanship led to inquiries as to his name, which caused the incident to be made public. The French politicians shrugged their shoulders at the idea of meeting such a man in a duel, for politics and duels were still inseparable in the French republic.

Rome and Naples especially interested him. But he said: "It is a delightful thing to have an opportunity of visiting old scenes and old nations, but when you have seen it all and come back here into the United States, you are glad in your profoundest heart that you are an American citizen."

Thus he spoke to his friends and neighbors at the reception which they tendered him upon his return in April, ex-Senator Joseph E. McDonald and Colonel J. B. Maynard making addresses of welcome.

For the next year Mr. Hendricks's life was uneventful, but as a private citizen he was not less pleasing than as a statesman. He was a well preserved man, about five feet nine inches in height, well proportioned and of commanding presence; his hair was but slightly sprinkled with silver, and his gray eyes had lost none of their youthful lustre; his face was expressive of determination and strength of character, while at the same time it showed the gentleness of his disposition.

Mr. Hendricks was fortunate in having a wife whose interests were as broad and whose ambition for him was as great as his own. At home and abroad she was his constant companion. Every detail of his life was worthy of her attention, for she knew that home comforts and freedom from petty annoyances were essential to his success in public life. Mrs. Hendricks came of a family averse to politics; but like a true wife and woman, she was desirous to have her husband attain all his political ambition, though she never hesitated to say that she married him "as a lawyer," and she felt the greatest pride in his achievements at the bar.

Their home in Indianapolis from this time on was a modest two-story brick building, No. 81 North Tennessee street, opposite the State Capitol. It stands some distance back from the street. A broad lawn stretches in the front and at the side of it, with an ailantus tree and several young maples scattered about the grounds. Hollyhocks and old-fashioned roses adorn the borders, and give the place a cheerful home like appearance. It is, in fact, the modest home of an American gentleman, with its broad and hospitable hall, its inviting parlors and its well filled book cases. Mr. Hendricks's own library and work room was a chamber on the second floor, and here, within easy reach, were his law books, political manuals, reports and documents. In almost every room in the house is a portrait of little Morgan, the son

who was born while they lived at Shelbyville, and who died there at the age of three. The memory of their only child strengthened the bond of their union and deepened the sacred home sentiment through all the years since he was taken from them.

Their home was a happy one, because the husband and wife labored side by side for progress ; and in the atmosphere of culture and refinement there was always to be found rest and refreshment from the cares of office. It was a home where all the friends of Mr. Hendricks were made welcome by the wife, who was loyal to his every interest. Some, perhaps, might have seen in that homely merely the successful man of the world, surrounded by the ordinary comforts of life ; but the more thoughtful observer could scarcely fail to see there the beginning and the end of the statesman's ambition. Mrs. Hendricks was a proud and happy wife, and Mr. Hendricks was so unfashionable as to be in love with his wife to the end.

Mrs. Hendricks is a woman of excellent executive ability. Not only did she relieve her husband of much of the care of the investment and management of their private means, but she for many years served the State with great credit as a trustee of the Reformatory for Women and Girls. When that institution was established Mrs. Hendricks was appointed by Governor Williams a member of the Board of Trustees, and has served in that capacity ever since. She has been punctual in her duties, often hastening her return from the East or the West, or making special journeys in order to attend the Board meetings. The institution is entirely under the management of women. A legislative investigation while Mrs. Hendricks was President of the Board revealed the fact that the management was much more economical and effective than that of the other penal institutions of the State, which were controlled by men. Mrs. Hendricks

has always been active and liberal in all kinds of charitable work. The respect in which her business ability is held is witnessed by the fact that after her husband's death she was elected to succeed him as a director of a large mining company, in which she holds stock.

It will be remembered that Mr. Hendricks was brought up in the fold of the Presbyterian Church, in which his father was an elder of "the strictest sect." He did not, however, connect himself formally with that body, though always a generous supporter of its worship and of all missionary and other religious enterprises. He was also a liberal contributor whenever called upon to help forward other churches, and to aid the cause of charity and benevolence in any form. But about 1864 he was led to unite with the Episcopal Church, and he and his wife were confirmed as communicants of that body. For many years he was a warden of St. Paul's Cathedral, Indianapolis, and represented that parish as a lay delegate in the General Convocation of the Church, at Philadelphia in 1883. His faith in the truths of Christianity was simple, earnest and sincere.

A remark that Mr. Hendricks made in 1880 illustrates his conscientiousness and sincerity. He was walking toward the Wigwam one evening with his friend Mr. William Wesley Woollen, to hear Hon. George W. Julian speak. It will be remembered that Mr. Julian had been an Abolitionist before and during the war, noted on the stump and in Congress for the force of his argumentation and the bitterness of his invective. He came over to the Democrats with the Greeley movement, and had been an able assailant of the Republican administration. Mr. Hendricks fell to commenting on Mr. Julian as a speaker, and feared that his sharpness and vigor would not prove so effective as a more winning and persuasive style. "But," he said, "what a fine courage Julian has shown

throughout; and, Woollen, he was right in his abolition views, and we were wrong." Then after a moment's thought, he continued: "But if I had my life to go over I could not do otherwise than I did. At each step I did what I thought right, by the light I then had."

A little incident related by an accomplished and well known newspaper correspondent, shows well Mr. Hendricks's magnanimity, and the effect of that quality of his character upon those who came in contact with him. Said Mr. George Alfred Townsend (Gath):

"Mr. Hendricks, after he lost the Vice Presidency, said about Mr. Hayes: 'I have always stood up for Hayes. We have no business to abuse him for abiding the issue of a trial we proposed.' Mr. Hendricks said this, or nearly this, to me, and at that moment I felt a certain exultation to be in his society which I had never before appreciated, so much does a manly concession establish one's true dignity."

CHAPTER XIX.

THE LAST BATTLE.

The year 1884 opened with bright prospects for the National Democracy. The Republican party had for a quarter of a century devoted itself to the manufacture of prosperity. It had fostered this industry, stimulated that and protected the other; it had voted subsidies by the millions; it had built up a tariff system under which the wage worker was to get high wages, the manufacturer large profits, and the general consumer cheap commodities; it had developed the home market—for in the words of a leading Republican Senator, “What have we to do with Abroad?” Tax had been piled upon tax, until it became the boast of the Republican statesmen that the revenue collected from the people was millions in excess of the needs of the Government. No effort had been spared to make us rich and happy; and yet the country went through two financial panics in ten years. The statesmen had failed, as they sometimes do.

The people therefore were inclined to hold the Republican party responsible for its failure to make good its promises, and to charge—and rightly—to its unwise fiscal system a large portion of the industrial distress from which they had suffered. The party in power always receives credit for good times, and blame for bad times—usually without deserving either. But when it goes into the business of making prosperity, it is liable, in case of failure, to the fate of the African rain-makers.

The failure of the Republican party was complete. It

had developed two things—a wild spirit of speculation, and a brood of industries, so-called, dependent for their existence upon political action.

The year 1883 was a bad one for the business world. The crops were good, but we had no place to sell them. Our home market, for which we had sacrificed a world market, could not consume our agricultural products by millions of bushels. Indiana farmers were using their corn for fuel and their wheat for hog feed. The wise men told us that we had overproduced, which of course meant that we must stop producing for a while, and that is what we did. Factories were closed, furnaces banked up, mines shut. Thousands upon thousands of men were thrown out of employment; men, women and children were starving; there were strikes and lockouts and failures on every hand, and there was pretty steady work for the militia in shooting down protected workingmen. Things were at a standstill. We were too wealthy, so we had to stop accumulating. The country was devoting itself with all its energy to the task of catching up with its supplies. Naturally the people felt that they had had quite enough of Republican prosperity.

There was another thing which pointed to Democratic success, and that was the certainty, almost, of Mr. Blaine's nomination as the Republican candidate for President. It became clear early in 1884 that Mr. Blaine would be the strongest man before the convention, notwithstanding the vigorous protests of a very large portion of his own party.

The Convention met in Chicago on the 3d day of June. It was not in any sense a great Convention. None of the old leaders were delegates, and the men who occupied their places were hardly worthy to wear their shoes. Garfield was dead—a sacrifice to the spoils system; Conkling was sulking; Ingersoll had lost interest in ac-

tive politics; while Blaine, Logan, Sherman and Edmunds were all candidates. The reform element was led by George William Curtis, Andrew D. White and Theodore Roosevelt, of New York, and John D. Long and Henry Cabot Lodge, of Massachusetts; it was these gentlemen who headed the opposition to Mr. Blaine. Their candidate was Senator Edmunds, of Vermont.

The preliminary battle was won by the anti-Blaine men, when John R. Lynch, of Mississippi was chosen temporary chairman over Powell Clayton, of Arkansas; but this was the only occasion upon which the friends of the various candidates acted together against Blaine.

The Convention lasted three days; and despite the most bitter opposition, over every protest, and in contempt of every warning—Illinois having thrown her forty votes from Logan to Blaine—the latter gentleman was nominated on the fourth ballot, receiving 544 votes out of a total vote of 816. Mr. Arthur was his most formidable competitor. General Logan was, of course, given the second place on the ticket, and the Republican party was fairly on the way to defeat.

At once came the revolt. From one end of the country to the other, Republicans vowed that they would not support the ticket. The Mugwump was born. The fight was a personal one against Mr. Blaine, the charges of his opponents relating to an old legislative scandal—which charges, being unwisely ignored by his friends, obtained wide credence and, whether true or false, secured his ultimate defeat. Whether the Independent Republicans should nominate a candidate of their own, or vote the Democratic ticket, was a question which the Democratic Convention alone could settle.

When the Convention met in Chicago on the 8th day of July, it was recognized that the man of all others whom the Independents would most enthusiastically support—perhaps the only one whom they would support at all—

was Grover Cleveland, the Reform Governor of New York.

Mr. Hendricks was not a candidate before the Convention. His life-long friend, ex-Senator Joseph E. McDonald, had, while laboring hard for Mr. Hendricks's nomination in 1880, himself been favorably mentioned for the Presidency, and some persons had said that he might have been nominated by the Cincinnati Convention, had he permitted his name to be used. Since that event he had entertained Presidential aspirations, and Mr. Hendricks had magnanimously stood aside for him and encouraged the Indiana Democracy to support him. Mr. Hendricks had been sent at the head of the Indiana delegation, charged with the important duty of presenting Mr. McDonald's name to the Convention as Indiana's candidate for the Presidency. The delegation was instructed to cast its vote as a unit for Mr. McDonald.

The Convention was large and enthusiastic. It seemed to feel that it was to name the winning ticket. Governor Hubbard, of Texas, was chosen temporary, and Colonel Vilas, of Wisconsin, Permanent President. The platform declared in favor of Civil Service Reform, economy in the administration of the Government, and tariff for revenue exclusively.

Mr. Hendricks did his work well, but it soon became evident that Mr. Cleveland, with his seventy votes from New York (which Mr. Manning cast solid for his friend), could not be beaten. Unlike the situation in the Republican Convention, it was not necessary for any one man to be defeated to prevent a split in the party. It was thought, however, by many that there was but one man with whom success would be certain, and that was Mr. Cleveland. It was doubtless for this reason, as well as for his excellent record, that he was able to bear off the prize over such competitors as Hoadley, Bayard, McDonald, Carlisle, Thurman, Morrison and Randall. Kelly

and Grady and Butler fought him bitterly, but to no purpose. As Mr. Bragg said, the people loved him "for the enemies he has made." Even the diversion in Mr. Hendricks's favor—with which he had nothing to do, for he was unwaveringly true to his trust—which seemed at one time likely to become a stampede, was without result, and Mr. Cleveland was finally nominated amid great enthusiasm on the second ballot (July 9th), receiving 683 votes out of 820.

When Illinois was called, on the second ballot, the chairman of the delegation answered, "One vote for Hendricks." This kindled the enthusiasm which his name and presence had never failed to excite throughout the sessions into a fierce and sudden flame, and for half an hour the cheering and demonstrations of affection and delight exceeded all possibility of description.

Next day the question of the Vice Presidency was in order, and on the roll-call of States ex-Senator W. A. Wallace, of Pennsylvania, arose, and said :

"I rise again in my place on the floor of this Convention, not to place in nomination a Pennsylvanian by birth, but, sir, to place in nomination for the second gift of the American people a man springing from old Pennsylvania's stock, from the western portion of the Commonwealth. In the star of the West he found the lineage that gives him to the West. This gentleman is conversant with public affairs ; throughout his entire life he has known government and its details. Not only a statesman, but a pure and upright citizen, the representative of the grossest wrong that was ever perpetrated upon the American people—I nominate to this Convention as its candidate for the Vice Presidency of the United States, Thomas A. Hendricks."

The mention of the name Hendricks was the signal for a repetition of the tumultuous scenes of the day before, and the nomination proposed was ratified amid the wildest

and most prolonged demonstrations. On a call of the roll, every vote in the Convention was given for Thomas A. Hendricks. It was New York and Indiana, as in 1876; and Mr. Cleveland was generally looked upon as the political heir of Tilden, who had refused to be a candidate. And the two great parties faced each other once again.

Returning to Indianapolis from the Convention, the Vice Presidential nominee was greeted by ten thousand citizens who gathered at the Circle to welcome him with a most enthusiastic reception.

For several weeks subsequent to the Chicago Convention Mr. Hendricks remained at his home in Indianapolis, where he received the visits and congratulations of many political and personal friends from all parts of the country, and disposed of a vast amount of correspondence. Toward the close of July, accompanied by Mrs. Hendricks, he went to Saratoga, as had been his wont in the summer, and during his stay there was visited by the Committee of the National Convention appointed to officially inform him of his nomination. On Wednesday, July 30th, the day after the Committee had waited upon Governor Cleveland for a similar purpose, its members assembled in the ladies' parlor of the Grand Union Hotel, Saratoga, to present their address to Mr. Hendricks. The room was crowded with a brilliant company of ladies and gentlemen, who greeted the appearance of Mr. Hendricks with applause. The members of the Committee arose when he entered, and remained on their feet during the proceedings.

Colonel Wm. F. Vilas, Chairman of the Committee, then addressed the nominee in eloquent and fitting words, and presented the formal notification which was read by the Secretary of the Committee, Hon. Nicholas M. Bell. The address contained this paragraph :

“ In grateful performance of the duty, we are entitled

to express the admiration of the Convention and of the party for your well-known personal services and character, and for your distinguished public services and maintenance of the principles and objects which are believed best calculated to promote the security, happiness and welfare of the people."

The address was signed by the Chairman and Secretary, and by the members of the Committee—one from each State and Territory. Mr. Hendricks replied as follows:

"Mr. Chairman and Gentlemen of the Committee: I can not realize that a man should ever stand in the presence of a committee representing a more august body of men than that which you represent. In the language of another, 'the Convention was large in numbers, august in culture, and patriotic in sentiment,' and may I not add to that, that because of the power and greatness and the virtues of the party which it represented, it was itself in every respect a very great Convention.

"The delegates came from all the States and Territories, and I believe, too, from the District of Columbia. They came clothed with the authority to express judgment and opinion on all those questions which are not settled by constitutional law. For the purpose of passing upon those questions and selecting a ticket for the people, that Convention assembled. They decided upon the principles that they would adopt as a platform. They selected the candidates that they would propose to the party for their support, and that Convention work was theirs.

"I have not reached the period when it is proper for me to consider the strength and force of the statements made in the platform. It is enough for me to know that it comes at your hands from that convention, addressed to my patriotic devotion to the Democratic party. I ap-

preciate the honor you have done me ; I need not question that. But at the same time that I accept the honor from you and from the convention, I feel that the duties and the responsibility of the office rest upon me also.

“ I know that sometimes it is understood that this particular office—that of Vice President—does not involve much responsibility, and as a general thing that is so, but sometimes it comes to represent very great responsibilities, and it may be so in the near future, for at this time the Senate of the United States stands almost equally divided between the two great parties, and it may be that those two great parties shall so exactly differ that the Vice President of the United States shall have to decide upon questions of law by the exercise of the casting vote. The responsibility would then become very great. It would not then be the responsibility of representing a State or district, it would be the responsibility of representing the whole country, and the obligation would be to the judgment of the whole country, and that vote, when thus cast, should be in obedience to the just expectations and requirements of the people of the United States. It might be, gentlemen, that upon another occasion this responsibility would attach to the office :

“ It might occur that under circumstances of some difficulty—I don't think it will be next election, but it may occur under circumstances of some difficulty—the President of the Senate will have to take his part in the counting of the electoral vote ; and allow me to say that that duty is not to be discharged in obedience to any set of men or to any party, but in obedience to a higher authority. Gentlemen, you have referred to the fact that I am honored by this nomination in a very special degree. I accept the suggestion that in this candidacy I will represent the right of the people to choose their own rulers ; that right that is above all, that lies beneath all, for if the people are denied the right to choose their own officers

according to their own judgment, what shall become of the rights of the people at all? What shall become of free government if the people select not their own officers? How shall they control the laws, their administration and their execution. So that, in suggesting that in this candidacy I represent the right of the people, as you have suggested, a great honor has devolved upon me by the confidence of the Convention. As soon as it may be convenient and possible to do so, I will address you more formally in respect to the letter you have given me. I thank you, gentlemen."

In due time, accordingly, Mr. Hendricks addressed to the committee a brief formal letter of acceptance, dated Indianapolis, August 20, 1884.

The ticket was very favorably received. The mugwumps were delighted, and hastened to pledge it their support—and they fully redeemed their pledges in the long and angry campaign which followed. In no part of the country was the struggle characterized by more heat than in Indiana. The campaign was formally opened for the Democrats by Mr. Hendricks in his speech in Circle Park, Indianapolis, the evening of August 30th, with the accompaniment of a grand torch-light procession.

He had sounded the "key note" six weeks before (July 12th), when he spoke of Mr. Cleveland in terms of warm commendation, planted himself squarely on the Chicago platform, took strong ground for civil service and tariff reform, denounced the corruption and extravagance of Republican Administrations, and showed that a large surplus in the Treasury instead of being something to be proud of was the result of a foolish and mistaken policy, and that the money thus collected by taxation was safer in the pockets of the people than in the vaults of the Treasury.

Out of this speech grew the controversy with the Hon. Wm. E. Chandler, Secretary of the Navy. Mr. Hen-

dricks, on the strength of Mr. Chandler's own testimony before a Senate Committee, charged that there had been a defalcation in the Bureau of Medicine and Surgery of the Navy Department amounting to \$63,000. The Secretary answered in an open letter in the newspapers, but when Mr. Hendricks's reply was made public, it was seen not only that there had been ample ground for the charge, but also that Mr. Chandler's explanation had not mended matters.

Mr. Hendricks marked out the lines upon which the battle was to be fought; no step was taken without his advice; he led his party; there was no part of the State in which his voice was not heard, and the grand Democratic victory was largely due to his tireless energy, and to the enthusiasm which his splendid leadership inspired in every subordinate. With such a leader defeat was simply impossible. Not even the presence of both the Republican candidates within her borders, not the desperate efforts and unscrupulous methods of political managers, could win Indiana away from Thomas A. Hendricks.

He carried the war across the border to Ohio and Illinois. Everywhere the people flocked to hear and see him. His speeches were uniformly good—strong, dignified and temperate in their tone, they made a profound impression upon thinking people.

In September, on his way to Peoria, Ill., he was accompanied in a private car by two of his nieces, and by Mr. J. C. Shoemaker, Mr. F. T. Lee, Mr. Elliott Hord and others. About four o'clock in the morning the car jumped the track and fell on its side with a crash into the ditch. The lights went out. Confusion reigned. Men and bedding were thrown across the aisle, and buried those on the under side. Several persons were badly bruised; but the first question of each as he emerged from the debris was, "Where is Mr. Hendricks?" or, "Is the Governor hurt?" Fortunately he escaped with but slight

bruises, and was able to keep his appointment at Peoria, speaking to immense throngs in the afternoon and evening. On the return the Bloomington people intercepted his car, and took him to Saybrook, a small village in their county, to address a mass meeting. At this place there was a great demonstration, and his carriage was drawn by a club of uniformed men. On the ride back to Bloomington a party of young ladies was brought into the car by the courtly and chivalrous Bayless W. Hanna, and the Governor greatly enjoyed their chat and laughter and songs, as they crowded round him; while they in return pronounced him quite the loveliest gentleman they had ever met, and wished the young men were like him.

His influence was felt as a great help to his ticket in New York. Mr. John Kelly had bitterly opposed the nomination of Mr. Cleveland, and it was found that, as Mr. Kelly virtually controlled some 70,000 votes, his opposition would give New York to Blaine, notwithstanding the large Republican defection. Mr. Hendricks, on the other hand, was a warm friend of Mr. Kelly and a great favorite with the Tammany organization, and the very fact that his name was on the ticket, taken in connection with his personal influence with the Tammany chieftain, did much to check the threatened bolt. He made several trips to New York during the canvass and spoke at a number of points.

But Mr. Hendricks's best work was done in Indiana. Here he knew the people and was known by them. At the barbecue at Shelbyville—his old town—it seemed as though the whole State had turned out to do him honor. The roads in every direction were choked with vehicles, the trains were crowded, and it is estimated that there were at least thirty thousand strangers packed in the streets of the little city. They all came to welcome Hendricks to Shelbyville. He was not there, having received

an imperative summons to Ohio. His absence was a great disappointment, but its necessity was recognized.

The Democratic party of Indiana was fortunate in its candidates, for they were all good campaigners. We have seen what effective work Mr. Hendricks did; and he was ably seconded by Hon. Isaac P. Gray, the nominee for Governor. The competitor of the latter was Hon. William H. Calkins, a talented and popular gentleman, who had resigned from Congress to become the head of the Republican State ticket.

A series of joint debates between the candidates for Governor had been arranged, but Maj. Calkins broke down physically, and they had to be abandoned. Col. Gray went through the canvass in fine shape, speaking at many points in city, town and hamlet, and fairly earning the splendid victory which he won. In spite, however, of the fact that the drift all seemed to be with the Democrats, and notwithstanding the Independent Republican movement, there were many things that made the result extremely doubtful. The situation was full of uncertainty. The Republicans were disturbed by the candidacy of St. John, the Prohibitionist; and Butler, the Greenback candidate, was the Democratic thorn in the flesh.

It was known, or at least supposed, that Butler would have a large following among Tammany men in New York, as he was strongly supported by the *New York Sun*. But though majorities suffered somewhat, it turned out that the Republican States went Republican and the Democratic States Democratic. Those Tammany men who could not support Mr. Cleveland, either did not vote at all or voted for Mr. Blaine directly, so that Butler did not cut much of a figure in New York; and when the votes were counted it was found that that State—by a very small majority it is true—together with Indiana,

New Jersey, Connecticut and all the Southern States, had chosen Cleveland and Hendricks electors.

But the Republican managers were not disposed to give up until they were compelled to, and by the aid of Mr. Jay Gould and his Western Union Telegraph they held back the returns as long as possible, in the hope that something might turn up. The hope was vain.

It was a great victory, won over a skillful and experienced foe aided by all the power and patronage of the Federal Government and fighting with a desperate determination to hold its ground. After a twenty-four years' lease of power, the Republican party looked upon the National Government as its own peculiar property—certainly it used it in that way.

Naturally there was much rejoicing among Democrats everywhere over the result. Jollification meetings were held all over the country. Speeches were made, cannon were fired, there were processions and music and flags and fire-works. People seemed to have gone wild—the news was too good to be true. Mr. Hendricks was the recipient of congratulatory telegrams and letters by the bushel. He kept “open house,” and he had all the callers he could shake hands with. Every night and nearly all day long for a week, the streets of Indianapolis were thronged with people shouting themselves hoarse over the victory. The city was ablaze with the light of bonfires, buildings were illuminated, the air was full of fire-works, and above and through it all was a continuous roar of voices.

Thus the battle was won, and, so far as Indiana was concerned, Thomas A. Hendricks was its hero.

CHAPTER XX.

VICE PRESIDENT.

The Democratic success was at last an established fact. Some degree of quiet succeeded the great excitement that immediately followed the election, and the people turned from their boisterous demonstrations of joy over the victory to honor the victors. Democrats everywhere seemed more than anxious to show their great satisfaction at having finally succeeded beyond the shadow of a doubt in electing Mr. Hendricks Vice President.

The weeks of November immediately following the election he spent in New York, where he was almost overwhelmed with honors. On the 21st he addressed an audience numbering thousands, in the Brooklyn Rink. With characteristic eloquence he gave to New York greeting from the Indiana Democracy, and discussed the living questions of the day in a manner that met the hearty approval of his hearers. On the 24th he was serenaded by the Sullivan Club at Newark, where he had gone to review a parade, and the speech in which he expressed his gratitude for the honor paid him was received with enthusiasm, such as was everywhere called forth by his appearance. The rooms occupied by Mr. and Mrs. Hendricks at the Fifth Avenue Hotel were crowded with distinguished visitors, who could not honor too highly the Vice President elect and his accomplished wife. Indeed, he said to a friend that if he should remain in New York much longer, he would be killed with kindness.

In February Mr. Hendricks met Governor Cleveland

at Albany, and from there he went South. At Atlanta he delivered an able address, and the overwhelming cordiality with which he was received there, and at New Orleans and Birmingham (Ala.), indicates the triumphal character of his journey and his great popularity in the South.

Contrary to the usual rule, Mr. Hendricks was as popular at home as abroad. Among the tributes paid him in his own State, probably none pleased him more than the presentation of a gavel of Indiana hickory, made for him in the workshop of the Rose Polytechnic Institute by John G. Mack. A note from the maker expressed well the sentiment of the people of Indiana in saying of the gavel, "In your hands it will ever be the emblem of authority as well as of impartiality."

Thus the winter wore away, and the last week in February the Vice President elect, with his wife and several friends, set out for Washington in the car "Maryland." The journey was a pleasant one, and not till they reached their destination did they know that they had narrowly escaped a serious accident. Arrangements had been made to give Mr. Hendricks a rousing welcome on his arrival February 27th, but by some mistake he and Mrs. Hendricks were hurried at once to a carriage and driven away, although many of the Democratic Congressmen were at the station to greet him. This disappointment was compensated however by the informal reception at their hotel that evening.

The day before the inauguration Mr. Hendricks visited the Senate, where he was cordially received by all the Senators without regard to party division. In the lobby of the House he received an ovation from both the Republican and Democratic Representatives.

At last dawned the welcome, the thrice longed-for day. The 4th of March, 1885, was a jubilee for the Democracy. After twenty-eight years they were to inaugurate

once more a President and a Vice President of their own choice.

Just after eleven o'clock the Senate Chamber began to fill. The galleries were occupied by friends of the officials. Mr. Edmunds was in the Chair; and as soon as a quorum of the Senators arrived, they proceeded to business. The last session of the Senate of the 47th Congress is memorable for the passage of the Grant Retirement bill, and for the last message of President Arthur, which nominated General Grant to the newly created vacancy. The applause which greeted these announcements was interrupted by the arrival of the Diplomatic Corps, fifty strong, clad in uniforms varying from the silken robes and mandarin caps of the Chinese to the gorgeous, gold-bedecked dress of the Europeans. They entered unannounced and were escorted to seats in the front and on the right of the Chair. Just before the entrance of the Supreme Court Justices, arrayed in their ample black silk gowns and preceded by their Marshal, the annual act of turning back the hands of the clock was performed by the veteran door-keeper, Captain Isaac Bassett. The Justices were seated on the right in front of the Chair, just as President Arthur was announced. A moment later and the buzz of conversation was again suspended at the announcement, "The President elect of the United States." Mr. Cleveland had already entered the Chamber with his escort, and halting within sight of the assemblage he received the most cordial welcome. The Vice President elect was then ushered into the Chamber and received a similar greeting. The oath of office was administered to Mr. Hendricks by the President *pro tempore*, in the room which he had left just sixteen years before as an ex-Senator. When this ceremony was concluded, Mr. Edmunds took his leave of the Senate in a brief address and declared that body ad-

journed without day. Mr. Hendricks then took the gavel and called the Senate to order in extra session. Prayer was offered by the Chaplain, after which the Vice President in a few appropriate words accepted his position as President of the Senate. The new Senators were then sworn in, and after the President's Message convening the Senate had been read, a procession was formed and filed its way toward the platform on the central portico of the Capitol.

This platform was large enough for 2,000 chairs, which were occupied by Senators, members of the Diplomatic Corps, Justices of the Supreme Court, members of the House of Representatives, and press reporters.

The crowd about this stand was one solid mass of humanity for nearly four hundred feet in front of the stand, and more than one thousand feet on either side. The trees in the great lawn were filled, and the roofs of the surrounding dwellings were covered. In the approaching avenues and streets the military companies and society organizations were massed in columns as far as the eye could reach. This throng was variously estimated. President Arthur said afterwards that it was the greatest crowd he ever saw. Senator Hawley, as he looked at it, said that it numbered about 150,000 people.

Mr. Cleveland took his place before this vast assemblage at half-past twelve o'clock and read his inaugural address, in which he testified to his appreciation of the honors conferred upon him and stated his position with regard to the questions of the day. When this brief address was concluded with an invocation of the blessing of Providence, the Chief Justice administered the oath of office, after which the new President was duly cheered and congratulated. The Senate then adjourned, and the Presidential party started on their triumphal progress to the White House. President Cleveland and ex-President Arthur occupied the first carriage, and Vice President

Hendricks, with the Senatorial Committee, occupied the second. During their progress the enthusiasm of the people was so great that the police had great difficulty in keeping the avenue open. Mr. Cleveland acknowledged, with his accustomed dignity, the cheers which his presence called forth, and Mr. Hendricks often rose from his seat to bow to the eager and friendly crowds. The grace of his bearing showed the refined gentleman, in whom the people might well put their trust.

Arrived at the White House, the President, ex-President and Vice President proceeded to the reviewing stand on Pennsylvania avenue, just in front of the Mansion. The President stood during the review; ex-President Arthur sat on his right; the Vice-President and Mrs. Hendricks, with their friends, together with the sister and friends of the President, sat at the left. The west of the stand was occupied by prominent men, including officers of the Army and Navy and members of the Diplomatic Corps, nearly all of them accompanied by ladies.

Just after 2 o'clock, the procession started from the corner of Fifteenth street. The review was a grand sight, and it was the general opinion that no more brilliant pageant had ever been witnessed in this country.

At the conclusion of the review, the Presidential party proceeded to the dining room of the White House, where they partook of a luncheon ordered for them by ex-President Arthur. The public celebration of the day ended with a display of fire-works, which in volume and variety is said to have excelled any former pyrotechnic exhibition on this continent. But the great social event of the day was the ball, held in the unfinished Pension Building. The scene was a brilliant one; the decorations were superb and the music was inspiring. The festivities of the evening opened with a promenade concert, during which the President and Vice President held a levee in the reception room. They arrived about 10:30 o'clock.

Soon the room became overcrowded, and they left to make the tour of the ball room.

Just before midnight the Presidential party retired from the festive scene, but the dancing continued for some hours.

Although Lent had put an end to social gaieties, the weeks immediately following the inauguration were filled to overflowing with society duties for the Vice President and Mrs. Hendricks. The people of Washington could not do enough to honor them. Many had hoped eight years before that they would grace once more the social circles of the Capital, and now that they were come, Mr. Hendricks was expected to honor every social event with his presence; and society looked for a leader in Mrs. Hendricks. Her parlors at Willard's were crowded with people desirous to make the acquaintance of this woman, whose intellectual power and social grace make her a favorite everywhere.

The special session of the Senate was brief, being devoted to the consideration of the President's nominations and other executive business, and the adjournment took place April 3d. Mr. Hendricks thus presided thirty days over this body, in which he had once sat as leader of a hopeless minority. But nothing occurred to call forth his talents in any way. The Senate is a dignified and decorous body, and the duty of the presiding officer is easily performed. It must be remembered also that he had never sought or aspired to the position he held, and its quiet and negative functions were far from suitable to his active genius. Yet he was anything but discontented. A great calm seemed to possess his spirit. He had put away utterly all bitterness at the disappointment of his Presidential aspirations; and neither his wife nor his closest friend ever heard from him a hint or suggestion that he thought his party had not honored him enough, or that his great competitors, Tilden and Cleve-

land, had received more than their due. Many of his overzealous friends were not sparing of complaints that he had been set aside for others; but this was always painful to him, and he never failed to restrain them where he could. No Vice President had ever occupied such a place in the hearts of the people. He knew that he was regarded as greater than his office, that he could not be more honored if he were President, and his ambition was satisfied. In many respects his last year was his happiest. His cup of honors was full; his loving and beloved wife was everywhere with him; and free from selfish cares, he could devote his thoughts to the good of his party and the interests of his friends. His heart, moreover, was less fixed upon earthly things than in former years. In 1880 at the Hot Springs of Arkansas a paralytic stroke had warned him of approaching death, and two years later another malady seemed to announce that the end was come. He was prepared to meet it calmly, and spoke of his work as finished. But he recovered. Returning as it were from the other world, he accepted each day as a boon from his Creator—as a further opportunity to serve his country—and each additional honor and success as a gift beyond what he had asked or expected. So he did not seek the Presidential office in 1884, and he accepted the nomination for the Vice Presidency in the knowledge and belief that the labor of the canvass would probably be fatal to him. But his desire was to serve his country, his party, and his friends; and with this motive he accepted the nomination tendered so unanimously.

As was natural under the circumstances, Mr. Hendricks's influence was solicited by a great many persons who desired to secure positions and employment in the Government service—from the gentleman asking a European mission to the laborer asking the janitorship of a public building. To all these he was courteous alike, and considerate of their feelings and claims. In every

case where the applicant seemed to him deserving, and where there was a reasonable prospect of success, he interested himself in the case and did what he could to promote it. He recognized the right of any citizen to apply for an office. He held his position by the votes of Democrats, and every Democrat who appealed to him for help had his sympathy. In the interest of his friends he remained some time in Washington after the Senate adjourned, and made several journeys thither during the summer. This led to the charge in some quarters that he was opposed to the civil service law and desired a sweeping change of all government employes. The ill-advised opposition made by the member of Congress from the Seventh Indiana District to the gentleman recommended by the Vice President for postmaster at Indianapolis, attracted undue attention. That Mr. Hendricks was hostile to the principles or purposes of the Civil Service Law, is entirely untrue. He had himself, when Commissioner of the Land Office, applied those principles with great skill and success, and the abuses which the law was designed to break up—appointments irrespective of merit, and political assessments—he had at all times discountenanced. To the particular methods of the Civil Service act he had no objection, having said when the bill was under consideration, “If it be found expedient to appoint examiners after the manner of the school system, let that also be done.” No one desired more than he the improvement of the civil service, or believed more earnestly that the affairs of the Government should be administered upon strict business principles. Furthermore, even had he disapproved of the law entirely, he would never in any way have obstructed its operation. In fact, he scrupulously refrained from making any suggestions as to appointments in cases covered by the provisions of the law. It will be remembered that the Civil Service Law applies to less than fifteen thousand posi-

tions in all, and these mainly clerical. Of the remaining one hundred and twenty thousand his opinion remained the same as when he wrote as follows, in his letter of acceptance, July 24, 1876:

“In the reform of our civil service I most heartily endorse that section of the platform which declares that the civil service ought not to be ‘subject to change at every election,’ and that it ought not to be made ‘the brief reward of party zeal,’ but ought to be awarded for proved competency, and held for fidelity in the public employ. I hope never again to see the cruel and remorseless proscription for political opinions which has disgraced the Administration of the last eight years. Bad as the Civil Service now is, as all know, it has some men of tried integrity and proved ability. Such men, and such men only, should be retained in office; but no man should be retained, on any consideration, who has prostituted his office to the purposes of partisan intimidation or compulsion or who has furnished money to corrupt the elections.”

His views on this subject may be found more fully stated further on, in the letter of acceptance referred to; in the speech at the Circle Park ratification meeting, July 12, 1884; and in the speech to the Bay State Club, June 25, 1885.

Circumstances thus made Mr. Hendricks, to a certain extent and far more than he desired to be, the advocate of the office-seekers. It followed that every Democrat who was disappointed in his hope of office imagined that if Mr. Hendricks were President, his desires would have been gratified. Thus arose the fiction of an opposition to the President’s policy on the part of Mr. Hendricks, and even of unfriendly personal relations between the two. It is hardly necessary to say that there was nothing in such rumors. Mr. Hendricks entertained a high regard for Mr. Cleveland, a sincere respect for his abil-

ity, and a thorough confidence in his integrity of purpose and character. He said in a public speech, in 1884 :

“Not long since, I made the acquaintance of Governor Cleveland. I found him affable and courteous, clear and distinct in his views, and strong in and direct in the expression of his purposes. He seemed to me as free from concealments and the arts of the demagogue as any man I know. As far as I could judge in a single conversation, I thought him in a marked degree governed by his convictions of duty.”

There had been no reason for a change of opinion. It is well known to all his friends that Mr. Hendricks invariably spoke highly of Mr. Cleveland. He appreciated the unusual difficulties of the President's position and the high value to the country, at such a juncture, of his phenomenal firmness and strength of will.

One of the pleasant episodes of the last year of his life was his visit to Yale and Harvard. Throughout his professional career, he appeared often before the Supreme Court of the United States, and was remarkably successful in his suits before that tribunal. With the members of the Court he was a decided favorite, and one of them remarked in recent years, that of all the attorneys who appeared before them, they most enjoyed hearing Mr. Hendricks. His pleasing style and the clearness and skill with which he presented his cases no doubt lightened the labor of the Justices, while his genial manner, his courtesy and fairness to opponents, and his easy deference to the Court diffused an agreeable atmosphere around the wrangling and routine of judicial business. Such being his standing with the Court, and long familiarity with history, the subject he selected for an oration before the Yale Law School was eminently appropriate: “The Supreme Court of the United States, and the influences that have contributed to make it the greatest judicial tribunal in the world.”

This was to be the annual address, delivered at Commencement to the graduates and alumni of the school. It had been given in '84 by Senator Thomas F. Bayard, in some previous year by Chief Justice Waite; and it was the custom to secure for this occasion a speaker eminent in the profession of law. Mr. Hendricks early in the year accepted the invitation of the Faculty of the Law School to deliver this address in June, anticipating much pleasure in visiting the venerable Yale College; but as the months passed he found his occupations so engrossing that he felt compelled to ask to be excused from the engagement. The Yale authorities, however, entreated him with such courteous urgency to make the proposed visit, that he resolved to do so though it might cost a special effort. He therefore hastened his departure from Washington, with a view to preparing the address in the quiet of his own home, being anxious to make his production worthy of the occasion. He arrived at Indianapolis near the middle of May.

With the affability, which he always showed toward young men, he one day told Mr. J. W. Holcombe something about the address, asked him several questions about commencement customs at the Eastern colleges, and invited him to go on the proposed trip. Mr. Holcombe said he would go with Mr. Hendricks to Yale if Mr. Hendricks would then go with him to Harvard, his own *Alma Mater*. This idea pleased the Vice President, and he agreed to it almost immediately, saying that he had never seen as much of Boston as he wished, and that he thought he would enjoy the visit. Mr. Holcombe then wrote to President Eliot, informing him that he intended to bring Mr. Hendricks to the Harvard Commencement, after the visit at Yale. President Eliot answered promptly, signifying his pleasure and that of the Fellows of the University, promising that suitable arrangements would be made, and suggesting that "it might perhaps amuse

the Vice President " to ride out to the University with the Governor in the State procession.

Mr. and Mrs. Hendricks left Indianapolis quietly about the middle of June ; and after resting a week at Atlantic City, the Vice President, with Mr. Wm. A. Peelle, State Statistician of Indiana, and Mr. Holcombe, who had joined them on the way, repaired to Yale. As they issued from the ferry at New York, a hackman stepped up and said, " Mr. Hendricks, sir, this way to a carriage." The man was an Irishman and a Democrat, and recognized Mr. Hendricks from his pictures. The party arrived at the " City of Elms " late in the afternoon of June 22d, and drove directly to the New Haven House, Mr. Hendricks having modestly omitted to announce when he would arrive. He spent the evening receiving callers, walking about the campus, looking into the rooms of the students, chatting with the men on " the fence," and listening to their college songs. About nine o'clock Mr. Colin Ingersoll and his brother, ex-Governor Ingersoll, called and said they had just learned of Mr. Hendricks's arrival and were come to take him to the house of the former, who had expected to entertain him. This arrangement he agreed to, and during the remainder of his stay Mr. Hendricks was the guest of that hospitable and accomplished family. The next morning many distinguished people called, and it was remarked that at one time the room seemed to be full of ex-Governors. The short Gubernatorial term of Connecticut—one year till recently, now two years—allowing the office to be " passed around " quite extensively.

At the meeting of the alumni Mr. Hendricks was received with great cordiality, and a suggestion in the chairman's speech of his having been *twice* elected Vice President elicited applause. The party was elegantly entertained at luncheon by Prof. Simeon E. Baldwin, of the law school, where a delightful hour was spent with

the president of the college and a number of the leading professors.

In the afternoon Mr. Hendricks delivered the oration of the day to a large and appreciative audience in the Center Church. This effort was much admired by the hearers, and received favorable comment from the Eastern press. It is given in full in the latter part of this volume. In the evening, after attending the law school reception, Mr. Hendricks and party spent several hours with the New Haven Democrats at their club rooms, and about midnight left "that goodlie and pleasant citie," much gratified by the kindness and hospitality of the people.

Arriving in Boston, next morning, the party was met at the Parker House by the Adjutant General of the State, who presented the compliments of the Governor, and his request that the Vice President and his friends would join the executive party in the visit to the university. After breakfasting with Hon. Leopold Morse, ex-member of Congress, the party was escorted to the Capitol; and after a chat with the Governor, started for Harvard. From the foundation of that institution until recently, the Governor of Massachusetts was *ex officio* a trustee of Harvard, and it is said that from 1642 the chief magistrate has never missed a commencement. Though the official relation no longer exists, the annual visit is still made in proper state. On this occasion a brass band led the way on horseback, and was followed by the Governor's guard, a company of mounted lancers, wearing red coats and plumed helmets. Then came the state carriage containing the Governor and Vice President, with the Adjutant General, in full uniform, facing them. Then followed other carriages, containing the rest of the company with officers of the staff, and finally more lancers. With such traditional pomp does the venerable commonwealth show her respect for education.

A ride of three miles through the busy streets of Boston, across the bridge o'er the Charles, and along the shaded avenues of Cambridge, brought the little procession to the college campus. Alighting, the guests were received in Massachusetts Hall (one of the old pre-Revolutionary buildings) by President Eliot and members of the Faculty and Board of Overseers. Then the long procession formed—the President and Professors in caps and gowns, the invited guests with the Governor and Staff, and the Alumni by classes, in the order of seniority, from the class of half a century ago to the graduates of the day, a long line of a thousand men or more—and, with the band leading the way, marched round the Quadrangle, according to ancient custom, receiving the cheers of the undergraduates. Assembled in groups upon the green and on the steps of University Hall, the students gave the peculiar Harvard cheer, “’Rah! ’Rah! ’Rah!” for the President of the University, for James Russell Lowell and other notable men in the line, for the classes, and, when Mr. Hendricks’s face was recognized, a hearty three-times-three for the Vice President of the United States. Mr. Hendricks enjoyed the occasion greatly, entering into it with the boyish zest and freshness of spirits which he preserved beyond his sixtieth year. During the exercises in Sanders Theater (a part of the grand Memorial Hall) he listened attentively to the orations, but confessed frankly that he most enjoyed those in English, since the new pronunciation of Latin used at Harvard was strange to his ear, and the Greek when spoken was a little too much for him any how. The “Marshals’ Spread” is a pleasant feature of Commencement, being a collation given by the Marshals of the graduating class to the Faculty and guests. Here Mr. Hendricks was seated, and enjoyed a chat with Dr. Holmes. In the afternoon more than twelve hundred men sat down at the Alumni dinner in the great hall

of the Memorial building. On the raised platform of the table of honor sat, on either side of the presiding officer, the Vice President, the Governor, President Eliot, James Russell Lowell, Oliver Wendell Holmes, and other distinguished men.

In the midst of his humorous address, the presiding officer, Hon. Joseph H. Choate, of New York, said :

“Moreover, we are honored with the presence of the Vice President of the United States. [Great applause.] And what could be more fitting, now that Harvard has assumed such national proportions, than that we should receive such a representative of our National Government. He comes fresh from Yale [laughter], where, if we can trust the newspapers, he gave utterance to two thoughts, one of which needs qualifying, while the other is strictly true. He said, ‘Yale is everywhere.’ Yes, indeed, Yale is everywhere, but she always finds Harvard there before her. [Applause and laughter.] You didn’t let me finish my sentence. She always finds Harvard there, or just a little in the rear. May our boys at New London prove this next Friday. The other statement that needs no qualifying, is that ‘public office is a public trust.’ Still, in this he stole the Harvard thunder. That has been our doctrine since the days of John Adams.”

Many interesting after-dinner speeches were made, and Mr. Hendricks, when introduced, was received with cordial applause. In his brief remarks he referred touchingly to his own *Alma Mater*, saying: “My education was obtained in a modest college in the West, on the banks of one of her most beautiful streams, the Ohio. But I can say of her that her course was thorough.” He continued in a happy vein, dwelling on the influence of the great Eastern Universities, and especially of Harvard, through the thousands of young men they send out to the West.

After a drive around the University buildings, the Vice President and party returned to Boston, and were entertained at dinner at the Parker House by the venerable Judge Charles Levi Woodbury. Among the guests were Mr. John Boyle O'Reilly, the poet, and Mr. Geo. F. Babbitt. Many other prominent men called during the evening. Next morning Lieutenant Governor Oliver Ames entertained the party at breakfast, and with a drive through some of the stately streets of the city. An excursion down the harbor to Fort Warren followed, Lieutenant Howe and Colonel Mendenhall, both Indiana men, being the hosts. At the fort the Vice Presidential salute of nineteen guns was fired; the troops were reviewed; a luncheon was served in the casemate apartments of Lieutenant Howe, and the fortifications and improvements were inspected. The ride back was delightful, and the hotel was reached in time for the event of the day, a complimentary dinner tendered by the Bay State Club. While in New Haven, Mr. Hendricks had received a telegram, asking if he would accept a dinner from that Democratic organization. He thought it would be a small affair of a dozen or more persons, and consented. But it turned out to be an ovation from the leading Democrats of the city and State. Two hundred and fifty gentlemen sat at the tables. The utmost good feeling and enthusiasm prevailed, and Mr. Hendricks was greeted with rising cheers. He had not expected to say more than a few sentences in the after-dinner vein; but inspired by the enthusiasm of his hearers and their interest in his words, he plunged into the congenial task of discussing public questions, and in the space of ten minutes produced a clear exposition of his views on practical Civil Service Reform. This speech is so important that, though entirely impromptu in its delivery, it is given in full among the selected speeches. Some of the remarks by other gentlemen will help here to give the color of this inter-

esting occasion. The President of the Club, Colonel Charles H. Taylor, said, in his speech of introduction :

“ It is said that Mr. Hendricks goes so far as to say that Democrats should be put in office. [A voice, “ Good, good.”] That is surprising, and grates very harshly on the nerves of the Republicans. They think the Democrats can carry out civil service reform with a hundred thousand Republican office-holders to experiment with. We know that can not be done, and Cleveland and Hendricks know that it can not be done. [Applause.] There must be a change if we are to show what civil service is. The enthusiastic partisans must go, and I think the procession has already started. [Applause.] We must have business principles in the public service of the United States, which must be put on a higher plane than it has been for the past twenty-five years. [Renewed applause.] ”

After Mr. Hendricks's address Judge Woodbury was called out and made a humorous speech, closing as follows :

“ Mr. Vice President we are happy to see you here today. We last night performed the high office of naturalization in making you a citizen of Massachusetts. [Applause.] We administered to you the strawberry of the sea, the fruit which made the Puritans strong and great,— we introduced you to the little-neck clam. I know you liked him, and I felt assured from the pile of shells around you that you had found your proper country. [Cheers.] Come back to us every summer and we will give you a clam-bake with the open hands of Massachusetts. Come back every summer, and let us show you what it is to have friends in a distant State.” [Loud applause, and Yankee Doodle by the band.]

Judge Josiah G. Abbott, a Democratic member of the famous Electoral Commission, said in the midst of his speech :

“I do not believe in offices. Offices don't make men. We do not come here to do honor to that man because he has been elected Vice President. [Applause.] We come here and our hearts go out to him from the Massachusetts Democracy, as an honest and real man, and as a true representative of the Democracy of this nation. [Applause.] I want to say to you as one who has fought the good fight, and as one who has believed in the principles, and as one who has kept the fire burning, that we give you welcome from thousands and thousands of Democrats in the good old State.” [Cheers.]

As an additional compliment to Mr. Hendricks, his traveling companion, Mr. Holcombe, was then called out. He said:

“This is certainly the happiest day of my life, for it is I who am responsible for Mr. Hendricks being here. [Cries of “Good, good.”] I persuaded him to come, because I wished the men of Massachusetts to see him. I had lived among them several years and learned to know and honor them. I knew that he would like them, and I knew that it was only necessary for them to see and know him to love him as we in Indiana love him. [Great applause.] The most memorable scene that I ever witnessed was in the Indiana State Convention of 1880, held a few weeks before the National Convention at Cincinnati of that year. Hon. Francis T. Hord, Temporary Chairman of the Convention, made an eloquent speech, enumerating by description the prominent men in different parts of the United States who were in the minds of the Democrats for the forthcoming nomination. Their names were received with applause as the descriptions were given. Finally he lifted his hand and said, “But we have a man in Indiana —” At that point the Convention arose as one man, and for a half hour hats waved and throats shouted until physical exhaustion put an end to the uproar. That spectacle I saw repeated on a larger

scale at Chicago last summer [exclamations all around of "That's so!"], and some of you who were there remember it. [Applause.] When the delegation of Illinois was called, the Chairman arose and said, "Thomas A. Hendricks, one vote,"—one vote, but it was received by that Convention as if it had been a unanimous nomination for the office of President, [voice "That's so!"] and we think in Indiana that no man ever received the nomination for President with greater honor. No nomination ever conferred greater honor on a man than that nomination, given in the way it was given, conferred on Thomas A. Hendricks."

A drive through the suburbs and a visit in the evening to the rose exhibit of the Massachusetts Horticultural Society, completed this pleasant and eventful day.

The incidents of this journey have been given thus fully because the details are within the personal knowledge of the writer, but they afford merely an example of the treatment Mr. Hendricks everywhere received. Wherever he went, it seemed that the people could not sufficiently testify their pleasure at seeing him and their admiration of his character. Leaving Boston next morning, he was for two days the guest of Mr. George H. Hull at Pittsfield, Mass., and he then rejoined Mrs. Hendricks at Atlantic City. In a few weeks they started on a trip to Lake Superior, and were everywhere greeted with additional honors and demonstrations of affection. At Waukesha he was tendered a brilliant reception; and at every station along his route the people crowded round his car in the hope of seeing him. Often he would go to the platform and shake hands and say a few words. Several times when he happened to be asleep, the people passed quietly through the car to look at him, but would not permit him to be wakened.

