REMINISCENCES
OF
SIXTY YEARS IN PUBLIC AFFAIRS
VOLUME II

Reminiscences of Sixty Years in Public Affairs

by George S. Boutwell

Governor of Massachusetts, 1851–1852
Representative in Congress, 1863–1869
Secretary of the Treasury, 1869–1873
Senator from Massachusetts, 1873–1877
etc., etc.

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SERVICE IN CONGRESS

MY election to Congress in 1862 was contested by Judge Benjamin F. Thomas, who was then a Republican member from the Norfolk district. The re-districting of the State brought Thomas and Train into the same district. I was nominated by the Republican Convention, and Thomas then became the candidate of the "People's Party," and at the election he was supported by the Democrats. His course in the Thirty-seventh Congress on the various projects for compromise had alienated many Republicans, and it had brought to him the support of many Democrats. My active radicalism had alienated the conservative Republicans. As a consequence, my majority reached only about 1,400 while in the subsequent elections, 1864-66-68 the majorities ranged from five to seven thousand.

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Among the new members who were elected to the Thirty-eighth Congress and who attained distinction subsequently, were Garfield, Blaine and Allison. Wilson, of Iowa, had been in the Thirty-seventh Congress and Henry Winter Davis had been a member at an earlier period. Mr. Conk-

ling was a member of the Thirty-seventh Congress, but he was defeated by his townsman Francis Kernan under the influence of the reactionary wave which moved over the North in 1862. At that time Mr. Lincoln had lost ground with the people. The war had not been prosecuted successfully, the expenses were enormous, taxes were heavy, multitudes of families were in grief, and the prospects of peace through victory were very dim. The Democrats in the House became confident and aggressive.

Alexander Long, of Ohio, made a speech so tainted with sympathy for the rebels that Speaker Colfax came down from the chair and moved a resolution of censure. Harris, of Maryland, in the debate upon the resolution, made a speech much more offensive than that of Long. As a consequence, the censure was applied to both gentlemen and as a further consequence, the friends of the South became more guarded in expressions of sympathy. It is true also, that there were many Democrats who did not sympathize with Harris, Long, and Pendleton. Voorhees of Indiana was also an active sympathizer with the South. I recollect that in the Thirty-eighth or Thirty-ninth Congress he made a violent attack upon Mr. Lincoln, and the Republican Party. The House was in committee, and I was in the chair. Consequently I listened attentively to the speech. It was carefully prepared and modeled apparently upon Junius and Burke—a model which time has destroyed.

Of the members of the House during the war period, Henry Winter Davis was the most accomplished speaker. Mr. Davis' head was a study. In front it was not only intellectual, it was classical—a model for an artist. The back of his head was that of a prize fighter, and he combined the scholar and gentleman with the pugilist. His courage was

constitutional and he was ready to make good his positions whether by argument or blows. His speeches in the delivery were very attractive. His best speech, as I recall his efforts, was a speech in defence of Admiral Dupont. That speech involved an attack upon the Navy Department. Alexander H. Rice, of Massachusetts, was the chairman of the Naval Committee. He appeared for the Navy Department in an able defence. Mr. Rice's abilities were not of the highest order, but his style was polished, and he was thoroughly equipped for the defence. He had the Navy Department behind him, and a department usually has a plausible reason or excuse for anything that it does.

An estimate of Mr. Davis' style as a writer and his quality as an orator may be gained from a speech entitled:—"Reasons for Refusing to Part Company with the South," which he delivered in February, 1861, and in which he set forth the condition of the country as it then appeared to him. These extracts give some support to the opinion entertained by many that Mr. Davis was the leading political orator of the Civil War period:

"We are at the end of the insane revel of partisan license, which, for thirty years, has, in the United States, worn the mask of government. We are about to close the masquerade by the dance of death. The nations of the world look anxiously to see if the people, ere they tread that measure, will come to themselves.

"Yet in the early youth of our national life we are already exhausted by premature excesses. The corruption of our political maxims has relaxed the tone of public morals and degraded the public authorities from terror to the accomplices of evil-doers. Platforms for fools—plunder for thieves—offices for service—power for ambition—unity in these

essentials—diversity in the immaterial matters of policy and legislation—charity for every frailty—the voice of the people is the voice of God—these maxims have sunk into the public mind; have presided at the administration of public affairs, have almost effaced the very idea of public duty. The Government under their disastrous influence has gradually ceased to fertilize the fields of domestic and useful legislation, and pours itself, like an impetuous torrent, along the barren ravine of party and sectional strife. It has been shorn of every prerogative that wore the austere aspect of authority and power.

"The consequence of this demoralization is that States, without regard to the Federal Government, assume to stand face to face and wage their own quarrels, to adjust their own difficulties, to impute to each other every wrong, to insist that individual States shall remedy every grievance, and they denounce failure to do so as cause of civil war between the States; and as if the Constitution were silent and dead and the power of the Union utterly inadequate to keep the peace between them, unconstitutional commissioners flit from State to State, or assemble at the national capital to counsel peace or instigate war. Sir, these are the causes which lie at the bottom of the present dangers. These causes which have rendered them possible and made them serious, must be removed before they can ever be permanently cured. They shake the fabric of our National Government. It is to this fearful demoralization of the Government and the people that we must ascribe the disastrous defections which now perplex us with the fear of change in all that constituted our greatness. The operation of the Government has been withdrawn from the great public interests, in order that competing parties might not be embarrassed in the struggle for power by diversities of opinion upon questions of policy; and the public mind, in that struggle, has been exclusively turned

on the slavery question, which no interest required to be touched by any department of this Government. On that subject there are widely marked diversities of opinion and interest in the different portions of the Confederacy, with few mediating influences to soften the collision. In the struggle for party power, the two great regions of the country have been brought face to face upon the most dangerous of all subjects of agitation. The authority of the Government was relaxed just when its power was about to be assailed; and the people, emancipated from every control and their passions inflamed by the fierce struggle for the Presidency, were the easy prey of revolutionary audacity.

"Within two months after a formal, peaceful, regular election of the chief magistrate of the United States, in which the whole body of the people of every State competed with zeal for the prize, without any new event intervening, without any new grievances alleged, without any new menaces having been made, we have seen, in the short course of one month, a small portion of the population of six States transcend the bounds at a single leap at once of the State and the national constitutions; usurp the extraordinary prerogative of repealing the supreme law of the land; exclude the great mass of their fellow-citizens from the protection of the Constitution; declare themselves emancipated from the obligations which the Constitution pronounces to be supreme over them and over their laws; arrogate to themselves all the prerogatives of independent power; rescind the acts of cession of the public property; occupy the public offices; seize the fortresses of the United States confided to the faith of the people among whom they were placed; embezzle the public arms concentrated there for the defence of the United States; array thousands of men in arms against the United States; and actually wage war on the Union by besieging two of their fortresses and firing on a vessel bearing, under the

flag of the United States, reinforcements and provisions to one of them. The very boundaries of right and wrong seem obliterated when we see a Cabinet minister engaged for months in deliberately changing the distribution of public arms to places in the hands of those about to resist the public authority, so as to place within their grasp means of waging war against the United States greater than they ever used against a foreign foe; and another Cabinet minister, still holding his commission under the authority of the United States, still a confidential adviser of the President, still bound by his oath to support the Constitution of the United States, himself a commissioner from his own State to another of the United States for the purpose of organizing and extending another part of the same great scheme of rebellion; and the doom of the Republic seems sealed when the President, surrounded by such ministers, permits, without rebuke, the Government to be betrayed, neglects the solemn warning of the first soldier of the age, till almost every fort is a prey to domestic treason, and accepts assurances of peace in his time at the expense of leaving the national honor unguarded. His message gives aid and comfort to the enemies of the Union, by avowing his inability to maintain its integrity; and, paralyzed and stupefied, he stands amid the crash of the falling Republic, still muttering, 'Not in my time, not in my time; after me the deluge!'"

Soon after Mr. Colfax's election as speaker of the Thirty-eighth Congress, I met him in a restaurant. He expressed surprise that he had not heard from me in regard to a place upon a committee. I said that the subject did not occupy my thoughts—that I had work enough whether I was upon a committee or not. He expressed himself as disturbed by the fact that he could not give me as good a place as he wished to give me. I tried to relieve his mind upon that point. In all my legislative experience I never made any

suggestion as to committee work. Mr. Colfax placed me upon the Judiciary Committee, which, in the end, was the best place to which I could have been assigned.

Mr. Colfax was made of consequence in the country by the newspapers, and he was ruined by his timidity. If he had admitted that he was an owner of stock in the Credit Mobilier Company, not much could have been made against him. His denials and explanations, which were either false or disingenuous, and his final admission of a fact which implied that he had been in the receipt of a quarterly payment from a post-office contractor, completed his ruin. There was a time when the country over-estimated his ability. He was a genial, kind man, with social qualities and an abundance of information in reference to men in the United States and to recent and passing politics. He had newspaper knowledge and aptitude for gathering what may be called information as distinguished from learning. He was a victim to two passions or purposes in life, that are in a degree inconsistent—public life and money-making. Instances there have been of success, but I have never known a case where a public man has not suffered in reputation by the knowledge that he had accumulated a fortune while he was engaged in the public service. As a speaker of the House, Colfax was agreeable and popular, but he lacked in discipline. His rule was lax, and there can be no doubt that from the commencement of his administration there had been a decline in what may be termed the morale of the House. Something of its reputation for dignity and decorum had been lost.

A young man from New York, Mr. Chanler, made a speech in the Thirty-eighth or Thirty-ninth Congress, which seemed to favor the Confederacy. This phase of his speech was due to the fact that he was a transcendental State Rights advocate. He did not believe in secession, as a wise and proper policy,

but he did believe in the right of a State to consult itself as to its continuance in the Union. Chanler was not a strong man and he owed his election, probably, to his connection with the Astor family. He failed to make the political distinction clear to the mind of the House and he was followed by General Schenck in a severe speech. Chanler explained and asserted that he was no secessionist—that he was for the Union—that he had served with the New York Seventh—and that he had made a tender to General Dix of service on his staff, but that he had not received a reply from General Dix.

Thereupon S. S. Cox, who then represented a district in Ohio, made a jocose reply to Schenck and a like defence of Chanler and ended with the remark that he hoped his "colleague regretted having been guilty of a groundless attack upon a soldier of the Republic." I went over to Cox to congratulate him upon his defence of Chanler, and in reply Cox said: "The funniest part of it is that Chanler took it all in earnest and came to my seat and thanked me for my speech."

Cox had no malice in his nature and there was always a doubt whether he had any sincerity in his politics. He had no sympathy with the rebellion, and, generally, he voted appropriations for the army and the navy. He was sincere in his personal friendships, and his friendships were not upon party lines. In his political action he seemed more anxious to annoy his opponents than to extinguish them. His speeches were short, pointed, and entertaining. He was a favorite with the House, but his influence upon its action was very slight. Those who acquire and retain power are the earnest and persistent men. When Cox had made his speech and expended his jokes he was content. The fate of a measure did not much disturb or even concern him.

Cox was a party to an affair in the House which illustrated

the characteristics of Thaddeus Stevens, or "Old Thad," as he was called. Late in the war, or soon after its close, Mr. Stevens introduced a bill to appropriate $800,000 to reimburse the State of Pennsylvania for expenses incurred in repelling invasions and suppressing insurrections. The bill was referred to the Committee on Appropriations, of which Stevens was chairman. Without much delay and before the holidays, Stevens reported the bill. There was some debate, in which my colleague, Mr. Dawes, took part against the bill. Finally, the House postponed the bill till after the holidays. During the recess I examined the question by making inquiries at the War and Treasury departments, where I found that authority existed for reimbursing States for all expenditures actually made and for the payment of all troops that had been mustered into the service. Thus the real purpose of the bill was apparent. During the Antietam and Gettysburg campaigns bodies of troops had been organized for defence and expenses had been incurred by towns and counties, but no actual service had been performed. It was intended by the appropriation to provide for the payment of these expenses. I prepared a brief and gave it to Mr. Dawes, who used it in the debate. When it became apparent that the bill would be lost, Cox rose and moved to insert after the word Pennsylvania, the words Maryland, West Virginia, Ohio, Indiana, Kentucky, Illinois, Missouri, Kansas and the Territory of New Mexico. Also to strike out $800,000 and insert ten million dollars. These amendments brought to the support of the measure the members from all those States, and the bill was passed. The Senate never acted upon it. I was indignant at the action of the House, and I said to Stevens, whose seat was near to mine: *"This is the most outrageous thing that I have seen on the floor of the House."* Stevens doubled his fist but not in anger, shook it in my face and said: "You rascal, if you had allowed me to have my

rights I should not have been compelled to make a corrupt bargain in order to get them." Thus he admitted his arrangement with Cox and the character of it, and laid the responsibility upon me.

Mr. Stevens was a tyrant in his rule as leader of the House. He was at once able, bold and unscrupulous. He was an anti-slavery man, a friend to temperance and an earnest supporter of the public school system, and he would not have hesitated to promote those objects by arrangements with friends or enemies. He was unselfish in personal matters, but his public policy regarded the State of Pennsylvania, and the Republican Party. The more experienced members of the House avoided controversy with Stevens. First and last many a new member was extinguished by his sarcastic thrusts. As for himself no one could terrorize him. I recall an occasion near the close of a session, when, as it was important to get a bill out of the Committee of the Whole, he remained upon his feet or upon his one foot and assailed every member who proposed an amendment. Sometimes his remarks were personal and sometimes they were aimed at the member's State. In a few minutes he cowed the House, and secured the adoption of his motion for the committee to rise and report the bill to the House.

He must have been a very good lawyer. The impeachment article which received the best support was from his pen. He possessed wit, sarcasm and irony in every form. In public all these weapons were poisoned, but in private he was usually genial. On one occasion Judge Olin of New York was speaking and in his excitement he walked down and up the aisle passing Stevens' seat. At length Stevens said: "Olin, do you expect to get mileage for this speech?"

During the controversy with Andrew Johnson, Thayer, of Pennsylvania became excited upon a matter of no consequence, denounced the report of a committee, and in the

course of his remarks said: "They ask us to go it blind." Judge Hale, of New York, with an innocent expression, said he would like to have the gentleman from Pennsylvania inform the House as to the meaning of the phrase "go it blind." Stevens said at once: "It means following Raymond." The pertinency of the hit was in the circumstance that Raymond was supporting Johnson, and that Hale was following Raymond, not from conviction but for the reason that they had been classmates in college.

Robert S. Hale was a man of large ability and a successful lawyer. During his term in Congress he was a prominent candidate for a seat upon the bench of the Court of Appeals for the State of New York. At a critical moment he appeared in the House in the role of a reformer and proceeded to arraign members for their action in regard to the measure known as the "salary grab." The debate showed that Hale was involved in the business to such an extent that he lost his standing in the House and imperiled his chance of obtaining a seat upon the bench of the Court of Appeals.

The bill for the increase of the salaries of public officers was a proper bill, with the single exception that it should have been prospective as to the members of Congress. It added $2,500 to the annual salary of the Congressman or $5,000 for a term. The temptation to give the benefit of the increase to the members of the then existing House was too strong for their judgment and virtue. When, however, the indignation of the people was manifested, more than a majority of the members of each House sought refuge in a variety of subterfuges. Some neglected to collect the increase, others who had received the added sum, returned it to the Treasury upon a variety of pretexts. Some endowed schools or libraries, and a minority received what the law allowed them and upon an assertion of their right to receive

it. Outside of the criminal classes there has but seldom been a more melancholy exhibition of the weakness of human nature. The members seemed not to realize that the wrong was in the votes for which those members were alone responsible who had sustained the bill, and that the acceptance of the salary which the law allowed was not only a right but a duty. At the end those members who took the salary and defended their acts enjoyed the larger share of public respect. Indeed, not one of the shufflers gained anything by the course that he had pursued. The public reasoned, and reasoned justly that they would have kept the money if they had dared to do so.

Similar conduct ruined many of the members of Congress who were beneficiaries of the Credit Mobilier scheme. Mr. Samuel Hooper was a large holder of the stock, but being a man of fortune the public accepted that fact as a defence against the suggestion that the stock had been placed in his hands for the purpose of influencing his action as a member of Congress. With others the case was different. Many were poor men. They had paid no money for the stock. Mr. Ames made the subscriptions, carried the stocks, and turned over the profits to those who had paid nothing and had risked nothing. When the investigation was threatened, many of those who were involved ran to shelter under a variety of excuses and some of them hoped to escape by the aid of falsehood which ripened into perjury when the investigation was made. A few admitted ownership and asserted their right to ownership. Those men escaped with but little loss of prestige. Of the others, some retained their hold upon public office and some were advanced to higher places, but they carried always the smell of the smoke of corruption upon their garments.

Judge Hale defended Mr. Colfax, but at the end his condition was worse than at the beginning.

There is something of error in our public policy. With a few exceptions the salaries of public officers are too low—in many cases they are meager. This fact furnishes a pretext for efforts to make money while in the public service. All these efforts are adverse to the public interests and often the proceedings are tainted with corruption. A member of Congress ought to receive $7,500 and a Cabinet officer cannot live in a manner corresponding to his station upon less than $15,000. Adequate salaries would not prevent speculation on the part of public officers, but they could not offer as an excuse for their acts the meager salaries allowed by the government. From the "salary grab" bill there were two good results. The President's salary was increased to $50,000 and the justices of the Supreme Court received $10,000 instead of $6,000 per annum. It has not been any part of my purpose in what I have said in favor of an increase of salaries to furnish means for campaign expenses by candidates either before or after nominations have been made.

If the statements are trustworthy that have been made publicly in recent years the conclusion cannot be avoided that money is used in elections for corrupt purposes—sometimes to secure nominations and sometimes to secure elections, when nominations have been made. There are proper uses for money in political contests, but candidates should not be required to make contributions in return for support. If the statements now made frequently and boldly, are truthful statements, then we are moving towards a condition of affairs when the offices of government will be divided between rich men and men who will seek office for the purpose of becoming rich. A general condition cannot be proved by the experiences of individuals, but the experiences of individuals may indicate a general condition. I cannot doubt that an unwholesome change in the use of money in elections has taken place in the last fifty years. A

gentleman now living (1901), who was a member of the National Committee of the Democratic Party in the year 1856 is my authority for the statement that the total sum of money at the command of the committee in the campaign for Mr. Buchanan was less than twenty-five thousand dollars.

I mention my own experience and in the belief that it was not exceptional. From 1840 to 1850 I was the candidate of the Democratic Party of Groton for representative of the town in the general court. The party in the town met its moderate expenses by voluntary contributions. I contributed with others, but never upon the ground that I was a candidate. We paid our local expenses. We paid nothing for expenses elsewhere, and we did not receive anything from outside sources. In 1844-46 and 1848 I was the candidate of the Democratic Party for the National House of Representatives. I canvassed the district at my own charge. I did not make any contribution to any one for any purpose, and I did not receive financial aid from any source. The subject was never mentioned to me or by me in conversation or correspondence with any one. Again, I may say the subject was not mentioned in my canvass for the office of Governor in the years 1849-1850 and 1851.

In 1862 I became the candidate of the Republican Party for a seat in Congress. After my nomination the District Committee asked me for a contribution of one hundred dollars. I met their request. The request was repeated and answered in 1864, 1866 and 1868. On one occasion I received a return of forty-two dollars with a statement that the full amount of my contribution had not been expended.

While General Butler was in the army, Mr. James Brooks, a member from the city of New York, charged him, in an elaborate speech, with having taken about fifty thousand dollars from a bank in New Orleans, and appropriated the same to his own use. General Butler was then at Willard's Hotel.

That evening I called upon Butler, and said to him that if he had any answer to the charge, I would reply the next day. I had secured the floor through Mr. Stevens, who moved the adjournment upon a private understanding that he would yield to me in case I wished to reply. As Butler lived in my district and as I was ignorant of the facts, I avoided taking the floor lest an expectation should be created which I could not meet. However, I found Butler entirely prepared for the contest. From his letter books he read to me the correspondence with the Treasury Department, from which it appeared that the money had been turned over to the department, for which Butler had the proper receipts. The money had been seized upon the ground that it was the property of the Confederacy and was in the bank awaiting an opportunity to be transferred. The morning following, I called upon Butler and obtained copies of the correspondence that had been prepared the preceding night. I rode to the Capitol with Butler and on the way we prepared the letters in chronological order. Having obtained the floor through Mr. Stevens I made the answer which consisted chiefly of the letters. It was so conclusive that the subject was never again mentioned in the House of Representatives. On that occasion Butler's habit of making and keeping a full record of his doings served to release him from very serious charges, and so speedily that the charges did not obtain a lodgment in the public mind.

Upon another occasion Brooks made an attack upon Secretary Chase and charged various offences upon S. M. Clark, then the chief of the Bureau of Engraving and Printing. Some of the charges were personal, and some of them official. I called upon the Secretary at his house, as I was on my way home from the Capitol, and gave him a statement of the charges made by Brooks. He seemed ignorant of the whole matter, and upon my suggestion that he should ask Clark for his explanation or defence he hesitated, and then asked me

to call upon Clark for his answer. This I declined and there the matter ended. There never was any reply to Brooks. In the end it may have been as well, for the charges are forgotten, and they are not likely to be brought out of the musty volumes of debates. Mr. Chase's lack of resolution gave me an unfavorable impression of his ability for administrative affairs.

Samuel S. Randall first entered Congress in 1862. Mr. Randall's resources were limited. He was not bred to any profession, and he was not a man of learning in any direction. I cannot imagine that he had a taste for study or for any kind of investigation aside from politics. By long experience he became familiar with parliamentary proceedings, and from the same source he acquired a knowledge of the business of the Government. He had one essential quality of leadership—a strong will. Moreover, he was destitute, apparently, of moral perceptions in public affairs. Not that he was corrupt, but as between the Government and its citizens the demands of what is called justice seemed to have no effect upon him. He did not hesitate to delay the payment of a just claim in order that the appropriation might be kept within the limits that he had fixed. This, not on the ground that the claim ought not to be paid, but for the reason that the payment at the time would disarrange the balance sheet. A striking instance of his policy was exhibited in his treatment of the land-owners whose lands were condemned and taken for the reservoir at the end of Seventh Street, Washington, D. C. The values were fixed by a commission and by juries under the law, and when the time for an appropriation came, Mr. Randall provided for fifty per cent. and carried the remainder over to the next year. The claimants were entitled to full payment, but one half was withheld for twelve months without interest and that while dead funds were lying in the Treasury.

XXIX

INCIDENTS IN THE CIVIL WAR

THE PROCLAMATION OF EMANCIPATION

WHEN the Proclamation of Emancipation, of January 1, 1863, was issued, the closing sentence attracted universal attention, and in every part of the world encomiums were pronounced upon it. The words are these: "And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God." Following the appearance of the Proclamation, and stimulated, possibly, by the reception given to the sentence quoted, there appeared claimants for the verbal authorship of the passage, or for suggestions which led to its writing by Mr. Lincoln.

A claim for exact authorship was set up for Mr. Chase, and claims for suggestions in the nature of exact authorship were made in behalf of Mr. Seward and in behalf of Mr. Sumner.

The sentence quoted was furnished by Secretary Chase, after a very material alteration by the President. He introduced the words *"warranted by the Constitution upon military necessity,"* in place of the phrase, *"and of duty demanded by the circumstances of the country,"* as written by Mr. Chase.

The main credit for the introduction of the fortunate phrase is due to Secretary Chase. President Lincoln placed

the act upon a legal basis, thus justifying it in law and in history. The sentence is what we might have expected from the head and heart of the man who wrote the final sentence of the first inaugural address: "The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be by the better angels of our nature." Mr. Lincoln had genius for the work of composition, and in him the poetic quality was strong and it was often exhibited in his speeches and writings. The omission of the sentence in question would so mar the Proclamation that it would cease to represent Mr. Lincoln. Thus he became under great obligations to Mr. Chase.

It was not in the nature of Mr. Lincoln to close a state paper, which he could not but have realized was to take a place by the side of the Declaration of Independence, with a bald statement that the freedmen would be received "into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service."

In the month of October, 1863, the ladies of Chicago made a request of Mr. Lincoln for "the original" of his "proclamation of freedom," the same to be disposed of "for the benefit of the soldiers." The letter in their behalf was written by Mr. Arnold, who was then a member of Congress. Improvidently, I think we may say, Mr. Lincoln yielded to their request for the original draft of the Proclamation to be sold for the benefit of the fair. Its transmission was accompanied by a letter, written by Mr. Lincoln.

"EXECUTIVE MANSION,
"WASHINGTON,
"*October* 26, 1863.

"*Ladies having in charge The North Western Fair for the Sanitary Commission, Chicago, Ill.*

"According to the request made in your behalf, the original draft of the Emancipation Proclamation is herewith enclosed. The formal words at the top and at the conclusion, except the signature, you perceive, are not in my handwriting. They were written at the State Department, by whom I know not. The printed part was cut from a copy of the preliminary Proclamation and pasted on merely to save writing.

"I have some desire to retain the paper, but if it shall contribute to the relief of the soldiers, that will be better.

"Your obt. servt.,
"A. LINCOLN."

In technical strictness the original Proclamation was of the archives of the Department of State when the signature of the President and Secretary of State had been affixed thereto, and its transfer by Mr. Lincoln was an act not within his competency as President, or as the author of the Proclamation.

This point, however, is wholly speculative, but the country and posterity will be interested in the fate of the original of a document which is as immortal as the Declaration of Independence. The Proclamation was sold to the Honorable Thomas B. Bryan of Chicago for the sum of three thousand dollars and it was then presented by him to the Soldiers' Home of Chicago, of which he was then the President. That position he still retains. The document was deposited in the rooms of the Chicago Historical Society, where it was destroyed in the great fire of 1871.

Fortunately the managers of the fair had secured the preparation of *fac simile* copies of the Proclamation. These were sold in large numbers, and thus many thousands of dollars were added to the receipts of the fair.

The managers of the Soldiers' Home were offered twenty-five thousand dollars for the original Proclamation.* The offer came from a showman who expected to reimburse himself by the exhibition of the paper.

The original now on the files of the State Department is not in the handwriting of Mr. Lincoln and it has therefore no value derived from Mr. Lincoln's personality.

When I entered upon the inquiry, which has resulted in the preparation of this paper, I was ignorant of the fact that the original Proclamation had been destroyed, and it was my purpose to secure its return to the archives of the Department of State. That is now impossible. Its destruction has given value to the *fac simile* copies. Many thousands of them are in the possession of citizens of the United States, and they will be preserved and transmitted as souvenirs of the greatest act of the most illustrious American of this century.

In the early autumn of 1864 a meeting was held in Faneuil Hall in honor of the capture of Atlanta by the army under General Sherman, and the battle in Mobile Bay under the lead of Admiral Farragut. Strange as the fact may now appear, those historical events were not accepted with satisfaction by all the citizens of Boston. The leading Democratic paper gave that kind of advice that may be found, usually, in the columns of hostile journals, when passing events are unfriendly, or when there is an adverse trend of public opinion. Hard words should not be used and nothing should be said of a partisan character. Such was the advice, and a large body of men assembled who were opposed to partisan

* Letter of the Honorable Thomas B. Bryan.

speeches. They were known as the McClellan Club of the North End of Boston and they were sufficient in numbers, when standing, to fill the main floor in front of the rostrum, which at that time was not provided with seats. The meeting was called by Republicans and it was conducted under the auspices of Republicans. Governor Andrew was to preside and Governor Everett, with others, had been invited to speak. Governor Andrew was not blessed with a commanding voice and it was drowned or smothered by the hisses, cheers and cat-call cries of the hostile audience in front of him. The efforts of the sympathetic audience in the galleries were of no avail. Mr. Everett's letter was then read, but not a sentence of it was understood by any person in the assembly. Next came Mr. Sennott, an Irishman, a lawyer, and a man of large learning in knowledge and attainments not adapted to general use. He had then but recently abandoned the Democratic Party, but there was a stain upon his reputation, traceable to the fact that in the year 1859 he had volunteered to aid in the legal defence of John Brown at Harper's Ferry. The city of Boston could not have offered a person less acceptable to the crowd in front of the speaker. Mr. Sennott's voice was weak and of the art of using what power he possessed he had no knowledge. His speech was not heard by anyone in the assembly. By the arrangement I was to follow Mr. Sennott. I had had some experience with hostile audiences, and in the year 1862 I had been interrupted in a country town of Massachusetts by stones thrown through the windows of a hall in which I was speaking upon the war and the administration.

As I sat upon the platform I studied my audience and I resolved upon my course. I had one fixed resolution—I should get a hearing or I should spend the night in the hall. Something of the character of my reception and the results reached may be gained from the report in the Boston *Journal,*

and I copy the report without alteration, premising however, that some minutes passed before I secured a quiet hearing:

SPEECH ON THE CHICAGO RESOLUTION

Fellow Citizens: It depends very much upon what we believe as to the future of this country and the rights of the people, whether we rejoice or mourn in consequence of the events in Mobile Bay and before Atlanta. If it was true on the 30th day of last month that the people of this country ought to take immediate efforts for the cessation of hostilities, then, gentlemen, we have cause to mourn rather than to rejoice. I understand that there were some people in this country who, before the 30th of August, since this war opened, had not, as an aggregate body of men, expressed their opinions in reference to this war, who then declared that it ought to cease. (A voice—"They're few.") I observed in a newspaper published in this city two observations within the last two days. One was that they were afraid hard names would be used; and the other was that there was some apprehension that this meeting to-night would have some political aspect or influence. (Voices—"No! No!") I thought it likely enough that it would (laughter and applause) because I observed in the newspapers that it was called to express congratulations over the events which have taken place in Mobile Bay and before Atlanta, and I thought that I had observed that those events had rather a political effect. (Renewed laughter.) Therefore I did not see exactly how it was possible that men should assemble together to rejoice over events having a political aspect without the meeting and the rejoicing having a political aspect also. Well, now, gentlemen, I haven't come here with any design that, so far as I am concerned, it shall have anything but a political aspect. ("Good" and applause.) These times are too serious for the acceptance of any suggestion that hard names

are not to be called if hard names are deserved. (Voices—"That is it!") The question is not whether the meeting shall have a political influence, but whether it is necessary to the salvation of the country that it shall have a political influence. (Applause.) Well, gentlemen, I observed while the person who last occupied the platform was speaking certain indications, which I thought were a slight deviation from that much talked-of right of free speech. (Laughter, and a voice—"Hit 'em again.") Now, then, I am going to read a resolution adopted at Chicago. I am going to make two propositions in reference to it. I am then going to ask whether this assembly assents to or rejects those propositions. If there is any man in this assembly who denies or doubts those propositions, if I have the consent of the honored chairman of this meeting to ten minutes of time in which I can engage the ear of the assembly, I surrender it to that man, that he may have an opportunity upon this platform to refute, if he can, the propositions which I lay down. (Applause.) Now the second resolution of this platform is in these words—

(At this point there was considerable disturbance in the rear of the hall, created by one individual, and several voices cried out—"Free speech!" "Out with him!")

Mr. Boutwell continued: He will be more useful to the country if he remain here. If he goes away there is no chance for his conversion to the truth: if he remain here he may be saved. (Laughter.) "The vilest sinner may return, While the lamp holds out to burn." (Renewed laughter and applause.) I hope gentlemen who favor free speech will listen attentively to this resolution:

"*Resolved,* That this convention does explicitly declare as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which under pretence of military necessity, or war power

higher than the Constitution, the Constitution has been disregarded in every part and public liberty and private rights alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities with a view to an ultimate convention of all the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States."

(The resolution was greeted with a feeble clapping of hands, a slight attempt at cheers in the rear of the hall, and a storm of hisses. Mr. Boutwell continued:)

If there are any gentlemen here who approve this resolution, I hope they will have the opportunity to cheer. (About half a dozen persons commenced to cheer, but abandoned it on hearing their own voices, when a voice exclaiming "These are the Copperheads," caused loud laughter. The speaker proceeded:)

Now then, gentlemen, the two propositions I lay down are these, and if any one of those gentlemen who indulged in the luxury of a cheer just now chooses to come upon this platform, I fulfill my pledge: The first is that this resolution, so far as known, meets the approval of the rebels in arms against this government. (Voices—"That's so," and cheers.) The second is that this resolution meets the approval of all the men in the North who sympathize with the cause of this rebellion and desire its success. (Repeated cheers and "That's it.") Now, then, if there is any one who would deny the truth of these propositions, let him, with the leave of the chair, take ten minutes upon this platform. (Some confusion ensued, several voices shouting "Make room for George Lunt," "Where's Lunt?" etc., etc., etc. No one appearing, Mr. Boutwell continued:) If there is nobody to refute these propositions, I take it for granted that they

meet the general assent of this vast assembly (cries of "Good" and cheers); and if so, isn't this the time, when a great convention professing to represent a portion of the American people in time of war, not having spoken since hostilities commenced, frame a leading resolution so as to meet the assent and approval of the enemies of the Republic—isn't this the time, when such things are done, for men who have a faith in the country and a belief in its right to exist, to declare the reasons for that belief? (Voices—"Yes.") Now I propose to discuss that resolution in some degree. First, it proposes a cessation of hostilities. I have heard the word armistice mentioned to-night. The declaration of that resolution is not for an armistice. An armistice, according to its general acceptation and use, implies a suspension of hostilities upon the expectation and condition that they are to be resumed. Neither in this resolution, nor in the whole series of resolutions to which this one belongs, is there an intimation that when cessation of hostilities has been effected hostilities are to be resumed; and if hostilities are not to be resumed then a cessation of hostilities is an abandonment of the Government. It is treason. (Voices—"That's so," and loud and continued cheers.) I declare here that the proposition for a cessation of hostilities is moral and political treason (voices—"Good"); and, further, every man who knowingly and after investigation, and upon his judgment favors a cessation of hostilities, is a traitor. (Loud cheers.) The issue, gentlemen, is no longer upon the tented field. No danger there to the cause of the Union. The soldiers are true to the flag and they will fight on and march on until the last rebel has fallen to the dust or laid down his arms. The soldiers are true, but the cause of the Union is in peril at home (voices—"That's where it is"), where secret organizations are mustering their forces and gathering in material of war for which there can be no possible use except to revolutionize this coun-

try through the fearful experience of civil war. (A voice—"Shame on them.") O how I long for some knowledge of the English language so that I may select a word or a phrase which shall fully express the enormity of this treason! (Voices—"Hang them." "String them up.")

The rebels of the South have some cause. They believe in the institution of slavery,—they have been educated under its influence. They thought it in peril. They made war with some pretence on their part for a reason for war, but what excuse, what palliation is there for those men in the North, who, regardless of liberty, of justice, and of humanity, ally themselves, openly some and secretly others, with the enemies of the Republic? Spare, spare, your anathemas, gentlemen. Do not longer employ the harsh language which you can command in denunciation of Southern traitors. They of the North who give aid and comfort to the enemy deserve to monopolize in the application all the harsh words and phrases of the English language. (Applause.) Cessation of hostilities—what follows? Dissolution of the Union inevitably. Will not Jefferson Davis and his associates understand that when we have ceased to make war, when our armies become demoralized, public sentiment relaxed, when they have had opportunity to gather up the materials for prosecuting this contest, that we cannot renew the contest with any reasonable hope of success. Therefore, if you abandon this contest now, it is separation—that is what is meant, and nothing else can follow. But suppose that what some gentlemen desire could be accomplished,—a reconstruction of the Union by diplomatic relations inaugurated between this Government and Jefferson Davis'—suppose the South should return—what follows? When you have permitted Jefferson Davis and his associates to come back and take their places in the government of this country, do you not see that with the help of a small number of representatives from the North whose serv-

ices they are sure to command, they will assume the war debt of the South. When you have assumed that debt, and taken the obligation to pay it, these men of the South will treat the obligation lightly, and upon the first pretext will renew secession and will march straight out of the Union, and you, with your embarrassed finances, will find yourselves unable to institute military proceedings for their subjugation. Therefore I say that by the reconstruction some men desire you render secession certain, bankruptcy throughout the North certain. The repudiation of the Public Debt is not a matter of expectation or fear, it is a matter of certainty, if you assent to any reconstruction of this Union through the instrumentality of Jefferson Davis and his associates. You must either drive them into exile or exterminate them. Break down the military power of the people, and exterminate or exile their leaders, and bring up men at the South in favor of the Union, who are opposed to the assumption of the war debt of the South—there is no other way of security to yourselves. (Cheers.) Now, then, are you prepared to cease hostilities with the expectation of negotiations with Jefferson Davis for the dissolution of the Union or for its restoration? (Voices—"No!") Either course is alike fatal to you, for the war must go on until peace is conquered. (Loud cheers and voices—"That's so.") On the one side they offer you as negotiators Franklin Pierce, perhaps, and A. H. Stevens; on the other, possibly one of the Seymours, either of Connecticut or New York, Wise of Virginia, Vallandigham of Ohio, and Soule of Louisiana. The only negotiators, gentlemen, to be trusted so long as the war continues or there is a rebel in arms—the only negotiators are Grant upon one line and Sherman upon the other. (Tremendous cheers.)

A Voice—"You have left out Mr. Harris of Maryland."

Mr. Boutwell—"According to the reports, etc., we have

had from Chicago, he conducts negotiations upon his own account."

Voice—"How are you, Mr. Harris?"

Mr. Boutwell—What does the cessation of hostilities mean? It means that the blockade is to be removed, and the South to be allowed to furnish itself with materials and munitions of war. What does that mean on the land? What does it mean on the sea? That you are to furl your flag at Fortress Monroe on the Petersburg line; that you are to remove your gunboats from the Mississippi River; that you are to abandon Fort Jackson and Fort St. Philip at its mouth, that you are to undo the work which the gallant Farragut has already done in Mobile Bay, and so along the coast and upon the line from the Atlantic beyond the Mississippi River. You, people of the North, who have been victorious upon the whole through three years of war—you are to disgrace your ancestry — you are to render yourselves infamous in all future time, by furling your flag and submitting anew to rebel authority upon this continent. Are you prepared for it? (Voices—"No!" "never!") I ask these men here, who cheered the resolution adopted at Chicago, whether they, men of Massachusetts, and in Faneuil Hall, will say, one of them, with his face to the patriots of the Revolution—will say that he asks for peace through any craven spirit that is in him? Is there a man among them all, from whatsoever quarter of this city, renowned in history—is there a man of them all who will stand here and say he is for a cessation of hostilities? If so, let him speak, and let him, if he dare, come upon this platform and face his patriotic fellow-citizens. (A call was made for cheers for McClellan in the rear of the hall, but nobody seemed disposed to respond. The speaker continued.) I am willing a cheer should be given for any man who has been in the service of the country, however little he may have done. Is there any man in Faneuil Hall for peace? (Voices—

"No!") I intended, so far as was in my power, to give to this meeting a political aspect (voices—"Good!") in favor of the country and against traitors. (Cheers.) If there are no peace men in this assembly, then that object, as far as we are concerned, is accomplished. (Prolonged cheering.)

MR. CHASE AND THE CHIEF JUSTICESHIP

Upon the death of Chief Justice Taney the general public favored the appointment of Mr. Chase as his successor. In that view I concurred, but I had heard Mr. Chase make so many unjust criticisms upon Mr. Lincoln that I resolved to say nothing. I was willing to have Mr. Chase appointed, but I was not willing to ask the President to confer so great a place upon a man who had been so unjust to him. When the nomination had been made, I said to Mr. Lincoln that I was very glad that he had decided to appoint Mr. Chase. He then said: "There are three reasons in favor of his appointment, and one very strong reason against it. First, he occupies the largest place in the public mind in connection with the office, then we wish for a Chief Justice who will sustain what has been done in regard to emancipation and the legal tenders. We cannot ask a man what he will do, and if we should, and he should answer us, we should despise him for it. Therefore we must take a man whose opinions are known. But there is one very strong reason against his appointment. He is a candidate for the Presidency, and if he does not give up that idea it will be very bad for him and very bad for me." At that time Mr. Lincoln had been re-elected to the Presidency.

Mr. Chase continued to be a candidate for the Presidency. He abandoned the Republican Party in 1868 and as Chief Justice he abandoned his own policy or the policy that he had adopted in regard to the legal tender currency.

It was said that Mr. Sumner, who was very earnest for

Chase's appointment, gave strong pledges to Mr. Lincoln that Mr. Chase would abandon his ambition for the Presidency.

RIGHTS OF STATES

In 1864 I introduced a series of resolutions in the House of Representatives in the form of a Declaration of Opinion in regard to the legal status of the States in rebellion. At that time the country and Congress had no doubt of our ability to crush the rebellion, and the public mind was occupied with various theories of reconstruction.

The resolutions had been already accepted by the National Union League. I prepared them at the instance of Governor Claflin and their adoption by the League had made the policy known to a large body of active Republicans. I did not seek to secure their adoption by the House of Representatives. The resolutions were in this form:

"*Resolved,* That the Committee on the Rebellious States be instructed to consider and report upon the expediency of recommending to this House the adoption of the following

Declaration of Opinions:

"In view of the present condition of the country, and especially in view of the recent signal successes of the national arms promising a speedy overthrow of the rebellion, this House makes the following declaration of opinions concerning the institution of slavery in the States and parts of States engaged in the rebellion, and embraced in the proclamation of emancipation issued by the President on the first day of January, A. D. 1863: and also concerning the relations now subsisting between the people of such States and parts of States on the one side, and the American Union on the other.

"*It is therefore declared* (as the opinion of the House of Representatives), that the institution of slavery was the cause of the present rebellion, and that the destruction of slavery in

the rebellious States is an efficient means of weakening the power of the rebels; that the President's proclamation whereby all persons heretofore held as slaves in such States and parts of States have been declared free, has had the effect to increase the power of the Union, and to diminish the power of its enemies; that the freedom of such persons was desirable and just in itself, and an efficient means by which the Government was to be maintained, and its authority re-established in all the territory and over all the people within the legal jurisdiction of the United States; that it is the duty of the Government and of loyal men everywhere to do what may be practicable for the enforcement of the proclamation, in order to secure in fact, as well as by the forms of law, the extinction of slavery in such States and parts of States; and, finally, that it is the paramount duty of the Government and of all loyal men to labor for the restoration of the American Union upon the basis of freedom.

"*And this House does further declare,* That a State can exist or cease to exist only by the will of the people within its limits, and that it cannot be created or destroyed by the external force or opinion of other States, or even by the judgment or action of the nation itself; that a State, when created by the will of its people, can become a member of the American Union only by its own organized action and the concurrent action of the existing National Government, that, when a State has been admitted to the Union, no vote, resolution, ordinance, or proceeding on its part, however formal in character or vigorously sustained, can deprive the National Government of the legal jurisdiction and sovereignty over the territory and people of such State which existed previous to the act of admission, or which were acquired thereby; that the effect of the so-called acts, resolutions and ordinances of secession adopted by the eleven States engaged in the present rebellion is, and can only be, to destroy those political organ-

izations as States, while the legal and constitutional jurisdiction and authority of the National Government over the people and territory remain unimpaired; that these several communities can be organized into States only by the will of the loyal people, expressed freely and in the absence of all coercion; that States so organized can become States of the American Union only when they shall have applied for admission, and their admission shall have been authorized by the existing National Government; that, when a people have organized a State upon the basis of allegiance to the Union and applied for admission, the character of the institutions of such proposed State may constitute a sufficient justification for granting or rejecting such application; and, inasmuch as experience has shown that the existence of human slavery is incompatible with a republican form of government, in the several States or in the United States, and inconsistent with the peace, prosperity and unity of the nation, it is the duty of the people and of all men in authority, to resist the admission of slave States wherever organized within the jurisdiction of the National Government."

The logical consequence of these positions was that upon the conquest of the States engaged in the rebellion the National Government could govern the people as seemed expedient and readmit them into the Union at such times and upon such terms as the Government should dictate. They antagonized the doctrine then accepted by many Republicans "Once a State always a State"—a doctrine that would have transferred the government at once into the hands of the men who had been engaged in an effort to destroy it.

Mr. Sumner was wiser in this respect. His theory that the rebellious States should be reduced to a Territorial condition was in harmony with the views that were embodied in the resolutions. At the time, however, they did not receive the support of all the members of the Republican Party.

Mr. Stevens maintained the doctrine that the rebel States were conquered States and wholly subject to the power of the conqueror. In his view their previous condition as States in the Union had no value. But Mr. Stevens was never troubled by the absence of logic or argument. In the case of the rebel States he intended to assert power enough to meet the exigency and he was free of all fear as to the judgment of posterity. When he had formed a purpose he looked only to the end. If he could command the adequate means he left all questions of logic and ethics to other minds and to future times.

Others maintained that the theory that the States were in a Territorial condition or that they had ceased to exist as States, was an admission of the doctrine of secession. Mr. Lincoln in his last public address cut clear of all theories and resolved the situation into a simple statement of a fact to which all were compelled to assent: "We all agree, that the seceded States co-called, are out of their proper practical relations with the Union." On this basis Congress finally acted, but during the process and progress of reconstruction the military authority was absolute, and local and individual powers were completely subordinated to the authority of the General Government.

COUNTING THE ELECTORAL VOTES

In 1865 and in 1869, questions were raised when the electoral votes were counted, that gave rise to debates in the House of Representatives and on one occasion subsequently in the Senate. In the House, Francis Thomas of Maryland and Samuel Shellabarger of Ohio took part. Both were able men. Thomas had the qualities of an orator but he spoke so infrequently that his power was not generally appreciated. On that occasion he spoke exceedingly well, but the attendance was small, an evening session having been

assigned for debate upon that subject. Mr. Shellabarger was logical and effective but he was destitute of imagination utterly. At the bar since his retirement from politics he has enjoyed a large practice, but, unfortunately, as it appears to me, he has preserved the style of speaking which he acquired upon the stump and in Congress. A skillful speaker must adapt himself to the circumstances and to his audience. A stump speech, a speech in the House of Representatives, a speech in the Senate, an argument to a court, an argument to a jury, should each be framed on a model of its own. Neither style will answer for any other. The degree of variance may not be considerable and with a well disciplined person the change may not be apparent. Mr. Webster adapted himself to every audience, but the changes were slight. Yet there were changes. He was not over solemn in the Supreme Court, and he was never boisterous when he addressed the multitude.