While on his tour round the lakes, Mr. Hendricks re-

ceived the news of General Grant's death, and as President of the Senate took immediate steps to pay fitting respect to the memory of the great General and ex-President, ordering the Sergeant-at-Arms of the Senate by telegraph, to communicate with the Senators, and summon a delegation to meet him in New York to attend the funeral. What may have been his inner feelings as he took part in that grandest funeral pageant this nation has ever witnessed, knowing that at any day the people might be called upon to follow him with like demonstrations of mourning, we may not know. He preserved his outward calm and, with McClellan and Hancock and Seymour and Tilden, helped to honor the memory of the leader whom they were all so soon to follow.

By September Mr. and Mrs. Hendricks were again in their Indianapolis home, expecting to enjoy three months of rest before starting for Washington, where* he would have to be present at the opening of the Congress. On the 8th of the month he attended a meeting of the citizens of Indianapolis, called to express approval of the course of that admirable statesman, Charles Stewart Parnell, and sympathy with his efforts to secure local self-government for Ireland. The meeting was called by Hon. James H. Rice, and was a magnificent success. Hon. John E. Lamb presided, the Mayor of the city, Hon. John L. McMaster, and Judge John A. Holman made short addresses; but the speech of the evening was that of Mr. Hendricks, given off-hand and with but little premeditation. He showed a complete knowledge of the situation in Ireland, a full comprehension of its difficulties and dangers, and a clear idea of the remedies to be applied. It is easy to say that Ireland has been oppressed and misgoverned, is now in a distressing condition, and something ought to be done. The merit of Mr. Hendricks on this occasion was that he defined what ought to be done. He said:

“ I think this cause will go farther than has yet been mentioned. It will result in just what we have in Indiana—a written constitution. Ah, that is what I hope to see ! Ireland to be governed by a written constitution, in which the Parliament will be restricted as our Legislature is, by the Constitution of the State ! Will it not be a grand surprise when in the City of Dublin there shall meet a Constitutional Convention to form a Constitution for Ireland ? ”

The speech may be read in full in the latter part of this volume. In it Mr. Hendricks foreshadowed the Home-Rule bill of the great Premier, Mr. Gladstone, presented to the Imperial Parliament just seven months later, and containing the essential features of the system which must eventually prevail in Ireland.

Mr. Hendricks's speech attracted wide attention. The British provincial papers severely condemned the Vice President for siding with Mr. Parnell in what one of them called “ a disloyal venture,” claiming that on account of his official position he should remain neutral in regard to the internal troubles of another nation. Several of the Eastern papers agreed in this view ; but the London press, not wishing to ventilate the views of so eminent an American, chose to ignore the speech entirely. From the charge of impropriety Mr. Hendricks was amply vindicated by the *Indianapolis News*, in the explanation that Mr. Parnell was a member of Parliament, striving by constitutional means to accomplish lawful ends ; and that it was perfectly proper for any one, in official position or not, to express sympathy with him, and to suggest that our own institutions were a good model for him to follow.

The effect of the speech in this country was soon felt. In January, 1886 a member of the National Committee of the Irish Land League said :

“ The Committee attribute much of the recent impetus their movement has received to Mr. Hendricks's speech.

Because he was so generally criticised or commended for it, all over the country, the people read it and thus came to a thorough understanding, for the first time, of the Irish question. In three months after that speech the Committee collected over \$100,000."

For the next few weeks, his last upon earth, Mr. Hendricks rested at home, giving many hours to his friends and to gentlemen who visited him to pay their respects or to enlist his aid in their applications for office. He was seen, also, now and then with Mrs. Hendricks at social gatherings, and seemed at last to regard the hard work of his life as done, and to have leisure and inclination for enjoyment and repose. From time to time he would drop in at the law office, and chat pleasantly with his partners and the young men. Death had already made a break in the firm, which saddened him deeply whenever he entered the familiar rooms. The manly and venerable form of Conrad Baker was there no more. But the constant and warm friendship subsisting between himself and his other partners, those accomplished gentlemen, Abram Hendricks and Oscar B. Hord, was a source of comfort and pleasure to him to the last. He read and studied much at his house, in the line of preparation for his duties as presiding officer of the Senate, remitting this light labor often to converse with his wife, who during these hours at home was constantly with him. "She is my best friend," he said, "and I wish that she may never be separated from me even for an instant." And during these days their affection for each other seemed to grow, if possible, deeper and tenderer, their withdrawal from outward interests more complete, their happiness more perfect. In the midst of this period of repose the end came.

CHAPTER XXI.

“FREE AT LAST.”

The evening of Tuesday, November 24th, the Vice President and Mrs. Hendricks appeared among the throng of guests at a reception given by Mr. and Mrs. John J. Cooper, No. 619 North Pennsylvania street. The affair was a brilliant one, the host and hostess being widely known in political and social circles, and the rooms were crowded during the entire evening. Mr. Hendricks had not felt quite well that day, but could not resist his desire to meet his Indianapolis friends socially on the eve of his departure for Washington. Though affable to all who greeted him, he seemed less disposed to converse than usual, and lingered in the hall as if reluctant to mingle with the crowd. Many persons noticed that he looked a little pale, and seemed tired, but to all inquiries about his health he answered cheerfully, and would not admit that he was ill. The hundreds who took him by the hand little thought that that night was his last on earth. Mrs. Hendricks was in good spirits, and her presence filled the room with cheerfulness.

After returning home, Mr. Hendricks complained of illness, which seemed to increase next morning. He appeared at breakfast, but retired immediately afterward to his room, where he gradually grew worse, though no serious danger was apprehended by his friends or physician. His nephew, Harry Morgan, was with him much of the day, and Mrs. Hendricks was constant in her attentions. In the afternoon Mr. Morgan withdrew, and

husband and wife were for a time alone. A call from a lady friend caused Mrs. Hendricks to descend for a few moments to the parlor. On her return, she was gratified to note that Mr. Hendricks seemed to be asleep. Alas! it was the sleep of death. No look of pain was upon the beloved features. Silently, peacefully, the soul had departed. The last remembered utterance of the dying man was the words, "I am free at last!"—spoken but a short time before to the physician. Referring especially to a pain in the region of the heart, it was true in a deeper sense. The scene at the stricken home can not be described. The mansion was soon filled with relatives and friends, and the doors were closed, while hundreds gathered near to disprove the sad news, if possible.

The following day—Thursday—was a mournful Thanksgiving day for Indianapolis, and indeed, for the nation. Everywhere the praise of the dead statesman was uttered by the clergymen in their annual addresses. It seemed the death of a chief magistrate; and the sorrow of the people was deeper and more wide-spread than at the death of any other Vice President in our history. Telegrams of condolence poured in upon the family from every part of the country. Emblems of mourning shadowed the public buildings everywhere; while from the Executive Mansion at Washington to the humblest and remotest cottage, residences of every class were arrayed in the trappings and the suits of woe. In front of the family mansion and almost under the gray walls of the magnificent new State House, a sentinel with measured tread kept guard. Meetings of citizens and of various societies were held in the days immediately following the sad Thanksgiving. Mr. Mueller, the sculptor, of Indianapolis, and Mr. Parks, an eminent artist of Chicago, took masks of the features of the dead.

Suitable notice was taken of the death of Mr. Hendricks at Washington and throughout the country, and

preparations were at once made to pay honor to his memory as a statesman and an official. The President announced his intention to attend the funeral. Members of the Cabinet, Senators, and Representatives prepared to be present. City councils and other municipal bodies, civic societies, benevolent organizations, and political clubs appointed delegations to represent them. At Indianapolis meetings of citizens were held and committees appointed to attend to all the details of the occasion. Oscar B. Hord, Esq., was made chairman of the executive committee, and Major General Fred Knefler grand marshal of the parade. To the skill of these gentlemen and their assistants, and the ready aid of the citizens is due the credit for the admirable manner in which the vast popular demonstration was conducted. What their arrangements were, and how they were carried out, will be gathered from the following descriptions, which are condensed from the excellent reports of the Indianapolis newspapers.

On Saturday the remains were prepared for the tomb, being placed in a beautiful and costly casket. On Sunday morning, at 10:15, they were borne with suitable escort to the Marion County Court House, there to lie in state until Monday evening.

This edifice, one of the finest public buildings in the West, was magnificently arrayed in mourning for the occasion. Pendants of white and black streamed down the walls of the great corridor. Upon a raised dais in the main corridor stood the catafalque, beneath a tall canopy of black, whose apex was lost in the hall above, the curtains passing through the opening of the floor. The funeral awning was arranged after the manner of the covering of a military morgue. The casket was placed in the catafalque and surrounded with floral tributes. At its head stood two broken columns of rosebuds, smilax and ferns, upon which were perched two

white doves. Back of these stood a large floral design in the form of a harp, made of rosebuds, hyacinths and calla lilies, sent by Patrick Egan, President of the Irish Land League of America, in behalf of that organization. Over the top of the harp were the words, "Erin Mourns Her Fearless Advocate," and beneath, in white letters on a dark back ground—

"It is not the tear at this moment shed,
When the cold turf has just been laid o'er him,
That can tell how beloved was the friend that has fled,
Or how deep in our hearts we deplore him."

At the foot of the casket were broken columns of roses and smilax, surmounted with sheaves. On it rested the design of a broken gavel, in violets on a pillow of Marechal Neil roses and smilax, while beside it was a basket of chrysanthemums, smilax and carnations, with the letter "H" in immortelles. A tribute from Madison county represented a cross and crown made of camelias, begonias, chrysanthemums and bouvardias, while beside it in a bed of chrysanthemums, carnations and smilax was woven in immortelles "Free at last," the dying words of the Vice President. The portrait of Mr. Hendricks, painted for the State Library, hung opposite the catafalque, draped in mourning. It was about 11 o'clock when the casket was placed in position, and the Indianapolis Light Infantry, detailed for guard duty about the catafalque until 8 o'clock in the evening, took up position, and sentinels were stationed at the head and foot of the casket, while others paced with measured tread along the corridor. The friends and citizens who composed the escort were permitted to view the remains before the doors were thrown open to the throng gathered outside. Only the head and shoulders of the dead statesman were visible. The body was attired in evening dress. The right arm rested on the breast while the left arm lay

at the side. The expression of the face was natural, and the pallor alone indicated that this was not sleep but death.

The doors of the east entrance of the Court House were opened to the public just before noon. As the two columns of people began to file past the catafalque the United States military band rendered Breye's mournful “Reverence.” Between this and 11 o'clock at night no less than 30,000 persons took a last look at the face of the great dead.

At 2 o'clock the Maennerchor Society was admitted to the corridor, and sang a number of selections appropriate to the occasion. A message was sent to Mrs. Hendricks during the afternoon, informing her that if she desired to view the remains of her husband as they lay in state, she could be afforded an opportunity to do so privately. She availed herself of this offer and with a few friends and relatives went to the Court House just before 9 o'clock in the evening. The doors were closed to the public, and all who were in the building withdrew. Mrs. Hendricks remained but a short time, and upon retiring expressed herself as well pleased with the arrangements that had been made.

On Monday the scenes of the previous day at the Court House were repeated on even a larger scale. At the Union Depot train after train came in loaded with visitors. Up to noon only about 4,000 people had been brought in, but the organized delegations and clubs and the people living within easy reach of Indianapolis, did not arrive till the afternoon or evening. During the day about 75,000 people passed through the Court House. Just before noon Senator Voorhees was admitted by the south entrance and paused by the casket for a close view of his friend. He had come with reluctance, saying that he preferred to remember Mr. Hendricks as he last knew him; but he was surprised at the natural appearance of the

face. "Perhaps a little paler, but remarkably life-like," he said.

The remains were moved from the Court House to the residence just after 4 o'clock. The casket was placed in the front parlor, which had been decorated during the day. One of the most touching floral tributes was one presented by the ladies of Shelbyville, representing the cabin in which Mr. Hendricks lived in early boyhood. It was made of the finest roses, and on the roof in white buds was the inscription, in a half circle, "Home of my Boyhood," and underneath this, "Shelbyville." The door in the end was partly open, and on it hung a banner of black satin, with the words, "God's finger touched him and he slept. Shelbyville mourns her distinguished and gifted son." The portraits which hung over the mantel were appropriately decorated,—that of Mr. Hendricks with a wreath of laurel, that of Mrs. Hendricks with a wreath of white roses, and that of little Morgan with daisies. The doorway between the parlors was draped with the American flag. Here, in the quiet of his home, lay the great statesman awaiting the last sad rites of the morrow.

Tuesday morning the gun at the United States arsenal announced the dawn of a new day. The usual single reverberation was followed by others at regular intervals, until the prescribed salute for the dead Vice President had been rendered, telling that it was a day of mourning for the nation.

As the day advanced the number of people in the city rapidly increased. Regular and special trains discharged their loads at the station, until the streets were rendered almost impassable. All classes and all ages were there represented. They had come to render the homage due to pre-eminent ability and an untarnished name. The throng surged back and forth as if uncontrolled by any given purpose. One minor current, however, set toward

and past the mansion of the dead statesman, gaining force as it neared the point of interest, until on the street where the house of mourning stood it became so strong that, but for the guard, passage of the thoroughfare would have been impossible. Civic organizations in bodies, in groups, or singly, moved toward their headquarters or mingled in the throng. Officers in uniform dashed hither and thither, the knot of crape at the sword hilt or on the arm eloquent of the occasion.

The number and character of the visitors from abroad spoke of the esteem in which the deceased was held by his countrymen and resulted in demonstrations of respect which for magnitude has seldom if ever been surpassed in this country, certainly not at Indianapolis. The funeral draping of the buildings of the city was artistic and appropriate. Especially was this the case with the Post Office, the lower story of which was completely covered with a pall of black, while the entire effect can only be described by the word massive. Looking either way upon Washington street the scene was peculiarly sombre, owing to the profusion with which mourning emblems were displayed. It was like looking down a vast funeral corridor, hardly a building or even a window being visible which did not bear some sign of mourning. But these expressions of outward sorrow were not confined to the thoroughfares in the central portion of the city. Upon the porches and in the windows of private residences elaborate designs were displayed, while in the most humble cottages there was evidence that the loss was appreciated. Never did all classes and conditions of people more earnestly vie with each other in doing honor to the dead; and the bit of black in the window of the poorest mourner spoke as eloquently of sorrow as did the more costly display of the wealthy.

As the hour approached for taking the remains from the residence to St. Paul's Cathedral, the vicinity of the

mansion and the intervening thoroughfares became densely packed by a throng whose solemn faces and tearful eyes indicated the cause of their assembling. At eleven o'clock the casket was borne to the hearse by officers of the police chosen for that honorable duty; they were followed by the pall-bearers; the relatives and friends took their places in the carriages; the bells of the city tolled their knell for the dead, and the procession started on its sad journey.

General Fred Knefler, Chief Marshal, and staff, and Hon. O. B. Hord, Chairman of the Executive Committee, preceded the procession, the officiating clergy, the vestry of St. Paul's, the hearse, the pall-bearers, the family and the remaining carriages following in order. The pall-bearers were Governor Isaac P. Gray and Hon. William H. English, General Thomas A. Morris and David Macy, Esq., Mayor McMaster and Judge Frederick Rand, Aquilla Jones, Esq., and Judge William A. Woods.

An immense throng of people crowded the line of march, and the doors and windows of the house were filled with spectators. The procession, however, moved without difficulty, and at 10:50 the Church was reached.

The drapings of the interior of the Church were simple. The supporting pillars on each side were draped, and festoons of black fell from one to another. The Hendricks pew, No. 113, which is on the north side of the center aisle, near the middle of the Church, was draped and closed—touchingly signifying the absence of him who had so long occupied it.

The clergymen who took part in the services were Rt. Rev. David Buel Knickerbacker, Bishop of Indiana; Rev. Joseph S. Jenckes, Rector of St. Paul's; Rev. Dr. Stringfellow, of Montgomery, Ala., who was rector of the Church twenty years ago, and Rev. Dr. Fulton, of St. Louis.

The ceremonies were deeply impressive. The clergymen met the remains at the door, and the words of promise, “I am the resurrection and the life,” were pronounced by the Bishop as, preceding the casket, they returned to the chancel. The bier was placed without the chancel, in the nave, fronting the center aisle. It was covered with an American flag wreathed in smilax. Two members of the Light Infantry stood at the head and two at the foot of the casket. The pall-bearers took the seats assigned them. An involuntary murmur of sympathy arose as Mrs. Hendricks, upon the arm of her brother, moved through the center aisle and took her seat in the first pew on the south side. The reading went on, the tolling of the bells near and far keeping time to the measured words. Dr. Jenckes then read the lesson, after which the choir sang “Lead, Kindly Light,” which in turn was followed by Dr. Jenckes’s sermon, on the text, “Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue, and if there be any praise, think on these things.”

The sermon was brief, occupying in its delivery just seventeen minutes. When the Rector came to the concluding sentence, in which he bade farewell to his friend and parishioner, he was overcome with grief. “Rock of Ages” was then sung by Mrs. Doney and a quartet. The concluding prayers were by the Bishop, at the end of which came the recessional, the clergy leading the way. They were followed by the police squad with the casket, the Light Infantry Guards and the pall-bearers, after whom came Mrs. Hendricks and the relatives, friends and visitors. The mournful procession moved slowly to the strains of the *De Profundis*, and it was twenty minutes or more before the Church was again empty. At five min-

utes of 1 o'clock the line of march was taken up, and the procession started for the beautiful cemetery of Crown Hill.

As the funeral train was set in motion, the various military divisions fell in with measured step, and the carriages of the many attending dignitaries quietly and quickly assumed their appointed places in the long line slowly uncoiling from the side streets, on which the several divisions had formed. The early winter sky was gray and portentous of rain; and, as if nature were in sympathy with saddened humanity, a few drops fell upon the pall, a happy augury, in consonance with the poetic tradition, "Happy the dead that the rain raineth on." But while the sky was leaden and the air was chilly and damp, the world of humanity which crowded to pay homage to the memory of the dead was eager with expectancy, tempered with reverence for the occasion and respect for him whose last journey had begun in so stately a manner.

Along the line of march, as elsewhere all over the city, were evidences of sympathy on every hand. Flags were at half-mast or furled and draped, windows were darkened and porticoes and walls were festooned in black. Multiplied thousands thronged the sidewalks, and faces were at every window, while the side streets were blocked with carriages containing spectators intent on seeing the pageant. It was so to the city limits, a space of nearly two miles.

On every hand the interest was intense, and at many places the crowd was with difficulty pressed back to make room for the passage of the advancing column. Yonder it stretched, as far as the eye could reach, down the broad, smoothly-paved street; two miles of it was in view, and still it came—the mounted marshals and their aides, the gaily uniformed infantry, zouaves and artillery; the carriages of the clergy and committees; the hearse, wrapped in a splendid garrison flag, drawn by horses capari-

soned in the same paraphernalia that was used at the funeral of the great commander, General Grant. Following the hearse, the stricken widow and near relatives and friends in close carriages; then the carriages of the ex-President, of the Cabinet, of the Congressional Committees, of Governors, Judges, Generals, Mayors of the principal cities, and other dignitaries. Massed behind these, four and eight abreast, various organizations, too numerous for the observer to take intelligent cognizance of, and at last the innumerable concourse of carriages of citizens and admiring friends.

The following is a statement in detail of the composition and arrangement of

THE PROCESSION.

Police Guard.

Government Military Band.

Grand Marshal General Knefler and Staff.

Chief of Staff, Major C. L. Holstein, with twenty-four aides of Chief Marshal and Six Orderlies of Chief Marshal.

FIRST DIVISION.

Adjutant General Koontz, commanding the Governor's Staff.

Home Star Band, Lafayette.

Richardson Zouaves.

Company C, First Regiment, Lafayette.

Emmet Guards.

DePauw Cadets, Greencastle, two companies.

Streight Rifles.

Logan Grays, Logansport.

Colonel J. A. Closser, First Regiment Light Artillery and Staff.

SECOND DIVISION.

Edward Hawkins, United States Marshal, commanding.

Chief of Staff, Col. Charles E. Zollinger.

Fourteen Aides of Marshal Second Division.

Clergy in Carriages.

Church Vestry in Carriages.

Pall-bearers in Carriages.

Committee on Arrangements.

Committee on Reception.

When Band.

Indianapolis Light Infantry.

Busch Zouaves.

Police Guard.

HEARSE.

Police Guard.

Busch Zouaves.

Indianapolis Light Infantry.

Family and Friends in Carriages.

Ex-President Hayes.

The Cabinet—Secretaries Bayard, Whitney, Lamar, Endicott, and
Postmaster General Vilas.The Supreme Court—Justices Matthews and Blatchford—and Colonel
Wilson, U. S. A.Senators—G. F. Edmunds, W. B. Allison, J. L. Pugh, I. G. Harris, O.
D. Conger, H. W. Blair, J. N. Dolph, G. G. Vest, D. W. Voorhees, J. N.
Camden, Z. B. Vance, J. K. Jones, H. B. Payne, Benjamin Harrison and
J. B. Beck.Congressmen—W. R. Morrison, J. H. Blount, H. A. Herbert, W. S. Hol-
man; W. H. Springer, W. P. Hepburn, F. B. Ward, W. W. Phelps, J. L.
Kleiner, Thomas Ryan, P. Dunn, T. Cable and C. C. Matson.

Governor Hoadly and Staff, of Ohio.

Governor Oglesby, Ex-Governor Palmer and Attorney General Hunt,
of Illinois.Major Garland, of Springfield; Major Orendoreff, Judge Phillips and
Congressman Lawler.

Governor Proctor Knott, and State Officers of Kentucky.

Ex-Senators McDonald, Fitch and Turpie, of Indiana.

Ex-Governor Bishop, General Denver, General Durbin Ward and Revenue
Collector Bishop.

Mayor Francis and Members of St. Louis Council.

Common Council of Boston.

Mayor Harrison and City Officials of Chicago.

Tammany Hall Delegation.

Professors of Purdue University.

S. Corning Judd, President of the Iroquis Club, and Party.

State Officers of Indiana.

Board of Aldermen, Common Council and City Officers of Indianapolis.

THIRD DIVISION.

Major James L. Mitchell, Commanding.

Chief of Staff, Richard O. Johnson.

Twenty-seven Aides to Marshal.

Cook County Democratic Club, of Chicago.

- Duckworth Band.
Duckworth Club, of Cincinnati.
Thurman Club, of Cincinnati.
West End Democratic Club, of Cincinnati.
Jefferson Club Band.
Jefferson Club, of Cincinnati, Joseph Bryant, President.
Jackson Club, of Columbus, O.
Americus Club, of Peoria, Ill.
Great Western Band, of Dayton.
Jefferson Club, of Dayton.
Apollo Band, of Hamilton, O.
Miami Club, of Hamilton, O.
Ogden's Light Guards Band, of Kokomo.
Kokomo Uniform Rank K. of P.
Indianapolis Uniform Rank K. of P.
Fort Wayne City Band.
Jefferson Club, of Fort Wayne.
Meridian Hendricks Club.
Citizens' Band, of Peru.
Citizens of Peru.
Indianapolis Mail Carriers.
Special Delivery Messengers.
United States Mail Wagon, draped with flag and mourning.
St. Franciscan's Society.
St. Joseph's Society.
St. Boniface Society.
Societe Fraternalle Française.
Athon Guards from Insane Hospital.
Drum Corps.
Social Turnverein.
Drum Corps.
Independent Turnverein.
Leiderkranz Society.
Swiss Männerchor.
Emmet's Cornet Band.
Knights of Father Mathew.
Ancient Order Hibernian Delegations—Logansport, Louisville, Richmond
and Indianapolis.
St. Patrick's Total Abstinence Society
Knights of Labor.
Irish Land League.
- FOURTH DIVISION.
- William F. Christian, Commanding.
Chief of Staff, S. K. Fletcher.

Twenty-five Aides to Marshal.
 Indianapolis Fire Department, Chief Webster, Commanding-
 Carriages containing Citizens.
 Chief Webster and Members Fire Department.
 Fire Engines and Hose Reels.

As the head of the procession enters the cemetery a battery from the artillery escort, which has entered from the west gate and made its way to the top of Crown Hill, now fires a farewell salute. The recurring explosions wake the echoes, and between them is heard the music of the advancing escort. The cortege turns to the left and southward slowly makes its way around the section in which the grave has been prepared.

Nearly in front of the chapel and across the principal avenue is the monument erected by Mr. Hendricks in recent years. It is a plain but imposing shaft of gray granite, cut smooth but not polished, and bearing at its base, in raised letters, the name "T. A. Hendricks." On the southwest side of this shaft is the little grave of the only child, Morgan, who, as related on the principal monument, was born at Shelbyville, January 16, 1848, and died March 10, 1851.

The excavation has been lined throughout with smilax and roses and lilies. At the bottom has been constructed a marble vault to receive the casket, and a marble slab is provided to fit over it. But all this is masked—there is no sign of earth. It is a narrow chamber, walled in with flowers and scented with their rich perfume. The high monument is swathed in a garrison flag, and another flag flies at half-mast across the roadway. A portrait of Mr. Hendricks, heavily framed in crape, looks directly into the tomb, and a collection of rare floral tributes is gathered about the base of the monument. The grave of the little son has been wrought into a bank of flowers, with a floral headstone bearing the baby name, "Morgie." On the bed of the grave, wrought in crimson flowers on

a white background, appear the significant words from Ecclesiastes :

“ And a three-fold cord
Shall not be broken.”

There is scarcely a suggestion of death, but rather of a joyous welcome to the guest approaching.

While the casket is borne to the opening, Mrs. Hendricks, on the arm of her brother, passes the grave, and with anxious eyes scans the interior. Turning then, she for a moment bends over the grave of her baby boy, dead so many years. With fortitude borne of a womanly resolution to repress her anguish, she bears up bravely and utters no moan. The interest of the spectators is now supreme, and with bared heads under the gray skies they reverently bow while the officiating clergymen begin the simple but beautiful burial service, familiar to all. “Man that is born of woman”—all have heard it; and the response, “In the midst of life we are in death.” The Lord’s Prayer, participated in by people, an invocation by the Bishop, and all is over.

The leaden clouds at this moment let fall a few drops of rain, which is quickly succeeded by a momentary sun-beam upon the assembled people. A happy circumstance, as if nature had dropped a tear in sympathy and brushed it away with a smile of hope. The last words are spoken, the casket is lifted from its flower-covered supports and is lowered into the beautiful chamber prepared for its reception. The spectators then approach, the carriages go their various ways, and the busy world returns to its duties, while the landscape fades rapidly into the shadows of night.

CHAPTER XXII.

THE CONTEMPORARY ESTIMATE.

Indianapolis Sentinel.

The spectacle of a leader of a hopeless minority gathering the scattered remnants of his party from the debris of defeat and the wreck in which the storm of Southern separation had left it, making of these remnants one of the pillars of the State, retaining his popularity with his party and the respect of its Opposition, never losing the confidence of his followers, and ever by his genius increasing its influence and popularity until it again became dominant,—is a spectacle that no other, among all our leaders, of whatever political creed, presented.

Indianapolis Journal.

A tall man was he among the people, conspicuous for his abilities. A strong man by the power of his eloquence and the breadth of his acquirements, he won his way in the ranks of his party to near its leadership. His personal character was above reproach, and he was approachable—a man of the people. The American people have been generous toward him; to-day its charity covers him like a pall. The memories of the war are buried; the mistakes of the past are not remembered. May the better phases of human nature that have come to the front at this hour find due appreciation and bear fruit many fold.

New York Tribune.

Of conciliatory ways and winning manner, he was probably the most popular man in his party, and came the nearest to representing its true views and honest wishes. That fact alone had much to do with the repeated defeat of his efforts to secure a Presidential nomination, as the time had not arrived when the Democratic leaders saw the way open to success with a candidate who professed no aims other than those popular with the masses of the party.

New York World.

An active, aggressive statesman, strong in his convictions, Mr. Hendricks naturally was honored by political enemies and the hostile criticism of Republican organs. But no opponent could gainsay his ability, and no assailant of his partisanship ever dared to question his purity and honesty. In his long public life he had filled the highest posts of honor and

trust in his State, and all but the very highest in the United States, and he came out of them with a clean, unsullied record as public servant, and with the increased respect, confidence and affection of his party. The higher the trust bestowed upon him by his party, the more brilliantly shone the luster of his Democracy.

New York Sun.

Adopting the Democratic faith at the beginning of his career, he was faithful to the last. There was no eccentricity and no compromise in his political ideas. The doctrines of Jefferson and Jackson were his doctrines, and he held fast to the traditional statesmanship of his party. He belonged to the people, and knew nothing of the Pharisaical and Federalist pretension which holds them in distrust and contempt. His political speeches were filled with this spirit, and like his forensic arguments, commanded respect by their breadth, elevation, and vigor of reasoning, and catholic comprehensiveness.

Boston Globe.

Governor Hendricks was one of God's noblemen and, take him all in all, we shall not see his like again. He was a man of the people; he loved his country, and of his integrity of purpose and motive there was no question. His manly way of expressing his convictions was recognized and respected by all. Born a man and a statesman, he continued to increase in the affections of his countrymen, and he dies universally lamented.

Boston Post.

He ranks with Allen G. Thurman and Horatio Seymour and Samuel J. Tilden and Joseph E. McDonald—giants, all of them, and men of convictions. But yesterday, and Mr. Hendricks was apparently the strongest of them all. To-day he lies dead in his once pleasant home in Indianapolis, and the country is without a Vice President. The Democracy has lost one of its most faithful and earnest and conscientious leaders, and constitutional government one of its ablest advocates.

Cincinnati Sun.

He was, too, in all respects a strong man—thoroughly equipped by reading, study and experience for the highest positions of public life, and possessing in a pre-eminent degree the courage of his convictions. Possessing a genius for diplomacy hardly inferior to the greatest American diplomat of modern times, Mr. Seward, he was yet thoroughly outspoken on all questions of great public interest. There was never any doubt as to his position. He might be wrong, but he was always frank, earnest and sincere.

Cincinnati Enquirer.

He was a Democrat of the strict sect. He was a statesman and publicist, but he hewed his public life to the Democratic line, and was a fair illus-

tration of the truth that parties are indispensable to our republican form of government. He was a thorough student of affairs and a firm believer in the principles of the Democratic party, and he swerved not to the right or left of his party allegiance.

Cincinnati Commercial-Gazette.

He was a very gentlemanly man—calm, pleasing, courteous, persuasive; gifted with brains and information, intelligence and will; a good lawyer, and, as a politician, one who held in a surprising degree, through personal magnetism and winning qualities difficult to define, the confidence of the people. He said at the Chicago Convention that he was there “to speak for a mighty State.” He had great power in Indiana; and the first serious appearance that the Chicago Convention of the Democracy had to Republican observers was not when Cleveland, but when Hendricks was nominated.

There is reason to believe that if he had consented to, have the “old ticket” reproduced by the Cincinnati Convention of 1880, the political history of the last five years would have been wonderfully changed.

National Republican, Washington, D. C.

His home life was always bright and pure; the relations between him and the partner of his joys and sorrows were not those of affection only, but of friendship and hearty co-operation in mutual interests and pleasures. All who were admitted to social intercourse with the Hendricks household carried thence a sweet and lasting impression, for they saw a close approximation to the ideal husband and wife. No man, however high his achievements in politics or statecraft, can leave a lesson more needed or more useful than that of absolute fidelity to home.

St. Louis Republican.

Thomas A. Hendricks died too soon for his country, but not too soon for his fame. That was completed. It was not the creature of accident or of a combination of circumstances, but the natural and inevitable product of long years of arduous labor, of high responsibilities, faithfully and conscientiously discharged, of unflinching devotion to great principles, of pure and ardent patriotism which nothing could change or chill, of an abiding sense of duty which hesitated at no sacrifice of personal feeling, of a public and private character without stain or flaw. He was one of the very few American statesmen whose biographers do not have to employ either apology or explanation for public or private action. Honest and honorable from beginning to end of his career, he deserved and obtained the confidence and affection of hosts of friends throughout the land, and the fiercest political opponent was compelled to yield him the tribute of sincere respect. He had that rare quality in these latter days—“the courage of his convictions.” Living through the stormiest period of American politics, when smaller and weaker men were content to swim with the pop-

ular current, he never abated jot or tittle of these convictions, and was ready to proclaim them at any cost and all hazards.

Chicago Times.

The Democracy of the West has lost one of its most capable leaders, the veteran of a hundred battle-fields of disaster and victory. He was one about whose banner recruits and veterans would rally with a volume and enthusiasm which could be elicited by no other captain in his adopted State. It would have been well could he have outlived the present changeful and stormy period incidental to a radical change in the Administration, and until such a time as when peace should have prevailed, and unity absorbed angry and warring elements. Then his actions would have been judged by their merits, and not by a sentiment tinged by selfish motives or animated by individual ambitions.

Evansville Courier.

It must be admitted, of the many great names that adorn Indiana's history, that of Thomas A. Hendricks stands first. In honors no other Indian has equaled him, and to his great accomplishments as a statesman, to his achievements in his country's service, he adds the adornment of a spotless fame. In his private, as in his public relations, there was always that kindly essence that never flows from a turgid spring. His comely manhood was a revelation of the clean elements of which his nature was composed. No man was ever more loved by the people with whom he communicated.

Atlanta Constitution.

Few men had a stronger hold on the affection of the people than Hendricks. He was a popular idol. He addressed himself always to the people rather than to the politicians. He looked above and beyond the head of the man who contested with him, and addressed himself to the dim and vast populace beyond, the hum of whose industry reached his ears and was music to him. His real power was with the people, and he was weak with the men who pettifogged. This weakness alone prevented his reaching the highest office within the gift of the American people.

MEMORIAL ADDRESS IN THE UNITED STATES SENATE.

By Senator Daniel W. Voorhees, January 26, 1886.

MR. PRESIDENT: For the eminent citizen of the Republic who lately fell from his high place among living men, and who sleeps now in peace and honor in the bosom of the State he loved and served, we can do no more than has already been done by tongue and pen, and by every method which human affection can inspire. The heavy drapery of woe has darkened alike the public building, the stately mansion and the doorway of the humble home; the proud colors of the Union have drooped at half mast throughout the United States, and in all civilized lands beneath the

sun; eloquence in the forum and at the sacred desk has paid its richest tributes to his exalted abilities and to his stainless character; the tolling bell, the mournful dirge, the booming solemn minute gun, the mighty multitude of mourners, have all attended the funeral of Thomas A. Hendricks and borne witness to the deep love and grief with which he was lowered to his last earthly abode. All the honors due to the most illustrious dead have been paid by the Chief Magistrate of the Government, by the authority of State and by the unrestrained affection of the people.

In the Senate, however, we may not be silent, even though the cup of honor to his memory is full and overflowing. In this exalted theater of action, here on this brilliantly lighted stage, he fulfilled his last official engagement and closed his long and commanding public career. When this body adjourned in April last he went out from these walls to return no more forever. The chair to which he had been called by the American people was vacant when Senators gathered here again, and now we briefly halt in our weary march to do honor to ourselves, and to benefit the living, by pointing out the attractive virtues of the dead.

[Here followed an elegant review of the life of Mr. Hendricks, and an appreciative estimate of his character and services, after which the speaker continued:]

Much has been said and written, and often without wisdom or point, on the subject of leadership among men. No man was ever a leader of his fellow men in a free country by self assertion or by a spirit of dictation. He who controls the reason, convinces the judgment, enlightens and satisfies the conscience, is a leader of the people mightier far than he who relies on the sword. Strong argument, elaborate research and eloquent persuasion have been, and will continue to be, more potent factors in the world's long annals than the gleaming bayonet and the shotted cannon. By their peaceful but powerful instrumentalities Governor Hendricks won his way to a high and very commanding political leadership.

In his repeated, long sustained and severe contests in Indiana he always led his followers with consummate judgment, perfect courage, and a brilliant display of intellectual force. Sometimes on the eve of a political battle he paused and weighed the issues at stake with such care and prudence that those who knew but little of the quality of his mind thought he hesitated to go to the front. Nothing could be more incorrect than such a conclusion. While others were at times more aggressive and more rapid in their decision at the beginning, yet none led more boldly, or further in advance when the conflict became fiercest, and when it closed in victory or in defeat.

Governor Hendricks was never so strong, so magnetic and so irresistible as when under assault or crowded in discussion by an able antagonist. In joint debate before the people from day to day, and from week to week, he has had no superior, and rarely an equal in the history of the country. His qualities for such an ordeal were of the highest order. A self posses-

sion never for a moment disturbed, a mental concentration no excitement could shake, a memory of facts never losing its grasp, a will which never faltered, and a courage which rose in the presence of danger as certainly as the mercury in the tube under heat, were all his. Added to these gifts and acquirements was a voice rich, musical and resonant, pealing forth at his pleasure like a bugle call to action, or modulated into the soft, seductive notes of the flute, wooing the affections. A high bred, classic face of singular manly beauty, lit up by a winning and genial expression, a large head, with the contour and expression of an antique model, completed a picture which was never beheld by an audience without emotions of delight.

Five years ago the unremitting labors and the incessant strain of more than the third of a century caused the powerful and compact physical constitution of Governor Hendricks to put forth its first signals of distress, and to reel for a time like a disabled ship in the breakers. In the autumn of 1880, seeking for rest and surcease of toil, he visited that famous cañon of the Ozark Mountains in Arkansas, where magical springs pour forth their hot and healing waters. While there in repose and apparent security, the icy finger of paralysis, sure precursor of skeleton death, touched him with its fatal premonition.

The extent of his danger at that time was never known, except to her whose life was as his own, and to his physicians, who did not conceive it their duty to publish their patient's ailments in the newspapers. He came home, however, to his beloved State, and again took up his public and private duties with serenity and composure; but he knew from that time forward that he walked in the constant shadow of an impending blow. Not a word ever escaped him on the subject outside of his domestic circle. No wail, nor murmur, nor lament ever shook his lofty fortitude or passed his lips. When two years later he was stricken with lameness in his foot and informed that he could rise no more to take part in the affairs of life, he was the only party to the scene unmoved by the great change then apparently so near. He spoke of his work as finished, and quietly waited for the curtains which divide time from eternity to be drawn aside. But medical opinion had erred; and it was reserved for him to receive one more promotion at the hands of his countrymen, to be crowned with another and higher honor, and to fall at last, when his hour did come, within a single step of the summit of human greatness.

At the Chicago Convention in 1884 Governor Hendricks made the only appearance of his life in such a body. The old familiar light was in his face, and his mental vision was as clear and penetrating as ever; but he was physically not strong, and the prompt, alert movement and elastic tread which his friends knew so well, were wanting. His presence in that Convention was contagious, and the vast multitude shook the mighty amphitheater with his name whenever he appeared; but no exultation came for a moment into his look or manner. To those near him he simply ap-

peared to enjoy in a quiet, silent way the popular approval of his long and faithful services, under the weight of which he was then wearily walking in the rich and glowing sunset of a great and well spent life. When he was nominated for Vice President he was seeking repose and sleep on his bed at the hotel at the close of an exciting day. He did not hear the tender words and strains of "Auld Lang Syne" break forth from ten thousand voices at the mention of his name, exclaiming:

Should auld acquaintance be forgot,
And never brought to mind?

The effect of the nomination on Governor Hendricks himself was immediate and remarkable. The position of Vice President was one to which he had never aspired, nor were its duties congenial to his talents or tastes. He knew and accepted the fact that a dread specter was hovering near him, and liable to cast its fatal dart at any moment, and more especially in the midst of labor and excitement. He had so often, however, led his party, and had always so fully met the expectations of his devoted friends in Indiana, that his iron will at once determined not to disappoint them on the last field where he was to appear. His resolution seemed to summon up all the vigor of the best years of his manhood.

The energy and activity he displayed were never surpassed in a political contest. He declared himself ready to answer for his State as he did in 1876, and the response of the people justified his promise and his claim. The brilliant and gifted leader of the Republican party, known in the list of the political tournament as the Plumed Knight, crossed the borders of Indiana, was welcomed with all the pomp and circumstance of a great party long accustomed to national victories, made a tour of the State with his banner full high advanced, inspiring the confidence and kindling into a flame the zeal and devotion of those who believed in his destiny and followed his star. As Mr. Blaine closed his engagement in Indiana and drew off to other fields, it was determined that his dramatic and dazzling expedition into the West should have its bold and effective counterpart.

Governor Hendricks, upon brief announcement, passed rapidly from point to point, and the people rose up to do him honor until the whole State seemed one vast continuous assemblage. It was the farewell engagement on the hustings, and he filled it like a master. Such an ovation was rarely ever given to hero or statesman in ancient or modern times, and the children of this generation will recall its scenes when they are old men and women in the distant future.

But while he moved in the midst of these pageants, honors and allurements, it was known to a chosen and silent few that his mind and heart dwelt apart from them, and were engaged with matters of higher import than those of earth. During the last two years of his life he selected and prepared the beautiful spot where he now reposes. He gave his close personal attention to the finish and erection of the stately marble shaft which

bears his name and marks his final abode. His only child died when but three years old, and for more than thirty years had rested at the old home at Shelbyville.

As he felt the evening shadows coming on, the strong man, the able lawyer, the distinguished Senator, and Governor, and Vice President, wished his long lost little boy to sleep by his side. He tenderly transferred the sacred dust from Shelbyville, and when he himself was, by loving hands, laid to rest, the grave of a child was observed close by covered with flowers. At times he visited this hallowed spot and lingered there while his own name was ringing with applause, or provoking fierce controversy. His thoughts were then far away, and with deep emotion he gathered up the broken links of the past, and by a faith that never faltered nor grew dim, reunited them in that high world beyond the sun, and beyond the stars.

Governor Hendricks was a believing and practical Christian all the days of his life. His duties to the Church were no more neglected nor evaded than his duties to the State. He held official relation with both but never mingled them. He bore open and public testimony on all proper occasions to his reliance upon the teachings of Christianity for the advancement of civilization and for the happiness of mankind. In his private life he exemplified the beautiful virtues of his religion. He was much given to charity, not merely in the bestowal of alms to the poor, but in the kindness of his heart and the tolerance of his spirit toward all. He obeyed the apostolic injunction and lived in peace with all men as far as it lay in his power to do so. He never gave the first blow in a personal controversy, and often forbore to return those he received. He loved his neighbors, and was by them beloved.

Sir, we shall see Thomas A. Hendricks no more with our mortal eyes. He is gone from the high places of earth to the higher realms of immortality. He is lost to the Senate Chamber, to the forum, and to home, and friends. We will follow him; he will return no more to us. As long, however, as American history treasures up pure lives, and faithful public services; as long as public and private virtue, stainless and without blemish, is revered, so long will his name be cherished by the American people as an example worthy the highest emulation. Monuments of brass and marble will lift their heads toward heaven in honor of his fame; but a monument more precious to his memory and more valuable to the world has already been founded in the hearts of the people whom he served so long, so faithfully, and with such signal ability. In the busy harvest time of death, in the year 1885, there was gathered into eternity no nobler spirit, no higher intelligence, no fairer soul.

THE PROPOSED MONUMENT.

It was natural to expect that the memory of one so singularly beloved by his fellow citizens as was the late Vice President, would be perpetuated by some permanent evidence of their esteem; but the expression of such a desire was much more prompt than is usually the case. The subject was freely discussed by the distinguished visitors and others in attendance on the funeral ceremonies, and scarcely had they departed ere it took definite shape. In its issue of Monday, December 7th, 1885, the *Indianapolis Sentinel* editorially presented the matter as follows :

“ Let the life and fame of Thomas A. Hendricks be attested by a monumental offering of his fellow citizens that shall be in harmony with the purity and simplicity of the one and the greatness of the other. From every quarter of the State and from all over the land comes the information that the people await with impatience the opportunity to contribute of their means to the rearing of a worthy memorial. There should be no delay. Funds will not be lacking. Suitable organization alone is necessary to insure the promptest possible erection of a noble and adequate monument to our revered dead. Let steps be taken at once to secure the unity of action desired.”

As an initiatory step the *Sentinel* suggested that a few of the well known near friends of the deceased should come together forthwith, and it accordingly requested Chief Justice Niblack, General T. A. Morris, and Messrs. Oscar B. Hord, Frederick Rand, Volney T. Malott, John A. Holman, and David Turpie to meet at its editorial rooms that evening for preliminary action. The gentlemen named, after consultation, invited about forty of the representative citizens of the city and its vicinity, irrespective of their political relations, to meet with them on the following Thursday and fully consider the proposed movement.

A fully attended and earnest meeting was accordingly held on the day last named; and as the result of lengthy deliberation committees were appointed to present a plan of organization at a general and public meeting to be held at the Federal Court Room on the ensuing Saturday. The committees reported to the last named meeting, and their recommendations were promptly adopted. Articles of Association for the purpose of incorporation were there signed by a large number of those present, and on the following Monday, December 14th, the movement was duly incorporated under the name of “The Hendricks Monument Association.” The officers elected were as follows :

Frederick Rand, President; Oscar B. Hord, Vice President; Francis M. Churchman, Treasurer; John A. Holman, Secretary, and Frederick W. Chislett, Superintendent. The management of the affairs of the Association was vested in an Executive Committee (the officers being *ex officio* members) of seven persons, as follows: Thomas A. Morris, James H. Rice, Elijah B. Martindale, Charles Zollinger. Noble C. Butler, Simon P. Sheerin,

and Edward Hawkins. This committee elects the officers, and perpetuates itself by filling vacancies. Every contributor to the monument fund becomes an honorary member of the Association, the object of which is declared to be the erection of "an appropriate monument" to the memory of the late Vice President at the capital of Indiana. All services are gratuitously rendered, and actual expenses alone are chargeable to the fund.

By the time the organization had been thus perfected the interest manifested throughout the country had become so wide spread that the Executive Committee felt called on to issue a general address. This document emanated from representative citizens of the State, of prominence in both of the leading political parties, and is so just and graceful a tribute that it is here reproduced :

"The distinction which was achieved by the late Thomas A. Hendricks as Governor of Indiana, its representative in the Senate and the House of Representatives of the United States, and as Vice President, his eminence as a statesman and a jurist, his conscientious fidelity to every trust that was committed to him, the high character that was manifested in his discharge of every duty, and the spotless integrity of his life, entitle him to some permanent and substantial acknowledgment of his public and private virtues which shall also be an evidence to posterity of the affectionate regard in which he was and still is held by his countrymen. In order that his name and services may be appropriately commemorated, and the esteem in which he was personally held may have an opportunity for its expression, an association has been organized and incorporated under the name of the Hendricks Monument Association, which has for its object the erection of a monument to his memory. Its officers and members, of both political parties, invite the co-operation not only of those who approved the means whereby he sought the good of his country, but equally of those who sought it in other ways, and through different methods and instrumentalities labored for a common end. They invite the co-operation of every lover of personal and official probity, of every acquaintance, admirer and friend of the illustrious dead."

The movement was in every direction received with conspicuous favor, and the press of the country gave its encouragement without stint, the following extract from the *Philadelphia Times* of February 5th last, indicating the character of the feeling entertained :

"The movement for a national monument to the late Vice President Hendricks seems to be one of the most spontaneous of modern popular efforts. It is limited to no section; it is confined to no political party. * * The centers of wealth can rear their own monuments to whom they will; but Mr. Hendricks neither merits, nor can his memory command, such homage. There can be no fitting tribute to such a man except by the spontaneous action of the people, and North and South, East and West. Rich and poor, should join in erecting an imposing monument in the heart

of the Great West, as a tribute to honest, patriotic and faithful statesmanship."

The work in hand was prosecuted vigorously. A local committee was designated for every county in Indiana, and co-operation became general not only in the State but elsewhere. The leading cities of the West appointed committees from among their most substantial residents, and in the East, Washington, Philadelphia, New York and Boston indicated their wish to participate in the laudable work. Arrangements were promptly made whereby the mites of the people could be secured, and subscription sheets were within a few weeks to be found in every neighborhood in the Union. The returns from these have thus far been most gratifying, and the fund raised in hand represents in greater or less degree every quarter of our common country. The responses from the cities have been less prompt, and delayed by local disturbances and demands; but it is hoped that when they are finally heard from, the sum available will be all that may prove necessary to secure the full success of the movement. The Executive Committee feel that they should have at least twenty-five thousand dollars in hand before proceeding with the selection of designs, and it is hoped that the fund ultimately raised will largely exceed that sum.

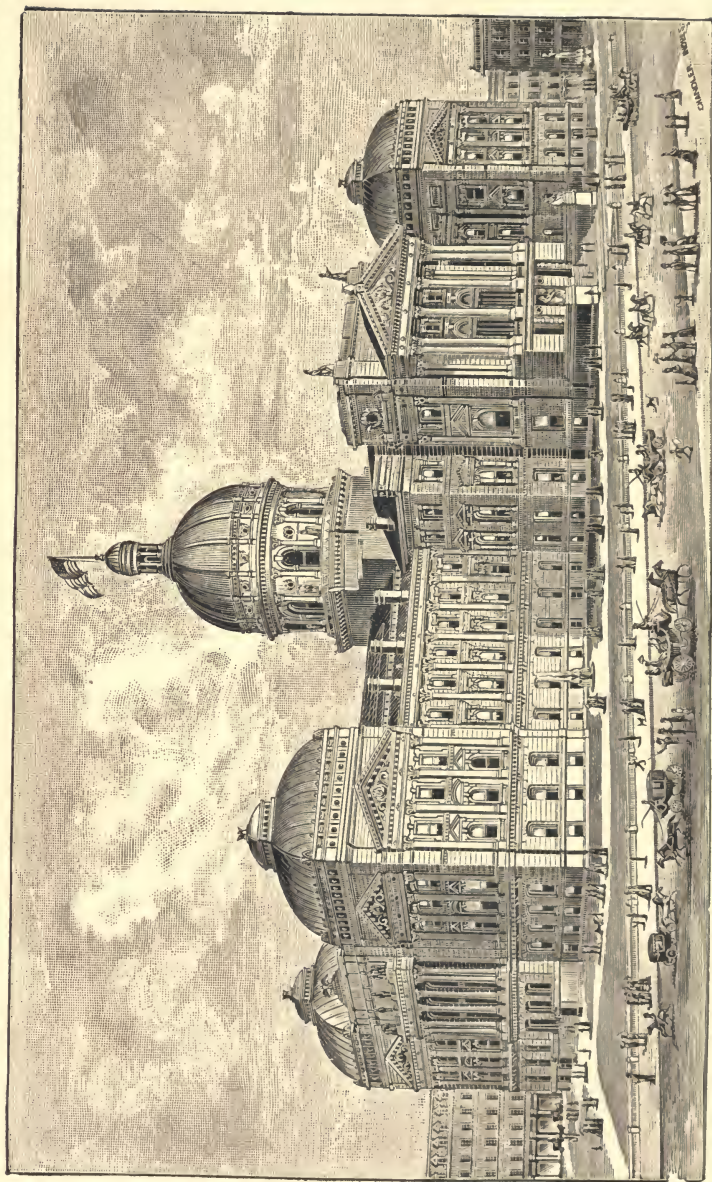
As the fund is still in process of accumulation, the character of the monument has not yet been considered, although it is probable that it will embrace a statue of the Vice President of heroic size, with appropriate bas-relief. The site, for similar reasons, has not been chosen, but it is required to be within the city of Indianapolis. Various locations have been suggested, but it is understood that the State House grounds, University Park and Governors' Circle have been chiefly thought of in this connection.

From what has been said it will be seen that the movement for a monument of appropriate character is being earnestly prosecuted, and is in the hands of citizens of energy and character. A successful issue of the undertaking may be confidently expected, and the day is not distant when a grateful people will look with satisfaction upon a memorial worthy the fame and virtues of Thomas A. Hendricks.

Selected Speeches and Writings

Doch werdet ihr nie Herz zu Herzen schaffen,
Wenn es euch nicht von Herzen geht.

—G o e t h e.



INDIANA STATE HOUSE.

SELECTED SPEECHES AND WRITINGS.

I. ON BANKS AND BANKING.

SPEECH IN THE INDIANA CONSTITUTIONAL CONVENTION.

Masonic Temple, Indianapolis, January 7, 1850.

It is not necessary for me to detain the Convention by giving my opinion on the general subject of banking, though before discussing to any extent the systems of banking proposed I will say that I indorse the sentiments of the gentleman from Monroe as abstract truths. The whole system of paper money is a tax upon labor, produce and commerce. The man who by his labor causes the earth to produce, and the man who by his labor make those products more useful to man, may be termed a public benefactor. He adds to the wealth of the world. But can you say the same of a man who issues a bank bill?

Upon every dollar of paper money that is in circulation, labor and commerce pay six per cent. per annum, amounting in the course of about sixteen years to a sum equal to the whole paper currency—an annual tax upon labor and commerce of one-sixteenth of their proceeds, paid to a class who produce nothing, only for the use of a paper currency. This is not so direct, but it is none the less an imposition, an artificial burthen upon the producing classes, than the system of tithes in England.

I have no doubt that the time will yet come when the

world will look back upon the system of paper currency as a monstrous imposition and strange delusion, as we now look back upon the efforts of the tyrants of the East and the monarchs of England to increase the wealth of their empires and kingdoms by debasing the coin.

But when the question is propounded in Indiana whether we shall have banks or no banks, other and different considerations should govern us. We are surrounded by States which have banks of every description, good, bad and indifferent, some of them based upon specie, some upon mortgages, and others upon stocks of States or the United States; and if we have no banks of our own we must look to the banks of other States to furnish us our currency. If we have banks of our own, we can know something about them. Our State officers would have the right to inspect their affairs, and the people could know their condition.

Again, the business of banking is profitable; and if we are to have paper money in our midst, is it not right that our own citizens should have the profit of the business? Suppose that we use six millions of dollars in the State; there is made upon that an annual profit of nearly \$360,000. Then, sir, are we to rely upon other States to furnish this currency? Must we depend upon Ohio, New York, Kentucky and Michigan? Shall we pay per annum to these four States the sum of \$360,000 for the use of their paper money? If paper money is nothing, and if for the use of this nothing, compelled by the custom of trade, we have to pay a percentage, would we not better pay it to our own citizens and retain the per cent. within our borders, as a part of our currency? Gentlemen say "no bank." Let them go further and propound the question of no paper money distinctly before us. If the question is "no bank" and no bank money, let them state it to the Convention. The proposition of the gentleman from Wells, supported by the gentleman from Allen (Mr. Borden), only went half

way. They propose that there shall be no banking in this State; but one-half of our present paper currency comes from other States. And will the gentlemen put their mark right here, and say that in Indiana we shall have no paper currency either issued within the State or coming from abroad, and that such currency shall not be circulated here? Let them propose such a section as this—"the Legislature shall not establish any bank in the State, but by penal laws prevent the circulation in this State of the money of banks or other States." How would that leave us? Four-fifths of our currency is paper, and if that be suddenly withdrawn, we would be left with but one-fifth our present currency; the price of all the property in the State would be reduced to one-fifth of its present amount, and the wages of the laborer would be reduced in the same proportion. Sir, by reducing the currency, the farm that now has a market value of one thousand dollars would be reduced to two hundred and fifty dollars, and the laborer who now gets one dollar per day would get but twenty cents. And, sir, while labor and property would be so reduced in price within our State, the price of everything which we would require from without the State would remain unchanged, being measured by the foreign standard of value; and we would continue in this condition, until the holders of gold and silver from abroad, induced by the cheapness of our property, should come and purchase it at its reduced price and so bring money into the State.

If gentlemen desire to bring about this result, let them take that stand, and not simply say that we shall have no currency of our own, but go further and say that no bank bills shall circulate as money in the State.

But, sir, my own opinions in reference to banking would not govern me if I knew that they differed from the opinions of those whom I represent. I propose to offer an amendment to the original section—an amendment which

does not contain all the necessary restrictions upon banking, but only such as should be secured by constitutional provision, and which I think expresses the views of my constituents upon the subject of banking. It is as follows :

The business of issuing bills or notes as money shall not be allowed unless the same be provided by law, containing the following provisions :

1. The branches of any bank that may be established shall be mutually responsible for each other's liabilities upon bills and notes issued as money.

2. The General Assembly shall retain the right of establishing such additional branches, under the provisions of such law, at such times and places as the business of the country may require.

3. The General Assembly shall retain the power of limiting the issues of any bank established in the State.

4. The State shall not be a stockholder, partner or depositor in any bank or branch.

5. Each stockholder in any branch shall be responsible for the liabilities thereof incurred while he continued a stockholder therein, in the proportion that his stock bears to the whole stock of the branch.

6. A suspension of specie payments shall work a forfeiture of the charter of the bank or branch so suspending.

7. No bank or branch shall, either directly or indirectly, charge or receive any more interest upon moneys loaned than the law for the time being shall allow individuals to charge or receive.

8. No notes or bills shall be issued as money except on a specie basis, which shall be paid in by the stockholders before any issues are made."

This proposes that there should be but one system of banks in the State. It first proposes that the branches of the bank shall be mutually responsible, not for all the debts of the bank, but only for the issues of each other.

That provision is equitable and right. I have thought it right to give to the Legislature the power to establish such additional branches as the requirements of the country may demand. It is not right to make one branch responsible for the deposit business or the exchange business of another, because this part of the business can not be regulated and controlled by the board of directors representing all the branches, and is not necessarily regulated by law. It is the business of issuing paper money that we want to regulate. The business of deposits is a mere confidence or contract between the depositor and the banker. One branch could have no control over the deposit or exchange business of another, but a board of directors representing the whole could have the charge and control over the circulation; and it is right that all branches should be responsible for the issues of each branch so far as they could be controlled by the whole. But it would not be right to make them responsible beyond their power to control if we allow the Legislature to create additional branches without their consent. This plan proposes a specie basis, and the provisions by which the note holder is made secure are, first, the responsibility of each branch for the notes issued by the others. By this provision the whole bank is made responsible for the issues of each branch; and it is thus made the interest of the bank to sustain itself and its several branches. This amendment makes the stockholders in each branch responsible for the liabilities of the branches, and all the branches mutually responsible.

I know of no question of greater importance that can come before this convention than the one now occupying its attention. Its decision may not be important to that class of traders who deal in money. They make their profits out of the difference in the value of money at different places, and the changes and fluctuations in its value at different times. And of the greatest monetary

derangements and revolutions they make their largest profits. They are wreckers to whom float the fragments of the broken fortunes of ruined men in such times as these. But it is widely different in the commercial and industrial pursuits of the country. Their prosperity to a great extent depends upon the stability and permanency of the currency, the standard by which the labor, contracts and property of the country are measured. If the currency be extended beyond the requirements of trade and commerce, labor and property acquire thereby an artificial value, trade is stimulated to an unnatural degree, and a reckless spirit of speculation obtains, and an excessive overtrading soon involves the traders and the country in embarrassments from which relief can be found only in commercial revolution and universal bankruptcy.

But, sir, if the currency be not proportioned to the property and business of the country, which it is intended to represent, labor does not find employment nor an adequate reward, and produce finds no market. The importance of this question is greatly increasing in this State. Our resources are being rapidly developed, and the facilities for getting our surplus produce to market are rapidly increasing; and if a good currency be furnished to Indiana, wealth and prosperity will as surely reward the labors of our great producing class as that the rain and sunshine fall upon the earth.

I desire here, Mr. President, to notice some objections that have been urged to a State bank. I am not the advocate of a State bank as defined by the gentleman from Monroe [Mr. Foster], nor would I support a bank constituted just as our present bank is. I am not in favor of any institution of the sort in which the State shall be a partner. I desire no connection in interest of State and banks.

It is said, Mr. President, that a State bank may and will have its favorites. Admit it. Does any gentleman

believe that if a system of free banking were adopted those having capital to invest in such banking would not also have their favorites? Under that system, one very wealthy man by his bank might control the currency of a whole section, and decide who should and who should not have money for the purposes of trade. It is different, however, with a State bank. A board of directors, a number of men selected by the stockholders, control the issues, and decide whose note shall be discounted and who shall have the money.

Mr. President, I will not disguise the fact that our State bank has favored one interest in the country to a greater extent than others. She has loaned her money to the farmers of the country to enable them to buy and feed stock, and to the produce and stock dealers to enable them to buy the grain, the hogs and the cattle of the country, instead of loaning it to merchants and speculators. By this policy she has kept her money out upon short loans, and upon certain time, but has incurred the violent opposition of those who would like to be her favorites—merchants who would desire to do business upon a borrowed capital, and speculators.

Sir, while I admit that the present bank has favored this interest, I say that the objection of favoritism of particular individuals will apply with greater force to the free banking system than to a system of branches mutually responsible and controlled by a board of directors.

Gentlemen have objected that the State Bank has been in the habit of charging more than the lawful interest on money by doing its business through the medium of bills of exchange. Now I ask if this objection may not equally be made to the system of free banking? And whether it is not as easy to prevent the abuse of power on the part of a State Bank as on the part of independent banks?

Again, sir, it is objected that the State Bank is a monopoly. I agree with gentlemen who have spoken upon

this subject, that all banks are to a certain extent monopolies; and the question for us to consider is, which is the greater monopoly? If we are to establish banking at all, we ought to establish such a system as will answer the purposes of the country and be the least obnoxious to the charge of being a monopoly. The honorable Chairman of the Committee on Banking told us the other day that the paper currency of this State is between six and seven millions of dollars. One proposition is that this six millions of dollars shall be furnished by a combination of branches mutually responsible, and the other that it shall be furnished by independent, irresponsible banks based upon stocks. Now, sir, that system is the least of a monopoly, the benefit of which can be enjoyed by the greatest number of the citizens. Gentlemen object to mortgages of land being made a basis for banking, and in this I agree with them, that it would not be a sufficient basis, and that it would be very unfortunate so to encumber the freeholds of the country. Stocks, or State indebtedness, is then the only basis proposed. These stocks are not held by citizens of the State of Indiana, but by New York and foreign bankers and stock jobbers. The bonds of the State of Indiana are one thousand dollars each, and as soon as they are made a basis for banking they become worth in the market the full amount for which they are drawn.

To procure such a basis for banking, a citizen of this State must have at least one thousand dollars; and the man who may have twenty-five or fifty dollars unemployed is by this system deprived of the privilege of banking, not being able to buy a single bond as a basis. Thus none but the wealthy capitalist can be a banker. But, sir, if our own citizens become bankers under this system, how is the currency affected? To procure the bonds to bank upon, they must take from our circulation an amount equal to the value of the bonds, and upon these

bonds they issue bank bills equal to their value. By this process the currency is not increased, but a very inferior one supplied. In addition to this, the banker would require in his vaults an amount of gold and silver for the purpose of redeeming his bills when presented, equal to one-third of his circulation. If citizens of this State buy bonds as a basis for banking, and issue dollar for dollar, our currency will be reduced one-third. Sir, this can never be our system of banking; our citizens can never avail themselves of its advantages. It is a monopoly, a monstrous monopoly, in favor of bankers, brokers and sharpers of New York, London and Amsterdam.

But in a State Bank, based upon specie, with branches mutually responsible, the stock may be divided into shares of twenty-five or fifty dollars, so that all classes of the community may invest their money in stock and enjoy the profits thereof. And upon the establishment of a branch in any county, the farmer, the mechanic, or the day laborer having fifty, a hundred or a thousand dollars unemployed, may take stock as he may desire.

The gentleman from Tippecanoe [Mr. Pettit] said that he desired to see all citizens placed upon an equality, with the same right and privileges. Let us examine the gentleman's position. He is in favor of independent banks, based upon stocks, endorsing the plan advocated by the gentleman from Cass [Mr. Biddle].

Indiana will have in the year 1857, when our present bank charter expires, between five and six millions of bonds outstanding, which are to be made the basis of the proposed system of free banking. Under the present law they will bear five per cent.; but gentlemen say that they shall be duplicated by the issue of paper to their full amount in value, and thus they cease to be five per cent. and become eleven per cent. bonds. The capitalist who wishes to make a permanent investment of his money could not make a better investment than in these eleven

per cent. bonds; and of course these bonds will not be in market, but will be used by the holders for banking upon.

MR. BIDDLE—If the gentleman from Shelby alludes to me, he is mistaken. I do not propose that bills shall draw interest.

MR. HENDRICKS—But if a banker loans his bills, he will take from the borrower a note which will draw six per cent. interest, which, with five per cent. he will receive from the State, will make eleven per cent. Then I ask the gentleman from Tippecanoe where is the monopoly? Under this free banking system, our citizens are cut out from all privileges of banking, while the foreign bankers or bond holders or sharpers may come here and do all our banking business, enjoying the monopoly and receiving all of its profits.

Now, sir, if we have a currency of six millions in this State, what is the profit upon it? At six per cent. it will be \$360,000. This sum under a State Bank would go to our own citizens, while under the free bank system it must necessarily go to those foreigners who happen to hold our bonds. Mr. President, do gentlemen desire such a result as this? Do they wish to build up such a monopoly in Indiana?—a monopoly not in favor of our own citizens, but of foreign capitalists? Sir, many of these bonds were bought up at from 18 to 30 cents on the dollar, by the present holders. A few years since they sent an agent to our Legislature, who made a bargain by which he got for them the Wabash and Erie Canal for the one-half, and bonds for the residue soon to draw five per cent. He thought he made a good bargain for the bond holders, a bargain which they have since accepted. That same distinguished agent is now in this city; and if this Convention should make these bonds a basis for banking, and thus raise the interest upon them from five to eleven per cent., it would be the best bargain which the bond

holders have made off the State yet. Whether this distinguished agent has any connection with this free banking system, I do not know; but—

MR. COOKERLY (interposing)—If the gentleman from Shelby will allow me, I would inform him that Mr. Butler has been in the city every winter, for the purpose of making his report.

MR. HENDRICKS—Yes; but Mr. Butler came very early this year; in good time, no doubt, to do all his business.

MR. COOKERLY—No, sir.

THE PRESIDENT—Order. The gentleman from Shelby has the floor.

MR. HENDRICKS—I do not propose, Mr. President, to follow this argument any further in regard to the question of which system is the greater monopoly. I thought I would answer the very patriotic remarks of the gentleman from Tippecanoe. He proposes that all our citizens shall stand upon the same platform of political equality. Very well. So far as our citizens are concerned with the free banking system, they would stand upon an equality; but a good deal above them in point of privilege, would stand the banker of New York or London or Amsterdam.

But, sir, gentlemen say that this free banking system is the only safe one for the bill holder. Now, I deny that this system makes the bill holder safe, much less the depositor. No plan that has yet been proposed secures the depositor. The gentleman from Posey [Mr. Owen] adopted precisely the plan of the gentleman from Laporte. They propose to issue dollar for dollar in value of the stocks deposited. Then, sir, let me ask what security has the depositor? None, sir, except the solvency of the banker himself. Upon what, then, does the security of the bill holder rest? Upon two things. First, that the Auditor of State, to whom is confided the whole banking business of the State, should be a faithful public servant.

Sir, I do not believe much in the doctrine of bribery, as preached so frequently. I never like to hear much said of it in deliberative bodies elsewhere, and much less in the State of Indiana. But the gentleman [Mr. Owen] said that, when the State Bank comes to the Legislature with her five millions of dollars, a greater power would be exercised than if a steel clad army were surrounding our halls of legislation. Then, sir, according to the same argument, the bond holders of the East may come here with the power of six millions of dollars. With this power of gold, they may approach the Auditor of State, who is but one frail, feeble man, and demand of him that he shall cover up their frauds—that he shall issue more than dollar for dollar upon their stocks—that he shall not register all the bills that are issued; and if five millions of dollars in the hands of the State Bank would be enough to corrupt the Legislature of the State, I ask what would be the influence of six millions upon one man? You say, then, that we are to trust to the fidelity of one man for the safety of our currency. Now, sir, in the second place, you have not only to trust to the fidelity of one man—a sworn officer, it is true—instead of the whole Legislature, but you have also to trust that the bonds shall not depreciate in the market.

THE PRESIDENT—The chair must inform the gentleman from Shelby that his half hour has expired.

On motion, the rule was suspended.

MR. HENDRICKS—Then, Mr. President, I assert in the second place that, upon the stability of bonds in the market would depend the security of the whole currency of the State of Indiana. Now, what sort of a basis is this to rest upon? Shall we turn back, for the last fifteen years, and judge of the future by the past? The gentleman from Cass [Mr. Biddle] said that these bonds were predicated upon the wealth and labor of all the people of the State. Sir, let me ask, was not that equally the

case eight or ten years ago as it is now? And yet our bonds, depending upon the labor and wealth of the State of Indiana, fell in the market to eighteen cents on the dollar; and for what reasons? We all know, sir, that reasons can be given now, it being past, though they could not be given before; and if we may judge of the future by the past, the same thing may happen again; for there is no property more fluctuating in the market than these stocks; and yet this fluctuating security is to be made the basis of that which ought to be the most stable of all things in the country—the currency. And yet, in opposition to past experience, gentlemen say that banks based on such security can not fail—that the bill holder is necessarily secure. Now, what is the theory of this system? Why, sir, it is nothing more or less than making debt the basis of debt. Because the State in its corporate capacity owes a debt, therefore this debt may be made the basis of other debts innumerable. We are to judge of the future by the past, and what is it? Out of a hundred and thirty-nine banks established upon this system in New York, how many have failed and what have they paid? Fifty-one of them have failed, more than thirty-five per cent., in the short period of ten years, and that, too, without any commercial crisis. It is no wonder, then, that the State Bank had to close her doors in 1837, '8 and '9. The banks of other States refused to meet the demands which our bank had upon them, and in this ruinous crisis, which involved all the banks of the Union, ours also closed. But has she ever closed or failed to pay a dollar when there was no crisis? No, sir. Then I say, sir, that in times when there was no crisis over thirty-five per cent. of the banks founded on the system which is advocated here have failed, as shown by the authority read this morning by the gentleman from Vanderburg (Mr. Lockhart); and yet gentlemen say that the experiment has been triumphant. Sir, if this is accounted a triumph,

I do not know what can be regarded as a failure. The gentleman from Posey (Mr. Owen) told us the system had "failed."

A VOICE—No, sir.

MR. HENDRICKS—Yes, sir; he used the word "failed." He said that the failure of the free banking system in the State of New York was owing to two circumstances: First, that real estate was made the basis; and secondly, that the State bonds, other than those of the State of New York, had also been made the basis of banking.

MR. OWEN—If the gentleman from Shelby will allow me to interrupt him for a moment I will explain what I said. What I said was, that an objection which I had to the New York system was, that mortgages on real estate were taken as security. I spoke nothing of failure.

MR. HENDRICKS—All right; I suppose that if the gentleman had reflected for a moment he would not have used the word. But the gentleman, among other causes, attributes the thirty-five failures to the fact that their currency was based upon bonds other than those of the State of New York. Now, let us examine this matter for a moment. Suppose that they had had United States bonds or bonds of the State of New York as a basis when the run was made upon them, could they have made these bonds available for the redemption of their notes? No, sir; this fund is only available after the failure. When the banker has failed to redeem his notes then this dead fund in the hands of the comptroller may be made available. But let us examine this matter a little further. By the report of the Comptroller of the State of New York (Mr. Fillmore), in 1848, we find that of the ten millions invested as a basis for banking, seven millions six hundred and twenty-seven thousand dollars of it was in stocks of the State of New York—a pretty fair proportion of what the gentleman from Posey (Mr. Owen) claims as a good basis. Of United States and other

stocks there was one million five hundred thousand dollars, and of real estate about one million five hundred and fourteen thousand dollars; and yet the gentleman from Posey attributes the failure mainly to the fact of having this small proportion of their securities in real estate. Sir, the great basis of banking in New York upon this system has been upon the bonds of that State.

But I wish to call the attention of the Convention to one other circumstance. Free banking was established—that is, the law providing for it was passed—in the State of New York in the year 1838. Immediately it was followed by a fall in the market value of State stocks; and from the year 1839 to 1844 most of the free banks were established in New York. The stocks were appraised, and on their appraised value they were made the basis of banking. Then, sir, we have these banks established at a time when stocks are very low in the market. The issues are made upon this basis; the bonds rise in the market; and yet, when the banks fail, and the system has been tested by putting up these bonds at forced sale, they failed to realize more than seventy-six cents on the dollar, according to the authority read by the gentleman from Vanderburg (Mr. Lockhart).

Now I ask, gentlemen, to consider this: Suppose, when everything is prosperous and currency plenty, and stocks high in market, and at this high rate they are made the basis of banking; that a crisis should come upon the country, money be scarce, and stocks fall; what will be the result? Certain insolvency. If they fail in the fair weather, what will they do in the storm? If the appraisement be made when stocks are high, and the issues are made upon that appraisement, and a crisis comes upon the country, and these stocks are put into market when they are not in demand, and money is scarce, and all the funds of the country are required to carry on the ordinary business of the country; I ask gentlemen to

answer me, under all these circumstances (which every one will admit may happen) what will be the return to the bill holder? If the appraisement is made when stocks are low, and but seventy-six cents on the dollar are realized upon them; what will be the result when the stocks are appraised at their highest value, and then forced into market when a commercial crisis has reduced them to a value almost nominal? There can be but one result. In all probability the security would not be worth twenty cents on the dollar. What then is to sustain this banking system? What strength has it? Gentlemen go upon the hypothesis that if you secure the bill holder it is all the Government ought to do. Sir, I contend that is not one-half of the duty of the Government. Who suffers when a bank fails? Who loses when there is a derangement in the currency? Not the bill holder alone, but everyone interested in labor and produce and commerce. The whole internal interests of the country are involved in such a crisis; and yet gentlemen say that it is enough to secure the bill holder. In the crisis of 1837, who suffered the most? The men who held the bills? No, sir; their loss was not a tithe of the loss that the country sustained. The loss is in having the labor, the commerce, and the business of the whole country deranged, paralyzed; leaving labor without employment, and produce without a market. There, sir, is the loss, and not merely to the man who happens to hold a few of the notes of a failing bank.

Then, sir, I say that the security of the bill holder is not sufficient. Suppose that you establish a free banking system, and make as a basis ten millions of stocks; and that in the course of ten years thirty-five per cent. of the banks fail as they did in New York, and that their currency is unexpectedly withdrawn from the country? What is the result? Why, sir, the price of labor must come down thirty-three per cent.; and the produce of labor must fall

in like proportion ; and all the property of the country must suffer a similar depreciation in value. And so it will ever be if we rely upon this system for our internal currency. But what is there in this free banking system to make it safe? It is not sufficient that there is a dead capital in the hands of the officer of State to redeem the notes available only after a failure. How is the bank to sustain itself in a crisis? For it is important that the bank should not break when money is particularly needed. Where then is its strength? The gentleman from Posey [Mr. Owen] proposes an active banking capital of twenty-five or thirty-three per cent., and all the rest is to be dead capital. Now, sir, I say, that all experience has proven, that no single bank, even with a basis of thirty-three per cent. for their issues can stand. It is impossible. But a system of banks with branches in different sections of the country, each liable for the issues of the other, and sustaining each other, may stand during a crisis, with a specie basis of one-third of the amount of their issues ; but one single bank can not sustain itself with the same means. When a crisis comes, or an opposing bank, whose interest it may be to break down a single bank, brings in a large amount of notes to be redeemed, where is the money to redeem them? On the other hand, with our present system it is the interest of each of the branches to sustain the other ; and in that is the safety of the State Bank of Indiana.

Gentlemen talk of competition in banking ; but what will that produce? I am in favor of free trade ; I say let trade and labor go as free as the winds of heaven ; but when you come to banking a different principle must prevail. Competition in trade reduces prices and increases amounts.

What then must be the effect of competition in banking? Free trade in the business of making paper money?

It is to encourage over-issues, which must soon be followed by a depreciation in the currency, revulsion, failures and bankruptcies. The bankers become competitors for the business, to secure which, they will loan upon long time and uncertain security to men to pay old debts—to merchants to do a permanent retail business upon borrowed capital—to speculators in uncertain adventures. A system which, in the end, must be fatal to the banks. This policy the State Bank will not adopt, and for this reason she is bitterly opposed by the traders and speculators in the towns and cities, and a demand is made for free banks, while no complaint is made against this system by the agricultural interest. Gentlemen demand a system of independent, opposing, competing banks, which would be constantly engaged in warfare, striving to break one another. Sir, when a system of banks is once established, and their paper is in circulation, it is important to labor and commerce that they should not fail, but be sustained. Is it not, then, better to have banks mutually responsible, interested in sustaining one another, with a safe circulation, in such amount as the country requires, without a struggle and competition between the banks? Mr. President, I thought it remarkable that the gentleman from Cass [Mr. Biddle], who is usually so clear and logical, should advocate a system, the friends of which claim as its great advantage and excellence, that it will increase the circulation and make the banks competitors for business.

Mr. President, I will detain the convention only to present one more objection which I have to this system of banking, based upon State debt, called the free banking system. We have abandoned the policy of the State engaging in works of internal improvement. This is certainly wise in us. But, sir, I think we are very likely to run to the other extreme, of individual enterprise. Our State is being crossed in every direction by railroads,

plank roads and canals ; but our towns, cities, counties and citizens are becoming deeply indebted to the companies that are constructing these works ; and these companies, by their bonds, issued much below their face, convertible into stock, are fast falling under the control and management of eastern and foreign capitalists. The Wabash and Erie Canal, the Madison and Indianapolis Railroad (our great public works), and many of our smaller roads are now controlled by foreign capitalists.

Sir, it will not be long until men beyond the limits of the State will have it in their power to tax the whole produce of the State, on its way to market, as may suit their interest. Now, sir, if in addition to this power, we make the bonds which they hold upon us a basis for banking, and thereby give them a monopoly of the banking in the State, we give them a control of our currency which they may expand and contract at their pleasure, and thereby control the price of all property, and produce and labor in the State. With such controlling power over our commerce and currency, could our trade be free, our legislation independent? Indiana would become dependent upon, and tributary to, the moneyed lords of the East. As much so, sir, as if they had the right to send their tax gatherers amongst us every year. I would rather see our beloved State progress more slowly and retain her independence (and I use that word in its fullest sense), than, for any gain, to become the subject of a foreign power. Sir, no slavery is more abject than the servitude which wealth demands of her subjects.

II. THE PUBLIC LANDS.

SPEECH TO THE HOUSE OF REPRESENTATIVES IN COMMITTEE OF THE WHOLE,

Chamber of the House, Washington, April 27, 1852.

Mr. Chairman: There are two measures now before the committee in which the West has a special interest; and as I represent a portion of that great and growing section, I will occupy the attention of the committee while I present my views in relation to them. I refer, sir, to that class of bills which propose to give the right of way over the public lands, and to donate to several of the Western States, to aid them in the construction of important lines of railroad, the alternate sections of the public lands lying within six miles of the proposed roads on either side; and the bill (which is now the special order) which proposes to give to the actual settler who is the head of a family, one hundred and sixty acres of the unappropriated public lands.

The latter bill, Mr. Chairman, is objected to, as unequal and unjust in giving to a portion of the people that which belongs to all; and to avoid this objection I desire to see it amended; and, if it be in order, I will, before taking my seat, move that it be reported to the House with a recommendation that it be recommitted to the Committee on Public Lands, with instructions to report in its stead a bill securing to all persons who settle upon the unappropriated public lands in good faith, for their own exclusive use and benefit, the right to enter one hundred and sixty acres thereof at the cost price to the Government.

This measure of reducing the price of the public lands to actual settlers to the sum they cost the Government, and the measures to which I have alluded, of donating to the new States portions of the public lands to aid them in the construction of railroads of general importance, I

propose to discuss. And, sir, I desire to present them in connection, as they form together a policy which will secure the early settlement and improvement of the unoccupied lands of the West. In this result, Mr. Chairman, I have intimated that the West has a special, paramount interest. But, sir, with the West every other section of the country and all the leading interests of every section would be greatly benefited and promoted.

It has been said that these measures are antagonistic; that securing lands to settlers upon such easy terms would greatly impair if not defeat the purposes of the grants to the railroads. And I believe that some of the friends of the railroad grants oppose the other measure upon this ground. Sir, these measures should go together. They will sustain and strengthen each other. The policy of stimulating immigration and encouraging dense settlements in the interior of a new country, without providing any means of transporting their produce to market, would be scarcely less wise than that of constructing railroads into an unoccupied region without, at the same time encouraging the speedy settlement, improvement and cultivation of the surrounding country.

But before alluding to the considerations in favor of the policy, I will notice the positions assumed by some of the gentlemen who oppose it. The gentleman from Maine [Mr. Fuller] and the gentleman from Virginia [Mr. Averett] deny the constitutional power of Congress to donate the public lands to the States for internal improvement purposes, or to individuals for the purposes of settlement and improvement.

“Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States.”

The mode of disposing of the public lands is not here pointed out, but is left to the discretion of Congress. Any disposition of the lands by Congress, whether for an ad-

equated, an inadequate, or for no consideration whatever, would seem to be within the letter of this clause. But, sir, I need not stand behind so *literal* a construction of this provision. Leaving the letter and looking only to the spirit of the clause, I ask in what manner may Congress dispose of the lands? I am answered by sale; the proceeds going into the common treasury. Then, I ask, may not Congress do in respect to the lands whatever is necessary or useful in bringing them into market and securing an early and profitable sale thereof? This is not called in question, and upon this principle is based nearly all the legislation of Congress in relation to the public lands.

The gentleman from Virginia asks, where is the power of Congress to educate the children, provide for the poor, or cure the insane? I freely answer there is no such power given, and as an object sought for itself, and not as incidental to something else, neither education nor charity may be provided for by the Federal Government. But if, in the administration of the public lands, these enterprises become necessary or useful, either to bring the lands into market or to secure a speedy sale of the less valuable portions by making them more desirable to the purchaser and settler, then may Congress lend her aid to these purposes. And under this right, from the earliest time, has Congress made donations of the public lands for schools, for seminaries of learning, for charitable institutions, and for roads and canals.

Further, sir, in the wise administration of the public domain, under the provision of the Constitution which I have mentioned, Congress has exercised the highest power which any government may possess, the power of organizing governments in the Territories. These measures on the part of the General Government were not less wise than they were just and right. Thereby the country was assured of the early establishment of schools and

of law and order in the new countries ; and thus men were induced to leave the too populous portions of the country to find society and wealth in the new sections ; and under this policy the great agricultural resources of the West have been thus far developed.

Mr. Chairman, I will not weary the committee by a further detail of this legislation. Commencing with Washington's administration and closing with the laws granting lands to settlers in Oregon and Minnesota, I might multiply the precedents upon the gentlemen almost beyond number. The laws of this class are so numerous in every Administration that they are as footprints along the pathway of the country's history. I will leave this branch of the subject by saying that the constitutionality of this class of legislation is sustained by every mode which we regard as authoritative.

Mr. Chairman, opposition is made to these measures upon the ground, as charged, that they are unequal and unjust, and in violation of that trust, under which the General Government holds the lands which were ceded by the States. And to sustain this position, gentlemen refer to the several deeds by which the lands east of the Mississippi and north of the Floridas were ceded to the United States, in which were provisions that the lands were for the common use and benefit of all the States. And much stress is placed upon the language found in the Virginia and North Carolina deeds of cession, that the lands ceded should be considered as a common fund for the use and benefit of the United States, "according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose," etc. This language was first used in the Virginia deed, which was made while the States were held together under the "Articles of Confederation," and to be properly understood must be taken in relation to the mode of assessing and imposing the "general

charge " upon the several States. Under the Articles of Confederation, the revenues of the General Government were not collected directly from individuals, but were assessed upon the several States, in their proportions, and each State collected its proportion, and paid it into the common treasury. To this charge upon the several States, the Virginia deed refers. But under our present revenue system, the States are not thus charged, but the revenues are collected from individuals, by a tax upon that which they purchase from abroad. And under the Constitution this peculiar phraseology of the Virginia and North Carolina deeds can have no practical meaning and effect, unless, perhaps, in the event of a resort to a "capitation or other direct tax," which (under the Constitution) would be laid in proportion to the census or enumeration.

For what purpose, then, sir, were these lands conveyed to the United States? The gentleman from Maine says it was not to pay any debt. Sir, I do not insist that it was for that purpose only. I repudiate the whole of the doctrine that these lands were held by the Government, in trust, to pay the public debt, and after that for the benefit of the several States; and out of which grew the whole of the land distribution policy. But the whole transaction by which these lands were acquired by the United States and the pledge of them to our creditors in 1790, show that the great consideration and inducement on the part of the States, in their surrender, was to provide for the exigencies of the country during the war, and to discharge the public debt afterwards. And, sir, after these ends were accomplished, the Federal Government held these lands, not specially in trust, but as she holds all her other property, to be disposed of by her, as the representative of the people, for the public good. And, sir, it is upon this very doctrine of the public good, that I advocate a reduction of the price of the public lands to the settlers. Now that the debts of the Revolu-

tion and of the War of 1812 have been discharged, I deny that Congress may rightfully speculate in the lands of the settlers. It is not for the public good. In his message of 1832, President Jackson says :

“ Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution, it was recommended by Congress that a portion of the waste lands owned by the States, should be ceded to the United States for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time, the States of Massachusetts, Connecticut, New York, Virginia, North and South Carolina, and Georgia granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is the discretion of Congress to dispose of them in such a way as best to conduce to the quiet, harmony and general interest of the American people.”

Again in the same message he says :

“ It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, *and that* they shall be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expenses of the present system and the cost arising under our Indian compacts.”

If these lands are held under so strict a trust, and may not be diverted for any purpose, as gentlemen contend, then I ask how came the numerous grants to schools, academies, and works of internal improvements at every period of the country's history? Did Washington, Jefferson, Madison, Monroe, Adams and Jackson violate a sacred trust in signing the numerous bills making the grants?

But, Mr. Chairman, lest I be misunderstood, I will say that I do not advocate and will not support all of the bills making grants of lands for railroads now before Con-

gress. Many of them I will oppose. I will only support such as I believe to be of general interest and importance, "national in their character." The bill introduced by my colleague, Mr. Davis, I will support. That bill proposes to give to the States of Indiana and Illinois, to aid in the construction of a railroad from Terre Haute, in the State of Indiana, to Springfield, in the State of Illinois, the alternate sections of the public lands for six sections in width on each side of said road. Now, sir, how can the Government, or any portion of the country, sustain any loss by this grant? Under it about 61,000 acres will be given to these States upon the condition that the railroad is constructed. But under the provision of the bill the 61,000 acres reserved by the Government are required to be sold for \$2.50 per acre; and thus, upon the construction of the road, the reserved lands will bring as much into the public treasury as the whole would have brought without the road; and, sir, no man can doubt that the lands so reserved by the Government will sell more readily at this increased price than, without the road, the whole would have sold for \$1.25 per acre? And the purchasers may well afford to give the enhanced price, for by the construction of the road the lands are rendered that much more valuable. This road will form a portion of the great lines of railroad running from the East to the West, connecting by this chain the States of Pennsylvania, Ohio, Indiana, Illinois and Missouri. When this great enterprise is completed it will be a work of national importance.

There is, sir, a provision in this bill, and I believe the same provision is found in the other railroad bills, the importance of which is, I think, overlooked. It is that when the road is completed the Government shall have the right of transporting in the cars the troops, munitions of war and army supplies of the United States, at the lowest rates paid by individuals for like services; and

that the public mails shall be transported thereon under the charge and direction of the Post Office Department, at such prices as Congress may establish. By reference to the report of the Post Master General, we find that during the last fiscal year, the transportation of the mails upon railroads throughout the United States, cost the Government about eleven and one-half cents per mile; by coaches, about five cents and three mills; by steamboats, about eight cents and three mills; and by other modes not specified, about four cents and eight mills per mile. In the State of Indiana the total annual transportation of the mails was 1,769,844 miles. Of this transportation 99,216 miles was upon railroads, at a cost of \$10,650, being about ten and three-fourths cents per mile; the remaining transportation of 1,670,628 miles, was by modes not specified, at a cost of \$77,634, about four and two-thirds cents per mile.

Mr. Chairman, it is very obvious that with but little delay, railroad companies might transport the mails with less inconvenience and at less expense than can be done by any other mode. Yet the Government is now paying them for this service at a rate of from one hundred to two hundred and fifty per cent. higher than is paid to the other contractors for the same service. This is owing to the fact that these companies can have no competitors for carrying the mail with equal speed. The right secured to Congress in this bill, of establishing fair prices for carrying the mail over the road, if secured in the roads now carrying the mails, would save annually of the Post Office revenue about \$500,000—nearly one-sixth of the entire cost of transportation of the mails in the United States, and nearly one-fourth the amount received from the sales of public lands. What, then, sir, will this right be worth, when the roads now commenced, or in contemplation, are completed, and two-thirds of the mail transportation is upon them? Sir, it would save annually

to the Government nearly as much as we receive from the lands. I have no means of estimating the annual saving to the Government likely to accrue from the provision in these bills,—that the troops, munitions of war and army supplies of the United States shall be transported on the roads at the lowest prices paid by individuals for like services,—but I will say that, if the demands of the railroad monopolies for this service are as exorbitant and unconscionable as they are for carrying the mails, then this provision can not but be valuable; and in time of war, for the speedy transportation of the army without extortion, it would be of the greatest importance.

In his report last November, the Commissioner of the General Land Office, speaking of the Western States and Territories, says :

“In those States and Territories there now remains an aggregate of more than fourteen hundred millions of acres of unsold land, abounding in all varieties of mineral wealth and fruitful in all the productions of the earth that can minister to the happiness or comfort of man.”

Fourteen hundred millions of acres! So vast is it, sir, that our minds fail to fully take in and comprehend its extent. “Fruitful in all the productions of the earth that can minister to the happiness or comfort of man,” this vast portion of the earth lies yet a wilderness. Holding these lands for the people, in what way shall the Government dispose of them? What, sir, should be its policy in reference to this great territory? Should it be liberal, encouraging its early settlement and the speedy development of its vast resources; or to secure two or three millions of dollars annually to the public Treasury, should the lands be held on to with a miser’s grasp? Sir, let them be settled, improved and cultivated, and the settlers will pay into the Treasury in the import tax upon foreign goods which they must consume, more than we are annually realizing from the sales of the lands. And what a

market will New England be called upon to supply from her shops and factories, and Pennsylvania from her furnaces, and the South with the productions of her soil; and how will our commerce be stimulated—our ships laden down with the productions of that vast country! I say to gentlemen of New England and the Atlantic States, that we all have an interest in this great enterprise.

But we are met with the sectional and selfish reply that the advantages of this liberal legislation can not be available to the people of the East. I ask, why not? Why may not the industrious and enterprising young men of your States, who have not means to secure a homestead where the land is so high, go to the West, and at the cheap rates which I propose, secure to themselves a freehold and the independent position of Western farmers?

It is true, Mr. Chairman—and I freely admit it—that in this policy the Western States have the greater interest. By bringing these wild lands into cultivation and subjecting them to State taxation, we are made richer, while you are made none the poorer. In this we take nothing from you, but will bring our wealth up out of that earth which is now idle and waste. We ask no unequal and unjust protective laws, by which you shall be taxed that we may become rich. Mr. Chairman, I will not disguise the fact that upon this question I feel and speak as a Western man; and I am bold to say that the West may now rightfully claim that a liberal, generous policy be adopted in the disposition of the public lands.

Yes, Mr. Chairman, the lands cost the Government not twenty-two cents per acre, and she sells them for \$1.25. The eighty-acre tract costs her not quite \$17.60, and she sells it for \$100; and for the quarter section, which costs her less than \$35.20, she gets \$200, making a profit of \$164.80 on every quarter section she sells to the farmers of the West. This profit not being required to meet any expenses connected with the lands goes into the Treas-

ury and forms a part of the general revenue. It is a tax, sir, to that amount upon the settlers of the West.

But, Mr. Chairman, let us prosecute this inquiry a little further. When the Indian title is extinguished, and the surveys are completed, what are the lands that are situated far out from the settlements worth to the Government? What can she get for them? Not anything, sir; not even the twenty-two cents per acre. But, as the advancing column of emigration approaches, bearing down the forests, opening farms, building up towns, constructing roads, erecting school houses and churches, organizing society, and establishing law and order, these lands are brought into market, and are rendered valuable and desirable, and then the Government may command for them the \$1.25 per acre from the hardy, enterprising, adventurous men, who lead the advanced ranks of civilization. Sir, it is the bold pioneers of the West that have given value to your lands; and when they or their sons wish to improve and cultivate a portion thereof, their Government charges them and taxes them with this very value which they have given to it. To show the profit which the General Government has made out of the sales of her lands to the people, I will refer to the sales that have been made in the State which I have the honor in part to represent. And first, sir, I will say that I have heard very much since I have taken my seat in this hall about the donations of land that have been made to the State of Indiana and other Western States; and these donations have been spoken of as if they were mere benefactions from the hand of the Government. Let us see how the account stands with Indiana.

The grants made to her for schools, colleges, etc., for roads, canals and other internal improvements, for the seat of government and for swamp lands, in the aggregate amount to 3,267,640 acres, which, at \$1.25 per acre, would amount to \$4,084,325. But, sir, for 675,915 acres

of this, amounting at \$1.25 per acre to \$844,996, granted by the law providing for her admission into the Union, Indiana surrendered the right of taxing the lands sold by the General Government for five years after the sale; a full consideration, and that grant is no donation. This leaves the Government to claim as a donation to the State only 2,591,543 acres, amounting to \$3,239,329. I have not included the three per cent. of the sales of the lands in the State, secured to her by the same law, for that was but a part of the consideration for which the State surrendered her right of taxing the lands for five years after their sale. The people of Indiana have purchased of the lands within her border 15,918,790 acres. This cost the Government not quite twenty-two cents per acre, amounting to \$2,502,133.80. For this land the Government received from the purchasers \$21,870,255.57, more than \$1.37 per acre, making a profit to the Government upon every acre of land sold to the people of Indiana \$1.15.

Mr. Chairman, after deducting the donations to the State, estimated at \$1.25 per acre, and the costs of the lands, the General Government has made a clear profit upon the lands sold to the settlers within the State of Indiana of the sum of \$16,128,793. When was a people so taxed, and who were the men who paid this enormous profit? Not men of wealth; not speculators, sir. They were bold men, energetic and enterprising; but they were generally poor men—men who, to secure a home for themselves and families, paid out the last dollar to the Government, and without means encountered the hardships of the border life; without means opened their farms, built their houses and made their roads. What a contrast in the policy toward the East, with her manufacturing establishment, and the West with her agricultural interest. The former you have protected, encouraged and stimulated, while the latter, in its infancy and

in its weakness, you have made to pay a burdensome tribute.

And, sir, where has this money that the West has paid into the treasury gone? Not in any way has it been received by the West. Not a tithe have we received back again. While our navigation and commerce are neglected, and our great national rivers are unimproved, this money that we have paid into the treasury is taken to construct your breakwaters, improve your harbors and build your light houses upon the Atlantic coast. And yet Maine, and New York, and Virginia cry, hold on to the lands; tax them, we must have revenue from them. Sir, the pioneers of the West have paid enough; let their sons have cheap lands. Give the young men of the country lands upon easy terms, and they, as independent farmers, will make you a good return of virtue, of patriotism, and of revenue.

Mr. Chairman, in this connection I will refer to the sentiments of President Jackson, expressed twenty years ago. And I do so with great pleasure, for he understood Western interest, and comprehended the importance of agriculture more thoroughly than any other statesman of our country. And if his sentiments had governed in other administrations, we would not have seen the West, in its infant struggles, so burdened by the hand of Government, while the East was protected and strengthened. He says:

“It can not be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty.”

Again, he says:

“The adventurous and hardy population of the West, besides contributing their equal share of taxation under

our important system, have, in the progress of our Government, for the lands they occupy, paid into the Treasury a large proportion of forty millions of dollars, and of the revenue received therefrom, but a small part has been expended among them."

Mr. Chairman, there is but one other consideration in favor of the reduction of the price of the public lands, which I shall now notice. It is, sir, that it will provide for the foreign emigration that is yearly landing upon our shores in greatly increased numbers. Motives of humanity as well as considerations of sound policy require that we provide cheap lands for the emigrants. Whether we desire it or not they will come. In Europe the battle for freedom seems to have been fought and lost. Despotism has settled down upon the people. All who long for liberty are looking toward our shores. Ireland is coming, and Germany is sending her children. Oppression has made them poor, and many destitute, and many with small means are landing. For their good, for our good and safety, give them cheap lands.

Sir, I am not one of those who are troubled with fears of danger to our institutions on account of the presence of a foreign population amongst us. I think that the man who leaves the land of his nativity, the associations of his youth, and the attachments of his manhood, because he admires our institutions, and longs for the liberty they secure, and makes ours the land of his choice and adoption, gives a guarantee of his fidelity to our laws and institutions. But to those who think differently, who believe there is danger in this foreign emigration, may I not address my argument?

Whence do you apprehend the danger? Under what circumstances is it most imminent? Is it not where we find them in great numbers dependent upon city labor for subsistence? But hold out inducements for them to go

out to the new country, each man to settle down upon land that is his own, and labor there for himself and his children, associating with the native farmers around him, and how soon will he become Americanized—imbued with the pervading love of country? They will then feel that they and their children have a stake and interest in the country and its institutions. In peace they will be quiet, law abiding citizens, and in war the country's cause will be their cause, and her enemies their enemies.

Mr. Chairman, I know of no object that, as philanthropists and statesmen, we can more desire than that every man who cultivates the soil shall have his own land to labor upon. But, sir, there is force in the objection to the bill under consideration that it gives the land to the settler without any price; that it is taking that which belongs to all and giving it to a part, and to avoid that objection I propose the amendment that the Government shall be paid for each piece of land what it has cost her. None can then complain of inequality or injustice. And the price, twenty-two cents per acre, is but a small impediment to the settler in getting his freehold; it is but a small impediment to the speedy settlement of the Western wilderness.

I therefore move that the bill and pending amendments be reported to the House, with a recommendation that they be recommitted to the Committee on Public Lands, with instructions to report a bill securing to the settler the right to enter a quarter section of land at the price it costs the Government.

III. THE ISSUES OF THE WAR.

SPEECH DELIVERED TO THE DEMOCRATIC STATE CONVENTION,

Metropolitan Hall, Indianapolis, January 8, 1862.

GENTLEMEN: I thank you for the honor conferred in calling upon me to preside over your deliberations.

It is pursuant to the usage of our party that this Convention of delegates, sent up from all portions of the State, is now in session. A custom, innocent in itself and found to be useful, ought not to be hastily abandoned, nor without cause at any time, and especially when the exigencies of the times demand its observance.

It has been the will and pleasure of the Democracy of this State in times past that chosen delegates should sit in council on each revolving 8th of January, to deliberate upon all matters material or important to the party organization, or touching the public weal. To maintain that custom I raise my voice, and give my vote this day. I am not prone to attach importance or sanctity to particular days, except so far as our religion has prescribed; yet to me it seems meet and proper that the day made memorable by the patriotism and heroism of our great leader, Andrew Jackson, and his gallant army, should not be forgotten, now that our country is in her greatest peril, but that it should be observed by his political children, in sentiments of fidelity to his principles, and in deeds of devotion to our country. It is now nearly half a century since the 8th of January became to us, as a people, a great day among all the days of the year; and I feel the allusion to it brings up in your minds sad and foreboding contrasts; that the pride and glory of the past stand side by side with the humiliation and abasement of the present. Forty-seven years ago our fathers were united,—united not alone by the forms of law and the obligations of the Constitution, but by that honest, fraternal

love that made them indeed one people ; and when the January sun lighted up this land, the earnest inquiry was upon every tongue : What will be the fate of New Orleans this day? Will that Capital of our late acquisition become the prey of a soldiery imbruted by the war cry of "booty and beauty?" The setting sun of that day threw back his rays upon the banner of our country floating over a victorious field, and as the news ran from the border settlements over the towns and cities and States, a wild shout of joy went up from a people of one heart. As deep and earnest as was the love of that day, so profound and implacable is becoming the enmity of the present. Fanaticism, bigotry and sectional hatred are doing the work of evil upon a great, a generous and a noble people.

The propriety and policy of holding this Convention have been much discussed, but to me it has seemed most proper and politic. The Democratic party, with a well defined system of political principles, and animated by an intense devotion to the interests and honor of the country, comes down to us from the early days of the Republic, with a history intimately identified with our progress and the greatness we have achieved as a people. Bold, confident and determined, the Democratic party has always assumed and occupied its position upon every question affecting either the honor of the Government or the prosperity of the people. It has never sought to avoid the responsibility which, because of its influence and its power of right, belonged to it ; and when its mighty weight has been thrown for or against any particular system of public policy, it has been felt throughout the whole frame work of the government. I do not mention these things to boast thereof, but that, as we stand in the presence of the past, invoking its spirit, and feeling its power we may be stimulated to follow where duty beckons, whatever dangers beset the way. Do you not now hear

the wailing cry of our country? And does not the sobbing voice of civil liberty, coming from out the ruins of a violated Constitution, and the broken pillars of our institutions, call us to the rescue? Then let the word pass along the serried ranks of the Democracy: Every man to his post, every man for his country.

If the Democratic organization be not maintained then where are the hundreds of thousands of honest, conservative and patriotic citizens who have heretofore acted with the Republican party, but who now regard the success of that party as a public calamity, to go, that their influence may be exerted for the salvation of their country? They will go with us, if we but maintain our organization and occupy a wise and patriotic position.