As far as I recollect my positions and arguments in the debates upon the counting of the electoral votes, I now discard all that I then said. My present conclusion is that upon a reasonable construction of the Constitution there is no occasion for legislation or for an amendment to the fundamental law. The Vice-President or the President of the Senate is the president of the convention. He carries into the chair the ordinary powers of a presiding officer. He rules upon all questions that arise. He may and should rule upon the various certificates that are sent up by the several States. If, in any case, his ruling is objected to, the two Houses separate, and each House votes upon the question:— "Shall the ruling of the Chair stand, etc." If the Houses divide, the ruling is sustained. The president and one House are a majority. The decision is in accordance with our system of government. The suggestion that the president or that the Houses may act under the influence of personal or political prejudice, may, with equal force, be urged against

any scheme that can be devised. The counting of the electoral votes must be left in the hands of men, and the Constitution has given us all the security that can be had that the decisions will be honestly made. The president of the convention and the members of the Houses are bound by oath as solemnly as are the judicial tribunals of the country. A judge is only a man, and he is subject to like infirmities with other men. It is a wise feature of our system that the courts have no voice in the political department of the Government. The presidential office should never be in the control of the judicial branch of the Government.

XXX

THE AMENDMENTS TO THE CONSTITUTION

I HAD no part in the preparation of the Thirteenth Amendment to the Constitution, nor any part in its passage through the House other than to give my vote in its favor. The Amendment resolution was passed by the Thirty-eighth Congress at its last session and by the aid of Democrats. The elections of 1864 had resulted in a two-thirds majority and it was therefore certain that the resolution would be agreed to by the next House. Hence there was less inducement for the Democrats to resist its passage by the Thirty-eighth Congress. A small number of Democrats favored the measure. English of Connecticut and Ganson of New York were of the number. There were others also whose names I do not recall. At the time of the contest a rumor was abroad that James M. Ashley, of Ohio, was engaged in making arrangements with certain Democrats to absent themselves from the House when the vote was taken. Several were absent—some were reported ill in health. Mr. Ashley was deeply interested in the passage of the resolution and it was believed that he made pledges which no one but the President could keep. Such was the exigency for the passage of the resolution that the means were not subjected to any rigid rule of ethics.

The Fourteenth Amendment had its origin in a joint committee of fifteen of which Mr. Fessenden of Maine was chairman. A record of its proceedings was kept which was printed

recently by order of the Senate. From that report it appears that I proposed an amendment for conferring the right to vote upon the freedmen of the State of Tennessee. As far as I know that was the first time the proposition was made in connection with the proceedings of Congress. The committee did not concur in the proposition. Indeed the time had not come for decisive action in that direction. The motion was made in the committee the 19th day of February, 1866, when the admission of the State of Tennessee into the Union was under consideration. The motion was in these words: "Said State shall make no distinction in the exercise of the elective franchise on account of race or color." The motion was lost by the following vote:

Yeas: Howard, Stevens, Washburne, Morrill, Boutwell.

Nays: Harris, Williams, Grider, Bingham, Conkling, Rogers.

Absent: Fessenden, Grimes, Johnson, Blow.

The 16th day of April Senator Stuart, of Nevada, came before the committee in support of a similar proposition that he had introduced in the Senate April 7.

In January, 1866, a bill was under discussion in the House of Representatives for the establishment of a government in the District of Columbia. Mr. Hale of New York moved amendments by which the right of suffrage by negroes would be limited to those who could read and write, to those who had performed service in the army or navy or who possessed property qualifications. The amendment was defeated. My views were thus stated in one of the very small number of my speeches that have had immediate influence upon an audience or an assembly:

"I am opposed to the instructions moved by the gentleman from New York, because I see in them no advantage to anybody, and I apprehend from their adoption much evil

to the country. It should be borne in mind, that, when we emancipated the black people we not only relieved ourselves from the institution of slavery, we not only conferred upon them freedom, but we did more; we recognized their manhood, which, by the old Constitution and the general policy and usage of the country, had been, from the organization of the Government until the Emancipation Proclamation, denied to all of the enslaved colored people. As a consequence of the recognition of their manhood, certain results follow, in accordance with the principles of the Government; and they who believe in this Government are, by necessity, forced to accept those results as a consequence of the policy of emancipation which they have inaugurated, and for which they are responsible.

"But to say now, having given freedom to the blacks, that they shall not enjoy the essential rights and privileges of men, is to abandon the principle of the Proclamation of Emancipation, and tacitly to admit that the whole emancipation policy is erroneous.

* * * "What are the qualifications suggested? They are three. First and most attractive, service in the army or navy of the United States. I shall have occasion to say, if I discuss, as I hope to discuss, the nature and origin of the right of voting, that there is not the least possible connection between service in the army and navy and the exercise of the elective franchise,—none whatever. These men have performed service, and I am for dealing justly with them because they have performed service. But I am more anxious to deal justly by them because they are men. And when it is remembered, that, for months and almost for years after the opening of the rebellion, we refused to accept the services of colored persons in the armies of the country, it is with ill grace that we now decline to allow the vote of any man because he has not performed that service.

" The second is the property qualification. I hope it is not necessary in this day and this hour of the Republic to argue anywhere that a property qualification is not only unjust in itself, but that it is odious to the people of the country to a degree which cannot be expressed. Everywhere, I believe, for half a century, it has been repudiated by the people. Does anybody contemplate such a qualification to the elective franchise, in the case of black people or white?

" And, next, reading and writing, or reading as a qualification, is demanded; and an appeal is made to the example of Massachusetts. I wish gentlemen who now appeal to Massachusetts would often appeal to her in other matters where I can more conscientiously approve her policy. But it is a different proposition in Massachusetts as a practical measure.

" When, ten years ago, this qualification was imposed upon the citizens of Massachusetts, it excluded no person who was then a voter. For two centuries, we have had in Massachusetts a system of public instruction, open to the children of the whole people without money and without price. Therefore all the people there had had opportunities for education. Why should the example of such a State be quoted to justify refusing suffrage to men who have been denied the privilege of education, and whom it has been a crime to teach?

* * * " The negro has everywhere the same right to vote as the white man, and I maintain still further, that, when you proceed one step from this line, you admit that your government is a failure. What is the essential quality of monarchical and aristocratic governments? Simply that by conventionalities by arrangements of conventions, some persons have been deprived of the right of voting. We have attempted to set up and maintain a government upon the doctrine of the equality of men, the universal right of all men, to participate in the government. In accordance

with that theory, we must accept the ballot upon the principle of equality. It is enjoyed by the learned and the unlearned, the wise and the ignorant, the virtuous and the vicious.

"The great experiment is going on. If, before the war, any man in this country was disposed to undervalue a government thus conducted, he should have learned by this time the wisdom and the strength of a government which embraces and embodies the judgment and the will of the whole people. If the negroes of the South, four million strong, had been endowed with the elective franchise, and had united with the white people of that region in the work of rebellion, your armies would have been powerless to subdue that rebellion, and you would to-day have seen your territory limited by the Potomac and the Ohio.

* * * "We are to answer for our treatment of the colored people of this country; and it will prove in the end impracticable to secure to men of color civil rights, unless the persons who claim those rights are fortified by the political right of voting. With the right of voting, everything that a man ought to have or enjoy of civil rights comes to him. Without the right to vote he is secure in nothing. I cannot consent, after all the guards and safeguards which may be prepared for the defence of the colored men in the enjoyment of their rights,—I cannot consent that they shall be deprived of the right to protect themselves. One hundred and eighty-six thousand of them have been in the army of the United States. They have stood in the places of our sons and brothers and friends. Many of them have fallen in defence of the country. They have earned the right to share in the government; and, if you deny them the elective franchise, I know not how they are to be protected. Otherwise you furnish the protection which is given to the lamb when he is commended to the wolf."

"There is an ancient history that a sparrow pursued by a hawk took refuge in the chief Assembly of Athens, in the bosom of a member of that illustrious body, and that the senator in anger hurled it violently from him. It fell to the ground dead; and such was the horror and indignation of that ancient but not Christianized body,—men living in the light of nature, of reason,—that they immediately expelled the brutal Areopagite from his seat, and from the association of humane legislators.

"What will be said of us, not by Christian, but by heathen nations even, if, after accepting the blood and sacrifices of these men, we hurl them from us, and allow them to become the victims of those who have tyrannized over them for centuries? I know of no crime that exceeds this; I know of none that is its parallel; and, if this country is true to itself, it will rise in the majesty of its strength, and maintain a policy, here and everywhere, by which the right of the colored people shall be secure through their own power,—in peace, the ballot; in war, the bayonet.

"It is a maxim of another language, which we may well apply to ourselves, that, where the voting-register ends, the military roster of rebellion begins; and, if you leave these four million people to the care and cusody of the men who have inaugurated and carried on this rebellion, then you treasure up, for untold years, the elements of social and civil war, which must not only desolate and paraylze the South, but shake this government to its very foundation."

It was impossible in 1866 to go farther than the provisions of the Fourteenth Amendment. That amendment was prepared in form by Senators Conkling and Williams and myself. We were a select committee on Tennessee. The propositions were not ours, but we gave form to the amendment. The part relating to "privileges and immunities" came from

Mr. Bingham of Ohio. Its euphony and indefiniteness of meaning were a charm to him. When the measure came before the Senate Mr. Sumner opposed its passage and alleged that we proposed to barter the right of the negroes to vote for diminished representation on the part of the old slave States in the House and in the electoral colleges; while in truth the loss of representation was imposed as a penalty upon any State that should deprive any class of its adult male citizens of the right to vote. Upon this allegation of Mr. Sumner the resolution was defeated in the Senate. There were then in that body a number of Republicans from the old slave States and over them Mr. Sumner had large influence. The defeat of the amendment was followed by bitter criticisms by the Republican press and by Republicans. These criticisms affected Mr. Sumner deeply and he then devoted himself to the preparation of an amendment which he could approve. While he was engaged in that work I called upon him and he read seventeen drafts of a proposition not one of which was entirely satisfactory to himself, and not one of which would have been accepted by Congress or the country. The difficulty was in the situation. Upon the return of the seceded States their representation would be increased nearly forty votes in the House and in the electoral colleges while the voting force would remain in the white population. The injustice of such a condition was apparent, and there were only two possible remedies. One was to extend the franchise to the blacks. The country—the loyal States—were not then ready for the measure. The alternative was to cut off the representation from States that denied the elective franchise to any class of adult male citizens. Finally Mr. Sumner was compelled to accept the alternative. Some change of phraseology was made, and Mr. Sumner gave a reluctant vote for the resolution.

Aside from the debates on the constitutional amendments

there were serious differences among Republicans in regard to the exercise of the right of suffrage by the negroes.

Previous to the year 1868 there was a majority of Republicans who would have imposed a qualification, some of service in the army or navy, some of property and some of education. It was with great difficulty that the scheme of limitation was resisted in regard to the District of Columbia. As to the Democrats they could always be counted upon to aid in any measure which tended to keep the negroes in a subordinate condition. This of the majority—there was always a minority, usually a small one, who were ready to aid in the elevation of the negro when his emancipation had been accomplished. I do not recall the name of one man who favored emancipation as a policy and adhered to the Democratic Party. When a man reached the conclusion that the negroes should be free, he could not do otherwise than join the Republican Party. At the time of the admission of Tennessee, July, 1866, there were only twelve men in the House of Representatives who insisted upon securing to the negro the right to vote. A larger number favored the scheme, but they yielded to the claim of that State to be admitted without conditions. At that time the power of the President was not impaired seriously, and his wishes were heeded by many. There was also an understanding that the State would concede the right upon terms not unreasonable.

Next to the restoration of the Union and the abolition of slavery the recognition of universal suffrage is the most important result of the war. It has its evils but they are incidental, and their influence is limited to times and places, while the advantages are universal and enduring. Universal suffrage is security for universal education. It is security against chronic hostility to the Government and security against the manifestation of a revolutionary spirit among the people. They realize that with frequent elections, the evils

of administration may be corrected speedily. By a similar though slower process the fundamental law may be changed. Hence it is that in this country until recently there was no difference of opinion as to the wisdom of the system of government under which we are living. The existing diversity of opinion will soon disappear. If suffrage were limited there would be a body of discontented people ready to seize upon any pretext that promised a change. In the present condition of our system the only danger is due to the forcible or fraudulent withholding of the right from those who are entitled to enjoy it. This condition of things must soon end. The safety of a state is yet further secured by frequent elections. The project to extend the Presidential term is full of danger. If the term were six or ten years the presence of an offensive or dangerous man in the office would provoke a revolution, or cause disturbances only less disastrous to business and to social and domestic comfort. In the little republic of Hayti there have been not less than seventeen revolutions in the hundred years of its existence and they were due in a large degree to the fact that the Presidential term is seven years.

The various propositions submitted to the House of Representatives for securing the right to vote to all the male adult citizens of the United States were referred to the Judiciary Committee of which I was a member. Among them was one submitted by myself. In the committee they were referred to a sub-committee consisting of myself, Mr. Churchill of New York, and Mr. Eldridge of Wisconsin. Mr. Eldridge as a Democrat was opposed to the measure, and he took no interest in preparing the form of an amendment. Churchill and myself were fellow-boarders and we prepared and agreed to an amendment in substance that which was adopted finally and which in form was almost the same. When I reported the amendment to the committee not one word was said either in criticism or commendation,

nor was there a call for a second reading. After a moment's delay Mr. Wilson, the chairman, said:—"If there is no objection Mr. Boutwell will report the amendment to the House." There was no objection and at the earliest opportunity I made the report — that is, I reported the resolution for amending the Constitution. Mr. Wilson made a speech which I have not since read, but which made an impression upon my mind that he was opposed to the measure, or at least had doubts about the wisdom of urging the amendment upon Congress and the country.

The resolution passed the House as it was reported by the committee. When it was taken up in the Senate Mr. Sumner, who was opposed to the resolution, assailed it with an amendment that would have been fatal if his lead had been followed by the two Houses. He proposed to insert after the words "to vote" the words "or hold office." At that time he was a recognized leader upon all matters relating to the negro race, and his standing with that race was such that the Republican senators from the slave States were obedient to his wishes. His amendment was adopted by the Senate. In presence of the fact that Mr. Sumner was opposed to any amendment of the Constitution upon the subject and that he proposed to rely upon a statute, it is difficult to explain his conduct upon any other theory than that he intended to defeat the measure either in Congress or in the States. He had claimed when the Fourteenth Amendment was pending that a joint resolution would furnish an adequate remedy and protection. His proposition was in these words: "There shall be no oligarchy, aristocracy, caste or monopoly invested with peculiar privileges and powers and there shall be no denial of rights, civil or political on account of color or race anywhere within the limits of the United States or the jurisdiction thereof: but all persons therein shall be equal before the law, whether in the court room or at the ballot-box. And this

statute made in pursuance of the Constitution shall be the supreme law of the land, anything in the constitution or laws of any State notwithstanding." This resolution is a sad impeachment of Mr. Sumner's quality as a lawyer and it is an equally sad impeachment of his sense or of his integrity as a man that he was willing to risk the rights of five million persons upon a statute whose language was rhetorical and indefinite, a statute which might be repealed and which was quite certain to be pronounced unconstitutional by the Supreme Court.

Upon the return of the resolution and amendment to the House, my own position was an embarrassing one. I was counted as a radical and in favor of securing to the negro race every right to which the white race was entitled. My opposition to the Senate amendment seemed to place me in a light inconsistent with my former professions. However, I met the difficulty by an argument in which I maintained that the right to vote carried with it the right to hold office. That in the United States there were only a few exceptions, and those were exceptions under the Constitution.

Finally, the House, by a reduced vote refused to concur with the amendment of the Senate. It was at this crisis that Wendell Phillips wrote an article in the *Anti-Slavery Standard* over his own name in which he said in substance and in words, that the House proposition was adequate and that it ought to be accepted by the Senate. His name and opinion settled the controversy. The Southern Republicans deserted Mr. Sumner feeling that the opinion of Phillips was a sufficient shield. A slight change of phraseology was made and the proposition of the House became the Fifteenth Amendment to the Constitution of the United States.

I wrote a letter of acknowledgment to Mr. Phillips in the opinion that he had saved the amendment. At that time the prejudice against negroes for office was very strong in Ohio,

Indiana, Illinois and in varying degrees the prejudice extended over the whole North.

The enjoyment of the right to vote has not been fully secured to the negro race, but no one has appeared to deny his right to hold office. Indeed, the Democratic Party as well as the Republican Party has placed him in office, both by election and appointment. Thus has experience shown the folly of Mr. Sumner's amendment.

That Mr. Sumner should have been willing to risk the rights of the whole negro race upon a statute whose constitutionality would have been questioned upon good ground, and which might have been repealed, is a marvel which no one not acquainted with Mr. Sumner can comprehend. First of all, though he was learned, he was not a lawyer. He was unpractical in the affairs of government to a degree that is incomprehensible even to those who knew him. He was in the Senate twenty-three years and the only mark that he left upon the statutes is an amendment to the law relating to naturalization by which Mongolians are excluded from citizenship. The object of his amendment was to save negroes from the exclusive features of the statute which was designed to apply only to the Chinese. His amendment made plain what the committee had designed to secure. He was a great figure in the war against slavery and as a great figure in that war he should ever remain.

The Fifteenth Amendment saved the country from a series of calamities that might have been more disastrous even than the Civil War. The South might, under the Fourteenth Amendment, grant to the negroes the right to vote but upon conditions wholly impracticable and thus have secured their full representation in Congress at the same time that the voting power was retained in the hands of the white race. Or they might have denied to the negro race the right to vote and submitted to a loss of representation. Such a policy

would have given the whole country over to contention and possibly in the end, to civil war. The discontented and oppressed negroes, increasing in numbers and wealth, would have demanded their rights ultimately, even by the threat of force, or by the use of force they would have secured their rights. In the North there would have been a large body of the people, only less than the whole body, who would have sympathized with the negroes and who, in an exigency would have rendered them material aid. The Dorr War in Rhode Island and the struggles in Kansas, are instances of the danger of attempting to found society or to maintain social order upon an unjust or an unequal system for the distribution of political power. It is true that at this time (1901) the operation of the Fifteenth Amendment has been defeated and consequently the governments of States and the Government of the United States have become usurpations, in that they have been in the hands of a minority of men. Nevertheless the influence of the amendment is felt by all, and the time is not distant when it will be accepted by all. Thus our Government will be made to rest upon the wisest and safest foundation yet devised by man: The Equality of Men in the States, and the Equality of States in the Union.

Mr. Sumner opposed the amendment and he declined to vote upon the passage of the resolution. Wendell Phillips saved it in the Senate. General Grant, more than anyone else secured its ratification by the people. I append a copy of my letter to Mr. Phillips:

WASHINGTON, *March* 13, 1870.

MY DEAR SIR:—

This letter will recall to your mind the circumstance that when the Fifteenth Amendment was suspended between the two houses you published an editorial in the *Standard* in favor of the House proposition. Can you send me that article? It may not be known to you that that article saved the

amendment. A little of the secret history was this. Various propositions were offered in the House—among them one of my own—and all were referred to the Judiciary Committee.

In the Judiciary Committee, upon my motion the various resolutions for amending the Constitution in that particular were referred to a sub-committee consisting of myself, Churchill of New York and Eldridge of Wisconsin. Churchill and myself were living at the same house and conferred together several times. Eldridge took no interest in the matter and never joined us—perhaps was not invited. After an examination of all the plans I wrote that proposed amendment which was passed by the House and is in substance and almost in language the amendment as adopted.

With the concurrence of Mr. Churchill I reported it to the committee and without one word of criticism and as far as I could judge without any particular consideration I was directed to report it to the House. In the House it encountered considerable opposition and Mr. Wilson, Chairman of the Judiciary Committee, made a speech which was a great surprise to me, though directed chiefly to the bill which I had also reported by direction of the Judiciary Committee giving at once the right of suffrage to negroes in all national elections and for members of the Legislature. This I thought necessary to secure the passage of the amendment through the State Legislatures. However, the resolution was finally passed by the House. In the Senate it met with great opposition because it omitted to secure in terms the right to hold office. This point had been raised in the House where I had successfully met the proposition by the statement and an argument in support of the statement that the right to vote as a matter of fact and in law carries with it the right to hold office. In the Senate, Mr. Sumner, supported by all the Southern Republicans and a part of the

Northern Republicans succeeded in substituting a new resolution securing in terms the right to hold office. Upon the return of the Resolution to the House I was obliged to take what appeared a conservative position and resist the proposition to concur with the Senate upon the ground that the change was unnecessary and that its adoption threatened the loss of the measure in doubtful States as Ohio, Indiana, West Virginia and others. The House adhered to its position, yet with such weakness of purpose on the part of many who sustained me, as indicated that they would not withstand another assault. The struggle was then renewed in the Senate and with every indication that the Senate would insist upon its amendment. It was then that your article appeared. Its influence was immediate and potential. Men thought that if you the extremest radical could accept the House proposition they might safely do the same. Had the Senate adhered one of two things would have happened, either the House would have seceded or the amendment would have failed.

Had the House concurred I fear that we should have failed to carry several States which have since ratified it.

Upon reflection I think as at the time I thought that your voice saved the Fifteenth Amendment.

I am very truly,

GEO. S. BOUTWELL.

WENDELL PHILLIPS, ESQ.
Boston.

P. S. This letter is not for the public use in so far as names are mentioned, and of course, not for publication.

G. S. B.

The article of Mr. Phillips became so important in its influence upon the final action of the Senate that I reproduce it in justice to Mr. Phillips and as a further record of an historical event.

"We see the action of the Senate touching the Constitutional Amendment with great anxiety. The House had passed a simple measure, one covering all the ground that people are ready to occupy. It answered completely the lesson of the war. Its simplicity gave it all the chance that exists for any form of amendment being ratified.

"Why was it not left in that shape? Leaving out of sight the manifest risk of attempting too much, the very fact of the little time left before the session closes, was warning enough to clutch at anything satisfactory and to run no risk of possible disagreement between the Houses. We wait further knowledge before indulging any conjectures as to the motive for this strange course of the Senate; before even suspecting that it grew out of any concealed hate toward the whole measure and was indeed a trick to defeat it. Whoever, in either House, gratifies some personal whim to the extent of defeating or even postponing this measure will incur the gravest responsibility. We exhort every man who professes himself a friend of liberty to drop all undue attachment to any form of words and to co-operate, heartily, earnestly, with the great body of the members in carrying through as promptly as possible, any form which includes the substance of a constitutional protection to the votes and right to office of the colored race. That is the work of the hour. That is the lesson the war has burned in on the brain and conscience of the Nation.

"To include with this, 'Nationality, education creed,' etc., is utter lack of common sense. Such a total forgetfulness of the commonest political prudence as makes it hard to credit the good intentions of the proposers.

"Our disappointment is the greater because we had reason to believe that the Senators who have this matter in charge, would be the last men to forget themselves at such a crisis. They have been timidly 'practical,' ludicrously tied up to

precedents, when, in times past we have urged them to some act which seemed likely to jeopard party. Then Sir Oracle was never more sententious, more full of 'wise saws and modern instances,' than they. The inch they were willing to move ahead was hardly visible to the naked eye. How they lectured us on the 'too fast' and 'too far' policy! Now in an emergency which calls for the most delicate handling, they tear up not one admitted abuse, but include in the grasp half a dozen obstinate prejudices, which no logic of events has loosened. For the first time in our lives we beseech them to be a little more *politicians*—and a little less *reformers*—as those functions are usually understood."

Under the date of March 18, 1869, I received from Mr. Phillips a letter in acknowledgment of my letter of thanks and commendation, in these words:

"DEAR SIR: —

"Thank you for the intimation in your letter. I am glad if any words of mine helped get rid of the too prompt action at that time. I think it was of the greatest importance to act at once."

The public mind seems to be misled in regard to the scope and legal value of the Fourteenth and Fifteenth Amendments. The amendments were in the nature of grants of power to the National Government, and in a corresponding degree they were limitations of the powers of the States, but the grants of power to the nation were also subject to limitations. Until the ratification of the amendments the States had full power to extend the right of suffrage, or to restrict its enjoyment with the freedom that they possessed when the Treaty of Peace of 1783 had been signed, and when the Constitution had not been framed and ratified.

All limitations of the right of suffrage by male inhabitants

of twenty-one years of age, must fall under the control of the Fourteenth or Fifteenth Amendments.

If in any State the right to vote shall be "denied or abridged on account of race, color or previous condition of servitude," the statutes may be annulled by a decision of the Supreme Court. Neither the people of the United States in their political sovereignty, nor the political branch of the Government in its representative capacity can exert any direct influence upon the decision of the questions that may arise. The questions that may arise will be judicial questions, and they will fall under the decision of the judicial tribunals. Hence there has never been a time when it was the duty or when it was in the power or within the scope of the duty of the executive branch of the National Government to take official notice of the legislation in some of the former slave States, which is designed manifestly, to limit the voting power of the negro population in those States.

If such legislation does not fall under the Fifteenth Amendment it will be subject to the penalty imposed by the Fourteenth Amendment,—a proportionate loss of representative power in the House of Representatives and in the Electoral Colleges.

As one of the three remaining members of the Committee on the Judiciary, and as one of the three remaining members of the Committee on Reconstruction, I wish to say, without any reservation whatever, that the amendments are accomplishing and are destined to accomplish all that was expected by the committees that were charged with the duty of providing for the protection of the rights of the freedmen.

They were relieved from the disparaging distinctions that came into existence with the system of slavery. They were placed upon an equality with other citizens and in the forms of law all discriminations affecting unfavorably the right of suffrage must apply equally to all citizens. The injustice and

unwisdom of the restrictive legislation in which the Southern States are indulging, are subjects of concern for the whole country, but the negro populations have no ground for the complaint that their rights have been neglected by the General Government.

This, however, is true: The negro population, in common with all others, has ground for just and continuing complaint against the legislation of Congress by which a portion of the inhabitants of the Hawaiian Islands have been denationalized on account of race or color, or on account of a condition of mental or physical inferiority.

The process of reasoning by which the legislation of the States of the South is condemned, by those who uphold the legislation in regard to Hawaii involves a question in political ethics which for the moment I am not able to answer in a manner satisfactory to myself.

XXXI

INVESTIGATIONS FOLLOWING THE CIVIL WAR

IN the years 1865, '66 and '67 three important subjects of inquiry were placed in the hands of committees of which I was a member.

The Committee on the Judiciary of the House of Representatives by resolutions adopted respectively the 9th and 30th days of April, 1866, was directed "to inquire into the nature of the evidence implicating Jefferson Davis and others in the assassination of Mr. Lincoln."

James M. Ashley of Ohio introduced a resolution for the impeachment of President Johnson, and on the 7th day of January, 1867, the House authorized the Committee on the Judiciary "to inquire into the official conduct of Andrew Johnson, Vice-President of the United States, discharging the powers and duties of President of the United States," etc.

By a resolution of the two Houses of Congress passed the 12th and 13th of December, 1865, a joint committee was created under instructions to "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."

William Pitt Fessenden was chairman on the part of the Senate and Thaddeus Stevens was chairman on the part of the House. Upon the death of Mr. Stevens I succeeded to his place. The testimony taken in these cases fills three huge

volumes. No inconsiderable part of the testimony was taken by myself, and I was but seldom absent from the meetings of the committees.

JOHN WILKES BOOTH

In no other situation in life is the character of a man more fully and truthfully brought into view than when he is placed upon the witness-stand and subjected to an examination by counsel or others who aim to support opposite opinions and to reach adverse results. The committees that conducted the investigations were composed of men who entertained opposite views in regard to the reconstruction of the government and in regard to the impeachment of President Johnson. There was also a difference of opinion upon the question of the responsibility of the Confederate authorities for the assassination of Mr. Lincoln. As a consequence of this diversity of opinion the witnesses were subjected to the equivalent of a cross-examination in a court of justice. Some of the impressions of men that I received in the many hearings, and some of the opinions I formed, are recorded here.

In each branch of these comprehensive inquiries there may be found something in the nature of evidence that may appear to have a bearing upon the assassination of Mr. Lincoln. It is my purpose in these paragraphs to bring into view the testimony which relates directly to John Wilkes Booth, the most conspicuous and without question the chief criminal in the tragedy of the assassination of President Lincoln, and the attempt upon the life of Mr. Seward.

The first step in the proceedings which culminated in the murder was the deposit at Surrattsville (a place about five miles from Washington, and owned by the Surratt family), of a carbine, two bottles of whisky, a small coil of rope, a field glass, a monkey wrench, and some other articles.

The house was kept by a man named Lloyd, and neither the character of the house nor that of the keeper could

bear a rigid test in ethics. The deposit was made about the first of March by John H. Surratt, Atzerodt and David E. Herold, all of whom were afterwards implicated in the crime. The articles were received and secreted by Lloyd, but only after objections by him, as appears from his testimony, Lloyd connected Mrs. Surratt with the crime by these facts as related by him. She called upon Lloyd the Tuesday preceding the fatal Friday and gave him this message: "She told me to have them ready (speaking of the shooting-irons) that they would be called for or wanted soon, I have forgotten which."

Mrs. Surratt made a second call the afternoon preceding the murder, when this conversation took place, as stated by Lloyd: "When I drove up in my buggy to the back yard Mrs. Surratt came out to meet me. She handed me a package, and told me as well as I remember to get the guns or those things—I really forget now which, though my impression is that guns was the expression she made use of—and a couple of bottles of whisky and give them to whoever should call for them that night."

That night, after the murder, Booth and Herold called, and took the carbine and drank of the whisky. In these facts there is basis for a reasonable theory. The theory is this. Previous to the fall of Richmond and the surrender of Lee's army the Confederate authorities set on foot a scheme for the capture and abduction of Mr. Lincoln. The articles deposited, including the rope and the monkey wrench, might be useful had Mr. Lincoln been abducted, but when the crime became murder the rope and wrench were neglected.

This view derives support from two directions. In Booth's diary is this entry: "April 13-14 Friday. The Ides. Until to-day nothing was ever thought of sacrificing to our country's wrongs. For six months we had worked to capture. But our cause being almost lost something decisive and great

must be done. But its failure was owing to others who did not strike for their country with a heart."

Colonel Baker, a detective, testified that when he was in Canada, engaged in negotiations for the purchase of letters that had passed between the Confederate authorities at Richmond and Clay, Tucker, Thompson and others, he read a letter from Jefferson Davis to Jacob Thompson dated March 8, 1865, in which was this expression: "The consummation of the act that would have done more to have ended this terrible strife, being delayed, has probably ruined our cause."

The scheme for the abduction of Mr. Lincoln was a wild scheme, born of desperation, and its success would have worked only evil to the Confederacy. The purpose of the North would have been strengthened, the public feeling would have been embittered and the friendship of England and of the Continental states would have been suppressed. When Lee had surrendered, when Davis was fleeing from Richmond, when Benjamin was preparing to leave the country, the leaders of the Confederacy could not have entertained a project for the capture of Mr. Lincoln, nor of any injury to him whatever. Their opposition to Mr. Lincoln was not tainted with personal hostility. One fact remains; the persons who had knowledge of the project to abduct Mr. Lincoln and who were engaged in it at Washington, were implicated in the final crime.

If Booth's diary can be accepted as a faithful representation of his mental condition it will appear that he had on that fatal Friday submitted himself to the influence of three strong passions. He had accepted the South as his country, and he had come to look upon Mr. Lincoln as a tyrant and as its enemy. Hence he was influenced with hatred for Mr. Lincoln. Finally he had become maddened by an ambition to rival, or to excel Brutus. The influence of his profession is

to be seen in the entries in his diary in the days following the 14th of April:

"I can never repent it, though we hated to kill. Our country owed all our troubles to him, and God simply made me the instrument of his punishment.

"The country is not what it was. This forced union is not what I have loved. I have no desire to outlive my country. . . . After being hunted like a dog through swamps, woods, and last night being chased by gunboats till I was forced to return wet, cold, and starving with every man's hand against me, I am here in despair. And why? For doing what Brutus was honored for—what made Tell a hero. And yet I for striking down a greater tyrant than they ever knew, am looked upon as a common cut-throat. My action was purer than either of theirs. One hoped to be great. The other had not only his country's, but his own wrongs to avenge. I knew no private wrong. I struck for my country and that alone. A country that groaned beneath this tyranny, and prayed for this end, and yet now behold the cold hand they extend to me.

"God cannot pardon me if I have done wrong, yet I cannot see my wrong except in serving a degenerate people. The little, the very little I left behind to clear my name, the Government will not allow to be printed. So ends all. For my country I have given up all that makes life sweet and holy, brought misery upon my family, and am sure there is no pardon for me in the Heaven since man so condemns me.

"I do not repent the blow I struck. I may before my God but not to man. I think I have done well. Though I am abandoned with the curse of Cain upon me, when if the world knew my heart that one blow would have made me great, though I did desire no greatness."

Finally, he writes:

"I bless the entire world. Have never hated or wronged anyone. This last was not a wrong unless God deems it so, and it is with him to damn or bless me."

These extracts from Booth's diary reveal the influences that controlled him in the great tragedy in which he became the principal actor.

* * * * *

The death of Booth was only a lesser tragedy than the death of Mr. Lincoln.

Following the murder and escape of Booth a small military force was organized hastily under the direction and command of Colonel Lafayette C. Baker, a detective in the service of the War Department. The force consisted of about thirty men chiefly convalescents from the army hospitals in Washington. Colonel Everton G. Conger was in command of the expedition, and his testimony contains a clear account of what transpired at Garrett's Farm, where Booth was captured and shot. Conger reached Garrett's Farm on the night of the 25th of April, or the early morning of the 26th. The men were posted around the tobacco shed in which Booth and Herold were secreted and their surrender was demanded by Conger. Booth refused to surrender and tendered, as a counter proposition, a personal contest with the entire force. Herold surrendered. Upon Booth's persistent refusal to surrender, a fire was lighted in a corner of the building. Booth then came forward with his carbine in his hand and engaged in conversation with Lieut. L. Byron Baker. While so engaged a musket was fired from the opposite side of the shed and Booth fell, wounded fatally in the neck, at or near the spot where Mr. Lincoln had been struck. Conger had given orders to the men not to shoot under any circumstances. The examination disclosed the fact that the shot was fired by a sergeant, named Boston Corbett. When Colonel Conger asked Corbett why he shot without orders

Corbett saluted the colonel and said: "Colonel, Providence directed me." Thus the parallel runs. Booth claimed that he was the instrument of the Almighty in the assassination of Lincoln, and Boston Corbett claimed that he acted under the direction of Providence when he shot Booth.

Booth was shot at about three o'clock in the morning of April 26, and he died at fifteen minutes past seven. During that time he was conscious for about three fourths of an hour. He asked whether a person called Jett had betrayed him. His only other intelligible remark was this:

"Tell my mother I died for my country."

During the afternoon preceding the assassination of Mr. Lincoln, Booth met John Mathews a brother actor, and requested him to hand a letter to Mr. Coyle, of the *National Intelligencer,* the next morning. Mathews had a part in the play at Ford's Theater. When the shot was fired and Mathews was changing his dress to leave the theater, he discovered the letter, which for the time he had forgotten. When he reached his rooms he opened the letter. It contained an avowal of Booth's purpose to murder the President, and he named three of his associates. Booth referred to a plan that had failed, and he then added: "The moment has at length arrived when my plans must be changed." These statements were made by Mathews from recollection. Mathews destroyed the letter under the influence of the apprehension that its possession would work his ruin.

The records seem to warrant certain conclusions:

1. That the Confederate authorities at Richmond made a plan for the capture of Mr. Lincoln, and that Booth, Mrs. Surratt and others—who were implicated finally in the murder—were concerned in the project to abduct the President and to hold him as a hostage.

2. That that undertaking failed.

3. That following Lee's surrender and the downfall of the

Confederacy, Booth originated the plan to murder the President, under the influence of the motives and reasons that are set forth in his diary and in the letter to Mr. Coyle.

4. His influence over the persons who were involved in the conspiracy to abduct Mr. Lincoln, was so great that he was able to command their aid in the commission of the final crime.

When the investigations were concluded there remained in the possession of the Committee on the Judiciary a quantity of papers, affidavits, letters and memoranda of no value as evidence. These were placed in a sealed package. The package was deposited with the clerk of the House of Representatives. The preservation of the papers may have been an error. They should have been destroyed by the committee. Some doubts were expressed however as to the authority of the committee. Further investigations were suggested as not impossible. I am the only person living who has knowledge of the papers. They are now the possession of the House of Representatives. It is not in the public interest that the papers should become the possession of the public.

MR. LINCOLN AND THE ATTACK ON FORT SUMTER

The testimony of John Minor Botts of Virginia, given before the Joint Committee on Reconstruction, February 18, 1866, presents Mr. Lincoln as a diplomatist at the outset of his experience as President.

Mr. Botts had been a leading member of the Whig Party and he was a Union man from the beginning of the contest to the end of the war. As the work of secession was advancing in the Gulf States Mr. Lincoln became anxious for the fate of the border States and especially for Virginia and Kentucky, which promised to serve as barriers to the aggressive movements of the South in case of war. Mr. Botts came to Washington at the request of Mr. Lincoln in the early days

of April, 1861, and they were together and in private conference during the evening of the 7th of April from seven to eleven o'clock. In the conversation of that evening the President gave Mr. Botts an account of the steps that he had taken to prevent a collision in the harbor of Charleston.

Mr. Summers and Mr. Baldwin of Virginia had been delegates in the Peace Congress and they had been counted among the Union men of the State. Soon after the inauguration the President was informed that the small garrison in Fort Sumter was nearly destitute of provisions and that an attempt to add to the supply would be resisted. The President, Mr. Summers and Mr. Botts had served together as Whigs in the Thirtieth Congress and the President invited Mr. Summers by letter and by a special messenger to a conference in Washington. To this invitation no answer was given by Mr. Summers until the 5th of April, when Mr. Baldwin appeared and said that he had come upon the request of Mr. Summers. Mr. Lincoln said at once: "Ah! Mr. Baldwin, why did you not come sooner? I have been expecting you gentlemen to come to me for more than a week past. I had a most important proposition to make to you. I am afraid you have come too late. However, I will make the proposition now. We have in Fort Sumter with Major Anderson about eighty men and I learn from Major Anderson that his provisions are nearly exhausted . . . I have not only written to Governor Pickens, but I have sent a special messenger to say that if he will allow Major Anderson to obtain his marketing at the Charleston market, or, if he objects to allowing our people to land at Charleston, if he will have it sent to him, that I will make no effort to provision the fort, but, that if he does not do that, I will not permit these people to starve, and that I shall send provisions down,—and that if he fires on that vessel he will fire upon an unarmed vessel, loaded with nothing but bread

but I shall at the same time send a fleet along with her, with instructions not to enter the harbor of Charleston unless the vessel is fired into; and if she is, then the fleet is to enter the harbor and protect her. Now, Mr. Baldwin, that fleet is now lying in the harbor of New York and will be ready to sail this afternoon at five o'clock, and although I fear it is almost too late, yet I will submit anyway the proposition which I intended for Mr. Summers. Your convention in Richmond, Mr. Baldwin, has been sitting now nearly two months and all they have done has been to shake the rod over my head. You have recently taken a vote in the Virginia Convention, on the right of secession, which was rejected by ninety to forty-five, a majority of two thirds, showing the strength of the Union Party in that convention; and, if you will go back to Richmond and get that Union majority to adjourn and go home without passing the ordinance of secession, so anxious am I for the preservation of the peace of this country and to save Virginia and the other States from going out, that I will take the responsibility of evacuating Fort Sumter, and take the chance of negotiating with the cotton States, which have already gone out."

This quotation is from the testimony of Mr. Botts and there cannot be better evidence of the facts existing in the first days of April, nor a more trustworthy statement of the position of Mr. Lincoln in regard to the secession movement. At that time the Virginia Convention had rejected a proposed ordinance of secession by a vote of ninety to forty-five, and there can be no doubt that Mr. Lincoln had hopes that his proposition might calm the temper and change the purposes of the secessionists in that State if it did not change the schemes of Governor Pickens, of which, indeed, the prospect was only slight.

In his Inaugural Address, and in all his other public utterances, Mr. Lincoln sought to place the responsibility of war

upon the seceding States. At a later day Mr. Lincoln, in a conversation with Senator Sumner and myself, expressed regret that he had neglected to station troops in Virginia in advance of the occupation of the vicinity of Alexandria by the Confederates, a course of action to which he had been urged by Mr. Chase and others.

Mr. Lincoln's proposition for the relief of Fort Sumter was rejected by Mr. Baldwin, as was the proposition for the adjournment of the convention, *sine die*.

When Mr. Botts appeared the time had passed when arrangements could have been made for the relief of Sumter and the adjournment of the convention. Although the situation may not have been realized at the time it was not the less true that Mr. Botts and the small number of Union men in Virginia were powerless in presence of the movement in favor of secession under the lead of Tyler, Sedden and others.

The political side of Mr. Lincoln's character is seen in the fact that he enjoined secrecy upon Mr. Botts. He may have been unwilling to allow his supporters in the North to know how far he had gone in the line of conciliation. In the conversation with Mr. Baldwin, Mr. Lincoln had given an assurance that upon the acceptance of his two propositions he would evacuate Fort Sumter. When Mr. Lincoln made these facts known to Mr. Botts at the evening interview, Mr. Botts said: "Will you authorize me to make that proposition to the Union men of the convention? I will take a steamboat to-morrow morning, and have a meeting of the Union men to-morrow night, and I will guarantee with my head, that they will adopt your proposition." In reply, Mr. Lincoln said: "It is too late. The fleet has sailed." In truth it was too late for the acceptance of the propositions in Virginia. The Union men were powerless, and the secessionists were dominant in affairs and already vindictive. The

charge that Mr. Seward gave a promise that Sumter would be abandoned, may or it may not have been true, but there can be no ground for doubting the statement made by Mr. Botts in regard to the terms tendered by Mr. Lincoln, and which were rejected by Mr. Baldwin.

Mr. Baldwin admitted the interview with Mr. Lincoln, and the nature of it as herein given, to Mr. John F. Lewis, who was a Union man and a member of the convention that adopted the Ordinance of Secession by a vote of eighty-eight to fifty-five.

Of the three witnesses, Baldwin, Botts and Lewis, Mr. Baldwin was the first witness who was examined by the Committee on Reconstruction. At that time the committee had no knowledge of the conversation between Mr. Baldwin and President Lincoln. Speaking, apparently, under the influence of the criticisms of Botts and Lewis of his rejection of Mr. Lincoln's propositions, Baldwin introduced the subject with the remark: "I had a good deal of interesting conversation with him (that is with Mr. Lincoln) that evening. I was about to state that I have reason to believe that Mr. Lincoln himself had given an account of this conversation which has been understood—but I am sure *mis*understood—by the persons with whom he talked, as giving the representation of it, that he had offered to me, that if the Virginia Convention would adjourn *sine die* he would withdraw the troops from Sumter and *Pickens*." As there was no occasion in the conversation between Lincoln and Baldwin for a reference to Fort Pickens, and as the President did not mention *Fort Pickens* in the account of the conversation that he gave to Mr. Botts, the denial of Mr. Baldwin may fall under one of the forms of falsehood mentioned by Shakespeare.

The evidence is conclusive to this point: That at an interview at the Executive Mansion, April 5, 1861, between

President Lincoln and Colonel John B. Baldwin, then a member of the Virginia Convention that finally adopted the Ordinance of Secession, President Lincoln assured Mr. Baldwin that he would evacuate Fort Sumter if the fort could be provisioned and the Virginia Convention would adjourn *sine die*.

Colonel Baldwin's voluntary and qualified denial is of no value in presence of President Lincoln's report of the interview as given by Mr. Botts and in presence of the testimony that Mr. Baldwin did not deny the truthfulness of Mr. Botts' limited statement, when it was asserted by Mr. Botts in the presence of Lewis.

ALEXANDER H. STEPHENS AND HIS STATE-RIGHTS DOCTRINES

Upon the death of Mr. Calhoun the task of maintaining the extreme doctrine of State Rights, as that doctrine had been taught by Mr. Calhoun fell upon Jefferson Davis and Alexander H. Stephens. That doctrine was carried to its practical results in the ordinances of secession as they were adopted by the respective States under the lead of Mr. Davis.

If Mr. Stephens advised against secession, the advice given was not due to any doubt of the right of a State to secede from the Union, but to doubts of the wisdom of the undertaking.

In form of proceedings Mr. Stephens was examined by the Committee on the Judiciary, the 11th and 12th days of April, 1866, but in fact I was the only member of the committee who was present, and I conducted the examination in my own way, and without help or hindrance from others.

It was the opinion of Governor Clifford of Massachusetts, that the examination of Mr. Stephens gave the best exposition of the doctrine of State Rights that had been made. I was then ignorant of the fact, that in the convention of 1787 the form of the Preamble to the Constitution was so changed

as to justify the opinion, if not to warrant the conclusion that the State-Rights doctrines had been considered and abandoned. In two plans of a constitution, one submitted by Mr. Randolph, and one by Mr. Charles Pinckney, and in the original draft of the Constitution as reported by Mr. Rutledge, the source of authority was laid in the respective States, which were named. This form was adhered to in the Rutledge report, which was made August 6, 1787. On the 12th of September the Committee on Style reported the Preamble which opens thus: *"We the people of the United States, etc."* This change seems not to have been known to Mr. Webster, nor have I noticed a reference to it in any of the speeches that were made in the period of the active controversy on the doctrine of State Rights.