But, if we abandon our organization under the false cry of no party, in whose hands do we leave the State and Federal Government, and the rights and interests of the people? In the hands of the leaders of the Republican party, the most proscriptive and intolerant ever known to the country—the very men who for years have labored to build up a sectional party—who, for the sake of political power, and by the arts and appeals of the demagogue, have taught the people of the South—who, by appeals to sectional pride and prejudice, have excited first jealousy and then hatred; until now the power of the sections is embodied in terrible armies, ready to join in the death grapple—who, as late as last winter and spring, when the storm was coming, and the sky was growing black, refused and spurned every proposition of adjustment that would have quelled the storm, swept the dark clouds away and again let in the bright sunshine of peace—who, when Virginia and Kentucky called for a peace congress, that terms of conciliation and peace might be made, refused to respond in the spirit of the call; and disregarding the Democratic and conservative sentiment of the North, appointed a controlling number

of the delegates distinguished for their party rancor, and known to be opposed to all conciliation and compromise. Can we then, as patriots, without an effort to save it, surrender our country to the control of a party whose history thus far is written in failure, in corruption, in public ruin? May I not say in failure when in vain I ask for one good act of that party, one single measure of its adoption that adds to the prosperity of the people, or to the greatness of the country? All men will say in failure when the results of Republican rule are examined by the light of promises made before the election—when the good times promised are compared with the hard times brought. May I not say in corruption when the factions of that party contend in mutual accusations of more enormous fraud and peculations—when the supporters of Fremont throw back the charges preferred and proven against him, by the extraordinary defense, that the sappers and miners at and about Washington, the Camerons, the Weeds, the Wellses, the Morgans and Cummingses, are more flagrant plunderers of the treasury than the camp followers of Fremont—when this reeking corruption is not confined to the miserable wretches who sell hospital stores, or give short weights, or adulterate the food and drink of the soldier; but crawls upon the very counsel table of the President, and mingles in cabinet deliberations, and is now brought to the knowledge of the President by indubitable and record evidence, and yet the public wrong is not righted; when to such astounding lengths these things have gone that the *Times* newspaper, of Cincinnati, a bitter opponent of the Democracy, in a recent article has been compelled to say:

“God help the nation if these things are to continue. We must confess we are losing our patience. The Congressional reports show that the War Department, at least, is in the hands of thieves. The masterly inactivity of the Administration is broken only when it comes to the

plundering of the Treasury. The report of the Congressional Investigating Committee thrills every honest man with horror. It is the saddest exposition of our national history.

“It exhibits a degree of corruption in the War and Navy Departments, not expected in this critical hour. The Public Treasury is in the hands of thieves, whose only solicitude is plunder. If Congress was honest, as it ought to be, Simon Cameron would have been hurled from his office in disgrace before this, and Ft. Lafayette crowded with the Weeds, the Cummingses, the Morgans, and the host of plunderers proved guilty by the investigation. But even this terrible exhibition does not seem to have created a sensation in Congress. Does the plunder conspiracy extend even there?”

In this connection, it is right that honorable mention and exception be made of the Cabinet officer from Indiana, and as an Indianian, I thank him that his official conduct allows me this pleasure.

I said the history of the Republican party is being written in public ruin; and does any one hesitate to believe it? If so let me refer him to broken institutions, to a disturbed commerce and interrupted trade—to a deranged currency, and the low prices of all our valuable productions—and let me ask, is public ruin not marked upon all? In what single thing that we value are we now as secure as we were before the Republican party came into power? Is it individual wealth or public credit? Your depreciated estates, and the bonds of Indiana refused in the market at eighty cents on the dollar, furnish the answer. Is it individual security and liberty? Hear the response, in the groans of men confined without a charge, and denied the privilege of a trial.

Is it the honor of the nation? The surrender of Mason and Slidell tells us, that we have, for the first time in our history, bent the knee to our ancient foe.

The times never so demanded a thorough and efficient organization of the Democratic party as at present. Throw out the banner, and upon its ample folds let the people see inscribed their time honored principles, and they will gladly rally round it, as of yore.

A civil war is upon us. For its existence the Democratic party is not responsible. For many years we have admonished those who favored a sectional party of its danger—in the sentiments of Washington's Farewell Address, that the greatest danger to be apprehended to our country was the formation of geographical parties—we have advocated "those doctrines which we believed fair and equal to all sections; and which could have been adopted without wounding the pride, or stimulating the arrogance of either." Our appeals were disregarded. Sectional pride, prejudice and hatred in one section produced the same sentiments in the other; and of this sectional strife was begotten our present troubles. The war is upon us—"wickedly provoked on the one side, and in folly and sin, and without sufficient cause, commenced on the other." With secession upon the one hand, and sectional interference with Southern rights upon the other, we hold no sympathy. Our most earnest desire is for the restoration of the Union upon the basis of the Constitution, and, for myself, I will give an honest support to all constitutional and proper measures adopted by the Administration to that end; and I will as earnestly oppose all acts in violation of the Constitution and in suppression of liberty, because of my veneration for that solemn compact of our fathers, and because such policy renders the Union impossible; by obliterating the Union sentiment of the South, and giving aid and comfort to its enemies.

What are we to do with the Negroes of the South, in connection with the war, is asked upon every hand. Before answering that let me ask, for what purpose is the war

waged? If, as the President does profess, and all the soldiers in the field believe, it is to suppress a rebellion, to restore the Union and establish the Constitution and the supremacy of the laws; then I answer, with the Negro slave and his condition, we have nothing to do; nothing whatever, either as a purpose, incident or consequence of the war. If the Constitution be restored in its authority over all the States, then the Constitution itself refers the condition of the colored race to the authority of the States, and by its own provisions excludes Federal jurisdiction. But beyond that how is the Negro to be made an element of strength for the suppression of the rebellion? Cameron and his supporters of the Republican party say, put arms in their hands. For what purpose? Are there not as many men in the North ready to fight as we can arm, and feed, and clothe and pay? Or is it true that, outnumbering the South nearly as three to one, the North falters and fails and must call the Negro to the rescue?

* * * * *

Another class, too cowardly to fight, and too malevolent to be gratified by the results of civilized warfare, demand a carnival of blood and feast of horrors, amid scenes of servile insurrection. Our fathers detested the foe that would incite the forest savage to scenes of midnight massacre, and the judgment of enlightened and civilized humanity condemns an appeal to the cupidity or lust of the soldiery. Shall we, then, who have in keeping the honorable memories of our fathers, who are amenable to the judgment of the civilized nations; shall we invoke to our aid the Negroes of the South, calling up the foul spirit of insurrection, and making indiscriminate and uncontrolled war upon men, women and children, amid scenes too horrible to be described, and too wicked to bring a blessing? As I believe our soldiers are strong and brave, I denounce it as an insult to them; and as I am jealous of our good name and fair fame, I would make

proclamation of it as a thing so atrocious as to consign us to infamy in the eyes of the civilized world.

There is yet another class who demand, some as a purpose, and others as a consequence of the war, the emancipation of the slaves.

In a military point of view, there is weakness, embarrassment, and burthen in the proposition, and no strength. Without emancipation and its evils, the slaves found in the neighborhood of the camps, may be used to relieve the soldiers of exhausting labor. Owing service to their masters, they may be required to render that service to the Government; but if made free, it will be at their discretion and pleasure whether they relieve the soldiers in the trenches and upon the breastworks; at least such is the view of the Administration, as expounded by the Secretary of War, who says, "The Government has no power to hold slaves, none to restrain a slave from his liberty, or to exact his service. It has the right, however, to use the voluntary services of slaves, liberated by war from their rebel masters."

If slaves be freed by the act of the Government, and the masters thereby discharged from the care and responsibility of their maintenance, that burthen at once falls upon the Government. That is the doctrine of the Administration. In his last message, President Lincoln said: "Under and by virtue of the act of Congress entitled an act to confiscate property used for insurrectionary purposes, approved August 6, 1861, the legal claims of certain persons have become forfeited; and, numbers of the latter thus liberated, are already dependent upon the United States, and must be provided for in some way." The argument of the Secretary of War and the President amount to just this: By the authority and act of the Government, the slaves are made free because of the rebellion of their masters, and being free, the Government can not exact their services; involuntary service would make

them slaves, and the Government can not hold slaves; but being free by her act, they are dependent upon the United States, "and must be provided for in some way." That is the emancipation policy of the Administration. As a war measure to give strength to the North, what do you think of it? You will observe we can not "exact service" from the manumitted slave—he is to work or not work as suits his pleasure. That alternative being presented, the Negro does not work. But he is to be "provided for in some way." What will that provision cost, when more than 3,000,000 slaves belonging to masters who go with the South, are liberated? That will depend largely upon the number of Republican commissaries detailed to the service, and whether the present per cent. of profit is continued, and upon the number of missionaries that are sent among this interesting people, to prepare them for "liberty, equality and fraternity."

But Mr. Lincoln is not content with an advocacy of emancipation by the United States, but he proposes to encourage the States to adopt the same policy. He goes on to say: "Besides this, it is not impossible that some of the States will pass similar enactments for their own benefits respectively, and by operation of which persons of the same class will be thrown upon them for disposal. In such case I recommend that Congress provide for accepting such persons from such States, according to some mode of valuation, in lieu, *pro tanto*, of direct taxes, or upon some other plan to be agreed on with such States respectively; that such persons, on such acceptance by the General Government, be at once deemed free."

The proposition amounts to just this: The public expenditures are now so enormous that a direct tax is inevitable; the Constitution of the United States, Article I, Section 2, provides that "direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective num-

bers ;” the tax must be so apportioned and imposed, but when we come to collect the taxes, if any State, as for instance, Kentucky, will free the negroes, we will receive such freed negroes in payment of her portion of the tax, according to their value, to be ascertained by appraisement. A fair construction of the Constitution requires not only that the direct tax shall be imposed upon all the States equally, but that it shall also be collected from them equally in proportion to their numbers. According to the President’s recommendation Indiana would pay her tax in money, to be used for the common benefit ; but Kentucky might pay in the slaves of her people, at a valuation, but as soon as so received they are to “ be at once deemed free.” Such is the war policy of the Administration, defeating revenue instead of furnishing it. But the question occurs, in what way we are to provide for the manumitted slaves ; they will come dependent upon us, and “ must be provided for in some way,” the President says. He gives us his plan. After recommending that negroes be taken from States in payment of the direct tax, he goes on to recommend “ that in any event steps be taken for colonizing both classes (or the first one mentioned, if the other shall not be brought into existence) at some place or places in a climate congenial for them. To carry out the plan of colonization may involve the acquiring of territory, and also the appropriation of money beyond that to be expended in the territorial acquisition.” President Lincoln does not inform us on what part of the globe we are to purchase the territory for the free negroes, except that he suggests that it must be where the climate will be congenial.

“ Know ye the land of the cedar and vine,
Where the flowers ever blossom, the beams ever shine ;
Where the citrou and olive are fairest of fruit,
And the voice of the nightingale never is mute ;

Where the tints of the earth and the hues of the sky,
In color though varied, in beauty may vie.
'Tis clime of the South, 'tis land of the sun."

What think you of this description of the modern Eden, the Elysium, which the President would have us buy for the weary children of Africa? But what is to be the cost of its acquisition? Perhaps only a few hundred millions. This presents the disagreeable and embarrassing suggestion which Mr. Lincoln has not met, that we may not have the gold on hand that we can conveniently spare. But perhaps we can buy with Treasury notes, and they may be multiplied as the leaves on the trees or the sands upon the seashore. But if John Bull should be the owner he is not in temper with us just now, and many prove churl enough to say, I will keep my land of orange groves where the nightingales ever sing, rather than take your promises to pay.

Clay and Jackson and Webster, and statesmen of that class, regarded the colonization of the negroes as a work of such enormous cost as not to be undertaken by the Government, even when at peace and free from debt; but in the midst of a civil war, trade and commerce disturbed, our sources of revenue impaired, with our industry paralyzed, and a national debt accumulating at the rate of nearly two millions per day, the wisdom and statesmanship that now manage our public affairs, commends it as feasible and desirable. When we see such stupendous folly united to most abandoned corruption and wickedness, we can not too earnestly strive to rescue the Government from such control.

Emancipation, then, as a war measure, is weakness and not strength, a burthen and not a support, and can be adopted only as a means of revenge to destroy the South, but not to restore the Union; and to that aspect of the question I call your attention.

As a party, the Democracy of the Northwest have not

been sectional, but have advocated equality of rights and privileges to all, and thus far have even conceded that New England and Pennsylvania might have the revenue policy of the United States so adjusted as to give them an advantage of from twenty to forty per cent upon their labor, more than could be given to our labor. But we are now being so crushed that if we and our children are not to become the "hewers of wood and drawers of water" for the capitalists of New England and Pennsylvania, we must look to the interests of our section; and for the first time in my life I intend to speak as a sectional man.

We are not a manufacturing people, and can not well become such; our wealth must come from the cultivation of the soil, and of those heavy and bulky articles that require a convenient market and cheapness of transportation. A foreign demand will enrich those regions from which there is convenient and cheap approach to the ocean, but it can not greatly benefit us; our corn and wheat, hogs and cattle are so weighty and bulky that before they reach the sea coast much of their value is lost in the cost of transportation; and this must continue, for railroad transportation can not become cheap. The malign policy of the party now in power, in the enactment of the tariff of last summer, which in ordinary times will be prohibitory and defeat revenue, and which makes us buy at high prices and sell at low prices, and which will impair our foreign market, has heretofore been partially defeated by the short crops in Europe, causing a larger foreign demand for breadstuffs than we have enjoyed perhaps since 1847; yet, with an extraordinary foreign demand for all we have to sell, what is our condition? Compare the present with our condition sixteen months since, and we have the answer. Our hogs were then worth from four to five dollars per hundred; they are now worth from two to two dollars and fifty cents. Our corn and wheat

and cattle have fallen in almost like proportion; and further to the West I understand the losses are still greater, to the degree that in some localities in Illinois, the useful and valuable article of corn is used as the cheapest fuel. To estimate our losses in Indiana for this year is difficult, but we may assume upon the following: upon each 100 pounds \$2, and an average weight of 250 pounds gives a loss of \$5 on each hog. Upon one railroad there have been shipped 100,000 head, and assuming that to be one-tenth of the hogs in the State, the entire stock for the market in the State for this year is 1,000,000, and our losses upon pork \$5,000,000. It is probably safe to assume an equal loss upon each of the articles of corn, wheat, and other stock, making the loss to the agricultural interests of Indiana \$20,000,000.

These estimates are not reliable, and are not given as such, but rather as illustrations. The main fact is that our losses are enormous. In the reflective mind the inquiry arises, why is this so? It is not for the want of a foreign demand—we have that in an increased degree; it is not in the scarcity of money—that is abundant for all the wants of our trade; but the answer is in the fact that we are cut off from our Southern market. It is a striking fact in contrast, that the Eastern States, during the last nine months, have accumulated more wealth than during the same time at any period of their history. For the want of the Southern market, the men of Indiana lose nearly one-half the rewards of their labor. Why that market is of such value to us is apparent from a moment's reflection; the transportation of our heavy and bulky products upon the rivers is easy and cheap—it is the interest of the South mainly to employ her labor in the production of rice, sugar, hemp, tobacco and cotton—articles which we do not produce—and to depend upon and buy from us the productions of our lands and labor. To encourage and stimulate the people of the South in the production

of their peculiar commodities, that they may be large buyers from us, has been and, so long as "grass grows and water runs," will be the true interest of the Northwest; and that political party that would destroy that market is our greatest foe.

Most earnestly, then, do I call upon the men of Indiana to consider what President Lincoln seems to favor, what Cameron urges, what the Republican members of Congress, in caucus, have determined upon, and what bills now pending in Congress contemplate,—the freedom of the Negroes in the rebel States, in a word the destruction of Southern labor and the ruin, forever, of our rich trade and the value of our products.

Impelled by a false philanthropy, England has made her rich islands a luxuriant waste and wilderness, the trade of which is worth no more than one of the jewels in the Queen's crown. Are we now, who have for ourselves and the generations yet to come such important interests involved, to consent to such policy towards the great and fertile regions upon the Gulf of Mexico?

The first and highest interest of the Northwest is in the restoration and preservation of the Union upon the basis of the Constitution, and the deep devotion of her Democracy to the cause of the Union is shown by its fidelity in the past; but if the failure and folly and wickedness of the party in power render a union impossible, then the mighty Northwest must take care of herself and her own interests. She must not allow the arts and finesse of New England to despoil her of her richest commerce and trade, and to render her labor wholly subservient to an Eastern, sectional, and selfish policy—Eastern lust of power, commerce, and gain.

I know the potent appeal that has been made to our prejudice, upon the charge that slave labor is in competition with the free labor of the North; but I know also that it is not founded in fact. The cultivation of rice,

sugar, cotton, tobacco, and hemp is not in competition with our labor, but in aid and support of it. With the gold which the Southerner receives for the sale of his crops he purchases our products, and thus secures to our labor its high rewards. But if we disturb the institutions as our fathers approved them—if we free the negroes of the South, what are the consequences upon us? Large numbers of the negroes would seek the North, expecting to meet a peculiar sympathy, and one of two results would follow; either they would not work, and thus be supported out of the earnings of our labor, or they would come directly in competition with our labor; and being of an inferior class, and not competent to do as much work, nor do it as well as the white man, our labor would be degraded and cheapened; and the white man would be driven to seek employment in competition with the negro, and to accept as the reward of his labor, the standard of prices which that competition would fix.

IV. ON RECONSTRUCTION.

SPEECH IN REPLY TO SENATOR OLIVER P. MORTON,

United States Senate, Washington, January 30, 1868.

Mr. President: The policy and measures of Congress in relation to the South are maintained in this debate upon two propositions: First, that at the end of the war there were no governments of any kind existing in those States; and second, that in such case Congress has the power, under the clause of the Constitution which declared that the United States shall guarantee to every State in this Union a republican form of government, to reconstruct the State governments, or, in plain words, to make

new governments. These propositions I deny. First, I deny that at the close of the war there were no State governments in the Southern States. What was the exact fact in regard to that matter? No one disputes that, at the commencement of the war, there were legal State governments in the ten States now excluded from representation. Those governments were organized under constitutions which the people had adopted. I submit to Senators, then, as a question of law, what became of the constitutions of the States in force at the commencement of the war? A State constitution is the bond of organization; not only the bond of political organization in the State, but, to some extent, the bond that holds it to the Federal Union. I do not very clearly understand how a State can be in the Union without a State government. I do understand that, if a State should cease to have a government—if I may so express what seems to be a paradox—the people would be under the law and authority of the Federal Government to the extent of jurisdiction of that government. But, sir, a State to be a State in the Union must have a political organization. The people of the Territories owe obedience to the laws of the United States, but the Territories are not organized States, and form no part, as States, of the Federal Union. Then, sir, when a State constitution is once formed, and the State under that constitution is admitted into the Union, that State organization is not a separate and independent thing, but in its organization becomes a part of the Federal Union. The constitution of the State, when the State has been thus admitted, becomes a part of the national union and compact; and I deny that the people of that State have a right to destroy their State government, and thus cease to be within the Union. I deny that the convention of the people, the Legislature of the State, or any assemblage of the people whatever, can voluntarily terminate the existence of a State govern-

ment, and thus cut off their connection with the Federal Union. That, in my judgment, can only be accomplished with the consent of all the States. Take the case of Louisiana. The people formed her State government; under that government and constitution she was admitted into the Union. In that constitution of hers—subject, of course, to her amendment and her modification,—is it not a part of the Federal system when she is admitted? And is it possible that bond of society, that means of political organization, can cease to exist so that there is no longer any State of Louisiana? Sir, if the State government ceased to exist in any State of the South, if the constitution of any State ceased to be a constitution, I want to know by what act it occurred. Was it the ordinance of secession? Every Senator will say “no”; that no ordinance of secession could destroy the State constitution, because the ordinance itself in law and in the eye of the Constitution is a nullity. Was it the war? War was not made upon the organization of the States. War was not made upon the constitution and laws of any State; but only for the purpose of holding those States, under their organization, in the Federal Union, and the people of those States in obedience to the laws of the United States.

Then, sir, I deny that the act of any State or the people thereof intended to separate that State from the Federal Union, had any force or validity whatever. I maintain that during all the years of the rebellion, every single act of a Southern State, intended to promote the cause of the rebellion, was void; that it had no effect to destroy State institutions. I deny that any act of the State could have the effect to disturb, as a question of law, the relation of the State to the Federal Union. Practically the relations were disturbed; practically the State was not in harmony with the Federal Government; but its existence as a State, its organization as a State, its Consti-

tution, which was the bond of its organization, continued all the way through the war; and when peace came it found the State with its Constitution and laws unrepealed and in full force, holding that State to the Federal Union, except all laws enacted in aid of the rebellion.

Now, Mr. President, I wish briefly to consider the clause of the Constitution which has been referred to so frequently, making it the duty of the Government of the United States to guarantee every State in the Union a republican form of government. I think this is the right construction; it is an obligation and a duty imposed upon the Government, and I argue with my colleague when he says, that the Legislative department is not the Government; the Executive department, separately, is not the Government; nor is the Judiciary the Government; but the whole taken together, in the proper exercise of the powers conferred by the Constitution, makes the Government of the United States. When a duty is imposed upon the Government of the United States, that duty must be discharged by the appropriate department of the Government. If the act which must be done in the discharge of the duty imposed by the Constitution is a judicial act, then the duty is upon the Judiciary; if it be a legislative act, the duty is upon the Legislative department; and if it be an executive act, the duty then rests upon the Executive, and must be discharged by that department of the Government.

So, sir, I hold that this clause of the Constitution is addressed to each department of the Government. This clause contemplates an existing State government, republican in form. It speaks of State governments as in existence. If Senators will observe the language of the section itself, they will find after the words which I have quoted, imposing on this Government the duty of guaranteeing to every State a republican form of government, the provision goes on: "And shall protect each State

against invasion, and, on application of the Legislature or the Executive—when the Legislature can not be convened,—against domestic violence.”

The section speaks of an organized State government, a government with an Executive and a Legislative department, and imposes upon the Government of the United States duties to be discharged when called upon by the Executive or Legislative department of the State. So that the very clause itself contemplates an existing State government, republican in form, and simply imposes upon the Government of the United States the duty to protect, maintain, and defend that republican form of government.

This word “guarantee” does not confer an original power either in its legal sense or common meaning. It means to maintain or assure that which is already in existence. And this was the view taken by the fathers who had much to do in the formation of the Constitution. Madison, Hamilton, and Storey have all said that this clause contemplates a pre-existing State government, republican in form, and that it simply confers upon the General Government the power and imposes the duty of protecting that republican form of government to the State. In the nature of the provision itself, in the scope, force, and meaning of the language used, and according to contemporaneous construction it confers upon the General Government no power to make a State, or to control the people in that work. It is the high prerogative and business of the people to make State governments. No State government can come into existence at the will and nod of the Congress of the United States. It is not within your power. The Constitution has not said you might do it, and the whole practice of our Government is to recognize State governments when they have been made by the people.

Now, Mr. President, I claim that Mr. Lincoln, in most express terms, in most emphatic language, in language

at the same time somewhat offensive to his own party, held the same doctrine; and I call the attention of the Senators to the proclamation to which I refer. In the first place, Mr. Lincoln, on the 8th of December, 1863, issued a proclamation, first, of general amnesty to those who would take a prescribed oath, and then assuring them that if the people of these States would reorganize State governments loyal in their character, the Executive would respect, and, under this clause of the Constitution, would guarantee these governments. Here is his language, not calling upon Congress as his source of power for the action of the people, but appealing directly to the people, independently of Congress. He says that, if they will reorganize their State governments, "such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that the 'United States shall guarantee to every State in the Union a republican form of government,' " etc.

In this connection it is proper for me to say that Mr. Lincoln declared in that proclamation that the Executive recognition of the State government would not be binding upon Congress on the single question of the admission of Senators and Representatives, for the reason that the judge of their qualifications was, by the Constitution, left expressly to each branch of Congress. But, sir, I now come to the most emphatic declaration that Mr. Lincoln has made on this subject, and after which you ought not to have elected him President, if your laws now stand upon the true construction of the Constitution. The Winter Davis bill passed on the last day or two of the first session of the thirty-eighth Congress. It provided a legislative mode of reorganization, a legislative policy, and Mr. Lincoln put that bill in his pocket. Instead of acting under that bill, he threw it back in the face of Congress, and said that Congress should not tie his hands to

any particular mode of reorganization. Here is his proclamation, dated on the 8th day of July, 1864, after you had re-nominated him, but before you had re-elected him. Mr. Lincoln recites in the first place the passage of the Winter Davis bill, and in his proclamation he says that the proposed mode was agreeable to him, that he liked the plan well enough, but he goes on to say: "Now, therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known that, while I am—as I was in December last, when by proclamation I propounded a plan for restoration—unprepared by a formal approval of this bill, to be inflexibly committed to any single plan of restoration."

Because he was not willing to be bound to any plan, therefore he would not approve the congressional plan by signing the bill; and he further declared if the people would act according to the plan proposed by Congress he would recognize their action, not because Congress had proposed it, but because he, as the Executive of the United States, judging for himself under the Constitution, had a right to prescribe a plan of restoration; and so he held that Congress should not do it, that his hands should not be tied by any act of Congress.

After Mr. Lincoln had declared this doctrine in this proclamation, he was re-elected President of the United States. Now, I ask Senators, when your party elected him President, was there any more important question before the country than the question of reconstruction, as you call it—restoration, as Mr. Lincoln called it? You claimed that the war was about to close, and the great question of the Nation, the great question of the age, was, how shall these States be brought into harmony and into practical relations with the Government of the United States? He declared that Congress should not fix a plan, that he intended to be left free until the close of the war, to adopt whatever plan, according to his judgment,

might seem to be right; and after he proclaimed that to you and this nation, you re-elected him President and said it was right. Now you say State governments do not exist in the South. He did not use the term "reconstruction;" he said "restoration." He recognized these States as existing with valid forms of government; and the simple question was, in his own language, their restoration in their practical relations to the Government of the United States. But, Mr. President, Congress is conclusive upon this question. You say that rebellion, secession,—that war put an end to State governments in the South, and that there is no power to restore State governments, except in Congress. That is your doctrine to-day as proclaimed in your legislation. Let us see what you did, and if you have stood consistently upon that doctrine. In the month of December, 1864, the Executive Committee of Middle Tennessee issued a call to the people of Tennessee for a State Convention "to take steps as wisdom may direct to restore the State of Tennessee to its once honored status in the Great National Union." That was the purpose of the call. It is signed by Tillman, Spence, Byram, Laselle, and Fowler I believe, the distinguished Senator who is now of our body. These gentlemen did not undertake to call the Convention under any authority of law, but as an executive political committee they called the people together to meet at Nashville to consider what steps ought to be taken to restore Tennessee to her proper relations to the Government of the United States. Mark you, Mr. President, that was after Tennessee had passed an ordinance of secession; that was after she had sent her regiments into the Southern army. After she had done every act that a State could do, or the people of a State could do, in hostility to the Government of the United States, and before Congress had authorized any restoration, this Executive Committee called a Convention to meet at Nashville.

That Convention did meet at Nashville, January or February, 1865, and they adopted certain amendments to the Constitution of the State of Tennessee. They did not undertake to make a new Constitution. They recognized the old Constitution as still in force. Tennessee had a Constitution which held her to this Union when she went into the war, and when the Convention met at Nashville—a political Convention, if you please—it resolved itself into a Constitutional State Convention, and did not undertake to make a new Constitution, but, recognizing the old Constitution as valid and binding still, they added amendments to it.

The amendments were abolishing slavery and some other provisions—the amendments, not the Constitution—and they voted upon them, not by any congressional authority, but by virtue of the sovereignty that lies in the people of a State to amend their own Constitution. They amended the Constitution. What has Congress done upon that subject? Did you say to Tennessee “Your government has gone out like a candle that is burnt out”? Did you say to Tennessee that at the close of the war she had no Constitution and nothing to amend? Did you say to the State of Tennessee, “War has destroyed your State government; you are without any organization, and we will not recognize your action. You must get your power and authority from the great source of authority—the Congress of the United States.” No, sir, you did not say that to Tennessee; but then, without reference to party politics, you were casting a vote which your judgment and consciences approved, and what did you say? Representation in this state of the case was allowed to Tennessee by a joint resolution approved July 24, 1866, not two years ago; and in the preamble you gave the reasons why you admitted Tennessee. Reasons come up to trouble people sometimes, and these reasons come up to meet you in the face of this legislation

which undertakes to base the power of Congress upon the proposition, that the Southern States ceased to have governments at the close of the war.

Here is what you say in the preamble. After reciting that this amendment to the Constitution of Tennessee, abolishing slavery, was adopted by a large popular vote, you say: "And, whereas, a State government has been organized under said Constitution, which has ratified the amendment to the Constitution of the United States abolishing slavery, also the amendment proposed by the Thirty-ninth Congress, and has done other acts proclaiming and denoting loyalty, therefore—" There, sir, you recognize the old Constitution of Tennessee, that Constitution which had come through the din and smoke of war. You recognized that, as the people in the most formal manner had amended it; and you said because of that State government they had the right to be represented here. You had not conferred the power. You say now that the people do not possess it, that the Executive does not possess it, and that you must confer the power because there are no governments in the South; and yet you have admitted Senators from Tennessee upon the doctrine that the people, independent of Congress, could amend the Constitution; and that thus amended, the old Constitution, the bond of union which, as a ligament, held the State to the United States, made that State government valid. Aye, sir, you went further. You say in the preamble, that the State government in Tennessee, long before any congressional recognition, did the highest, most important, and solemn act that a State government can perform; that it ratified an amendment to the Constitution of the United States. That power which is conferred upon the State Legislatures by the Constitution of the United States, you say Tennessee exercised, after she had made flagrant war against the United States, and before Congress had recognized her; that she had

exercised this power successfully, and, therefore, she had a valid, legitimate State government. But you say a State Legislature can ratify a constitutional amendment, but it can not legally choose Senators to sit here. That will not do, Senators. Everybody knows that will not do.

* * * * *

Then, Mr. President, I assume that the power and duty of guarantying to the States republican forms of government is with, and rests upon the Executive, in any and every case where the Executive is called upon to deal with the question, and that when the war closed the President was called upon to deal with the question; for it became his duty to see that the laws of the United States were executed in the Southern States, and that they were in proper practical relations with the United States.

What then was the condition of the South? Was order so far restored, and did the people yield such obedience to law and respect to the authority of government, as justified the President in withdrawing the military power, that the civil authority might once more prevail? In his testimony, given in July last, before the Impeachment Committee of the House, General Grant said: "I know that immediately after the close of the rebellion there was a very fine feeling manifested in the South, and I thought we ought to take advantage of it as soon as possible." And he adds: "But since that time there has been an evident change there."

In his letter to the President, of the 18th of December, 1865, many months after the close of the war, many months after Mr. Johnson had adopted his policy, General Grant said:

"Both in traveling and while stopping, I saw much, and conversed freely with the citizens of those States, as well as with officers of the army who have been among them. The following are the conclusions come

to by me: I am satisfied that the mass of thinking men of the South accept the present situation of affairs in good faith. The questions which have heretofore divided the sentiments of the people of the two sections—slavery and State rights, or the right of a State to secede from the Union—they regard as having been settled forever by the highest tribunal—arms—that man can resort to. I was pleased to learn from the leading men whom I met, that they not only accepted the decision arrived at as final; but that, now the smoke of battle has cleared away and time has been given for reflection, this decision has been a fortunate one for the whole country, they receiving the like benefits from it with those who opposed them in the field and in the cause. * *

“My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing, they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government, not humiliating to them as citizens, and that if such a course was pointed out they would pursue it in good faith. It is to be regretted that there can not be a greater commingling at this time between the citizens of the two sections, and particularly of those intrusted with the law-making power.”

That is the description of the condition of the South given by General Grant, at the very time the President of the United States was welcoming these States back again in all their practical relations to the United States. Now, sir, upon this subject I beg leave to read the testimony of my distinguished colleague given at about the same time, at the close of the month of September, in the speech to which I have already referred. My colleague says: “I desire in the first place to remark, that to me the general condition of the country is most promising and favor-

able." Mark you, this is the testimony of my colleague when Mr. Johnson had consummated his policy of restoration. "I know there are those who take gloomy views of what is called the work of reconstruction, but to me the prospect seems highly encouraging. The war terminated suddenly, and the submission on the part of the people of the Southern States has been more complete and sudden than I had expected."

Here, Mr. President, is the testimony of my colleague, who had intimate relations with the South as the Governor of the State of Indiana,—testimony given at the time—that the people had acquiesced in the result of the war, that their condition of obedience to the law in respect to the Government was more encouraging than he had expected. What a strange contrast does this testimony of my colleague, given at the time, bear to the remarkable speech to which we have just listened from the Senator from New Hampshire [Mr. Cragin]. If it were courteous and in senatorial language, I would say that scarcely any of the statements of fact contained in that speech are entitled to the credit and the confidence of the country. Since this world began no community had been so misrepresented, so uniformly and foully belied as the men of the South, who have sought, under Mr. Johnson's policy, to bring the States again into practical and harmonious relations with the Government of the United States.

Then, Mr. President, this is the evidence of what was the condition of Southern society at the close of the war. The war had done its work. The South was conquered, to use the language of the majority, subjugated if you please. They yielded obedience to law, they acquiesced in the authority of the Government; and General Grant said that he felt that it was our duty to take advantage of this favorable condition of the popular mind of the South. To take advantage of it for what purpose? To get these

people back again, to place the States once more in harmonious and practical relations with the Government. Finding this favorable condition of the country, Mr. Johnson, as President of the United States, proceeded to his work of restoration. He issued his proclamation of May 29, 1865, to which I now call the attention of the Senate. He does not assume to possess the power of making State governments. He, as Military Governor of Tennessee, had issued his proclamation declaring that the people, by virtue of their inherent right and power, had amended the Constitution of that State; and, upon that very doctrine of the right and power of the people to amend their Constitution, he issued his proclamation of May 29, 1865. In the first place, I will state that he directed each of the departments to extend its operations into the Southern States. Then he goes on with the work of providing for restoration; and what new positions does he lay down? First, he recognizes the old State government of North Carolina, just as he had done in Tennessee, just as Congress did in admitting Tennessee with the recitals in the preamble; for, after appointing a Provisional Governor and giving him instructions, he says: "A convention, composed of delegates to be chosen by that portion of the people of said State who were loyal to the United States, and no others, for the purpose of altering or amending the Constitution thereof." Not for the purpose of making a new State government, nor for the purpose of making a new constitution, but for altering or amending that constitution which has come down through the war, that constitution which, as a ligament, as I said before, held the State of North Carolina as an organized political community to the Union.

Next he recognizes the authority of the people: "And with authority to exercise within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina to re-

store said State to its constitutional relation to the Federal Government." Not to place it in a shape where Congress might restore the practical relations, but to enable the people themselves to do this great work. Two years ago, and I then had the assent to my proposition by the nod of the distinguished Senator from Ohio [Mr. Wade], I expressed as my opinion, which I hold yet, that by virtue of this constitutional obligation to guarantee a republican form of government, it is competent for the United States, through the proper department, to do what will enable the people to exercise their sovereignty of amending their constitution, and bringing it into practical relations to the United States. The President proclaimed, that when the people themselves have thus amended their constitution and placed it in harmony with the Government of the United States it will be recognized by the Executive Department.

His purpose then was to aid the people, to give them the support of an organization, just as Congress, without any constitutional provision on the subject, gives the people of a Territory an enabling act; not because Congress has the power as an original thing to establish a territorial government, but because Congress has the power to admit new States into the Union, Congress may do that which will enable the people to form State governments. So the Executive in this case, in my judgment, very properly did that which would enable the people to bring their State into practical relations with the Government. My colleague and others have said, that Mr. Johnson regarded this government which was to be established in North Carolina as provisional. There is a mistake right here, and a very serious one. The President in his proclamation, and everywhere recognizes the authority of Governor Holden as provisional, as temporary, that his power was to be but for a time; but until what time? Until the time that the people, exercis-

ing their original sovereignty, could act, and place their State government in proper shape. That government that the people were to re-organize was not to be provisional. It was to be as enduring as the people could make any government. He did not contemplate that it was to be provisional. He contemplated that it should be perpetual. He authorized the Governor to aid the people in amending their constitution, and, when the amendment should be adopted, what was the effect of it? Did he contemplate that an organic law of the State was but temporary? Does any Senator attribute any such folly to the President? No, sir; the government that was provisional in North Carolina was the authority of the Government. As soon as the people acted and amended their State Constitution then the work was done; the provisional Governor ceased to have any authority; and firmly fixed, the State was once more in practical relations with the Federal Government.

Mr. President, I can not understand why Senators have made such war against Mr. Johnson because he did this. I do not understand it. I take it Senators are just, that they bring no railing accusation against the President. I have heretofore said, and I now repeat, that I am no partisan defender of the President; but I defend the President when I think he is right, because I claim to be a just man. I want to know of Senators, after Mr. Lincoln had issued his proclamation of the 8th of December, 1862, in which he placed this power in the Executive, and after you elected him upon that doctrine, how can you say that Mr. Johnson is wrong in doing the same thing? After the proclamation of the 8th of December, 1863, and after the proclamation of July, 1864, when he threw back into your faces the congressional plan of restoration, and said he would be bound by no such policy, but that his hands should be free to the close of the war to aid the people in bringing themselves into relations with the Government

upon such plan as he thought was best—after all that you—I speak with respect to the majority of this body—you said to your supporters at home that that policy was right. You can not vote it and then come into the Senate and denounce it. If it was right in Mr. Lincoln to do it, it is not wrong for Mr. Johnson; and, as a just man, although I did not help to elect either, I shall say that consistency is not to be condemned by the men who participated in it throughout.

Mr. President, Mr. Johnson adopted simply Mr. Lincoln's plan. I am going to settle that point beyond all question; and first I shall do it by the authority of my colleague, which, in my judgment, is quite sufficient authority, inasmuch as his speech has been recognized on all sides as the proper and able exposition of the policy of the party in power. My colleague said—and this, you will recollect, was after the convention had been called, I believe after they had been in session, or while they were in session, in these Southern States—when Mr. Johnson's work of reconstruction was going on: "It is one of my purposes here this evening to show that, so far as his policy of amnesty and reconstruction is concerned, he has absolutely presented nothing new; but that he has simply presented, and is simply continuing, the policy which Mr. Lincoln presented to the Nation on the 8th of December, 1863."

These were plain words. This was said by the then Governor of the State of Indiana, by my present honored colleague, that Mr. Johnson, in that policy which was then being consummated, was simply carrying out that which the President whom you all indorse, had inaugurated. Now, sir, I will read from my colleague's message—a carefully prepared document—to the Legislature of Indiana, of November 14, 1865. I presume North Carolina had then passed their Constitutional Amend-

ments, and perhaps some of the other States: "The conditions which have been imposed upon these States by the President are not only reasonable and legitimate, but are dictated by justice and a wise foresight for the future of the Republic; and although they may not be accepted this year, or even the next, yet that they ultimately will be, I have no doubt."

On this particular point I will read again from the testimony of General Grant. In his examination before the Committee of Impeachment in July last, he was asked by Mr. Woodbridge, a member of the Committee:

"*Question.* I want to know whether the plan adopted by Mr. Johnson was substantially the plan which had been inaugurated by Mr. Lincoln as the basis for his future action?"

"*Answer.* Yes, sir, substantially; I do not know but that it was *verbatim* the same.

"*Question.* I suppose the very paper of Mr. Lincoln was the one acted on?"

"*Answer.* I should think so. I think that the very paper which I heard read twice while Mr. Lincoln was President was the one which was carried right through."

And yet you bring your accusations against Mr. Johnson, because he received from Lincoln, as a part of his political inheritance, the North Carolina proclamation, in his own handwriting perhaps,—at least the proclamation which President Lincoln had twice presented to the Cabinet, the very same paper. Now, sir, under this proclamation, and the other proclamation of similar import, new constitutions were not adopted by the Southern States. They stood upon the idea which you stood upon in admitting Tennessee, that the constitutions which held these States to the Union came through the war, and were valid, existing law at the close of the war; and so in all the States of the South they simply amended their constitutions. These amend-

ments in the case of North Carolina were submitted to the people. My colleague said that none had been submitted. In the State of North Carolina the important amendment, the one abolishing slavery, and some others, were submitted to the people.

But, sir, I am not going to discuss that question. It has been too long the established law and custom of this country, that a Constitutional Convention may adopt a constitution without submission, to be now questioned. As was stated by the Senator from Pennsylvania yesterday, that great commonwealth is now an organized State under a constitution that never was submitted to the people, and became the supreme law of that State by the will of the Convention. This is the law, though I think the practice better to submit amendments to the people. Now, Mr. President, what were the amendments to the State constitutions in the South? First, they abolished slavery. Do Senators object to that? Second, secession was, in express terms, repudiated, and the right to secede denounced. Third, the rebel debt was repudiated, and it was declared that it should never be paid. These were the material amendments.

Do you, Senators, say that these amendments destroyed the republican character of those constitutions? Were they not republican in character before the war? Were not the constitutions of North Carolina, of South Carolina, and of Georgia at the time they helped to form the Federal Union, republican in form? And were not the constitutions under which Mississippi, Louisiana, Alabama, Florida, Arkansas, and Texas were admitted into this Union, republican in form? That is settled. I will not discuss it. Then, sir, these constitutions, that were republican in form before the war, came down through the war, and by the people were amended, simply adding that slavery should no longer exist; that secession was not the true doctrine of State relation to the Federal Government;

and that the rebel debt should never be paid. I want to know if these provisions of amendment destroyed the republican form and character of the constitutions of these Southern States?

Such, Mr. President, was the condition of this business when my colleague, in the speech from which I have read, said that the prospect of Reconstruction appeared "highly encouraging;" and he added in that speech: "I am very glad to see that many of the Southern States are making commendable progress in the matter of the abolition of slavery."

If these States had not legal governments in 1865, I want to understand how it is that they could abolish slavery? I want to know how they could assent to an amendment of the Federal Constitution abolishing slavery all over the United States? If they were then and are invalid, illegal governments, how could they do the most solemn act to which a State could assent? My colleague then, not having been educated by the progress of events, declared, to use his own language: "I am very glad to see that many of the Southern States are making commendable progress in the matter of the abolition of slavery." My colleague now denies the authority of those conventions to amend the constitutions of their States while at the time when they were in session he recognized their proceedings?

I should like to know, upon this question of constitutional law, how it is that my colleague can be so "educated." Upon questions of policy and propriety men may be educated by passing events; we may change our minds and not be "milestones standing by a deserted highway," as he expressed it. We may change our opinions in regard to questions of policy and propriety, according to the changing scenes that are passing before us; but so far as the law of the country is concerned, especially the highest law of the land, the Constitution itself, how are we so

readily to change our opinions? Events do not change that. We are not allowed to be "educated" by passing events in regard to the proper meaning of the Constitution of the United States. We gather that from the letter and from the contemporaneous history and construction.

Now, sir, I wish to ask Senators a question which I think they will have to answer to the people at home. What objections have you to the constitutions of the Southern States as amended by the people? For two years you have made war against this policy; for two years you have kept these Southern States out of the Union, so far as representation was concerned; for two years you have kept this country disturbed and distracted. Trade, commerce and business have been uncertain, shivering; industry has been fearful to put forth its hand, or capital to trust to any enterprise; the spirit of harmony and of union has been passing away from both sections of the country because of the strife you have thus kept up. For what have you done it? What end have you attained? What good has come? Was the constitution as amended in North Carolina not right? Our fathers said it was right, when they formed the Union with North Carolina as one of the original thirteen; they said it was a republican form of government, and they lived with North Carolina contented until this rebellion came on; and then, when the State had come through the war with her constitution still in force as a legal document, and the people amended it only in three or four particulars—those three particulars that I mention being the material and important ones, namely, abolishing slavery, declaring secession a vicious doctrine, and declaring that the rebel debt should never be paid—I want to know why, then, you made war upon it? When these amendments were thus made, what was there in the constitution of North Carolina that your judgments and that

your consciences condemn? If North Carolina came with her old constitution and abolished slavery and adopted these other amendments, why did you not let her in? You can not say to me you did not intend traitors to come here and sit with you, because you had passed a law in 1862 saying that no man who had given aid to the rebellion should sit here. You claim that law to be valid and constitutional, and that it keeps out of these chambers and from every Federal office every man that participated in the rebellion, or gave it aid or comfort. Then why have you kept this country distracted, its business disturbed, the hopes of the people depressed for two years, when these constitutions with these provisions come to you, and there was nothing to do but to admit the States to representation? Answer that question to the judgment of the country, and your policy of reconstruction will stand better in popular judgment.

Then, sir, to return to the question, why have you pursued this course? The commanding General of the Army said that the public sentiment at the close of the war was in a most healthy condition. My colleague bore testimony of like character. That was the judgment of all men in the country. The condition of the country was auspicious, and the popular mind was in a proper condition for free government then, and we ought to have taken advantage of it. And the President and the people did take advantage of it, and the amendments to the State constitutions were adopted that you say to-day were right. Now, I want to know why it is that these States have been kept out, that legal representatives have been denied admission, that controversy has been kept up over the country, and strife instead of peace and quiet? I have my opinion, too, about it. It was necessary for party ends; but, Mr. President, if I concede all that you claim, that you have the power under the Constitution, that has been so frequently referred to, to reorganize the

States, have you exercised it? I will barely refer to the principles you have established. What is a republican form of government? Now, sir, I think a republican form of government is a form of government in which the people make their own laws through legislators elected by themselves, execute their laws through an executive department chosen by themselves, and administer their laws through their own courts. Is not that as near a republican form of government as you can have? That was the state of things when the congressional policy sent five armies into the Southern States, when ten Governors were deposed by the paramount authority of the military power. That was the state of society there; the judiciary, the legislative and the executive departments of their governments were in the exercise of their ordinary and legitimate authority and power in each State. In that state of society where the laws are made by the men whom the people select, where they are administered by the courts that have the confidence of the people, and where the laws are executed by an executive department selected by the people, there is peace, happiness, and prosperity. You have broken that down, and in its stead you have done—what?

1. You have made ten States subject to military authority.
2. You have made the civil tribunal subject to military rule.
3. The lives, the liberty, and persons of the people are subject to military authority.
4. Juries are abolished.
5. *Habeas corpus* is abolished. I mean of course, at the pleasure of the military commanders.
6. You have clothed conventions with authority to fix their own salaries, and levy taxes from the people for their payment.
7. You have empowered the commanders to displace

governors, judges, and legislators and fill their places, thus making them dependent on the will of the commanders.

What a spectacle we behold, sir. The judge taken from the bench, and the lieutenant placed in his stead; legislators driven out and others appointed by the military to make the laws which the people must obey.

Sir, what were the causes of complaint which the colonies made against the British crown? Speaking of the great king of Britain our fathers declared:

“He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries. He has kept among us, in times of peace, standing armies, without the consent of our Legislatures.

“He has affected to render the military independent of and superior to the civil power.

“For imposing taxes on us without our consent.

“For depriving us in many cases of trials by jury.”

You were kind enough in the law to say, that if the military commanders thought it good policy they might continue the civil courts, and try criminals in the civil courts, but if they thought best they might organize military commissions; but they should not take any man's life without a reference of the case first to the President and that limitation was put on only after a great deal of controversy. So, sir, the property, the life, and the liberty of this people are placed at the control of the military authority; and this is a policy that is called a policy of reconstruction, of restoration; and this you claim to be done under the guarantee clause which directs this Government to guarantee to each State a republican form of government!

You find no other point in the Constitution where you can stand. There is not a rock in the Constitution large enough for your feet to stand upon except this one, that

it is your duty to guarantee a republican form of government to these States ; and in the exercise of that power, the discharge of that duty, you establish a military rule and despotism which is defined in the language of the Declaration of Independence declaring the offenses of the British crown toward the colonies.

This is all under the pretext of the guarantee clause. I had some respect for it when it was claimed as under the military authority of the President, because when you say it is a military necessity, I do not know any argument in answer to that. Military necessity has no reply, except obedience ; but to say to an intelligent people—to people who have sense enough to know when they are hungry—that you are guarantying a republican form of government to the States when you are subjecting them and all the legitimate and rightful authority of their State governments to military rule, is, in my humble judgment, an insult to an intelligent people.

I know the answer to this very well ; that your establishment in the Southern States is only provisional ; that it is only to last for a little time ; and that out of its ruins there will “ spring up, phœnix-like, to Jove,” republican forms of government. You lay the foundation of free institutions on the solid rock of despotism, and expect it to grow up to a beautiful structure. I do not believe in the doctrine that you can do wrong and expect good to follow. I believe in the doctrine that good is the result of good, that from a pure fountain you may expect pure water, from a foul and poisonous fountain you may expect impure waters. And when you sow the seeds of despotism in any country I expect the fruit to correspond with the seed. You need not tell me that, when you establish military governments and despotisms, the result will be free institutions and a happy people.

* * * * *

But, sir, my colleague remarked, that the arch traitor

of the southern rebellion was at large, and not hung. Why so? If you have power to send military commissions down into the Southern States and hang men, why have you not hung Jeff Davis long ago? What is in the way of hanging him if he must be hung? Simply this; that there is a court over which Chief Justice Chase presides; and there is another court over which a Mr. Underwood presides, and there is a certain Horace Greeley that stands in the way as bailman. What have I to do with all this? What has the President to do with it? If you can send a military commission—which the Supreme Court says has no authority to try a man except in time of war and for a military offense—if you can send a military commission down South and try men without authority of law and against the Constitution, there is no use in going through any forms and ceremonies; but you can just as well pass a law at once that Jeff Davis shall be hung. There is no difficulty about it. It can be done. If his presence as the arch traitor is in the way of establishing a republican form of government under the guarantee clause hang him! There is no trouble about it in the world! It is one of the class of powers clearly defined.

Now, Mr. President, I have but very little to say about this particular bill which is before the Senate. It is a bill which upon its face admits that the constitutional question is against the majority, for it says that the Executive department and the Judicial department of the Government shall not recognize the Southern State governments as State governments. You say to the judiciary, "These States shall not be recognized." The Constitution of the United States says that the judicial proceedings of the several States shall be respected in all the other States. That is a constitutional provision; and yet here you say that the judicial department of the Government shall not recognize these States at all; and therefore the Supreme

Court, you think, can not try any questions that are likely to arise on your reconstruction policy.