Mr. Stephens was a clear-headed and uncompromising expositor and defender of the doctrine of State Rights as that doctrine was accepted by General Lee and by the inhabitants generally of the slave States.

Mr. Stephens did not disguise his opinions: "When the State seceded against my judgment and vote, I thought my ultimate allegiance was due to her, and I prepared to cast my fortunes and destinies with hers and her people rather than take any other course, even though it might lead to my sacrifice and her ruin."

When he was asked for his reason for accepting the office of vice-president in the Confederacy, he said: "My sole object was to do all the good I could in preserving and perpetuating the principles of liberty as established under the Constitution of the United States." Mr. Stephens advanced to his position by conclusively logical processes. Standing upon the ground of Mr. Lincoln and the Republican Party, he assumed that, inasmuch as the States in rebellion had never been out of the Union, they had had the opportunity at all times during the war of withdrawing from the contest and

resuming their places in the Senate and House as though nothing had occurred of which the existing government could take notice.

If, however, there were to be terms of adjustment, then those terms must have a "continental basis founded upon the principles of mutual convenience and reciprocal advantage, and the recognition of the separate sovereignty of the States." He was ready for a conference or convention of all the States, but he did not admit the right of the successful party to dictate terms to the States that had been in rebellion. He expressed the personal, individual opinion, that tax laws passed in the absence of representatives from the seceded States would be unconstitutional. It was the opinion of Mr. Stephens that the people of Georgia by a large majority, thought that the State was entitled to representation in the national Congress and without any conditions.

When he was invited to consider the alternative of universal suffrage or a loss of representation as a condition precedent to the restoration of the State, he said, with confidence that neither branch of the alternative would be accepted. "If Georgia is a State in the Union her people feel that she is entitled to representation without conditions imposed by Congress; and if she is not a State in the Union then she could not be admitted as an equal with the others if her admission were trammeled with conditions that did not apply to all the rest alike."

It had been his expectation, and in his opinion such had been the expectation of the people generally that the State would assume its place in the Union whenever the cause of the Confederacy should be abandoned.

Such were the results of the State-Rights doctrines as announced by the most intellectual of the Southern leaders in the war of the Rebellion. In the opinion of Mr. Stephens

a State could retire from the Union either for purposes of peace or of war and return at will, and all without loss of place or power.

At the close of his examination he made this declaration: "My convictions on the original abstract question have undergone no change."

As a sequel to the doctrines of Mr. Stephens, I mention the history of Andrew J. Lewis. When the Legislature of Massachusetts assembled in January, 1851, Lewis took a seat in the House as the Democratic member from the town of Sandisfield. He acted with the Coalitionists, and he voted for Mr. Sumner as United States Senator. Lewis was returned for the year 1852, and in General Pierce's administration he held an office in the Boston Custom House.

Upon the fall of Port Hudson I received a letter from General Banks. In that letter he mentioned the fact that Lewis was among the prisoners, holding the office of captain in a South Carolina regiment. His account of himself was this: "I was born in South Carolina. When my State seceded I thought I must go too, and so I left Massachusetts and returned to South Carolina."

GENERAL ULYSSES S. GRANT

General Grant's examination during the investigation embraced a variety of topics and the report is a volume of not less than twenty thousand words. His testimony is marked by the qualities for which he was known both on the civil and military side of his career. These qualities were clearness of thought, accuracy and readiness of memory, directness of expression and the absence of remarks in the nature of exaggeration or embellishment. The character of the man and the history of events may gain something from an examination of his testimony upon three important points to which it related: the opinion of President Lincoln in

regard to the reconstruction of the government; the opinion of President Johnson upon the same subject, and his own view of the rights of General Lee and of the army under his command that had surrendered at Appomattox.

When President Johnson entered upon the work of reconstructing the government of North Carolina it was claimed that he was giving form and effect to the plan which President Lincoln had accepted as a wise policy.

There was some foundation for the claim as appears from the testimony of General Grant, Mr. Seward, Mr. Stanton, and others, but there is no ground for the claim that Mr. Lincoln had matured a plan or had accepted any scheme of reconstruction at the hands of any one. In an exigency, as in the case of the resignation of General Hooker, he could act immediately, but time and thought, and discussion with others were accepted as valuable aids, whenever there was not a pressure for instant action.

General Grant was examined in July, 1867, and the opening was conducted by Mr. Eldridge of Wisconsin. It related to the parole granted to General Lee and his army. The nature of the questions led General Grant to make this remark: "I will state here, that I am not quite certain whether I am being tried, or who is being tried, by the questions asked."

General Grant may have thought that Mr. Eldridge was endeavoring to secure from him an admission that he had exceeded his authority in the terms of the parole granted to General Lee. General Grant was able to state the terms with exactness and within his powers as commander of the conquering army. He claimed that General Lee surrendered his army "in consideration of the fact that they were to be exempt from trial so long as they conformed to the obligations which they had taken." President Johnson claimed that the leaders should be tried. This position he

abandoned previous to July, 1867. Of an interview with President Johnson, General Grant made this statement:

"He insisted on it that the leaders must be punished, and wanted to know, when the time would come when those persons could be tried. I told him when they violated their parole." In the opinion of General Grant the terms of the parole did not include Jefferson Davis, as he had been captured.

In the early part of the controversy President Johnson insisted that General Lee should be tried for treason. This purpose on the part of the President was resisted by General Grant. His position, in his own language, was this:

"I insisted on it that General Lee would not have surrendered his army and given up all their arms if he had supposed that after surrender, he was going to be tried for treason and hanged. I thought we got a very good equivalent for the lives of a few leaders in getting all their arms and getting themselves under control bound by their oaths to obey the laws. That was the consideration, which, I insisted upon, we had received."

General Grant added:

"Afterwards he got to agreeing with me on that subject."

On the question of political rights as involved in the surrender and in the parole, General Grant said:

"I never claimed that the parole gave those prisoners any political right whatever. I thought that that was a matter entirely with Congress, over which I had no control; that simply as general-in-chief commanding the army, I had a right to stipulate for the surrender on terms which protected their lives. The parole gave them protection and exemption from punishment for all offences not in violation of the rules of civilized warfare."

The point of difference between General Grant and President Johnson in regard to the parole is very clear from General

Grant's answers to questions by Mr. Thomas and Mr. Eldridge.

"You have stated your opinion as to the rights and privileges of General Lee and his soldiers; do you mean that to include any political rights?"

"I have explained that I did not."

"Was there any difference of opinion on that point between yourself and President Johnson at any time?"

"On that point there was no difference of opinion; but there was as to whether the parole gave them any privileges or rights . . . He claiming that the time must come when they would be tried and punished, and I claiming that that time could not come except by a violation of their parole."

Grant claimed also that the army that had surrendered to Sherman came under the same rules.

These quotations give General Grant's standing as an interpreter of public law and as a leader capable of applying the rules and principles of public law to practical affairs. His training at West Point may have given him a knowledge of principles and his good sense enabled him to apply the principles in the terms that he dictated at Appomattox.

General Grant's natural qualities were such that with training he might have succeeded in great causes involving principles, but he was not adapted to the ordinary business of a county-court lawyer.

It is quite certain from the testimony of General Grant that Mr. Lincoln had had in mind a scheme for the organization of the States that had been in rebellion and that Mr. Johnson's proclamation for the government of North Carolina was not a wide departure from that scheme.

General Grant was present at two meetings of the Cabinet in Mr. Lincoln's time, when a proclamation was read and considered. In the language of General Grant, "after the

assassination it continued right along and I was there with Mr. Johnson." General Grant's interest was directed to two points: First, that civil government should be set up but subject to the final action of Congress, and second, that the parole should not be infringed. He states his position thus:

"I was always ready to originate matters pertaining to the army, but I was never willing to originate matters pertaining to the civil government of the United States. When I was asked my opinion about what had been done I was willing to give it. I originated no plans and suggested no plans for civil government."

The examination by Mr. Eldridge was in the nature of cross-examination and for the purpose of gaining an admission from General Grant that he had advised or sanctioned President Johnson's plan of reconstruction. Hence General Grant's declarations that his part was limited to the military side of the measure and that in his view the entire plan was subject to Congressional action.

General Grant's testimony is explicit upon these points: He advised President Johnson to grant a pardon to General Lee and a pardon to General Johnston. He was especially urgent in favor of a pardon to General Johnston in consideration of his speech to his army at the time of the surrender. He advised against the proclamation of amnesty upon the ground that the act was then premature.

General Grant's testimony adds strength to the statement that President Johnson contemplated the recognition of a Congress composed of Democratic members from the North and of the representatives from the States that had been organized under the President's proclamations.

"I have heard him say—and I think I have heard him say it twice in his speeches—that if the North carried the election by members enough to give them, with the Southern

members, a majority why would they not be the Congress of the United States?"

In answer to this question: "Have you heard him make a remark kindred to that elsewhere?" General Grant said:

"Yes, I have heard him say that aside from his speeches, in conversation. I cannot say just when."

The North Carolina proclamation was read at an informal meeting at which only Grant and Stanton were with the President. General Grant did not criticise the paper. He said of it: "It was a civil matter and although I was anxious to have something done I did not intend to dictate any plan. I looked upon it simply as a temporary measure to establish a sort of government until Congress should meet and settle the whole question and that it did not make much difference how it was done so there was a form of government there. . . . I don't suppose that there were any persons engaged in that consultation who thought of what was being done at that time as being lasting—any longer than Congress would meet and either ratify that or establish some other form of government."

General Grant understood that the North Carolina proclamation was in substance the paper which had been considered by Mr. Lincoln, but General Grant said also, that Mr. Lincoln's plan was "temporary, to be either confirmed, or a new government set up by Congress."

General Grant's testimony upon one point is supported by the testimony of Mr. Seward and the testimony of Mr. Stanton. They agree that Mr. Johnson's plan of reconstruction was in substance the plan that Mr. Lincoln had had under consideration. Mr. Stanton regarded the plan as temporary.

If President Johnson intended to enforce the plan upon the country he concealed his purpose when the North Carolina proclamation was under consideration.

In the month of October, 1866, the police commissioners of the city of Baltimore were engaged in the work of registering voters for the November elections, and the authorities were engaged in the work of registering the voters in all parts of the State of Maryland. It was claimed that many thousands who had been engaged in the rebellion and who were excluded under a provision of the Constitution had been registered by the connivance of the authorities and especially by the police commissioners of Baltimore. There were rumors of secret, hostile organizations, there were threats of disturbances, and Governor Swann became alarmed.

President Johnson became alarmed also and under date of October 25 he wrote a letter to General Grant in which these paragraphs may be found:

"From recent developments serious troubles are apprehended from a conflict of authority between the executive of the State of Maryland and the police commissioners of the city of Baltimore." . . . "I therefore request that you inform me of the number of Federal troops at present stationed in the city of Baltimore or vicinity."

General Grant informed the President on the 27th, that the number of available and efficient troops was 1,550. Thereupon, on the first day of November the President issued the following instruction to Secretary Stanton:

"In view of the prevalence in various portions of the country of a revolutionary and turbulent disposition which might at any moment assume insurrectionary proportions and lead to serious disorders, and of the duty of the government to be at all times prepared to act with decision and effect this force is not deemed adequate for the protection and security of the seat of government."

Secretary Stanton referred the President's letter to General Grant with instructions "to take such measures as in

his judgment are proper and within his power to carry into operation the within directions of the President."

Under this order six or eight companies in New York and on the way to join regiments in the South were detained at Fort McHenry, and a regiment in Washington was under orders to be ready to move upon notice.

On the second day of November the President qualified his demands in a letter to Secretary Stanton and limited the expression of anxiety to the city of Baltimore. It is certain that General Grant and Secretary Stanton did not share the President's apprehensions, and the day of election passed without serious disturbance.

In the Philadelphia *Ledger* of October 12, 1866, there appeared a series of questions which were accompanied by the statement or the suggestion that the President had submitted them to the Attorney-General for an official opinion. The questions related to the constitutional validity of the Thirty-ninth Congress, and upon the ground that all the States were not represented although hostilities had ceased.

From the testimony of Henry M. Flint, a newspaper correspondent, it appears that the President had no knowledge of the questions until the publications in the *Ledger*. Flint's account of the affair may be thus summarized. For himself and without conference with the President, he reached the conclusion that the Thirty-ninth Congress was an illegal body and he had reached the conclusion also that the President entertained the same opinion. Thereupon he assumed that the President would take the opinion of the Attorney-General. Having advanced thus far, he next proceeded to write the questions that he imagined the President would prepare and submit to the Attorney-General.

These questions he transmitted to a brother correspondent in New York—Mr. F. A. Abbott—under cover of a letter

which was not produced. Flint gave the substance of his letter to Abbott in these words:

"These questions are supposed or believed to have been submitted by the President to the Attorney-General." Speaking of Abbott, Flint said: "I knew he was connected with several newspapers and I had no doubt when I sent these questions that they would appear in some paper in some shape. . . . The object I had in view in writing these questions and in sending them to Mr. Abbott was that they might appear before the public, and that the public mind might be directed to that point, and that the newspapers particularly might be led to express their sentiments upon the questions involved in it."

When the publication "had given rise to considerable discussion" in the language of Flint, "I thought," he says, "I ought to go to the President and tell him what part of the despatch was mine and what connection I had had with the publication of it."

Of his interview with the President, he gives this report: "He showed me an article, which I think, appeared the day after the questions were published, in the *Daily News* of Philadelphia, which took pretty nearly the same ground my questions would indicate. . . . He spoke of it rather approvingly."

Flint adds: "I had remarked to him: 'Mr. Johnson, it seemed to me that it would be by no means remarkable that you should prepare such questions as bear upon a subject which I know must have occupied your mind as it has the public mind.' I forget what reply he made; it was a sort of affirmative response or assent."

Whatever may have been the origin of Flint's questions their appearance in the manner indicated is an instance of volunteer service not often paralleled in the rough contests of life. Without any effort on his own part the President

gained knowledge of a public sentiment upon the question of the legality of the Thirty-ninth Congress—a question in which he had much interest in the autumn of 1866.

The project to increase the army around Washington and the project to proclaim the Thirty-ninth Congress an illegal body may have had an intimate connection with the project to send General Grant on a mission to Mexico and to place General Sherman in command at Washington, a project of which I have spoken in another place.

GENERAL ROBERT E. LEE

General Robert E. Lee was examined by the Committee on Reconstruction the 17th day of February, 1866.

The inquiries related to the state of public sentiment in the South, and especially in Virginia in regard to secession, to the treatment of the negroes, to the public debts of the United States, and of the Confederacy, and to the treatment of Northern soldiers in Southern prisons.

General Lee was then in good health and in personal appearance he commended himself without delay. He was large in frame, compactly built, and he was furnished with all the flesh and muscle that could be useful to a man who was passing the middle period of life. The elasticity of spirits, the vigor of mind and body that are the wealth of a successful man at sixty were wanting in General Lee. His appearance commanded respect and it excited the sympathy even of those who had condemned his abandonment of the Union in 1861.

The examination gave evidence of integrity and of entire freedom from duplicity. Freedom from duplicity was a controlling feature in General Grant's character and in that attribute of greatness Grant and Lee may have been equals.

General Lee was free to disclose his own opinions, but he was cautious in his statements when questioned as to the

opinions and purposes of the men and States that had been in the Rebellion. He was careful to say at the beginning of the examination that he had no communication with politicians and that he did not read the papers. What he said of the South assumed that the people were in poverty and were so dejected that they had no plans for the future, nor any hopes of restoration to wealth, happiness and power in the affairs of the country. His testimony as a whole might justify the opinion that there would be no serious resistance to any form of government that might be set up. He favored the governments which President Johnson had organized and he expressed the opinion that they were acceptable to the people generally. A comprehensive statement was this:

"I do not know of a single person who either feels or contemplates any resistance to the government of the United States, or, indeed any opposition to it." He gave this assurance to the committee: "The people entirely acquiesce in the government of the United States and are for co-operating with President Johnson in his policy."

The payment of the public debt had not been a topic of discussion in his presence, but the people were disposed to pay such taxes as were imposed and they were struggling to get money for that purpose.

He was of the opinion that the people made no distinction between the Confederate debt and the debt of the United States—that they were disposed to pay both debts, and would pay both if they had the power. For himself, however, he had no expectation that the indebtedness of the Confederacy would ever be paid.

General Lee manifested a kindly spirit for the freedmen, but he was unwilling to accept them as citizens endowed with the right of suffrage. Of the feeling in Virginia, General Lee said: "Every one with whom I associate expresses

kind feelings toward the freedmen. They wish to see them get on in the world, and especially to take up some occupation for a living."

He rejected the suggestion that there was anywhere within the State any combinations having in view, "the disturbance of the peace, or any improper or unlawful acts." He characterized the negroes as "an amiable, social race, who look more to their present than to their future condition."

In answer to the question whether the South would support the government in case of war with France or England, General Lee was distinctly reserved: "I cannot speak with any certainty on that point. I do not know how far they might be actuated by their feelings. I have nothing whatever to base an opinion upon. So far as I know they contemplate nothing of the kind now. What may happen in the future I cannot say." He then added this remark: "Those people in Virginia with whom I associate express a hope that the country may not be led into war."

In answer to the question whether in case of war some of the class known as secessionists might join the enemy, he said: "It is possible. It depends upon the feelings of the individual." As to joining the enemy in case of war, he said, speaking for himself: "I have no disposition now to do it, and I never have had."

As to an alliance during the war he said that he knew nothing of the policy of the Confederate government: "I had no hand or part in it," was his remark. It was his opinion during the war that an alliance with a foreign country was desirable, and he had assumed that the authorities were of the same opinion. His ideas were those of General Grant, and he avoided responsibility for the measures of government on the civil side.

With kind feelings for the colored people of Virginia General Lee favored the substitution of a white class of

laborers, if an exchange could be made, of which however, he had neither plan nor hope. Nor could he give any assurance that Northern men would be received upon terms of equality and friendship, if they avowed the opinions that then prevailed generally in the North: "The manner in which they would be received would depend entirely upon the individuals themselves—they might make themselves obnoxious, as you can understand," was the statement of General Lee. His testimony as a whole indicated an opinion that it was more important to secure capital for business, than it was to rid the State of the negro laborer. In his opinion, most of the blacks were willing to work for their former masters, but they were unwilling to make engagements for a year, a form of engagement which the farmers and planters preferred, that they might be sure of help when it would be most needed. The negroes may have been influenced by one or both of two reasons. Their unthrifty habits—the outcome of slavery—or an apprehension that a formal engagement for a year was a kind of bondage that might lead to a renewal of the old system.

When General Lee was pressed by Senator Howard as to the feeling in the South in regard to the National Government, he said: "I believe that they will perform all the duties that they are required to perform. I think that is the general feeling. . . . I do not know that there is any deep-seated dislike. I think it is probable that there may be some animosity still existing among some of the people of the South. . . . They were disappointed at the result of the war."

General Lee was of the opinion that a Southern jury would not find an accused guilty of treason for participation in the war. Indeed his doctrine of State Rights excused the citizen and placed the sole responsibility on the State. Of the common sentiment in the South he said: "So far as I

know, they look upon the action of the State, in withdrawing itself from the government of the United States, as carrying the individuals of the State along with it; that the State was responsible for the act, not the individual." This was the framework of his own defence. Speaking of the advocates of secession, he said: "The ordinance of secession, or those acts of a State which recognized a condition of war between the State and the General Government, stood as their justification for their bearing arms against the Government of the United States. They considered the act of the State as legitimate. That they were merely using the reserved right, which they had a right to do."

From these views General Lee was led to a specific statement of his own position:

Question: "State, if you please, what your own personal views on that question were?"

Answer: "That was my view; that the act of Virginia in withdrawing herself from the United States carried me along as a citizen of Virginia, and that her laws and her acts were binding on me."

Question: "And that you felt to be your justification in taking the course you did?"

Answer: "Yes, sir."

In the course of the examination General Lee expressed the opinion that the "trouble was brought about by the politicians of the country."

General Lee disclaimed all responsibility for the care and treatment of prisoners of war. He had always favored a free exchange of prisoners, knowing that proper means for the care and comfort of prisoners could not be furnished in the Confederacy. He thought that the hardships and neglects had been exaggerated. As to himself, he had never had any control over prisoners, except as they were captured on the field of battle. He sent his prisoners to Rich-

mond where they came under the control of the provost-marshal-general. His orders to surgeons on the field were to treat all the wounded alike.

In the examinations that were made by the committee I read a large number of reports of surgeons connected with the prisons and hospitals and I may say that in all cases they exhibited humanity and in many cases specific means of relief for the sufferings of the soldiers were recommended. Their reports were forwarded from officer to officer, but in a large majority of cases the reports were neglected.

In a letter written by General Lee to his sister a few days before he abandoned the service of the United States, he expressed the opinion that there was no sufficient cause for the rebellion. This opinion, in connection with his opinion that the rebellion was the work of politicians demonstrates the power which the doctrine of State Rights had obtained over a man of experience and of admitted ability. Upon his own admission, he subordinated his conduct to the action of his State and in disregard of his personal obligation through his oath of office. If he had followed his own judgment as to what was wise and proper he would have remained in his place as an officer in the army of the United States.

If in 1861 an officer of the army had entertained the opinion that the North was in the wrong and that the South was in the right, it could be claimed, fairly, that that officer might forswear his obligations to the old Government and accept service in the Confederacy.

Moral obliquity is not to be assumed in the case of General Lee. His pecuniary and professional interests must have invited him to remain in the army. General Scott, a Virginian, was at the head of the army, and General Scott was his friend. His promotion was certain, and important commands were probable. His large estates in the vicinity of

the city of Washington were exposed to the ravages of war if not to confiscation. These sacrifices, some certain, and others probable were present when he left Washington and entered into the service of the Confederacy under the superior authority of the State of Virginia in disregard of his own opinion, and in disregard, not to say violation, of his oath as a soldier who had sworn to support the Constitution of the United States. General Lee was unable to say whether he had taken an oath to support the Confederate States. He could not recall the fact of taking the oath, but he said he should have taken the oath if it had been tendered to him.

The full report of the testimony of General Lee should appear in any complete biography of the man. It reveals his character, explains the leading influences to which he was subjected, and it sheds light upon the state of public opinion in the South at the end of the contest in arms.

General Scott and General George H. Thomas were Virginians, but they acted in defiance of the State-Rights doctrines of the South. In April, 1861, General Scott gave me an account of the efforts that had been made to induce him to follow the fortunes of Virginia, and he spoke with a voice of emotion of his veneration for the flag, and of his attachment to the Union.

GENERAL GEORGE H. THOMAS

Of the soldiers of the Northern army in the war of the Rebellion, General George H. Thomas takes rank next after the first three—Grant, Sherman and Sheridan. When Grant became President and Sherman was general of the army the President was unwilling to appear to neglect either Sheridan or Thomas. With high appreciation of Thomas as a soldier, the President gave higher rank to Sheridan. He said to me that he placed Sheridan above every other

officer of the war. He gave Sheridan credit for two supreme qualities—great care in his plans and great vigor in execution.

Yet, although the President acted upon a sound basis of opinion, the choice left a painful impression upon his memory.

General Thomas and General Lee were alike in personal appearance, and they resembled each other in their mental characteristics. In one important particular they differed—General Thomas had no respect for State-Rights doctrines. He was a native of Virginia, but there were no indications in his testimony, nor were there rumors, that he had ever hesitated in his course when the rebellion opened.

He exhibited a peculiarity not uncommon among loyal men in the South—a disposition to deprive those who had been engaged in the rebellion of the right of suffrage.

General Thomas was examined by the Committee on Reconstruction January 29, and February 2, 1866. He was then in command of the Military Division of the Tennessee which included the States of Kentucky, Tennessee, Georgia, Alabama and Mississippi. It was the main object of the committee to obtain information as to the public sentiment touching the treatment of the negroes and the re-establishment of civil government in the States that had been in rebellion. The Union sentiment was stronger in Tennessee than in any other State of the Confederacy. The inhabitants of the mountainous districts of eastern and middle Tennessee had been loyal from the opening of the contest in 1860 and 1861. Yet in 1866 General Thomas advised the committee that it would "not be safe to remove the national troops from Tennessee, or to withdraw martial law; or to restore the writ of habeas corpus to its full extent." At that time the peace of eastern Tennessee was disturbed by family feuds and personal quarrels, the outcome of political differences.

In west Tennessee and in portions of middle Tennessee there was a deep seated hostility to Union men, and especially to Southern men who had served in the Union army.

General Thomas said of them: "They are more unfriendly to Union men natives of the State of Tennessee or of the South, who have been in the Union army, than they are to men of Northern birth."

At that time the contract system of labor had been introduced, and the contracts were regarded as binding both by whites and blacks.

General Thomas advised the admission of Tennessee into the Union as a State, and his advice was acted upon favorably by its admission in the summer of that year. His recommendations were based upon the facts that Tennessee had "repudiated the rebel debt, had abolished slavery, had adopted the Constitutional amendment upon that subject, had passed a franchise law prohibiting from voting every man who had been engaged in the rebellion" and had "passed a law allowing negroes to testify."

His opinion of the four other States of his command was not as favorable. "I have received communications from various persons in the South that there was an understanding among the rebels and perhaps organizations formed or forming, for the purpose of gaining as many advantages for themselves as possible; and I have heard it also intimated that these men are very anxious and would do all in their power to involve the United States in a foreign war, so that if a favorable opportunity should occur, they might then again turn against the United States."

At the end of his first examination he gave this opinion as the result of his experience:

Question: "In what could those advantages consist in breaking up the government?"

Answer: "They would wish to be recognized as citizens

of the United States, with the same rights they had before the war."

Question: "How can they do that? By wishing us in a war with England or France, in which they would take part against us?"

Answer: "In that event their desire is to establish the Southern Confederacy. They have not yet given up their desire for a separate government, and if they have an opportunity to strike for it again they will do so."

When asked what he knew of secret organizations he said that he had received several communications to that effect but the parties were unwilling to have their names made public. He added: "The persons communicating with me are reliable and truthful and I believe their statements are correct in the main.

"The nature and object of the organizations," he said, "are the embarrassment of the Government of the United States in the proper administration of the affairs of the country, and if possible, to repudiate the national debt, or to gain such an ascendency in Congress as to make provision for the assumption by Congress of the debt incurred by the rebel government; also, in case the United States Government can be involved in foreign war to watch their opportunity and take advantage of the first that comes to strike for the independence of the States lately in rebellion."

These extracts from the testimony of General Thomas are a fair exposition of the condition of public sentiment in the Confederate States with the exception in a degree of the border States. It is apparent also that General Thomas had not the degree of confidence in the good purposes of those who had been in the rebellion that was entertained by Northern officers including Grant, Sherman, and Sheridan.

As the loyal men of the South were greater sufferers

from the war, their hostility was more intense against those who were responsible for the war.

If we cannot say that Thomas was a great soldier in the large use of the phrase, it can be said that he was a good soldier and that without qualifying words. He should live in history as a true patriot and a man of the highest integrity.

SECRETARY STANTON

Of the men who occupied places in Mr. Lincoln's Cabinet, no one was more free from just criticism affecting unfavorably the value of his public services than Secretary Stanton.

Of those who were nearest to him, no one ever received the impression from his acts or his conversation that he thought of the Presidency as a possibility under any circumstances. Seward, Chase and Bates had been candidates at Chicago in 1860, and whatever may have been the fact in regard to Seward and Bates, it is quite certain that ambition for the Presidency never lost its hold upon Mr. Chase, even when he became Chief Justice of the United States.

Coupled with the absence of ambition, or perhaps in a degree incident to the absence of ambition, Mr. Stanton was the possessor of courage for all the emergencies of the place that he occupied—a courage that was always available, whether in its exercise the wishes of individuals or the fortunes of the country were involved.

It was understood by those who frequented the War Office in the gloomy days of 1862 and '63 that a card signed " A. L." would not always command full respect from Secretary Stanton. He was a believer in the rigid principles of the army, and although he was a humane man he smothered or subdued his sympathy for heart-broken mothers whose sons had deserted the cause of the country, in his determination to save the country through the strictest enforcement of the rules and regulations of the army. Mr. Lincoln, in his

abounding good nature, could not resist the appeals of disconsolate wives and heart-stricken mothers, and it was often Mr. Stanton's fortune to resist such appeals even when supported by the President's card in the form of a request which in ordinary times and upon ordinary men would be treated as an order.

Hence there may have been a foundation for the report that an unsuccessful user of one of the President's cards returned to the President for a reinforcement of the order. The President insisted upon a full report of the Secretary's answer. The applicant repeated the Secretary's remark, which was not complimentary to the President's good sense. The President hesitated, and then declined to renew the order, saying: "Stanton is generally right."

Mr. Stanton's testimony was taken February 11, 1867, and on subsequent days. The record of the text and the accompanying documents cover more than two hundred printed pages. The evidence was taken by the Committee on the Judiciary, and it had special reference to the charges that had been made against President Johnson. At that time, the separation between Mr. Stanton and the President had become irreconcilable, but there are no indications of hostility in the answers given by the Secretary. Indeed, he assumed, without reserve, full responsibility for acts that had been charged on the President by others.

During the war the railroads that fell within our lines were appropriated to the use of the United States, and heavy outlays had been made upon some of them for repairs and improvements. In many cases expenses had been incurred, that in the hands of the corporation would not have been chargeable to a construction account. In a majority of cases, if not in all, the roads had been surrendered without compensation, and the rolling stock had been transferred for very slight consideration.

Mr. Stanton assumed the responsibility of the policy, upon the ground that it was important to the South and to the country that the channels of commerce should be made available without delay and that the army could not be used wisely in commercial traffic. As the President was interested in one of the railroads that received a large benefit by the restoration of its property much improved, he was relieved of all responsibility for a policy that had been much condemned.

Through the testimony of Secretary Stanton the committee was enabled to find the origin and to trace with a degree of accuracy the history of President Johnson's plan of reconstruction. At a time not many days prior to Mr. Lincoln's death, Secretary Stanton prepared an order which contained a *projet* for the government of the States that had been in rebellion. The paper was submitted to President Lincoln and it was considered by him in a cabinet meeting that was held during the day preceding the night of the assassination.

As this paper became the basis for the proclamations for the government of the States that had been in rebellion, its history, as given by Mr. Stanton, is worthy of exact report in his own words:

"On the last day of Mr. Lincoln's life, there was a Cabinet meeting, at which General Grant, and all the members of the Cabinet, except Mr. Seward, were present. General Grant at that time made a report of the condition of the country, as he conceived it to be, and as it would be on the surrender of Johnston's army, which was regarded as absolutely certain. The subject of reconstruction was talked of at considerable length. Shortly previous to that time I had myself, with a view of putting into a practicable form the means of overcoming what seemed to be a difficulty in the mind of Mr. Lincoln, as to the mode of reconstruction, prepared a rough draft of a form or mode by which the authority and laws of the United States should be re-established, and

governments reorganized in the rebel States under the Federal authority, without any necessity whatever for the intervention of rebel organizations or rebel aid.

In the course of that consultation Mr. Lincoln alluded to the paper, went into his room, brought it out, and asked me to read it, which I did, and explained my ideas in regard to it. There was one point which I had left open; that was as to who should constitute the electors in the respective States . . . I left a blank upon that subject to be considered. There was at that time nothing adopted about it, and no opinions expressed; it was only a *projet.*

At the request of Mr. Lincoln and the Cabinet, the order was printed and a copy was given to each member, and a copy was given to Mr. Johnson when he had become President.

The plan was further considered in Mr. Johnson's Cabinet, and some alterations were made. The point of chief difference related to the elective franchise—whether it should be extended to the negro race.

Mr. Stanton said: "There was a difference of opinion upon that subject. The President expressed his views very clearly and distinctly. I expressed my views, and other members of the Cabinet expressed their views. The objections of the President to throwing the franchise open to the colored people appeared to be fixed, and I think every member of the Cabinet assented to the arrangement as it was specified in the proclamation relative to North Carolina. After that I do not remember that the subject was ever again discussed in the Cabinet."

Thus from Mr. Stanton's testimony we gather the important facts as to the origin of a measure which became the subject of bitter controversy between President Johnson and the Republican Party. The framework of the North Carolina proclamation was furnished by Mr. Stanton. When alter-

ations had been made the proclamation was agreed to by the Cabinet but without a declaration or even an understanding upon the point which, without much delay, became the vital point: was the policy of government that was announced in the proclamation a permanent policy or was it a temporary expedient, a substitute for military government, and subject to the approval or disapproval of Congress?

General Grant was of the opinion that the organizations which the President set up in the States were temporary and that they were subject to the action of Congress.

Mr. Stanton's opinion is expressed carefully, in his own words: "My opinion is, that the whole subject of reconstruction and the relation of the State to the Federal Government is subject to the controlling power of Congress; and while I believe that the President and his Cabinet were not violating any law, but were faithfully performing their duty in endeavoring to organize provisional governments in those States, I supposed then, and still suppose, that the final validity of such organizations would rest with the law-making power of the government."

In an official letter, dated January 8, 1866, Secretary Stanton gave his reasons for the payment of the salaries of the provisional governors: "The payments were made from the appropriation of army contingencies because the duties performed by the parties were regarded of a temporary character ancillary to the withdrawal of military force, and to take the place of the armed forces in the respective States."

On the other hand the President chose to treat the governments that had been set up as permanent governments and beyond the control of Congress. On this point, the contest between President Johnson and the Republican Party was made up. It ended in an appeal to the people, who rendered a judgment against *the President* by a two-thirds majority. The testimony of Secretary Seward, and official papers that

were issued from the Department of State in the year 1865, may warrant the conclusion that President Johnson was not then prepared to treat the new state organizations as final and binding upon Congress and the country.

Under date of July 8, 1865, Secretary Seward said, in an official letter to Governor Holden of North Carolina: "It is understood here that besides cotton which has been taken by the Secretary of the Treasury under Act of Congress there were quantities of resin, and other articles, as well as funds, lying about in different places in the State and not reduced into possession by United States officers as insurgent property. The President is of opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government."

On the 14th day of November, 1865, Mr. McCulloch authorized Mr. Worth, acting as treasurer in North Carolina, to use the fragments of rebel property that might be gathered to defray the expenses of the provisional government of the State.

In answer to a question put to Secretary Seward, he said: "I do not remember that any provisional governor held a military office, except Mr. Johnson."

In the further examination of Mr. Seward, May 16, 1867, he indicated his concurrence with President Johnson in this remark: "The object was to proceed with the work of the restoration of the Union as speedily and effectively and wisely as possible, having no reference as to whether Congress would be in session or not."

This question was put to Mr. Seward:

"Did not he (the President) urge these parties to be prepared to be at the doors of Congress by the time of its next meeting?"

The answer was: "Very likely he did. I do not know of

the fact. I know that I was very anxious that these States should be represented in Congress, and that he was equally so, that they should be provided with representatives who could be admitted."

The policy of the administration, July 24, 1865, is set forth in a despatch from Secretary Seward to Governor Sharkey, of Mississippi (he is addressed as Provisional Governor): "The President sees no occasion to interfere with General Slocum's proceedings. The government of the State will be provisional only until the civil authorities shall be restored with the approval of Congress."

Upon the united testimony of General Grant, Secretary Stanton and Secretary Seward, it may be claimed fairly that the governments that were set up under proclamations of the President were treated in the beginning as provisional governments and subject to the final judgment of Congress.

In 1866, when the rupture between Congress and the President had taken form, the President with the support of Mr. Seward announced the doctrine that the governments which had been set up were valid governments, and that claimants for seats in Congress from those who could prove their loyalty were entitled to admission.

Thus was a foundation laid for the impeachment of President Johnson by the House of Representatives, and his trial by the Senate.

XXXII

IMPEACHMENT OF ANDREW JOHNSON

THE nomination of Andrew Johnson to the Vice-Presidency in 1864, by the Republican Party, was a repetition of the error committed by the Whig Party in 1840, in the nomination of John Tyler for the same office. In each case the nomination was due to an attempt to secure the support of a body of men who were not in accord in all essential particulars with the party making the nomination.

John Tyler was opposed to the administration of Mr. Van Buren, but he was opposed also to a national bank, which was then an accepted idea and an assured public policy of the Whig Party. Hence, it happened that when Mr. Tyler came to the Presidency, he resisted the attempt of Congress to establish a national bank, and by the exercise of the veto power, on two occasions, he defeated the measure. This controversy caused the overthrow of the Whig Party, and it ended the contest in behalf of a United States bank.

In the case of John Tyler and in the case of Andrew Johnson there was an application, in dangerous excess, of a policy that prevails in all national conventions. When the nomination of a candidate for the Presidency has been secured, the dominant wing of the party turns to the minority with a tender of the Vice-Presidency. In 1880, when the nomination of General Garfield had been made, the selection of a candidate for the Vice-Presidency was tendered to the supporters of General Grant, and it was declined by more than one person.

Mr. Johnson never identified himself with the Republican Party; and neither in June, 1864, nor at any other period of his life, had the Republican Party a right to treat him as an associate member. He was, in fact, what he often proclaimed himself to be—a Jacksonian Democrat. He was a Southern Union Democrat. He was an opponent, and a bitter opponent, of the project for the dissolution of the Union, and a vindictive enemy of those who threatened its destruction.

His speeches in the Senate in the Thirty-sixth and the Thirty-seventh Congress were read and much approved throughout the North, and they prepared the way for the acceptance of his nomination as a candidate of the Republican Party in 1864.

Mr. Johnson was an earnest supporter of the Crittenden Compromise. That measure originated in the House of Representatives. It was defeated in the Senate by seven votes and six votes of the seven came from the South. The provisions of the bill were far away from the ideas of Republicans generally, although the measure was sustained by members of the party. By that scheme the Fugitive Slave Law was made less offensive in two particulars, but the United States was to pay for fugitives from slavery whenever a marshal failed to perform his duty. As an important limitation of the powers of Congress, the abolition of slavery in the District of Columbia was to be dependent upon the consent of the States of Maryland and Virginia.

Mr. Johnson gave voice to his indignation when he spoke of the Southern men whose votes contributed to the defeat of the Crittenden Compromise. "Who, then," said he, "has brought these evils upon the country? Whose fault was it? Who is responsible for it? With the help we had from the other side of the chamber, if all those on this side had been true to the Constitution and faithful to their constitutents, and had acted with fidelity to the country, the amendment

of the Senator from New Hampshire could have been voted down. Whose fault was it? Who did it? Southern traitors, as was said in the speech of the Senator from California. They did it. They wanted no compromise."

These extracts show the style of speech in which Mr. Johnson indulged, and they prove beyond question that in the winter of 1861 he had no sympathy with the Republican Party of 1856 and 1860. These facts explain, and in some measure they may palliate, the peculiarities of his career, which provoked criticism and an adverse popular judgment when he came to the Presidency. Nor is there evidence within my knowledge that he ever denied the right of secession. However that may have been, he disapproved of the exercise of the right at all stages of the contest.

In the Thirty-sixth Congress Mr. Johnson proposed amendments to the Constitution which gave him consideration in the North. By his proposition the Fugitive Slave Law was to be repealed, and in its place the respective States were to return fugitives or to pay the value of those that might be retained.

Slavery was to be abolished in the District of Columbia with the consent of Maryland and upon payment of the full value of the slaves emancipated. The Territories were to be divided between freedom and slavery. His scheme contemplated other changes not connected necessarily with the system of slavery. Of these I mention the election of President, Vice-President, Senators, and Judges of the Supreme Court by the people, coupled with a limitation of the terms of the judges to twelve years.

The Crittenden Resolution contained these declarations of facts and policy:

1. The present deplorable war has been forced upon the country by the disunionists of the Southern States.

2. Congress has no purpose of conquest or subjugation,

nor purpose of overthrowing or interfering with the established rights of those States.

Upon a motion to include disunionists of the North under the first charge, Mr. Johnson voted in the negative with Sumner, Wilson, Wade, and other Republicans.

This brief survey of Mr. Johnson's Congressional career at the opening of the war may indicate the characteristics of his mind in controversy and debate, and furnish means for comprehending his actions in the troublous period of his administration.

Some conclusions are deducible from this survey. First of all it is to be said that he never assumed to be a member of the Republican Party. Next, I do not find evidence which will justify the statement that he was a disbeliever in the right of a State to secede from the Union. It is manifest that he was not an advocate of the doctrine of political equality as it came to be taught by the leaders of the Republican Party. When he became President, he was an opponent of negro suffrage.

This record, though not concealed, was not understood by the members of the convention that placed him in nomination for the second office in the country.

This analysis prepares the way for an extract from the testimony of Mr. Stanley Matthews, who was afterwards a justice of the Supreme Court, and who was examined by the Judiciary Committee of the House of Representatives when engaged in investigating the doings of the President previous to his impeachment. Mr. Johnson was appointed Military Governor of Tennessee the third day of March, 1862. Colonel Matthews was provost-marshal at Nashville, where Johnson resided during his term as Governor. In that term Matthews and Johnson became acquainted. When Johnson was on his way to Washington to take the oath of office, he stopped at the Burnet House in Cincinnati.

Matthews called upon him. Matthews had been a Democrat until the troubles in Kansas. In the conversation at the Burnet House Mr. Johnson made these remarks, after some personal matters had been disposed of. I quote from the testimony of Judge Matthews:

"I inquired as to the state of public feeling on political matters in Tennessee at that time. He remarked that very great changes had taken place since I had been there, that many of those who at first were the best Union men had turned to be the worst rebels, and that many of those who had originally been the worst rebels were now the best Union men. I expressed surprise and regret at what he said in reference to the matter.

"We were sitting near each other on the sofa. He then turned to me and said, 'You and I were old Democrats.' I said, 'Yes.' He then said, *'I will tell you what it is, if the country is ever to be saved, it is to be done through the old Democratic Party.'*

"I do not know whether I made any reply to that, or, if I did, what it was; and immediately afterwards I took my leave."

The larger part of this quotation is only important as leading up to the phrase that is emphasized, and which may throw light upon Mr. Johnson's policy and conduct when he came to the Presidency.

This conversation occurred in the month of February, 1865, and it must be accepted as evidence, quite conclusive, that Mr. Johnson was then opposed to the policy of the Republican Party, whose honors he had accepted. In a party sense Mr. Johnson was not a Republican: he was a Union Democrat. He was opposed to the dissolution of the Union, but not necessarily upon the ground that the Union had a supreme right to exist in defiance of what is called "State sovereignty." This with the Republican Party was a fun-

damental principle. Under the influence of the principles of the old Democratic Party Mr. Johnson advanced to the Vice-Presidency, and while under the influence of the same idea he became President.

When the Republican Party came to power, the State of Maryland, that portion of Virginia now known as West Virginia, the State of Kentucky, and the State of Missouri were largely under the influence of sympathizers with the eleven seceding States of the South. It was necessary in Maryland, Kentucky, and Missouri to maintain the ascendency of the National Government by the exhibition of physical force, and in some instances by its actual exercise. Mr. Lincoln's policy in regard to the question of slavery was controlled, up to the month of July, 1862, by the purpose to conciliate Union slave-holders in the States mentioned. Of his measures I may refer to the proposition to transfer the free negroes to Central America, for which an appropriation of $25,000 was made by Congress. Next, Congress passed an act for the abolition of slavery in the District of Columbia upon the payment of three hundred dollars for each slave emancipated.

Without representing in his history or in his person the slave-holding interests of the South, Mr. Johnson was yet a Southern man with Union sentiments. The impression was received therefrom that his influence would be considerable in restraining, if not in conciliating slave-holders in what were called the "border States." These facts tended to his nomination for the Vice-Presidency. I have no means for forming an opinion that is trustworthy as to the position of Mr. Lincoln in reference to the nomination of Mr. Johnson. His nomination may justify the impression that the Republican Party was in doubt as to its ability to re-elect Mr. Lincoln in 1864. From the month of July, 1862, to the nomination in 1864, I had frequent interviews with Mr.

Lincoln, and I can only say that, during the period when the result of the election was a subject of thought, he gave no intimation in the conversations that I had with him that the element of doubt as to the result existed in his mind.

From what has been said, the inference may be drawn that Mr. Johnson came to the Vice-Presidency in the absence of any considerable degree of confidence on the part of the Republican Party, although there were no manifestations of serious doubt as to his fitness for the place, or as to his fidelity to the principles of the party.

The incidents of the inauguration of Mr. Johnson in the Senate Chamber, and especially his speech on the occasion, which was directed, apparently, to the diplomatic corps, excited apprehensions in those who were present, and the confidence of the country was diminished materially concerning his qualifications for the office to which he had been elected. Without delay these apprehensions circulated widely, and they were deepened in the public mind by the assassination of Mr. Lincoln and the elevation of Mr. Johnson to the Presidency.

The public confidence received a further serious shock by his proclamation of May 29, 1865, for the organization of a State government in North Carolina. That proclamation contained provisions in harmony with what has been set forth in this paper concerning the political principles of Mr. Johnson. First of all, he limited the franchise to persons "qualified as prescribed by the constitution and laws of the State of North Carolina in force immediately before the 20th day of May, 1861, the date of the so-called Ordinance of Secession. This provision was a limitation of the suffrage, and it excluded necessarily the negro population of the State. It was also a recognition of the right of the State to reappear as a State in the Union. It was, indeed, an early assertion of the phrase which afterwards became controlling

with many persons—" Once a State, always a State." He further recognized the right of the State to reappear as a State in the organization and powers of the convention which was to be called under the proclamation. As to that he said: " The convention when convened, or the legislature which may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State, a power the people of the several States composing the Union have rightfully exercised from the origin of the Government to the present time." There were further instructions given in the proclamation as to the duties of various officers of the United States to aid Governor Holden, who, by the same proclamation, was appointed " Provisional Governor of the State of North Carolina."