And this brings me to consider for a minute the remarkable bill requiring two-thirds of the Supreme Court to concur before an act of Congress can be decided unconstitutional. What is the effect of that? In the first place it gives an unconstitutional law two-thirds of a majority over the Constitution itself. The question is whether an act of Congress is the law, or whether the Constitution is the law; and on that question you propose to give the Constitution one chance and the unconstitutional act of Congress two chances. Then, if my rights in a case in the Supreme Court depend upon the Constitution and your rights depend upon an act of Congress, three judges can give you a decision, while I must have six to carry my case. As has been expressed, a two-pound weight has been put in one end of the scale of justice and a one-pound weight in the other; and you expect this country to approve that, do you? You expect honest men who are fit to sit on juries to say that such legislation as that is right. For a thousand years the courts have come down with our race on the doctrine that a majority must decide; and now, for political and partisan purposes, because you dare not trust your legislation to go before that tribunal which the fathers and the Constitution established to settle it, you attempt to strip that court of the authority and the power with which the fathers clothed it. It is an admission bold and patent before the world that your legislation is vicious.

I do not know how far this process of education of which my colleague speaks is to go. I speak of the education that has carried the majority up to my friend from Massachusetts. I shall not refer to that further, for I shall be interrupted if I do; but the process of education is going on. I said in the Senate, a year or two ago, that the course of things is this: the Senator from Massachusetts

steps out boldly, declares his doctrine, and then he is approached, and finally he governs. Believing that he is in the right—I concede that belief to him as a Senator—his place in this body and before this country to-day is a very proud one. He was told somewhat sneeringly two years ago that among his party friends he stood alone, and to-day they all stand upon his position. This is a compliment and indorsement of sagacity and intelligence that but few men receive in the course of public life. But how far is this education to go? We hear the cracks of the whip. The threat is that “if the Southern people do not acquiesce in this we will give them a still more terrible penalty.” Where is it to come from? That argument has no weight with me. A threat to carry this into a still greater wrong shall not deter me from standing where my conscience requires me to stand. If you say that in case the Southern States do not agree to your propositions you will go beyond them and still further outrage the right, the responsibility in all history will be with the majority that now governs the legislation of this country. On every side you chide the Southern States because they did not indorse the proposed Fourteenth Amendment to the Constitution. If they have no constitutional governments, what do you chide them for? If they have no legal State governments and no legal Legislatures, what railing accusation is this you bring against them, for they can not ratify a constitutional amendment if they have no legal existence.

My colleague, in the course of his speech, referred to a statement made by him in a speech recently delivered in this city, that the Democrats stood upon the policy of paying for the slaves of the South. In party warfare, Mr. President, I concede always to the opposite party the right to define their own positions, and I take them as truthfully defining their positions, and I do not even attribute to the opposite party political opinions which

they disclaim for themselves. I have no right to do it, and I say my colleague has no right to attribute to the great Democracy of this country—a grand party, a party whose power and intelligence have had a mighty influence in the past, and is to wield a great influence in the future of this country—doctrines and purposes which that party disclaims for itself. We have a right to stand where we define our own platform. I think it is a most remarkable thing that any Republican gentleman should say that the Democracy are in favor of paying for manumitted slaves. There are only two cases where such a measure has been seriously urged before Congress, and upon that point I ask the attention of the Senate for a single minute.

In 1862 Mr. Lincoln sent a special message to Congress, proposing that they should adopt a joint resolution, which he drew and sent down to Congress, to buy up the slaves of the loyal people. My distinguished friend from New York [Mr. Conkling] was then a member of the House of Representatives, and he was the honored mouth-piece of the Administration in favor of this policy on that occasion. He introduced into the House the resolution sent down by Mr. Lincoln, and here it is; I will read it:

“Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system.”

Are Democrats to be charged now with being in favor of buying up negroes? What was the answer made by Indiana on the day that resolution was introduced in the House of Representatives? Mr. Voorhees, then a Representative from Indiana, said: “If there is any border slave State man here who is in doubt whether he wants

his State to sell its slaves to this Government or not, I represent a people that is in no doubt as to whether they want to become purchasers. It takes two to make a bargain; and I repudiate, once and forever, for the people whom I represent on this floor, any part or parcel in such a contract." And he went on to argue against the proposition.

But, Mr. President, who is it that brings the charge against us of wanting to pay for negroes? There is only one case in the history of this Government where money has been taken out of the national treasury to pay for negroes, and that was to buy up the negroes of the District of Columbia at \$300 a head; and the party in majority passed that law, and it was approved by Mr. Lincoln. Then who has the right to charge against the Democracy of this country a purpose to pay for slave property? The Democracy has never recognized such property in negroes as required or authorized the Government to pay money out of the national treasury for them.

Mr. President, my colleague has spoken of a column—the column of Congressional Reconstruction—and has said "it is not hewn of a single stone, but is composed of many blocks." Sir, I think he is right. Its foundation is the hard flint stone of military rule, brought from the quarries of Austria, and upon that foundation rests the block from Africa, and it is thence^e carried to the topmost point with fragments of our broken institutions. That column will not stand. It will fall and its architects will be crushed beneath its ruins. In its stead the people will uphold thirty-seven stately and beautiful columns, pure and white as Parian marble, upon which shall rest forever the grand structure of the American Union.

V. CAMPAIGN SPEECH OF '68.

FROM THE JOINT DEBATE WITH GOVERNOR BAKER.

Portland, Ind., September 13, 1868.

My competitor says the issue is whether loyal men shall govern the country—in other words, whether the rebels shall be restored to power. I want to know if the Democrats have yet restored the rebels to power. Not a man—not a single man. Now, my competitor's argument is that a party ought not to receive your support if it be in favor of restoring to political rights the rebels of the South. The Democrats have restored none yet. President Johnson's pardon does not restore political rights. It simply relieves the party from liability to punishment. My competitor refers to Wade Hampton's speaking of what was conceded to the people of the South in the New York Convention. And who was Wade Hampton? A brave, capable, daring general of the South, who fought our soldiers on many a battle-field. He was a brave man, and commanded well; but when the war was over Wade Hampton said: "Our cause is lost, and our banner is dragged in the dust; you and I must turn round once more and live under the old banner; we must obey the laws of the United States again." This is the appeal he made to his countrymen at the close of the war. If it was right, you ought not to have lost confidence in him, even if he was in the Convention at New York.

But who was in the Chicago Convention? Who was there? I am not now speaking of the nineteen Negroes that represented nineteen districts in that Convention. [Laughter.] I am now speaking of the most eloquent orator they had; of the most popular speaker in the Convention; of one who, in the Convention, boasted that he was an original Secessionist. I speak of Governor Brown, of the State of Georgia, who was Governor of Georgia at

the commencement of the troubles, and who would not wait until the war commenced, but who, in defiance of all law and authority, seized all the forts and arsenals of the United States within the jurisdiction of his State. It was Governor Brown who carried out the second strongest State of all the Southern States. In money, in men and in means, Georgia was the strongest, excepting only Virginia. And yet he was the captain, the leader, the orator of the Chicago Convention, I may be allowed to say. [Laughter.]

It doesn't stop there, and I am glad I am addressing some soldiers—some soldiers who call themselves White Boys in Blue, and some who call themselves Fighting Boys in Blue. I speak to all as honest men. Governor Brown was the Governor of Georgia when Andersonville Prison was established—that prison in which your comrades lingered and died, and where they were compelled to drink foul water and eat unwholesome food; it was in that prison so many souls of your comrades passed away. Being Governor, and having as much power there as Governor Morton had here, to say what should be in the limits of the State, he never raised his voice or his hand for the relief of any one soldier in Andersonville. He never raised his voice or his hand in their relief. But my friend's party now says: "Oh, Joe Brown, this is a hard record on you, that you should be a leader in the acts of secession and carry a great State out of the Union; it is a hard record that you never raised your voice or your hand for the relief of the suffering and dying at Andersonville; it is a hard record—but we will forgive you. We know very well, Governor Brown, that the souls of thousands of soldiers from the North ascended from the camp in Andersonville, and now stand on the ramparts of the skies to bear witness against you because you never raised your voice or your hand for their relief; but we

will forgive you all that, because you joined our party and came to Chicago." [Laughter and "That's so."]

Gentlemen, my competitor has told you that we didn't exactly sympathize in the right direction during the war. Let us see how this is. I will read from his political associate, Governor Brown, who is making speeches in the State of Georgia and asking the people to support Grant and Colfax. This speech was delivered on the 22d of last month—less than one month ago, and published first, I believe, in the *Cincinnati Commercial*. In the first place he is giving reasons why he will not go with the Democrats. Let me read them:

"How, then, did I and those who act with me betray party faith when we refused to support the new organization? Upon what does it base its claim to our support? Is it friendship to the Southern cause during the war?"

Now here is his answer; and you were bound by it, as you made him your ally in Chicago. He says:

"The mass of the Democratic party—the rank and file—came down by hundreds of thousands with guns in their hands, and poured deadly fire into our ranks. Without their aid against us we would never have been subdued." That is Governor Brown's testimony on the question. Take it, my Radical friends—you thought it right to be politically associated with the man who took Georgia out of the Union—take this endorsement of the Northern Democracy by him and abide by it.

Who proposes to restore red-handed rebels to power? I hold in my hand two bills, either one with a large number of names upon it, passed in the months of June and July, and every Radical vote in Congress was cast for it. Let me read this bill:

"Be it enacted by the Senate and House of Representatives of the United States of America, two-thirds of each House concurring therein, That all legal and polit-

ical disabilities imposed upon the following named citizens of the several States hereinafter mentioned, in consequence of participation in the recent rebellion be, and the same are, hereby removed."

Then follow the names. In all there appear between ten and twelve hundred of them—more than one regiment of "red-handed rebels," from whom all legal and political disabilities are removed; and they are clad now with all the political rights to vote and have office—from the President down to the lowest office—that any one of you now stand invested with before the law. These twelve hundred men all participated in the rebellion; some were Generals in their armies, commanding corps; some were Colonels, commanding regiments, arrayed against Northern troops; some were Commissaries and Quartermasters in the Southern army, sending them supplies and comforts, and others were ordnance officers sending cannon and guns for their use; and some even, I believe, were blockade runners. And they are all pardoned by an act of Congress—two-thirds concurring in that action. These men can now be Presidents, Cabinet officers, or fill any other place in the gift of the people or the Government. They are all forgiven. Oh, the blood was so red upon their hands! Northern blood was clotted upon their skirts! But Congress says, "We will not bear it in remembrance against you at all. You have joined our party." [Laughter.] Now, my countrymen, I meet my competitor here, standing face to face with him, and let it be decided by you. He said you ought not to have confidence in the Democratic party, because it restored "red-handed rebels." I have just read to you bills that this party passed in Congress, restoring more than a regiment of those "red-handed rebels," and it restored two of them who now occupy seats in Congress, without taking the iron-clad oath at all.

My competitor has talked about the iron-clad oath, and

my views expressed in the Senate. There is no need of discussing that any longer. The Radical party has gone far beyond that. They allowed two or three members of Congress to take their seats who did not and could not take the iron-clad oath, and they were expressly pardoned by an act of Congress, that they might take their seats. One of them, Young, of Georgia, was a Colonel and then a General in the Southern army, and fought on many a battle field. He is now a Congressman. He could not take the iron-clad oath, but Congress said, "We will wipe the blood off your hands, and you may take your seat without taking the iron-clad oath." I say it is not important what my views are about the iron-clad oath, when you see the Radical party themselves are filling positions in the Government with men that can not take that oath, and in order to enable them to hold Government positions, they passed these bills of restoration. Now who is right? Let my competitor stand under the standard he put over me. [Cheers.] Here we are, gentlemen, face to face. My competitor said you ought not support me, because I expressed an opinion that the iron-clad oath was unconstitutional, as relating to Senators of the United States, and I have shown you that Congress itself, by bills passed, have restored over twelve hundred to political power without taking the iron-clad oath. Judge between us who is right. As far as I am concerned, you may look clear through my views.

My competitor said that during the war I condemned one of Mr. Lincoln's proclamations, and approved the same proclamation when issued by Mr. Johnson. I ask my competitor to read those two proclamations once more before he says that again. The proclamation of Mr. Lincoln, which I opposed, I oppose to-day; and it is one the Republican party never stood upon from that day to this. That proclamation stated that when one man out of ten of the loyal would take the proper oath, they should

be the government of the State. I do not believe that a State government can be modified or established by one-tenth of the people. I believe there ought to be a clear majority of the people expressing their consent before the whole State shall be bound by it. Another thing, that proclamation required every man in the South to swear not only to stand by the proclamation on the subject of slavery then issued, but all thereafter to be issued. No man can swear to stand by a proclamation hereafter to be issued. When Mr. Johnson issued his proclamation there was no proposition that one-tenth should govern, nor that the people should swear to abide by future proclamations; but only to stand by the condition of the Negro as then fixed. Don't you think there is some difference? [Voices, "Yes."]

My competitor said I was satisfied with Mr. Johnson's proclamation issued May 9, 1865. Why not? Can he bring it as a charge against me? Let me read what Governor Morton said of the condition of the parties then. Hear what Governor Morton said four months after that proclamation was made. I read from Governor Morton because he is recognized by my competitor's party as a leader. On the 29th of September, 1865, he used this language in a speech made to the people when there was no great election on hand; when, as Governor of the State he desired to express his opinion to the people, he said:

"I desire in the first place to remark that the general condition of the country is most promising and favorable. I know there are those who take gloomy views, but to me it has been most encouraging."

It has been a very complete and soothing thing, I expect—that Reconstruction thing; that proclamation. He said it was most encouraging in view of the interests of the country. Now my competitor may go and settle that

question with Governor Morton. [Laughter.] Here Governor Morton goes on to show in his speech that the restoration policy of Mr. Johnson, as shown in his proclamation of the 29th of May, 1865, is identical with the policy of Mr. Lincoln; and when I support the policy of Mr. Johnson on reconstruction I support the policy of reconstruction inaugurated by Abraham Lincoln. Here is Governor Morton for it. Do you want me to read his words? But I need not read what Governor Morton said, for General Grant testified under oath, before the Congressional Investigating Committee, that the proclamation Mr. Johnson issued was read twice in Mr. Lincoln's Cabinet in his hearing, and it is his opinion that Mr. Johnson took the very same paper and put it through. This very proclamation of May 29, 1865, was a proclamation made by Mr. Lincoln and adopted by Mr. Johnson when he came in as President. If that proclamation is wrong, my competitor may settle that with men that have reverence for the views of Mr. Lincoln.

I believe I will say a little more on this question of Reconstruction, now that I am upon it. General Grant says, in his letter of acceptance, "Let us have peace." Why is it, three years after the close of the war, General Grant had to implore for peace? Why is it that we have not had peace for three years past? Why is it that we have discord, strife and contention after the war has closed more than three years? The soldiers of the South went to their homes in the months of April and May, 1865; the soldiers of the North came home and were greeted by their friends in the summer of 1865. They thought their work was done; they thought the restoration was complete. Why is it that we have had no peace? Mr. Lincoln in his last message said that at the close of the war we wanted only the restoration of the Southern States in practical relations to the Government. What were practical relations? The laws were to be extended over the

Southern States, and the machinery of the Government to be put in motion once more. Here is what Governor Morton said on that subject ; and as it expresses it so well, I adopt these words as my own views :

“ I will not stop to argue this question at length, but I will say this,—that from the beginning of the war up to the present time every message of the President, every proclamation, every State paper and every act of Congress has proceeded on the hypothesis that no State can secede from the Union—once in the Union always in the Union.”

That is what Governor Morton says was Mr. Lincoln's policy on that subject. I say, once in the Union always in the Union. By revolution and a successful war you can sever a State ; but I appeal to the White Boys in Blue whether the war did throw the States out of the Union. When you came home, what was to be done? Nothing but to restore the laws and let the machinery of the Government go on. All would be peace, quiet and harmony once more if you let the people govern themselves, as in former times, according to the Constitution and the laws. That was the doctrine Mr. Johnson laid down. But it could not be. There could not be this peace. Just then Congress came in and disturbed the peace. Congress said, we have some conditions to impose upon you that you have not yet accepted. What did you men of the North demand of the South? You demanded just three things. My competitor knows it, and you know it. You demanded of it the abolition of slavery ; you demanded the repudiation of the Southern debt ; and you demanded a repudiation of the right to secede from the Union. That is what you demanded ; and that, gentlemen, I say to you, the South acquiesced in, and in every constitution formed by the Southern States it was made a part thereof that the Southern debt was to be repudiated forever, that the right of secession was gone

forever, and that slavery was given up forever. That is in every Southern constitution under Johnson's plan. But Congress said, "We have got something more to provide. You shall provide for Negro equality, and in order to bring that about we will suspend the machinery of the State governments there, and we will send an army in each of the districts, and place the military above the civil law—there shall be almost an actual state of hostility and strife." For three years this country has been agitated by this cruel policy, and now I ask you what has Congress accomplished that was not already accomplished in Mr. Johnson's plan? Nothing but this—that Negroes are made the voting power in the South. Since this Reconstruction policy has been made, every Southern constitution and State Legislature has been almost packed with Negroes. And you had no peace. General Grant has to pray for peace. But why have we not had it? Simply that this Congressional policy shall be rushed onward, which has resulted in nothing but what was accomplished before, except the establishment of Negro rule in ten States of this Union.

My competitor says that the Democracy during the war were opposed to greenbacks. I want to know if Governor Baker never had an opinion on a law question that was not changed by the courts. Many of the courts of this country have decided that greenbacks are legal tenders. I did not believe that a law could make me take paper when the contract said I should have gold; but when the courts so decide, I guess we must yield to the decision of the courts. He is now dodging on the question of greenbacks. Does he believe them to be constitutional? Let him tell us that. [GOVERNOR BAKER—"Certainly."] He says "certainly." When the law called for gold when the debt was created and I am bound to take paper for it, and that is said to be a debt paid in good faith, I want to know if it is *bad* faith to pay the

bond holder in that which is legal tender—especially when the bond does *not* call for gold. My competitor says that we ought not to commence the payment of the debt at all. I suppose he stands on the Congressional policy. I would like to read the resolution passed in the Chicago Convention on that subject. They say, “Pay off the debt according to the letter and spirit of the law.” If there was a difference between the letter and the spirit, I ask Governor Baker to tell this people why this Convention did not tell what this difference was, so that the people may know what they are up to. When they are talking to the people, it ought not to be with a forked tongue. They ought to speak so plainly that there is no doubt about it. They must be paid not only according to the letter, but the spirit. I ascertain the spirit of a law by its letter. I see what its words are, and then I take into consideration the enactment and know what it means. But sometimes it is so ambiguously expressed that a man can't tell. But there is no ambiguity about this law. It says the *interest* shall be paid in gold, and not that the Government shall pay the principal in gold; and in the same enactment it is provided that the legal tenders shall be lawful money to be received by the Government and the public for all debts and Government dues except the interest on the public debt and duties on imports. When the Convention in New York spoke about lawful money, they used the language of the act of Congress declaring greenbacks to be lawful money and a legal tender for everything except the interest on the public debt and duties on imports.

Gentlemen, I am not going to take the defensive—I am not on the defensive this year. Governor Baker and his party have been in power eight years. He is exact about time, and I will put it nearly eight years. He says the Chicago Democratic Convention spoke falsely about the duration of the war. I say he and his

party have to account to this country for all they have done. The question is not what *I* have done, being out of political power, but what *he* has done, being in political power. I want to know why it is that he and his political party insist that the bonds shall be paid in gold. And it is a question you want to know; because if you have to pay \$1,600,000,000 of gold bonds instead of paper bonds, the value is increased between \$700,000,000 and \$800,000,000. He is in favor of postponing the paying of the public debt. That is what the Chicago Republican Convention says, and that is what the Funding bill passed in the last days of the session says—take up the old bonds and issue new ones; and that law said the new bonds should run forty years, and be at four and a half per cent. interest, gold; and that they should be paid in gold when due, and that during the entire forty years they should pay no tax whatever. It went to Mr. Johnson five minutes before the adjournment, and if he had signed it the mortgage would have been complete. Then your greenback bonds would be gone forever. Then the debt would run forty years, and the people of the country would be paying upon them above \$100,000,000 in gold interest, and at the end of forty years they would have to pay off the debt in gold. Forty years the people of this country would be wandering through the wilderness of indebtedness; and at the end of this course the children of those now living (for many will be laid away in that time) would cross the Jordan into the promised land free from debt. Don't you want that done? Don't you wish Mr. Johnson had been impeached? Then old Ben Wade would have been in the Presidential chair, and he would have signed the bill at once. One year ago Wade said that when anybody talked about paying the bonds in greenbacks it seemed to him like he was looking into the face of a penitentiary bird. Don't you wish Wade had been there, to make the bonds worth

seven or eight hundred millions of dollars more than they are now? Forty years to run and no taxes to pay on these bonds; and at the end of forty years your children would pay the debt in gold! If you only had Mr. Johnson impeached and Ben Wade in, what a good thing it would have been for the country! [Laughter.]

By the way, that impeachment was a nice thing. They lacked only one vote to carry it. There were seven Senators belonging to the Republican party—at least respectable in point of intelligence—who said they would not vote for impeachment, and all over the land the cry was that they were bribed. Everybody in the Republican party said that. That was about one-sixth of the Senate. Nearly every sixth man, you said, was bribed. If I were a member I swear I would leave a party so easily bribed. [Laughter.] There were about twelve of us Democrats that sat there day by day while they were trying to carry impeachment, and they lacked only one vote of putting Wade in as President; and then they would have control of thousands of important offices, and hundreds of millions of money. But with all their offices and all their money they could not buy the vote of one single Democrat. [Cheers.] I am satisfied that Mr. Johnson stayed in, and I want the people in October to express themselves so unmistakably that the thunder tones shall roll around and shake the National Capitol until the deaf ear of Congress shall hear you demanding the taxation of the bonds and the payment of the bonds in greenbacks, as the law provides. * * *

My competitor says if Mr. Seymour is elected the Senate will be against him, and that there will be this constant strife about the offices. The Senate of the United States and the Executive have been at variance for the last three years. If the President should nominate ever so good a man—ever so well qualified to fill an office—the Radicals would not allow him to be confirmed unless

he were of their political faith. The interests of the public service did not control them, but the interests of their party has controlled them. I suppose three or four hundred soldiers, many of them wounded in battle, have been rejected by the Senate, although they were qualified simply because they were not giving their support to the Radical party. I remember one instance—young Gunter, of Bloomington, who was rejected for postmaster, although he went into the army as a Democrat and lost a leg in the service. Simply because he wouldn't change, they rejected him, as honest a young man as there is in the country. My competitor wants you to elect a man who would be in harmony with the Senate. I want a President who will make the Constitution the polar star of his Administration, and go back to the beaten paths in which our fathers trod; and then we will bring a Congress there to support him.

Mr. Thaddeus Stevens, in a letter, said that everybody knew this Reconstruction was outside of the Constitution; and yet my competitor spoke a quarter of an hour about the Democratic Convention declaring it to be unconstitutional. If within the Constitution, it was clearly against what Mr. Stevens said. Of course it is outside of the Constitution. In the McArdle case, before the Supreme Court—Congress took that case away, when it was pending in that court. They passed a bill preventing the Supreme Court from deciding upon the case; and yet a majority of that court was composed of men appointed by Mr. Lincoln himself. I believe there is a majority of his appointees on the Supreme Bench. Five out of the eight were appointed by Mr. Lincoln, and yet they would not let the Supreme Court, made up of Republicans, pass upon the question whether the Southern laws were constitutional or not! And when the Court had its decision ready to pronounce in the McArdle case, they passed a law that the Court should not act in that class of cases. Now, I

say it is left to the President to decide what laws are unconstitutional. If they won't allow what the Constitution and the fathers have provided, then the Executive officer should do as Andrew Jackson did in regard to the Bank of the United States. He said he had as much right to decide as the Supreme Court.

My competitor has said that at the October election only one Democrat will be elected to Congress from this State. [A voice, "That's so."] Its cheap work for him or that gentleman that knows nothing about it out there. [Laughter.] Its cheap for either of them or myself to brag about the result of the election in advance. I can say what I please. It is guess work. My competitor will find it to the contrary, I think, to the extent of five or six. I think he has missed his guess in relation to six. But that has nothing to do with this debate. I am not here to brag before you. If it is the judgment of the people of the State that my competitor, a gentleman worthy in all individual and personal relations,—if it is the judgment of the people of the State of Indiana that he shall be their Governor, no man will bow with more grace and less reluctance than myself. It will give me no concern. Allow me to assure you, my happiness does not depend upon being elected to office. But I believe the sentiments inscribed upon the Democratic and Conservative banner in 1868 are the true sentiments of the great body of the people, and I believe they will promote your prosperity and happiness.

I know it is an easy thing to excite a feeling of bitterness, hatred and dislike, and my competitor has easy work to refer back to the scenes of war and address those who have lost brothers and sons and fathers and appeal to you to hate the South. Still, it is not the dictates of statesmanship or of our religion. The dictates of religion are to heal wounds, restore harmony, and bring about reconciliation.

The most beautiful lesson taught in the New Testament is that brought out in the Parable of the Prodigal Son. That prodigal son left the best home in the world, and said he would seek his fortune in a distant land ; but when there, hunger came ; misfortune befel him ; and he returned to that home. His father, seeing him a great way off, if animated by the spirit of Radicalism, would say : “ That boy left the best home in the world and expects to come back again. I’ll teach him a lesson. He must come with repentance ; with many conditions never before imposed on him. He must come with humility. But he can’t come and occupy the same place he once did.” O, it was not so ! That father opened his arms and received him to his breast, and ordered a feast spread in honor of that son ; for he said, “ The lost is found, the dead is alive.” And once more love and prosperity and happiness came to that household. But there was a Radical in that household. [Laughter.] That other brother said he didn’t want him to come back.

Now, my notion is that the soldiers accomplished all that the war was waged for. The question for you men to decide is, whether Congressional policy shall defeat that which the soldiers accomplished. The military power of the South was broken down ; and the question now comes up, what shall be the political policy that shall maintain this Union and preserve the Constitution ? The soldiers know what they fought for. It was for the maintenance of the Constitution and the Union ; and if there is a soldier here that fought for Negro equality, Negro supremacy, or to establish Negro government in the South, he has learned it since the war closed. One day after the battle of Bull Run, Congress declared that the war was for the purpose of preserving the Union and maintaining the Constitution, with all the rights, dignities and immunities of the States unimpaired ; and that resolution stands unrepealed to-day. The vote of the soldier

this year is frightful to the gentlemen who have gone so far to defeat the very purposes and results of the war by postponing and preventing the restoration of harmony.

I will close by thanking you for your attention. For ten days more we will discuss these questions together before the people; and as they decide in October, so will I be content. I believe the banner upon which is written EQUALITY OF TAXATION, AND AN EQUAL LIABILITY TO SUPPORT THE GOVERNMENT IN ALL ITS BURDENS, and the great principles inscribed upon the Democratic banner, will triumph in October and November. And should I be elected Governor, I will try to make, for a return to a confiding people, a faithful discharge of the duties of the position; and I am sure I will find the office in an excellent condition, having to succeed so excellent a gentleman. [Laughter.] Our discussion can not be otherwise than agreeable to the gentleman and myself. I expect it will go down to the bottom of the questions in the canvass. I am glad of this opportunity to meet him before the people of the several districts in this discussion.

VI. RACE RELATIONS IN THE SOUTH.

FROM A SPEECH AT NEW ORLEANS,

February 12, 1870.

You will allow me to speak of one other question, which is somewhat local and peculiar to yourselves—a question with which we of the State of Indiana shall have to deal, but not to the extent to which you have to deal with it. In one way or other the Radicals of Washington intend to have it a fixed fact that the Fifteenth Amendment to the Constitution has been adopted. Right or wrong, they intend it shall be declared adopted as a part of the Con-

stitution of the United States. Under that provision, then, when it shall have been declared to have been adopted, the colored people of the whole country become voters; they become clothed with political rights, as they have been before by Congressional action, as far as Congress could do it, clothed with civil rights. It is a question for you to consider very carefully what attitude you men of the South shall occupy toward the colored population. There is a deliberate purpose on the part of the adventurers from the North—a class of men who are described as “Carpet-Baggers” [laughter]—to appropriate the entire colored vote of the South to their cause; and what is their cause? It is not your cause; it is not the colored man’s cause [assent]; it is the cause of plunder [cheers]. And the question presents itself in this form: Are you, men of the South, willing that these adventurers shall appropriate that large vote—in some of the Southern States a majority of the entire vote? Are you willing that this vote shall be appropriated for such a purpose? [A voice: “Not if we can help it.” Laughter and applause.] How can we help it? Simply enough. It is a question simply of personal influence between you, men of the South, “to the manner born,” and those who have settled here, on the one side, and these hap-hazard adventurers of the North on the other side. That is the way the question stands. New relations have come to exist between you and the colored people of the South. How will you place yourselves in regard to these new relations? They have not been of your seeking, and they may, perhaps, not have been sought by the Negro; but he is a voter in Louisiana, as he will be in Indiana, if the Fifteenth Amendment is declared adopted; and it is not worth your while, nor is it worth my while, to go back on the fixed fact. The traveler in the mountain pass is not wise, when he overtakes the storm, to be casting his eyes back upon the plain which he has left. It is his business

to consider the dangers which menace him at the time, and to save himself from the threatened peril. How can you do it? These new relations are upon you. How are you to conduct yourselves toward the colored people? They were your friends. There were social relations between you—the relations of master and servant. They had your confidence and you had theirs. Is it possible that the stranger can now come in and make these ancient servants of yours his servants and your enemies? [Applause.] There is no occasion, in these new relations which are forced upon you, that you should entertain sentiments of dislike to the Negro because of it. It is not of his seeking; he did not produce this change of relations. The altered condition of things has been forced on the country and on you, not by the colored man, but by ambitious politicians, North and South, who wish to make capital out of it. [“That’s so,” and cheers.] I hope to see Southern men taking this weapon, which is placed in their hands, and using it for their country’s good. [Applause.] You have no cause to entertain prejudice against the colored people. [“We don’t do it!”] When your young men were far off in the field, and even your aged men—many of them were absent during the four years of the war—you left these colored men at your homes, where they stood sentinels at your doors, and your wives and your children were safe under their protection. They labored and cultivated your lands, and raised those products which supported the armies in the fields. And now is it possible that the foreigner—I speak not of the foreigner as a man of another country, but men foreign to your interests, men of other sections of the country—is it possible that they shall come in and make these colored men hate you, and destroy you? Your interests are the interests of the colored men.

A few colored men may be brought around the lobbies of the Legislature; they may be temporarily invested

with a few offices ; but you go to work and persuade the colored men that their interests are claimed by just laws alone, and that these apparent benefits which are conferred on a few of their number do not go to make up the benefits of the great body of them. Give them to understand that the offices which are conferred on the colored men here and the colored men there work a positive injustice to the people at large. Let them understand that with regard to their civil rights you are willing to give them just laws. The Negro, of his own motion, is not going to ask for social equality or social rights. It is the Northern adventurer only who is trying to agitate that question, to make it a ground work of ill feeling between you and the colored man. In 1867 Senator Wilson, addressing an audience in this square, declared this true doctrine, that no law in any land could open any man's parlor to him, and no law could open his parlor to any other man. The social rights, the social position of a man, depend upon himself. They are not regulated by law, and the man that insists that there will be social relations between the whites and the blacks inconsistent with the proper relations of those two races, is a friend to neither. He is the enemy of both races. [Applause.] In my judgment the colored people will be satisfied if you assure them that you will give them just laws, fairly administered. Do this, and then the outside adventurer can not turn their votes against you. Let the colored man understand that the legislation of your State is being carried on to make a few men rich at the expense of the great body of the people. Appeal to the colored man to stand by you in your fight for honesty, for justice, for integrity, and for equal laws ; and that appeal will reach his heart as readily as it reaches the heart of the great body of the white people. I don't want you to consider what I have said as the expression of a man who is well

informed on the subject. I have never been brought into close contact with colored men to any considerable extent. I don't know much of their habits; I don't know much of the influence brought to bear upon them; but I do believe that the men who have known them from childhood up—the men who have been their friends in times past—may, by a proper course, restore that influence in themselves which will enable them to secure the colored vote for the good of your State and for the good of the country. Let the consolidated sentiment of the men of Louisiana be brought to bear upon the Legislature and for the right. You ask nothing that is wrong; you ask that you may be taxed only for the public good, and that the corrupt tide of special legislation shall be stopped. We have much to accomplish. What is it we intend? That this Union shall be perpetual; that it shall rest on the Constitution; and that all the rights, privileges and prerogatives of the State shall be maintained forever under that Government; and that the National Union, thus supported by States clothed with all their rights, will be the temple in which freemen shall worship forever together. [Cheers.]

What do we wish to accomplish? Nothing that is wrong—everything that is right. We wish to establish in the United States equal laws and just taxation. These we must have. This plunder of the State and national treasuries is becoming universal. There must be a return to a spirit of honesty in the public service, both national and State. There is a power greater than that of law. Daniel Webster, in one of his beautiful orations, when the question was agitating the heart of the world what treatment Russia would extend to Kossuth, and whether Russia would demand the return of that patriot when he was under the protection of Turkey, said there was a power mightier than the earthquake, more terrible

than the rumbling of the storm—the judgment of mankind. [Cheers.]

Let us, North and South, unite now for the purpose of maintaining the institutions of our country in the spirit in which they were established by the great men who founded this Government.

I thank you for the attention you have given me. I thank you for this welcome. It is my first visit to the Southern country. I thought that I knew some of your institutions. I thought I would come and see if I was mistaken. I am satisfied that the course which I felt it was my duty to take in regard to the question of Reconstruction was right. I thought it was right at the time. Now I doubt it not. I know I was right. [Cheers.] I have seen you face to face; I have heard your gentlemen talk on this subject; I know how you feel. The past is the past for you; the future is coming, with its weighty interests and responsibilities. Let us rise to meet the future. Let us welcome it, and let us be sure that “Liberty for all and oppression for none” is the watchward of that future. [Loud cheers.]

VII. THE ISSUES OF SEVENTY-FOUR.

SPEECH OPENING THE DEMOCRATIC STATE CAMPAIGN.

The Wigwam, Indianapolis, September 14, 1874.

The fortunes of the Republican party had become so desperate at the late adjournment of Congress, that it was found necessary to appeal to the people in a Congressional address, to stand by the leaders. The address was signed by thirty-nine members, constituting the Congressional committee. General John Coburn, of this State, was one of the thirty-nine. They ask to be continued in power,

and their army of eighty thousand office holders to be perpetuated on the pay rolls, because they are good and the Democrats are bad. And they go back thirty years before the war to prove the latter. I think no Indianian has a right to sign a paper saying that from 1830 to 1860 there is hardly a memory left connected with the control of public affairs "at which the nation should not blush." During that thirty years our population increased from twelve to thirty-one millions, and the wealth and commerce of the country correspondingly advanced. The resources were gradually but steadily developed. The people were prosperous, contented and happy. You know that bad government could not bear such fruit. That period included the greater part of Jackson's administration, which is yet distinguished for integrity, firmness and statesmanship, and which strengthened the confidence of the world in free and republican institutions. During that period Texas was annexed, a country large enough for three great States; and now, after the public lands under the control of Congress have been so largely granted away, no portion of our country offers greater advantages to our people, who need and seek cheap homes and farms, than Texas. That period includes the administration of the treasury by James Guthrie, of Kentucky, a great man, who did not suffer the loss of one dollar of the people's money. That generation has passed away, but it has left many names illustrious for patriotic devotion to country and elevated statesmanship. What think you of Jackson, of Benton, and Cass, and Silas Wright, of Marcy and Woodbury, and of Douglas? Did they not always and everywhere vindicate their country's right and honor; and in the great contests with the giants of the Whig party, were they not able with dignity and credit to maintain themselves, their party and their cause? Over them, their works and their achievements, this Congressional com-

mittee of thirty-nine, moved by the spirit of modest virtue, and like the sons of Noah going backward, would throw the mantle of forgetfulness. Who are the committee of thirty-nine, good souls and pure, who are so ashamed, and would have the country blush for what our fathers did? I will not name them all; that would be too much. So much excellence and virtue would overcome you as an excess of light would blind you. Chandler; Cameron; Conover, of Florida; Mitchell, of Oregon; Cobb, of Kansas; some delegates from the Territories; and Stewart, of Nevada.

The meeting of the committee for a last reading of the address must have presented a scene of thrilling interest. The delicate sensibilities of Chandler were thoroughly aroused by the sentiment that he lived in times of such elevated purity, and that he was not exposed to the corrupt influence of association with Andrew Jackson.

At first Mr. Cameron was disturbed by some obscure reference to official integrity, which was hinted at as proper, for it suggested the disagreeable memory of the resolution of the House of Representatives during the war, which made it necessary for him to abdicate the War Department; but when he perceived the blow struck at the men of the past he was comforted, for they hit that granite man, William L. Marcy, who set an example of illiberality and unkindness in that office in his conduct of the Mexican War, in not allowing his friends and partisans to grow rich off of the army and the people.

Mitchell, of Oregon, had been a little unfortunate in coming into the Senate with a very disagreeable odor about his character—so much so, indeed, that others were restless in sitting in the chamber with him; but that was past; fumigatory explanations had been made, and they had become accustomed to it, as indeed they have lately become accustomed to a good many new things; but his distress on that account was forgotten in the abasement

which he felt in contemplating so much above him the sublime faith of Stephen A. Douglas in man's right and capacity for self-government.

Senator Clayton, of Arkansas, could properly sign such an address, because he had been investigated and white-washed; but I could not tell why the gentle delegates, political eunuchs, from Colorado, New Mexico and Arizona, should display so much passion toward the men of the past. But upon reflection I knew it was because they had seen so much of the Indian service out there, and so appreciated its purity, its justice to the white man, and its care for the Indian, that they could not endure the stern and positive way in which Jackson made the Indian obey the authority of the country, and the white man respect the rights of the Indian.

True, the service has been unfortunate of late; it costs about \$7,000,000 for the supplies and maintenance, whereas it used to cost, when the number was far greater, but \$3,000,000. And if we include the military government and control, the cost must be many times greater; and the misfortune is, that the Indian is becoming worse, and the borders more insecure.

But if I am mistaken in supposing that it was the Indian service which so moved the pure minds of these delegates, then it must be their long residence in the city of Washington, and their observation of the highest development of their party in the government and improvement of the District of Columbia. True, a terrible and crushing debt has been created, reaching nearly \$30,000,000, which Congress will probably pay out of the Treasury; and corruption bore sway, so that even the form of republican government was abandoned, and a Roman triumvirate was established and rules the capital of the nation. But what care these delegates for all that? They see the grandeur and the splendor of the city, rivaling the seats of monarchy in the Old World, and they look with con-

tempt upon the cheap and plain style that prevailed during the thirty years which they denounce. It may have been this feeling that caused them to unite with Gen. Coburn and the others in this sentiment taken from the address: "It has been loudly vaunted that those were cheap administrations. Compared with the expenditures of these times, they were cheap, very cheap. Compared with their worth to the country, they were probably the most profligate the world ever saw. They cost the people from \$50,000,000 to \$75,000,000 per annum. Those millions maintained for us the empty pageant we called government. It was the worst pageant that could be contrived. It was not even showy; it was vulgar."

That, it seems, is clear enough. The simple and unostentatious style of the past is to be held in contempt as vulgar. Then men labored faithfully and accounted truly in every public trust; then taxes were low; and the laws were plain and easily understood; then influence and respectability were sought and won because of official integrity. Some old men yet live who recollect those times. But now government is to be made a pageant. A glittering, gaudy, pretentious and *parvenu* aristocracy is to take the place of a despised and crushed Democracy. The people are to be made contented by brilliant and costly show, and the display of power. By such a course Louis Napoleon maintained himself for a while upon the throne of France; but his failure and disgrace came upon him and his people when the hollow structure of his authority was brought against the real power of a solid people.

Let us look at some of the specific charges in the address against Democratic rule. "We bullied Austria out of a Hungarian refugee." That was the case of Martin Koszta, a Hungarian by birth, who had emigrated to this country, had lived in New York one year and eleven months, and in proper form, according to our laws, had

declared his intention to become a citizen of the United States. In 1853 he went to Europe on business, carrying an authenticated copy of his declaration, and intending soon to return. While at Smyrna, he was seized by the emissaries of Austria and forcibly taken on board the *Hussar*, an Austrian brig-of-war, and held in close confinement, to be carried back for punishment by that cruel government because of his aspirations for liberty.

Captain Ingraham, of our navy, was then in command of the sloop-of-war *St. Louis*, in the Mediterranean, and, coming to anchor at Smyrna, was told by our consul what had taken place. After consulting our representative at Constantinople, he demanded of the Austrian commander the surrender of Koszta, with the assurance that he would be taken if not surrendered. He was surrendered, and placed under the protection of the French Consul, and returned to the United States; and Austria never laid her iron hand upon him again. For his gallant and noble conduct, Congress voted Captain Ingraham a medal. Mr. Marcy, as Secretary of State, in a correspondence of extraordinary ability, maintained and vindicated our country's position and conduct, and established public judgment in our favor. Do you regret that Koszta was not left an Austrian prisoner? If not, what think you of this charge against the Democracy by the Republican Congressmen?

The next charge is in these words: "We despoiled Mexico of a portion of her territory." By treaty, at the close of the Mexican war, we acquired New Mexico and California; we hold them still. From the latter we have realized untold wealth. But is it true that the acquisition was not the result of legitimate war and fair treaty, that it was the act of force by the strong over the weak, that it was robbery, and that the officers and soldiers in that war were despoilers? If that be so, then, however proud the people have been of the achievements of the soldiers,

and of the magnificence of the acquisition, ought not the country to be restored? No; the question was long since settled. It is ours by legitimate and proper war and fair treaty, and the demand made that we should blush because of that war and its results, only shows their inability to find real fault in Democratic administrations.

They also charge, "We demolished Greytown." That is true. It was in 1854. It was on the line of travel and commerce between the Atlantic States and California; and after that, the semi-barbarians and half-clothed savages of that locality no more interrupted our commerce or murdered our people.

By what authority and in what manner our internal commerce shall be regulated, is a question of present and deep interest, and party managers who ask an indefinite extension of power should declare their policy in unmistakable terms. In their addresses the members of Congress evade it, except to say that whatever may or may not be expedient to be done, "only the Republican party can be relied upon to do it." Why so? Has that party not been in power, both State and national, long enough to have done something, if its leaders were really in favor of anything?

In respect to the proposition that Congress shall build a double track railway from the Mississippi to the Atlantic, the Congressional address says, "This is worthy of careful consideration." And in respect to the proposed expenditure of \$20,000,000 per year by Congress to open or enlarge several water-channels over the country, they say, "We invite your earnest and careful consideration of that proposal." Can you tell what they are in favor of? * * *

This alone appears clear, that they oppose the regulation of fares and freights by public authority, and favor leaving their regulation to the companies. Whatever you think of the position, the reasons given are vicious. "If

the people fix the rates they are likely to be too low, and capital will be driven off." Why so? Intelligent legislation would regard railroads as important public agencies, to be protected if not encouraged. But they added: "If the company makes the mistake and charges too much, no one is obliged to employ it. The producer does his own carrying before the railway is built. He has the perfect right to do so after it is built." That language in the mouth of the company itself would be justly offensive. It does not correctly state the relations between the companies and societies. The companies are created by law, as artificial persons, and clothed with important privileges, because of the benefits the construction and maintenance of their roads will be to the community. Except for that, they would not exist. Except for that they would not be clothed by law with that quality of sovereignty which enables them, like the State, to appropriate private property. But for the fact that they are public, and for the public, and not private, they could not enter upon, condemn and appropriate the lands and timber of the citizen. This view is in accordance with legislation, judicial decisions and public policy. And the companies can not say to the producers, nor can these members of Congress say for them, "If the fares and freights are too high, you can carry your own produce to market as you used to do." The public corporation must serve the public at reasonable charges. That is the purpose of its existence, and the advantage of the members is but an incident. Highways, whether rail or gravel, might be made by the State directly, and in every respect would be under State control. The public corporation created to build and maintain such highway stands, in respect to its powers and its duties, in the place of the State. It is a creature of the State, endowed with a part of its powers, to serve the public. And if such a corporation refuses to serve the public at reasonable rates, the

State may compel such service. I suppose the rule in respect to a private corporation would be different. In this I do not refer to the case in which the State may have expressly relinquished the control to the corporation itself. In this State, the power is expressly reserved to amend the general laws under which railroad companies have been organized since 1853.

If possible, the other remedy against exorbitant charges, suggested by the Congressional address, is more objectionable. It is, that the State shall buy the road from the company, or build another road by its side. It is not probable that the people of Indiana will ever again permit the State to enter upon the hazardous work of constructing or managing works of internal improvements. The reliable remedy is to be found in the wise and prudent exercise of the powers which the State has over her own institutions.

Under the pretext of regulating commerce among the States, the dangerous scheme has been devised of Congressional intervention and control over State corporations. The real purpose is to strengthen Federal authority, and promote the concentration of power. Can you conceive a scheme of greater danger to the reserved rights of the States and of the people? These corporations exist by State authority, and their powers are defined by State laws, which Congress has no right to modify. Should Congress, by Commissioners to be appointed by the President, take the management of railroads and lines of telegraph, every person in the employment of the companies will, to some extent, be made dependent upon this new power, and made to do its bidding. Give this new power, this enormous patronage, to the President, and the problem of the nomination for the third term is settled. Can you estimate the corruption it would produce? Senators Morton and Pratt both advocate the appointment of Commissioners with power to fix the fares and freights. They

concede that the same rates can not be adopted for all the roads; that they must be adjusted according to cost of construction and repairs, and amount of business, etc. Who will be the Commissioners with such powers to regulate rates as between the companies themselves and between them and the people? With the President's capacity for bringing into office men not known to the country, we might expect a new Sanborn, an unheard-of Richardson, a Tennessee Murphy, a Sawyer and a Shepherd. * *

To secure a fair management of railroads and a just rate of transportation, are the farmers and mechanics not safer in the hands of their immediate representatives in the State Legislature than in the hands of Congress or of such Commissioners? The responsibility to the people is more direct, and the representatives are more in your sympathy, and corrupting influences are less powerful. The Credit Mobilier grew out of a Congressional enterprise. Within the past three years the Pennsylvania railroad was able in Congress to make its own selections of extensive and valuable ground in the city of Washington, over a powerful opposition. The Central Pacific railroad came very near carrying through Congress a grant of an island of immense value in the harbor of San Francisco, although it was of the highest importance to the Government for military purposes, and was so reported by the army engineers. Home interests are safest under home management. The proceeding to regulate the relations between the railroad corporations and the producers by Washington City Commissioners would present the spectacle of the jury eating and drinking in the dining-hall of the rich defendant, while the poorer suitor, in his humble home, bewails his unequal fortune.

The expression in favor of a return to specie payments is very general; but the real question is, When and how can that be accomplished? So long as the supply of coin is so small as compared with the paper money, it is im-

possible. The effort now would probably result in commercial disaster. The people so believe. No sentiment attributed to Mr. Greeley in 1872 was more hurtful to his political fortunes than the demand for immediate specie payments. To render it possible without hurt to the country, coin and paper must come nearer together in quantity. They will then be nearer, if not uniform, in value. How shall that be brought about? By reducing the paper currency? With the present burden of national, State and local taxation, and the large volume of other indebtedness to be provided for, that can not be borne. It would cramp business and paralyze labor. No one desires a return to specie payments more earnestly than myself, for I believe gold and silver are the real standards of value, universal and permanent. As I had occasion once before to say, the existence of commercial mediums of different values—one description of money for one class and purpose, and another for a different class and purpose—is too serious an evil to be long endured. All the money of the country should be of uniform value and readily convertible. But we are not in that condition. Our paper money exceeds the coin by nearly five dollars to one. How shall we bring them nearer together in quantity that they may approach and meet in value? Shall we commence at the top and tear down, or at the bottom and build up? Business, enterprise and labor, every important interest of the country, demand that the volume of the currency be maintained to meet their requirements; but every interest will be strengthened by increasing the supply of coin. How is that to be accomplished? By encouraging an increased production of our great staples that command the foreign market; by reducing our expenditures in foreign purchases, and by reversing the fatal policy which has sought to make our debt a foreign debt. When we purchase less of foreign goods and sell more of our produc-

tions abroad, and cease to pay so much of the interest on our debt abroad and pay it to our own citizens, the current of gold will turn toward our shores, and then specie payments will be certain, natural and permanent, and will become the basis of an enduring prosperity.

The declaration in our State platform that the fifty bonds should be paid in treasury notes, has attracted much attention. The subject for some years has not been considered by the people. In 1868, when it was a living and a practical question, I thought, and so attempted to maintain, that the laws under which the bonds and greenbacks were issued allowed the payment in the latter. I have no doubt the laws admitted that construction; that it was the proper construction. And I think no subsequent legislation should have changed the mode of payment. By the first act which President Grant signed in 1869, the faith and honor of the country are pledged to the payment in gold. That was an act not required by any circumstances in the condition of our affairs; it was a special favor to the holders of the bonds, to which they were not entitled; and it was a corresponding wrong to the tax-payers. Under it many millions of premium have been paid which the contract did not authorize. But the present question is, what is the effect of the act of 1869, pledging payment in gold? Upon that question I have no doubts. Congress passed it and the President approved and signed it. They had the constitutional power. * *

It is because the act of 1869 was thus binding that it was so grievous a wrong upon the people. The party which did it should be held politically responsible. This question is rapidly losing practical importance, for the bonds have been converted in large quantities and are now being converted into five per cents, carrying the promise of payment in gold upon their face. That is one of the wrongs resulting from the act of 1869. * *

It is now so noticeable a fact that no one can fail to see it, that immediately preceding the important elections troubles are excited between the whites and blacks in the South. It has two effects. It is made the pretext for sending troops into the Southern States and controlling the elections for the Radicals; and it is used in the North to arouse Radical passion, and thus carry the elections there. Now, as these are the only results that can follow, who does it? The emissaries of the party that makes a gain by it.

My countrymen, we must look squarely and honestly at this question of the strife between the two races.

During the war, when the Southern men were off in the field, there were no insurrections. The colored people preserved the peace at home. After the close of the war there was harmony between the races until your unfortunate policy of Reconstruction was started. In that you undertook to base the machinery of society upon one element, and to exclude intelligence. You stripped the white man of political privileges, and clothed the Negro with political power. The races had been harmonious; but at once, and for a purpose, you placed them in hostile attitude. You left many of the hangers-on of the army in the South; men who went not to fight, but to plunder. They were your emissaries; they organized the Negroes into a political party. In every neighborhood they formed them into oath-bound secret societies, called Loyal Leagues. They were sworn to stand together. In these societies, from which the Southern white man was excluded, they were taught to regard the white men as their enemies, and that they would soon receive their property. Thus they were arrayed in antagonism to the whites. The work was done thoroughly, and by it you held political power in many States. But those States are crushed and ruined now. We can not, we must not, go on in this direction. The welfare of our

country calls for a change. Men must be placed in power who will relieve society from these dangerous influences, who will stand honestly between the two races, and see to it that each is fairly and fully protected in its rights; who will see that harmony, based upon justice, is restored, so that labor shall be secure, and capital shall not be afraid.

The South is now being covered with troops. If General Grant would investigate for himself, I would not fear the result. In many respects I admire him. He is a man of great ability, and does not hate people merely because they oppose his corrupt party. Two years ago I said that we were fighting the "ring" that controlled him, more than the President himself; and now we have to fear the bad influences that surround him. He will not investigate. He will take his information from the most malignant man in the country, the Attorney General. The men who are maintaining such baleful authority in the South crawl into the office of the Attorney General and do their work. It is a dreadful thing that our army must be used to perpetuate a rule so hurtful to the whole country, such as prevails in South Carolina, Florida, Mississippi and Louisiana. Whole communities and the business and production of the country are being played upon for political results. The welfare of the country calls for a change. Let the sentiment be felt everywhere, from the palace of the capitalist to the cabin of the Negro, that complete and exact justice shall prevail, and then all will once more bow to public authority. It was so once; it may be so again. The party in power has failed. Let us not be led by hate to utter ruin. * *

I will ask your attention to some questions more immediately affecting our State. At a special session of the Legislature in 1872, an unjust and wicked law was passed dividing the State into Senatorial and Representative districts. It was done to enable the party to hold political

power in the Legislature against a majority of the people. Governor Baker would not sign it. No man ought to have voted for it. They now propose to appropriate and use the advantages of the crime by securing the re-election of Senator Pratt. The history of such nefarious efforts has generally been that they turn against the guilty party. How shall it be now? Will the people of Indiana become a direct party to it by so voting as to give them the benefit of the wrong? Let us see. * *

I do not wish to be understood as saying that this apportionment may be changed by the next Legislature. I think it is a grave question whether it must not stand until another enumeration is made at the expiration of six years from the last, as required by the Constitution. But the people may and should rebuke the outrage as a blow at popular representation and republican government. They should rebuke it by defeating its purpose, by preventing the misrepresentation intended. It is a gratification to me that, in my first address to the people as a candidate in 1873, in the expectation that the Legislature would be Democratic, I said: "It will be the duty of the Legislature to redistrict the State for legislative and Congressional purposes. Not only the Constitution, but just and honest representation, requires that the apportionment shall be made among the counties according to their voting population. It is a shame if the people allow the adjustment of representation to be made upon any other basis. It is an aggravated fraud if some counties be allowed more, and other counties less, than their proportion of Senators and Representatives, because of the political opinions of their people. The apportionment of 1867 was thus tainted. Should the men who support me this year have the control of the Legislature, I hope they will be governed by the Constitution and justice only, in making the new apportionment; for it is right, and it will prove

politically expedient and wise. For that my labor and my influence shall be given."

I think you know that the corrupting sentiment has been growing that unfair advantages are right in politics, and that private gain may be made of political success. I think you know that from that sentiment the corruption has come which is undermining our institutions. Then, need I specify the large sums of money of which the people were defrauded by the Sanborn contracts, by the Credit Mobilier, by the New York Custom House frauds, so hurtful to our commerce, and so wrong to the merchants? Need I speak of the great fortunes built upon the District of Columbia corruption, and of the scores of investigations which the clamor of an outraged people compelled? Need I mention that for all these none of the guilty parties has been punished save only one old man expelled from the House, while others have been rewarded and now hold high and lucrative office? Why, is it not enough to turn to this unparalleled legislative fraud in our own State? Would you again trust a man who would corruptly wrong even an enemy? Would you employ him in your store or office or shop or on your farm? Then how can you trust the affairs of government in the hands of a party which requires its legislators to despoil a part of the people of their rights, and to bestow them upon others? Do they not all equally pay taxes, and bear the public burdens? Why, then, shall some be robbed of their rights as citizens? The industries and resources of the country will restore the millions lost by the frauds and corruptions to which I have referred; but who shall restore to the people of many counties their lost privilege and right of an equal voice in making the laws which all must obey?

I will detain you to speak only of one other characteristic of the last Legislature. I speak of its own extravagance in the use of the public money. The general and special sessions continued one hundred and one days, and

the expenses were \$199,563.32, as appears by the report of Mr. Glover, as Treasurer of the State, page 10. That includes only legislative expenses. It was at the rate of \$1,976 per day. The Legislature of 1871 was in session only fifty-three days. The important measures and business of the session were defeated by the resignation of Republicans in the House, so as to destroy the quorum, and thus stop business. The breaking up of the Legislature was revolutionary in its character, and not justified by any public consideration, or sufficient reason in the condition of its business. That proceeding made the session of 1871 only fifty-three days, and the expenses were \$82,520, as appears by Mr. Ryan's report, page 9. This was at the rate of \$1,557 per day, and was \$419 less per day than the expenses of the Legislature of 1873. But it is proper to add that the pay of members of the Legislature was increased at the special session from five to eight dollars per day. That increase of three dollars per day, for one hundred Representatives and fifty Senators, was \$450 per day, but applied only to the regular session of sixty-one days. It amounted to \$27,450, and deducting that from the \$199,563 leaves \$172,113 as the expenses of the one hundred and one days excluding increased pay, or \$1,704 per day, which was \$147 per day excluding increased pay, more than the Democratic Legislature two years before.

I think the Democracy on the 13th of October are expected to declare in plain terms what legislation you approve in regard to the sale of intoxicating liquors. My official duty places me in a responsible relation to this subject. I signed the law now in force known as the Baxter bill, though I thought some of its provisions unwise and impolitic. Before signing the bill, I examined it with all the care the time allowed would permit. I called to my assistance two of the ablest lawyers of the State, and I came to the conclusion that its provisions

were not in violation of the Constitution. It was not a case of hasty or inconsiderate legislation. It was deliberately considered in both branches of the Legislature. Believing the bill to be constitutional, and that it expressed the deliberate judgment and will of the Legislature, it was my duty to sign it. I believe the veto-power is conferred to arrest unconstitutional and hasty legislation and legislation in derogation of fundamental and essential rights, such as the equality of representation, and not to enable the Governor to oppose his opinions to those of the people's immediate representatives upon questions of mere policy or police regulation. That law has not received the popular support necessary to make it efficient. It has encountered determined hostility on the part of those engaged in the liquor business; and for many months extreme temperance people, in a very extraordinary manner, have shown an unwillingness to abide by its provisions.

Propositions will be brought before the next Legislature for the material modification or repeal of the law. What legislation shall take its place? Our Supreme Court has declared absolute prohibition to be unconstitutional, and experience, I believe, has shown it to be impracticable. It then remains only to regulate the traffic.

Any useful law must rest upon the proposition that there are serious evils to society and to individuals connected with the traffic in intoxicating liquors, which it is the province of the law to restrain and prevent. Sales should not be made to boys; and if necessary to prevent it, the boy who misrepresents or conceals his age to obtain liquor should be punished as well as the party who knowingly sells to him. Drunkenness should be punished, as well as selling to the intoxicated. All sales should be forbidden when the public peace or safety requires it, and like other pursuits it should be suspended in the night-time. Perhaps the hour now fixed is unnecessarily and inconve-

niently early, but society should be protected from the disturbances and bloodshed incident to the traffic in the middle of the night.

I think it might properly be considered whether a difference in regulation could not safely be made for the sale of vinous and malt liquors, and of the stronger and more intoxicating drinks. There is certainly a great difference in the evils that result from their use.

With these and such other provisions as may seem reasonable and necessary, I think experience justifies the adoption of the license system. The amount required for the license in each case should be greater than heretofore. It should be sufficient to make the party selling feel that his interest is identical with that of society in preserving order and good conduct at his place of business, and avoiding all violations of law. This policy will bring a large revenue into the school fund, and will prove more efficient in suppressing the evils of intemperance than the present system. I can not appreciate the objection that, by receiving a license fee, society uses money received from an improper source. Under the present law the State grants a permit, and declares the business lawful. Under a policy which we have long maintained, every violation of our criminal law that is punished by fines adds to the school fund. No law upon this subject can be useful unless supported by public opinion in its favor. The wise legislator considers the weakness as well as the strength, the follies as well as the wisdom, of man, and adapts the laws to his real wants and necessities.

We hear no more of the foolish cry that the Democratic party is dead. Staunch, strong and earnest, it has its work to do, the pleasing work of restoring good government, wholesome and equal laws, and universal harmony to a great people. It is cheered forward by the increasing respect and confidence of the people, as shown

in the elections as they come on. When the day of complete triumph shall come, and the burdens and responsibilities of government shall rest upon its broad shoulders, Heaven forbid that the people shall be disappointed in their just expectations!

VIII. LETTERS OF ACCEPTANCE OF THE NOMINATIONS FOR
THE VICE PRESIDENCY.

ADDRESSED TO COMMITTEES OF THE DEMOCRATIC NATIONAL CONVENTION,

Indianapolis, July 24, 1876.

Gentlemen: I have the honor to acknowledge the receipt of your communication, in which you have formally notified me of my nomination by the National Democratic Convention at St. Louis as their candidate for the office of Vice President of the United States. It is a nomination which I had neither expected nor desired; and yet I recognize and appreciate the high honor done me by the Convention. The choice of such a body, pronounced with such unusual unanimity, and accompanied with so generous an expression of esteem and confidence, ought to outweigh all merely personal desires and preferences of my own. It is with this feeling, and I trust also from a deep sense of public duty, that I now accept the nomination, and shall abide the judgment of my countrymen.

It would have been impossible for me to accept the nomination if I could not heartily indorse the platform of the Convention. I am gratified, therefore, to be able unequivocally to declare that I agree in the principles, approve the policies, and sympathize with the purposes enunciated in that platform.

The institutions of our country have been sorely tried

by the exigencies of civil war and, since the peace, by a selfish and corrupt management of public affairs, which has shamed us before civilized mankind. By unwise and partial legislation, every industry and interest of the people have been made to suffer; and in the Executive Department of the Government dishonesty, rapacity, and venality have debauched the public service. Men known to be unworthy have been promoted, while others have been degraded for fidelity to official duty. Public office has been made the means of private profit, and the country has been offended to see a class of men who boast the friendship of the sworn protectors of the State amassing fortunes by defrauding the public Treasury, and by corrupting the servants of the people. In such a crisis of the history of the country I rejoice that the Convention at St. Louis has so nobly raised the standard of reform. Nothing can be well with us or with our affairs until the public conscience, shocked by the enormous evils and abuses which prevail, shall have demanded and compelled an unsparing reformation of our national Administration, "in its head and in its members." In such a reformation the removal of a single officer, even the President, is comparatively a trifling matter, if the system which he represents, and which has fostered him as he has fostered it, is suffered to remain. The President alone must not be made the scape-goat for the enormities of the system which infects the public service and threatens the destruction of our institutions. In some respects I hold that the present Executive has been the victim rather than the author of that vicious system. Congressional and party leaders have been stronger than the President. No one man could have created it, and the removal of no one man can amend it. It is thoroughly corrupt, and must be swept remorselessly away by the selection of a government composed of elements entirely new and pledged to radical reform.

The first work of reform must evidently be the restoration of the normal operation of the Constitution of the United States, with all its Amendments. The necessities of war can not be pleaded in a time of peace; the right of local self-government as guaranteed by the Constitution of the Union must be everywhere restored, and the centralized (almost personal) imperialism which has been practiced must be done away, or the first principles of the republic will be lost.

Our financial system of expedients must be reformed. Gold and silver are the real standard of values, and our national currency will not be a perfect medium of exchange until it shall be convertible at the pleasure of the holder. As I have heretofore said, no one desires a return to specie payments more earnestly than I do; but I do not believe that it will or can be reached in harmony with the interests of the people by artificial measures for the contraction of the currency, any more than I believe that wealth or permanent prosperity can be created by an inflation of the currency. The laws of finance can not be disregarded with impunity. The financial policy of the Government, if indeed it deserves the name of policy at all, has been in disregard of those laws, and therefore has disturbed commercial and business confidence, as well as hindered a return to specie payments. One feature of that policy was the Resumption clause of the act of 1875, which has embarrassed the country by the anticipation of a compulsory resumption, for which no preparation was made, and without any assurance that it would be practicable. The repeal of that clause is necessary, that the natural operation of financial laws may be restored, that the business of the country may be relieved from its disturbing and depressing influence, and that a return to specie payments may be facilitated by the substitution of wiser and more prudent legislation, which shall mainly rely on a judicious system of public economies and official

retrenchments, and above all, on the promotion of prosperity in all the industries of the people.

I do not understand the repeal of the Resumption clause of the act of 1875 to be a backward step in our return to specie payments, but the recovery of a false step; and although the repeal may for a time be prevented, yet the determination of the Democratic party on this subject has now been distinctly declared. There should be no hinderances put in the way of a return to specie payments. "As such a hinderance," says the platform of the St. Louis Convention, "we denounce the Resumption clause of the act of 1875, and demand its repeal."

I thoroughly believe that by public economy, by official retrenchments, and by wise finance, enabling us to accumulate the precious metals, resumption at an early period is possible without producing an "artificial scarcity of currency," or disturbing public or commercial credit; and that these reforms, together with the restoration of pure government, will restore general confidence, encourage the useful investment of capital, furnish employment to labor, and relieve the country from the "paralysis of hard times."

With the industries of the people there have been frequent interferences. Our platform truly says that many industries have been impoverished to subsidize a few. Our commerce has been degraded to an inferior position on the high seas, manufactures have been diminished, agriculture has been embarrassed, and the distress of the industrial classes demands that these things should be reformed.

The burdens of the people must also be lightened by a great change in our system of public expenses. The profligate expenditure which increased taxation from five dollars per capita in 1860 to eighteen dollars in 1870 tells its own story of our need of fiscal reform.

Our treaties with foreign powers should also be revised

and amended, in so far as they leave citizens of foreign birth in any particular less secure in any country on earth than they would be if they had been born upon our own soil; and the iniquitous cooley system which, through the agency of wealthy companies, imports Chinese bondmen, and establishes a species of slavery, and interferes with the just rewards of labor on our Pacific coast, should be utterly abolished.

In the reform of our civil service I most heartily endorse that section of the platform which declares that the civil service ought not to be subject to change at every election, and that it ought not to be made the brief reward of party zeal, but ought to be awarded for proved competency and held for fidelity in the public employ. I hope never again to see the cruel and remorseless proscription for political opinions which has disgraced the Administration of the last eight years. Bad as the civil service now is, as all know, it has some men of tried integrity and proved ability. Such men, and such men only, should be retained in office; but no man should be retained under any consideration who has prostituted his office to the purposes of partisan intimidation or compulsion, or who has furnished money to corrupt the elections.

This is done, and has been done, in almost every county of the land. It is a blight upon the morals of the country, and ought to be reformed.

Of sectional contentions and in respect to our common schools, I have only this to say: That, in my judgment, the man or party that would involve our schools in political or sectarian controversy is an enemy to the schools. The common schools are safer under the protecting care of all the people than under the control of any party or sect. They must be neither sectarian nor partisan, and there must be neither division nor misappropriation of the funds for their support. Likewise I regard the man

who would arouse or foster sectional animosities and antagonisms among his countrymen as a dangerous enemy to his country. All the people must be made to feel and know that once more there is established a purpose and policy under which all citizens of every condition, race and color will be secure in the enjoyment of whatever rights the Constitution and laws declare or recognize; and that in controversies that may arise the Government is not a partisan, but within its Constitutional authority the just and powerful guardian of the rights and safety of all. The strife between the sections and between races will cease as soon as the power for evil is taken away from a party that makes political gain out of scenes of violence and bloodshed, and the Constitutional authority is placed in the hands of men whose political welfare requires that peace and good order shall be preserved everywhere.

It will be seen, gentlemen, that I am in entire accord with the platform of the Convention by which I have been nominated as a candidate for the office of Vice President of the United States. Permit me, in conclusion, to express my satisfaction at being associated with a candidate for the Presidency who is first among his equals as a representative of the spirit and of the achievements of reform. In his official career as the Executive of the great State of New York, he has, in a comparatively short period, reformed the public service and reduced the public burdens, so as to have earned at once the gratitude of his State and the admiration of the country. The people know him to be thoroughly in earnest; he has shown himself to be possessed of powers and qualities which fit him in an eminent degree for the great work of reformation which this country now needs; and if he shall be chosen by the people to the high office of President of the United States, I believe that the day of his inauguration will be the beginning of a new era of

peace, purity and prosperity in all departments of our Government.

I am, gentlemen, your obedient servant,

THOMAS A. HENDRICKS.

To the Hon. John A. McClernand, Chairman, and others of the Committee of the National Democratic Convention.

Indianapolis, August 20, 1884.

Gentlemen: I have the honor to acknowledge the receipt of your communication notifying me of my nomination by the Democratic Convention at Chicago as candidate for the office of Vice President of the United States. May I repeat what I said on another occasion, that it is a nomination which I had neither expected nor desired, and yet I recognize and appreciate the high honor done me by the Convention. The choice of such a body, pronounced with such unusual unanimity, and accompanied with so generous an expression of esteem and confidence, ought to outweigh all merely personal desires and preferences of my own. It is with this feeling, and I trust also from a deep sense of public duty, that I now accept the nomination, and shall abide the judgment of my countrymen. I have examined with care the declaration of principles adopted by the Convention—a copy of which you submitted to me—and in their sum and substance I heartily indorse and approve the same.

I am, gentlemen, your obedient servant,

T. A. HENDRICKS.

To Hon. William F. Vilas, Chairman; Nicholas B. Bell, Secretary, and others of the Committee of the National Democratic Convention.

IX. CHRISTIAN FAITH.

FROM THE ADDRESS BEFORE THE YOUNG MEN'S CHURCH GUILD.

I care not which one of the highways you pursue toward knowledge, you will come to a place in the course of your travel where you will stop—where you can go no further—as upon the road it shall be a mountain or an impassable gulf; and beyond that, what is the distant land then becomes a question exclusively of faith. This side of that boundary line it is not allowed us to adopt faith; but I take it that the Providence which intended that human intellect should always be stimulated to inquiry, intended that we should always rely upon our efforts and investigation within the realm of proper inquiry. But we reach a line and boundary beyond which inquiry can not go, sometimes very early in our progress.

I know scarcely any question that does not have this limit and restriction. Take your own person, and you know of its existence, you know of its faculties and powers; but really you know but little of yourself. Have you any idea how it is that your will does govern your body? You know the fact that by the will the mind itself does work; but how it is, and why it is, you know not. You know that some faculty is connected with your body that controls its action; but just what that faculty is, you know as much as Adam and Eve when they stepped out of the garden. They knew just as much as you do. No philosopher has gone farther. How it is that spirit dwells with matter, and how it influences the action of matter, no man knows or ever will know. So I might go on to give several illustrations, but I will not undertake it. For myself, when I come to that boundary where faith begins, I choose for my faith that which is the most beautiful, the most charming, and that which will promote man's happiness to the greatest extent and add to the glory and honor of the Great Author of all things. —

X. ADDRESS OF WELCOME

TO THE NATIONAL CONVENTION OF MILLERS.

Indianapolis, May 30, 1878.

Gentlemen: Without any reserve whatever, I may say that for your society and convention, and for yourselves individually, as members thereof, the people of Indianapolis entertain a very great respect. They can not all come here and take each of you by the hand and wish each of you a safe and happy return to your homes, as they would wish to do, but, as an expression of their interest and regard, they extend to you upon this occasion a plain and substantial hospitality, and direct me to bid you a cordial welcome.

The interest which you have excited in this community is not only because you have honored us with your fifth annual meeting (that honor is highly appreciated), but in a large degree it is because you are engaged in and represent a business of great importance to the country, and in a high degree of importance to the people of Indianapolis, and of the State of Indiana.

Careful attention has been given to all that has been proposed and said in your convention, and when you shall have gone away you will have left in a special degree the impression of your views and policies. Indianapolis is a city of no mean pretensions in her manufacturing enterprise, and she is surrounded upon every side with uncommonly rich lands that are now rapidly coming under superior cultivation. And so, if the investigations and deliberations of your society shall result in obtaining from every bushel of grain an increased amount of food for man, and of such superior quality as to make its way into all the markets of the world, you are entitled from us to the benediction which Dean Swift bestowed upon the good citizen who "could make two ears of corn or

two blades of grass grow upon a spot of ground where only one grew before." You have come here from many localities and from many different sections, and were strangers to us when you came, but we do not feel it so now. Indeed, I could not at any time realize that you were strangers. As a boy I was acquainted with the miller, and I thought him a great man. When he raised the gate with such composure and confidence and the tumbling waters drove the machinery ahead, I admired his power. And then he talked strongly, too, upon all questions. He was very positive upon politics, religion, law and mechanics. Any one bold enough to dispute a point was very likely to have a personal argument thrown into his face, for he knew all the gossip among his customers. He was cheerful. I thought it was because he was always in the music of the running waters and the whirling wheels. He was kind and clever—indeed, so much so that he would promise the grists before they could be ready, and so the boys had to go two or three times. He was a Chancellor, and prescribed the law, every one in his turn.

The miller standing in the door of his mill, all white with the dust, is a picture upon the memory of even this generation. It is a picture of a manly figure. I wonder if you gentlemen, the lords of many runs and bolts, are ashamed to own him as your predecessor? It was a small mill, sometimes upon a "willowy brook," and sometimes upon the larger river, but it stood on the advanced line of the settlements. With its one wheel to grind the Indian corn and one for wheat, and in the fall and winter season one day in the week set apart for grinding buckwheat, it did the work for the neighborhood. Plain and unpretentious as compared with your stately structures, I would not say that it contributed less toward the development of the country and the permanent establishment of society. So great a favorite was it,

and so important to the public welfare, that the authorities of that day invoked in its favor the highest power of the State—that of eminent domain. That mill and miller had to go before you and yours; and I am happy to revive the memory of the miller at the custom mill, who, with equal care, adjusted the sack upon the horse for the boy to ride upon and his logic in support of his theory in politics or his dogma in religion. It was always an interesting story, and one of which you are proud, that in a period when the rich and the strong were able to corrupt the juries of England, Sir Mathew Hale, the Chief Justice, threw off the robes of his office and assumed the garb of a miller, and found his way into the jury box, and thereby drove out corruption and restored honesty and virtue. We have now reached the period when the little mill and the simple machinery of a former day are insufficient; when success and advancement require capital, improved machinery and skilled labor. All the interests and pursuits of society welcome you. You give good food to all. You give employment to the laborer and the artisan in the shop, and your success is heard in

“The reaper’s song among the sheaves.”

XI. ADDRESS

AT THE LAYING OF THE CORNER STONE OF THE NEW STATE HOUSE.

Indianapolis, September 28, 1880.

Indiana became a State of this Union in 1816. Her population was then about sixty-five thousand, as estimated upon the enumeration of the year before. The State tax, as assessed, was six thousand and forty-three dollars. The greater portion of her territory was still occupied by the Indians. At this distant day, and in the

present advanced state of our development, we can not know or appreciate what lay in the way of, and impeded the settlement and improvement of the country. The lands were covered by gigantic and dense forests, and it was the work of more than one generation of men to remove them and prepare a portion, only, of the soil for cultivation. The abundant rainfall, so great a blessing now, was then a trouble and a hinderance. Over this great forest plain, both flowage and evaporation were obstructed, almost prevented, and the water filled the soil and stood upon the surface. Drainage, now so universal, was then impossible.

Obstruction to improvement was not the greatest of evils that attended that natural condition. The summer heats loaded the atmosphere with malaria. In all the settlements distressing and malignant fevers prevailed. In that respect the years 1820, 1821 and 1822 are memorable. The chroniclers of the times mention towns and settlements that were nearly depopulated; and that "Vevay, Jeffersonville, Vincennes, and many other towns lost nearly one-eighth of their inhabitants the first year, and probably one-fourth in the three years."

Notwithstanding the difficulties and hardships of the settlements, the three or four years following the years of admission of the State were years of prosperity. During that period the population of the State more than doubled. Then Commissioners were appointed to select the lands granted by Congress as a site for the permanent seat of government of the State, and this spot where Indianapolis now stands was chosen. It was then far out in the wilderness, but central, and has proven to be a good location, convenient and satisfactory to the people.

In 1824 the seat of government was removed from Corydon to Indianapolis. It is said that it required ten

days to make the journey in wagons, carrying the records and files of State, although the distance was but 125 or 130 miles. The journey could now be made in less than that many hours. The old Court House of Marion county was adopted and used as a Capitol, and for ten years the laws of the State were there enacted. The laws of that period were carefully and well prepared; written in plain, strong language; and the legislative intention was so clearly expressed that the officers, whose duty it was to execute them, and the people, whose duty it was to obey them, were neither confused or confounded. It is not always so now. Among the most important laws adopted in the old Court House, was the act of January 28, 1834, to establish a State Bank. It was a wise measure for the times. It provided good money for the people, and the foundation of our magnificent school fund.

One of the writers of that period says that from 1826 there was an improvement in prices which induced increased immigration, industry and enterprise. In 1830, the population had increased to 343,081. It was then determined to build a State House. The first legislative action was taken on the 10th day of February, 1831. Mr. James Blake, of Marion county, was appointed a Commissioner to superintend the commencement of the work. He was authorized to offer a premium of \$150 for the best plan of the building. The entire cost was not to exceed \$48,000, and was to be paid out of the proceeds derived from the sales of the lands donated to the State for its permanent seat of government. At the next session of the Legislature the plan was adopted which had been submitted by Messrs. Ithiel Town and S. J. Davis, of the city of New York. Noah Noble, Samuel Merrill and Morris Morris, were made the permanent Commissioners to superintend the work, and were clothed with ample powers.

The limitation of the cost to \$48,000 was extended to

\$60,000. The work was faithfully prosecuted by the Commissioners, and was completed in 1835, nearly three years before the period fixed by law. It was first occupied by the Legislature at the session of 1835-6.

That old State House, now removed to make place for the new one, was a beautiful structure. In every part and proportion except the dome, its architecture was of pure Grecian Doric. When completed, it was regarded as very creditable to the new State. In size and arrangement it was at that time ample and convenient for the public service. For forty-two years it remained, and within its halls the representatives of the State developed policies and enacted laws to secure individual right and to promote the public welfare. If this occasion did permit, I would rejoice to make appropriate mention of many able men and statesmen, who laid the foundation of their future fame in the service which they rendered the people in the old State House. I have been told that some of the debates were of the highest order, and worthy of any body of men.

Mistake and misfortune sat with the Legislature at its first session in its new halls. Second among its printed laws is the "Act to provide a general system of internal improvements." The measure was unfortunate. It was the child of exalted hope. An over estimate of future production misled the wisest.

"Vaulting ambition, which too oft o'erleaps itself," captured and controlled both statesmen and people. The industry and enterprise of the State could not carry the burden. At the end of ten years that came to be understood both by the debtor State and by its creditors.

Communities and States may become so involved that their resources are inadequate to discharge their obligations, and that without dishonor. But it is then left to them to settle with their creditors upon terms just and fair. The possibility of their resources must be consid-

ered, as well as the amount of the indebtedness; and it can not be considered at all that there is no power to coerce a State. At the crisis in her affairs it was the good fortune of Indiana that her Governor was a man of rare endowments and of the highest learning. He was a statesman. He led the people and the Legislature, and was met by the public creditors in the spirit of liberality. The result was the compromise and adjustment of 1846-7. Indiana's debt was settled, and her honor was preserved. The debt is now all paid; and that was the best work done in the old State House.

The importance of that adjustment to the State is seen in the prodigious increase of wealth after its adoption. From the time of the State's admission up to 1848 was thirty-two years. At the close of that period the taxable property of the State was only \$127,051,165. From 1848 to 1880 is thirty-two years. The increase of wealth during that period has been \$756,000,000, nearly equal to six times the accumulation prior to the adjustment.

At length the time came when the old house was not large enough nor good enough for the State. The Governor said to the Legislature: "This house is neither suitable nor safe for the transaction of the public business. It does not correspond with the greatness of the State." It was on the 14th day of March, 1877 that the new State House was authorized, and provided for by the Legislature. The old house is gone. It exists now only in painting and photograph. The new foundations have been laid broad and deep and solid. The work is under the supervision and control of a Board of Commissioners, of which the Governor of the State is a member. It is an interesting fact that General Morris, one of the present Board, is the son of Morris Morris, who was a member of the old Board of 1832. The cost of this house is not to exceed two million dollars; and in its construction

Indiana labor and material shall have the preference, so far as practicable, "with due regard to the material interests of the State." It shall also be "in keeping with the dignity of the State." These are material provisions of the law.

What house shall be in keeping with the dignity of the State? How grand? How beautiful? How durable? By what standard and upon what comparison can I speak of the dignity of the State? It's area is more than thirty-three thousand square miles; more than twenty-one million acres. The lands are of unsurpassed fertility, and their yield, under our improved cultivation, is certain and abundant. Railroads traverse the State in all directions, and are nearly five thousand miles in aggregate length. A horseman would be four days in traversing the great coal fields of southwestern Indiana, riding from the north toward the south. In the year of its admission the taxable wealth of the State yielded a revenue of but six thousand and forty-three dollars; now the taxable property of the State is eight hundred and eighty-four million dollars. Need I mention the growing cities, and thriving towns and villages; the increasing trade and commerce, and our manufactures increasing every year? All these contribute to the greatness of States, to its dignity and power, but they are not the State.

The dark forests have disappeared; the wet lands have been drained. Malarial diseases no longer prevail; and two million of prosperous and happy people occupy the rich lands of Indiana. But population alone can not confer rank and dignity upon the State. Who cares to remember Persia, with her many provinces, her myriads of people and her vast wealth. But in all the course of time the little State of Attica can not be forgotten. Greek thought and culture and devotion to liberty are immortal.

Roman law and learning, and taste and courage have

enriched the blood of all civilized nations. Ancient Gaul is known to us because Cæsar conquered it and wrote the story of his conquest. The men of Indiana not only love liberty, but they have a thorough appreciation of the advantages of a good government, and an intelligent understanding of what is necessary on their part to preserve and maintain it. They recognize the fact that wherever a State is controlled directly or indirectly by the people, public virtue and popular intelligence are indispensable. They know that free institutions can not be made to rest securely upon ignorance and vice.

In the Constitution of 1816 they declared that knowledge and learning generally diffused through a community are essential to the preservation of free government; and they imposed it as a duty upon the General Assembly "to provide by law for a general system of education." In the Constitution of 1851 it was provided that it should be the duty of the General Assembly to encourage by all suitable means, moral, intellectual, scientific and agricultural improvements, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge and equal to all.

These constitutional obligations have been executed with the utmost fidelity. The children of the State now enrolled in the schools number 503,892. The permanent school fund, which can not be impaired and is constantly increasing, is more than nine million dollars. The annual revenue derived from interest on the permanent fund and from taxation, used in support of the schools, amounts to about \$2,861,837.48. More than twelve thousand teachers are employed. Every child in the State has the opportunity of education. It is not enough that there be an intellectual appreciation on the part of the people of the rights and duties of the citizens. There must be a hearty recognition of the obligation which society owes to the unfortunate classes. We are assured the poor will al-

ways be with us, so will the blind, the insane, the deaf mute and the criminal. These belong to society as children to the home, and must be provided for. Who dares offend the great heart by speaking of the blind boy as merely an object of charity? He is an object of parental love. However plain she may be, he thinks his mother beautiful, as his sensitive fingers pass through her hair and over her face. Her voice is always gentle to him, and his very infirmity makes him the dearer to her. The duty of society toward these was expressed by the rough, strong men of the new settlements in the Constitution of 1816, with a sensitive delicacy as charming as the sweetest expressions of poetry and art. They imposed upon the Legislature the duty as soon as circumstances would permit, "to provide one or more farms to be an asylum for those persons, who, by reason of age, infirmity, or other misfortunes, may have a claim upon the aid and beneficence of society, on such principles that such persons may therein find employment and every reasonable comfort, and lose by their usefulness the degrading sense of dependence." The constitutional requirement has been respected and obeyed, how faithfully is attested by the massive and beautiful structures in the neighborhood of this city, where homes are provided for the blind, the insane and the deaf mutes. The support of these institutions on the part of the people has been so earnest and determined that no demagogue has dared to question any necessary or useful provision for them. It was in acts of beneficence, in giving sight to the blind, speech to the dumb, and strength to the lame that the Savior of mankind appeared most beautiful and lovely to men. So it is by the gracious exercise of the powers of protection and beneficence that government enacts and holds its citizens in bonds of love, rather than in the exercise of higher powers and in the discharge of harder and sterner duties.

It was by the same men provided, and in the same Constitution, that the penal code of the State should be "founded on the principles of reformation and not of vindictive justice." Since then, no blow has been struck by the State in the spirit of revenge. No officer dares strike a convict in anger. It can not be done with impunity. And great discretion has been allowed to the jury in fixing the punishment; even in the highest crime save one, they may elect to spare the life. And above all, there is lodged in the hand of the Chief Executive the beneficent power to pardon.

I have sought to describe the character and qualities of the people of Indiana by what they themselves adopted as important in government. What the people are and have been is seen in the institutions which they have established and maintained. They placed the State government upon the foundation of popular intelligence, of public virtue, and of State beneficence. It may not be said that they are better and wiser now than they were then; but this must be said, they have preserved and maintained with absolute fidelity the essential principles and usages of good government.

Such are the people of Indiana, numerous now and strong, earnest, and it may be aggressive, but always obedient to law. No people on earth, as I believe, are better qualified to maintain good government, and to exercise the rights and prerogatives that, under the Constitution, belong to a State of the Union. For them this house is being built. To them it is no less than the temple was to the ancient Israelites. Within its walls provision will be made for the entire public service of the State. Here the laws will be enacted, administered and executed. Men and generations of men will pass away, but that work will continue. In its size and proportions the building will be magnificent. Both ancient and modern architecture contribute to the completeness of the

work. The report of the Commissioners gives this description of the dimensions: The dimensions are, south and north fronts, 185 feet; east and west fronts, 495 feet; center, east to west, 282 feet by 118 feet in width; height of dome, 234 feet; diameter, 72 feet; height of east and west fronts, 100 feet; south and north fronts, 92 feet; basement story, 12 feet; first story, 18 feet and 6 inches; second story, 19 feet; Representatives' Hall, 48 feet; Senate Chamber, 48 feet; Supreme Court room, 40 feet; third story, 16 feet 6 inches. The public edifices of a people tell the general character of its civilization as well as history tells it, and often they perpetuate it long after history has lost it. In Italy, in Greece, in Egypt stand architectural monuments that are almost the sole mementoes of pre-historic civilization—structures that commemorate man's labor in ages in the distant past, from which the light of history has faded away:

“ Whose lonely columns stand sublime,
 Flinging their shadows from on high,
 Like dials which the wizard, Time,
 Has raised to count his ages by.”

The writings of Moses tell of the power, the pride and grandeur of the Pharaohs while Israel dwelt in Egypt, and when Moses led their exodus thence. But the great Pyramids tell of Egyptian Kings of still greater pomp, pride and grandeur, who flourished near a thousand years before the time of Moses, but whose name history scarce preserves, and whose achievements it does not perpetuate. They tell of absolute power that could command the toil of millions. They tell of kingly pride and vanity that sought monumental tombs as enduring as the earth itself. They tell of teeming populations inhabiting the valley of the Nile. They tell somewhat of the state of architecture, astronomy and learning of pre-historic Egypt.

The names of the kings that reared them and that were

probably entombed within them, have perished or are but things of speculation in apocryphal history. Strange commentary on the vanity of human ambition! The monuments that royal pride raised to perpetuate its fame still endure, while the things they were intended to commemorate are forgotten.

The Egypt that built these structures has been swept away. In the gaze of these mute sentinels of the centuries the Persian, the Macedonian, the Roman, the Saracen, the Turk and the Frank have successively overrun and ruled the land.

Still, through all changes, they tell to the modern world across the forty intervening centuries, a story of the ancient Egypt that built them, that would otherwise be unknown.

These pyramids and the sphynx that, standing under their shadow, has for near four thousand years gazed solemnly down where the Nile "goes on forever," and the grand temples of Thebes and other cities of ancient Egypt, whose majestic ruins excite the wonder and the admiration of the modern world, were the products of absolutism and paganism. They might endure for centuries, but the social and political condition that produced them was inevitably destined, sooner or later, to undergo change or dissolution.

A political fabric composed of false theories of government interwoven with the superstition of false religion, could not last. The building whose corner-stone we lay to-day will be no kingly palace where an arbitrary ruler shall wield powers not voluntarily conferred upon him by the governed. It will be no temple dedicated to some false worship. It will be an edifice where the sovereignty of a free and enlightened people—a sovereignty invisible, indeed, but nevertheless as real and as potent as any that Europe or Asia has ever known, shall have its seat—a house from which shall go forth those influences that pre-

serve social order and foster public prosperity—a temple where

“Sovereign law, the State’s collected will,
Sits empress, crowning good, repressing ill,”—

a political temple, sacred to the exercise of a popular self-government—a form of government that when once well established can never be overthrown, and that is destined in some future age, in God’s good time, to supersede every form of government that ambition has imposed upon the peoples of the earth.

Already the genius of republicanism has banished the Bourbons and the Napoleons from France. Even now it is menacing the legislative power and the hereditary political privileges of the House of Lords in England. In Prussia its throbbings are felt underneath the imperial power by which it is restrained. In Russia, as yet not prepared to receive it, its spirit is felt, and the time will yet come when it will push aside the assassin that is scheming imperial murder in its name, and commit its cause in that land to the hand of the enlightened patriot.

The structure, the corner-stone of which is laid to-day, will be composed of the most enduring material that science can cull from the stores of nature. The soil, the quarry, the mine and the forest have been carefully and intelligently examined, and they are yielding for the use of this new State House, brick and stone and iron and timber that severe scientific tests demonstrate to be the best and most enduring that can be produced.

In placing them in the building, all that architectural science and taste can do, all that intelligent and experienced mechanism can do to obtain enduring strength and exceeding beauty, will be done.

Who shall count the ages during which this new State House of Indiana shall stand? When the temple of Karnac was finished, what Theban prophet could have counted the centuries during which it would endure?

The mighty ruins of temples in the old world teach us that ages in long procession will come and go before time will lay its destroying hand heavily upon the edifice we are now rearing.

Meanwhile, what shall be the history of the people by and for whom this house is being built? Shall this structure, like the public edifices of the old world, outlive the institutions that produced it, and stand a witness of social convulsions and revolutions in government? Or shall it witness that stability of social order and political institutions that come of popular education, the love of justice, and constitutions founded upon the true principle of government? Shall it stand sentinel to distant ages over a people engaged in all the useful and pleasing activities of life but still governed by immutable laws of order, as the great Colossus stood at the entrance of the harbor of Rhodes, watching the ceaseless flow and ebb of the unchanging Mediterranean Sea? We can judge of the future by the causes only that have operated in the past and that are operating now. While the religion of a people should be, and in this country is, kept separate and distinct from its civil government, still the religion of a people insensibly molds the national institutions. It tempers their character, and to this temper their laws must conform. It is the atmosphere that surrounds and pervades the very structure of government. In conjecturing as to the future of a people, its religion should be regarded. The social and political institutions that have taken their form and spirit under the influences of the prevailing religion will be beneficent in their influence, and of longer probable duration, in proportion as it is true and enduring. Christianity has breathed its spirit upon the institutions that surround us. Some of its solemnities have attended the laying of this corner-stone. If the frightful thought could enter our minds that Christianity is all a delusion that must fade away before the advan-

cing light of science, still a comforting assurance would remain that its gentle and humanizing and elevating influences have already so potently acted upon the minds of men that no pernicious or degrading superstition could ever take its place in any land that it has enlightened. If it were possible that skepticism, born of science, could destroy our belief in the divinity of Christ, and overthrow all that part of our religion which teaches our duties to Heaven, it can not be conceived as possible that any form of faith could be substituted that would better teach man his duties in his relation to earth, or that would be incompatible with our political institutions.

The bright hope that we cherish, that our national life time may be a long and prosperous one, is founded chiefly, of course, upon the nature of our institutions and the character of our people.

Few great thinkers of modern times have doubted that the theory of popular self-government is the true one for an enlightened and virtuous people. But its practicability depends upon popular enlightenment. In this country republican government is no longer an experiment. It has successfully stood the tests of more than a hundred years, and of a great civil war. Obviously, that form of government must be the most stable that in the largest degree combines and employs the physical force and the intelligence of the people. The occupant of a hereditary throne holds his seat subject to the pleasure and the caprice of the physical force. Habit, national traditions, ignorance or servility may hold the people in subserviency to royal or autocratic authority. But when the passions of the masses are once stirred to revolution, their power is irresistible. Thrones fly before them like chaff before the whirlwind.

“A thousand years scarce serve to form a State;
An hour may lay it in the dust.”

On the other hand, their mere physical power, while it is competent to destroy, is incompetent to rebuild and maintain government. Unless the best intelligence of a nation is called into requisition, they build in vain that would build up a permanent structure of government.

In the form of government that we enjoy, these two elements of political power are found more closely and indissolubly united than in any other. Here this physical power is itself educated and intelligent ; and the higher the standard of education is raised, the more closely still the physical and moral elements of governmental power become allied.

There are very few political communities in the world, including even our own sister States of this Union, where the standard of popular education is as high as it is in Indiana to-day. With the educational system that we have established, and that we are so jealously guarding—a system that we justly regard as the crowning glory of our State—we have good right to indulge the proud hope that before another generation shall have come and gone popular education in the State of Indiana will be higher advanced than in any other nation or State on the face of the whole earth.

When we regard the character of our institutions, and the character of our people—their virtue and intelligence and their established educational system, and when we consider the agricultural, the mineral and the manufacturing capabilities of our State, we are justified in anticipating for it a long and splendid future.

But it is not upon the soil, the mine, or the factory that we may chiefly rely for the realization of the grand possibilities that lie before us as a State.

It is upon the virtues, the intelligence and the patriotism of our people that we must depend, if we would attain our highest possible greatness and lay strong and deep the foundations of a State government that will en-

ture as long as its structures of marble and granite shall stand.

“ What constitutes a State?
 Not high raised battlement or labored mound,
 Thick wall or moated gate;
 Not cities proud, with spires and turrets crowned;
 Not bays and broad armed ports
 Where, laughing at the storm, rich navies ride;
 Not starred and spangled courts
 Where low-browed baseness wafts perfume to pride.
 No!—men, high minded men,
 With powers as far above dull brutes endued
 In forest, brake or den,
 As beasts excel cold rocks and brambles rude,—
 Men who their duties know,
 But know their rights, and, knowing dare maintain,
 Prevent the long aimed blow,
 And crush the tyrant while they rend the chain;
 These constitute a State;
 And sovereign law, the State’s collected will,
 O’er thrones and globes elate
 Sits empress, crowning good, repressing ill.”

XII. SHALL TWO STATES RULE THE UNION?

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“ If we intend to remain honest and to pay the public debt, as good people of all parties do, and if we mean to administer the functions of government, then we must raise revenue in some way or other. With a reunited and harmonious country, we shall certainly in time pay off the public debt; but the necessity of raising money for the administration of the Government will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff. So far as we are concerned, therefore, all talk about ‘ free trade ’ is folly.”—*General Hancock.*

For many years there will remain among the statutes a law for the collection of import duties. It will certainly continue in force until after the payment of the public debt, and probably for a period in the future much more remote. The collection is so distant from the people by whom, as a part of the price, the tax is really paid, that it seems easier of payment than a direct tax, and is therefore likely to continue in public favor as a mode of collecting revenue. Assuming that the tariff will be, then how shall it be, and what will be its effect upon party politics?

The important incident in the political contest of 1880 was the abrupt change in the issue joined between the parties. That change was made shortly before the election. It was universal in the North, and almost immediate. The war had been fought over again during the preceding months, and its causes and consequences had been considered. But it was found that the war issue would not do. The people refused to respond in the passion addressed. The embroilment of the sections was abandoned. The eloquent champions of the cause that had been won and settled fifteen years before, disappeared from the field. Men of business came to the front. They presided at the meetings. They addressed the people. To the working-men their assurances were positive and confident that, with Democratic success, employment would cease. Intimidation prevailed in the shops and factories. The Republican party at once sprang from a sinking upon a buoyant platform. It was a feat of the greatest hazard, yet it was successful, and probably saved the result. It was possible only in an organization under perfect drill, and occupying a favorable position, and with an opponent badly located.

At Cincinnati, as at St. Louis, the Democracy declared in favor of a tariff for revenue only. The force of the declaration was probably not considered at Cincinnati.

Certainly it was not immediately appreciated by the people. But it came to be understood what it was to signify when, everywhere and at the same time, it was assailed as a free trade sentiment, and opposed to American capital and labor. The impression made upon the public mind by the assault was a strong one, and the Democratic party was driven upon the defensive. It was in October, and there was no time for vindications; the party was put upon explanation and apology.

It was curious as it was annoying, to observe the unfair uses that it was possible to make of this question in the campaign of that year. Men engaged in the manufacture of wagons in one city and of plows and reapers in another, were made to believe, and to believe with anxiety and fear, that a reduction of the tariff would close the shops and terminate employment. The fate of the tramp was before them, and the cry of starving children was in their ears. This was in the shops where the hard woods of Indiana and Michigan were used, and in which iron alone, of all the material worked, was possibly influenced in its cost by the Custom House duties, and that to the prejudice of the particular industries.

Almost a generation had passed since the tariff had been made the subject of thorough discussion before the people. During that period manufactures had vastly increased, giving the artisan class greater consequence in the politics of the country; and toward the close of that period, agricultural productions had found a large and remunerative market abroad, bringing contentment, if not satisfaction, to that great interest, under a system of duties highly protective. The opportunity was singularly favorable to the attack made upon free trade, and upon the Democracy as its champion.

In future declarations of principles and purposes, political parties will need to be so distinct and clear in re-

lation to the tariff that they can not be misunderstood nor misrepresented. The adjustment of the tariff has now so prodigious an influence upon the great business interests of the country that uncertainty in respect to it will not be tolerated. It was not unreasonable that the country should understand the expression "a tariff for revenue only," as excluding all consideration of the wants and interests of business in the arrangement of the rates of duty. It was so understood, and was very damaging to the party that made it. So understood, it was a declaration that, in fixing the rates of taxation, revenue only should be regarded, and that special rates should not be made in accordance with the wants and welfare of particular classes of business. So understood, it was a declaration in opposition to the practice of the Government in important revenue legislation. If tea and coffee should come in free of duty, why? Revenue only being considered, surely a large revenue could be collected from those articles. The protectionist will assign them to the free list because, not being produced in the country, they do not come in competition with any of our products. Because of the same fact, the free trader will tax them only short of exclusion, because the entire tax goes into the treasury, and no home producer shares in the profits of an advanced price. The better reason for the discrimination is that tea and coffee are food, and very important to large classes that ought not to be taxed upon their food. The exemption is sustained by the same broad and liberal policy that repealed the English corn laws. But, whatever reason may be given, it is but an exemption, and is a departure from the idea that taxation shall regard no consideration but revenue.

Does the declaration also forbid the free or modified list in favor of science and education, of religion and art? It is a reproach to the country that its commercial marine has disappeared from the ocean, and that our great pro-

ductions are carried to distant markets under foreign flags. If, to encourage ship building and the restoration of our commercial navy, it shall be expedient and wise to admit ship material free, or at modified rates, is the inexorable dogma to hinder? Shall the legislative judgment not consider an interest so important to the welfare and honor of the country in adjusting the tariff?

In his last annual report the Commissioner of Internal Revenue suggested that the increased receipts from taxes and the decreased demands upon the treasury, would enable Congress to relieve the people from some of the internal revenue taxes, and he also suggested that the reduction should be made from a list as follows: Bank checks, friction matches, patent medicines, bank deposits, bank capital.

That communication presented to Congress a question of judgment and discretion. In reducing the direct taxes, should that entire list be dropped, affecting the revenue more than ten million dollars, and leaving the burden almost altogether upon whisky, beer and tobacco, or should but a part of the list be dropped; and if so, what part of it, and upon what considerations of policy? Should the bank checks be dropped? Upon each check the tax is very light, yet it amounts annually to more than two and a quarter million dollars. It is often inconvenient in payment, yet it is usually paid by those upon whom it is no burden. It is an unequal tax. The ten dollar and the ten thousand dollar checks require the same stamps.

Should friction matches be dropped? That, too, is but a light tax, yet its sum exceeds three and a half million dollars. It is an exceptional tax upon a useful industry, and it falls upon the entire people. Shall patent medicines be dropped? They bring nearly two millions into the treasury. It may seem to be a tax upon health, yet it is doubtful if it adds much to the cost as against the consumer.

This is given as an illustration that, in the adjustment of taxes, Congress can not look to revenue only, but must exercise judgment and discretion; and that, in the exercise thereof, regard must be had to the interest and welfare of each particular object of taxation, and to its comparative importance in the country. The effect of internal revenue taxes upon the cost and marketable character of the articles taxed is direct and immediate, whilst the effect of custom house duties upon the prices of domestic products is incidental and remote, but hardly less positive and certain. If the demand be equal to the domestic product, and to a like quantity from abroad, the certain and almost immediate effect of the import duty is to add that, or nearly as much, to the cost of the entire supply. The quality being the same, the cost of the imported article, after paying the tax, becomes the market price of the domestic supply. Otherwise they could not occupy the same market field at the same time.

If it be the duty of Congress in fixing the rates of direct taxes, to consider the effect thereof upon the interests taxed, why is it not equally and plainly its duty in establishing rates of custom house taxation to consider the effect upon all important domestic interests, although incidental, yet being positive and certain?

The revenues from taxes and duties are increasing; whilst by the reduction of the public debt and the rates of interest, the expenditures should be decreased, so that at an early day Congress will be able largely to reduce the list of taxed imports. The most extreme and selfish protectionist will not ask that classes of imported goods shall be taxed after such taxation has ceased to be necessary for revenue. What classes shall then be dropped and assigned to the free list, and what rates shall be fixed upon the retained classes? The rates can not be uniform. A horizontal tariff is impossible. Both revenue and business would protest. The inquiries made above can not

be answered by theorists. Not by the free trader, who would substitute direct taxes for the entire list, without indicating the domestic productions that must carry the burden if a deficit should appear after whisky, beer and tobacco have yielded their largest possible supply. Nor by the protectionist, who overlooks revenue in his search after speculative profit. Nor, indeed, by the advocate of a tariff for revenue only, if he is again to be understood as he was in 1880; for in his eager pursuit of revenue he overlooks the manifest wants of business.