Upon the publication of this proclamation I was so much disturbed that I proceeded at once to Washington, but without any definite idea as to what could be done to arrest the step which seemed to me a dangerous step towards the reorganization of the Government upon an unsound basis. At that time I had had no conversation with Mr. Johnson, either before or after he came to the Presidency, upon any subject whatever. The interview which I secured upon that visit was the sole personal interview that ever occurred between us. I called upon Senator Morrill of Vermont, and together we made a visit to the President. I spoke of the features of the proclamation that seemed to me objectionable. He said that " the measure was tentative " only, and that until the experiment had been tried no other proclamation would be issued. Upon that I said in substance that the Republican Party might accept the proclamation as an experiment, but that it was contrary to the ideas of the party, and that a continuance of the policy would work a disruption of the party. He assured us that nothing further would

be done until the experiment had been tested. With that assurance we left the Executive Mansion.

On the 13th day of June, 1865, a similar proclamation was issued in reference to the State of Mississippi, and on the 17th of June, the 21st and 30th of June, and the 13th day of July, corresponding proclamations were issued in reference to the States of Georgia, Texas, Alabama, South Carolina, and Florida. In each State a person was named as Provisional Governor. This action led to a division of the party and to its subsequent reorganization against the President's policy.

In his letter of acceptance of the nomination made by the Union Convention, Mr. Johnson endorsed, without reserve, the platform that had been adopted. The declarations of the platform did not contain a reference to the reorganization of the Government in the event of the success of the Union arms. The declarations were enumerated in this order: the Union was to be maintained; the war was to be prosecuted upon the basis of an unconditional surrender of the rebels; and slavery, as the cause of the war, was to be abolished. The added resolutions related to the services of the soldiers and sailors, and to the policy of Abraham Lincoln as President. It was further declared that the public credit should be maintained, that there should be a vigorous and just system of taxes, and that the people would view with "extreme jealousy," and as enemies to the peace and independence of the country, the efforts of any power to obtain new footholds for monarchical government on this continent. Such being the character of the platform, it cannot be said that Mr. Johnson challenged its declarations in the policy on which he entered for the reorganization of the Government. In Mr. Johnson's letter of acceptance he preserved his relations to the Democrats by the use of this phrase: "I cannot forego the opportunity of saying to my old friends of the

Democratic Party proper, with whom I have so long and pleasantly been associated, that the hour has come when that great party can justly indicate its devotion to the Democratic policy in measures of expediency."

The controversy with Mr. Johnson had its origin in the difference of opinion as to the nature of the Government. That difference led him to the conclusion that the rebellion had not worked any change in the legal relations of the seceding States to the National Government. His motto was this: "Once a State, always a State," whatever might be its conduct either of peace or of war. There were, however, differences of opinion among those who adhered to the Republican Party. Mr. Stevens, who was a recognized, if not the recognized, leader of the Republican Party, advocated the doctrine that the eleven States were to be treated as enemy's territory, and to be governed upon whatever system might be acceptable to the States that had remained true to the Union. Mr. Sumner maintained the doctrine that the eleven States were Territories, and that they were to be subject to the General Government until Congress should admit the several Territories as State organizations. The fourth day of May, 1864, I presented a series of resolutions in the House of Representatives, in which I asserted this doctrine: The communities that have been in rebellion can be organized into States only by the will of the loyal people expressed freely and in the absence of all coercion; that States so organized can become States of the American Union only when they shall have applied for admission and their admission shall have been authorized by the existing National Government. A small number of persons who were identified with the Republican Party sustained the policy of Mr. Johnson. Others were of the opinion that the eleven States were out of their proper relation to the Union, as was declared by Mr. Lincoln in his last speech, and that

they could become members of the American Union only by the organized action of each, and the concurrent action of the existing National Government. The Government was reorganized without any distinct declaration upon the question whether the States that had been in rebellion were to be treated as enemy's territory, or as Territories according to the usage of former times. The difference of opinion was a vital one with Mr. Johnson. Whatever view may be taken of his moral qualities, it is to be said that he was not deficient in intellectual ability, that his courage passed far beyond the line of obstinacy, and that from first to last he was prepared to resist the claims of the large majority of the Republican Party. The issue began with his proclamation of May, 1865, and the contest continued to the end of his term. The nature of the issue explains the character and violence of his speeches, especially that of the twenty-second day of February, 1866, when he spoke of Congress as a "body hanging on the verge of the Government."

In the many speeches which he delivered in his trip through the West, he made distinct charges against Congress. He was accompanied by Mr. Seward, General Grant, Admiral Farragut, and some others. In a speech at Cleveland, Ohio, he said, among other things, "I have called upon your Congress, which has tried to break up the Government." Again, in the same speech he said, "I tell you, my countrymen, that although the powers of Thad Stevens and his gang were by, they could not turn me from my purpose. There is no power that can turn me, except you and the God who put me into existence." He charged, also, that Congress had taken great pains to poison their constituents against him. "What had Congress done? Had they done anything to restore the Union in those States? No; on the contrary, they had done everything to prevent it."

In a speech made at St. Louis, Missouri, September 8, 1866, Mr. Johnson discussed the riot at New Orleans.* In that speech he said, "If you will take up the riot in New Orleans, and trace it back to its source, or its immediate cause, you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the radical Congress, you will find that the riot at New Orleans was substantially planned." After some further observations, he says: "Yes, you will find that another rebellion was commenced, having its origin in the radical Congress."

These extracts from Mr. Johnson's speeches should be considered in connection with his proclamations of May, June, and July, 1865. They are conclusive to this point: that he had determined to reconstruct the Government upon the basis of the return of the States that had been engaged in the rebellion without the imposition of any conditions whatsoever, except such as he had imposed upon them in his proclamations. In fine, that the Government was to be re-established without the authority or even the assent of the Congress of the United States. In his proclamations he made provision for the framing of constitutions in the respective States, their ratification by the people, excluding all those who were not voters in April, 1861, and for the election of Senators and Representatives to the Congress of the United States without the assent of the Representatives of the existing States.

When I arrived in Washington to attend the meeting of Congress at the December session, 1866, I received a note from Mr. Stanton asking me to meet him at the War Office with as little delay as might be practicable. When I called at the War Office, he beckoned me to retire to his private

*This was a race riot, which occurred July 30, 1866, and in which many negroes were killed.—EDITOR.

room, where he soon met me. He then said that he had been more disturbed by the condition of affairs in the preceding weeks and months than he had been at any time during the war. He gave me to understand that orders had been issued to the army of which neither he nor General Grant had any knowledge. He further gave me to understand also that he apprehended an attempt by the President to reorganize the Government by the assembling of a Congress in which the members from the seceding States and the Democratic members from the North might obtain control through the aid of the Executive. He then said that he thought it necessary that some act should be passed by which the power of the President might be limited. Under his dictation, and after such consultation as seemed to be required, I drafted amendments to the Appropriation Bill for the Support of the Army, which contained the following provisions: The headquarters of the General of the Army were fixed at Washington, where he was to remain unless transferred to duty elsewhere by his own consent or by the consent of the Senate. Next, it was made a misdemeanor for the President to transmit orders to any officer of the army except through the General of the Army. It was also made a misdemeanor for any officer to obey orders issued in any other way than through the General of the Army, knowing that the same had been so issued. These provisions were taken by me to Mr. Stevens, the chairman of the Committee on Appropriations. After some explanation, the measure was accepted by the committee and incorporated in the Army Appropriation Bill. The bill was approved by the President the second day of March, 1867. His approval was accompanied by a protest on his part that the provision was unconstitutional, and by the statement that he approved the bill only because it was necessary for the support of the army.

At the time of my interview with Mr. Stanton, I was not informed fully as to the events that had transpired in the preceding months, nor can I now say that everything which had transpired of importance was then known to Mr. Stanton. The statement that I am now to make was derived from conversations with General Grant. At a time previous to the December session of 1866, the President said to General Grant, "I may wish to send you on a mission to Mexico." General Grant replied, "It may not be convenient for me to go to Mexico." Little, if anything, further was said between the President and General Grant. At a subsequent time General Grant was invited to a Cabinet meeting. At that meeting Mr. Seward read a paper of instructions to General Grant as Minister of some degree to Mexico. The contents of the paper did not impress General Grant very seriously, for in the communication that he made to me he said that "the instructions came out very near where they went in." At the end of the reading General Grant said, "You recollect, Mr. President, I said it would not be convenient for me to go to Mexico." Upon that a conversation followed, when the President became heated, and rising from his seat, and striking the table with some force, he said, "Is there an officer of the army who will not obey my instructions?" General Grant took his hat in his hand, and said, "I am an officer of the army, but I am a citizen also; and this is a civil service that you require of me. I decline it." He then left the meeting. It happened also that previous to this conversation the President had ordered General Sherman, who was in command at Fort Leavenworth, to report at Washington. General Sherman obeyed the order, came to Washington, and had a conference with General Grant before he reported to the President. In that situation of affairs General Sherman was sent to Mexico upon the mission which had been prepared for General Grant.

The suggestion that Mr. Johnson contemplated the reorganization of the Government by the admission of the States that had been in rebellion, and by the recognition of Senators and Representatives that might be assigned from those States, received support from the testimony given by Major-General William H. Emery, and also from the testimony of General Grant. In the latter part of the year 1867 and the first part of the year 1868, General Emery was in command of the Department of Washington. When he entered upon the command, he called upon the President. A conversation, apparently not very important, occurred between them, as to the military forces then in that department. In February, 1868, the President directed his secretary to ask General Emery to call upon him as early as practicable. In obedience to that request General Emery called on the twenty-second day of February. The President referred to the former conversation, and then inquired whether any changes had been made, and especially within the recent days, in the military forces under Emery's command. In the course of the conversation growing out of these requests for information, General Emery referred to an order which had then been recently issued which embodied the provisions of the act of March, 1867, in regard to the command of the army and the transmission of orders. The President then said to Emery:

"What order do you refer to?"

In reply Emery said:

"Order No. 17 of the Series of 1867."

The order was produced and read by the President, who said:

"This is not in conformity with the Constitution of the United States, that makes me commander-in-chief, or with the terms of your commission."

General Emery said:

"That is the order which you have approved and issued to the army for our Government."

The President then said:

"Am I to understand that the President of the United States cannot give an order except through the head of the army, or General Grant?"

In the course of the conversation General Emery informed the President that eminent lawyers had been consulted, that he had consulted Robert J. Walker, and that all of the lawyers consulted had expressed the opinion that the officers of the army were bound by the order whether the statute was constitutional or unconstitutional.

When General Grant was before the Judiciary Committee of the House of Representatives during the impeachment investigation, this question was put to him:

"Have you at any time heard the President make any remark in regard to the admission of members of Congress from rebel States in either House?"

"I cannot say positively what I have heard him say. I have heard him say as much in his public speeches as anywhere else. I have heard him say twice in his speeches that if the North carried the election by members enough to give them, with the Southern members, the majority, why should they not be the Congress of the United States? I have heard him say that several times."

That answer was followed by this question:

"When you say the North, you mean the Democratic Party of the North, or, in other words, the party advocating his policy?"

General Grant replied:

"I meant if the North carried enough members in favor of the admission of the South. I did not hear him say that

he would recognize them as the Congress, I merely heard him ask the question, 'Why would they not be the Congress?'"

At this point, and without further discussion of the purpose of Mr. Johnson in regard to the reorganization of the Government, I think it may be stated without injustice to him, that while he was opposed to secession at the time the Confederate Government was organized, and thenceforward and always without change of opinion, yet he was also of opinion that the act of secession by the several States had not disturbed their legal relations to the National Government. Acting upon that opinion, he proceeded to reorganize the State governments, and with the purpose of securing the admission of their Senators and Representatives without seeking or accepting the judgment of Congress upon the questions involved in the proceeding. On one vital point he erred seriously and fundamentally as to the authority of the President in the matter. From the nature of our Government there could be no escape in a legal point of view from the conclusion that, whatever the relations were of the seceding States to the General Government, the method of restoration was to be ascertained and determined by Congress, and not by the President acting as the chief executive authority of the nation. In a legal and constitutional view, that act on his part, although resting upon opinions which he had long entertained, and which were entertained by many others, must be treated as an act of usurpation.

The facts embodied in the charges on which Mr. Johnson was impeached by the House and arraigned before the Senate were not open to doubt, but legal proof was wanting in regard to the exact language of his speeches. The charges were in substance these: That he had attacked the integrity and the lawful authority of the Congress of the United States in public speeches made in the presence of the country.

The second charge was that he had attempted the removal of Mr. Stanton from the office of Secretary of War, and that, without the concurrence of the Senate, he had so removed him, contrary to the act of Congress, known as the Tenure of Office Act. In the first investigation into the conduct of Andrew Johnson, he was described in the resolution as "Vice-President of the United States, discharging at present the duties of President of the United States." The resolution was adopted by the House of Representatives the seventh day of March, 1867. A large amount of testimony was taken, and the report of the committee, in three parts, by the different members, was submitted to the House the fourth day of the following December. The majority of the committee, consisting of George S. Boutwell, Francis Thomas, Thomas Williams, William Lawrence, and John C. Churchill, reported a resolution providing for the impeachment of the President of the United States, in these words: "Resolved, that Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors." It will be observed that in the resolution for his impeachment he is described as "President of the United States," while in the resolution authorizing the inquiry into his conduct he is described as "Vice-President, discharging at present the duties of the President of the United States." This question received very careful consideration by the committee, and the conclusion was reached that he was the President of the United States, although he had been elected only to the office of Vice-President. As that question was not raised at the trial by demurrer or motion, it may now be accepted as the established doctrine that the Vice-President, when he enters upon the duties of President, becomes President of the United States. The extended report that was made by the majority of the committee was written by Mr. Williams. The summary, which was in the nature of

charges, was written by myself. That summary set forth twenty-eight specifications of misconduct on the part of the President, many of which, however, were abandoned when the articles of impeachment were prepared in February, 1868.

In the discussions of the committee there were serious differences of opinion upon provisions of law. The minority of the committee, consisting of James F. Wilson, who was chairman of the Judiciary Committee, Frederick E. Woodbridge, S. S. Marshall, and Charles E. Eldridge, maintained the doctrine that a civil officer under the Constitution of the United States was not liable to impeachment except for the commission of an indictable offence. This doctrine had very large support in the legal profession, resting on remarks found in Blackstone. On the other hand, Chancellor Kent, in his Commentaries, had given support to the doctrine that a civil officer was liable to impeachment who misdemeaned himself in his office. The provision of the Constitution is in these words:

"The President, Vice-President, and all Civil Officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

The majority of the Judiciary Committee, in the controversy which arose in the committee and in the House of Representatives, maintained that the word "misdemeanors" was used in a political sense, and not in the sense in which it is used in the criminal law. In support of this view attention was called to the fact that the party convicted was liable only to removal from office, and therefore that the object of the process of impeachment was the purification and preservation of the civil service. In the opinion of the majority, it was the necessity of the situation that the power of impeachment should extend to acts and offences that were not indictable by statute nor at common law. The

report of the Judiciary Committee, made the twenty-fifth day of November, was rejected by the House of Representatives.

The attempt of the President to remove Mr. Stanton from the office of Secretary for the Department of War revived the question of impeachment, and on Monday, the twenty-fourth day of February, 1868, the House of Representatives "resolved to impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors." The articles of impeachment were acted on by the House of Representatives the second day of March, and on the fourth day of March they were presented to the Senate through Mr. Bingham, chairman of the managers, who was designated for that duty.

The articles were directed to the following points, namely: That the President, by his speeches, had attempted "to set aside the rightful authority and powers of Congress"; that he had attempted "to bring into disgrace, ridicule, hatred, contempt, and reproach the Congress of the United States and the several branches thereof"; and "that he had attempted to incite the odium and resentment of all the good people of the United States against Congress and the laws by them duly and constitutionally enacted." Further, it was alleged that he had declared in speeches that the "Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution of the United States to exercise legislative power in the same."

A further charge, and on which greater reliance was placed, was set forth in these words: "That he had denied and intended to deny the power of the Thirty-ninth Congress to propose amendments to the Constitution of the United States." These articles were in substance the articles that had been rejected by the House of Representatives in 1867. Finally, as the most important averment of all, the President was charged with an "attempt to prevent the

execution of the act entitled 'An Act Regulating the Tenure of Certain Civil Offices,' passed March 2, 1867, by unlawfully devising and contriving and attempting to devise and contrive means by which he could prevent Edwin M. Stanton from forthwith resuming the functions of the office of the Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension theretofore made by said Andrew Johnson of the said Edwin M. Stanton from said office of Secretary for the Department of War." In various forms of language these several charges were set forth in the different articles of impeachment — eleven in all. The eleventh article, which was prepared by Mr. Stevens, embodied the summary of all the charges mentioned. It is to be observed that in the eleventh article there is no allegation that the President had committed an offence that was indictable under any statute of the United States or that would have been indictable at common law. It may be assumed, I think, that for this country, at least, the question that was raised at the beginning and argued with great force, and by which possibly the House of Representatives may have been influenced in the year 1867, has been settled to accord with the report of the majority of the Judiciary Committee. The House decided that the President was impeachable for misdemeanors in office. With stronger reason it may be said that every other civil officer is bound to behave himself well in his office. He cannot do any act which impairs his standing in the place which he holds, or which may bring discredit upon the public, and especially he may not do any act in disregard of his oath to obey the laws and to support the Constitution of the country. The eleventh article was the chief article that was submitted to a vote in the Senate. The question raised by that article was this in substance: Is the President of the United States guilty in manner and form as set forth in this article? On

that question thirty-five Senators voted that he was guilty, and nineteen Senators voted that he was not guilty. Under the Constitution the President was found not guilty of the offences charged, but the majority given may be accepted, and probably will be accepted, as the judgment of the Senate that the President of the United States is liable to impeachment and removal from office for acts and conduct that do not subject him to the process of indictment and trial in the criminal courts. At this point I express the opinion that something has been gained, indeed that much has been gained, by the decision of the House of Representatives, supported by the opinions of a large majority in the Senate.

The answer of the respondent, considered in connection with the arguments that were made by his counsel, sets forth the ground upon which the Republican members of the Senate may have voted that the President was not guilty of the two principal offences charged, viz.: that in his speeches he had denounced and brought into contempt, intentionally, the Congress of the United States; and, second, that his attempted removal of Edwin M. Stanton was a violation of the Tenure of Office Act. In the President's answer to article ten, which contained the allegation that in his speech at St. Louis, in the year 1866, he had used certain language in derogation of the authority of the Congress of the United States, it was averred that the extracts did not present his speech or address accurately. Further than that, it was claimed that the allegation under that article was not "cognizable by the court as a high misdemeanor in office." Finally, it was claimed that proof should be made of the "actual" speech and address of the President on that occasion. The managers were not able to meet the demand for proof in a technical sense. The speech was reported in the ordinary way, and the proof was limited to the good faith of the reporters and the general accuracy of the printed

report in the newspapers. In this situation as to the charges and the answer, it is not difficult to reach the conclusion that members of the Senate had ground for the vote of not guilty upon the several charges in regard to the speeches that were imputed to the President.

Judge Curtis, in his opening argument, furnished a technical answer to the article in which the President was charged with the violation of the Tenure of Office Act, in his attempt to remove Mr. Stanton from the office of Secretary of the Department of War. Judge Curtis gave to the proviso to that statute an interpretation corresponding to the interpretation given to criminal statutes. Mr. Stanton was appointed to the office in the first term of Mr. Lincoln's administration. The proviso of the statute was in these words: "Provided that the Secretaries of State, of the Treasury, of War, etc., shall hold their offices for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to their removal by and with the advice of the Senate." The proviso contained exceptions to the body of the statute, by which all civil officers who held appointments by and with the advice and consent of the Senate were secure in their places unless the Senate should assent to their removal. It was the object of the proviso to relieve an incoming President of Secretaries who had been appointed by his predecessor. The construction of the proviso, as given by Judge Curtis, was fatal to the position taken by the managers. It was claimed by the managers that the sole object of the proviso was the relief of an incoming President from the continuance of a Secretary in office beyond thirty days after the commencement of his term, and that it had no reference whatever to the right of the President to remove a Secretary during his term.

There were incidents in the course of the proceedings that possess historical value. By the Constitution the Chief Jus-

tice of the Supreme Court is made the presiding officer in the Senate when the President is put upon trial on articles of impeachment. Chief Justice Chase claimed that he was to be addressed as "Chief Justice." That claim was recognized by the counsel for the President and by some members of the Senate. The managers claimed that he was there as the presiding officer, and not in his judicial capacity. He was addressed by the managers and by some of the Senators as "Mr. President."

There was a difference of opinion in the Senate, and a difference between the managers and the counsel for the respondent, as to the right of the presiding officer to rule upon questions of law and evidence arising in the course of the trial. Under the rule of the Senate as adopted, the rulings of the President were to stand unless a Senator should ask for the judgment of the Senate.

Other instances occurred which do not possess historical value, but were incidents unusual in judicial proceedings. When the Judiciary Committee of the House was entering upon the investigation of the conduct of President Johnson, General Butler expressed the opinion that upon the adoption of articles of impeachment by the House the President would be suspended in his office until the verdict of the Senate. As this view was not accepted by the committee, I made these remarks in my opening speech to the House after a review of the arguments for and against the proposition:

"I cannot doubt the soundness of the opinion that the President, even when impeached by the House, is entitled to his office until he has been convicted by the Senate."

This view was accepted.

At the first meeting of the managers I was elected chairman by the votes of Mr. Stevens, General Logan, and General Butler. Mr. Bingham received the votes of Mr. Wilson and Mr. Williams. Upon the announcement of the vote, Mr.

Bingham made remarks indicating serious disappointment and a purpose to retire from the Board of Managers. I accepted the election, and acted as chairman at the meeting. At the next meeting, and without consultation with my associates, I resigned the place and nominated Mr. Bingham. The nomination was not objected to, and Mr. Bingham took the chair without comment by himself, nor was there any comment by any other person. The gentlemen who had given me their votes and support criticized my conduct with considerable freedom, and were by no means reconciled by the statement which I made to them. Having reference to the nature of the contest and the condition of public sentiment, I thought it important that the managers should avoid any controversy before the public, especially as to a matter of premiership in the conduct of the trial. It seemed to be important that the entire force of the House of Representatives should be directed to one object, the conviction of the accused. Beyond this, Mr. Bingham and Mr. Wilson had been opposed to the impeachment of Mr. Johnson when the attempt was first made in the House of Representatives. I thought it important to combine the strength that they represented in support of the proceeding in which we were then engaged. If Mr. Stevens had been in good health, he would have received my support and the support of General Butler and General Logan. At that time his health was much impaired, but his intellectual faculties were free from any cloud.

Another incident occurred which does not require explanation, and which may not be open to any explanation. After the report of the Judiciary Committee, and its rejection by the House of Representatives, I was surprised to receive an invitation from the President to dine with him at what is known as a State dinner. I assumed that arrangements had been made for a series of such dinners, and that the invitations had been sent out by a clerk upon a prearranged plan as to the

order of invitations. When the matter had passed out of my mind, but before the day named for the dinner, I received a call on the floor of the House from Mr. Cooper, son-in-law of the President and secretary in the Executive Mansion. He asked me if I had received an invitation to dine with the President. I said I had. Next he said, "Have you answered it?" I said, "No, I have not." That was followed by the further question, "Will you answer it?" I said, "No, I shall not." That ended the conversation.

After the decision in the Senate had been made, the managers proceeded under the order of the House to investigate the truthfulness of rumors that were afloat, that money and other valuable considerations had been used to secure the acquittal of the President. That investigation established the fact that money had been in the possession of persons who had been engaged in efforts to secure the acquittal of the President. Those persons, with perhaps a single exception, were persons who had no official connection with the Government, and none of them were connected with the Government at Washington. As to most of them, it appeared that they had no reasons, indeed no good cause, why they should have taken part either for the conviction of the President or in behalf of his acquittal. The sources from which funds were obtained did not appear, nor was there evidence indicating the amount that had been used, nor the objects to which the money had been applied. It should be said as to Senators, that there was no evidence implicating them in the receipt of money or other valuable consideration. One very important fact not then known to the managers appeared afterwards in the reports of the Treasury Department, showing a very large loss by the Government during the last eighteen months of Mr. Johnson's administration. In that period the total receipts from the duties on spirits amounted to $41,678,684.34. During the first eighteen months of General

Grant's administration, when the rates of duties and taxation remained the same, the total receipts of revenue from spirits amounted to $82,417,419.85, showing a difference of $40,738,735.51. It is not easy to explain in full this money loss in one branch of the public service. Something may be attributed to the fact that persons obtained nominations for office by representations to the President that they were his friends and supporters, and would continue to be so, under all circumstances. When their nominations came to the Senate, they made representations of an opposite character. When they had received their appointments, they very naturally allied themselves with the President's policy, inasmuch as they could not be easily removed except upon an initiative taken by him. This deficiency occurred in the states and districts in which the money should have been collected and through the agents employed there. In other words, no part of the deficiency ever passed into the Treasury of the United States.

It is not improbable that a majority of the people now entertain the opinion that the action of the House of Representatives in the attempt that was made to impeach President Johnson was an error.

It is not for me to engage in a discussion on that point. I end by the expression of the opinion that the vote of the House and the vote of the Senate, by which the doctrine was established that a civil officer is liable to impeachment for misdemeanor in office, is a gain to the public that is full compensation for the undertaking, and that these proceedings against Mr. Johnson were free from any element or quality of injustice.

Johnson's case ought to be borne in mind in all agitation for a longer Presidential term. Whenever the country is engaged in a Presidential contest there are complaints by business men accompanied by a demand for an extension of the term of office to six or in some instances to ten years. The

disturbance to business is due to the importance of the election, and the importance of an election is due to the amount of power that is to be secured by the successful party. An extension of the term would add to the importance of the election, and a term of six or ten years would intensify the contest and the injury to business would be intensified, proportionately. It is doubtful whether in a period of twenty or fifty years any appreciable relief to business would be furnished by an extension of the term of the Presidential office.

It is by no means certain that the total of business is not as great as it would be in the same four years if the term were ten years instead of four. The total of production and consumption cannot be affected seriously by a political controversy that does not extend usually, over a period of more than three months. If business is diminished during those months there will be a corresponding gain in the months that are to follow.

In a popular government there must be elections, and in all such governments business interests must be subordinated to the general welfare. The changes that have taken place since the Government was organized would justify the shortening rather than the lengthening of the Presidential term. The means of communication are such that two years may give the mass of the people better means for judging men and measures than could be had in four years at the opening of this century.

There is no form of education that more fully justifies its cost than the education that is gained in a Presidential canvass. The newspapers, the magazines, and more than all the speakers—"stump orators" as they are called—communicate information and stimulate thought. The voters are converted into a great jury, and after full allowance is made for weakness, corruption and coercion, they are advanced at each quadrennial contest in their knowledge of men, in their

ability to deal with measures of policy, and in comprehension of the principles of government. If the losses in business were as great as is ever represented, the educational advantages of a Presidential canvass are an adequate set-off. The people have an opportunity to see and hear the men who are engaged in public affairs and questions are discussed upon their intrinsic merits. In the sixty years of my experience there has been a great advance in the quality of the speeches to which the people have listened. The speeches of 1840 would not be tolerated in 1900.

When great questions are under debate appeals are made to the principles of government and proportionately the education of the people is of a higher grade.

A serious objection to a long term in the Presidential office is in the fact that a spirit of discontent, that always exists, will develop into insubordination or even revolution. We have an example in the history of the Republic of Hayti. The term is seven years and in many cases the President has been superseded by the leader of a revolutionary party. The most recent instance was the overthrow of President Legitime and the instalment of Hyppolite. The peace and prosperity of Hayti would be promoted by reducing the term of the Presidential office to two years. The contests that are sure to arise among a mercurial people would thus be transferred from the battle-field to the ballot-box. Who could have answered for the peace of the United States in 1868 if President Johnson's term had been six years instead of eight months?

XXXIII

THE TREASURY DEPARTMENT IN 1869

IN March, 1869, I was appointed Secretary of the Treasury by President Grant. Soon after my appointment Mr. McCulloch, the retiring Secretary, said to me that I should find the department in excellent order, and that in his opinion the financial difficulties of the Government had been overcome. The first of these statements was true in part, and in part it was very erroneous.

The accounting branch of the service was properly administered practically, but there were about one hundred persons on the pay rolls who had no desks in the department, and who performed but little work at their homes, where some of them ostensibly were employed in copying.

Several heads of bureaus were notoriously intemperate. This condition of things was due in part to the war and to the exigencies of the department consequent upon the war; and in part it was due to the constitutional infirmities of Mr. Chase and Mr. McCulloch. In some respects they resembled each other. They were phlegmatic in temperament, lacking in versatility, and lacking in facility for labor and business.

Mr. McCulloch was diligent, industrious and conscientiously devoted to his duties. He had been crippled in his administration by the conflict between Congress and the President. The head of the Treasury needs the confidence of the President, and the confidence and support of Congress. The latter Mr. McCulloch did not enjoy, and there were

indications that in some respects he differed with the President. He was hampered by the fact that any change in the personnel of his department would be followed by inquiries from one party or the other, coupled oftentimes with complaints and criticisms.

Great evils existed in the revenue system. The controversy between Congress and the President led to many removals of collectors of customs and of internal revenue. Their places were supplied by persons who could accommodate themselves to both parties. The President was made to believe that the applicants were his friends, but that their relations with Republican Senators were such that they could secure confirmation. When nominated these men represented themselves as good Republicans and friendly to the Congressional policy. From such persons an honest performance of duty could not have been expected. Hence gross frauds upon the revenue were perpetrated and in most instances by the connivance of those in office.

The returns for the last year of Johnson's administration, and the first year of Grant's administration, showed that the loss on whisky in the first named period was not less than thirty million dollars.

That there were other great losses was proved by the facts that the payments on the public debt were less than thirty million dollars during the last year of Johnson's administration and that the payments were one hundred million dollars during the first year of Grant's administration, and that without any additional sources of revenue.

If Mr. McCulloch's first statement had been true in the most important particulars, his second claim would not have been open to debate. It was true that the department had passed the point when there was any exigency for money. The Government was no longer a borrower. Payments on the public debt had been made, but otherwise nothing had

been done to relieve the country of the interest account, nor was the credit of the Government such that any practicable movement in that direction could have been made.

The six per cent coin bonds were worth only 83 or 84, and no step had been taken to redeem the pledge of the Government in regard to the Sinking Fund made in the act of February 25, 1862. The interest account exceeded one hundred and thirty-three million dollars.

Mr. S. M. Clark was the chief of the Bureau of Printing and Engraving and everything was confided to him. It is to be said after the lapse of thirty years for examination, that not a tittle of evidence has been found warranting any imputation upon his integrity. It is true that in one instance a dishonest plate printer took an impression of a bond upon a sheet of lead for use in counterfeiting. The possibility of such an act was due to a lack of system and not to any want of fidelity in Mr. Clark. One of my first acts was to remove Mr. Clark, and then to open a new set of books. The printing of the old issues was suspended permanently, and new plates were prepared. Mr. Clark had had control of the manufacture of the paper, the control of the engravers, the control of the plates, the control of the printers, of the counters, and he had had the custody of the red seal. The postal currency was printed under his direction. The pieces were not numbered, they were due bills only. At the end of twenty years the books showed an issue of about fifteen million dollars in excess of the redemptions.

His power was unlimited as there were no checks upon him. He once said to me when a committee of Congress was investigating his bureau, during Mr. McCulloch's administration:

"They will never find a five cent piece out of the way."

After the discharge of Clark, I ordered an account of

stock to be taken. I appointed a custodian of the plates after a full inventory had been made, whose duty it was to deliver the plates each morning to the printers, to charge them to the printers, to receive them at the close of the day, and to settle the account of each man. A special paper was designated and public notice was given under the statute by which it was made a crime for any person to make, use or have in his possession any paper so designated. The paper was manufactured under the supervision of an agent of the department, who was authorized to count and receive all the paper at the mills and to answer the orders for its delivery to the printers. The paper making machine was equipped with a register which numbered the sheets of paper. That record was compared daily with the number of sheets received by the agent, and thus the Government was protected against any fraudulent or erroneous issue of paper. Registers were also placed upon each printing press. Each morning one thousand sheets of paper were delivered to each plate printer, and at the close of work his printed sheets were counted and the number compared with the register before the printer was allowed to leave the office. In like manner there was an accounting with each counter. The same system was extended to the managers of the machines used for numbering bonds and bank notes. The registering machine was made by an employee, under my direction, and at the cost of the Government.

Books of account were opened upon the new system. During my administration, as far as I know, there was never the loss of a sheet of paper nor was there a fraud committed in connection with the business of the bureau. For further security, I made arrangements by which two bank note companies in the City of New York prepared sets of plates for a single printing on each security, the red seal being imprinted in the Treasury Bureau. By this arrange-

ment collusion was impossible. The expense of printing was increased by this arrangement, but it seemed to be more important to attain absolute security against fraud than to save money. My successors have thought otherwise and the printing is now done in the Treasury.

During my term I ascertained that a man in New York who had once been employed to print certain securities, had in his possession the plates which he had used and which he claimed as his property. The printing had been done in Mr. Chase's administration and there was no agreement that the plates were to be delivered to the Government. The plates were obtained, finally, by the payment of a sum of money. The person who had the plates was an old man, and there was danger that they might fall into the hands of dishonest parties.

When I was in the Treasury I had an understanding with Colonel Whitely, the Chief of the Secret Service that I should have an interview with any expert professional criminal who might fall into his hands. I recall an interview with one such criminal. A man of forty years and a gentleman in appearance, and a professional gentleman, as well as a criminal by profession.

Upon the suggestion of Colonel Whiteley I gave his prisoner a fresh one dollar green-back note. He took a phial of liquid from his pocket, wet one half of the paper with the liquid and in my presence the colors disappeared from the paper. Time and exposure have given a dark tinge to the paper which was a pure white when the experiment was ended. By the use of the liquid the counterfeiter was able to obtain a piece of fibre paper on which a bill of a large denomination might be printed, given only the engraving.

The revenue marine service was impaired by the incompetency of many of the officers, and its efficiency was also impaired by the size and quality of the ships. Some of them

were sailing vessels, most of them were of wood, and the modern ones were unnecessarily large in size. I created a commission and all the officers except a few who were too old for active service were subjected to an examination and those who were found incompetent were discharged from the service. Their places were filled by young, active and well qualified men.

A commission was appointed to consider and report upon the size of the vessels that were best adapted to the service. Three reports from successive commissions were made before a satisfactory result was reached. Finally, a report was made by Captain Carlisle Patterson, that was approved by me and by a committee of Congress. The recommendations of that report have been followed, as far as I know.

At that time the Mint Service was without organization. Each mint and assay office was in charge of an officer called superintendent, but there was no head unless the Secretary of the Treasury could be so considered, as all the business came to him. Upon my recommendation Congress authorized the appointment of a Director of the Mint, and upon my recommendation the President appointed Dr. Linderman, a Philadelphia Democrat, but a gentleman familiar with the service. Under him the service was organized and made systematic.

When I took charge of the Treasury Department there was no system of bookkeeping and accounting, that was uniform in the various custom houses of the country. Each port had a plan or mode of its own, and there was no one that was so perfect that it could be accepted as a model in all the ports. The books and forms were made and prepared at the several ports and often at inordinate rates of cost.

I appointed a commission of Treasury experts to prepare forms and books for every branch of business. Their report was accepted and since that time the modes of accounting

have been the same at all the ports. The stationery prepared is furnished through the Government printing office, at a considerable saving in cost, and clerks in the accounting branch of the Treasury are relieved of much labor in the preparation of statements.

Upon the transfer of Mr. Columbus Delano from the office of commissioner of Internal Revenue to the Secretaryship of the Interior Department, the question of the appointment of a successor was considered. The President named General Alfred Pleasanton, who was then a collector of internal revenue in the city of New York. He had been a good cavalry officer, a graduate of West Point, and the President was attached to him. My acquaintance with Pleasanton was limited, but I was quite doubtful of his fitness for the place. My opposition gave rise to some delay, but at the end the appointment was made, the President saying in reply to my doubts that if he did not succeed he had only to say so to the General and he would leave at once. The appointment of Pleasanton was urged by Mr. Delano and General Horace Porter as I understood, both of whom were very near the President.

Pleasanton had been informed of my position, and although I was his immediate superior he did not call upon me, nor did he ever, except upon one occasion, come into my office, unless I sent for him. On my part I resolved to avoid any criticism upon his official conduct unless compelled to do so. He entered upon his duties the first of January, 1871, and although in several instances I had occasion to control his purposes in regard to contracts and to the refund of taxes, I did not feel called upon to mention the facts to the President. In May the President said:

"I have come to the conclusion that Pleasanton is not succeeding in his office."

I replied: "That is so."

The President then said: "I will try to find some other place for him, and I will then ask him to resign."

The President went to Long Branch for the summer and nothing was done. I had very early discovered that Samuel Ward was exercising a good deal of influence over the commissioner. It was his policy to secure influence by giving dinners and entertainments, and, as far as possible, he obtained the attendance of influential members of Congress and of the chief officers in the executive departments. He once said:

"I do not introduce my measures at these entertainments, but I put myself upon terms with persons who have power."

On a time I received a report on the subject of refunding a cotton tax amounting to about $60,000. It bore two endorsements—one by the solicitor "Examined and disallowed, Chesley," and one by the commissioner "Allowed, Pleasanton."

I placed the report in my private drawer with the purpose of delaying action until I should ascertain where the propelling force existed. Having occasion to go to Massachusetts I was absent about two weeks. Upon my return Mr. Ward came into my office and inquired whether I had received the report. I replied that I had received it. "Had I acted upon it?" I said that I had not. He then proceeded to say that the claim was a good one,—that Mr. Delano had examined it, and had concluded to pass it, but as he left the office rather suddenly he had neglected to act upon it. Finally, he expressed the hope that I would act without delay. I had already decided the case adversely upon the ground that the allowance was unauthorized. Therefore I had only to endorse the word "disallowed" with my signature and to return the report to the commissioner. I learned that the commissioner was engaged through the agency of Ward in making a contract with a Connecticut firm that was in my

opinion at once improvident and irregular. This act led me to determine to end the difficulty at once. I went to the Executive Mansion and asked General Babcock to go to Long Branch and say to the President that the business of the Internal Revenue Office was in such a condition that immediate action was necessary. As a result the President returned that night and early the next morning he sent for me. I stated the facts, and he said he would send for General Pleasanton and ask him to resign. At the interview Pleasanton asked for the reasons. The President said: "The Secretary is not satisfied with your administration." Pleasanton replied: "I think I can make everything satisfactory to the Secretary." The President replied, naturally: "If you can, I am content." Then for the first time Pleasanton came to my office without a request from me. I invited him into my private room, and when he had related his interview with the President, I said: "General, if this were a personal matter we might come to an understanding, but your administration of the office has been a failure from the first and you must resign." This ended the interview. He refused to resign and the President removed him. He appealed to the Senate in a lengthy communication, but without effect. Pleasanton may have been, and probably was, a good military officer, but he did not possess the qualities that are essential in the discharge of important civil trusts.

Neither from my experience in Congress nor in the Treasury Department can I deduce much support for the doctrines of the class of politicians called Civil Service Reformers. From their statements it would appear that every member of Congress was the recipient of an amount of patronage in the nature of clerkships that he could and did control. I can say for myself that as a member I never asserted any such right and as the head of the Treasury I can say that no such claim was ever made upon me by any member of Con-

gress. The nearest approach to it was by George W. Julian. During one of his canvasses for re-nomination, a clerk named Smith, and a correspondent of a journal in Mr. Julian's district, had advocated the nomination of Mr. Wilson (Jeremiah). When Mr. Julian secured the nomination, Smith gave him his support. Nevertheless when Julian returned to Washington he demanded Smith's removal. After hearing all the facts I declined to act. Julian was very indignant, and afterwards from the Astor House, New York, wrote me a violent, I think I might say unreasonable letter.

The public mind has been much misled by the statements in regard to removals and appointments. The employees in a department are of two sorts. There is a class who are trained men in the places that they occupy. They have been in the service for a long period. They are familiar with the laws relating to their duties, and to the decisions of the courts thereon, and they are the possessors of the traditions of the offices. They are as nearly indispensable as one man can be to another, or to the safe management of business. The head of a department cannot dispense with the services of such men. All thought of political opinions disappears. The responsibility of a change in such a case is very great. No prudent administrator of a public trust will venture upon such experiments. There is another class of clerks who are employed in copying, in making computations in simple arithmetic, in writing letters under dictation, and in other ordinary clerical work.

The public interest is not very large in the retention of such persons. The ordinary graduates of the high schools of the country are competent for all those duties. But the clerks of this class are not removed in mass, and they never will be, under any administration. Even a fresh man at the head of a department will soon find that the fancied political advantages are no adequate compensation for the trouble

that he assumes and the risk of error and fraud that he runs when he takes new and untried persons in the place of those who have been tested. As late as 1870 about thirty per cent. of the employees of the Treasury in 1860 were in office, and this notwithstanding that the Treasury furnished recruits for both armies. During my time and for years afterward, the post of Assistant Secretary was held by Mr. Hartley, a Democrat from the days of Pierce and Buchanan. He was experienced, diligent and entirely trustworthy.

Of the first class of employees it is to be said that there is no occasion to embalm them in their offices, and if their pay is adequate there is no ground for placing them upon the pension rolls. Their duties are not as exacting as the duties and labors of men in corresponding stations in private life. As to the second class, their relations to the public are such that no public obligation arises except to pay them the stipulated salaries.

It is essential to a proper administration that the Secretary or the President should have the power of removal, and it should never be coupled with the duty of making a statement of the cause. Not infrequently a statement would be the occasion of scandal and of suffering by innocent parties. The power may be abused as every power may be, in the hands of dishonest or corrupt men. This is one of the perils to the public, a peril from which no government can escape. With us a change of rulers is a remedy for political wrongs that do not belong to the catalogue of crimes. It may be said, however, that this power of removal gives to a dishonest administrator of a department the opportunity to secure the appointment of his political friends in the place of political opponents removed, and this whatever may be the method of appointment. The candidates may pass the competitive examination, and they may enter upon their duties, but their chief in thirty or sixty days may find them

lacking in practical aptitude, and so on, until those of the true faith shall be sent forward by the examining board.

Honest administrators of official duties are embarrassed by the system and dishonest ones evade it. The system may become the enemy of honesty and the shield of hypocrisy. Only this is needed. When the appointing power has designated a person for an office, let that person be examined by an independent board with reference to character and those qualifications which seem to be a fit preparation for the practical duties of the place. Whenever the power of appointment and removal is abused the public has a remedy in a change of administration. And herein is one reason why the Presidential term should not be extended. There may be many evils of administration which are not so flagrant as to warrant proceedings for impeachment. Such evils may be borne for brief periods, when if the term of the President were extended to six or eight years the dissatisfied elements of society might be tempted to engage in revolutionary movements. Nor is there wisdom in limiting the Presidential office to a single term in the same person. The thought that one has a future is a great stimulus to careful and energetic action in the performance of public duties. For a President there is no future except a re-election, which is in fact an approval by the country of his administration. A wise man will strive to so conduct affairs as to merit that approval. A House of Representatives already condemned by a popular verdict is but a poor guardian of the rights of the people; and a defeated administration performs its duties in the most indifferent manner. After a defeat appointments will be made and acts done that would not have been hazarded pending an election. It is true, probably, of every administration, not excepting that of General Washington, that the second term was less acceptable to the country than the first. Mr. Lincoln had no

second term, and it is useless to speculate upon its probable character, if he had lived to perform its duties.

It was my habit to be at the Treasury every morning at nine o'clock, and I usually sent immediately for one or more heads of division or chiefs of bureau for conference upon some matter connected with their duties. By frequent interviews I acquired such knowledge of their duties and of pending questions that I always had a reason for those interviews. By this course I maintained relations of familiarity with the officers who constituted the department for administrative purposes, and I also established a system of punctuality in the matter of attendance. When the head of a division is tardy, the clerks soon venture to follow his example, and if he is prompt they are ashamed to be dilatory unless they have an adequate excuse. The same relation exists between the bureau officers and the head of a department.

One of my first acts in the nature of a financial policy was to establish the Sinking Fund, agreeably to the act of February 25, 1862. Seven years had passed since the passage of the law and four years since the end of the war and yet nothing had been done to provide for the redemption of the public debt agreeably to the promise that had been made when the Government was a large borrower of money and when its credit was depreciated, seriously, in all the markets of the world. In my first annual report, December, 1869, I advised Congress of my action and I recommended the application of the bonds that I had then purchased, amounting to about fifty-four million dollars, to the Sinking Fund, until the deficiency then existing had been met. The step that I then took was taken in obedience to the law, and not from any great faith in the wisdom of the Sinking Fund policy, nor was it from any fear that the Government could not pay its debts whether a Sinking Fund was or was not created.

The faith of the Government had been pledged to a particular policy and I thought that the observance of that policy was both wise and just. A government cannot afford to disregard the terms of its undertakings even if a violation or neglect does not work harm to anyone. The payments to the Sinking Fund were made regularly during General Grant's administration, and the credit of the Government was thereby somewhat strengthened. The chief element of strength was in the fact that the payments were such as to astonish the heavily taxed and debt burdened States of Europe. In my four years of service as the head of the Treasury the payments on the debt reached the enormous sum of three hundred and sixty-four million dollars. No one of my successors has paid an equal amount, nor has an equal amount been paid in any other equal period of time by the United States or by any other government.

At the time I entered the Treasury the price of gold was at about forty per cent premium and when I left the Treasury it was at about twelve per cent premium. In the summer of 1869 I entered upon the policy of selling gold and buying bonds. The sales and purchases were made by the Assistant Treasurer in New York, but the bids were reported to me and by me accepted or rejected. A leading criticism was this: It was claimed that the simple method was to buy bonds in gold and thus to secure the bonds by one transaction.

This policy would have limited the number of purchasers of gold to those who could command bonds. By the policy pursued the sales of gold were open to anyone who had money. The gold was sold for currency, and the bonds were purchased with currency. When the Treasury announced its purpose to purchase bonds the price advanced in the market. The President remarked to me jocularly that he had suffered by not knowing what the department was about to do, inasmuch as he had sold bonds a few days too early and at a

price below their then present value. During my service as Secretary of the Treasury I carried two questions only to the Cabinet discussions—and I have forgotten one of the questions, but it had some political significance. The other arose in this manner: My method of negotiating the sale of new bonds under the Funding Act of July, 1870, had been severely criticized. The Government was compelled to give ninety days' notice of its purpose to redeem five-twenty bonds, and as we could not with safety make a call until we had the funds, and as our chief source was the proceeds of new bonds we could not call until a sale was made. As a consequence the Government was a loser of interest on all called bonds for the period of ninety days. I arranged with the subscribers for new bonds, that they should have the interest for the ninety days upon a deposit of old bonds as security for the new ones subscribed for and taken. The Government lost nothing, and the subscribers were benefited greatly, and thus the subscriptions were increased.

During the campaign of 1872 I had an opportunity to negotiate a new loan upon the same basis. Knowing that the proceeding would renew criticisms, I thought it proper to lay the case before the President and Cabinet. Upon their advice the negotiations were suspended.

Governor Fish on more than one occasion complained that the Cabinet were as ignorant of the proceedings and purposes of the Treasury as was the outside world. His complaints were well founded. Much of the business aside from routine matters was secret. For example my orders for the sale of gold and the purchase of bonds were never issued at any other time than Sunday evening, and then always by myself. The orders were sent to the Sub-Treasurer at New York, and given to the Associated Press at the same time. Consequently, on Monday morning all the country was informed, and under such circumstances that the chances of some to speculate upon

the ignorance of others were reduced to the minimum. Moreover, the members of the Cabinet might divide. I should then be compelled to act upon my own judgment, and against the views of some of my associates. Again, if I had the support of the President and Cabinet, I could not have used the fact as an excuse for myself. The public know no one but the Secretary. I chose to act upon my own judgment, knowing that there was no one to share the responsibility in case of failure.

In my report to Congress, in December, 1869, I set forth a system for refunding the Public Debt. I had unfolded the scheme in a speech in the House of Representatives, July 1868. I had already taken two steps preparatory to the undertaking. First, in May, 1869, I established the Sinking Fund under the Act of February 25, 1862. Second, by the purchase of bonds the world had assurance that the debt would be paid. The effect of these two measures was seen in the increasing market value of the bonds. In other words, the credit of the country was improving. When the President was preparing his message of December, 1869, he called upon me for my views in regard to the Treasury, and I furnished him with a synopsis of my plan which he embodied in his message. I retained a copy of the synopsis and that copy is in the hands of my daughter. Simultaneously I prepared a bill upon the basis of the report and caused the same to be printed upon the Treasury press. Upon an examination of the papers on file in the archives of the Senate I find that cuttings from my printed bill form a part of the bill which was printed by the Finance Committee of the Senate of which Senator Sherman was chairman. The bill was changed in details but not in principle. The loan was in three parts as my bill was prepared. A portion at 5 per cent, a portion at 4 1-2 per cent, and a third portion at 4 per cent. The division was retained in the statute, but the amount of the loan at

each of the several rates was changed. By my bill the interest could be made payable in Europe. This feature was stricken out by the committees in the House or the Senate. This change I overcame or avoided ultimately by a rule of the department by which interest on registered bonds could be made payable in checks of the Treasurer. These checks are now sent to all parts of the world and through the banking facilities they are everywhere as good as gold, subject only to the natural rates of exchange between different countries. Since that time railroad companies and other business corporations have accepted the system. My plan of making the interest on the bonds payable in Europe was rejected under the lead of gentlemen who thought it involved some sort of national degradation. My object was to make the loan more acceptable in Europe and thus to extend the demand, and consequently, to increase the value of our securities.

The records of the Treasury Department show that on the 23rd day of December, 1869, I sent to General Schenck of the House, a draught of a bill for refunding the Public Debt. The same records show that on the 19th of January, 1870, I sent to Senator Sherman eight copies of a bill. These bills were framed in conformity to the plan marked out in my report of December, 1869. Previous to the preparation of that report I had not had any conference with any member of Congress nor with any other person in regard to the details of the scheme.

On the 12th of July, 1870, Mr. Sumner introduced a bill for refunding the Public Debt (Sen. S. 80). As might have been expected it was not a practical measure, and on the 3rd day of the following February, Mr. Sherman reported the bill of Mr. Sumner in a new draught. A single copy of that bill is on file in the office of the secretary of the Senate, and no other copy can be found.

This bill conforms to my report, and upon my recollection

it is the bill as prepared by me. The division of the loan conforms to my recommendation in the report, and it provides that the interest may be made payable abroad. Subsequently these provisions were changed. General Schenck had then recently returned from Europe and he was of the opinion that the loan could all be negotiated at four or four and one half per cent and it was this opinion on his part which led to delays. The bill was not passed till July, 1870, at the very moment when the Franco-Prussian War opened. Had the bill been passed in March, quite large negotiations could have been made in April of that year. But the sale of the new five per cent bonds was an undertaking of great difficulty. It is now impossible to realize that a six per cent bond was not worth par in 1869-'70. At that time the leading bankers of the world were unwilling to engage in the undertaking. The Rothschilds and Barings stood aloof. The Amsterdam bankers wrote letters of inquiry, but they did nothing more. Mr. Morton, of the firm of Morton, Bliss & Co., New York, was inclined to engage in the business, but his partner, Mr. Bliss was doubtful of the success of the scheme, and they therefore stood aside when the first negotiations were attempted. Finally an arrangement was made with Jay Cooke & Co., by which they advertised what was called a popular loan, asking for a subscription to the five per cent bonds.

Subsequently I advised Congress to issue four per cent fifty year bonds as a basis of the banking system, coupled with an offer to the existing banks of a preference, but in case any bank should refuse to exchange the bonds then held by such bank, its charter after one year should be annulled and its banking privileges should be open to any other association that would purchase the four per cent bonds. This proposition aroused the hostility of the national banks and

forthwith the city was invaded by bank officers and agents who succeeded in defeating the bill.

I had early foreseen that the Public Debt could be paid without much delay, and without a system of oppressive taxation. In July, 1863, in the introduction to my volume on the tax system of the country, I had predicted that the revenues would be equal to the payment of interest on a debt twice as large as the Public Debt then was, together with large annual payments of principal. I predicted also that these payments would menace the national banking system. My scheme looked for the perpetuation of that system for fifty years at least. The banks looked upon the scheme as a hostile project and they were therefore led to defeat a measure which in fact was liberal in the extreme. At that time the capital of all the national banks was limited to three hundred million dollars. Thus did the banks defeat a measure which was designed to secure their perpetuity and calculated to promote their financial interests. They acted upon the idea that the credit of the country could never be so advanced that a four per cent bond would be worth par.

The success of the five per cent loan of 1871, of which I give a full account elsewhere, should have ended the contest in regard to the credit of the United States. A five per cent bond had been sold at par in the London market. The principal of the Public Debt was undergoing a monthly reduction and the gain in the interest account was sufficient to guarantee the payment of the principal in half a century. From that time forward, the leading bankers of Europe and America were ready to co-operate in placing the remaining five per cents, and then the four and a half and four per cents.

From that time forward the credit of the Government has been improving constantly. It was no longer difficult

to borrow money at the rate of five per cent, and with the adjustment of our controversy with Great Britain there remained no reason to question the rapid progress of the United States in wealth and population. Indeed, it was then entirely feasible for the Government to have resumed specie payments, as any demand upon the Treasury for gold could have been met with the proceeds of bonds sold in Europe. It was my opinion, however, that it would be wiser to delay resumption until the balance of trade should be so much in our favor that specie payments could be maintained by our own resources. And this was accomplished in less than six years. It is with a state as it is with an individual. With an established credit, or with a credit improving constantly and an income in excess of expenditures, there is no difficulty in meeting all liabilities as they mature. Such was the condition of the Treasury when I left it in March, 1873. In March, 1869, the Government was paying interest, measured at the gold value of its securities at the rate of seven per cent. In 1873 the rate was five per cent or less. In that time the net Public Debt had been reduced in the sum of three hundred and sixty-four million dollars, and the interest account had been reduced about thirty million dollars.

When I was engaged in placing bonds in Europe, a discussion arose among bankers in regard to the conflict of statements as to the amount of the Public Debt. By the reports of the Treasurer, which were the basis of the monthly statements, the debt was represented by the securities actually issued after deducting those which had been redeemed. By the report from the Register's Office which once each year corresponded in time to the monthly report, the balance was widely different. These facts impaired our standing financially. Upon the register's books the Government was charged with every issue that passed out of his office, and it was days, usually, and not infrequently it was weeks, before the se-

curities passed from the Treasury into the hands of creditors or purchasers of securities. On the other hand the Treasurer would be entitled to credit for redemptions made days or weeks before the evidence of such payments would appear on the register's books. An analogous fact exists in the discrepancy between a depositor's account with his bank and the account at the bank as long as there are outstanding checks. The books would not agree and yet each might be accurate. As it was a necessity of the situation that the business of the Treasury should proceed day by day without interruption and as it was difficult to explain the discrepancy to the many inquirers, I ordered Mr. Allison, the register, to accept for his annual reports the statement of the Treasurer, as his statements conformed to the existing facts on the days when the statements were made. The register protested that the order was not justified by the law, and that was the truth although there was no law forbidding such an act. The transaction, including my order, was brought before a committee of the House of Representatives, but as far as I know, the question of the legality of the proceeding, was not canvassed, or if attention was directed to the subject the committee may have treated it as an act in the public interest and from which no injury had arisen. Upon these facts, Senator Henry G. Davis, of West Virginia, made the charge that the books of the Treasury had been altered by my direction and that it was possible that some great fraud had been perpetrated which might be discovered if a committee were appointed to investigate the Treasury. A committee was granted, of which Senator Davis was a member. The investigation was a failure from his standpoint. Indeed, the alteration of the books of the Treasury would require the collusive co-operation of many persons, and evidence of the fact of the alteration would, of necessity, become known to hundreds of clerks.

Mr. Davis and some other Democrats implicated me in an analogous matter which they tried to understand but did not. The Loan Accounts of the Treasury Department showed that the payments on the Public Debt exceeded the receipts from loans in the enormous sum of one hundred and sixteen million dollars. I appointed a committee of clerks to examine the account in detail for the purpose of ascertaining whether the discrepancy was real or only apparent. The fact of the discrepancy was reported to Congress and the progress made in the investigation was noted in the appendix to the Annual Reports. It is probable, however, that these reports were never seen by Mr. Davis, and hence his suspicion that an investigation into the accuracy of the Treasury accounts would show an alteration of Treasury books, and of course, for some improper purpose.

The error began in Mr. Hamilton's time, and in consequence of the assumption of the State debts. Bonds were issued for those debts but there were no receipts paid into the Treasury, and consequently the debit side of the account was a blank. When the bonds were paid the payment became a credit on the loan account. In after times bonds were issued and sold below par. The account was charged with the receipts and upon payment the loan account was credited with the full amount paid. In some cases the discrepancy was augmented by the purchase of bonds and the payment of a premium, as was done in the second term of General Jackson. The investigation showed that the discrepancy was only apparent, and the criticisms and complaints ceased.

During my administration of the Treasury Department, the government of the Territory of Alaska was in my hands. The legislation of Congress was brief and indefinite and the only officers were collectors of customs, treasury agents and the revenue cutter officers. The principal topics of thought were the exclusion of liquors and firearms and the protection

of the fur seal fishery. During the session of the Forty-first Congress a bill was passed which required the Secretary to lease the seal fishery to the best bidder, with a preference to the company which was then engaged in the fishery. On the question of the nature of the preference I took the opinion of the Attorney-General in advance of the contract. At that time I was opposed to any system of leasing and I so advised the House of Representatives in a report upon the subject. Congress, however, adopted the system of leasing and upon experience that system was shown to be more advantageous to the country. The value of the fur seal fishery depends upon the market for the dressed furs, and the value of the dressed furs depends upon the fashions, and the fashions are manipulated by producers of the various competing goods. The Government could never engage in the business of promoting fashions and training the markets. Fur seal skins have only a moderate commercial value when the fashion is not with them.

The question of the claim on Behring Sea was not then much considered. By the law of nations it is difficult to maintain the position that that vast body of salt water can be treated as a closed sea, but there are peculiarities which distinguish it from other bodies of water as the Mediterranean Sea and the Gulf of Mexico, which are partially enclosed.

Russia for a long time was the possessor of the adjacent mainland and of the islands which mark the limits and in a degree enclose the sea. That country claimed jurisdiction over the water. That claim was known and its validity was not disputed seriously. By the treaty Russia ceded about one half of the sea to the United States. Russia and the United States are the countries directly interested. England has no territorial rights and therefore she has no interest that is not common to other nations. The United States and Russia are interested in the seal fishery which can be pre-

served only by the protection of the animals in Behring Sea. It may be claimed fairly that Russia and the United States have property in these animals due to the fact that they gather upon the territory of the countries at certain seasons of the year. At other seasons they roam over the water as other animals roam over the land. They are, at least, partially domesticated. They are accustomed to the presence of the inhabitants of the islands which they occupy as breeding grounds and which they visit annually. Moreover, England has an interest in the preservation of the fishery. The skins are dressed in London, and thus far no one has been found, either in Europe or in the United States, who can compete with the London workmen. For the purpose of protecting and preserving the seal fishery, Behring Sea ought to be treated as a closed sea. For general commercial purposes it may be used as other parts of the ocean are used.

At a time, while I was Secretary of the Treasury, when I was detained at my lodgings by a slight illness, I received a visit from William E. Dodge a New York merchant and an importer of tin, whom I had known some years before when I was a member of Congress. He said that he had called to see me in regard to charges against his house preferred by the revenue officers relating to the importation of tin. I said, what was true, that I had not heard of the charges and that I had never suspected his house of any wrong-doing in their business. His statement in reply was a great surprise to me. He said that if there was anything which appeared to be wrong, or that was in fact a violation of law, the error or wrong was unintentional—that he and his partners intended to act always in good faith. He then stated that the claim amounted to more than two hundred thousand dollars, and he proposed then and there to pay the amount claimed, coupled, however, with the condition that the payment should be kept secret. I replied that I could not take the money upon such

terms and that secrecy was impossible. Upon his statement there were three persons besides ourselves who had knowledge of the existence of the charges and the payment of money must come to the knowledge of the Treasury officials. I then said:

"Mr. Dodge, you cannot afford to pay this money. If you are innocent you should contest the matter in the courts, and if you convince the judge, even if you are technically wrong, that there was no intent to defraud the Government the Secretary can remit all the penalty, leaving you to pay the duty." His counsel, if they were competent, must have given him similar advice and yet he paid voluntarily, about two hundred and seventy-six thousand dollars to the officials in New York, of which he and his friends proceeded to complain. There was a suit, but it was the duty of the firm to contest the claim of the Government, if they had a defence. And if they had had a defence they were in no danger even if they had violated the law ignorantly, for no Secretary would have allowed honest men to suffer for an ignorant violation of the revenue laws. Senator Edmunds placed upon the records of the Senate a full statement of the case.

XXXIV

THE MINT BILL AND THE "CRIME OF 1873"

OF the many measures of my administration of the Treasury Department, the Mint Bill of 1873 is the only one which has been made a party issue, and which has entered permanently into the policy of the country.

In the month of March, in the year 1869, I came to the head of the Treasury Department. At an early day my attention was directed to the disordered condition of the mint service, which was then, as it ever had been, without a responsible head. The proceedings at the mints were unsystematic, and I resolved upon an attempt to codify the laws and to place the administration in the hands of a recognized, responsible officer. President Grant appointed John Jay Knox comptroller of the currency. For many years Mr. Knox had held the office of deputy comptroller. He had been a careful, constant student, and he was already a recognized authority in financial matters.

I appointed Mr. Knox commissioner to codify the mint laws and to suggest alterations. He was assisted by Dr. Linderman, then an eminent expert in the theory and practice of coinage, by Mr. Patterson, superintendent of the mint at Philadelphia, and by others.

When the codification of the laws relating to the mint service had been completed the statute, as passed, contained seventy-one sections, including a number of new provisions.

The political and personal controversy of twenty years and more was directed to a single section, which was in these words: "No coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mints other than those of the denominations, standards and weights herein set forth." The coinage of the silver dollar piece was discontinued in the bill as prepared by the commissioners and the purpose to discontinue its coinage was thus announced in the report that was made to Congress:

"The coinage of the silver dollar piece, the history of which is here given, is discontinued in the proposed bill. . . . The present gold dollar piece is made the dollar unit in the proposed bill, and the silver dollar piece is discontinued."

In 1873 I had come to believe that it was wise for every nation to recognize, establish, and maintain the gold standard. I was of the opinion then, as I am of the opinion now, that nations cannot escape from the gold standard in all interstate transactions. The value of every article is resolved finally by the ascertainment of its value in gold. Silver or paper may be used for domestic purposes, but the value of that silver or paper is determined by its value in gold.

In America, as in England, all the attempts to fix a ratio between gold and silver coins and to maintain that ratio in business had failed, and hence it was that I determined to abandon the idea of a double standard, reserving in mind, however, the possibility that an agreement by commercial countries might overcome the difficulty. That possibility has now disappeared. The history of the United States is an instructive history. The coin ratio between gold and silver was fixed in Mr. Hamilton's time and with the concurrence of Mr. Jefferson.

In 1870 silver was at a premium upon the legal ratio between gold and silver coins, and such had been the fact

from the year 1837, and probably from the year 1792. Indeed, there has never been a day, from the organization of the government, when the actual standard was silver. Until the act of 1878 was passed, silver coins had had no appreciable influence upon the volume of currency or the business of the country. The total coinage of silver dollars had been 8,000,000 pieces only. The coinage was suspended in 1805 or 1806, and the silver dollars had been exported or they had disappeared in melting pots. Such was the commercial demand for American silver coins that in 1853 Congress authorized the debasement of the subsidiary silver coins as the only means of securing their circulation.

It is quite doubtful whether in the year 1860 there was a person living who had seen an American silver dollar doing duty in the channels of trade. From 1806 to 1873 the business standard of the country was the gold standard. Silver had been recognized in the Coinage Act, but practically it had not played any part in the financial policy or fortunes of the country.

The choice of gold as the standard was not due to hostility to silver or to the silver mining interests, but to the well grounded opinion that gold was a universal currency, while in some countries, as in England and Germany, silver coins were not a debt-paying currency.

These—within the limits of a statement—are the reasons for the demonetization of the silver dollar and the adoption of the single gold standard. The measure was in accord with my policy, and it was in accord with the unbiassed judgment of the commission.

It is a singular instance in legislative proceedings that a measure that had no active support and that was free from opposition at its enactment should be assailed vigorously after the lapse of years and through a long period of time. The measure was soon followed by the depreciation of silver

and coincident with that change came the attacks upon the Mint Bill, and the denunciation of the "Crime of 1873."

The charges were two:

First: The authors of the change had been corrupted by English gold through one Ernest Seyd, a writer on economic topics. It was alleged that Seyd came to this country at the time the measure was under consideration. Seyd was not living when the charges were made, but the fact of a visit to this country was denied by his son. Hon. Samuel Hooper was chairman of the Committee on Coinage. In the search for information Mr. Hooper invited Mr. Seyd to give him his opinion. Seyd was a writer, a man of good reputation, and a bimetallist. In a letter to Mr. Hooper which is still in existence, and which is printed in the *Congressional Record,* Seyd condemned the demonetization of the silver dollar. His letter was dated at London, February 17, 1872.

The second charge was secrecy. The answer to this charge was to be found in historical facts.

The evidence is this: Mr. Knox's report contained two specific statements that it was a purpose of the bill to prohibit the coinage of the silver dollar; the report of the Secretary of the Treasury for the year 1872 made a specific recommendation to that effect; the bill was printed six times; it was considered in each House during the Forty-first and Forty-second Congresses; the precise question in controversy was the subject of discussion, and two years and ten months were given to the consideration of the bill.

The bill was discussed in the House of Representatives. Mr. Reed has stated that the report of the debate covers one hundred and ninety-six columns of the *Congressional Record.* Senator Jones, in his report of 1876, as chairman of the Silver Commission, refers to the debate in these words: "In the brief discussion on the bill in the House of Representatives, the principal reason assigned in favor of those

sections which interdicted the future coinage of the silver dollar was that its value was three per cent greater than the value of the gold dollar." Thus Senator Jones admits that the debate in the House of Representatives was upon the question of the abolition of the silver dollar, and he recognizes his knowledge of the fact of the debate.

Finally the bill passed the Senate without one dissenting vote.

The downfall of silver has not been due to any legislation in America or Europe, nor to any decrees or despotic policy in Asia, but to the inventive faculties of one Charles Burleigh, of Fitchburg, Massachusetts, the inventor of the power drill.

If through him many silver mines have been rendered valueless, so it is to him that the world is indebted for a new application of force by which mountains are penetrated and mining in all its forms is carried on at one fourth part of the former cost. Every step in civilization, every advance movement that we call progress, is a peril to many and a ruin to some. By one stroke of genius, and limiting our thoughts to one only of its many consequences we may say that Burleigh has made gold so abundant and cheap that all substitutes for a currency from wampum to silver must soon disappear.

There is historical evidence tending to show that the representatives of the silver mining interest had sufficient and worthy reasons for assenting to the suspension of the silver dollar. In 1872 silver was at a slight premium as compared with gold. Therefore the privilege of coinage of the dollar was of no advantage to the owners of bullion.

The Mint Bill had a new and attractive feature. It provided for the coinage of a dollar that was to contain 420 grains of standard silver, and was to be known as the trade dollar.

This passage may be found in my report to Congress for the year 1872:

"Therefore, in renewing the recommendations heretofore made for the passage of the Mint Bill, I suggest such alterations as will prohibit the coinage of silver for circulation in this country, but that authority be given for the coinage of a silver dollar that shall be as valuable as the Mexican dollar and to be furnished at its actual cost."

The dollar was coined and it was known as the Trade Dollar. It contained 420 grains of standard silver.

The Mexican dollar which contained about 416 grains, was then sold at a premium, and it was used extensively in the China and India trade.

It was my expectation and the expectation of all concerned, that the trade dollar, from its added value, would take the place of the Mexican dollar in the immense trade of the East. My own confidence was great. Indeed, the thought of failure never occurred to me. Unfortunately, the stolidity of the Chinese and the force of habit among that people were not considered by us. From long use they had become accustomed to the Mexican dollar. They refused our trade dollar, notwithstanding its greater weight.

We coined and put into circulation, at home and abroad, about 36,000,000 pieces, many of which were afterwards recoined as legal tender dollars under a special act of Congress.

With the failure of that undertaking came the crusade against the act of 1873. Whether the two events sustained to each other the relation of cause and effect, I cannot say.

The suggestion that Senator Stewart of Nevada was assenting to the demonetization of the silver dollar derives support from the fact that, in the month of February, 1874, he indorsed the gold standard in two speeches, delivered,

respectively, on the 11th and 20th days of that month. On the 11th he said: "I want the standard gold, and no paper money not redeemable in gold." On the 20th he added: "Gold is the universal standard of the world. Everybody knows what a dollar in gold is worth."

It is certain that in the month of February, 1874, when the contents of the Mint Bill were in the public statutes, the demonetization of the silver dollar, and the recognition of the gold dollar as the unit of value, had not affected the judgment nor disturbed the sensibilities of the advocates of silver.

I dismiss this branch of the subject with the observation that the act of 1873 placed the United States in a commanding position in regard to the use of silver. If that metal had continued to maintain its supremacy upon the ratio then established between gold and silver coins, there could have arisen no demand for the coinage of silver. If, on the other hand, silver should depreciate, the government might, at its pleasure, use, or it might decline to use, that metal as coin.

I now pass to a part of the history of the controversy not heretofore considered in public discussions, from which it will appear that the trusted representatives of the silver interest put aside the most inviting opportunity, if not the only opportunity, for the adoption of the bimetallic system by the commercial nations of the world.

The act of 1873 prepared the way for the use of silver by the commercial nations of the world, upon an agreed ratio with gold, if indeed, the possibility of such an arrangement ever existed. We were upon a gold basis; the balance of trade, by groups of years, was in our favor; we had a gold revenue from customs of about $200,000,000, and the excess of Treasury receipts over expenditures was nearly $100,000,000 a year.

If we had chosen to accumulate gold and postpone payments upon the Public Debt, we could have brought the nations of the earth to our feet.

It was under circumstances thus favorable for negotiations for the use of silver that the Silver Commission of 1876 was constituted, and authorized, among other things, to inquire "into the policy of the restoration of the double standard in this country, and if restored, what the legal relation between the two coins of silver and gold, should be."

This authority opened a way for the introduction of a policy on the part of the United States looking to an arrangement for the use of silver by the states of Europe, and on that authority the commission dealt with the project of an international bimetallic system.

The commission consisted of eight persons. Senator Jones was the chairman, and Mr. Bland, of Missouri, was an influential member. It was my fortune to be of the commission and it was my fortune also to be alone in opinion upon the main questions that were treated in the reports.

The majority of the commission consisted of Messrs. Jones, Bogy, Willard, Bland and Groesbeck. They favored the remonetization of the silver dollar, and that without delay.

Of the points made in their report, I mention these. They said: "The supply of gold is diminishing, being now but little more than one half what it was in 1852, and is always so fitful and irregular from the method of its production that it is ill-suited to be a sole measure of value."

This statement as a statement of an existing fact was wide of the truth, and as a prophecy it was as fallacious as are the prophecies which predict the destruction of the world. From 1851 to 1855 the annual gold product of the world was 6,410,324 ounces. From 1876 to 1880 the annual gold prod-

uct of the world was 5,543,110 ounces. The gold product of the latter period was eighty-six per cent of the gold product of the former period.

Far wide of the truth were the predictions of the majority in regard to the future product of gold. For the year 1894 the product was 8,737,788 ounces, or about thirty-seven per cent over the product of 1851-'55.

They, the majority, said: "No increase in the yield of silver in the immediate future seems upon the whole to be probable." The commission said further: "The exchanges of the world, and especially of this country, are continually and largely increasing; while the supplies of both the precious metals, taken together, if not diminishing, are at least stationary, and the supply of gold, taken by itself, is falling off."

Each of these two statements in regard to the precious metals was a serious error, and in their controlling influence upon the judgment of the commission they were fatal errors.

The gold product of the world in 1876 was 5,016,488 ounces. In 1894 the product had risen to 8,737,788 ounces, a gain of more than seventy-four per cent in the short period of eighteen years.

In 1876 the product of silver was 67,753,125 ounces, and in 1894 it was 167,752,561 ounces, a gain of about 147 per cent in eighteen years.

Upon these errors the majority of the commission based a policy by which the only opportunity that the country ever had for the establishment of a bimetallic system which should include the commercial nations of Europe, was put aside and forever lost.

If, in 1876, I had anticipated the immense increase in the product of silver, I might have hesitated, but in the view that I was then able to command I had great confidence that a bimetallic arrangement might be secured.

The majority of the commission favored bimetallism but they demanded, first, the remonetization of the silver dollar. On the other hand, I claimed that all thought of the further use of silver should be postponed until the attempt to secure the co-operation of other countries had been tried faithfully.

The policy of the majority of the commission prevailed, and it was consummated by the Statute of 1878, which was passed over the veto of President Hayes, and which authorized the coinage of the silver dollar.

When we had accepted silver, when we had abandoned the vantage ground that we had occupied, it was in vain that we solicited the co-operation of England, France and Germany. The adoption by the United States of a silver-using policy led the statesmen of those countries to anticipate the more extended and continuous use of silver leaving to them a monopoly of gold, while we should sink financially to the level of the degraded states of the world. That catastrophe we have escaped after an experience of twenty-five years, and then only by the combined efforts of the two great political parties.

I submit brief extracts from the report of the majority of the commission and from my individual report of 1876, that our relative positions may be understood.

The commission said: "We believe that the remonetization of silver in this country will have a powerful influence in preventing, and probably will prevent, the demonetization of silver in France and in other European countries in which the double standard is still legally and theoretically maintained."

Again the majority said: "It may be added that a legislative remonetization on the relation to gold if 15.5 to 1 accomplishes without delay all the objects of the proposition for an international conference, which is urged from various quarters."

That I may place myself where I stood in 1876 I present brief extracts from my report of that year.

First I said: "There can be but one standard of value in any country at the same time, and a successful use of gold and silver simultaneously can be effected only by their consolidation upon an agreed ratio of value, and by the concurrence of the commercial nations of the world.

"The undersigned is also of opinion that it is expedient for this Government to extend an invitation to the commercial nations of the world to join in convention for the purpose of considering whether it is wise to provide by treaties and concurrent legislation for the use of both silver and gold in all such nations upon a fixed relative valuation of the two metals; and, finally, that, until such an agreement between this Government and other commercial nations can be effected, the United States should pursue the existing policy in regard to the resumption of specie payments."

Further I said: "It is to be apprehended that the remonetization of silver by the United States at the present time would be followed by such a depreciation in its value as to furnish a reason against the adoption of the plan by the rest of the world, and that an independent movement on our part would increase the difficulties rather than diminish them."

These extracts shall suffice. I now repeat the assertion with which I introduced this topic, viz.: That in 1876 the majority of the Silver Commission put aside the most favorable opportunity, indeed the only opportunity, that the country has ever had for the organization of a universal system of bimetallism.

Of that majority, Senator Jones of Nevada, and Representative Bland, of Missouri, were the leading members. If in defence or in extenuation of the policy of the majority it shall be said that the United States has not remonetized

silver, and that, therefore, the policy of the majority has not been tested, a partial rejoinder, if not, indeed, a satisfactory reply, may be deduced from the facts that between the year 1878 and the year 1893 the Government coined more than 400,000,000 silver dollars, and yet, in that period of time, silver bullion fell from 1.15 plus per ounce to .65 plus per ounce.

It is worthy of notice that the product of silver in the United States has increased with the demand for silver. Upon the passage of the Sherman Bill the product advanced from 45,000,000 ounces in 1888 to an average of 55,000,000 ounces from 1889 to 1893, inclusive. Upon the repeal of that act the product fell to 49,000,000 ounces in 1894.

It is not only probable, it is certain, that with every increasing demand for silver there will be an added supply. Consider what has happened since the appearance of the inventions of which I have spoken.

The world's annual product of silver from 1493 to 1865, inclusive, was 16,887,157 ounces. The largest annual product was from 1861 to 1865, when it reached 35,401,972 ounces. From 1866 to 1894 inclusive, the annual average product was 114,326,397 ounces. In 1894 the product was 167,752,561 ounces, which, as will be observed, was about nine times the annual product from 1493 to 1865.

From 1876 to 1894 the business of silver mining was increased 147 per cent. Can any one name any other business or pursuit in which there was a like increase? And is not the inference justified that the profits have been large and tempting, notwithstanding the demonetization of silver in some countries and the suspension of coinage in other countries?

I turn now to the future, and first as to the possibility of the further use of silver as currency.

I assume that in countries where the standard is gold there may be a considerable use of silver, as in the United States to-day.

An international bimetallic system, binding nations to each other for a definite term of years, is a proposition involving large responsibilities.

If in 1885 it was not practicable to secure the adoption of the bimetallic system, when silver was worth eighty-four cents per ounce, what is the prospect of its adoption when silver is worth only sixty-four cents per ounce, with an annually increasing product and a diminishing price?

What remains? This, possibly: That the nations may agree to purchase each a per cent of a fixed amount of silver as the product of each year. This scheme might prove, and probably it would prove, to be only a temporary expedient.

The enormous increase in the business of silver mining is evidence that the profits are far in excess of the profits that are gained in other pursuits. The increase in product is likely to be followed by a fall in price. Such are the resources of the earth that an increase in the demand for silver will be followed by an increase in the supply.

Gold mining is obedient to the same law. From 1876 to 1894 the product increased 74 per cent. That ratio of increase is likely to continue. The world is not in peril of a gold famine. Gold as a currency, passing from hand to hand, will be used less and less. Substitutes, for which gold can be obtained, will be preferred. The volume of currency in a country is not limited by the amount of gold that a country may possess. It may increase the amount of subsidiary coin very largely, and it may add to the sum of paper money, provided that that paper money is always redeemable in gold.

Nor does the quantity of gold in a country determine the price of commodities, except as that gold is a part of the total volume of the currency of the country. The volume of

currency as a whole is the force by which the salable value of commodities is affected.

In truth, gold plays a small part only in actual business. It is a regulator of business rather than an active instrument for the transaction of business. It is not an exaggeration to say that the use of gold in business is limited to a small fraction of one per cent of the aggregate transactions in countries where gold is the standard.

It is not improbable that in the near future the world is to meet a surfeit of gold, as it is now meeting a surfeit of silver. Yet even then its capacity as a standard will not be affected. History does not carry us to a time when gold was not the recognized standard for the measurement of every other kind of property, and that not by one tribe or people only, but by mankind in every clime and in every stage of savageness or of civilization.

As the Mint Bill and the demonetization of silver have occupied the attention of the country for a third of a century, and as there may be a revival of the controversy at a time in the future I have thought it wise for me to make a record of the facts in the most enduring form at my command.

At the end this is my claim for the Mint Bill of 1873: It established the gold standard for the United States for all time. All the subsequent legislation has rested upon the fact that the Statute of 1873 made the gold dollar the standard of value in the United States.

XXXV

BLACK FRIDAY—SEPTEMBER 24, 1869

SO much time has passed since September 24, 1869, that there may be a large public who may become interested in a review of the events of the spring and summer of that year which culminated in Wall Street, New York, in the transactions and experiences of the day known as "Black Friday."

When the Forty-first Congress assembled in December of that year, the House of Representatives directed the Committee on Banking and Currency "to investigate the causes that led to the unusual and extraordinary fluctuations of gold in the city of New York, from the 21st to the 27th of September, 1869." The committee made a report which was printed under date of March 1, 1870, and which may be found in a volume entitled "Garfield's Report on the Gold Panic Investigation." From that report it appears that certain persons in the city of New York entered into an arrangement, or understanding, or combination, as early as the month of April, 1869, for the purpose of forcing the price of gold artificially to a rate far beyond what might be called the natural price. The committee, of which General Garfield was chairman, characterized the combination as a conspiracy. Technically and in a legal point of view the parties concerned could not be treated properly as conspirators. It does not appear that they contemplated the violation of any law, but only a policy by which gold might be advanced from

time to time, and out of which advance large sums of money might be realized by those who were holders of gold. Upon that theory Jay Gould and James Fisk, Jr., who were the leaders and organizers of the combination, with their associates, made large purchases of gold at prices varying from thirty to thirty-five per cent, premium. At the close of the month of April, the price of gold, not then, as far as known, under the influence of any speculative movement, was at a premium of about thirty-four per cent. The indications were that, during the months of May and June, the parties interested in the combination made large purchases. By the 20th of May the price had reached a premium of forty-four per cent. From that time onward, until the last of July, the premium diminished, and at that date the rate was thirty-six per cent.

When I entered the Treasury Department in March, there had not been sales of gold nor purchases of bonds by the Treasury Department as a policy, and but few transactions on either side had been made by my predecessors in office. As early as the 12th day of May I commenced the purchase of bonds for the sinking fund and for the reduction of the interest-bearing public debt. The total purchases during the year 1869 amounted to something more than $88,000,000, for which there was paid in currency $102,000,000 and a margin over. At that time, the customs receipts were in gold exclusively, and the purchase of bonds could only be made by a sale of gold or by a direct purchase of bonds to be paid for in gold. Suggestions were made by bankers and others in the city of New York, and perhaps elsewhere, that the purchase of bonds should be made in gold. This suggestion was not acceptable to me, and upon the ground that the sale of gold would be limited to those who had bonds, or who could procure bonds, for the payment of gold. From the 29th of April, when the first sale of gold was made, until the 31st

day of December, the sales amounted to something more than $53,000,000, and the proceeds to something over $70,000,000. The difference in the amount realized from the sale of gold and the amount paid for bonds purchased was met by the excess of receipts over the expenditures of the Government during that period.

As having some connection, and perhaps an important connection, with what is to be said hereafter touching General Grant's action in the days of September, when the speculation was going on, I think it proper to make a statement of my relations to the President. I had declined the office of Secretary of the Treasury, and on the morning of my nomination to the Senate I wrote a letter to Mr. Washburne, through whom the invitation of the President that I should accept the office was made, requesting him and urging him to say to the President that I was unwilling to accept the place. My nomination was sent to the Senate and confirmed, and as there seemed to be no alternative for me, I entered upon the duties of the office. Due in part to these circumstances, as I think, the President accepted the idea that the management of the Treasury Department was in my hands, and from first to last, during the four years that I was in his Cabinet, his acts and his conversation proceeded upon that idea. Moreover, he was influenced by a military view that an officer who was charged with the conduct of a business, or of an undertaking, should be left free to act, that he should be made responsible, and that, in case of failure, the consequences should rest upon him. It happened, and as a plan on my part, that neither the President nor the Cabinet was made responsible for what was done in the Treasury Department. Hence it was that I presented to the Cabinet but two questions. One of these was of no considerable consequence. The other related to the political effect that might follow a loan that I contemplated making upon certain terms in the year 1872,

when the Presidential contest was pending. In the line of these views, it happened that I announced my purpose to purchase bonds in May, 1869, without conference either with the Cabinet or with the President. When the announcement was made, there was a slight advance in bonds. In order that the business interests of the country might not be influenced by an apprehension that changes might take place in the policy of the Department, I announced (as stated in Chapter XXIII) at the beginning of each month the sales of gold and the purchases of bonds that were to be made during the coming month. Those announcements were sent out on the evening of Sunday, either the last Sunday of the closing month or the first Sunday of the opening month. The despatches were written by myself Sunday evening, and sent to the Assistant Treasurer at New York. A copy was given to the agent of the Associated Press, that the public might be informed in the morning of the policy for the ensuing month, and that there should be no opportunity for speculation by persons who might obtain information in advance of the general public. Unhappily, this policy was made the basis of the proceedings in New York which culminated in "Black Friday." The parties interested—I do not call them conspirators—assumed that for thirty days the policy of the department as to the sale of gold and the purchase of bonds would remain unchanged, and on that basis they proceeded to make arrangements for the advance in gold. Not satisfied with that policy, which was designed to save the business community from unnecessary apprehensions, an attempt was made to induce me to make an announcement for two or three months. Such suggestions were made in letters that I received from interested parties in the city of New York.

Speculation in gold was not all on one side. There were speculators who were anxious to break down the price of gold, and between the lines I could read the condition of the

respective parties from whom I received letters. Under date of September 23, I received a letter from a prominent house in New York in which the writer said: "I am actuated to again portray to you the state of financial affairs as they now exist in this city. The speculative advance in gold has brought legitimate business almost to a standstill, owing to the apprehension of a corner, which from appearances may appear at any moment."

It did not follow that the writer of the letter was "short on gold," as the phrase is. I had, however, in my possession at that time a list of persons in New York who were supposed to be contestants, some for an advance in gold and others for a fall. The writer of the letter was among those whose names had been given to me as speculators for a fall in gold. In this connection I may say that it was no part of my policy to regulate affairs in Wall Street or State Street or Lombard Street. Until it became apparent that the operations in New York affected largely and seriously the business interests of the country, and until it became apparent that the Treasury receipts were diminished by the panic that had taken possession of the public, I refrained from any interference with those who were engaged either in forcing up or forcing down the price of gold.

Under date of the 24th day of September, I received a letter from my special and trusted correspondent in the city of New York in which I find this statement: "This has been the most dreadful day I have ever seen in this city. While gold was jumping from forty-three to sixty-one the excitement was painful. Old, conservative merchants looked aghast, nobody was in their offices, and the agony depicted on the faces of men who crowded the streets made one feel as if Gettysburg had been lost and that the rebels were marching down Broadway. Friends of the Administration openly stated that the President or yourself must have given these

men to feel you would not interfere with them or they would never dare to rush gold up so rapidly. In truth, many parties of real responsibility and friends of the Government openly declared that somebody in Washington must be in this combination."

The last sentence in this quotation unfolds the policy which had guided Gould and Fisk and their associates from April to the culmination of their undertaking, the 24th day of September. As far as I know, the effort had been directed chiefly to the support of a false theory that the President was opposed to the sale of gold, especially during the autumn months, when a large amount of currency is required, or in those days was supposed to be required, for "the moving," as it was called, of the produce of the West to the sea coast for shipment to Europe. They even went so far as to allege that the President had ordered the Secretary of the Treasury to suspend the sale of gold during the month of September, for which there was no foundation whatever. Indeed, up to the 22d of September, when I introduced the subject of the price of gold to the President, he had neither said nor done anything, except to write a letter from New York City under date of September 12, 1869, in the following words:

NEW YORK CITY, *September* 12, 1869.

DEAR SIR: I leave here for western Pennsylvania to-morrow morning, and will not reach Washington before the middle or last of next week. Had I known before making my arrangements for starting that you would be in this city early this week, I would have remained to meet you. I am satisfied that on your arrival you will be met by the bulls and bears of Wall Street, and probably by merchants, too, to induce you to sell gold, or pay the November interest in advance, on the one side, and to hold fast on the other. The fact is, a desperate struggle is now taking place, and each

party wants the Government to help him out. I write this letter to advise you of what I think you may expect, to put you on your guard.

I think, from the lights before me, I would move on without change until the present struggle is over. If you want to write me this week, my address will be Washington, Pennsylvania. I would like to hear your experience with the factions, at all events, if they give you time to write. No doubt you will have a better chance to judge than I, for I have avoided general discussion on the subject.

Yours truly,

U. S. GRANT.

Hon. GEORGE S. BOUTWELL,
Secretary of Treasury.

At a meeting, which was accidental, as far as the President was concerned, on board one of Fisk and Gould's Fall River steamers, when he was on his way to Boston, in June of that year, to attend the Peace Jubilee, an attempt was made to commit General Grant to the policy of holding gold. I was present on the trip with the President. What happened on the boat may be best given in the language of Mr. Fisk and Mr. Gould. Mr. Fisk, in his testimony before the committee, said:

"On our passage over to Boston with General Grant, we endeavored to ascertain what his position in regard to the finances was. We went down to supper about nine o'clock, intending while we were there to have this thing pretty thoroughly talked up, and, if possible, to relieve him from any idea of putting the price of gold down."

Mr. Gould's account before the committee was as follows:

"At this supper the question came up about the state of the country, the crops, prospects ahead, etc. The President was a listener; the other gentlemen were discussing. Some

were in favor of Boutwell's selling gold, and some were opposed to it. After they had all interchanged their views, some one asked the President what his view was. He remarked that he thought there was a certain amount of fictitiousness about the prosperity of the country, and that the bubble might as well be tapped in one way as another. . . . We supposed from that conversation that the President was a contractionist. His remark struck across us like a wet blanket."

The error of Fisk and Gould and their associates, from the beginning to the end of the contest, was in the supposition that the President was taking any part in the operations of the Treasury concerning the price of gold. If he expressed any opinions outside in conversation, there were no acts on his part in harmony with or in antagonism to the views he entertained. As a matter of fact, with the exception of the letter from the city of New York, he had no conference or correspondence with me up to the 22d day of September, when I called upon him, and gave him a statement of the price of gold in the city of New York, and of the nature and character of the combination that existed there, as far as it was understood by me. Their policy was directed to two points: first, to influence the President, if possible, to interfere in a way to advance the price of gold; and, second, to satisfy their adherents and opponents that the President either had so interfered or would so interfere.

Even Fisk and Gould may at a period of time have rested in the belief that the President either had interfered or that he would interfere. Their confidence was in Mr. A. R. Corbin, a brother-in-law of the President, who, under the influence of various considerations, which appear to have been personal and pecuniary to a very large extent, lent himself to the task of influencing the President. As a matter of fact, his attempts were very feeble and misdirected and of no conse-

quence whatever. Indeed, such is my opinion of the President, and such my belief as to his opinion concerning Mr. Corbin, that nothing which Mr. Corbin did say, or could have said, did have or could have had the least influence upon the President's opinion or conduct. It is, however, also true that Fisk and Gould employed Corbin and gave him consideration in their undertakings out of which he realized some money. I received information also, which may not have been true, that they suggested to him that he might become president of the Tenth National Bank, which had a very conspicuous part in the events which culminated in Black Friday.

An attempt to strengthen the impression that it was the purpose of the President to prevent the sale of gold was made through an article prepared by Mr. Corbin, probably under the direction of Mr. Gould and others, which appeared finally, with some alterations and omissions, in the New York *Times* of the 25th of August. It appears to have been the purpose of the parties interested to mislead the *Times* as to the authorship of the article, and they secured the agency of Mr. James McHenry, a prominent English capitalist, who called at the *Times* office, and presented the article to Mr. Bigelow, the editor, as the opinion of a person in the intimate confidence of the President. The article was put in type and double leaded. When so prepared, suspicions were aroused, and the financial editor, Mr. Norvell, made very important corrections, taking care to omit sentences and paragraphs that contained explicit statements as to the purposes of the President. Some of the phrases omitted were in these words: "It may be that further purchases of bonds will be made directly with gold." "As gold accumulates, the less would be the premium upon it. High prices for gold before the sale of our products would cause lower prices of gold after the sale of products."