In reconstructing the tariff, the wants of revenue and the welfare of business should be harmonized. Of necessity, it will first have to be decided what proportion of the revenue shall be collected through the instrumentality of the tariff; and in the second place, what classes of imports shall be included in the tax lists and what shall be left in the free schedules. When these primary questions shall have been settled, there will remain but little of political principle applicable to the unfinished work. Thereafter it will be almost wholly a work of detail. It will remain only to apportion the taxes among the taxable imports. That work will require the aid of the merchant, the manufacturer, the machinist, the chemist, the best business skill and judgment of the country—men capable of understanding the effect of proposed legislation upon all the important interests. The ordinary partisan politician is not prepared for so important and delicate a duty; nor, indeed, is the Congressional Committee likely to be. The committees are chosen under an administration of the House of Representatives somewhat personal, and with a reference to the wishes and ambition of the Speaker and his friends, rather than to any special fitness for the service. A committee organized under such influences can not be master of the situation. They are liable to fall under influences unfavorable to fair and impartial legislation. Shrewd and selfish men beset the

committee-room. Plausibly they urge peculiar and sinister policies. Special and partial interests are likely to receive favor, to the hurt of more meritorious enterprises. The effect of such a condition of the public business is felt in the want of confidence generally expressed over the country at any movement in Congress for any important modification of the tariff.

Two things are desirable, and should be sought after :

First. To take the tariff out of politics, or perhaps speaking more correctly, to take politics out of the tariff.

Second. To establish the tariff as a business interest of the country.

In its enormous detail, the tariff is not politics ; it is essential business. It is folly longer to pretend that there are any political agreements about it. In Pennsylvania, iron is business ; in southern Indiana, plate-glass is politics. In the details, each wants the advantage ; and the pretended politics of either sparkles like the iron when hot, and is hollow like the glass when blown. Either one should blush to talk about its principles. It is only selfish and determined, like any other pursuit of money.

It is folly, also, to claim absolute uniformity of opinion in respect to tariff, on the part of the leaders of either party in the past. In the period when manufactures were young and feeble, the powerful men of both parties may be quoted in favor of their encouragement ; but now the conditions are changed, and the views then expressed are no longer applicable. Manufactures are now strong and firmly established, and agriculture and other interests may justly protest against any advantage to their prejudice not incident to a wise and expedient revenue system.

In the winter of 1879-80 Senator Eaton, of Connecticut, introduced into the Senate a bill "to provide for the appointment of a Commission to investigate the question of the tariff." The bill received the prompt and

favorable consideration of that body. The measure attracted much attention, because its distinguished author represented in the Senate an enormous investment in manufactures, and because it subsequently received the approval of the Democratic candidate for the Presidency, and, perhaps, thereby became the Democratic sentiment rather than the Cincinnati resolution. In addition to making the tariff non-political and placing it on a business foundation, the bill proposed to ascertain, in a reliable way, the considerations that should prevail in adjusting the rates of taxation upon the various classes and qualities of article taxed.

The bill required the appointment of nine Commissioners from civil life, whose duty it was made to visit all the different sections of the country, and thoroughly to investigate all the various questions "relating to the agricultural, commercial, mercantile, manufacturing, mining and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff upon a scale of justice to all interests." The testimony taken and the investigation made were to be reported to Congress.

The bill proposed what a Congressional Committee could not do, but what a Commission of skilled men could do—that is, in a reliable and intelligent manner to investigate and report upon all the great interests of the country, so far as they could be affected by the tariff, and so that the tariff might be adjusted fairly and without partiality. The information so acquired and the carefully considered opinions of the Commission being laid before Congress and its committees, justice would prevail, and neither crude, partial nor oppressive legislation could find favor. Political controversies would cease, and the schemers for advantage, and the lobbyists for hire, would find their occupations gone. From time to time modifications would be made, only as required by revenue or suggested by

business. The increased reduction of the public debt, made possible by the condition of trade, will render further modifications of the tariff also possible and proper. Whenever the reduction shall go beyond the dropping of articles and classes from the schedules, and shall require important changes of rates, Congress should again avail itself of the services of the Commission, and thus preserve the non-partisan and impartial character of the law.

The future will probably develop conditions requiring new and greatly modified views. If the country shall become involved in no trouble now unlooked for, nor encounter periods of special and prolonged business depression, the public debt will disappear. The treasury will then be required to provide only for the pensions that may remain, and for the ordinary expenses of the Government, and the revenue system will be adjusted by the standard of that requirement. What the ordinary expenditures may be, will depend so largely upon Congressional views of constitutional and legitimate appropriations, and upon the length of the star routes in the Executive Departments, that it is quite impossible closely to estimate. It must, however, be safe to say that under no administration can the sum exceed the capabilities of the tariff, and it will not probably go beyond the receipts possible from internal revenue. If so, the Government may receive its support either entirely from the tariff, or altogether from the internal revenue tax. From which shall it be? The adherents of incidental protection will insist that it shall be, as it was before the war, from the tariff alone; but large masses of the people will claim that whisky, beer and tobacco are luxuries, as well done without as used, and that they should bear the burden rather than it should fall upon the useful and necessary articles of life, whether produced in the country or imported. Before the war the direct tax was unknown to the people, and not thought of by them as a substitute

for the tariff in providing ordinary revenue. They have now become accustomed to it, and are more familiar with its operations and effects than with those of the tariff. They know it increases the prices of domestic products directly and largely. Tobacco and beer will make their fight for exemption from the tax, upon the ground that they are products of home capital and labor. Whisky, too, will make a giant struggle for exemption, and will receive the support not only of interested parties, but also of all those who are unwilling that its production shall appear to have the sanction of public authority. All these powerful influences will unite in favor of a tariff as the exclusive source of Federal revenue. The motive of such union will be their own exemption. In support of a tariff they are indifferent in respect to its influence upon the prices of other domestic products, so only that it shall save them from the direct tax.

What other influences will come to the support of a tariff as the permanent system of Federal taxation? The partisan leader will need to consider this question with care if his leadership is to be to success. It can not be answered now as it was thirty years ago. Of course you include all the interests benefited. Iron and plate-glass and woolen and cotton fabrics take their sides at once. Capital and labor which they employ are assigned positions on election day as positively as on any day of the year. That vote alone would not be formidable, but there stands in sympathy by its side an element of great strength. It is the vote that comes from the other shops and from the neighboring agricultural communities. Do you ask why they stand there in sympathy? And well you may ask that question, for the enhanced price of the protected article is to their hurt. We know why these others stand together, for they have just come from the furnace where the iron is made, or from the mill where it is rolled. The tariff is a per cent. not upon its cost, but upon the

price of the iron, and some of that per cent. may go to the labor. But neither of us can tell why others whom we see and their comrades are there, and shouting for protection, for they come from the car shops, where the hardwoods of Indiana are made into cars, and where the iron used in binding the timbers together has been bought from the manufacturer with the custom house duty upon the price.

The car goes into the market with that additional cost upon it. It is the interest of labor that its products shall find a ready sale. The enhanced cost of the car, not expended in its construction, but in the protection of its iron, is to that extent an impediment to its sale, and so far a hurt to labor. But whether we can give the reason or not, the men from the car shops are shouting and voting with the men from the iron furnace. The party leader who prepares the platform and leads the fight, had better resign before he leads to other defeats, if he can not perceive and comprehend the sympathies that control them. In the shops and at the polls the men are in sympathy, and raise their caps to what they believe to be the protecting genius of American labor. It is the sympathy of brotherhood, which a prudent leadership will recognize and respect.

When almost exclusively agricultural, Indiana was easily influenced against protection; now, in all her important towns and cities, valuable manufactures have become established, giving useful employment to labor, and sending a large and intelligent vote to the polls; and he who aspires to partisan leadership finds the present contest very different from that which gave the State to Mr. Polk in 1844.

When the time shall come for the election between the two systems of revenue, the influences for the tariff will have grown stronger, and have reached and controlled the sympathies and support of additional States. Manu-

factures are increasing in the United States, and will probably continue to increase at yet greater rates. It is stated that "in 1870 America had 157,310 looms at work in her cotton factories; to-day (1881) she has 230,232." That was an increase of 72,913 in eleven years that included the four years of the panic, when all machinery and enterprise stood still. Not only increase, but extension also, is the law of American enterprise. New and inviting fields are being developed. It is found better to take the loom to the cotton than to carry the cotton to the loom. Freight saved gives a dividend to the stockholder of the Georgia mill. His returns were regular during all of the depressed period. Assured profits invite capital. In pride and sympathy, Georgia will stand by her enterprise. Upon the Tennessee and the Cumberland, coal and iron ore in great deposits lie in parallel planes. Development has illustrated the cheapness of their manufacture into merchant and railroad iron. There, also, capital is invited, and is going.

Alabama and Tennessee will not be indifferent to developments that add so much to their wealth and influence. Their support will be given, as Pennsylvania's support has always been given, to the furnaces and rolling mills.

The defects in the present law can not become permanent. Policy and justice unite in demanding their correction. They give to Pennsylvania and Massachusetts too greatly the advantage in the active business of the country. Two States must not rule the Union.

Mr. Joseph Hatton, in his "To-day in America," quotes the following criticisms upon our tariff, from the Chairman of the Chamber of Commerce of Bradford, England: "The duty on every kind of cloth is uniformly fifty cents per pound weight, and thirty-five per cent. of the value; and taking the average value of mixed woolen goods at one shilling and four pence per pound, the duty amounts to one hundred and fifty-six per cent. of the cost;

and with thirty-five per cent. added, the total of the combined duties amounts to one hundred and ninety-one per cent. *ad valorem*. Woolens intended for the great mass of the people are taxed so highly that they are virtually excluded. Thus, a superfine black broadcloth may possibly be bought in New York at not more than double its price in Europe; while a good quantity of black pilot, worth one shilling and eight pence per yard, can not be sold to the American laborer at less than four or five times the price at which an operative in England may procure that good, useful and warm material for his coat."

The same author quotes from Mr. Brown, of the well-known firm of Stansfield, Brown & Co., to show that the combined tax of fifty cents per pound and thirty-five per cent. *ad valorem* on serge de Beni and lasting, used largely by American workmen in the manufacture of boots and shoes, is about ninety-four per cent. on the English cost, rendering the price enormous, to the detriment of the customer and injury of the trade; and that the consequence has been the destruction of a large export trade.

Other illustrations might be given of the extreme folly of many of the provisions of our present tariff. They are not only unjust toward foreign countries with which we have a liberal trade of enormous value, but hurtful to our own manufacturers and consumers. Imports should be taxed upon their values. To fix the value of an article by its weight is absurd; the coarser and cheaper fabric is likely to be the heavier. Such vices in our system will disappear when submitted to the judgment of intelligent and just men.

The writer believes that, in many and important lines of manufactures, American capital, labor and improved machinery can now successfully compete with European enterprise, but he does not believe that fact will modify the popular demand for a tariff to meet the ordinary ex-

penses of the Government. Therefore it seems to him the more important that, in the mode suggested, the tariff shall be removed from the influences of partisan and personal importunities, and established upon a basis in harmony with the necessity of revenue and the welfare of business.

XIII. ADDRESS

IN RESPONSE TO THE TOAST "OUR COUNTRY."

Iroquois Club, Chicago, March 15, 1882.

Mr. Chairman and Gentlemen: You will no doubt regard it as appropriate in responding to this toast to refer to some of the circumstances that especially contribute to our country's greatness and power. Some of the important influences and agencies must, however, be omitted. I can not so much as make mention of all. The railroads, the telegraphs and the telephones have been heretofore sufficiently discussed.

But with your permission and approval, we will take a journey upon some of the great lines of railroads. Shall it be from Boston to San Francisco? Seven days and seven nights will pass as the train flies onward, before we hear the ceaseless murmur of the Pacific. Such a journey from Paris eastward would carry us beyond Europe and far into Asia. The line of our travel marks and measures the great extent of our country. The same flag remains over us. [Applause.]

We start from the landing place of the Mayflower and will stop alongside the great steamers that are in our trade with China and Japan. All the way our hearts are cheered with the music of active industry, and towns and cities are our mile posts. As we pass New York and

Chicago we take off our hats in recognition of the indomitable genius of daring and successful enterprise. [Applause.] All the way, and in every employment and pursuit, health, energy and courage compel success, and the numerous trains we meet carrying our products to their markets, answer the inquiry why the balance of trade with foreign countries has been so largely in our favor. On the summit of the mountains as we gaze upon the distant plains toward the Atlantic and toward the Pacific, the spirit of our country is upon us, and assures us that in every element of wealth and greatness we are to lead all the nations if we but dwell together in peace and harmony. [Renewed applause.]

San Francisco is the New York of the Pacific Coast. It commands the commerce of the East, and the trade of the Pacific Slope, in its gold and silver products of the soil. We will go out upon the bay, and as far as the Golden Gate. This is the great entrance to our country from the Pacific. It can be securely defended, and the defenses already completed are probably impregnable.

We can not remain longer at San Francisco. Of course we will return by the southern route. The next time it will be by the northern route. The train can not wait for us to visit the vineyards and orange groves of Los Angeles, or San Gabriel, or San Bernardino. Fruit of the richest quality and wines of choice flavor and of great value are here produced. I can not conceive of anything, not even the magnolia, more beautiful than the orange tree, when the ripe fruit and the blossom mingle with foliage of the deepest green. It was a beautiful conception of the Spaniard to call this the land of angels. We will not stop at that ancient seat of our military power, Fort Yuma, at the crossing of the Colorado, except to say good-by to California.

Passing the long line of rail through Arizona and New Mexico and the great State of Texas, we reach New

Orleans. It was here the illustrious patriot and statesman, the anniversary of whose natal day we celebrate, achieved great renown as a warrior. [Great applause.] It is 115 years since the day of his birth, and forty-five since his retirement from public life. Yet his name and fame are cherished with the same devotion by the people as when in their midst he defended their safety on the battle field and protected their rights in the Executive Mansion. [Applause.] We stand beside the Father of Waters. He rages, and his anger is frightful. His punishment of the people on the border is cruel and remorseless. He has broken away from the restraints that held him in his channel. He has driven the people from their farms and seized their lands. What agencies shall be invoked to control the turbulent waters? When it was once my duty to speak and vote on this question, I had difficulty in satisfying myself of the authority of Congress to vote money to maintain the levees. It seemed it was not so much in aid of commerce as to defend and protect agriculture. But I came to the conclusion that as Jefferson had found authority in the Constitution for the purchase of that country I might feel authority to vote for its preservation. The great interests of the country required it. [Laughter.]

Shall we return by way of Washington? Perhaps it would be of interest to witness something of the strife between the belligerent elements of the Republican party. [Laughter.] My sympathies were with the Stalwarts. [Applause.] I thought them the more sincere and honest; and also they seemed at one time to be the "under dog in the fight." [Laughter.]

Our journey is now ended. What have we observed? This we can say: Our country is great and strong, because it has a great and strong population. We have journeyed among the people and observed their characteristics; engaged in useful and honorable industry, they

fill the valleys ; seeking homes, subsistence and wealth, they climb the mountain sides. [Applause.]

The great qualities that characterize our people are the result, as I suppose, of the commingling of the blood of the strongest nations. They are irresistible in the pursuits of peace, invincible in war. [Renewed applause.] Barbarism in Russia and cruelty in England will stimulate the spirit of immigration to these States from all parts of Europe, and our population will be increased at a greater rate than ever.

We have also observed in our journey the great variety of climate, of soil, and of production ; each section is developing those industries to which it is best adapted. You gentlemen who have never before traveled over the great Northwest have seen with wonder and admiration the extent and value of our agricultural productions, while we of the North have rejoiced at the increased cotton growth of the South. We all rejoice in the fact that the sections maintain an honorable and friendly rivalry for the greatest success in their respective productions. Cotton in the South and corn in the North, each claim now to be king. They are so great, so powerful, and contribute so largely to hold the balance of trade in our favor with other countries, that each may well claim a sceptre. In excellence of quality and in the quantity produced, each is almost the exclusive product of this country, and each may securely rely upon the wants of mankind to supply a market. That product which always commands a market is king.

Mr. Chairman and gentlemen, while with grateful pride we are considering the vast extent of our country and the great variety and enormous value of its productions, we are admonished that the purest of our patriots and the wisest of our statesmen have expressed their fears and profound anxiety lest out of these shall come jealousies and antagonisms. No danger need be apprehended from

that source if we stand by our system and form of government. It was the child of patriotism and wisdom, and experience has proven it well suited to our condition. [Applause.] It is madness to hope that a consolidated and single authority can maintain peaceful government over a country so extended, and with productions and interests so varied. If we but maintain the Constitutional authority of the United States, and preserve to each State the right to regulate whatever belongs to itself alone, we need fear no troubles arising from sectional jealousies, however much our territory may be extended or our productions increased. [Great applause.]

Mr. President and gentlemen, I thank you for the cordial reception that you have extended to me upon this brilliant and interesting occasion, and I close my remarks by expressing the hope that the Iroquois Club of Chicago will meet with uninterrupted success and glory. [Cheers.]

XIV. THE ADVOCATE.

AN ADDRESS TO THE CENTRAL LAW SCHOOL.

Indianapolis, April 12, 1882.

The position of the successful advocate is one of great influence and responsibility. He is brought into close relations with society in all of its interests. Men come to him with their most delicate and difficult affairs. They communicate to him their secrets and their troubles. They entrust him with their honor and their fortunes. His training in early manhood and the labors of his life qualify him to advise and direct, as well as to prosecute and defend. Under our system he is brought into direct cor-

respondence with his clients. He stands with and for them. His strength and influence become theirs, and his presence compensates for all inequalities. He inspires the timid with courage and the weak with strength. Represented by equals, the suitors themselves become equals.

In the midst of relations and duties so delicate and responsible, what rule should govern the advocate in accepting his employment? Very opposite and extreme opinions have been expressed. Some have held that it is never allowable to plead the cause of the guilty, or to urge defences that are contrary to natural justice; while others go as far as to deny the right to reject any employment accompanied by usual and reasonable compensation. Upon neither of these extremes can we safely stand. The advocate is not the Judge. He has not the means in advance of a full and satisfactory trial. With less than such a trial he could not venture to turn a party away with a rejected case, and thereby "put the heavy influence of perhaps a mistaken opinion into the scales" against him.

In law the defense may be sufficient, but in the more uncertain field of morals it may be doubtful, or perhaps condemned. The Judge may hold the conduct in law justified, whilst priest or presbyter, will denounce it as a sin. In such case shall the legal defense be refused because of the moral obliquity of the conduct of the accused? A verbal promise to pay becomes barred after the lapse of the prescribed period of limitation. The creditor may be misled, and his indulgence carried beyond the line of safety by his relations of friendship and confidence with his debtor. In such case the defense would be legal, but in good conscience and honor it would be detestable. May the advocate then make and urge it? Experience has taught the lesson that it is unsafe to permit men to be held liable upon contracts not

reduced to writing after the prescribed period of limitation. Long contracts should not be written in the shifting sands of memory; and the evidence in support of other defenses may have disappeared. The debt may have been paid, but the witnesses to the fact may be dead. The statute of limitations rests upon considerations of sound public policy. Its interposition as a defense against unpaid and just debt may in many instances be hard and inequitable, yet because it is the law, and has the support of sound policy, it is the duty of the advocate to make and urge it when so required by his client. So it would be in other like causes.

On the other hand, the advocate is not required to serve every one who may be ready and willing to pay. In the selection of his causes he may reasonably consult his own tastes, and especially his judgment of his own fitness and qualifications for their management. He will find some classes of business specially disagreeable, and that for other classes he lacks important qualifications. His own success and the interests of his clients forbid his employment in either.

There are other considerations, however, which can not be allowed ever to control. It can never be asked, if the client be a favorite and his cause popular. Indeed, if it were otherwise, and right and justice thereby placed in danger, the contest would at once acquire additional interest.

At one of the periods of fanatical passion in the country, the property of a citizen was furiously assailed and destroyed. By many it was not thought safe to interpose for the vindication of his outraged rights. My friend did not stop to estimate the measure of danger, but, impelled by an honorable impulse as well as by a sense of professional duty, set the appropriate machinery of the law in motion. At the hour for the return of the warrants the accused and their abettors, in large numbers, armed

with formidable clubs, appeared at the bar, defiant and menacing. The court was overcome, and its officers were powerless. Public authority lay prostrate in the presence of a mob. In the spirit of his proud profession, and with the bearing of a knight of the older time, my friend stepped before that crowd of angry men, and denouncing their resistance to law, demanded of them to bow to its authority and obey its mandates. High courage and the right prevailed. One by one they withdrew. The authority of the law was restored. The injured citizen was compensated. My friend won other and greater causes, but in no one cause did he achieve greater honor.

Some of the great achievements in the cause of civil liberty have been won at the bar. Men have grasped imperishable fame by the defenses there made in the cause of human rights. Remorseless prosecutions, under cruel laws, have been met and resisted, defied and defeated, with giant strength and lion courage, in the cause of liberty.

From out the great contests in court, over individual rights, have sprung reforms and repeals that have placed the rights of man far in advance.

The mob of June 2, 1780, in the streets of London, headed by Lord George Gordon, was a cruel and indefensible outrage upon a peaceable and unoffending community, prompted by the meanest of human motives. Pillage, sacrilege, arson and murder marked its progress. Its leader was apprehended for high treason. No ordinary courage and ability could have undertaken such a defense. At once it met the condemnation of mankind. But from out the storm of the riot and the smoke of burning London the peerless genius of Erskin carried for England a reformed law of treason.

All efforts made by arbitrary powers to control and restrain the spirit of liberty, by public prosecutions and State trials, have failed of their purpose whenever great

advocates have appeared for the accusea. Law and liberty have come forth from the discussions and gone forward together, and cruel punishments could not stay them.

Having enlisted in his cause, the advocate can not look backward. It is then too late to hesitate or repent. If unexpected difficulties rise up before him, he must meet them. He can not flee from them. He must meet and overcome them or, with his client, be overwhelmed by them. But in the extreme crisis of his case, as at all times, he must preserve absolute fidelity to truth. Under no temptation can he say to the Court that the rule of law is otherwise than he believes, nor to the jury that the testimony is not what it appears in his own mind to be. And why shall he hesitate or listen to temptation? Truth is stronger than error; it is a firmer and surer support for any cause. Experience hath shown that, in all the multiplied affairs of men, truth is consistent and faithful, whilst falsehood is treacherous. It is only the sham and the pretender, the half-made lawyer, that in the hour of conscious weakness feels that he must resort to misstatement of either law or fact. The man of real ability and solid attainments, invoking truth as his friend, leans with confidence upon his own powers. He who abandons confidence in truth is a bankrupt in the profession.

Arguments before the Court upon questions of law but rarely admit sentiment, imagination or ornament. But it should not therefore be supposed that the advocate may be indifferent and careless in respect to the style in which he shall address the Judges. It is well to remember that they are cultivated men, and whose tastes have been refined, and whose understandings have been strengthened by the careful and protracted study of great authors, and that they can not but appreciate excellence of style as well as strength and soundness of argument.

They are more readily and favorably impressed when

thoughts are urged in agreeable as well as forcible language. The speaker should be logical and accurate, and if possible, so present his views that they may not meet hostility, but rather be received with pleasure. What is worth saying to a Court should be well said. When Cicero addressed the Judges of Rome, he did honor to their culture and wisdom by the elaboration and wonderful finish and completeness of his arguments. So great was the influence that Quintilian said: "And though the Judge is borne down by his power, yet he feels not that he is forced along, but that he follows with pleasure."

The jury has a larger, more varied and interesting field of investigation than the Court. All the complicated affairs of life come within its province. It may be that the newspaper and periodical press has impaired the influence and excellence of oratory elsewhere, carrying to the people in advance the facts upon which the orator would address them, and compelling him to encounter a public opinion already formed; but before the jury the advocate has to deal with facts coming fresh from legitimate sources of evidence, and in respect to which the jurors are free and impartial. Both sides are represented, and the Court sits in fair judgment. Deliberation prevails, and false sentiment is excluded. Absolute rules, the result of long experience, are applied as tests of truth.

There is no other tribunal in the world so favorable for the display of vigorous and appropriate oratory and for the righteous adjustment of differences among men as the English and American jury. The expression is trite and common as it is stupid, that "nothing is so uncertain as the verdict of a jury." The opposite is the result of my observation and experience—of things depending upon human motive and judgment, nothing is so certain. The advocate who looks to a great future would do well to respect this sentiment. Habitually distrusting his juries, he can not succeed. It is not in human nature to

yield to the argument or persuasion of one who distrusts us. The jury is impartial, and is carefully selected from the body of the people, and invariably does what it thinks is right. The influence of truth upon the human mind is so certain that the juries are but seldom misled or mistaken.

In passing upon most matters of fact, juries exercise that common sense which governs their own conduct and controls their judgment of men in every day life. They will not and indeed can not exercise any new faculties or adopt any new rules of judgment. The successful advocate will appreciate this truth. The argument must be in harmony and sympathy with the common sense of the jury. To offend it is to endanger the cause. But the advocate's appeal has not this limit and restriction. It may, and often should, reach and influence other and powerful faculties. The farmer in his field and the miller beside his wheel indulge in sentiment and imagination. Sentiment gives new charms to the events of life, and imagination clothes the fields with greater beauty. This farmer and miller are of the jury, and their emotions, sentiments and imagination, influencing and being influenced by their common sense, will contribute to the verdict. Upon the jury are many varieties of mind, and they can not all be equally influenced by the same address. Preparation for the delicate and difficult duties of the advocate requires the cultivation of all his faculties. He must be familiar with the special learning of his profession, and also with all the other fields of science, learning and literature. These are illustrations. In cases of malpractice he must speak readily and accurately upon questions of surgery and materia medica. In railroad disasters he must be prepared upon the structure and management of machinery, as well as upon the idea of contributory negligence.

Upon the issue "devisavit vel non" he must accompany

the experts and philosophers in that most difficult and obscure of all investigations, the condition of the human mind. He who prosecutes for the invasion of the home circle and the heartless sacrifice of beauty and virtue, must be inspired by cultivated and refined sentiment, as well as guided by a correct understanding of the law. The advocate must be prepared to deal with men's affairs in their innumerable variety. But what shall be the style of his address to that very interesting tribunal, the jury? He must be in earnest. Thereby he will create and interest and command attention.

Levity of manner will destroy the effect of a speech otherwise good. There is no faculty more dangerous to the advocate than wit. It will not be held in restraint. The jury may laugh, but they are not convinced. They regard their duties as important and serious, and they readily suspect they are being trifled with when the crowd laughs. The parties think the law suit in the highest degree serious. Humor is pleasing, and within proper restraint may safely be indulged. The advocate should seek the purest and strongest language, and the best and most beautified style he can command. I have no respect for the opinion, sometimes expressed, that a plain and blunt style should be adopted out of deference to the understanding and taste of the jury. More advocates fall below than rise above the jury. The purpose of addressing a jury, as any other body of men, should be to make upon their minds distinct and permanent impressions. The beauties of poetry, and the charms of fancy, as well as the power of reason and the force of logic, may help to recover a desperate cause. In his inimitable defense of Cœlius, Cicero was taxed to the utmost of his powers to withdraw his client from under the prejudices of the court because of his youthful irregularities and gallantries. Over the faults of his client he threw the magic influence of his oratory, and also the

charms of poetry, and then exclaimed: "I seem now to have weathered the shelves and shallows of my speech; the rest of my voyage appears to be smooth and calm."

It is told of Mr. Lincoln that he saved a desperate case for an old man by capturing the sympathies and poetic sensibilities of the jury by this verse from "The Last Leaf," by Oliver Wendell Holmes:

"The mossy marbles rest,
On the lips that he had passed
In their bloom;
And the names he loved to hear
Have been carved for many a year
On the tomb."

The force and effect of a speech at the Bar must greatly depend upon the order of its subjects and the arrangement of its facts. In respect to these the relations must be logical. If lacking greatly herein, no brilliancy of thought nor elegance of delivery can redeem the effort from failure, or save the case from defeat.

A late writer has said: "Every series of facts should be brought down in the strictest order; and if there be many series operating apart, but exercising an influence upon the main action of the drama, they should be brought down in their natural order and sequence until they are all centered upon the common point. In the most complicated and tangled circumstances there should be no confusion. It is the business of the advocate and the art of advocacy to separate them and to show their relations to one another, their bearing upon each other, and their influence upon the main action."

When I was yet a lad, a relative of mine, who was not of the profession, but a close observer of men, told me about the lawyers of Western Pennsylvania, and especially of Mr. Alexander, whom he esteemed the strongest.

He said that Mr. Alexander had a great art in his ad-

dresses to juries ; that he would commence his argument with the point which he thought the weakest in his favor, and thence pass to the next in order of strength, and thus on to the close, so that as he approached the last and strongest argument in his appeal to the jury, he would assume the greatest earnestness and confidence that they must stand with him upon this, his last and strongest defense. The argument so progressing would seem to accumulate force and become very powerful ; but if adopted, it must be in harmony with the " order of facts and the management of causes and effects," logically presented. Most causes of importance are apt to hinge upon some legal propositions that become prominent as they progress. The facts should be discussed in their relation to such legal propositions, and when they agree they should be placed prominently and together before the jury.

The effect of an argument depends greatly upon the manner of its delivery. This is universally recognized, and almost as generally disregarded. Good speaking, with clear and strong delivery, is not a general accomplishment ; it is, indeed, a rare art. Lawyers think better than they speak. There is no style of speaking belonging peculiarly to the bar. The same manner of addressing twelve men, if good, should be observed in speaking to 3,000, except, perhaps, the increased volume of voice. In the presence of all bodies of men, the words should be distinctly pronounced that all can hear without an effort. With pleasure I recall the matchless elocution of Edwin Forest. The pronunciation was so distinct that the letters separately seemed to ripple from his tongue and flow into every part of the house.

Perhaps it will be proper for me to close this address by a brief sketch or two of our most distinguished men, who exercised great influence upon the affairs of our State, but, at very different periods. They were each capable of great success at the bar ; but their services be-

ing required by the people in public life, their fame will rest upon their public rather than their professional records. They commanded an oratory that was admirably adapted to the bar. I refer to Governors Whitcomb and Morton.

Governor Whitcomb was a great scholar. He was capable not only of acquiring, but of using the accumulations of learning. With him learning became an influence, an instrumentality, a power. His tastes were cultivated. He commanded beautiful and strong language, and in it he clothed his thoughts, that were always appropriate to the subject and the occasion. I heard him address the people in his candidacy for Governor. It was the greatest political speech I have ever heard. There was not in it a vulgarism or an appeal to low sentiment. He addressed reason, emotion, sympathy. The multitude stood enraptured. As men went from the place of the meeting they fell into grave and serious conversation about what they had heard, and the impression remained. From that day he was a leader, but not as men commonly speak of leadership; he organized no political societies; he manœuvred for no combinations; he was a leader in a higher sense. He declared what he believed to be the truth, and trusted to its influence upon men's minds to bring them into common action. He led legislators because it was safest for them to follow. His manner was grave and serious; his voice was full and musical, and his delivery almost without gesture. I never heard him in court, but am sure he was a formidable antagonist before either court or jury.

Governor Morton was not what is called a ready speaker in the sense of speaking upon the spur of the moment. He was one who became ready by careful forethought and preparation. The order of arrangement received great care. The positions followed one after an-

other in adroit sequence, with studied effect to the close. The matter was carefully chosen and considered. The manner or style did not share the same attention. His sentences were not always smooth—sometimes, indeed, rough—but always strong and forcible. Sometimes a passage occurred, as if not noticed by himself, of almost classic force and beauty. His voice was clear and strong, his gesture heavy and not frequent, and his utterance deliberate and distinct. As he spoke, the impression was felt that he had other and further forces which he might summon to his aid if needed, either to establish his own position or to attack that of his adversary. Force was the marked quality of his style. He chose the shortest, boldest and most direct method of attack and defense. When stated, his proposition was understood, and he would not delay to repeat it. He lacked the power of persuasion. It was probably a weakness in the court house, as it was at the head of a political party. In debate he was a combatant. He could not conciliate. The want of development of that quality was probably the result of the turbulent times in which he was an actor.

In some respects these distinguished men were alike, and especially in the qualities that fitted them for the bar. In manner they were composed and dignified, and whatever they entered upon became a matter of serious concern. In speaking, their style was somewhat conversational, never boisterous, but always audible and forcible. They will long occupy the front rank in the intellect and culture of the State.

XV. RESPONSE

TO THE TOAST, "A COMMON SYSTEM OF JURISPRUDENCE MUST CEMENT NATIONAL FRIENDSHIP."

Banquet in Honor of Lord Chief Justice Coleridge, Chicago, September 25, 1883.

Mr. Storrs and Gentlemen : I don't know how a free and intelligent people may more emphatically express their respect and regard for another free and intelligent people than by the adoption of their laws. It is to say, you are virtuous and wise and strong, and we will trust for our future to the influences that have made you so. National and artificial boundaries may mark political divisions, and standing armies and hostile attitudes may maintain established political relations ; but a jurisprudence common to both is an assurance of mutual sympathy and perpetual peace. Both peoples bow to the authority of the same laws ; and if there must come between them trouble and strife and bloodshed, it shall be charged to the folly of a vicious diplomacy or to the gratification of a reckless ambition, and not to the pacifying influences of a common jurisprudence. [Applause.] It was in 1807, when this great region of the Northwest was as yet in a territorial condition, that a Territorial Legislature adopted the common law of England and the general statutes passed in aid thereof prior to the fourth year of James I., excepting three or four statutes, perhaps, of Henry VIII and Elizabeth, and excepting also such provisions of the law and statutes as might be in conflict with our Constitution and laws. It may be that this was unnecessary—that we need not have adopted the laws of England ; but lest there might be uncertainty as to the extent of their application in our country, this Territorial Legislature, composed of men not cultured in the laws, representing scattered settlements, adopted them. It may be, and I dare say it would have been so, that these laws would have

been ours anyhow, so far as they were suited to our condition and consistent with our institutions; but by their adoption certainty was secured, and such laws as were not suited to our condition were excluded. When the Lord Chief Justice of England now visits our country, it is not to seek the gratifications of curiosity amid scenes and populations to which he is a stranger; but he comes here to observe and contemplate the development of the liberal element of the institutions of his own country upon an area and among a people in the highest degree adapted to such development. He can but be gratified when he sees enormous commerce regulated in a large degree by the usages of the merchants as they existed long before the brilliant policy of Lord Mansfield. He sees that the common law as he administers it at home has overtaken the railroad train, and the rules for the government of the common carrier have become the law of their control. The passenger has the protection of the same law, requiring care and diligence on the part of railroad employes, from Edinburg to London and from Chicago to New York. The American who has just arrived in London knows his legal rights quite as well as if he were at home, while the Englishman just landed at New York knows his legal rights as well also as if he were in London. Perhaps one of these parties—I need not say which—is more disposed than the other to stand upon his rights to the very uttermost. If the Chief Justice of England and the Chief Justice of the United States should exchange places, the judicial machinery of the two great nations would move on without interruption or disturbance.

[Mr. Hendricks then went on to tell of visits to courts in England, where he heard the same arguments used as here, and the same appeals to justice, and he felt that every man he saw was an American, because he heard the language of the law common to both countries. And

he had heard discussed in the House of Commons the cause of humanity against the power and strength of one high in position, who had murdered a subordinate and had not been tried for it; and he felt that he might be proud of the country from which his ancestors in part had come. And he was glad to do honor to the distinguished man who sat at the head of the Judiciary of the British Empire.]

XVI. IMPRESSIONS IN EUROPE.

AN INFORMAL LETTER TO A PERSONAL FRIEND.

Naples, February 8, 1884.

MY DEAR FRIEND: We landed at Southampton, on the southern coast of England, and thence reached London in two hours. London presented nothing of special interest. Parliament was not in session. It is now in session. The debates will be of great interest. I do not think Gladstone will be able to hold his power. He is eloquent and strong in debate, and will prove so in his own vindication, but he will be broken by the Opposition on the charge that he has not maintained a decided policy in the affairs of Egypt, but has allowed the interests and honor of England in that country to suffer for the want of prompt military support.

After remaining in London a few days, we went by Dover and Calais to Paris. We were kindly and handsomely received and entertained by our minister at Paris, Mr. Morton, and his lady. I was gratified to observe that they were popular, not only in society, but also in official circles. I became indebted to M. Brulattour, the Secretary to the Legation, for an opportunity to attend the debates in the Chamber of Deputies and the sittings of the Senate under the most favorable circum-

stances. The budget, or bill of appropriations, was being considered, and the debate in relation to some appropriations for the benefit of the church became extremely bitter. It is the custom there, as in the Parliament of England, for the Ministers to appear before the popular branch to defend their measures and policy. Upon this occasion Mr. Ferry, the President of the Council, who is the head of the Cabinet, appeared in defense of the sections of the budget that were being attacked. He is a strong man, an excellent speaker, and possesses great weight in the country; but on this occasion his views were not acceptable, and his manner of presenting them was positively offensive to the section of the house known as the Extreme Left. He was repeatedly interrupted, to such an extent, indeed, that he was unable to proceed with his speech. The efforts of the presiding officer to preserve order seemed to add to the confusion. Finally Mr. Hughes, the Deputy from Marseilles, in extreme passion, denounced the Prime Minister as an insolent fellow. The Premier at once stepped from the tribune, refusing to proceed further with his speech, and the debate closed for that day. But in less time than I have occupied in writing this, a resolution was passed expelling for fifteen days the unruly Deputy from Marseilles. This small man, who writes poetry, and wears a great shock of hair, and loses himself in a tempest of passion and becomes very absurd, represents in the popular branch of the national legislature the city that gave the name to the great Revolutionary hymn, the "Marseillaise," a hundred years ago.

That same afternoon I was at the Senate Chamber in the palace of Luxembourg, and became acquainted with a number of the Senators. Among them was Senator La-Fayette, who is a worthy representative of the family whom all Americans delight to honor. I spoke of the scene which I had just witnessed at the Chamber of Depu-

ties, and expressed my surprise and fear that stable republican government in France would suffer if legitimate discussion of public measures and policies could thus be interrupted and prevented. He had heard of it by telephone. With considerable warmth he replied that the occurrence was not extraordinary, and that he himself had witnessed scenes quite as discourteous and disturbing in our House of Representatives at Washington.

I am sure he gave too much importance to the scenes he referred to. I may have done the same. They could not be made the subject of further discussion.

The Senate and Chamber of Deputies have each 300 members, as I understand. Together they are the Parliament of France. Before the Parliament had further considered the budget, or Mr. Hughes had returned to his seat, we found ourselves passing down the valley of the Rhine and through one of the loveliest and most fertile countries of the world. It was difficult for us to understand how the people should be cultivating their lands and raising vegetables in the month of January, at a latitude farther north than Indianapolis; yet it was the case, and vegetation was thrifty and beautiful. At Marseilles Judge Rand decided upon a departure in our journey, and a voyage of four hundred miles across the Mediterranean to the shores of Africa. Mrs. Hendricks and William Morgan went on to Nice, while Judge Rand and myself spent a few days among the Arabs and Moors of Algiers. In custom, habits and character the Arabs seem to be unchanged. Returning to Marseilles, and thence through tunnels and amidst olive orchards and vineyards, and along the seashore by Nice, Genoa and Pisa, we reached Rome.

In an off-hand letter like this, any attempt to describe Rome, in any of its periods of existence, would appear quite absurd. The antiquary must locate the site of the

ancient Capitol and of the Forum. The Coliseum, the baths built by the Emperors, and the aqueducts are seen in broken walls and arches, great and strong, but broken. Some of the church architecture of the Middle Ages begins to yield to the influences of time. Beyond the Tiber St. Peter stands, as great and beautiful as ever. And the Tiber, coming down from the Apennines and flowing grandly through the city, repeats to the imagination the story of Horatius and his two companions, so well told by Macaulay in his "Ancient Ballads of Rome." Much of the architecture of that period is now covered and hidden by modern Rome.

No city in Europe so impresses the imagination as Rome. Her armies carried her power from the Danube to the Thames; and at a later period her ecclesiastical authority extended beyond and ruled more supreme. At both periods the civilized and productive world was tributary to her authority and power.

I suppose the art of sculpture has had its highest development and greatest success here, especially in later years. The convenient and cheap supply of the purest marble has greatly contributed to that result. It is a great pleasure to visit the studios of the accomplished artists. There you see the best specimens, either in marble or in plaster. In the sickness of Mr. Rogers, which has disabled him from work, the profession has lost one of its ornaments and masters. He has accomplished a great amount of work in many varieties of style.

I had the pleasure of meeting Mr. Simmons, the author of the Morton monument, upon several occasions—once in his studio. He has bright prospects before him, and the fact that he is a native of our country adds to my pleasure in saying this. He has been encouraged by the favorable assurances from many quarters in respect to the Morton monument. He was embarrassed in the prosecution of that work, by the fact that he had never seen Governor

Morton. When I saw the original in plaster in his studio, I said to him that I thought his success was decided.

From Rome we came to Naples, passing over a country of unsurpassed fertility, capable of producing two, three and four crops each year. Vegetation is now well advanced. I would have thought it the original Garden of Eden had I not been taught that that charming, but to our race unfortunate, garden had its location somewhere in Northwestern Asia.

This is a charming locality, full of interest. The city is well built, with a jolly people exceeding half a million in number. It encircles the bay, famed for its beauty, for eight or ten miles, in the shape of a horseshoe, and from the bay rises upon the highlands. Pompeii is but twelve miles distant, and Vesuvius overlooks all, appearing to stand guard in the daytime, and at night lighting the beautiful scenery by its ceaseless flame. We return to Rome to-morrow, and thence commence our return to Paris, stopping often at interesting points. Our company has enjoyed our voyage and journey, and we have been mutually happy in our own society. We will probably sail for home early in March or by the middle of March.

Respectfully, T. A. HENDRICKS.

XVII. THE NOMINATION OF McDONALD.

SPEECH IN THE DEMOCRATIC NATIONAL CONVENTION.

Exposition Building, Chicago, July 9, 1884.

Mr. President and Gentlemen of the Convention: This is my first experience as a delegate in a National Convention; and as I rise to present the name of a distinguished citizen of Indiana in connection with the office of President of the United States, I feel the delicacy and great

responsibility of the duty I have undertaken. The people now demand a change in the management of Federal affairs; and if this Convention will give them half an opportunity they will execute that purpose in the election of a President in the coming fall.

I believe the nominee of this Convention will soon become the chosen President of the United States. [Cheers.] He will be the first inaugurated President for twenty-four years. [Cheers.] He will come in burdened with all the duties that usually belong to the high office, and in addition such duties and delicate responsibilities as belong to the transfer of public affairs from the representatives of one party to the representatives of another, after long control by the latter.

May I ask your attention while I briefly refer to some of the labor and responsibilities that will require courage, talent and strength on the part of the next President of the United States? The Constitution imposes upon the President the duty of making such recommendations to Congress of such measures as he shall deem important and necessary. How delicate and important that duty becomes! The President is clothed with this authority by the Constitution, the Constitution imposing it upon him. Congress will heed his recommendation with great care. When Congress convened last December, revenues were annually accumulating in excess of the demand of an economical government, at the rate of over \$50,000,000 a year. That, too, under a revenue system that had been adjusted within one year by the Republican party. When the accumulated gold overflows the vaults of the treasury and tempts extravagant, wasteful and sometimes corrupt legislation, who can question that revenue reform is the first duty of a successful party? [Cheers.] And if a Democratic House had been received by a President in harmony with it, recommending a well-considered system of revenue reform, eliminating vices that nestle

in existing laws, and reducing very largely the amount of the revenue, does any man doubt that now there would have been a very great relief from the burden of excessive taxation, and that we would have a system of revenue resting upon justice and fair play?

Foremost among the duties and obligations which this great Convention should admonish its nominee to represent, is that the laws be executed and that the expenditures be greatly reduced. Shall the vast standing army of one hundred and twenty regiments continue under Democratic rule? [Cries of "no."] At the close of the war I believe 60,000 were found sufficient to execute the civil service. The official register, as a matter of course, was somewhat increased, and it should not excite our special wonder; but when from 60,000 in the course of twenty years it shall advance to 120,000, it bids the Democracy pause. The supernumeraries must be dismissed, unnecessary employments discontinued. And in this connection may I not say that the people whom you represent will stand like a stone wall beside the next President in his endeavor to promote economy and general reform? Eight years ago our party declared at St. Louis that reform is necessary in the civil service, and it demanded a change of system, a change of administration, a change of party, that we might have a change of measures and of men. [Applause.] The experience of every year since has confirmed that declaration and strengthened the demands. It is but two weeks ago that a Secretary, standing upon the witness stand in the presence of a Senate committee to hear testimony to impeach one of the Bureaus in his own Department—it was in the Bureau of Medicine and Surgery—said that the false vouchers, he supposed, did not exceed \$63,000. In former times, when the sensibilities of the people became offended by official corruption, they themselves understood the work of reform. I dare say many of you bear

it in memory that an entire Administration once went down, because of the defalcation or embezzlement of \$62,000. That was but forty years ago, and that was the only case that occurred attracting attention during that Administration. Yet, so fearful was the punishment by the people, that the party went from power for the time being. Who expects that a party long in power, with all the emoluments of public position received and enjoyed by its followers and retainers, can reform itself? The recent case to which I have referred is very instructive. In that testimony the Secretary said that a year ago he had received a letter informing him of the misconduct of one of his employes, and that very recently he had been told of two others engaged in the nefarious transactions, but he said to the committee that so earnest was the pressure, especially by members of Congress, for a re-appointment of the head of the Bureau, that he could not believe it possible that his Bureau was in the condition in which he found it at last. The offenses against the public service are numerous, many of them flagrant. They must be pursued to their hiding places. They must be brought forth and exposed and punished, and the agents that the President will employ—I mean the new President that you are to nominate here—the agents that he shall employ must have no one to shield and nothing to conceal. Let fidelity and competency once more on the part of employes, and justice and fair play so far as the people of the country are concerned, be observed, and reforms will follow. I hope never again to see the cruel and remorseless proscription for political opinions which has disgraced recent Administrations.

But bad as the civil service is, I know that there are men of tried fidelity in it. I know that there are men of ability in the present service, and I would not ask that they should be driven from office; but none but such ought to be continued. In the language of a writer, when

we come to define the rights of the outs and those that are in, let it be understood that none but the fittest shall survive. [Applause.]

Now, Mr. President, I hope the new Administration will hold itself instructed by the sentiment of 1876 [cheers] in opposition to centralization, to that dangerous spirit of encroachment which tends to consolidate in one, and thus create, whatever the form of government, a despotism.

I have but one other sentiment to refer to before I shall call your attention to the claims which I propose to suggest for the man that I will nominate, and in respect to this sentiment no one is responsible but myself. Nations never devise a more rational umpire of difference than force. Much blood and treasure always flow before international controversies can be settled. Controversies will arise—they are inevitable—but the civilization of this age demands that they be referred to the disinterested States for settlement by friendly arbitration. The intervening ocean protects our young Republic from the menace of European arms. It will be a beautiful spectacle when this Republic, so strong and so secure, shall lead the nations in a movement for permanent peace and the relief of the people everywhere from the maintenance of standing armies and ships of war. The best act of General Grant's administration was the settling by arbitration of the controversies touching the Alabama. That settlement stands in bright, glorious contrast in all history with the use that he himself made of our own army when he beleaguered the Capital that men might have office to which they were never elected. [Loud applause.]

Mr. President and Gentlemen: I have to suggest for your consideration a citizen of the State of Indiana, the Hon. Joseph E. McDonald. [Loud and long-continued applause.] I thank you for this reception you have given to his name. Born in an adjoining State, Indiana became his home when but a boy. He learned a trade, and

that made him self-dependent and very respectable [applause], and after that he pursued his studies with such opportunities as he had, and finally prepared himself for the great profession of law; and from the time that he took his stand in the court house of his county until the present time, when he stands, it may be, in the Supreme Court of the United States, he has been the peer of the best of that profession in the West. [Loud applause.] First, he was solicited by the district in which he lived to prosecute the pleas of the State; afterward chosen by the State to represent her as the Attorney General; next—not next to that, but before that—he went from his own district, in which he was raised from boyhood, to the Congress of the United States, and afterward the people of the whole State sent him as a Senator to Washington. Faithfully, diligently, ably, for six years he represented Indiana in the Senate. He was welcomed by the ablest of the Senators as their peer. Mr. McDonald has been a student of the learning that has made the Democracy of the United States what it is today. [Loud applause.] He is familiar with the writings of the fathers, and his opinions are based upon the sentiments that came to him from their pages. He is of clear perception, of strong judgment, of earnest convictions, fair minded and just. If you shall honor him with your nomination, no man will have occasion to find fault with the candid and frank manner of his reception when he may go to the White House.

Gentlemen of the Convention, I do not speak for McDonald alone. I do not speak for myself alone. I do not speak for those thirty gentlemen who directed me to stand here and speak for them. I speak for a mighty State. [Loud and long continued applause.] But ten days ago a Democracy that never steps backward, a Democracy that meets the contest when and where it may [applause], instructed those thirty gentlemen and myself

to say to you, Joseph E. McDonald is worthy of your consideration as the candidate for President of the United States. [Loud applause.] What is Indiana, and what is the Democracy of Indiana? This mighty State, that is neither of the East nor of the West, but sitting midway between the East and West, resting upon Ohio, associating in commerce, in trade, in good neighborhood with adjoining States, this great State has said to us: 'Present the name of Mr. McDonald to the greatest Convention the world has ever seen' [applause], and for Indiana I make my appeal to you to-day. What heed will you give to Indiana? For twenty-five years, during which I have had some responsible connection with this great party, she has been without strife or discord in her ranks. [Applause.] She acted always as one man; and when the election days have come, the tread of her Democracy has been as the tread of one regiment when the hour of battle is at hand. [Applause.] You know very well, gentlemen, that Indiana makes no question whether your candidate shall live in New York, or Delaware, or Kentucky. You know very well that when the crisis comes Indiana will give him her vote. Are you going to make it against Indiana because she is so faithful, because she will not hesitate? Are you going to say from election to election, from Convention to Convention: 'We need not trouble about that solid State. She is all right. Her vote will go well at the election. We must take care—oh, just by the way of illustration—we must take care of New York.' [Great laughter and applause.] Is that where, as a representative of the Democracy of Indiana, these thirty gentlemen and myself have to stand in your presence? We ask not a favor because Indiana is true always, but we ask that that shall not come in judgment against her. [Applause.] When many of your States hesitated, when war had passed, when the smoke of battle had blown away, and the sound of guns upon the plains

and among the mountains had ceased, and you struggled and we struggled, Indiana was the first State to carry the banner of Democracy to the front.

And now, gentlemen, a man of good attainments, of high character, indorsed by my State—I present his name to you, and all I ask is justice. The humblest of us may ask that much; and when it shall come to be that in a Democratic Convention justice may not be asked, then perhaps I would better review the practices of the past and not come to Conventions at all. [Laughter and applause.] I thank you, brother Democrats, I thank you, Mr. Chairman, for the attention you have given me while I have spoken for a friend. [Great and continued applause; a great number of the delegates rising to their feet and swinging their hats, etc.]

XVIII. THE KEY NOTE OF EIGHTY-FOUR.

SPEECH AT THE IMPROMPTU RATIFICATION MEETING,

Governor's Circle, Indianapolis, July 12, 1884.