Among the statements made which were preserved in the article as printed finally were these: "The President evidently intends to pay off the 5-20s as rapidly as he may in gold"; "So far as current movements of the Treasury are concerned, until crops are moved it is not likely Treasury gold will be sold for currency to be locked up."

Following the appearance of this article, I received a letter from Mr. Gould, dated the 30th of August, in which this sentence appears: "If the New York *Times* correctly reflects your financial policy during the next three or four months; namely, to unloose the currency balance at the Treasury or keep it at the lowest possible figure, and also to refrain during the same period from selling or putting gold on the market, thus preventing a depression of the premium at a season of the year when the bulk of our agricultural products have to be marketed, then I think the country peculiarly fortunate in having a financial head who can take a broad view of the situation, and who realizes the importance of settling the large balance of debt against us by the export of our agricultural and mining products instead of bonds and gold."

Of my reply to that letter, the committee say: "The brief and formal reply of the Secretary gave Gould no clew to the purpose of the Government."

Under date of September 20, I received a letter from Gould to which I made no reply. Aside from the topics to which he directed my attention in the letter, it is the unavoidable inference from the context as a whole that Gould had then no faith in the statements given to the public that the President was in any manner pledged to interfere and prevent the sale of gold. The following extracts from the letter of September 20 are a full exposition of his policy and of the means on which he relied to advance the price of gold during the month of September:

"On the subject of the price of gold and its effect upon the producing interests of the West, permit me to say that during the months of September of the past two years the price has averaged about forty-five. Gold must range this year at about that premium to enable the export of the surplus crops of wheat and corn. We have to compete with the grain-producing countries bordering on the Black and Mediterranean seas, and it requires a premium of over forty per cent on gold to equalize our high-priced labor and long rail transportation to the seaboard.

"My theory is to let gold go to a price that we can export our surplus products to pay our foreign debts, and the moment we turn the balance of trade in our favor gold will decline from natural causes. In my judgment, the Government cannot afford to sell gold during the next three months while the crops are being marketed, and if such a policy were announced, it would immediately cause a high export of breadstuffs and an active fall trade.

"P. S. In addition to the above, if gold were put upon the market, government bonds would decline to at least fifteen, leaving the purchases made by the Government in the past few months open to criticism as showing a loss."

As early as the 20th of September, I had evidence satisfactory to me that the Tenth National Bank in the city of New York was a party to the speculation in gold, and that its assistance was rendered largely through the certification of checks drawn by the brokers, and largely in excess of the balances due them upon the books of the bank when the certifications were made. It appeared from the evidence submitted that these certifications of checks in excess of the balances due to brokers amounted to about $18,000,000 on the 22d and 23d of September, when the speculation was at its height.

For the purpose of arresting that process and checking the speculation in gold, I detained the comptroller of the currency and three competent clerks after the close of business on the 22d of September. The clerks received commissions as bank examiners, and were instructed to go to New York that night and to take possession of the Tenth National Bank, at the opening of business in the morning, and to give directions that the habit of certifying checks in excess of the balances due must be suspended. It was my expectation that the enforcement of that rule would, or might, end the speculation, inasmuch as the purchasers of gold would be unable to meet their obligations, and therefore it would be out of their power to create them. This expectation was not realized. Whether the certification went on at the Tenth National Bank in defiance of the order, or whether other banks were so connected with the speculation that checks were certified elsewhere, was not known to me.

I called upon the President after business on the 23d of September, and made a statement of the condition of the gold market in the city of New York, as far as it had been communicated to me during the day. I then said that a sale of gold should be made for the purpose of breaking the market and ending the excitement. He asked me what sum I proposed to sell. I said: "Three million dollars will be sufficient to break the combination."

He said in reply: "I think you had better make it $5,000,000."

Without assenting to his proposition or dissenting from it, I returned to the department, and sent an order for the sale of $4,000,000 of gold the next day. The order was to the assistant treasurer in these words: "Sell $4,000,000 gold to-morrow, and buy $4,000,000 bonds." The message was not in cipher, and there was no attempt to keep it secret. It was duplicated, and sent by each of the rival telegraph

lines to New York. Within the space of fifteen minutes after the receipt of the despatch, the price of gold fell from 160 to 133, and in the language of one of the witnesses, "half of Wall Street was involved in ruin."

For the moment, the condition of Wall Street and the Gold Exchange seemed to justify the statement of the person whose language has just been quoted. As a matter of fact, however, many of the people involved recovered from the panic, and were able to meet their obligations. Some were gainers, probably, by the proceedings of the month of September, and some were losers. As I have already said, I had no purpose to help anybody or to hurt anybody, and I interfered in Wall Street only when the operations that were going on there involved innocent parties who were engaged in legitimate business, and also imposed upon the Government a sacrifice in the loss of revenue.

Following the downfall of the combination, there appeared in the newspapers statements and imputations which reflected upon the President and his family as to their relations to the gold operations. All these statements were without foundation. Mr. Corbin's connection was established beyond controversy, but the evidence which established his relations to the parties engaged in the gold speculation was also conclusive as to the fact that the President had no connection with it, and that he was not in any way interested in any policy calculated to advance the interests of the combination.

The apprehensions that were entertained on the evening of the 24th and on the 25th of September as to the extent of the disaster to business and to individuals engaged in gold speculation were not realized in full. My special correspondent in New York said in a letter dated September 25: "Many of the houses hurt and reported failed yesterday are likely to recover." Again he said: "The demoralization in the street was never equaled, and it must take several days at

least before matters get fairly straightened. There is a wholesome dread against making any obligations. Smith, Gould, and Martin are just reported as paying in full."

In a letter dated September 27 at 6:30 P. M., the assistant treasurer at New York wrote me: "From the best evidence to be gathered in the excitement here, it is safe to infer that the Gold Exchange Bank will suffer losses to the extent of its capital and surplus at least, and perhaps more." To the contrary of that prediction, it is to be said that the Gold Exchange Bank was able to meet all its obligations.

In a letter written by Mr. Grinnell, then collector of the port of New York, under date of September 24, after the announcement of the sale of gold had been made, I find this statement: "Had you not taken the course which you did, I believe a large proportion of our most reliable merchants and bankers would have been obliged to suspend before three o'clock to-day, as confidence was entirely gone and the panic was becoming universal."

Following the break in the price of gold, there were persons who became apprehensive that the rate would fall to a point which would affect their interests unfavorably, and I received a letter, dated after business hours on the 24th, in which the writer said: "It is not impossible that, in view of the largeness of the amount of gold to be sold to-morrow, there may be a combination to procure it at a low price, and you will therefore excuse a suggestion that, as the effect of your intervention has already been realized, it might be well to protect the Government by making it known that you will reject all unacceptable bids."

These extracts from letters received previous to and during the crisis may lead to the conclusion that it is not safe to trust to persons engaged in large business and commercial transactions as guides for the administration of the Government in financial matters. Indeed, one may go still further,

and say that it is not safe to trust the guidance of the Government in financial affairs to men whose life business it has been to convert information into gold.

The most unpleasant incident of the gold speculation of 1869 was the fact that General Butterfield, the assistant treasurer in the city of New York, was so far involved as to lead the President to ask for his resignation. That request did not arise from any evidence that General Butterfield was in any way concerned in the movement or combination, which led to the advance in gold. Indeed, the evidence was conclusive to the contrary. This fact, however, did appear—that during the period of the excitement he had made some purchases and sales of gold and bonds. The suspicions that existed in the city of New York as to his connection with the gold movement were largely exaggerations of the actual facts. There was no evidence which impeached his official or personal integrity in business. His resignation was requested upon the ground that it was essential to the proper administration of the office that the person holding the important place of assistant treasurer in the city of New York should not be engaged in business transactions which might give rise to the conjecture that he had advantages over others in consequence of his connection with the Government.

It ought to be said that Mr. Gould, in his testimony before the committee, which was given at great length and with singular clearness of statement, denied expressly the existence of any combination. In fine, he claimed, what may have been the truth, and upon the whole probably was the truth, that it was no part of his purpose to carry the price of gold above forty or forty-five per cent premium. He attributed the excessive and rapid advance of the price of gold to the persons who had sold short and who, becoming alarmed, attempted to cover their sales by making purchases, and by

bidding against each other carried the price from about 140 to 160.

The same statement was made by Mr. Fisk as to the cause of the excessive rise in the price of gold. He said: "It went up to sixty, for the reason that there were in that market a hundred men short of gold. There were banking houses which had stood for fifty years, and who did not know but what they were ruined. They rushed into the market to cover their shorts. I think it went from forty-five to sixty without the purchase of more than $600,000 or $700,000 of gold. It went there in consequence of the frightened bear interests. There was a feeling that there was no gold in the market and that the Government would not let any gold go out."

At the time of the gold panic, Gould and Fisk were interested in the business of railway transportation from the West to the seaboard, and Mr. Fisk made a statement which sets forth the theory on which he and Gould professed to act. Fisk said: "The whole movement was based upon a desire on our part to employ our men and work our power getting surplus crops moved East and receiving for ourselves that portion of the transportation properly belonging to our road. That was the beginning of the movement, and the further operations were based upon the promise of what Corbin said the Government would do."

From the testimony of Jay Gould and James Fisk, Jr., as it appeared in the printed report, we are able to comprehend the characteristics of the two men. Gould was cool and collected from beginning to end, with no indication in his statements that the events of the 24th of September had in any particular disturbed him in temper or nerve or confidence in his ability to meet the exigencies of the situation. On the other hand, the testimony of Fisk indicated the absence of the quali-

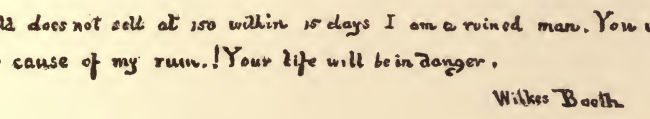
ties ascribed to Gould, and during his examination he failed to maintain even ordinary equanimity of temper. He interfered with the proceedings, and delivered this address to the committee: "I must state that I must ask you gentlemen to summon witnesses whose names I shall give you. My men are starving. When the newspapers told you we were keeping away from this committee, I say to you that there is no man in this country who wants to come before you as bad as Jim Fisk, Jr. I have thirty or forty thousand wives and children to feed with the money disbursed from our office. We have no money to pay them, and I know what has brought them to this condition."

Another extract from Fisk's testimony gives a graphic view of his condition when the crash came: "I went down to the neighborhood of Wall Street Friday morning. When I got back to our office you can imagine I was in no enviable state of mind, and the moment I got up street that afternoon I started right round to old Corbin's to rake him out. I went into the room, and sent word that Mr. Fisk wanted to see him in the dining-room. I was too mad to say anything civil, and when he came into the room, said I, 'Do you know what you have done here, you and your people?' He began to wring his hands, and 'Oh,' he says, 'this is a horrible position. Are you ruined?' I said I didn't know whether I was or not; and I asked him again if he knew what had happened. He had been crying, and said he had just heard; that he had been sure everything was all right; but that something had occurred entirely different from what he had anticipated. Said I, 'That don't amount to anything. We know that gold ought not to be at thirty-one, and that it would not be but for such performances as you have had this last week; you know——well it would not if you had not failed.' I knew that somebody had run a saw right into us, and said I, 'This whole——thing has turned out just as I told you it

would.' I considered the whole party a pack of cowards; and I expected that, when we came to clear our hands, they would sock it right into us. I said to him, 'I don't know whether you have lied or not, and I don't know what ought to be done with you.'

"He was on the other side of the table, weeping and wailing, and I was gnashing my teeth. 'Now,' he says, 'you must quiet yourself.' I told him I didn't want to be quiet; I had no desire to ever be quiet again. He says, 'But, my dear sir, you will lose your reason.' Says I, 'Speyers has already lost his reason; reason has gone out of everybody but me.'"

My part and my interest in the events of Black Friday came to an end with an effort to ascertain the authorship of an anonymous communication, written in red ink, that I received the 6th day of October. It was postmarked at New York, the 5th of October, 1869. (A reduced facsimile of the communication is shown below.) An attempt was made through the police and the secret service system to trace the authorship of the superscription. The attempt was ineffectual.


If gold does not sell at 150 within 15 days I am a ruined man. You will be the cause of my ruin. Your life will be in danger.

Wilkes Booth

It appears in the review that Mr. Gould originated the scheme of advancing the price of gold and that Mr. Fisk was his principal coadjutor. It also appears that Mr. Fisk entered into the arrangement upon the basis of friendship for Mr. Gould, and not in consequence of an opinion on his part that the scheme was a wise one. Mr. Gould had two main purposes in view: first, the profit that he might realize from an advance in gold; and, second, the advantage that might accrue to the railroad with which he was connected through

an increase of its business in the transportation of products from the West. As set forth in Mr. Gould's letter, he entertained the opinion, which rested upon satisfactory business grounds, that an advance in the price of gold would stimulate the sale of Western products, increase the business of transportation over the railways, and aid us in the payment of liabilities abroad. If the price of gold had not been advanced beyond a premium of forty or perhaps forty-five per cent, all these results might have been realized, without detriment to the public, while Mr. Gould and his associates would have realized large profits. When the price had advanced to forty or forty-five per cent, Mr. Gould or his associates made calls upon those who were under contracts to deliver gold to make their margins good or else to produce the gold. These demands created a panic, and the parties who had agreed to deliver gold entered the market, and bidding against each other, they carried the price beyond the point that Mr. Gould had contemplated.

XXXVI

AN HISTORIC SALE OF UNITED STATES BONDS IN ENGLAND

IF there should be any considerable interest in the history of the funding system of the United States, the interest would be due to a sale of bonds some thirty years ago and certain incidents which could not have been anticipated, which arose from the execution of the trust.

In the month of July, 1868, a bill for funding the national debt which had passed the Senate of the United States was reported, without amendments, to the House of Representatives by the Committee on Ways and Means.

When the bill was under consideration in the House, I proposed a substitute. In the debate of July 21 I made a statement of the nature of my substitute, and I reproduce an extract which sets forth the first step in a policy which culminated in the Act for Funding the Public Debt, and which was approved by President Grant July 14, 1870:

"The amendment to which I wish to call the attention of the House provides for the funding of $1,200,000,000 of the public debt $400,000,000 payable in fifteen years @ 5 per cent interest, $400,000,000 payable in twenty years @ 4½ per cent interest, and $400,000,000 payable in twenty-five years @ 3.65 per cent interest, the latter sum of $400,000,000 payable, principal and interest, at the option of the takers, either in the United States, or in London, Paris, or Frankfort."

At that time I had not entertained the thought that I might come to be the head of the Treasury Department. Indeed, I had no other purpose in public life than to remain in the House of Representatives.

I had had experience on the executive side of the Government and also on the legislative side, and I had a fixed opinion in favor of the latter form of service.

As Secretary of the Treasury, I proposed a bill in 1869 in the line of the substitute for the bill of the Committee on Ways and Means which I had challenged in July, 1868. The bill proposed an issue of three classes of bonds, each of four hundred million dollars, which were to mature at different dates, and to bear interest at the rates of 5, 4½, and 4 per cent. It was further provided that the principal and interest of the bonds bearing the lowest rate should be made payable either in the United States, or at Frankfort, Paris, or London, as the takers might prefer. The provision was rejected through the influence of General Schenck, who had then returned recently from Europe, and with the opinion that the concession involved an impairment of national honor. As a substitute for the feature so rejected, I originated a plan for the issue of registered bonds, upon the condition that the interest could be paid in checks to be forwarded by the mails to the holders of bonds at the places designated by them in any part of the world. This plan is far superior to the first suggestion, as it is susceptible of a much wider application.

I have received from Mr. Roberts, the Treasurer of the United States, the following letter and statement:

STATEMENT SHOWING THE PROPORTION OF UNITED STATES BONDS OUTSTANDING JANUARY 25, 1900, ON WHICH INTEREST IS PAID BY CHECK.

TITLE OF LOAN.	Total issue.	Registered bonds on which interest is paid by check.	Percentage of bonds on which interest is paid by check.
Funded loan of 1891 continued at 2 per cent	$25,364,500	$25,364,500	100.00
Four per cent funded loan of 1907	545,342,950	478,195,600	87.69
Five per cent loan of 1904	95,009,700	64,615,650	68.01
Four per cent loan of 1925	162,315,400	117,997,200	72.70
Three per cent ten-twenties of 1898	168,679,000	109,450,060	55.09
Totals	$996,711,550	$795,623,030	77.49

TREASURY DEPARTMENT.

OFFICE OF THE TREASURER,
WASHINGTON, D. C.
January 25, 1900.

HONORABLE GEORGE S. BOUTWELL,
Boston, Massachusetts.

My Dear Mr. Secretary: It gives me pleasure to enclose to you a table showing by classes of bonds the percentage of interest paid by checks. The interest on all registered bonds is now so paid. Only the coupon bonds, by their nature, are differently treated.

Your plan has worked admirably, and the drift is slowly from the coupon to the registered form, and so to an increase of the payment of interest by checks.

With kind regards, Yours very truly,

(Signed) ELLIS H. ROBERTS,
Treasurer of the United States.

This plan has been adopted by corporations that are borrowers of large sums of money upon an issue of bonds, and the use of the system is very general in the United States.

In my report to Congress in December, 1869, I made recommendation of the Funding Bill, and I placed copies of the bill that I had prepared in the hands of the Finance Committee of the Senate, and in the hands of the Committee on Ways and Means of the House of Representatives.

When the bill became a law, the authorized issue of five per cent bonds was limited to two hundred million dollars, and the issue of four per cent was raised to twelve hundred million. Simultaneously with the passage of the Funding Bill of July, 1870, the war between France and Prussia opened, and the opportunity for negotiations was postponed until the early months of the year 1871. In these later years, when bonds of the United States have been sold upon the basis of their par value at two per cent income, it is difficult to realize that in 1869 the six per cent bonds of the United States were worth in gold only 83 5-10 cents to the dollar. The first attempt to dispose of the five per cent bonds was made by the Treasury Department through an invitation to the public to subscribe for the bonds, payment to be made in the currency of the country, or by an exchange of outstanding five-twenty bonds which bore interest at the rate of six per cent. The subscriptions reached the sum of sixty-six million dollars, of which the national banks were subscribers to the amount of sixty-four million, leaving two million only as the loan to the general public. A portion of the amount taken by the banks was for the account of patrons and clients. This experience justified the opinion that future efforts with the general public would be unsuccessful, while the credit of the country was not established and placed beyond the influence of cavillers and doubters.

It was under such circumstances that the aid of banks and bankers became important for the furtherance of subscriptions, in view of the fact that they could give personal

service of a nature not possible in the case of salaried officers of the Government, nor compatible with their daily duties.

It is not easy, in this age of comparative freedom and power in financial affairs, to comprehend that in the year 1871 the long established bankers of New York, Amsterdam, and London, either declined or neglected the opportunity to negotiate the five per cent coin bonds of the United States upon the basis of their par value. It may not be out of place for me to mention Mr. Morton, of the house of Morton, Bliss & Co., as an exception to the bankers of Europe and the United States.

It was in the same months of 1871 that I recommended the issue of a four per cent fifty-year bond as the basis of the currency to be issued by the national banks. This proposition, which would have been advantageous to the banks, in an increasing ratio as the value of money diminished, was defeated by the organized opposition of the banks through an effective lobby that was assembled in the city of Washington. Such was the public sentiment in the year 1871, even in the presence of these important facts, that in the month of December I was able to say in my annual report that the debt had been diminished during the next preceding year in the sum of ninety-four million dollars, and that the total decrease from March 1, 1869, to December 1, 1871, was over two hundred and seventy-seven million dollars.

It was in this situation of affairs that Messrs. Jay Cooke & Co. proposed to undertake the sale in London, by subscription, of one hundred and thirty-four million five per cent bonds then unsold. Authority was given to Cooke & Co. to proceed with the undertaking, and when the books were closed, September 1, I was informed that the loan had been taken in full. By the terms prescribed by Cooke & Co., the

subscribers deposited five per cent as security for the validity of their subscriptions. The bonds were to be delivered the first day of December.

Upon the receipt of the information that the undertaking had been a success, the bonds were prepared, and the Hon. William A. Richardson, then an assistant secretary of the Treasury, was designated as the agent of the department for the delivery of the bonds. The bonds were placed in safes, on each of which there were three locks. The clerks were sent over in different vessels, and the keys were so distributed among them, that there were not keys in any one vessel by which any one of the safes could be opened.

The success of the subscription gave rise to an unexpected difficulty.

At that time there were outstanding one hundred and ninety-four million ten-forty United States bonds that carried interest at the rate of five per cent.

It was a singular coincidence, and a coincidence probably not due to natural causes, that some five per cent bonds, having fifteen years to run, should be at par, and that other five per cent bonds that might run thirty years should fall below par in the same market. In the three months from August to December, these ten-forties were quoted as low as ninety-seven, or even for a time at ninety-six. Cooke became anxious, if not alarmed, lest the rate should fall below ninety-five, and consequently lest the subscribers should refuse to meet their obligations. Early on the morning of the first Monday in December, I received the information that the bonds were taken as soon as the offices were open. I may mention in passing that Cooke & Co. paid for the bonds as they were delivered, either in coin or in five-twenty bonds.

As bonds were taken, and as payments were made, a difficulty appeared which had been anticipated, but not in its fulness. The proceeds from the sales of the five per cent bonds

were pledged to the redemption of six per cent five-twenty bonds, reckoned at their par value.

It was provided by the statute that whenever five-twenty bonds were called, a notice of ninety days should be given, when interest would cease. Thus it happened that whenever a bond was called it was worth par and interest to the end of the ninety days. Of the called bonds some were in America, and the owners did not choose to present them in London in exchange for five per cent bonds, nor for coin. Hence it happened that of the total proceeds of the five per cent bonds, about twenty million dollars were paid in gold coin by Cooke & Co. This coin was deposited in the Bank of England, but upon such terms as were imposed by the governors:

(1) The deposits must be made in the name of William A. Richardson. This was done, but a statement was made by Judge Richardson that the deposit was the property of the United States.

(2) The gold was not to be taken out of the country. This stipulation was in the line of our policy, which was to invest the entire sum in five-twenty bonds, whenever they could be bought at par. The opportunity came in a manner that was not anticipated. The documents referred to are of historical value, and they are therefore inserted as follows:

(a) A declaration of trust by William A. Richardson, Assistant Secretary of the Treasury, dated at London, December 28, 1871.

(b) Letter of William A. Richardson, Assistant Secretary of the Treasury, to John P. Bigelow, Chief of the Loan Division of the Treasury, dated also at London, December 28, 1871.

(c) Letter of George Forbes, Chief Cashier of the Bank of England, to Judge Richardson, dated January 4, 1872.

(d) Letter of Judge Richardson to George Lyall, Governor of the Bank of England, dated January 15, 1872.

(e) Reply to the same by George Forbes, Chief Cashier, dated January 17, 1872.

(f) William A. Richardson's report of January 25, 1872.

(a) Declaration by William A. Richardson

Whereas, I have this day deposited in my name, as Assistant Secretary of the Treasury, U. S. A., in the Bank of England, two million five hundred and fifty thousand pounds sterling, and shall probably hereafter make further deposits on the same account:

Now I hereby declare that said amount and deposits, present and future, are official and belong to the Government of the United States, and not to me personally that the moneys so deposited are the proceeds of the sale of five per cent bonds of the "Funded Loan"; that whatever money I may at any time have in said Bank under said account, will be the property of the United States Government, held by me officially as Assistant Secretary of the Treasury, acting under orders from the Secretary; that the same is, and will continue to be subject to the draft, order, and control of the Secretary of the Treasury, independently of, and superior to my authority, whenever he so elects, and that upon his assuming control thereof, my power over the same will wholly cease. In case of my decease before said account is closed, the money on deposit will not belong to my estate, but to the Government of the United States.

Witness my hand and seal,

(Signed) William A. Richardson,
Assistant Secretary of the Treasury, U. S. A.

London, England, *December* 28, 1871.

Witnesses:

Jno. P. Bigelow, E. W. Bowen, Geo. L. Warren.

(b) JUDGE RICHARDSON TO JOHN P. BIGELOW

41 LOMBARD ST., LONDON, ENGLAND,
December 28, 1871.

To JOHN P. BIGELOW, *Chief of the Loan Division, Secretary's Office, Treasury Department, U. S. A.*

I have this day deposited in the Bank of England, in my name as Assistant Secretary of the Treasury, two million five hundred and fifty thousand pounds sterling money, belonging to the United States, received in payment of five per cent bonds of the Funded Loan delivered here in London.

All money hereafter received for future delivery of bonds will be deposited to the same account.

Herewith I hand you a declaration of trust signed by me declaring that said account and moneys belong to the United States, and not to me personally, also the Deposit Book and a book of blank checks numbered from 35,101 to 35,150, both inclusive, received from said Bank, all of which you will take into your custody and carefully keep in one of the iron safes sent here from the department in the same manner as the books are kept.

This money, and all the money deposited in said bank on the account aforesaid, will be drawn and used only in accordance with the orders of the Secretary of the Treasury to redeem or purchase five-twenty bonds and matured coupons, or such other and further orders as he may make in relation thereto.

When money is to be drawn to pay for bonds or coupons, it must be drawn only by filling up a check from the book of checks above referred to, and you will open an account in which you will enter the amount of all deposits, the number and amount of each check drawn, specifying also to whom the same is made payable and on what account it is drawn.

The checks will be filled up by Mr. Prentiss of the Register's Office, who will place his check mark on the upper left corner, and will enter the same in the book. You will then carefully examine the check, see that it is correctly drawn for the amount actually payable for bonds or coupons received and properly recorded, and you will, when found correct, place your check mark on the right hand upper corner before the same is signed by me. All checks will be signed by me with my full name as Assistant Secretary of the Treasury, as this is signed.

(Signed) WILLIAM A. RICHARDSON,
Assistant Secretary of the Treasury, U. S. A.

(c) MR. FORBES TO JUDGE RICHARDSON

BANK OF ENGLAND, E. C.,
January 4, 1872.

HON. W. A. RICHARDSON, *Assistant Secretary of the Treasury of the United States, 41, Lombard Street.*

Sir: To preclude any possible misunderstanding hereafter as to the character of the drawing account opened in your name, I am instructed by the Governors to communicate to you in writing that, in conformity with the rule of the Bank, the account is considered a personal one; that the Governors have admitted the words appended to your name merely as an honorary designation; and the bank take no cognizance of, or responsibility with reference to the real ownership, or intended application of the sums deposited to the credit of the account.

I am, sir,
Your obedient servant,
(Signed) GEORGE FORBES,
Chief Cashier.

(d) JUDGE RICHARDSON TO MR. LYALL

41 LOMBARD STREET, LONDON, ENGLAND,
January 15, 1872.

GEORGE LYALL, ESQ.,
Governor of the Bank of England.

Dear Sir: Referring to the several conversations which I have had with you, and with your principal cashier, Mr. Forbes, relative to the manner and form of keeping the account which I desire to have in the bank, I beg leave to renew in writing my request heretofore made to you orally, that the account of money deposited by me may stand in the name of Hon. George S. Boutwell, Secretary of the Treasury, U. S. A., and myself, Assistant Secretary, jointly and severally, so as to be subject to a several draft of either, and of the survivor, in case of the death of either one.

I suppose I must regard the letter of Mr. Forbes to me, dated January 4, 1872, and written under instructions from the Governors of the Bank as expressing your final conclusion that the account in whatever form it may be kept, must be considered a personal one.

You know my anxiety to have my deposits received by the Bank, and entered in such way that in case of my death the balance may be drawn at once by the Secretary of the Treasury or some other officer of the Government, and although you are unwilling to regard the account as an official one, I hope that on further consideration you will allow it to be opened in the name of Mr. Boutwell and myself jointly and severally as above stated. I am, sir,

Your obedient servant,

(Signed) WILLIAM A. RICHARDSON,
Assistant Secretary of the United States Treasury Department.

(*e*) Mr. Forbes to Judge Richardson

Bank of England, E. C.,
January 17, 1872.

Hon W. A. Richardson,
Assistant Secretary of the Treasury
of the United States, 41, *Lombard St.*

Sir: I am directed by the Governor to acknowledge the receipt of your letter of the 15th inst., requesting that the account of money deposited by you in the Bank may stand in the name of the Hon. George S. Boutwell, Secretary of the Treasury, U. S. A., and yourself, the Assistant Secretary, jointly and severally, so as to be subject to the several draft of either, and of the survivor in case of death of either one.

I am to inform you that the Bank is prepared to open an account in this form, as a personal account; but it is essential that Mr. Boutwell should join in the request and concur in the conditions proposed before each party can in that case draw upon the account. I am, sir,

Your obedient servant,
(Signed) George Forbes,
Chief Cashier.

(*f*) Judge Richardson's Report

41, Lombard Street, London,
January 25, 1872.

Hon. George S. Boutwell,
Secretary of the Treasury.

Dear Sir: It is my purpose in this letter to give you an account of the way in which I have kept the money arising from the sale of the Funded Loan, and the manner in which it has been drawn from time to time to pay for bonds purchased and redeemed.

Immediately after the first of December, 1871, the money began to accumulate very rapidly. Up to the first of December no money whatever had been received, all bonds delivered having been paid for by the called bonds and coupons or secured by deposit of other bonds; but on the second day of that month nearly two and a half millions of dollars cash were paid to me; then on the fourth, nearly five millions of dollars more; and on the fifth, above three millions, and so on in different sums till the present time.

Of course it was wholly impracticable to receive, handle, count and keep on hand such large amounts of gold coin, weighing between a ton and three quarters and two tons to each million of dollars. At one time my account showed more than sixteen millions of dollars on hand, and to have withdrawn from circulation that amount of coin would have produced a panic in the London market; and the risk in having it hoarded in any place within my reach would have been immense, especially as it would have soon been known where it was.

I ascertained that there would be some difficulty in keeping an official Government account in the Bank of England, and I did not feel authorized, or justified in my own judgment, in entrusting so much money to any other banking institution in this city. I found, also, that the Bank of England never issues certificates of deposit, as do our banks in the United States. But it issues "post notes," which are very nearly like its ordinary demand notes, but *payable to order,* and on seven days' time, thus differing only in the matter of time from certificates of deposit. Availing myself of this custom of the Bank of England, I put all the money into post notes, and locked them up in one of the safes from which the bonds had been taken. This I regarded as a safe method of keeping the funds, and I anticipated no further difficulty.

But when the Bank made its next monthly or weekly return

of its condition, and published it in all of the newspapers as usual, the attention of all the financial agents, bankers, and financial writers of the daily money articles in the journals was immediately attracted to the sudden increase of the "post notes" outstanding, and the unusually large amount of them, so many times greater than had ever been known before. They were immensely alarmed lest the notes should come in for redemption in a few days, and the coin therefor should be withdrawn from London and taken to a foreign country; and lest there should be a panic on account thereof. Some of the financial writers said they belonged to Germany, and that they represented coin which must soon be transmitted to Berlin. The Bank officers themselves, although they knew very well that these notes belonged to the United States, were not less alarmed because they feared that I would withdraw the money to send it to New York, which they knew would make trouble in the London Exchange. Money, which for a short time before had been at the high rate of interest, for this place of five per cent, had become abundant, and the people were demanding of the Bank a reduction in the rate; but so timid were they about these post notes that they did not change the rate until I took measures to allay their fears. This I did because I thought it would be injurious and prejudicial to the Funded Loan to have a panic in London, in which the market price of the new loan would drop considerably below par just at a time when its price and popularity were gradually rising, and just as it was coming into great favor with a new class of investors in England, the immensely rich but timid conservatives.

I determined to open a deposit account with the Bank of England, and in doing so experienced the difficulties which I anticipated. I assured the officers that the money was Government (U. S.) money, which I did not intend, and was not instructed to take home with me; but which I should

use in London in redeeming bonds and coupons, and should leave in the bank on deposit unless, by the peculiarity of their rules, I should be obliged to withdraw it. They objected to taking the money as a Government deposit, or as an official deposit in my name, having some vague idea that if they took it and opened an official Government account they should be liable for the appropriation of the money unless documents from the United States were filed with them taking away that liability, but they could not tell me exactly what documents they wanted nor from whom they must come. They did, however, agree to open an account with me, and that was the best I could do. In signing my name to their book, I added my official title, and when, some time after, I came to drawing checks, I signed in the same way. This brought from the officers a letter which I annex hereto, saying that my deposit would be regarded as a private and personal one.

What I was most anxious to provide for was the power in some United States officer to draw the money in case of my death (knowing the uncertainty of life), without the delay, expense, and trouble which must necessarily arise, if it stood wholly to my personal credit. I asked the officers to allow it to stand in your name as Secretary and mine as Assistant Secretary, jointly and severally, so as to be drawn upon the several check of either, and by the survivor in case of the death of either one. I suggested other arrangements which would have the same result, but they said their rules prevented their agreeing to my requests, that they were conservative and did not like to introduce anything new into their customs.

On the 15th day of January, 1872, I renewed my request in writing, after having had several conversations with the officers on the subject, and received an answer which, with the letter of request, is hereto annexed.

In this, their most recent communication, they express a willingness to enter the account in our joint names as I suggested, regarding it, however, as a "personal account" and requiring that you should "join in the request and concur in the conditions proposed before either party can in that case draw upon the account."

As I must now almost daily draw from the account for money with which to pay bonds, I cannot join your name therein until you have sent me a written compliance with the conditions which they set forth, because to do so would shut me out from the account altogether for several weeks.

Besides, having no instructions from you on the subject, I don't know that you would care to give written directions as to the deposit. I know very well that, in case of my sudden decease, you would be glad enough to find that you could at once avail yourself of the whole amount of money here on deposit, and so I should have joined your name as I have stated. Now you can do as you please. I have taken every possible precaution within my power, and have no fear that the arrangements are insufficient to protect the Government in any contingency whatever. With the correspondence which has passed between the officers of the Bank and myself, and our conversation together, the account is sufficiently well known to them as a U. S. Government deposit, and is fully enough stamped with that character, as I intended it should be, however much they may ignore it now.

But for still greater caution, I made the written declaration of trust on the very day of the first deposit, signed and sealed by me, declaring the money and account as belonging to our Government, and not to me, a copy of which is hereto annexed.

I also gave written instruction to Messrs. Bigelow and Prentiss to draw all the checks, and how to draw them

and keep an account thereof. As I make all my purchases through Jay Cooke, McCullough & Co., every check is in fact payable to that house, so that the account is easily kept, and the transactions cannot be mingled with others, for there are no others. I annex a copy of these instructions.

This, I believe, will give you a pretty correct idea of the difficulties which have been presented to me in the matter of taking, keeping, and paying out the money arising from the sale of the bonds, and the manner in which I have met them.

I may add that when the officers of the Bank were satisfied that I was not to withdraw the money and take it to New York, they reduced the rate of interest and there has been an easy market ever since.

There are now on deposit more than twelve million dollars; but I hope it will be reduced very fast next month. Had you not sent over the last ten million of bonds, we should have been able to close up very soon. I hope now that you will make another call of twenty million at least, because I think it would enable us to purchase more rapidly.

I annex:

(1) Copy of declaration of trust.

(2) Copy of instructions for drawing checks.

(3) Copy of letter from Cashier of Bank of England, stating that the account would be considered personal.

(4) Copy of my letter to the Governor of the Bank, asking that your name might be joined.

(5) Copy of reply to last mentioned letter.

I am, very respectfully,

Your obedient servant,

(Signed) WILLIAM A. RICHARDSON.

When Cooke & Co. had completed their undertaking, the deposits in the Bank of England exceeded fifteen million dollars, and for three months they were for the most part

unavailable, as the five-twenty bonds which had not matured under the calls that had been made were above par in the market. It was a condition of the loan that the five-twenty bonds redeemed should equal the 5 per cent bonds that had been issued, both issues to be reckoned at their par value.

In the month of April, 1872, the Commissioners who had been designated under the Treaty of Washington of 1871 to ascertain and determine the character and magnitude of the claims that had been preferred by the United States against Great Britain, growing out of the depredations committed by the "Alabama" and her associate cruisers, were about to meet at Geneva for the discharge of their duties.

The administration had appointed the Hon. J. C. Bancroft Davis, the most accomplished diplomatist of the country, as the agent of the United States, and the preparation of "the Case of the United States" was placed in his hands.

The British Ministry discovered—or they fancied that there was concealed in covert language—a claim for damages, known as "consequential or indirect damages." Mr. Sumner had asserted a claim for "consequential damages" —in other words, a claim to compensation for the value of American shipping that had been driven from the ocean and made worthless through fear of the cruisers that had been fitted out in British ports.

This claim, in the extreme form in which it had been presented by Mr. Sumner, had been relinquished by the Administration, and a present reading of "the Case of the United States" may not justify the construction that was put upon it by the British Ministry.

Nevertheless, the Administration received notice that Great Britain would not be represented at the Geneva Conference.

The subject was considered by the President and Cabinet on three consecutive days at called sessions. At the final

meeting I handed a memorandum to the President, which he passed to the Secretary of State. The memorandum was not read to the Cabinet.

Mr. Adams, the Commissioner for the United States, had not then left the country. By a despatch from the Secretary of State Mr. Adams was asked to meet me at the Parker House in Boston, on the second day after the day of the date of the despatch.

What occurred at the meeting may be best given through an extract from the diary of Mr. Adams, which has been placed in my hands by Mr. Charles Francis Adams, Jr., with the privilege of its full and free use by me.

The first entry is under date of Saturday, April 20, 1872, and is in these words: "Charles brought me a telegram from Governor Fish, desiring me to meet Mr. Boutwell, who will be at the Parker House at eleven o'clock on Monday." The second entry is under date of "Monday, 22d of April."

"At eleven o'clock called on Mr. Boutwell, the Secretary of the Treasury, at Parker's Hotel, according to agreement. Found him alone in his minute bedroom. He soon opened his subject—handed over to me a packet from Governor Fish, and said that it was the desire of the Government, if I could find it consistent with what they understood to be my views of the question of indirect damages, that I would make such intimation of them to persons of authority in London as might relieve them of the difficulty which had been occasioned by them. I told him of my conversation held with the Marquis of Ripon, in which I had assumed the heavy responsibility of assuring him that the Government would not press them. I was glad now to find that I had not been mistaken. I should cheerfully do all in my power to confirm the impression consistently with my own position."

Thus, through Mr. Adams, the claim for "indirect dam-

ages" was relinquished. When the fact of the disturbed relations between the United States and Great Britain became public there was a panic in the London stock market; and in the brief period of eight and forty hours our deposit of twelve million or more in the Bank of England was converted into five-twenty United States 6 per cent bonds, purchased at par.

In my annual report for December, 1872, I was able to make this statement:

"Since my last annual report the business of negotiating two hundred million of 5 per cent bonds, and the redemption of two hundred million 6 per cent five-twenty bonds has been completed, and the accounts have been settled by the accounting officers of the Treasury.

"Further negotiations of 5 per cent bonds can now be made on the basis of the former negotiation."

XXXVII

GENERAL GRANT'S ADMINISTRATION

THE greatness of General Grant in war, in civil affairs, and in personal qualities which at once excite our admiration and deserve our commendation, was not fully appreciated by the generation to which he belonged, nor can it be appreciated by the generations that can know of him only as his life and character may appear upon the written record. He had weaknesses, and of some of them I may speak; but they do not qualify in any essential manner his claim to greatness in the particulars named. He was not fortunate in the circumstances incident to the organization of his Cabinet. The appointment of Mr. Washburne as Secretary of State for the brief period of one or two weeks was not a wise opening of the administration, if the arrangement was designed, and was a misfortune, if the brief term was due to events not anticipated. The selection of Mr. Fish compensated, and more than compensated, for the errors which preceded his appointment. The country can never expect an administration of the affairs of the Department of State more worthy of approval and eulogy than the administration of Mr. Fish. Apparently we were then on the verge of war with Great Britain, and demands were made in very responsible quarters which offered no alternative but war. The treaty of 1871, which was the outcome of Mr. Fish's diplomacy, re-established our relations of friendship with Great Britain, and the treaty was then accepted as a step in the direction of general peace.

In the month of February, 1869, I received an invitation from General Grant to call upon him on an evening named and at an hour specified. At the interview General Grant asked me to take the office of Secretary of the Interior. As reasons for declining the place, I said that my duties and position in the House were agreeable to me and that my services there might be as valuable to the Administration as my services in the Cabinet. General Grant then said that he intended to give a place to Massachusetts, and it might be the Secretary of the Interior or the Attorney-Generalship. He then asked for my advice as to persons, and said that if he named an Attorney-General from Massachusetts, he had in mind Governor Clifford, whom he had met. Governor Clifford was my personal friend, he had been the Attorney-General of the State during my term as Governor, he was a gentleman of great urbanity of manner, a well-equipped lawyer, and as an advocate he had secured and maintained a good standing in the profession and through many years. He had come into the Republican Party from the Webster wing of the Whig Party. To me he was a conservative, and I was apprehensive that his views upon questions arising, or that might arise, from our plan of reconstruction might not be in harmony with the policy of the party. Upon this ground, which I stated to General Grant, I advised against his appointment. I named Judge Hoar for Attorney-General and Governor Claflin for the Interior Department. I wrote the full address of Judge Hoar upon a card, which I gave to General Grant. Judge Hoar was nominated and confirmed.

At the same time, Alexander T. Stewart, of New York, was nominated and confirmed as Secretary of the Treasury. It was soon discovered that Mr. Stewart, being an importer, was ineligible to the office. Mr. Conkling said there were nine statutes in his way. A more effectual bar was in the reason on which the statutes rested, namely, that no man

should be put in a situation to be a judge in his own cause. The President made a vain effort to secure legislation for the removal of the bar. Next, Judge Hilton, then Mr. Stewart's attorney, submitted a deed of trust by which Mr. Stewart relinquished his interest in the business during his term of office. The President submitted that paper to Chief Justice Cartter of the Supreme Court of the District of Columbia. The Chief Justice gave a brief, adverse, oral opinion, and in language not quotable upon a printed page.

We have no means of forming an opinion of Mr. Stewart's capacity for administrative work, and I do not indulge in any conjectures. His nomination was acceptable to the leading business interests of the country, and in the city of New York it was supported generally. He was a successful man of business and an accumulator of wealth, and at that time General Grant placed a high estimate upon the presence of talents by which men acquire wealth.

Following these events, there were early indications that Mr. Stewart's interest in the President had been diminished, and gradually he took on a dislike to me. When I knew of his nomination, or when I knew that it was to be made, I met him in Washington and assured him of my disposition to give my support to his administration. On two occasions when I was in New York I made calls of civility upon him, but, as he made no recognition in return, my efforts in that direction came to an end.

At a dinner given by merchants and bankers in the early part of September, 1869, at which I was a guest, Mr. Stewart made a speech in which he criticized my administration of the Treasury. In the canvass of 1872 the rumor went abroad that Mr. Stewart had given $25,000 to the Greeley campaign fund. In the month of October of that year, the twenty-eighth day, perhaps, I spoke at the Cooper Union. Upon my arrival in New York, I received a call from a friend who

came with a message from Mr. Stewart. Mr. Stewart would not be at the meeting, although except for the false rumor in regard to his subscription to the Greeley fund, he should have taken pleasure in being present. As General Grant was to be elected, his attendance at the meeting might be treated by the public as an attempt to curry favor with General Grant and the incoming Administration.

As I was passing to the hall, a paper was placed in my hands by a person who gave no other means of recognizing his presence. When I reached the hall and opened the paper, I found that it was a summons to appear as defendant in an action brought by a man named Galvin, who claimed damages in the sum of $3,000,000. At the close of the meeting and when the fact became known one gentleman said to me: "I do not see how you could have spoken after such a summons."

I said in reply: "If the suit had been for $3,000 only, it might have given me some uneasiness, as a recovery would have involved payment. A judgment of $3,000,000 implies impossibility of payment."

I had no knowledge of Galvin, but his letters of advice were found on the files of the Treasury. Even after the suit, I did not examine them for the purpose of forming an opinion of their value or want of value. Galvin alleged in his declaration that he had furnished the financial policy that I had adopted, that it had benefited the country to the amount of $300,000,000 and more, and that a claim of $3,000,000 was a moderate claim. Under the statute, the Department of Justice assumed the defence. The case lingered, Galvin died, and the case followed.

At the election of 1872, I voted at Groton in the morning, and in the afternoon I went to New York, to find that General Grant had been re-elected by a sufficient majority. On the morning of the next day, I left the hotel with time for a call upon General Dix, who had been elected Governor, and for a

call upon Thurlow Weed. General Dix was not at home. Notwithstanding the criticisms of Thurlow Weed as a manager of political affairs in the State of New York and in the country, I had reasons for regarding him with favor, although I had never favored the aspirations of Mr. Seward, his chief. When I was organizing the Internal Revenue Office in 1862-1863, Mr. Weed gave me information in regard to candidates for office in the State of New York, including their relations to the factions that existed—usually Seward and anti-Seward —and with as much fairness as he could have commanded if he had had no relation to either faction.

As I had time remaining at the end of my call upon Mr. Weed, and as I had in mind Mr. Stewart's message at the Cooper Union meeting, I drove to his down-town store, where I found him. He received me with cordiality, but in respect to his health he seemed to be already a doomed man. He was anxious chiefly to give me an opportunity to comprehend the nature and magnitude of his business. As I was about to leave, he took hold of my coat button and said: "When you see the President, you give my love to him, and say to him that I am for him and that I always have been for him." Still holding me by the button, he said: "Who buys the carpets for the Treasury?"

I said: "Mr. Saville is the chief clerk, and he buys the carpets."

Mr. Stewart said: "Tell him to come to me; I will sell him carpets as cheap as anybody."

When I repeated Mr. Stewart's message to the President he made no reply, and he gave no indication that he was hearing what I was saying.

In regard to Judge Hoar's relations to President Grant, the public has been invited to accept several errors, the appointment to the bench of the Supreme Court of Justices Bradley and Strong, by whose votes the first decision of the

court in the Legal Tender cases was overruled, and the circumstances which led to the retirement of Judge Hoar from the Cabinet. First of all I may say that President Grant was attached to Judge Hoar, and, as far as I know, his attachment never underwent any abatement. Whatever bond there may be in the smoking habit, it was formed without delay at the beginning of their acquaintance. While General Grant was not a teller of stories, he enjoyed listening to good ones, and of these Judge Hoar had a large stock always at command. General Grant enjoyed the society of intellectual men, and Judge Hoar was far up in that class. General Grant had regrets for the retirement of Judge Hoar from his Cabinet, and for the circumstances which led to his retirement. His appointment of Judge Hoar upon the Joint High Commission and the nomination of Judge Hoar to a seat upon the bench of the Supreme Court may be accepted as evidence of General Grant's continuing friendship, and of his disposition to recognize it, notwithstanding the break in official relations.

Judge Hoar's professional life had been passed in Massachusetts, and he had no personal acquaintance with the lawyers of the circuit from which Justices Strong and Bradley were appointed. Strong and Bradley were at the head of the profession in the States of New Jersey and Pennsylvania, and in truth there was no debate as to the fitness of their appointment. Judge Hoar was not responsible for their appointment, and I am of the opinion that the nominations would have been made even against his advice, which assuredly was not so given. Judge Strong, as Chief Justice of the Supreme Court of Pennsylvania, had sustained the constitutionality of the Legal Tender Act, and it was understood that Bradley was of the same opinion. As the President and Cabinet were of a like opinion, it may be said that there could have been no "packing" of the Supreme Court except

by the exclusion of the two most prominent lawyers in the circuit and the appointment of men whose opinions upon a vital question were not in harmony with the opinion of the person making the appointment.

As to myself, I had never accepted the original decision as sound law under the Constitution, nor as a wise public policy, if there had been no Constitution. By the decision the Government was shorn of a part of its financial means of defence in an exigency. When the Supreme Court had reached a conclusion, Chief Justice Chase called upon me and informed me of that fact, about two weeks in advance of the delivery of the opinion. He gave as a reason his apprehension of serious financial difficulties due to a demand for gold by the creditor class. Not sharing in that apprehension, I said: "The business men are all debtors as well as creditors, and they cannot engage in a struggle over gold payments, and the small class of creditors who are not also debtors will not venture upon a policy in which they must suffer ultimately." The decision did not cause a ripple in the finances of the country.

Pursuing the conversation, I asked the Chief Justice where he found authority in the Constitution for the issue of non-legal-tender currency. He answered in the power to borrow money and in the power given to Congress to provide for the "general welfare of the United States." I then said, having in mind the opinion in the case of MacCulloch and Maryland, in which the court held that where a power was given to Congress, its exercise was a matter of discretion unless a limitation could be found in the Constitution: "Where do you find a limitation to the power to borrow money by any means that to Congress may appear wise?" The Chief Justice was unable to specify a limitation, and the question remains unanswered to this day.

When the case of Hepburn and Griswold was overruled in

the Legal Tender cases, the Chief Justice was very much disturbed, and with the exhibition of considerable feeling, he said: "Why did you consent to the appointment of judges to overrule me?" I assured him that there was no personal feeling on the part of the President, and that as to my own unimportant part in the business, he had known from the time of our interview in regard to the former action of the court that I entertained the opinion that the decision operated as a limitation of the constitutional powers of Congress and that its full and final recognition might prove injurious to the country whenever all its resources should be required. At the time of the reversal, the Chief Justice did not conceal his dissatisfaction with his life and labors on the bench, and at the interview last mentioned he said that he should be glad to exchange positions with me, if it were possible to make the exchange.

Various reasons have been assigned for the step which was taken by President Grant in asking Judge Hoar to retire from the Cabinet. Some have assumed that the President was no longer willing to tolerate the presence of two members from the same State. That consideration had been passed upon by the President at the outset, and he had overruled it or set it aside. In my interview with Mr. Washburne the Sunday before my nomination, I had said to him that Judge Hoar and I were not only from the same State, but that we were residents of the same county, and within twenty miles of each other. Moreover, any public dissatisfaction which had existed at the beginning had disappeared. In the meantime the President had become attached to Judge Hoar. Nor is there any justifying foundation for the conjecture that a vacancy was created for the purpose of giving a place in the Cabinet to another person, or to another section of the country. General Grant's attachment to his friends was near to a weakness, and the sugges-

tion that he sacrificed Judge Hoar to the low purpose of giving a place to some other person is far away from any true view of his character.

Judge Hoar had had no administrative experience on the political side of the government, and he underestimated the claims, and he undervalued the rights, of members of Congress. As individuals the members of Congress are of the Government, and in a final test the two Houses may become the Government. More than elsewhere the seat of power is in the Senate, and the Senate and Senators are careful to exact a recognition of their rights. They claim, what from the beginning they have enjoyed, the right to be heard by the President and the heads of department in regard to appointments in their respective States. They do not claim to speak authoritatively, but as members of the Government having a right to advise, and under a certain responsibility to the people for what may be done.

It was claimed by Senators that the Attorney-General seemed not to admit their right to speak in regard to appointments, and that appointments were made of which they had no knowledge, and of which neither they nor their constitutents could approve. These differences reached a crisis when Senators (I use the word in the plural) notified the President that they should not visit the Department of Justice while Judge Hoar was Attorney-General. Thus was a disagreeable alternative presented to the President, and a first impression would lead to the conclusion that he ought to have sustained the Attorney-General. Assuming that the complaints were well founded, it followed that the Attorney-General was denying to Senators the consideration which the President himself was recognizing daily.

President Grant looked upon the members of his Cabinet as his family for the management of civil affairs, as he had looked upon his staff as his military family for the con-

duct of the army, and he regarded a recommendation for a Cabinet appointment as an interference. His first Cabinet was organized upon that theory somewhat modified by a reference to locality. Mr. Bovie who became Secretary of the Navy was a most excellent man, but he had had no preparation either by training or experience for the duties of a department. Of this he was quite conscious, and he never attempted to conceal the fact. He often said:

"The department is managed by Admiral Porter, I am only a figure-head."

In a few months he resigned. His associates were much attached to him. He was a benevolent, genial, well informed man. His successor, Mr. Robeson, was a man of singular ability, lacking only the habit of careful, continuous industry. This failing contributed to his misfortunes in administration, and consequently he was the subject of many attacks in the newspapers and in Congress. After his retirement he became a member of the House of Representatives, and it was a noticeable fact, that from that day the attacks in Congress ceased. As a debater he was well equipped, and in reference to his administration of the Navy Department, he was always prepared with an answer or an explanation in every exigency.

The appointment of Governor Fish to the Department of State, gave rise to considerable adverse comment. The chief grounds of complaint were that he was no longer young and that recently he had not been active in political contests. He had been a Whig when there was a Whig Party, and he became a Republican when the Republican Party was formed. As a Whig he had been a member of the House of Representatives and of the Senate of the United States, but he had not held office as a Republican, nor was he known generally as a speaker or writer in support of the policies or principles of the party. His age, then about sixty, was urged

as a reason against his appointment. His selection as Secretary was extremely fortunate for General Grant and his administration. Governor Fish was painstaking in his office, exacting in his demands upon subordinates, without being harsh or unjust, diligent in his duties, and fully informed as to the traditions and usages of the department. Beyond these administrative qualities he had the capacity to place every question of a diplomatic character upon a foundation at once reasonable and legal. If the failure of Mr. Stewart led to the appointment of Governor Fish the change was fortunate for General Grant and the country. After the failure of Mr. Stewart, Mr. Washburne spoke of his appointment to the State Department, as only temporary, but for a few days he acted as though he expected to remain permanently. If his transfer to France was an afterthought, he and the President very carefully concealed the fact. It is not probable that the President at the outset designed to take the Secretary of State and the Secretary of the Treasury from New York City. Hence I infer that the failure of Mr. Stewart worked a change in the headship of the State Department, and hence I am of opinion that the failure of Mr. Stewart was of great advantage to the administration and to the country, and that without considering whether there was a gain or loss in the Treasury Department. There can be no doubt that Governor Fish was a much wiser man than Mr. Washburne for the management of foreign affairs and there can be as little doubt that Mr. Washburne could not have been excelled as Minister at Paris in the troublous period of the years 1870 and 1871.

Mr. Fish had no ambitions beyond the proper and successful administration of his own department. He did not aspire to the Presidency, and he remained in the State Department during General Grant's second term, at the special request of the President.

Mr. Sumner's removal from the chairmanship of the Committee on Foreign Relations was due to the fact that a time came when he did not recognize the President, and when he declined to have any intercourse with the Secretary of State outside of official business. Such a condition of affairs is always a hindrance in the way of good government, and it may become an obstacle to success. Good government can be secured only through conferences with those who are responsible, by conciliation, and not infrequently by concessions to the holders of adverse opinions. The time came when such a condition was no longer possible between Mr. Sumner and the Secretary of State.

The President and his Cabinet were in accord in regard to the controversy with Great Britain as to the Alabama Claims. Mr. Sumner advocated a more exacting policy. Mr. Motley appeared to be following Mr. Sumner's lead, and the opposition to Mr. Sumner extended to Mr. Motley. It had happened that the President had taken on a prejudice to Mr. Motley at their first interview. This I learned when I said something to the President in the line of conciliation. The President said: "Such was my impression of Motley when I saw him that I should have withheld his appointment if I had not made a promise to Sumner." My acquaintance with Mr. Motley began in the year 1849, when we were members of the Massachusetts House of Representatives, and I had a high regard for him, although it had been charged that I had had some part in driving him from politics into literature.

When we consider the natures and the training of the two men, it is not easy to imagine agreeable co-operation in public affairs by Mr. Sumner and General Grant. Mr. Sumner never believed in General Grant's fitness for the office of President, and General Grant did not recognize in Mr. Sumner a wise and safe leader in the business of government.

General Grant's notion of Mr. Sumner, on one side of his character, may be inferred from his answer when, being asked if he had heard Mr. Sumner converse, he said: "No, but I have heard him lecture."

As I am to speak of Mr. Sumner in our personal relations, which for thirteen years before his death were intimate, I shall use some words of preface. Never on more than two occasions did we have differences that caused any feeling on either side. Mr. Sumner was chairman in the Senate of the Committee on the Freedmen's Bureau, and Mr. Eliot was chairman of the Committee of the House. A report was made in each House, and each bill contained not less than twenty sections. Each House passed its own bill. A committee of conference was appointed. Its report was rejected. I was appointed a member of the second committee.

I examined the bills, and I marked out every section that was not essential to the working of the measure. Four sections remained. I then added a section which provided for the lease and ultimate sale of the confiscated lands to the freedmen and refugees. President Johnson's restoration of those lands made that section non-operative. The committee, upon the motion of General Schenck, transferred the jurisdiction of the Bureau from the Treasury to the War Department. The bill was accepted by the committee, and passed by the two Houses.

When within a few days I was in the Senate Chamber, Mr. Sumner came to me, and said in substance: "The Freedmen's Bureau Bill as it passed is of no value. I have spent six months upon the bill, and my work has gone for nothing. You and General Schenck cannot pretend to know as much as I know about the measure."

With some feeling, which was not justifiable, I said: "I have not spent six hours upon the measure, but after what you have said I will say that the fifth section is of more value

than all the sections which you have written." I did not wait for a reply. The subject was not again mentioned; our friendly relations were not disturbed, and it is to Mr. Sumner's credit on the score of toleration that he passed over my rough remarks, even though he had given some reason for a retort.

My next difference with Mr. Sumner was a more serious difference, but it passed without any break in our relations. He had not acquired the church-going habit, or he had renounced it, and my church-going was spasmodic rather than systematic. Thus it became possible and agreeable for me to spend some small portion of each Sunday in his rooms. The controversy over Mr. Motley and his removal from the post of minister to Great Britain excited Mr. Sumner to a point far beyond any excitement to which he yielded, arising from his own troubles or from the misfortunes of the country. To him it was the topic of conversation at all times and in all places. That habit I accepted at his house with as much complacency as I could command. Indeed, I was not much disturbed by what he said to me in private, and certainly not by what he said in his own house, where I went from choice, and without any obligation to remain resting upon me. In all his conversation he made General Grant responsible for the removal of Motley, accompanied, usually, with language of censure and condemnation. On two occasions that were in a measure public, one of which was at a dinner given to me by Mr. Franklin Haven, a personal friend of twenty years' standing, when he insisted upon holding the Motley incident as the topic of conversation. On one of these occasions, and in excitement, he turned to me and said: "Boutwell, you ought to have resigned when Motley was removed."

I said only in reply: "I am the custodian of my own duty."

This was the only personal remark that I ever made to

Mr. Sumner in connection with the removal of Motley. The removal was the only reasonable solution of the difficulty in which Motley was involved; but I sympathized with him in the disaster which had overtaken him, and I was not disposed to discuss the subject. The incident at the dinner led me to make a resolution. I called upon Mr. Sumner, and without accepting a seat, I said: "Senator, if you ever mention General Grant's name in my presence, I will never again cross your threshold."

Without the delay of a half minute he said: "Agreed."

There the matter ended, and the promise was kept. In 1872, and not many days before he left for Europe, he said: "I want to ask you a question about General Grant."

I said: "You know that that is a forbidden topic."

"Yes, but I am not going to speak controversially."

I said: "Say on."

He said: "What do you think of Grant's election?"

I said: "I think he will be elected."

He held up his hands, and in a tone of grief said: "You and Wilson are the only ones who tell me that he has any chance."

Upon his return from Europe it was apparent that his feelings in regard to the Republican Party, and especially in regard to General Grant, had undergone a great change. Our conversations concerning General Grant were resumed free from all restrictions, and without any disturbance of feeling on my part. Not many months before his death Mr. Sumner made a speech in executive session that was conciliatory and just in a marked degree. I urged him to repeat it in public session. He seemed to regard the suggestion with favor, but the speech was not made.

For many years Mr. Sumner had been borne down under the resolutions of censure passed by the State of Massachusetts in disapproval of his position in regard to the return

of Confederate flags. That resolution was rescinded at the winter session of 1874. The act brought to Mr. Sumner the highest degree of satisfaction that it was possible for him to realize. Above all things else of a public nature, he cherished the good name of the commonwealth, and for himself there was nothing more precious than her approval. The blow was unexpected, its weight was great, and its weight was never lessened until it was wholly removed. The rescinding resolutions came to me the Saturday next preceding the Wednesday when Mr. Sumner died. I was then in ill health, so ill that my attendance at the Senate did not exceed one half of each day's session through many weeks. Mr. Sumner called upon me to inquire, and anxious to know, whether I could attend the session of Monday and present the resolutions. I gave him the best assurance that my condition permitted. When the resolutions had been presented, and when I was leaving the chamber, Mr. Sumner came to me, and, putting his arm over my shoulder, he walked with me into the lobby, where, after many thanks by him, and with good wishes for my health, we parted, without a thought by me that he had not before him many years of rugged life. For several years previous to 1874, Mr. Sumner had been accustomed to speak of himself as an old man, and on more than one occasion he spoke of life as a burden. To these utterances I gave but little heed.

The chief assurance for any considerable well-doing in the world is to be found in good purposes and in fixedness of purpose when a purpose has been formed. These characteristics were Mr. Sumner's possessions, but in him they were subject to very important limitations as powers in practical affairs. He did not exhibit respect or deference for the opinions of others even when the parties were upon a plane of equality, as is the usual situation in legislative bodies. He could not concede small points for the sake of a great

result. Hence it was that measures in which he had an interest took on a form at the end that was not agreeable to him. Hence it is that he has left only one piece of legislation that is distinctly the work of his hand. When the bill was under consideration which denied to colored persons the privilege of naturalization in the United States, he secured an amendment by which the exclusion was limited to the Mongolian race. His declaration as to the status of the States that had been in rebellion was not far away from the policy that was adopted finally, but he did not accept as wise and necessary measures the amendments to the Constitution which were designed to make that policy permanent. Indeed, it was his opinion, at one period of the controversy over the question of negro suffrage, that a legislative declaration would be sufficient. The field of his success is to be found in the argumentative power that he possessed and in its use for the overthrow of slavery. Of the anti-slavery advocates who entered the Senate previous to the opening of the war, he was the best equipped in learning, and his influence in the country was not surpassed by the influence of any one of his associates. In his knowledge of diplomacy, he had the first rank in the Senate for the larger part of his career. His influence in the Senate was measured, however, by his influence in the country. His speeches, especially in the period of national controversy, were addressed *to* the country. He relied upon authorities and precedents. His powers as a debater were limited, and it followed inevitably that in purely parliamentary contests he was not a match for such masters as Fessenden and Conkling, who in learning were his inferiors.

My means for information are so limited that I do not express an opinion upon the question whether Mr. Sumner's ambitions in public life were or were not gratified. On one or two occasions he let fall remarks which indicated a will-

ingness to be transferred to the Department of State. Major Ben. Perley Poore had received the impression that there was a time when Mr. Sumner looked to the Presidency as a possibility. At an accidental meeting with Major Poore, he said to me: "I have dined with Sumner, and he gave me an account of the conversation he had with you this morning, in which you consoled him for not gaining the Presidency."

I recalled the conversation. It was a Sunday-morning talk, and there was no special purpose on my part, however my remarks may have been received by Mr. Sumner. He spoke of the opportunity furnished to Mr. Jefferson for the exposition of his views in his first inaugural address. I then proceeded to say that, omitting the incumbent of the office, of whom nothing could then be said, not more than three or four men had gained in standing by their elevation to the Presidency, beyond the fact that their names were upon the roll. The exceptions were, first of all, Lincoln, who had gained most. Then Jackson, who had gained something—indeed, a good deal by his defence of the Union when compared with what he might have lost by neglect of duty in the days of nullification. Washington had gained much by demonstrating his capacity for civil affairs, by the legacy of his farewell address, and by the shaping of the new government under the Constitution in a manner calculated to strengthen the quality of perpetuity. At the end, I claimed that the other occupants of the Presidential office had not gained appreciably by their promotion.

In two important particulars, Samuel Adams and Charles Sumner are parallel characters in American history. Mr. Adams was a leader in the contest that the colonies carried on against Great Britain. Our legal standing in the controversy with the mother country has never elsewhere been presented as forcibly and logically as it was stated by Mr. Adams in his letters to the royal governors in the name of

the Massachusetts House of Representatives, between the years 1764 and 1775. When the contest of words and of arms was over he was not only not an aid in the organization of the new Government, but he was an obstacle to its success. He accepted the Constitution with hesitation and under constraint. After the overthrow of slavery and the ratification of the Thirteenth Amendment to the Constitution, Mr. Sumner gave no wise aid to the work of reconstructing the government upon the basis of the new conditions that had been created by the war and by the abolition of slavery. As every guarantee for freedom contains some element of enslavement over or against some who are not within the guarantee, men sometimes hesitate as to the wisdom of accepting guarantees of rights in one direction which work a limitation of rights or privileges in other directions. The Constitution of the United States, while it gave power to the body of States and guaranteed security to each yet deprived the individual States of many of the privileges and powers that they had enjoyed as colonies. Every amendment to the Constitution, from the first to the last, has limited the application of the doctrine of home rule in the government.

Upon the election of Mr. Wilson to the office of Vice-President, I was chosen by the Legislature of Massachusetts as his successor in the Senate. I left the Treasury and General Grant's Cabinet with reluctance, but my experience in both branches of the government had led me to prefer the legislative branch, where there is at least more freedom of action than can be had in an executive department. This opinion is in no sense due to the nature of my relations with General Grant. His military habits led him to put responsibility upon subordinates and this habit he carried into civil affairs.

Moreover, in my own case, he recognized that fact that I had accepted the place upon his urgent request, command

indeed, and not to gratify any ambition of my own. And further, I think I may assume, that his confidence was such that he was content to leave the department in my hands. During my time he put only one person—General Pleasanton—into the department, and he never commanded or required the removal of any one. On a few occasions he named persons whom he said he would be glad to have employed if places could be found. They were always soldiers, or widows or children of soldiers, and he never forgot his suggestions, nor allowed the passage of time to diminish his interest in such cases.

The important places in New York, Chicago, St. Louis, Cincinnati, New Orleans and Philadelphia were filled by him, usually upon consultation, but upon his judgment. He gave very little attention to others beyond signing the commissions. I often called his attention to the more important ones, but it was his practice to send applicants and their friends to me with the remark that the business was in my hands.

By this course the President avoided much labor, and escaped some responsibility. The disappointed ones charged their misfortunes to the Secretary, and the President was able to say that he knew nothing of the case, etc., etc.

I have reason to believe that the President did not exhibit equal confidence in my successors, especially in Mr. Bristow. The President received the impression very early, that Bristow was engaged in a scheme to secure the nomination by an alliance with the enemies of General Grant. In my time three Secretaries of the Treasury attempted in turn to secure a nomination for the Presidency through the influence and patronage of that department. All were failures, and failures well deserved.

Such a policy breeds corruption inevitably. Venal men aspiring to place, avow themselves the friends of the Secre-

tary, and if through such avowals they secure appointments, the offices will be used for improper purposes.

My successor, Judge Richardson, had been Assistant Secretary for three years and more, and no one could have surpassed him in industry, fidelity and knowledge of the business. I recommended his appointment. The President hesitated, but he finally nominated him to the Senate, and the nomination was confirmed.

CORRESPONDENCE WITH GENERAL GRANT UPON MY RESIGNATION OF THE OFFICE OF SECRETARY OF THE TREASURY

WASHINGTON,
March 17, 1873.

SIR:

Having been elected to the Senate of the United States by the Legislature of Massachusetts, I tender my resignation of the office of Secretary of the Treasury.

In severing my official relations with you it is a great satisfaction to me that on all occasions you have given me full confidence and support in the discharge of my public duties.

In these four years my earlier acquaintance with you has ripened into earnest personal friendship, which, I am confident, will remain unbroken. I am

Yours very truly,
GEO. S. BOUTWELL.

TO THE PRESIDENT.

EXECUTIVE MANSION,
WASHINGTON, *March* 17, 1873.

HON. GEO. S. BOUTWELL,

Dear Sir:—

In accepting your resignation of the office of Secretary of the Treasury, an office which you have filled for four years with such satisfaction to the country, allow me to express

the regret I feel at severing official relations which have been at all times so agreeable to me, and,—as I am assured by your letter of resignation,—to you also. Your administration of the important trust confided to you four years since, has been so admirably conducted as to give the greatest satisfaction to me because as I read public judgment and opinion it has been satisfactory to the country. The policy pursued in the office of Secretary of the Treasury by your successor I hope may be as successful as yours has been, and that no departure from it will be made except such as experience and change of circumstances may make necessary.

Among your new official associates I trust you will find the same warm friends and co-workers that you leave in the Executive branch of the government.

You take with you my most sincere well wishes for your success as a legislator and as a citizen, and the assurance of my desire to continue the warm personal relations that have existed between us during the whole of our official connection.

Very truly yours,

U. S. Grant.

XXXVIII

GENERAL GRANT AS A STATESMAN*

GENERAL GRANT'S father was a Whig, and an admirer and supporter of Mr. Clay. The public policy of Mr. Clay embraced three great measures: First, a national bank, or a fiscal agency as an aid to the Treasury in the collection and disbursement of the public revenues; secondly, a system of internal improvements to be created at the public expense and controlled by the National Government; and, thirdly, a tariff system which should protect the American laborer against the active competition of the laborers of other countries who were compelled to work for smaller compensation.

From the year 1834 to the year 1846 the country was engaged in an active controversy over the policy of the Whig Party, of which Mr. Clay was then the recognized head. Indeed, the controversy began as early as the year 1824, and it contributed, more than all other causes, to the new organization of parties under the leadership, respectively, of Mr. Clay and General Jackson.

General Grant was educated under these influences, and in the belief that the policy of the Whig Party would best promote the prosperity of the country. Those early impressions ripened into opinions, which he held and on which he acted during his public life. It happened by the force of circumstances that the Republican Party was compelled to adopt the

* This article was printed in Appleton's Cyclopedia for the year 1885.

policy of Mr. Clay—not in measures, but in the ideas on which his policy was based. It is not now necessary to inquire whether the weight of argument was with Mr. Clay or with his opponents. The war made inevitable the adoption of a policy which Mr. Clay had advocated as expedient and wise.

The Pacific Railways were built by the aid of the Government and under the pressure of a general public opinion that the East must be brought into a more intimate connection with our possessions on the Pacific Ocean, for mutual support and for the common defence.

The national banking system was established for the purpose of securing the aid of the banks as purchasers and negotiators of the bonds of the Government, at a time when the public credit was so impaired that it seemed impossible to command the funds necessary for the prosecution of the war.

The same exigency compelled Congress to enact, and the country to accept, a tariff system more protective in its provisions than any scheme ever suggested by Mr. Clay. The necessities of the times compelled free-traders, even, to accept the revenue system with its protective features; but General Grant accepted it as a system in harmony alike with his early impressions and with his matured opinions.

It has happened, by the force of events, that the policy of the old Whig Party has been revived in the national banking system, while the Independent Treasury, the leading measure of the old Democratic Party, has been preserved in all its features as the guide of the Treasury Department in its financial operations.

When General Grant became President, these three measures had been incorporated into the policy of the Republican Party. Their full acceptance by him did not require any change of opinion on his part. It was true that he had voted for Mr. Buchanan in 1856; but his vote was given in obedience to an impression that he had received touching the quali-

fications of General Fremont. The fact that he had voted for Mr. Buchanan excited suspicions in the minds of some Republicans, and it engendered hopes in the bosoms of some Democrats that he might act in harmony with the Democratic Party. The suspicions and the hopes were alike groundless.

As early as the month of August, 1863, in a letter to Mr. E. B. Washburne, he said: "It became patent to my mind early in the rebellion that the North and South could never live at peace with each other except as one nation, and that without slavery. As anxious as I am to see peace established, I would not, therefore, be willing to see any settlement until this question is forever settled."

Thus was General Grant, at an early moment, and upon his own judgment, brought into full accord with the Republican Party upon the two debatable and most earnestly debated questions during Mr. Lincoln's administration—the prosecution of the war and the abolition of slavery.

And thus is it apparent that in 1868 he was in a condition, as to all matters of opinion, to accept a nomination at the hands of the Republican Party; and it is equally apparent that he was separated from the Democratic Party by a chasm wide, deep, and impassable. It is, however, true that General Grant's feelings were not intense, and in the expression of his opinions his tone was mild and his manner gentle. It often happened, also, that he did not undertake to controvert opinions and expressions with which he had no sympathy. This peculiarity may at times have led to a misunderstanding, or to a misinterpretation of his views. Upon this basis of his early impressions, and matured opinions his administrative policy was constructed.

When he became President, there was a body of American citizens, not inconsiderable in numbers, who doubted the ability of the Government to pay the war debt; there were others who advocated payment in greenbacks, or the substitution of

a note not bearing interest for a bond that bore interest; and there were yet others who denied the validity of the existing obligations. All these classes, whether they were dishonest or only misled, were alike rebuked in his inaugural address. These were his words: "A great debt has been contracted in securing to us and to our posterity the Union. The payment of this debt, principal and interest, as well as the return to a specie basis, as soon as it can be accomplished without material detriment to the debtor class, or to the country at large, must be provided for. . . . To protect the national honor, every dollar of Government indebtedness should be paid in gold, unless otherwise expressly stipulated in the contract. . . .

"Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far toward strengthening a credit which ought to be the best in the world, and will ultimately enable us to replace the debt with bonds bearing less interest than we now pay."

In the same address he asserted the ability of the country to pay the debt within the period of twenty-five years, and he also declared his purpose to secure a faithful collection of the public revenues. At the close of his administration of eight years one fifth part of the public debt had been paid, and if the system of taxation that existed in 1869 had been continued the debt would have been extinguished in less than a quarter of a century from the year 1869. In his administration, however, the crisis was passed. The ability and the disposition of the country were made so conspicuous that all honest doubts were removed, and the repudiators were shamed into silence. The redemption of the debt by the purchase of bonds in the open market strengthened the public credit, and laid a foundation for the resumption of specie payments.

General Grant's inaugural address was followed by the passage of the act of March 18, 1869, entitled "An act to

strengthen the public credit." This act was a pledge to the world that the debts of the United States, unless there were in the obligations express stipulations to the contrary, would be paid in coin.

In accordance with the report of the Secretary of the Treasury, President Grant, in his annual message of December, 1869, recommended the passage of an act authorizing the funding of the public debt at a lower rate of interest.

Following this recommendation, the bill for refunding the public debt, prepared by the Secretary of the Treasury, was enacted and approved July 14, 1870.

By this act the Secretary of the Treasury was authorized to issue bonds to the amount of $200,000,000 bearing interest at the rate of 5 per cent, $300,000,000 bearing interest at the rate of 4½ per cent, and $1,000,000,000 bearing interest at the rate of 4 per cent.

Under this act, and the amendments thereto, the debt has been refunded from time to time until the average rate of interest does not now exceed 3 1-2 per cent. Although these two important measures of administration were not prepared by General Grant, they were but the execution of the policy set forth in his inaugural address.

In respect to the rights of the negro race, General Grant must be ranked with the advanced portion of the Republican Party. Upon the capture of Fort Donelson, a number of slaves fell into the hands of the Union army. General Grant issued an order, dated Feb. 26, 1862, in which he authorized their employment for the benefit of the Government, and at the close he said that under no circumstances would he permit their return to their masters.

In his inaugural address he urged the States to ratify the Fifteenth Amendment, and its ratification was due, probably, to his advice. At that moment his influence was very great. It may well be doubted whether any other President ever

enjoyed the confidence of the country in as high a degree. He gave to that measure the weight of his opinion and the official influence of his administration. The amendment was opposed by the Democratic Party generally, and a considerable body of Republicans questioned its wisdom. General Grant was responsible for the ratification of the amendment. Had he advised its rejection, or had he been indifferent to its fate, the amendment would have failed, and the country would have been left to a succession of bitter controversies arising from the application of the second section of the Fourteenth Amendment, which provided that the representation of a State should be based upon the number of male citizens over twenty-one years of age entitled to vote.

General Grant accepted the plan of Congress in regard to the reconstruction of the Union. There were three opinions that had obtained a lodgment in the public mind. President Johnson and his supporters claimed that the President held the power by virtue of his office to convene the people of the respective States, and that under his direction constitutions might be framed, and that Senators and Representatives might be chosen who would be entitled to seats in Congress as though they represented States that had not been engaged in secession and war. Others maintained that neither by the ordinances of secession nor by the war had the States of the Confederacy been disturbed in their legal relations to the Union.

It was the theory of the Republican Party in Congress that the eleven States by their own acts had destroyed their legal relations to the Union; that the jurisdiction of the National Government over the territory of the seceding States was full and complete; and that, as a result of the war, the National Government could hold them in a Territorial condition and subject to military rule. Upon this theory the reappearance of a seceded State as a member of the Union was

made to depend upon the assent of Congress, with the approval of the President, or upon an act of Congress by a two-thirds vote over a Presidential veto.

General Grant sustained the policy of Congress during the long and bitter contest with President Johnson, and when he became President he accepted that policy without reserve in the case of the restoration of the States of Virginia, Georgia, Texas, and Mississippi. Upon this statement it appears that General Grant was a Republican, and that he became a Republican by processes that preclude the suggestion that his nomination for the Presidency wrought any change in his position upon questions of principle or policy in the affairs of government. Indeed, his nomination in 1868 was distasteful to him, as he then preferred to remain at the head of the army. It was in the nature of things, however, that he should have wished for a re-election. He was re-elected, and at the end of his second term he accepted a return to private life as a relief from the cares and duties of office. The support which he received for the nomination in 1880 was not due to any effort on his part. Not even to his warmest supporters did he express a wish, or dictate or advise an act. His only utterance was a message to four of his friends at the Chicago Convention, that whatever they might do in the premises would be acceptable to him. His political career was marked by the same abstention from personal effort for personal advancement that distinguished him as an officer of the army. But he did not bring into civil affairs the habits of command that were the necessity of military life. Although by virtue of his position he was the recognized head of the Republican Party, he made no effort to control its action. Wherever he placed power, there he reposed trust.

There was not in General Grant's nature any element of suspicion, and his confidence in his friends was free and

full. Hence it happened that he had many occasions for regret.

On no man in public life in this generation were there more frequent charges and insinuations of wrong-doing, and in this generation there has been no man in public life who was freer from all occasion for such insinuations and charges.

When he heard that the Treasury Department was purchasing bullion of a company in which he was a stockholder, he sold his shares without delay, and without reference to the market price or to their real value.

General Grant had no disposition to usurp power. He had no policy to impose upon the country against the popular will. This was shown in the treatment of the Santo Domingo question. General Grant was not indisposed to see the territories of the Republic extended, but his love of justice and fair dealing was such that he would have used only honorable means in his intercourse with other nations. Santo Domingo was a free offering, and he thought that its possession would be advantageous to the country.

Yet he never made it an issue, even in his Cabinet, where, as he well knew, very serious doubts existed as to the expediency of the measure. He was deeply pained by the unjust attacks and groundless criticisms of which he was the subject, but he accepted the adverse judgment of the Senate as a constitutional binding decision of the question, and of that decision he never complained.

In a message to the Senate of the 31st of May, 1870, he urged the annexation of Santo Domingo. He said, "I feel an unusual anxiety for the ratification of this treaty, because I believe it will redound greatly to the glory of the two countries interested, to civilization, and to the extirpation of the institution of slavery." He claimed for the scheme great commercial advantages, that it was in harmony with the Monroe doctrine, and that the consummation of the measure

would be notice to the states of Europe that no acquisition of territory on this continent would be permitted. In his second inaugural address General Grant referred to the subject in these words: "In the first year of the past administration the proposition came up for the admission of Santo Domingo as a Territory of the Union. . . . I believe now, as I did then, that it was for the best interests of this country, for the people of Santo Domingo, and all concerned, that the proposition should be received favorably. It was, however, rejected constitutionally, and therefore the subject was never brought up again by me." General Grant considered the failure of the treaty as a national misfortune, but he never criticised the action of its opponents.

General Grant's firmness was shown in his veto of the Senate currency bill of 1874. It is known that unusual effort was made to convince him that the measure was wise in a financial view, and highly expedient upon political grounds. The President wrote a message in explanation of his act of approval, but upon its completion he was so much dissatisfied with his own argument that he resolved to veto the bill. Hence the veto message of April 22, 1874.

In foreign policy, the principal measure of General Grant's administration was the treaty with Great Britain of May, 1871. The specific and leading purpose of the negotiations was the adjustment of the claim made by the United States that Great Britain was liable in damages for the destruction of American vessels, and the consequent loss of commercial power and prestige, by the depredations of Confederate cruisers that were fitted out or had obtained supplies in British ports. Neither the treaty of peace of 1783, nor the subsequent treaties with Great Britain, made a full and final settlement of the fishery question or of our northern boundary-line at its junction with the Pacific Ocean. These outlying questions were considered in the negotiations, and they were

adjusted by the terms of the treaty. The jurisdiction of the island of San Juan on the Pacific coast, then in controversy, was referred to the Emperor of Germany as arbitrator, with full and final power in the premises. By his award the claim of the United States was sustained.

The fishery question was referred to arbitrators, but it was a misfortune that the award was not satisfactory to the United States, and the dispute is reopened with capacity to vex the two governments for an indefinite period of time.

The claims against Great Britain growing out of the operations of the Confederate cruisers, known as the Alabama claims, were referred to arbitrators, by whose award the Government of the United States received the sum of $15,500,000. But the value of the treaty of 1871 was not in the award made. The people of the United States were embittered against the Government of Great Britain, and had General Grant chosen to seek redress by arms he would have been sustained throughout the North with substantial unanimity. But General Grant was destitute of the war spirit, and he chose to exhaust all the powers of negotiation before he would advise a resort to force. A passage in his inaugural address may have had an influence upon the policy of the British Government: "In regard to foreign policy, I would deal with nations as equitable law requires individuals to deal with each other. . . . I would respect the rights of all nations, demanding equal respect for our own. *If others depart from this rule in their dealings with us, we may be compelled to follow their precedent.*"

The reference of the question at issue to the tribunal at Geneva was a conspicuous instance of the adjustment of a grave international dispute by peaceful methods.

By the sixth article of the treaty of 1871, three new rules were made for the government of neutral nations. These rules are binding upon the United States and Great Britain,

and the contracting parties agreed to bring them to the knowledge of other maritime powers, and to invite such powers to accede to the rules.

In those rules it is stipulated that a neutral nation should not permit a belligerent to fit out, arm, or equip in its ports any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a power with which it is at peace. It was further agreed, as between the parties to the treaty, that neither would suffer a belligerent to make use of its ports or waters as a base of operations against the other. Finally, the parties agreed to use due diligence to prevent any infraction of the rules so established.

Mr. Fish was then Secretary of State, and to him was General Grant and the country largely indebted for the settlement of the Alabama controversy; but the settlement was in harmony with General Grant's inaugural address.

Before the final adjustment of the controversy, by the decision of the tribunal at Geneva, General Grant had occasion to consider whether the allegation against Great Britain, growing out of her recognition, in May, 1861, of the belligerent character of the Confederacy, could be maintained upon the principles of public law. Upon his own judgment he reached the conclusion that the act was an act of sovereignty within the discretion of the ruler, for which a claim in money could not be made. This opinion was accepted, finally, by his advisers, by the negotiators, and by the country.

General Grant was not a trained statesman. His methods of action were direct and clear. His conduct was free from duplicity, and artifice of every sort was foreign to his nature. In the first years of his administration he relied upon his Cabinet in all minor matters relating to the departments. Acting upon military ideas, he held the head of a department to his full responsibility, and he waited, consequently, until his opinion was sought or his instructions were solicited.

In his conferences with the members of his Cabinet he expressed his opinions with the greatest freedom, and, upon discussion, he often yielded to the suggestions or arguments of others. He was so great that it was not a humiliation to acknowledge a change in opinion, or to admit an error in policy or purpose.

In his intercourse with members of Congress upon the business of the Government, he gave his opinions without reserve when he had reached definite conclusions, but he often remained a silent listener to the discussion of topics which he had not considered maturely.

His politics were not narrow nor exclusive. He believed in the growth of the country, and in the power of republican ideas. He was free from race prejudice, and free from national jealousy, but he believed in the enlargement of our territory by peaceful means, in the spread of republican institutions, and in the predominance of the English-speaking race in the affairs of the world.

The spirit of philanthropy animated his politics, and the doctrines of peace controlled his public policy.

XXXIX

REMINISCENCES OF PUBLIC MEN

GENERAL BANKS

OF the men whom I have known in political affairs, General Banks was in his personality one of a small number who were always agreeable and permanently attractive. He was the possessor of an elastic spirit; he was always hopeful of the future and in adversity he saw or fancied that he saw, days of prosperity for himself, for his party, for the commonwealth and for the country. His interest in the fortunes of the laboring classes was a permanent interest, and they are largely indebted to him for the passage of the eight-hour law by the Congress of the United States. Not infrequently his thoughts and schemes were too vast for realization. While the contest in Kansas was going on, he suggested an organization of capitalists for the purchase of the low-priced lands in Delaware, then a sale to Northern farmers and the conversion of Delaware into a free State.

His studies in the law had been fragmentary and superficial, and nature had not endowed him with all the qualities that are essential to the successful lawyer. His reading on the literary side was considerable, especially in the Spanish language. Early in life he accepted the idea that our relations with the Spanish race were to be intimate in a not far off future. He was a careful observer of character, and of conditions in affairs, and in a free debate he was never in peril

of being overmatched. Of a mutual friend and an associate in politics he said: "He has no serious side to his character —a defect that has been the bane of many otherwise able men."

When the coalition came into power Banks was made speaker of the Massachusetts House of Representatives. Wilson was president of the Senate and I was in the office of Governor. In an evening stroll with Banks around Boston Common, engaged in a survey of public affairs, he changed the conversation suddenly with the remark: "It's almighty queer that the people of this commonwealth have put their government into the hands of men who have no last and usual place of abode." The pertinency of this remark is to be found in the facts to which it was applicable. There were some men of wealth in the Coalition Party but the three places that I have named were held by men who were destitute of even the means of well-to-do mechanics and tradespeople.

Mr. Banks had power in repartee which made him a formidable adversary in parliamentary debate. When he was a mechanic at Waltham he took an active part in temperance meetings. At one of the meetings a Unitarian clergyman of conservative leanings, made a speech in which he criticised the speeches and said finally: "I do not attend the meetings because I cannot approve of what I hear said." He then referred to Mr. Banks as a young man who was guilty of indiscretions in speech. He had seen him once only at his church. He had made inquiries of his brethren and he could not learn that Mr. Banks was a regular attendant at any church. Banks in reply admitted that he had been in the church of the reverend gentleman but once, and that he was not a regular attendant at any church. Said he: "I do not go to church because I hear things said there which I do not approve." The reverend gentleman was forced to join in the general laugh which was raised at his expense.

Two extracts from General Banks' letters, written to me during the war may give an idea of his characteristics in his maturer years.

HEADQUARTERS, CAMP AT DAMSTOWN, MD.,
October 15, 1861.

MY DEAR SIR: —

I received your letter of the 8th inst . . . and also one of an earlier date. . . .

I am very glad to hear from you. I see few people and hear little news from home. Newspapers I have little relish for and scarcely time to read them, if I had.

I am glad to know that you contemplate the army for a pursuit. Our people will in the end surrender all business except that of the war, and that which pertains to the war. Our country is in a sad condition. It is already clear that the influence of France and England is against us. How sadly all our anticipations in regard to the war have failed us,—the insurrection of the blacks, the material deficiencies of the South, their want of men, and worst of all the friendship or the indifference of England. We have now, or shall have by and by to do what we should have done at the start, rely upon ourselves and prepare for our work upon a scale proportionate to its magnitude. It would amuse you to know how far the highest civil authority is subordinated to military direction. I do not doubt in the slightest degree the success of the Government in the end, but it grieves me to see how slow we have been and still are in comprehension and preparation.

This continent is just as important to England and France as it is to us. It is hardly to be doubted that they will postpone all international questions, and secure what has never before been offered to them—a controlling foothold here. How many times I have spoken to you in the old Executive

Chamber of the importance to the whole world of the possession of Mexico—and of the power it would infallibly give on this continent, as in Europe to those who possessed it. And now Spain, France and England are there. "Birnam Wood *has* to great Dunsinane come." There is but one remedy for us. Every male creature born and unborn must become a soldier. Soldiers do not criticise, so you must consider this *Private*. And believe me very truly yours, etc.

N. P. Banks.

Headquarters, Department of the Gulf,
New Orleans, 27 Decr. 1863.

My Dear Sir:—

I have written to the President upon the subject of a free State organization in Louisiana. It appears quite certain to me that the course pursued here by the officers to whom the matter is entrusted will not lead to an early or a certain result. It will not be accomplished sooner than August or September, and then will be involved in the struggles of the Presidential contest, and very likely share the fate of that struggle. It certainly ought not to be dependent upon that issue, and settled, not only independent of it, but before it opens. It can be easily done, in March. A Free State government upon the basis of immediate emancipation can be acquired as early as March with the general consent of the People, and without any material opposition, in such a manner as to draw after it *all* the Southern States, on the same basis, and by the same general consent. But it cannot be done in the manner now proposed here. It is upon this subject that I have written the President. Three months ago I wrote him upon the same idea but did not send my letter. Subsequent reflection and inquiry have made the theory so clear to mind that I felt impelled to put my views before him. I write this as from the request of my previous letter you may have spoken

to him upon the subject of the Depart't and the reorganization of the State. The election of next year does not seem as clear to me as it appears to you. I fancy it to be a struggle between the Democratic Party, backed by the entire power of the regular army and the People. It will be a contest of great violence.

* * * * * * * *

The report of General Hallock is singularly incorrect, in its references to the Department—so much so that it is impossible to attribute them to anything else but misapprehension of facts. I refer to that which relates to Galveston, and the movement against Port Hudson in April. If it were not so palpable, I shd think the Department hostile & shd be very glad to know if you see or hear anything to indicate such feeling towards me. General Wilson would probably know the facts.

The Austrian Consul here, said to me the other day that he was confident that Maximilian would not go to Mexico. He is a sensible and well informed man, and I have confidence in his opinion. I shall send you by Satds mail *three* despatches from Europe of recent date.

Very truly yours,
N. P. Banks.
M. G. C.

Hon. Geo. S. Boutwell.

As the conclusion of my remarks upon General Banks, I refer to my final and unexaggerated estimate of General Banks as given in the chapter on the Legislature of 1849 (Chapter XIV).

GENERAL SHERMAN, GENERAL SHERIDAN AND GENERAL GRANT

The death of General Sherman removed the last member of the triumvirate of soldiers who achieved the highest dis-

tinction in the Civil War. In the Senate one speaker gave him the highest place, but on the contrary, I cannot rank him above either Grant or Sheridan. When we consider the vastness of the command with which Grant was entrusted through a period of more than a year, the magnitude and success of his operations, and the tenacity with which he prosecuted all his varied undertakings, it must appear that neither Sherman nor Sheridan was entitled to the position of a rival. As to Sherman, I can say from a long and intimate acquaintance with him, and under circumstances when his real feeling would have been disclosed, that he never assumed an equality with Grant.

As between Sherman and Sheridan it is not easy to settle the question of pre-eminence. For myself the test would be this: Assume that Grant had disappeared during the Battles of the Wilderness, would the fortunes of the country have been best promoted, probably, by the appointment of Sherman or Sheridan? I cannot now say what my opinion would have been in 1864, but I should now have pronounced for Sheridan. He was more cool and careful in regard to the plan of operations and equally bold and vigorous in execution. General Grant expressed the opinion to me in conversation that Sheridan was the best officer in the army. He spoke of his care and coolness in the preparation of his plans and his celerity in execution. Of "the younger set of officers" he placed Ames (Adelbert) as the most promising.