My Fellow Citizens: You are almost as mad as they were in the Convention at Chicago. I thought they would not let up there at all; and I thought there was no limit to the crowd of people there, but I find there is a larger, almost, here. I am very much encouraged and delighted to meet you on this occasion. You come to celebrate and to express your approval of the nominations that were made at Chicago. I am glad that you are cordial in this expression. This is a great year with us. Every fourth year we elect two great officers of the Government. This is our great year, and every man, whatever his party association is, is called upon to reconsider all questions upon which he is disposed to act,

and having reconsidered, to cast his vote in favor of what he believes to be right.

The Democracy of Indiana appointed me one of the delegates to the Convention at Chicago. I spent nearly a week in attendance in that city, and I now return to say a few things to you, and only a few things, in regard to that Convention. It was the largest Convention ever held in America. Never has such an assemblage of people been seen before. It was a Convention marked in its character for sobriety, deliberation and purposes. It selected two men to carry the banner; and leaving that Convention and going out before the people, the question is, will you help carry the banner? I do not expect—I have no right to expect—that I will escape criticism, and it may be slander, of the opposite party. I have not in my life suffered very much from that; but I come before you, Democrats, Conservatives, Independents, all men who wish to restore the Government to the position it occupied before these corrupt times, and to all such men I make my appeal for your support for the high office for which I have been nominated by the Democracy at Chicago.

Governor Cleveland is the nominee for President; a man promoted to that office by the largest majority ever deciding an election in that State. He is a man of established honesty of character, and if you will elect him to the Presidency of the United States you will not hear of star route frauds in the postal service of the country under his Administration. I will tell you what we need. Democrats and Republicans would alike agree upon that. We need to have the books in the Government offices opened for examination. Do you think that men in this age never yield to temptation? It was only two weeks ago that one of the Secretaries at Washington was called before a Senate Committee to testify in regard to the condition of his Department, and in that Department was the

Bureau of Medicine and Surgery. In that Department an examination was being had by a committee from the Senate, and it was ascertained by the oath of the Secretary that sits at the head of that Department that the defalcation found during last year, as far as it had been estimated, was \$63,000; and when asked about it, he said that he had received a letter a year ago informing him of some of these outrages, and a short time since somebody had come to him and told him there were frauds going on in the service, but members of Congress had recommended the continuance of the head of the Bureau with such earnestness that he thought it must be all right. And now it turns out that the public is \$63,000 out—and how much more, no man, I expect, can now tell. But what is the remedy? To have a President who will appoint heads of Bureaus who will investigate the condition of the books, and bring all the guilty parties to trial.

My fellow citizens, I believe for such duty as this, for the purpose of maintaining the United States Government for the people of this country, I can commend to your confidence Grover Cleveland, of New York. Not long since there were troubles in the local government of the city of Buffalo, and the conservative people of that city nominated Governor Cleveland as their candidate for mayor, not upon a party ticket, but upon a citizens' ticket, with the duty assigned to him of correcting the evils that prevailed in the government of the city of Buffalo. He was elected, and entered upon the duties of the office, and made corrections in the management of the affairs of that city so clearly, so well defined, that the people of New York took him up and made him Governor of the State, and that is the way he comes before you now. He who corrects all evils in a badly administered city, and who goes from that service into the affairs of State government and makes corrections

there, will then step into the national Government and bring about reforms there.

My fellow citizens, I did not intend to speak this long to you. The Convention at Chicago did not realize all that we expected. For myself, I had no expectations. In no sense was I a candidate for any office whatever. We did not realize all that we expected, but I believe that is the fate of humanity most everywhere and under almost every circumstance. But have we realized that which should encourage us to make an effort for good government? Not that I want the office to which I was nominated, for you know that I did not desire that, but somebody must be nominated for Vice President to run on the ticket with the candidate for President; and when a ticket is presented to you, you are called upon to pass judgment upon it in respect to its merits throughout. That is the question—will you support it? And in asking that question, I want to ask you another. Do you not, all of you, Democrats and Republicans, believe that the affairs of the Government have been long enough in the hands of one set of men? And do you not all believe that we have reached a period when there ought to be a change?

I do not ask that all shall be turned out; that is not the idea. If a man has done his duty well and faithfully, if he has not used the powers of his office to disturb the rights of the people, if he has not furnished money to corrupt elections, if he has simply confined himself to the duties of his office, I am not clamoring for his official blood; but, my fellow citizens, of all these one hundred and twenty thousand men that now fill official positions in the country, we have no right to suppose, from all that has taken place, that they are all honest; and the only thing that we can do now is to make a change. A month ago everybody supposed that all the employes in the Bureau of Medicine and Surgery were honest; and now, at the very first examination, it turns out that they are not. But

what is the remedy? Put them out and put honest men in. We can not do that if we leave the same President and heads of Departments and heads of Bureaus in. I have every faith that this ticket will be elected. I think I know something about Indiana. We will probably stand here together—won't we?—and this banner of liberty, of right, of justice, of fair government that has been put in the hands of Cleveland and Hendricks, shall be carried and placed in glorious triumph on the top of the national Capitol in November next. Shall this be the people's banner? You have no interest except in good government, too, and I think I have none. I have lived a good while. I have tried to secure your confidence and to preserve it; and all I ask of you is your support, not for myself, but for yourselves and for your children, and all the people that are interested in good government.

Now I have spoken longer than I intended. I know when any of my Republican friends who are intending to stand by their party still longer shall see this crowd here to-night, they will think the doom of fate has come at last. Why, I happened up street a few weeks ago—it was just after Blaine and Logan were nominated—and I saw a little gathering of very honest and honorable people, behaving themselves exceedingly well and very quietly, and General Harrison was delivering them a speech about the nominations made at Chicago; and really, if you were to bring that crowd here and drop it down among you, you would not find it at all. What does it mean? It means that the people intend to have reform, and that is the watchword that is written upon every Democratic banner. It was written upon the Democratic banner eight years ago, and Tilden and Hendricks carried that banner; but reform was defeated by defeating the right of the people to elect their own ruler, and what is the consequence? There has been no reduction of public ex-

penditures. Although the war has been all the while passing farther and farther away from us, still this Republican party makes no reduction in public expenditures. Shall we have it? Shall we have cheap government? Shall we have good government? Shall we have lower taxes? They tell us that the Government can be well carried on for \$100,000,000 less than is now collected from the public.

If Cleveland shall come into the Presidential office, I believe he will bring expenditures down to the last dollar that will support the Government, economically administered; and then, when he does that, he will have accomplished what General Jackson said was the duty of any government. A government has not the right to collect a dollar from the people except what is necessary to meet the public service. Whatever a government needs, it has a right to come to me, or to you, or to all of us, and make us pay for it; but when it gets all that it needs for economical administration, it has not the right to take another sixpence out of our pocket—and that is all we ask. When this ticket shall have triumphed, that idea will be established in this country.

I thank you very much for the attention you have given me. I ask you simply that, as a citizen, interested in all that interests any of us—that you will give your attention to this campaign and never cease your efforts until your Democratic banner with Democratic principles of reform and cheap government is found waving in all the skies above your heads.

XIX. REMINISCENCES OF THE WAR.

ADDRESS TO THE DEMOCRATIC VETERANS ASSOCIATION,

At the Hendricks Residence, December 4, 1884.

Captain Myers: I am very much gratified that you have been made the medium by your comrades to express to me the sentiments of your own speech, and of the address of the Association. You would distrust my sincerity were I to say I am not gratified at the honor you have done me. The congratulations from you and your comrades are especially gratifying when I consider the fact that you and I shared in the contest of last summer, which I regard as the greatest of all the political contests in this country with which I have been acquainted, and that we have come out of that sharing alike in its responsibilities and its glory. You have referred to one characteristic of the contest which I hope never to see repeated in our country. The personal attacks and slanders that have been indulged in were unworthy of American politics. I have never referred to any of these, so far as they personally concerned myself, during the campaign, and I will only do so now very briefly. During the first month of the war I found it necessary to correct one of these misrepresentations, and at that time used the following language:

“ Since the war commenced, I have uniformly said that the authority of the Government of the United States is not questioned in Indiana, and I regard it as the duty of the citizens of Indiana to respect and maintain that authority, and to give the Government an honest and earnest support in the prosecution of the war, until in the providence of God it may be brought to an honorable conclusion and the blessings of peace restored to our country, postponing until that time all controversy in relation to the causes and responsibilities of the war. No

man will feel a deeper solicitude for the Indiana soldiers as long as the conflict remains to which they are called, than myself."

The sentiments then expressed guided my conduct throughout the war. One of the political leaders of the times charged that I failed in my duty in having opposed the law for the drafts. To opposition to the draft, I must certainly plead guilty. I favored an army of volunteers, encouraged by suitable bounties; and during the first month of my service in the Senate I said that I desired to express the opinion that Congress should encourage volunteering rather than rely on what many deemed an unpopular measure of the Government, namely, a draft. I did not regard the draft as a reliable support for the army. Prior to that time 125,000 had been drafted, 6,000 entered service under the draft, 10,000 substitutes were furnished, and 20,000 were induced to volunteer by the bounties that these commutations enabled the Department to pay. The draft of 125,000 resulted in 36,600 soldiers in the field. I believed then, as I have believed ever since, that volunteers, encouraged by suitable bounties, relieving them from anxiety about providing for their homes, gave the best assurance of support to the army. The same politician to whom I have referred, speaking of myself said: "He did not vote in favor of any measure that looked to carrying on the war." I will refer to but two acts of mine in the Senate in answer to that statement. On the 23rd of April, 1864, I offered an amendment to the Appropriation bill, to increase the pay of the soldiers and non-commissioned officers reasonably in proportion to the then depreciated condition of the currency. I thought that proposition was an encouragement to the army and to enlistments, and I may say that Colonel Lane, then my colleague in the Senate, voted with me on that subject. On the same day I voted

for the great Appropriation bill for the army, for the year from June 30, 1864 to June 30, 1865—I believe the largest appropriation bill ever passed by this Government—voting \$530,000,000; and under that appropriation the army was carried to the close of the war; under it many of the battles were fought, and under it Sherman marched to the sea, and the surrender was made to Grant.

[The Vice President closed by expressing his gratification at meeting the Democratic Soldiers and Sailors' Veteran Association of Indiana, on this occasion and in his own home, and tendered them his thanks not only for the honor they had done him, but for the support they had given him in the great contest just closed.]

XX. CIVIL SERVICE REFORM.

SPEECH AT THE DINNER OF THE BAY STATE CLUB,

Parker House, Boston, June 25, 1885.

Mr. President and Gentlemen of the Bay State Club: I have not the command of language sufficient to express my appreciation of your kindness to-day toward myself and the young friends who have traveled with me. I did not expect for them and myself as kind an expression of your regard, and I shall cherish the memory of this entertainment as long as I shall live. It is somewhat significant that a man coming from Indiana should be so welcomed by the men of Massachusetts. Never before have we stood face to face. This is almost the first visit I have ever made—with but one exception for a day or two—to the State of Massachusetts; but I have had kind and interesting memories of Massachusetts. You will not think that because I live far out in the West I have no memories of the great things that have transpired here

beside the Bay that has given your club its name. Here our Government—I may say our country—had its start in life, and State by State it has traveled westward until now, actually, the State of Indiana, in which I live, is no longer a State of the West, but is almost a State of the East. Indiana at least, I may say, claims friendship and kinship with Massachusetts. [Great applause.] * * * * *

What is decidedly significant is not that an Indianian is here, but that one is here who does in truth represent the sentiments that you and yours do believe in [tremendous applause], and I accept of this wonderful expression of your regard more as an approval of the opinions and purposes for which I have contended than of any personal confidence and esteem that you may have for myself. [Applause.] They are a good way apart, but the Democracy of Massachusetts and Indiana have stood together, and no man need say that less than sentiment and principle holds men thus together. Around the same banner the men of Massachusetts have rallied and the men of Indiana have rallied. It means that you and I and the men of Indiana believe, I repeat, in the same doctrines of government. And coming before you to-day and accepting this honor, I do not come to make any apology for my Democracy. [Applause and rising cheers for Thomas A. Hendricks.] I recollect [cheers], when I was nine years old I went from my father's farm on the hill above the village, to attend the election down in the town. It was in 1828, and you may recollect who was the candidate of the Democracy for President then [cheers for Andrew Jackson], and when I got into the public square I saw a hickory pole, and on the top of it a hickory broom; and old Colonel Aldrich, a courteous, kind gentleman, who was county clerk, told me that when Jackson was elected he was going to Washington and was going to sweep everything that was wrong out of it. And from that day when Colonel Aldrich told me

that the Democratic broom was the symbol and representative of reform—from that day to this, I have never apologized for my Democracy. [Long continued applause. A voice—“Give us some more of that.”] I think the president of the club, Colonel Taylor, referred to the vote of Indiana in the last campaign, and the victory of the Democracy. I had no doubt about that vote at all, from the time the banner was thrown out to the winds of heaven. I had no doubt about the result [applause], although but four years before, it had given for Garfield 7,000 majority. I believed that we could carry it 7,000 the other way, and we did it [applause]; and I am just as proud to stand before the men who fought the battles here in Massachusetts as before the men who made it 7,000 in Indiana. If you had had no unusual troubles to encounter last year, Massachusetts would have gone Democratic. [Applause and cheers. A voice—“Your are right about that.”] But the troubles in Massachusetts are passed [applause], and so I have the highest confidence that at the next struggle between principle and opposing influences Massachusetts will take her place beside Indiana. [Applause.]

I have heard a great deal said—and I take a great deal of interest in it—about civil service reform. I think I understand the subject [uproarious and long continued applause], and with your permission, I will speak of it for a moment. I had, when a younger man than I am now, occasion to judge upon that question as an honest man, as a man whose ambition was involved in the proper construction of it. Franklin Pierce, one of the stateliest and noblest of our great leaders in the past [applause], without any solicitation on my part, in an autograph letter addressed to myself, asked me to take charge of the General Land Office at Washington. I accepted the appointment, and for nearly four years I stood at the head of that office—an important office, its affairs extend-

ing far beyond the reach of many a man that takes a limited view on the question of civil service reform. Its surveys were then extended beyond the Mississippi, beyond the Missouri, and beyond the mountains and valleys of California.

And the settlers were going out from the Old Bay State and from Maine, and finding their homes on the lands that were then being surveyed. When I took charge of that office, with 180 clerks, I found the business of it four years behind. The patents that should have gone to the people who were living on the lands were four years behind their date. I said at once: This will not do. The man who purchases land from the Government has a right to his patent, at an early day, so that he may sell it, or maintain his rights, whatever they may be. At once I said: There must be reform in this office. My ambition is connected with this reform. I can not well afford to take this appointment and go out of this office without having brought the work up to date. [Cries of "Good."] So I commenced the work of reform seriously and very earnestly, and very soon I became acquainted with all the clerks in the office. With some I became acquainted by conversation, with some by reading the letters they laid before me for my signature, and with others by considering the reports they made upon contested cases; and in a short time I knew them all, and very soon I knew the clerks that would be able to help me through with the work that ought to be carried through, and very soon those who were unwilling and careless and indifferent did step out. [Great applause.] No fuss about it—but they did step out. [Laughter and applause.] That hickory broom, which represented Democratic reform, was the sentiment and emblem of the reform that I sought to bring about. [Cries of "Good, good."] And instead of the men who had to step out there came in young and earnest fellows who were willing to do the work; and when by

one general order, I required that the work done at each desk should be 25 per cent. more than it had been before, these young men came in and took their task readily, cheerfully and cordially; and when I left that office, nearly four years afterward, it was only four months behind in delivery of the patents to men who had bought the land. [Applause and cries of "good."] From four years it came down to four months, and that was as close up as it was practicable to bring the work, and I thought that was reform. [Applause and a voice, "That it was."] I want to tell you another thing, gentlemen. [A voice, "That's right, go ahead."] When you men who give your votes at the elections and pay your money to the tax gatherers, want to understand the particular point to which civil service reform can be brought, I will tell you. It is not with the President in detail, it is not with the Secretary in detail, but it is with the Bureau officer who has to do directly with the work and with the clerks who perform the work. I am not personally very well acquainted with the Bureau officers employed by the Secretaries at Washington. I know some of them in the Interior Department; I know the Commissioner of the Land office; I know the Commissioner of Indian affairs; I know by reputation the excellent gentleman in the Office of Patents, and I believe all of them, by their own judgment of affairs, will bring about civil service reform in the Departments. [Applause.]

I think I am safe in saying that I know they have already begun the steps, and that the people will not be sold out by them. This is my experience in civil service reform. It may be of no account, but it was my own [applause], and that Administration, whenever and wherever it shall be, which will fill all the Bureaus in Washington city with capable men at the head, and tell them that the work devolves upon them, and hold them responsible—then there will be certain and prompt reform.

[Applause.] I did not intend to say half so much [cries of "Go on, go on"], but I think you are perhaps the most irresistible set of gentlemen I have ever met. [Congressman Collins—"We want more, Mr. Vice President."] I think we are going to come through all right, but it was a good while the Democrats were kept out [laughter]—a quarter of a century the sentiment of this country had enforced that cruel proscription that Democrats should not share in the honors of the public offices of the country. It was a cruel proscription, such as I never advocated toward the opposite party, for I know there are honest men among them, and I would not today, if I could do it, take the charge of this Government entirely away from the opposite side. They pay taxes, they contribute to the support of the country, they help to fight battles when horrid war comes upon us, and it is but fair and right that they should have a fair share in honors, but it is not fair that they should clutch them all, and say to the young men of the Democracy, "You are not to be trusted, and you shall not share in them."

Gentlemen: There are a great many Massachusetts Democrats in Indiana, and when I come across a Massachusetts Democrat, I find him about as hard-headed a chap as there is out there. [Applause.] They seem to come out with ideas already formed, and are not like putty, receiving any and every impression that may possibly be made on them. They seem to be men with strong convictions and opinions, and I know it must be so here in Massachusetts. I want to assure you that I appreciate it when such men come together and take their seats around the board to do me and my young friends respect and honor. [Applause.]

I have only one more suggestion to make, and that is when the next election comes off—and I want to say I am going to have no personal interest in it [cries of "Doubt it"]—not at all; I did not expect to be connected with

that of last fall, but the Convention in Chicago thought that Indiana ought to be carried or I ought to be somewhat disgraced [laughter and applause], and I made up my mind I would not be disgraced. When I come back here four years from this time—by the way, I'm coming here more frequently than heretofore; you invite me, don't you? [Applause.] I want to bring from Indiana good cheer for the State of Massachusetts, and then I want to meet the Bay State Club and have them tell me that Massachusetts meets Indiana and grasps her by the hand, and takes from her the banner that represents the Democracy of a whole nation for the purposes and for the sake of reform in the public service. [Tremendous applause.]

XXI. THE SUPREME COURT OF THE UNITED STATES, AND
THE INFLUENCES THAT HAVE CONTRIBUTED TO MAKE
IT THE GREATEST TRIBUNAL IN THE WORLD.

AN ORATION DELIVERED BEFORE THE GRADUATING CLASSES AND ALUMNI
OF THE YALE LAW SCHOOL,

At its Sixty-first Anniversary, June 23, 1885.

Mr. President: The people of the United States of America occupy to-day the first place among the nations. They are neither disturbed nor threatened by European dissensions. They repose in the confidence of irresistible power.

The quiet that reigns within their borders attests the undisputed sway of law and order. Less than one hundred years have passed since they came together under the Constitution of a common country. Why this imposing result? What is there about this limited Constitution of the Americans, that has brought them this incompar-

able success, in their effort for a republic? The compact under which the States conducted the Revolution was found to be insufficient for the purposes of a permanent Government. "A more perfect Union" had become a necessity. Delays were not allowed. The Constitutional Convention of Philadelphia followed fast on the surrender at Yorktown. The result was an "indestructible Union of indestructible States"; and a government of each of the several States "possessing all the powers of government not delegated nor prohibited."

A thoughtful writer has said of the patriots and statesmen who framed the Constitution, that they "were persons of as much learning, experience, sagacity and probity as any equal number that have lived in the world." They were schooled in field and council, and had learned the lessons of political wisdom in the discussions that attended and followed the Revolution. In their work they hoped for a free and stable republic. They clothed the Government of the United States with power necessary to guard and protect the interests that were common to all the people, and "to provide for the common defense and general welfare." They recognized the thirteen States of the Confederation as sovereign within their sphere, and they provided in the Constitution for the admission of many new States. They put the machinery of many governments in motion, each and all endowed with life, and will, and purpose.

As wise men they foresaw that, among numerous and powerful States, feuds and controversies must arise; that disputes of boundaries, conflicts of jurisdiction, and jarring interferences were inevitable. And they knew as well also, that among equal States, controversy appeals to pride, and conflict must follow. The work of establishing a confederacy of equal States, stable, harmonious and enduring, was defective and unfinished until a tribunal should be provided capable of commanding the re-

spect and confidence of all the parties to the Union, and clothed with authority to enforce obedience and submission. And thus it was that the Supreme Court came into existence—the potent agent of conservatism—and at the same time a great authority in the State. The founders of government never before clothed any judicial institution with such dignity and control. Indeed, such a Court could exist only in a government of defined and limited powers and under a written constitution.

Because of its importance and power the founders of the Government sought to make the Federal Judiciary upright, fearless and independent; independent of legislative aggression and executive assumption, and also of interests, parties and classes as well. To that end the Judges were made secure in their salaries, which can not be reduced during their holding; and in their terms of service, which are fixed at good behavior, subject only to impeachment. The number of the Judges was not fixed by the Constitution, and Congress has from time to time regulated the numerical status of the Court. The action in that respect has been criticised as inspired by sinister aims, the claim being that the change in the number of the Judges was sought in order to secure a bench whose views on Constitutional and political questions should be in accord with those of the law makers, and the dominant political party.

Assuming that such criticism has been unwarranted, and the inspiration of partisan zeal, we are still confronted with the suggestion that the structure of the Court, as established by the framers of the Constitution, was faulty in this particular. It must be conceded that neither Congress, nor a political party represented by the Executive, should possess the power to control the utterances of the Court by making the voice of the minority of yesterday that of the majority of to-day. It is gratifying, however, to find but one ground of criticism in the constitutional

organization of the Supreme Court, and that even there it may be found difficult to substitute a better mode.

From its organization to the present day the Supreme Court of the United States has been the wise expounder and firm defender of the great organic charter from which it derived its existence. For nearly one hundred years it has stood proudly among the great institutions of our country, strong, conservative and impartial. When party conflicts, and the passions they arouse, have carried the other departments of Government beyond the constitutional limit of their powers; when the reserved rights and powers of the States have been invaded, or, when any of the constituent sovereignties have attempted to encroach upon the just powers of the national Government, its voice, calm and morally omnipotent, has arrested the encroachment of usurped power. Our inquiry for this occasion is how and why did it occur that in a country so new as ours, and so imperfectly developed, there should arise an institution, not only instinct with the spirit of truth and justice, and wonderfully capable of judicial investigation, but strong to deal with questions affecting government as well as its citizens. It may hardly be claimed that our judges have surpassed the judges of other lands in culture and capability of thought. We may well boast of Marshall, of Taney, and of Story, eminent in all the qualities that adorn great judges; but we can not forget that of right England cherishes, with gratified pride, the memories of her illustrious jurists, of Hale, Holt, Mansfield, Eldon.

Opportunity often decides who shall be esteemed the greatest. The opportunity for our great court was found in the ample jurisdiction with which it was clothed, and in the complicated character of our political institutions. It could not remain a common Court in the exercise of its constitutional jurisdiction. With such powers and prerogatives no Court had ever been clothed. Its jurisdiction

is original in all cases affecting the representatives of foreign powers, and in that respect it stands between our country and possible troubles abroad. It is original also in controversies between States, giving the highest assurance of permanent harmony among the members of the Union. Its jurisdiction is appellate in controversies of the seas; in controversies between citizens of different States; in disputes arising under land grants of different States; also in controversies between a State or the citizens thereof and foreign States, their citizens or subjects; and in controversies to which the United States shall be a party; and beyond these, to "all cases in law and equity arising under this Constitution, the laws of the United States and treaties." Out of the powers thus grouped has grown the judicial structure which Judge Curtis speaks of as "the greatest Court in the civilized world."

Because that Court has to deal with the greatest questions it became greatest. Like other courts of law and equity, it had to consider and decide important questions of practice, of pleading, of evidence; and like them also questions of fraud, of trust, of contract, of title; but beyond and above all these it became its high duty to consider and settle questions growing out of the peculiar character and complicated structure of our political institutions; questions of constitutional power, of conflicting jurisdictions, of revenue, of currency.

The welfare of a free State requires, as reason and experience suggests, that its powers be divided into the legislative, executive and judicial; that they shall be clearly and distinctly defined; and that in their practical operations there shall be no confusion; and that neither shall encroach upon the rightful province of another. It is the highest duty of all who may be charged with the affairs of government to preserve these powers separate and distinct. But "offences must needs come," and however

exalted the intelligence, and pure the patriotism of those who enact, and those who execute and administer the laws, conflicts of jurisdiction and authority must occur, and the question will arise which of the great departments of State shall occupy the seat of authority, and prescribe the rule and the limitation to all. The public welfare requires that when such controversies arise the judiciary shall sit in judgment.

But as against the legislative department the mandate and the injunction can not issue. That great department can neither be coerced nor restrained. Yet if its work be found in conflict with the Constitution, or in disturbance of the Constitutional harmony of the departments of Government, the Courts will interfere. Judge Perkins of the Supreme Court of Indiana declared the following as maxims or axioms in American jurisprudence :

“That the Constitution of the State, relatively to the acts of the Legislature, is the paramount or Supreme law ; that when the two conflict, the acts of the Legislature must yield as utterly void.”

The Courts of the States must decide, when the question comes properly before them, whether there be a conflict between the State Constitution and a legislative enactment, and if so, that the latter is therefore void.

A high and responsible duty devolves upon the Supreme Court of the United States in passing upon the powers of Departments of Government, and upon questions of Constitutional law. Such authority, as already stated, could exist only in a government whose powers are well defined. The highest Court of England can exercise no such authority, for the reason that England has no written Constitution enumerating and limiting the powers of Parliament. The ancient usages, and the great statutes that constitute what is known as the Constitution of England, do not limit, but are subordinate to the powers of Parliament. As usages they may be abolished, and

as statutes they may be amended or repealed by the Parliament. In the United States only are the rights of persons and property, the rights essential to liberty, protected by a Constitution paramount to legislative power, with a Judiciary fully empowered to defend and maintain the same.

A Justice of the Supreme Court, as he approached the decision of one of the controversies at the close of the war, said: "The importance of the main question presented in this record can not be over-stated; for it involves the very frame-work of the Government, and the fundamental principles of American liberty." What was that "main question" so grave in its consideration, so serious in consequences? It was whether a citizen of a State not in rebellion, and himself not in the military or naval service of the United States, should be put to death upon the sentence of a Military Commission. The Constitution forbade his execution unless in pursuance of a trial according to the course of the law, and finding by an impartial jury. But the sentence had been pronounced, and the time fixed. Between him and his doom there was one single hope. The privilege of the writ of habeas corpus stood suspended. Neither the State nor her Courts could interfere. In that crisis of individual fortune, in that threatened danger to Constitutional liberty, the appeal was made to the Federal Judiciary, in the might and in the right of the Constitution. The petitioner was represented by Field, Garfield and Black, in arguments of unsurpassed force, learning and eloquence. In that struggle the civil authority and the military power stood face to face. The triumph of the civil authority was signal and complete. The principles of liberty as declared in the Constitution became fixed and sure.

The jurisdiction of the Court is a tremendous power. When properly invoked, it may say to Congress in respect of the laws it has passed, to the States in respect of the

Constitutions they have adopted and the laws they have enacted—the Federal Constitution forbade your action; it shall not be.

When in London some years since, I heard an argument of interest in the Queen's Bench. Lord Cockburn presided. The debate that passed between the Court and the barristers was sharp, close, and exhaustive as possible. But the case related only to some bills of exchange, and involved questions of fraud in their execution and consideration. It was of interest to the parties, for one of them would be richer and the other poorer, as the case might go. But what cared the great world about it, except as it might establish or modify some rule of trade?

Upon my return home I became interested in the arguments and decisions before then made in the Supreme Court, upon the question whether Congress had the power to impress upon the Treasury notes, the issue of which it authorized, the quality of legal tender as against debts contracted before their issue. Such a question could not have arisen in any Court of England. In its nature and importance it rose high above any question in the English Courts. It involved the powers of Congress over the currency of the country and, it may be, the ability of the Government to provide for its own welfare in periods of greatest peril. In such investigation the Judges passed beyond the sphere of ordinary judicial inquiry, and into the field of statesmanship.

Prominent among the great subjects to be adjusted by the Departments of Government has been the Indian policy. In its settlement the Supreme Court has borne a conspicuous part. At the time of the adoption of the Constitution, vast regions of our country were inhabited by aboriginal populations, which were divided into separate nations, independent of each other and of the rest of the world, having institutions of their own and governing themselves by their own laws. It is readily perceived

that the work was a delicate and difficult one of adjusting the relations of the Indian tribes to the several States within which they were found and to the Government of the United States.

One of the important cases relating to the Indian tribes came into the Supreme Court from the State of Georgia. In the year 1830 the Legislature of that State assumed the right to provide for the government of the Cherokee nation, then occupying their lands within the limits of that State. Severe punishment was provided against a residence within the Cherokee country without the authority of the Government of the State. An indictment was found in the State Court, on which a conviction followed. The case was taken to the Supreme Court by writ of error. It was no ordinary law suit; no common controversy. In approaching it, Chief Justice Marshall said: "The legislative power of a State, the controlling power of the Constitution of the United States, the rights (if they have any)—the political existence of a once numerous and powerful people, the personal liberty of a citizen, are all involved in the subject now to be considered." Three Governments came before the Court for the adjustment of their relations, and the settlement of their controversy touching Indian policy and government in America. The Cherokee nation claimed to be an independent and separate people, occupying their own country, with the right of self-government under their own laws. The State of Georgia asserted the right to govern the Cherokees under its laws, independently of all other authority, upon the ground that the Cherokee country and people were within its boundaries, and within its general authority and jurisdiction. On the contrary, the United States Government denied such authority on the part of Georgia, and insisted upon the right of the tribe to self-government, subject only to its own authority under the Constitution and the treaties.

No controversy ever came into a court between parties of higher dignity, or involving questions of greater moment. The decision was worthy the tribunal, the parties and the cause. The relation between the Indian tribes, the States and the Union became fixed and settled. Upon that question peace became assured. Disputed authority and conflicting jurisdiction could no more threaten the general harmony. By this decision the Indian tribes were held to be separate and distinct communities, vested with rights as such, including the right to occupy their own territory, wholly distinct from the territory of the State; and including also the right to enact and execute their own laws. By the decision it became settled that State laws can have no authority within the Indian territory; and that intercourse with the Indian tribes shall be exclusively under the authority of the United States.

The Bank of the United States, of 1816, established a branch in the city of Baltimore, from which the State of Maryland asserted the right, under its own law, and for its own uses, to collect taxes. The authorities of the Bank disputed that right, and also denied the validity of the Maryland statute, upon the ground that a State could not tax "the means employed by the Government of the Union for the execution of its powers." Upon the other hand the State of Maryland contested the Constitutional authority of Congress to charter a bank. And these questions came before the Supreme Court for decision when Marshall was at its head.

It is not my purpose on this occasion to consider the decision that was made, nor the grounds thereof, but only to speak of the enormous magnitude of the controversy, and the great dignity of the tribunal that was clothed with authority for its settlement. In respect to that, Chief Justice Marshall said: "In the case now to be deter-

mined, the defendant, a sovereign State, denies the obligation of a law enacted by the legislature of the Union ; and the plaintiff, on his part, contests the validity of an act which has been passed by the Legislature of that State. The Constitution of our country in its most interesting and vital parts, is to be considered ; the conflicting powers of the Government of the Union and of its members, as marked in that Constitution are to be discussed, and an opinion given which may essentially influence the great operations of the Government. No tribunal can approach such a question without a deep sense of its importance, and of the awful responsibility involved in its decision." An opinion was given, and judgment was rendered. The validity of the Bank charter became established, and the Maryland statute ceased to be regarded as law. The opinion of the country bowed in acquiescence to the high authority.

When did Court ever sit in judgment on suitors so august, or decide controversies so momentous? It was not because property rights were to be settled or individual or corporate liabilities fixed, that the decision of the Court was regarded of such tremendous consequence ; but because the powers of Government, Federal and State, were to be defined and settled ; and because the relations of the giant suitors, in respect to affairs of the highest importance, were to be established.

After the close of the war, the tendency of Congressional legislation was to strengthen Federal and weaken State authority. That tendency appeared in the civil rights, the enforcement and the election measures. Much of that class of legislation has since been held invalid by the Supreme Court, because the authority to enact it belongs to the States and not to Congress. In one of the cases that arose Mr. Chief Justice Waite, with great force and clearness, drew the line between the legislative province of the Union and that of the States. He said : " We

have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own, who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States, and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other.”

I have read this passage from the opinion of the Chief Justice because of the strong and original manner in which he vindicated and defended the rights of the citizens of the States from interference on the part of Congress? The acts denounced in the indictment were not, and could not be made offences against the authority of the United States. The power was not granted in the Constitution, and necessarily was reserved to the States. The theory of the decision was that to each of the governments, Federal and State, belonged the duty and the authority to protect the rights and privileges of its own citizens, and that neither should pass the Constitutional boundary line. Over that line the judicial sword turns every way, and usurpation can not pass.

I need not further notice the plan upon which this imposing tribunal was constructed. It was better than any which had preceded it; far better than the framers of the Constitution could have supposed they had wrought. In many respects they were without plan or model. No such Court had existed; none could exist until our complicated system of government took its place among the political institutions of the world. Of necessity the judicial system had to be in harmony with, and auxiliary to, our political system. The Federal Judiciary could not be clothed with that general jurisdiction which it was expedient to leave with the State Courts. But provision had somewhere to be made for the adjustment of controver-

sies arising upon the seas ; controversies between States and between citizens of different States ; controversies in which the United States have an interest ; and cases arising under the Constitution, the laws and the treaties of the United States. The provision was wisely made in the Federal Judiciary.

It was a difficult work, and of rare excellence, to provide a suitable judicial system for the country ; yet it is found completed in a few sentences of the Constitution, covering perhaps a half page of printed matter. And it has gone from State to State, keeping pace with our development, trade and commerce, and readily meeting the increased demands upon its capabilities. It has borne the test of the experience of this century, the most eventful of all the centuries, and the judgment of the country to-day is that, in its organization, in its jurisdiction and powers, and in its relation to the political institutions, it is as nearly perfect as any work of man. Experience has suggested but one amendment to the Constitutional definition of its powers, and that is a negative to the privilege of any citizen to commence and prosecute any suit in Law or Equity against any one of the United States.

You will not pardon me if I leave this subject without making mention of the illustrious Bar of that day ; the group of giants that clustered around Marshall and his associates. Did they not contribute to the greatness and splendor of the Court ? In their fertile brains the great arguments first had root and growth. That was an era of important questions, of leading causes. Such questions and causes produced and developed a Bar of corresponding splendor and ability. Webster and Wirt and Pinckney were some of those whose names gave luster to the Court in which Marshall presided.

Seldom has the history of our profession more completely shown how the Bench and Bar influenced and aggrandized each other ; how great lawyers create and are

created by great Judges. The record of many of the great debates of that day is very incomplete ; but such as it is, and as tradition has brought it down to us, in every excellence of thought and style the argument in front of the Bench equaled the decision from the Bench, that gave the law as it remains until this day. It could not be otherwise when Webster, and Wirt, and Pinckney spoke, although Marshall ruled.

As Judges first are lawyers, so the Bar alone can supply the material from which the judicial character is formed. The Philadelphia Convention believed that they might safely confide to the lawyers of coming generations the important duty of maintaining a pure and efficient Bench. Was a trust ever more worthily reposed—more sacredly kept? It is a high honor to the American Bar, that it has stood guard at the portals of that Court, admitting throughout the century only exalted merit. From the first, men of giant stature and fair proportions only were chosen. Many of the great lawyers stood by at the birth of the Republic, and were inspired by the patriotism that guided and controlled the people. And in the following years they were keenly alive to the responsibility that rested on them in connection with the public welfare. Zeal for the public good guided and stimulated their studies, not only in the paths of professional learning, but also in their investigations of the important questions constantly growing out of the organization and the practical operation of the new system of government. Rare professional attainments thus became united with the information and the wisdom of the statesmen. By such men the Court was to be filled, and by such men it was to be instructed and supported.

Such was the Bar that united with the Federal Court Bench to secure for it the exalted station and magnificent results that followed upon the opening of the century. Fortunate indeed was that Bench in the character of its

seconding at the Bar. Never was the clear utterance of constitutional law and of justice more often and more largely the off-spring or the sequence of professional research and zeal.

I had thought briefly to sketch some of the illustrious men who constituted the Bar of that day and contributed to the greatness of the Supreme Court, but I find the number crowding upon me too great and the material that could not be rejected too large for an opportunity such as the present. May I pass by the larger number without mention, and ask that the chief three shall represent all—Pinckney, Wirt, Webster? Does it not seem strange that historic greatness is so often found in clusters of three? The chronicler of the most brilliant period of Hebrew history, so found the great names of his day. Mention need not be made of the brilliant three whose achievements so much adorned the history of modern England; or of the three equally illustrious statesmen of our own country. But to me it seems most marvelous that one is found the chief of three the greatest statesmen and of three the greatest lawyers of his country—Webster.

Pinckney was a giant of his time, and swayed the profession he so much adorned, like a monarch. Wirt was the finest classic orator of his day, and by the brilliancy of his achievements attracted a large share of the attention and admiration of his countrymen. Last, but greatest, came Webster. I do not dwell upon the imposing characteristics of a public life so fresh in your memories, and merely touch on the professional features of his unrivaled career, which not only immortalized his name, but so decidedly influenced the judicial sentiment of the period through which he moved. From early life he was much absorbed in the history and interpretation of the Federal Constitution, and the inquiries incident to the infancy and development of the Union. In this and like

fields of inquiry his research was ardent and unremitting, and for many years preceding his death he stood without a rival. His opinions were formed on absorbing reflection, and uttered with the force which his magnificent intellect commanded.

Such are some of the typical characters of the early national Bar. It is enough to say that they permanently impressed their opinions and sentiments upon the judicial findings, and through them upon the political institutions of the country.

And what shall I say of the Court itself and of its Judges? Such a judicial history has never been made in human annals. Purity, patriotism, learning and independence marked every year of its existence. How noble and imposing the procession of sages led by the illustrious Jay; and how difficult to do justice to the memories of the patient and unpretending men who toiled steadily on through the long judicial life, and turned neither to the right nor to the left, amid the exciting scenes about them. They have their reward in the fervent gratitude of a great and happy people; they have their fame secured in the world-wide fame of the Court itself.

One name they themselves delighted to honor and see honored, the head of the Court, the leader of all Courts, the greatest judicial character the world has known—Chief Justice Marshall. His record covers thirty-four years and thirty-one volumes of the Reports. He was already great in his own time; the applause of his deeds overtook him while the robe yet rested on his shoulders, and he went to his eternal rest renowned throughout the earth. His fame has grown within the passing years, and now, a half century since his call to the great forum, sixty millions of people praise him with increasing veneration, as they contemplate the magnificence of his works and the deep foundations thereof. The beauty of

his life and the full and overflowing measure of his service deserve more of us than we can give. The Court that he contributed so much to establish and make useful and honorable to the country is his grandest monument. Pure, white, firm and immovable, let it ever stand thus in commemoration of the faith he so well kept.

[The remaining sentences were extemporaneous.]

Young Gentlemen of the Graduating Class: I have spoken to you of a glorious past; of the law as laid down by great Judges, as enforced by an illustrious Bar. As I look into your faces to-day, I can but think of the future that lies before you, the future of our country,—a future that depends much on the profession to which you are about to unite yourselves. Who of you will be the silver tongued Pinckney, who the brilliant Wirt, who the massive Webster, is not the inquiry I would make; but who will be the painstaking, faithful, honorable lawyer, that best feels the sacredness of his trust as a minister of justice? Who will take up the cause of the poor man, and see that he stands before the law the equal of the richest and highest? Who will make it his ambition to spend laborious years in making the utmost of the powers he has, by putting them to the best use of which they are susceptible?

Do your thoughts turn towards the achievement of political distinction? Then remember ever, to quote the words of another, that “Public office is a public trust.”

When you are Judges you may not be as great as Marshall. You can not be. The place he filled and created in our judicial history is for him alone. But the question is this—when you are Judges will you be as true as Marshall?

And so, to those of you whose lives are to be spent in the practice of your profession, I say, you may not be a Pinckney, a Wirt, or a Webster, but you may be as true as

they ; as true to the causes you bring before the Court, as true to the community to which you belong, as true to the great system of administrative justice of which henceforth you form a part.

XXII. LOCAL SELF-GOVERNMENT FOR IRELAND.

SPEECH AT THE PARNELL RATIFICATION MEETING.

Masonic Hall, Indianapolis, September 8, 1885.

Mr. Chairman and Fellow Citizens: Always, whatever may be her condition, Ireland will find devoted and steadfast friends in the United States. Some years ago I was called upon to attend a meeting of another nationality. When the war was pending between France and Prussia the Germans of this city held a very large and interesting meeting to express their sympathy in the course of Germany in that controversy. I felt it right then to participate in that meeting, because the sons of Germany were deeply interested in that contest. This is no contest between navies or between armies for the establishment of good government in Ireland, and very specially do I enjoy participating and joining with you Irish men and Irish women in expressing the sentiments you express.

What shall be the government of Ireland? For many years it has not been a controverted question that Ireland has been dealt hardly by. It is known the world over that Ireland, from the days of Henry II until this hour, has not had fair play from Great Britain. On the contrary she has been denied the rights of equal citizenship, and has been despoiled of her lands. Every Irishman here to-night, every Irishman in America, is a protest against the bad governing of England toward Ireland. How is it you are here, having left almost the most beautiful land in the

world? Perhaps no part of this globe is more attractive than Ireland, and yet you left Ireland. You are here because you could not get good government in Ireland. Forty-five years ago the population of the "Green Isle" was nine millions of people—a large population for a region of country only the size of Indiana. To-day, after the lapse of forty-five years, that population is only five millions, a loss in less than half a century of four millions of people, almost an entire half of the entire population gone from Ireland.

I know the famine of 1843 had much to do with this, but bad government and cruelties by her landlords have done more than famine and pestilence to depopulate the beautiful isle. I would say it is a serious matter when a man or woman chooses to leave the home that has been the home of ancestors for many centuries; and when, on account of bad government, unjust laws and a cruel system of tenantry, there has been driven away almost half of the population. The question, "What is to be done," comes up. It can not remain always this way. The landlord who draws the rent can not always enjoy it in Paris and London. He must have part in the fortunes of the people of the country, or quit. It can not always be that the people of Ireland are to be oppressed. I think the day of tyranny in every form is to pass away, and that the day is soon to come when all men will be blessed with good government and just laws.

It is well enough for you and me to understand just what the political contest in Ireland is. I chanced to pay a visit to the House of Commons a few years ago, and heard this cause. Mr. Parnell then, as now, was the leader, and held that in respect to her domestic affairs, Ireland should have the right to make her own laws. There are this fall one hundred members of Parliament to be elected from Ireland, and Mr. Parnell expects that of this number his cause will carry eighty or eighty-five,

so that when Parliament meets there will be of true, tried and reliable friends of Ireland at least eighty members. They will go to Parliament for the purpose of asserting the right of local self-government for Ireland. What a beautiful system that will be. They get it from you Irishmen in America.

Here, as I said, is Indiana, about the same size with Ireland, differing not more in extent than half of Marion county, with a population not more than half as large as Ireland. We here would allow no man to speak of taking from us the right and power of local self-government. We recognize the right and power of the General Government; but what affects you and me, and the people of Indiana with us, is that Indiana makes her own laws. The mission of the men to be sent from Ireland to Parliament is to have for Ireland what we Indianians enjoy—to claim the right to make our own laws, simply because we can regulate our own affairs better than any one else can regulate them for us. So Irishmen on their own soil, for that simple reason, must be the legislators for Ireland. That was the great argument first asserted in this country. One hundred years have established the fact that local self-government with respect to local affairs is the true system of government in this world.

The great trouble in Ireland to-day is the land. Where there is trouble with the lands in any country, the trouble is exceedingly great. Much has been done in Ireland to make better the condition of the tenant, but the land trouble still exists, and it must be regulated. It must be regulated as we regulate such matters in Indiana, by legislators from the soil. No question can arise between landlord and tenant in Indiana that is not regulated by our Legislature. So Ireland must have local self-government. Who in Indiana would trust to any other State for the legislation for her schools; for the building up of her industries? So, according to Mr. Parnell, not only the

agricultural classes, but the mechanics, the people of the cities and towns, must live; and when Ireland becomes clothed with the right and power of local self-government these matters will be cared for.

That is the doctrine so plainly expressed and so powerful in its application to human interests that it will never stop. It will go on. It is not reasonable that in London the relation of the landlord and the tenant shall be fixed. It is against reason and justice that such a practice should permanently prevail. When the men to be elected by the friends of Ireland come to Parliament it will be to say as one man, "Local self-government in Ireland."

You are asked to help in this election. There are to be no mistakes made at this election. There will be no shams, no frauds. Ireland is tremendously in earnest. Before any man is nominated he is to give a written pledge to sit and vote and act with the members representing Ireland and favorable to Ireland's cause. Mr. Parnell is a very great leader, and I believe he is going to lead his countrymen to triumphant success. It is proper that I should say to you that the friends of your country in Ireland rely upon the differences between the two great English parties—the Whig and Tory, or the Radical and Liberal. Not greatly different are they in numbers and force, and Mr. Parnell relies on this; and if Ireland is thoroughly united in the struggle between the two English parties; Ireland will be placed where she ought to be in her political relations with the world. Each party seeking strength from the Irish vote, will help to place Ireland where she has the right to stand.

I think this cause will go further than has been yet mentioned. It will result in just what we have in Indiana—a written Constitution. Ah! that is what I hope to see—Ireland to be governed by a written Constitution, in which the Parliament will be restricted as our Legisla-

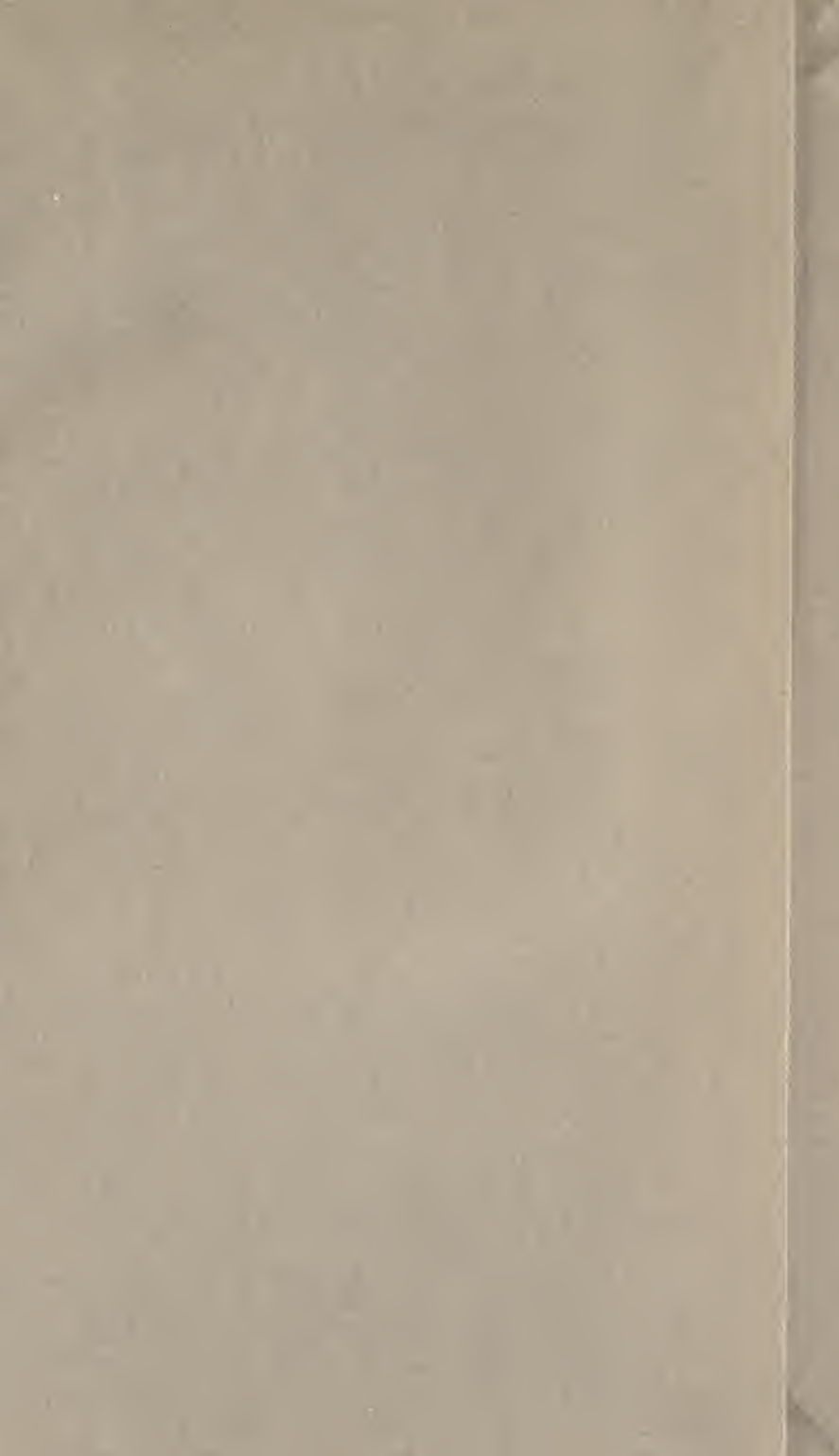
ture is by the Constitution of the State. Will it not be a grand surprise when, in the city of Dublin, there will meet a Constitutional Convention to form a Constitution for Ireland?

I observe Mr. Parnell favors only one branch, one Parliamentary body. He is afraid of a House of Lords, perhaps; but he could have, as we have, a Senate in its stead, and thus be saved from errors and faults of legislation. I do not know of anything that would give me greater pleasure than to attend that Constitutional Convention in Dublin. [Great cheering.] I want to live until that time.

Let us come back to the great question which lies at the foundation of government, the question of the right of the people to make their own laws, and that no other power has a right to make laws for them. You remember where we stood one hundred years back. You remember, in the Declaration of Independence we asserted the right of men to govern themselves. That is the great foundation idea of America, and is now being applied in Ireland, a cause to which you are to give your sympathy and support—the right of man to govern himself, and to abolish laws that are inimical to his welfare. [Great applause.]







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