In one of my last conversations with Sheridan he expressed the opinion that the improvement in the material of war was so great that nations could not make war, such would be the destruction of human life.

Upon his return from Germany at the end of the Franco-Prussian War, he spoke very disparagingly of the military movements and among several things he said that the French forces were placed where the Germans would have dictated

had they had the power. He added that either of our armies at the close of the war could have marched over the country in defiance of both the French and German forces combined. This was a rash remark, probably; a remark which he could not justify upon the facts. Without intending to betray any confidence, the remark, as coming through me, got into the newspapers. Sheridan with a skill superior to that of politicians caused the announcement to be made that General Sheridan had never had any conversation with Governor Boutwell in regard to the Franco-Prussian War.

At the end it may be claimed justly, that they were three great soldiers—that they served the country with equal fidelity—that they lived and acted without the manifestation in either of a feeling of rivalry, and that they earned the public gratitude.

The death of General Sherman was followed by two contradictory statements from his sons. The younger, Tecumseh, is reported as saying that his father was never a Catholic, while the older, Thomas, who is a priest of the Order of Jesuits, has stated over his signature that his father was baptized as a Catholic, was married as a Catholic, and that he had heard him say often, "that if there was any true religion it was the Catholic."

All this may be true and yet General Sherman may not have been a Catholic. His baptism may have been without his consent or knowledge, his marriage by the Catholic Church may have been in deference to his wife's wishes, and because he was wholly indifferent to the matter, and the remark may have been made in the impression that there was no true religion, and that the Catholic was as likely, or even more likely to be true, than any other.

The statement made by Thomas puts an imputation upon General Sherman that he ought not to bear. Of the thousands that one may meet in a lifetime, General Sherman

was among the freest from anything in the nature of hypocrisy or dissimulation. Of those who knew him intimately after the close of the war there are but few, probably, who did not hear him speak with hostility and bitterness of the Catholic Church. For myself I can say that I heard him speak in terms of contempt of the church. On one occasion with reference to fasts and abstinence from meat on Friday, he said:

"I know better than these priests what I want to eat."

General Sherman was not a friend to the Catholic Church in the last years of his life and there is no honor in the attempt to enroll his name among its devotees now that he is dead and cannot speak for himself.

SECRETARY WINDOM

Funeral services were performed February 2, 1891, at the Church of the Covenant in Washington in honor of Mr. Windom, late Secretary of the Treasury. He made a good record, if not a distinguished one. As a member of the House of Representatives and of the Senate he was noted for fairness, for freedom from bitterness of opinion upon party questions, and for good sense in action.

He was indisposed to take responsibility and he went no farther than the case in hand seemed to require. As the head of the Treasury he was anxious to gather opinions upon matters of general public interest, and it was in his nature to strive to accommodate his action to the public opinion, if he could do so without serious consequences. He worked within narrow limits, the limits set by business and politics. Of enemies he had but few—of warm friends but few—the many had confidence in his integrity in the affairs of government, and in his ability to guide those affairs in ordinary times.

JAMES RUSSELL LOWELL

In a number of the *Edinburgh Review* is an article on James Russell Lowell in which the writer errs widely in two particulars as to the effect of the "Biglow Papers." The writer's name is not given, but he is not an American and he is ignorant, probably, of America as it was from 1830 to 1850. When the "Biglow Papers" appeared, I was a Democrat, and I am quite sure that the publication produced no effect not even the least, upon the opinions of Democrats or the action of the Democratic Party. Upon my knowledge of the Democratic Party I can say with confidence that the writer is in error when he says: "He (Lowell) converted many bigoted Northern Democrats to a course of action in conflict with their old party relations and apparent interests."

For this broad statement there is no evidence. The first break came in 1848 and it was due to rivalries in the Democratic Party. If the "Biglow Papers" played any part it was too unimportant to produce an appreciable result. They were treated as a fortunate *jeu d'esprit* that everybody enjoyed, but the Democratic Party did not change its policy nor did it lose adherents. The Mexican War was prosecuted and bigotry political and religious continued to flourish. They may have contributed though, insensibly, to a public opinion that became formidable in the end but the effect was not as perceptible as was the effect of Garrison's legend that slavery was a covenant with hell and a league with death, which had its place at the head of the *Liberator* through successive years. Nor do I believe that "it revolutionized the tone of Northern society." Indeed, there is a "tone" of Northern society that has not been revolutionized to this day. The South is still the land of gentle birth. The slaveholder still lives as a man of breeding and the owner of estates. The negro is still of an inferior caste and in some

circles the days of slavery were the great days of the Republic. When the "Biglow Papers" appeared Mr. Lowell had not achieved distinction. Society did not know him to follow him. It cared nothing for what he thought, and it was only amused by what he said. The Lowell of 1840 was not the Lowell of 1890. Nor can any series of statements be more untruthful and absurd than the statements of the writer that "thenceforth it became creditable to advocate abolition in drawing rooms, and to preach it from fashionable city pulpits to congregations paying fancy prices for their pews. In the workshops, the barrooms and other popular resorts the laugh was turned against the slave-owners; the ground was prepared for the popular enthusiasm which recruited the armies that exhausted the South, and Lowell must share with Lincoln and Grant the glory of the crowning victories."

If any work of romance contains more fiction in the same space, it is my fortune not to have seen that work. The circulation of the *Boston Courier* in which the papers were printed was very limited. It did not go into barrooms nor into workshops. It was read chiefly by the converted and semi-converted abolitionists. As to fashionable pulpits thenceforth preaching abolition it is to be said that there was only one leading pulpit, Theodore Parker's pulpit, in which abolitionism was tolerated until years after the appearance of the "Biglow Papers." As to society, it is to be said that in the Fifties Charles Sumner, a Senator, was ostracized for his opinions upon slavery.

It is nearer the truth to say that what passes for society in New England never tolerated abolitionists nor encouraged abolitionism.

The one writing which in an historical point of view contributed most largely to recruit the armies of the Republic during the rebellion was Webster's speech in reply to Hayne. The closing paragraph of that speech was in the schoolbooks

of the free States, and it had been declaimed from many a schoolhouse stage.

Lowell deserves credit for what he did. He chose his place early and firmly on the anti-slavery side, but it is absurd and false to say that thenceforward and therefor abolition became popular and abolitionists the sought for or the accepted by society. Mr. Lowell was the son of a Boston Unitarian clergyman. In the Forties he had not gained standing ground for himself, to omit all thought of his ability to carry an unpopular cause.

Indeed, up to the time of the repeal of the Missouri Compromise the whole array of anti-slavery writers and speakers had not accomplished the results which the reviewer attributes to the " Biglow Papers."

Indeed, should there be a signal reform in the fashion and cost of ladies' dresses it might with equal propriety be attributed to Butler's poem " Nothing to Wear."

GENERAL GARFIELD AND GENERAL ROSECRANS

The statement is revived that General Garfield, when chief of the staff of General Rosecrans in the campaign which ended at Chickamauga was false to Rosecrans. The allegation and the fact are that he wrote to Mr. Chase, then in Mr. Lincoln's Cabinet, that Rosecrans was incompetent to the command. Garfield's statements, as I recall the letters, were free from malice and the professional and ethical question is, " Was Garfield justified as a citizen and soldier, in giving his opinion to the Administration? " His view of Rosecrans was confirmed by events, and it may be assumed that the opinion was free from any improper influence when the letters were written. On this assured basis of facts I cannot doubt that Garfield did only what was his duty. Neither the President nor the War Department could obtain specific knowledge of the officers in command except through associates and sub-

ordinates unless they trusted to newspapers and casual visitors to the army. The struggle was a desperate one and the volunteer army was composed of men who were citizens before they were soldiers and they remained citizens when they became soldiers. Garfield was of the citizen soldiery and to him and to the country the etiquette of the army and the etiquette of society were subordinate to the fortunes of the nation. Of General Rosecrans' unfitness for any important command there can be no doubt. After the disaster at Chickamauga, Rosecrans was relieved and General Thomas was put in command and General Grant was ordered to the field. He met Rosecrans at Nashville where they had an interview. From General Grant I received the statement that Rosecrans had sound views as to the means of relieving the army; "And" said General Grant "my wonder was that he had not put them in execution."

This one fact expresses enough of the weak side of Rosecrans as a military leader to warrant the opinion given to Chase by Garfield, and that opinion having been formed upon a knowledge of facts and of Rosecrans as a military man and not from prejudice or rivalry, Garfield should be honored for his course, rather than condemned.

GEORGE BANCROFT

The death of Mr. Bancroft at the age of more than ninety years removes one of the few men in private life who can be ranked as personages. He was, perhaps, the only person in private life whose death would have received a semi-public recognition from any of the rulers of Europe. Such a recognition was accorded by the Emperor of Germany, and chiefly, as it is understood, on account of the friendship which existed between Mr. Bancroft and the grandfather of the present Emperor.

Mr. Bancroft's long and successful career as a writer and

diplomatist would seem to be evidence of the presence of qualities of a high order, and yet no one who was near him accepted that opinion. His conversation was not instructive, certainly not in later years, nor was he an original thinker upon any subject. He was an enthusiast in politics in early and middle life, and while his mental faculties remained unimpaired his interest in political movements was great—and usually it was in sympathy with the Democratic Party. He was an adhesive man in politics, capable of appearing to be reconciled to the success of his opponents and ready to accept favors from them in the way of office and honors and yet without in fact committing himself to their policy.

He was a laborious student, and he had access to standard and in many particulars to original authorities. At the commencement of his history he erred in denying with much confidence the claim of the visits of the Northmen to this continent in the ninth and tenth centuries.

That early claim seems to be supported by evidence which is nearly, if not absolutely, conclusive. Of all his chapters that on Washington was most attractive to me and it is quite the equal of Mr. Everett's oration, that yielded a large sum of money, that the orator applied to the purchase of Mount Vernon. Mr. Bancroft aimed to illustrate his history by an exhibition of philosophy. This feat in literature can be accomplished successfully only by a great mind. First the events, then the reasons for or sources of, then the consequences, then the wisdom or unwisdom of the human agencies that have had part in weaving the web, are all to be considered. Examples are Gibbon and Buckle.

GENERAL GRANT AS A MAN AND A FRIEND

The simplicity of General Grant's nature, his frankness in all his intercourse with his fellow men, his freedom from duplicity were not touched unfavorably in any degree by his

rapid advancement from the ordinary pursuits of ordinary men to the highest places in military and civil life. There was never in his career any ostentatious display of power, never any exercise of wanton or unnecessary authority.

He disliked controversy even in conversation, and his reticence when not in the company of habitual companions and trusted friends was due in part to his rule of life on that subject.

From the many years of my acquaintance with General Grant I cannot recall an instance of a reference to theological opinions upon controverted topics of faith.

The humanitarian side of his nature was strong, but it was not ostentatiously exhibited—indeed it was concealed rather than proclaimed. It was made known to me by his interest and by his lack of interest in appointments in the Treasury Department.

Of salaried places he controlled the appointment of General Pleasanton as commissioner of internal revenue, and of that only.

On several occasions he suggested the designation of a person named for employment in some menial and non-salaried service. The person named was in every instance the widow or daughter of some soldier of the war. At intervals, not widely separated, he would bring the subject to my notice. Thus, without a command, I was forced to follow his suggestion.

The purity of his conversation might have been a worthy example for the most carefully trained person in etiquette and morals. My intercourse with General Grant was intimate through many years, and never on any occasion did he repeat a story or a phrase that contained a profane remark or carried a vulgar allusion. He had a relish for untainted wit and for genial humor, and for humor he had some capacity. He was not an admirer of Mr. Sumner and a trace of irony may be

found in a remark attributed to him: When some one said: "Mr. Sumner does not believe in the Bible," General Grant said: "No, I suppose not, he didn't write it."

General Grant was attracted by a horse driven by a butcher. He purchased the animal at the cost of five hundred dollars. He invited Senator Conkling to a drive behind the new horse. The Senator criticised the animal, and said: "I think I should prefer the five hundred dollars to the horse." "That is what the butcher thought," said General Grant.

He was sincere and devoted in his friendships, but when he discovered that his confidence had been misplaced, a reconciliation became impossible. With him there could be no genuine forgiveness, and his nature could not tolerate any degree of hypocrisy. All voluntary intercourse on his part had come to an end.

There was a time when a demand for my removal from office was made by some Republican Senators and by the New York *Herald,* to which he gave no attention.

The imperturbability of spirit which was indicated in his conversation and movements was deep-seated in his nature. I was with him in a night trip to New York; when the train was derailed in part. As the wheels of the car struck the sleepers, he grasped the back of the seat in front of him and remained motionless, while many of the passengers added to their peril by abandoning their seats.

On a time General Grant received a pair of large roan horses from his farm in Missouri. He invited me to take one of the horses and join him in a ride on the saddle. I declined the invitation. I was then invited to take a seat with him in an open wagon. When we were descending a slight declivity one of the horses laid his weight on the pole and broke it, although the parts did not separate. General Grant placed his foot upon the wheel, thus making a brake and

saving us from a disaster. General Grant's faculties were at command on the instant and under all circumstances.

When the Ku Klux organizations were active in the South, the President gave members of Congress to understand that he would send a message with a recommendation for punitive legislation. Upon reflection he came to doubt the wisdom of the measure, especially as the use of the military forces at New Orleans and elsewhere had been criticised in the country. While the subject was thus undisposed of, I received a message from the President which ended with a request that I should accompany him to the Capitol. On the way he informed me that he doubted the wisdom of a message and that he intended to so inform those to whom he had given encouragement. At the interview which followed several members who were present urged adherence to the original policy. While the discussion was going on, the President returned to his original opinion and wrote a message which was transmitted to the Congress after one or two verbal changes that may have been suggested by Secretary Fish or Secretary Robeson.

General Grant's sense of justice was exact and he did not spare himself in his criticisms. He said to me in conversation, what is indicated in his Memoirs, that he assumed some responsibility upon himself for the removal of General Warren at Five Forks. He had known that General Warren was disqualified by natural defects from command in the field, and hence that it was an error on his part that he had not assigned Warren to duty at a station.

Again he said to me that his final campaign against Vicksburg was the only one of his campaigns that he could not criticise adversely when tested by reflection and experience.

During my term of service an appointment of some importance was made by the collector of New York. The appointment was approved by me. In the meantime some op-

ponents of the appointee approached the President. Upon his suggestion the appointment was suspended. After a delay I received a letter from the President dated June 28, 1869, in which he says: "If it should still be the pleasure of Mr. Grinnell to confer the appointment before tendered, let it be so, so

New York City,
January 3d 1885.

My dear Miss Bentwell:

Many thanks for the New Year welcome, just received. There is no family that I have ever known the friendship I prize more highly than that of your father. I wish for him and his family many returns of new years, and that all of them may find him and his in the enjoyment of good health and peace of mind.

Very truly yours,
W. H. Seward

far as I am concerned. I am not willing knowingly to do anyone injustice as I now am led to believe I may have done in the case of General Egan."

In the month of December, 1884, there were paragraphs in

the newspapers which justified the apprehension that General Grant was suffering from a cancer. In the late days of that month, I called upon him at his house in New York. He was then in good health, apparently. I found him in his library engaged in the preparation of articles for the *Century Magazine*. In the days of our more intimate acquaintance he had said to me that it was his purpose to leave the history of his campaigns to others. He referred to that remark and said that his financial embarrassments had forced him to change his purpose. As I was about to leave, he referred to a difficulty in his throat that he had noticed for about six months. He expressed the fear that he had neglected it too long. I avoided any serious remark in reply. Soon after my return to Groton my daughter received a letter from him, which, in photographic copy, I here give. It contains his parting words to me and to my family. It is a precious souvenir of my acquaintance and service with a man who was great and good above any estimate that the world has placed upon him.

I called upon him in the month of June. He rose to receive me. His power of speech was much impaired, and our interview was brief. The final parting was a sad event to me.

* GRANT AS A SOLDIER

When General Grant came before the public, and into a position that compelled notice, he was called to meet a difficulty that his predecessor in the office of President had encountered and overcome successfully.

An opinion existed in the cultivated classes, an opinion that was especially local in the East, that a great place could not be filled wisely and honorably, unless the occupant had had the benefit of a university training.

Of such training Mr. Lincoln was destitute, utterly, and the training which General Grant had received at West

* From the New York *Independent*.

Point, where it was his fortune to attain only to advanced standing in the lower half of his class, was at the best the training thought to be necessary for the vocation of a soldier. That minority of critics overlooked the fact that the world had set the seal of its favorable judgment upon Cromwell, Washington, Franklin, Napoleon, Hamilton and others who had not the advantages of university training. Napoleon in a military school and Hamilton in Columbia College for the term, of a year, more or less, did not rank among university men.

That minority of critics did not realize the fact that colleges and universities cannot make great men. Great men are independent of colleges and universities. In truth, a really great man is supreme over colleges and universities.

Lincoln was such a man in speech, in power of argument, in practical wisdom, by which he was enabled to act fearlessly and with success in the great affairs of administration.

Such a man was General Grant on the military side of his career. With great military capacity, he was destitute of the military spirit. During the period of his retirement from the army after the close of the Mexican War he gave no attention to military affairs. When he came to Washington in 1865 as General of the Army, he was not the owner of a work on war nor on the military art or science.

His military capacity was an endowment. It might have been impaired or crippled by the training of a university; but it is doubtful whether it could have been improved thereby, and it is certain that it was, in its quality, quite outside of the possibilities of university training.

As General Grant approached the end of his career the voice of the critics, who judged men by the testimony of college catalogues and the decorations of learned societies, was heard less frequently; and his death, followed by the publication of his memoirs, written when the hand of death

was upon him, silenced the literary critics at once and forever.

Since the month of July, 1885, there has appeared on the other side of the Atlantic a set of military critics, of whom General Wolseley, Commander of the British Army, must be treated as the chief, who deny to General Grant the possession of superior military qualities, and who assert that General Lee was his superior in the contest which they carried on from February, 1864, to April, 1865. On this side of the Atlantic there is toleration, if not active and open support of General Wolseley's opinion.

General Wolseley is entitled to an opinion and to the expression of his opinion; but his authority cannot be admitted. On the practical side of military affairs his experience is a limited experience only.

It is not known that General Wolseley ever, in any capacity, engaged in any battle that can be named in comparison with the battles of the Wilderness, with Spottsylvania, with Cold Harbor, or the battle of Five Forks; and it is certain that it was never his fortune to put one hundred thousand men, or even fifty thousand men, into the wage of battle and thus assume the responsibility of the contest.

It was never the necessity of the situation that General Lee should assume the offensive, and in the two instances where he did assume the offensive his campaigns were failures; and can any one doubt that if General Grant had been in command either at Antietam or Gettysburg, the war would then have come to an end on the left bank of the Potomac River by the capture of Lee's army? If this be so, then Lee's undertaking was a hazard for which there could have been no justifying reason, and his escape from destruction was due to the inadequacy of the men in command of the Northern armies. Following this remark I

ought to say that General Meade was a brave and patriotic officer, but he lacked the qualities which enable a man to act promptly and wisely in great exigencies. While General Lee was acting on the defensive did he engage in and successfully execute any strategic movement that can be compared with Grant's campaign of May, 1863, through Mississippi and to the rear of Vicksburg? Or can General Wolseley cite an instance of individual genius and power more conspicuous than the relief of our besieged army at Chattanooga, followed by the sanguinary battle of Missionary Ridge, the capture of six thousand prisoners, forty pieces of artillery, seven thousand stands of small arms and large quantities of other material of war?

During the period of reconstruction Alexander H. Stevens was examined by the Committee on the Judiciary of the House of Representatives as to the condition and purposes of the South. When the examination was over I asked him when he came to the conclusion that the South was to be defeated. He said: "In the year 1862." I then said: "In that year you had your successes. What were the grounds of your conclusions?" In reply he said: "It was then that I first realized that the North was putting its whole force into the contest, and I knew that in such a contest we were to be destroyed."

If I were to imagine a reason, or to suggest an excuse for General Lee's two unsuccessful aggressive campaigns, I should assume that, simultaneously with Mr. Stevens, he had reached the conclusion that time was on the side of the North, and that the Fabian policy must fail in the end.

In an aggressive movement there was one chance of success. A victory and capture of Philadelphia, Baltimore and Washington might lead to an arrangement by which the Confederacy would be recognized, or a restoration of the Union secured upon a basis acceptable to the South. A

desperate undertaking, no doubt, but it is difficult to suggest a more adequate reason for the conduct of General Lee.

I cannot, as a civilian, assume to give a judgment which shall be accepted by any one, upon the relative standing of military men; but I cannot accept, without question, the decision of a military man who never won a great victory in a great battle, upon a chieftain who fought many great battles and never lost one.

I end my observations upon General Grant as a soldier by the relation of an incident in my acquaintance with General Sherman, which was intimate during the four years that I was at the head of the Treasury Department.

It was my custom in those years to spend evenings at General Sherman's, where we indulged ourselves in conversation and in the enjoyment of the game of billiards. Our conversations were chiefly upon the war. In those conversations General Grant's name and doings were the topics often. General Sherman never instituted a comparison between General Grant and any one else, nor did he ever express an opinion of General Grant as a military leader; but his conversation always assumed that General Grant was superior to every other officer, himself, General Sherman, included.

In concurrence with the opinion of General Sherman the friends of General Grant may call an array of witnesses who, both from numbers and character, are entitled to large confidence.

During the four years of the Civil War more than two million men served in the Northern Army. Many of them, more than a majority of them, probably, served for at least three years each. With an unanimity that was never disturbed by an audible voice of dissent, the two million veterans gave to General Grant supremacy over all the other officers under whom they had served. With like unanimity

the chief officers of the army assigned the first place to General Grant, and never in any other war of modern times has there been equal opportunity for the application of a satisfactory test to leaders. In all the wars in which England has been engaged since the fall of Napoleon, except, possibly, the Crimean War, the opposing forces have been composed of inferior races of men. The fields of contest have been in India, Egypt and South Africa. From such contests no satisfactory opinion can be formed as to the qualities of the leaders of the victorious forces.

In our Civil War the men and the officers were of the same race in the main, and the educated officers had been alike trained at West Point. Except in numbers, the armies of the North and the South were upon an equality, and in all the great contests, the numbers engaged were equal substantially. The quality of the men and officers may be gauged and measured with accuracy from the fact that at Shiloh, in the Wilderness and at Gettysburg the same fields were contested for two and three continuous days. It has been said of Mr. Adams that when an English sympathizer with the South lauded the bravery of the Southern Army, Mr. Adams replied: "Yes, they are brave men; they are my countrymen."

The Southern Army was composed of brave men and its officers were qualified by training and experience to command any army and to contest for supremacy on any field.

My readers should not assume that I have avoided a discussion of the characteristics of General Grant in his personality and as a civil magistrate.

The voice of those who in 1872 denied his ability and questioned his integrity is no longer heard; but there are those at home and abroad who either teach or accept the notion that General Grant has become great historically by having been the favorite of fortune.

XL

BLAINE AND CONKLING AND THE REPUBLICAN CONVENTION OF 1880

THE controversy between Mr. Blaine and Mr. Conkling on the floor of the House of Representatives in the Thirty-ninth Congress was fraught with serious consequences to the contestants, and it may have changed the fortunes of the Republican Party.

Mr. Conkling was a member of the Thirty-seventh Congress, but he was defeated as a candidate for the Thirty-eighth. He was returned for the Thirty-ninth Congress. During the term of the Thirty-eighth Congress he was commissioned by the Department of War as judge-advocate, and assigned for duty to the prosecution of Major Haddock and the trial of certain soldiers known as "bounty jumpers." That duty he performed.

When the army bill was before the House in April, 1866, Mr. Conkling moved to strike out the section which made an appropriation for the support of the provost-marshal-general. General Grant, then in command of the army, had given an opinion, in a letter dated March 19, 1866, that that office in the War Department was an unnecessary office. Mr. Conkling supported his motion in a speech in which he said: "My objection to this section is that it creates an unnecessary office for an undeserving public servant; it fastens, as an incubus upon the country, a hateful instrument of war, which deserves no place in a free government in a time of peace."

Thus Mr. Conkling not only assailed the office, he assailed the officer, and in a manner calculated to kindle resentment, especially in an officer of high rank. General James B. Fry was provost-marshal-general. He was able to command the friendship of Mr. Blaine, and on the thirtieth day of April, Mr. Blaine read from his seat in the House a letter from General Fry addressed to himself. Thus Mr. Blaine endorsed the contents of the letter.

In that letter General Fry made three specific charges against Mr. Conkling, but he made no answer to the arraignment that Mr. Conkling had made of him and of his office. Thus he avoided the issue that Mr. Conkling had raised. His charges were these:

1. That Mr. Conkling had received a fee for the prosecution of Major Haddock, and that the same had been received improperly, if not illegally.

2. That in the discharge of his duties he had not acted in good faith, and that he had been zealous in preventing the prosecution of deserters at Utica.

3. That he had notified the War Department that the Provost-Marshal in Western New York needed legal advice, and that thereupon he received an appointment.

The fourth charge was an inference, and it fell with the allegation.

Upon the reading of the letter a debate arose which fell below any recognized standard of Congressional controversy and which rendered a reconciliation impossible.

At that time my relations to Mr. Conkling were not intimate, and I am now puzzled when I ask myself the question: "Why did Mr. Conkling invite my opinion as to his further action in the matter?" That he did, however; and I advised him to ask for a committee. A committee of five was appointed, three Republicans and two Democrats. Mr. Shellabarger was chairman, and Mr. Windom was a member.

The report was a unanimous report. The committee criticised the practice of reading letters in the House, which reflected upon the House, or upon the acts or speeches of any member.

At considerable length of statement and remarks, the committee exonerated Mr. Conkling from each and every one of the charges, and, with emphasis, the proceedings on the part of General Fry were condemned. The most important of the resolutions reported by the committee was in these words:

Resolved, That all the statements contained in the letter of General James B. Fry to Hon. James G. Blaine, a member of this House, bearing date the 27th of April, A. D. 1866, and which was read in this House the 30th day of April, A. D. 1866, in so far as such statements impute to the Hon. Roscoe Conkling, a member of this House, any criminal, illegal, unpatriotic, or otherwise improper conduct, or motives, either as to the matter of his procuring himself to be employed by the Government of the United States in the prosecution of military offences in the State of New York, in the management of such prosecutions, in taking compensation therefor, or in any other charge, are wholly without foundation truth, and for their publication there were, in the judgment of this House, no facts connected with said prosecutions furnishing either a palliative or an excuse.

The controversy thus opened came to an end only with Mr. Conkling's death. It is not known to me that Mr. Conkling and Mr. Blaine were unfriendly previous to the encounter of April, 1866. That they could have lived on terms of intimacy, or even of ordinary friendship, is not probable. Yet it may not be easy to assign a reason for such an estrangement unless it may be found in the word incompatibility. My relations with Mr. Blaine were friendly,

reserved, and as to his aspirations for the Presidency, it was well understood by him that I could not be counted among his original supporters.

Only on one occasion was the subject ever mentioned. About two weeks before the Republican Convention of 1884, I met Mr. Blaine in Lafayette Square. He beckoned me to a seat on a bench. He opened the conversation by saying that he was glad to have some votes in the convention, but that he did not wish for the nomination. He expressed a wish to defeat the nomination of President Arthur, and he then said the ticket should be General Sherman and Robert Lincoln. Most assuredly the nomination of that ticket would have been followed by an election. To me General Sherman had one answer to the suggestion: "I am not a statesman; my brother John is. If any Sherman is to be nominated, he is the man."

I did not then question, nor do I now question, the sincerity of the statement that Mr. Blaine then made. My acquaintance with Mr. Blaine began with our election to the Thirty-eighth Congress, and it continued on terms of reserved friendship to the end of his life. That reserve was not due to any defect in his character of which I had knowledge, nor to the statements concerning him that were made by others, but to an opinion that he was not a person whose candidacy I was willing to espouse in advance of his nomination. I ought to say that in my intercourse with Mr. Blaine he was frank and free from dissimulation.

I was on terms of intimacy with Mr. Conkling from the disastrous April, 1866, to the end of his life. Hence it was that I ventured upon an experiment which a less well-assured friend would have avoided. I assumed that Mr. Blaine would close the controversy at the first opportunity. It may be said of Mr. Blaine that, while he had great facility for get-

ting into difficulties, he had also a strong desire to get out of difficulties, and great capacity for the accomplishment of his purposes in that direction.

On a time, and years previous to 1880, I put the matter before Mr. Conkling, briefly, upon personal grounds, and upon public grounds in a party sense. He received the suggestion without any manifestation of feeling, and with great candor he said: "That attack was made without any provocation by me as against Mr. Blaine, and when I was suffering more from other causes than I ever suffered at any other time, and I shall never overlook it."

General Grant's strength was so overmastering in 1868 and 1872 that the controversy between Blaine and Conkling was of no importance to the Republican Party. The disappearance of the political influence of General Grant in 1876 revived the controversy within the Republican Party, and made the nomination of either Blaine or Conkling an impossibility. Its evil influence extended to the election, and it put in jeopardy the success of General Hayes. At the end, Mr. Conkling did not accept the judgment of the Electoral Commission as a just judgment, and he declined to vote for its affirmation.

I urged Mr. Conkling to sustain the action of the commission, and upon the ground that we had taken full responsibility when we agreed to the reference and that there was then no alternative open to us. I did not attempt to solve the problem of the election of 1876 either upon ethical or political grounds. The evidence was more conclusive than satisfactory that there had been wrong-doing in New York, in Oregon, in New Orleans, and not unlikely in many other places. As a measure of peace, when ascertained justice had become an impossibility, I was ready to accept the report of the commission, whether it gave the Presidency to General Hayes or to Mr. Tilden. The circumstances were such that

success before the commission did not promise any advantage to the successful party.

For the moment, I pass by the Convention of 1880 and the events of the following year. In the year 1884 Mr. Conkling was in the practice of his profession and enjoying therefrom larger emoluments, through a series of years, than were ever enjoyed by any other member of the American bar. He once said to me: "My father would denounce me if he knew what charges I am making." That conjecture may have been well founded, for the father would not have been the outcome of the period in which the son was living. The father was an austere country judge, largely destitute of the rich equipment for the profession for which the son was distinguished. After the year 1881, when Mr. Conkling gave himself wholly to the profession, Mr. Justice Miller made this remark to me: "For the discussion of the law and the facts of a case Mr. Conkling is the best lawyer who comes into our court."

If this estimate was trustworthy, then Mr. Conkling's misgivings as to his charges may have been groundless. If a rich man, whose property is in peril, whose liberty is assailed, or whose reputation is threatened, will seek the advice and aid of the leading advocate of the city, state, or country, shall not the compensation be commensurate with the stake that has been set up? Is it to be measured by the *per diem* time pay of ordinary men?

Whatever may have been Mr. Conkling's pecuniary interests or professional engagements in the year 1884, he found time to take a quiet part in the contest of that year, and to contribute to Mr. Blaine's defeat.

In the month of November, and after the election, I had occasion to pass a Sunday in New York. It happened, and by accident, that I met Mr. Conkling on Fifth Avenue. After the formalities, he invited me to call with him upon

Mr. William K. Vanderbilt. Mr. Vanderbilt was absent when we called. Upon his return, the election was the topic of conversation. Mr. Vanderbilt said that he voted for Garfield in 1880, but that he had not voted for Blaine. Mr. Conkling expressed his regret that Mr. Blaine had come so near a success, and he attributed it to the fact that he had not anticipated the support which had been given to Blaine by the Democratic Party.

On a time in the conversation Mr. Conkling said: "Mr. Vanderbilt, why did you sell Maud S.?"

Mr. Vanderbilt proceeded to give reasons. He had received letters from strangers inquiring about her pedigree, care, age, treatment, etc., which he could not answer without more labor than he was willing to perform. As a final reason, he said: "When I drive up Broadway, people do not say, 'There goes Vanderbilt,' but they say, 'There goes Maud S.'"

When General Grant was on his journey around the world I wrote him a letter occasionally, and occasionally I received a letter in reply. In two of my letters I mentioned as a fact what I then thought to be the truth, that there was a very considerable public opinion in favor of his nomination for President in 1880, and that upon his return to the country some definite action on his part might be required. Upon a recent examination of his letters, I find that they are free from any reference to the Presidency. If Mr. Conkling, General Logan, Mr. Cameron, and myself came to be considered the special representatives of General Grant at the Chicago Convention of 1880, the circumstance was not due to any designation by him prior to the Galena letter, of which I am to speak and which was written while the convention was in session, and when the contest between the contending parties was far advanced.

Our title was derived from the constant support that we

had given him through many years and from his constant friendship for us through the same many years. We were of the opinion then, and in that belief we never faltered, that the nomination and election of General Grant were the best security that could be had for the peace and prosperity of the country. That opinion was supported by an expressed public sentiment in the conventions of New York, Pennsylvania, and Illinois, and in other parts of the country there were evidences of a disposition in the body of the people to support General Grant in numbers far in excess of the strength of the Republican Party.

The mass of the people were not disturbed by the thought that General Grant might become President a third time. They did not accept the absurd notion that experience, successful experience, disqualified a man for further service. Nor did that apprehension influence any considerable number of the leaders. They demanded a transfer of power into new hands. This, unquestionably, was their right, and as a majority of the convention, as the convention was constituted finally, they were able to assert and to maintain their supremacy.

It is too late for complaints, and complaints were vain when the causes were transpiring, but there were delegates who appeared in the convention as the opponents of General Grant who had been elected upon the understanding that they were his friends. Upon this fact I hang a single observation. If there is a trust in human affairs that should be treated as a sacred trust it is to be found in the duty that arises from the acceptance of a representative office in matters of government. When a public opinion has been formed, either in regard to men or to measures, whoever undertakes to represent that opinion should do so in good faith.

To this rule there were many exceptions in the Republican Convention of 1880, and it was no slight evidence of devo-

tion to the party and to the country when General Grant and Mr. Conkling entered actively into the contest after the fortunes of the party had been prostrated, apparently, by the disaster in the State of Maine.

Of the many incidents of the convention no one is more worthy of notice than the speech of Mr. Conkling when he placed General Grant in nomination. Whatever he said that was in support of his cause, affirmatively, was of the highest order of dramatic eloquence. When he dealt with his opponents, his speech was not advanced in quality and its influence was diminished. His reference in his opening sentence to his associates who had deserted General Grant: "In obedience to instructions which I should never dare to disregard," was tolerated even by his enemies; but his allusion to Mr. Blaine in these words: "without patronage, without emissaries, without committees, without bureaus, without telegraph wires running from his house to this convention, or running from his house anywhere," intensified the opposition to General Grant.

In many particulars his speech is an unequaled analysis of General Grant's character and career, presented in a most attractive form. An extract may be tolerated from a speech that can be read with interest even by those who are ignorant of the doings, or it may be, by those who have no knowledge of the existence, of the convention:

"Standing on the highest eminence of human distinction, modest, firm, simple, and self-poised, having filled all lands with his renown, he has seen not only the high-born and the titled, but the poor and the lowly, in the uttermost ends of the earth, rise and uncover before him."

Mr. Conkling was the recognized leader of the three hundred and six who constituted the compact body of the supporters of General Grant.

Suggestions were made that the substitution of Mr. Conkling's name for General Grant's name would give the nomination to Mr. Conkling, and there was a moment of time when General Garfield anticipated or apprehended such a result. There was, however, never a moment of time when such a result was possible. The three hundred and six would never have consented to the use of any name in place of General Grant's name unless General Grant's name were first withdrawn by his authority.

A firmer obstacle even would have been found in Mr. Conkling's sturdy refusal to allow the use of his name under such circumstances. Among the friends of General Grant the thought of such a proceeding was never entertained, although the suggestion was made, but without authority, probably, from those charged with the management of the organizations engaged in the struggle.

After many years had passed, and the proceedings of the convention were well-nigh forgotten, Mr. John Russell Young printed a letter in which he made the charge that Conkling, Cameron, Boutwell, and Lincoln had concealed the contents of a letter from General Grant in which he directed them as his representatives to withdraw his name from the convention. Mr. Young was in error in two particulars. Lincoln was not named in the letter. General Logan was the fourth person to whom the letter was addressed.

Young brought the letter from Galena, where Grant then was, and he claims that the letter was addressed to himself. General Frederick D. Grant, who was then at Chicago, claims that the letter was addressed to him, and that, after reading it, he handed it to Mr. Conkling.

As late as the first half of the year 1897, Mr. Conkling's papers had not been examined carefully. The contents of the letter are important, and for the present the evidence is

circumstantial; but to me it is conclusive against Mr. Young's statement that Conkling, Cameron, Logan, and Boutwell were directed by General Grant to withdraw his name from the convention. I cannot now say that I read the letter, but of its receipt and the contents I had full knowledge, and I referred to it in these words in a letter to my daughter dated May 31, 1880:

"Grant sent for Young to visit him at Galena. Young returned to-day, and says that Grant directed him to say to Cameron, Logan, Conkling, and Boutwell that he should be satisfied with whatever they may do."

Without any special recollection upon the point, the conclusion of reason is that my letter was written from a conversation with Young, and before I had knowledge of the contents of Grant's letter. I may add, however, that his letter produced no change in my opinion as to our authority and duty in regard to Grant's candidacy. My mind never departed for a moment from the idea that we were free, entirely free, to continue the contest in behalf of General Grant upon our own judgment.

Upon the views and facts already presented and with even greater certainty upon the correspondence with General Frederick D. Grant, I submit as the necessary conclusion of the whole matter that the letter of General Grant of May, 1880, did not contain any specific instructions, and especially that it did not contain instructions for the withdrawal of his name from the convention; in fine, that the further conduct of the contest was left to the discretion and judgment of the four men whom he had recognized as his representatives.

I annex the correspondence with General Frederick D. Grant:

BOSTON, MASS., *May* 28, 1897.

COL. FRED. D. GRANT, NEW YORK, N. Y.

Dear Sir: You will of course recall the fact that John Russell Young, some months ago, made a public statement in which he declared that he brought from Galena to Chicago, during the session of the Republican Convention of 1880, a letter from General Grant in which he gave specific directions to Conkling, Cameron, and Boutwell to withdraw his name as a candidate from the convention. Some months ago I had some correspondence with A. R. Conkling, and also with yourself, in regard to the contents of the letter written by General Grant. Mr. A. R. Conkling sent me a copy of a portion of a letter which, as he advised me, he had received from you. A copy of that extract I herewith enclose. As one of the friends of General Grant and as one of the persons to whom bad faith was imputed by Mr. Young, it is my purpose to place the matter before the public with such evidence as I can command, for the purpose of showing the character of the letter.

I wish to obtain from you such a statement as you are willing to make, with the understanding that whenever the case shall be presented to the public your letter may be used.

Aside from actual evidence tending to show that Young's statement is erroneous, I cannot believe that General Grant would have recognized as a friend either one of the persons named, if his explicit instructions for the withdrawal of his name had been made by him and disregarded by them.

Yours very truly,

GEO. S. BOUTWELL.

25 EAST 62D STREET,
NEW YORK, *May* 30, 1897.

My Dear Senator: I received yesterday your letter of May 28th, in which you asked me what I remember about a letter

which my father, General Grant, wrote to his four leading friends during the session of the Republican National Convention at Chicago in 1880.

With reference to this matter my recollection is, that Mr. John Russell Young, who had been visiting father in Galena, brought from him a large sealed envelope, which he delivered to me at my home in Chicago, with directions from my father that I should read the letter contained therein, and then see that it was received safely by his four friends, Senators Conkling, Boutwell, Cameron, and Logan.

The substance of General Grant's letter was, that the personal feelings of partisans of the leading candidates had grown to be so bitter, that it might become advisable for the good of the Republican Party to select as their candidate some one whose name had not yet been prominently before the convention, and that he therefore wrote to say to those who represented his interest in the convention, that it would be quite satisfactory to him if they would confer with those who represented the interests of Mr. Blaine and decided to have both his name and Mr. Blaine's withdrawn from before the convention.

I delivered in person this letter from my father, to Senator Conkling—I do not know what disposition he made of it.

With highest regards, my dear Senator, for your family and yourself, believe me, as ever,

Faithfully yours,

FREDERICK D. GRANT.

Following the visit of General Grant and Mr. Conkling to Mentor in the autumn of 1880, I was informed by Mr. Conkling that he had not been alone one minute with General Garfield, intending by that care-taking to avoid the suggestion that his visit was designed to afford an opportunity for any personal or party arrangement. Further, it was the wish

of General Grant, as it was his wish, that the effort which they were then making should be treated as a service due to the party and to the country, and that General Garfield should be left free from any obligation to them whatsoever.

After the election and after Mr. Blaine became Secretary of State, he volunteered to speak of the situation of the party in New York and of Mr. Conkling's standing in the State. Among other things, he said that Mr. Conkling was the only man who had had three elections to the Senate, and that Mr. Conkling and his friends would be considered fairly in the appointments that might be made in that State.

When in a conversation with Conkling, I mentioned Blaine's remark, he said, "Do you believe one word of that?"

I said, "Yes, I believe Mr. Blaine."

He said with emphasis, "I don't."

Subsequent events strengthened Mr. Conkling in his opinion, but those events did not change my opinion of Mr. Blaine's integrity of purpose in the conversations of which I have spoken.

My knowledge of the events, not important in themselves, but which seem to have the relation of a prelude to the great tragedy, was derived from three persons, Mr. Conkling, Mr. Blaine, and Mr. Marshall Jewell. At the request of the President, Mr. Conkling called upon him the Sunday preceding the day of catastrophe. The President gave Mr. Conkling the names of persons that he was considering favorably for certain places. To several of these Mr. Conkling made objections, and in some cases other persons were named. As Mr. Conkling was leaving he said, "Mr. President, what do you propose about the collectorship of New York?" The President said, "We will leave that for another time." These statements I received from Mr. Conkling.

From Mr. Jewell I received the following statement as

coming from the President: When the New York nominations were sent to the Senate, the President was forthwith in the receipt of letters and despatches in protest, coupled with the suggestion that everything had been surrendered to Conkling. Without delay and without consultation with any one, the President nominated Judge Robertson to the office of collector of New York. Further, the President said, as reported by Mr. Jewell, Mr. Blaine heard of the nomination, and he came in very pale and much astonished.

From Mr. Blaine I received the specific statement that he had no knowledge of the nomination of Judge Robertson until it had been made.

These statements are reconcilable with each other, and they place the responsibility for the sudden and fatal rupture of the relations between Mr. Conkling and the President upon the President. Mr. Conkling could not fail to regard the nomination of Robertson as a wilful and premeditated violation of the pledge given at the Sunday conference. It was, however, only an instance of General Garfield's impulsive and unreasoning submission to an expression of public opinion, without waiting for evidence of the nature and value of that opinion. That weakness had been observed by his associates in the House of Representatives, and on that weakness his administration was wrecked.

Mr. Conkling was much misrepresented and of course he was much misunderstood. As a Senator from New York he claimed a right to be consulted in regard to the principal appointments in the State. His recommendations were few and they were made with great care. He confined himself to the chief appointments. It was quite difficult to secure his name or his favorable word in behalf of applicants for the subordinate places.

In my experience with him, which was considerable in the Internal Revenue Office and in the Treasury, I found him

ready to concede to the opinions of the Executive Department. He was one of those who held to the opinion that it was the duty of Representatives and Senators to give advice in regard to appointments and to give it upon their responsibility as members of the Government. Senators and Representatives are not officers of the Government, they are members of the Government, and the duty of giving aid to the administration rests upon them.

When a man is chosen to represent a State or a district, a presumption should arise that he will act for the good of the country to the best of his ability. Advice in regard to appointments is a part of his duty, and in the main the Senators and Representatives are worthy of confidence. The present Civil Service system rests upon the theory that they are not to be trusted and that three men without a constituency are safer custodians of power.

Upon the death of Garfield and the accession of Arthur, Mr. Conkling looked for one thing, and one thing only—the removal of Robertson. When this was not done he separated from Arthur. I have no knowledge of the reasons which governed the President, but I think his career would have been more agreeable to himself if he had so far vindicated his own course and the course of his friends as to have removed from office the man who had contributed so largely to the defeat of the wing of the Republican Party with which Mr. Arthur was identified.

When General Garfield died, the Republican Party was broken, and it seemed to be without hope. President Arthur's conciliatory policy did much to restore harmony of all the elements except the wing represented by Mr. Conkling.

It is probable, however, that a better result might have been secured by the early removal of Robertson. That course of action would have been satisfactory to Conkling, and given strength to the party in New York, where strength was most

needed. With Mr. Conkling's aid in 1884, Mr. Arthur might have been nominated, and if nominated it is probable that he might have been elected with Mr. Conkling's aid. Arthur's error was that he offended two important factions of the party. By retaining Robertson he alienated Conkling, and by the removal of Blaine he alienated him and his friends. Hence in 1884 two elements of the party that were bitterly opposed to each other harmonized in their opposition to Arthur.

XLI

FROM 1875 TO 1895

THE HAWAIIAN TREATY AND RECIPROCITY

IN January, 1875, Mr. Fish negotiated a treaty with the representatives of the Hawaiian Islands by which there was to be a free exchange of specified products and manufactures.

By the fourth article the King agreed not to dispose of any port or harbor in his dominions or create a lien thereon in favor of any other government. When the treaty came to the Senate it had no original friends, and it met with determined opposition, especially from Sherman of Ohio, and Morrill and Edmunds of Vermont. The reciprocity feature annoyed them, they fearing that it might be used as a precedent for reciprocity with Canada.

I was early impressed with the importance of securing a foothold in the islands and I considered the exclusion of other nations as a step in the right direction. The trustworthy estimates showed that the reciprocity feature would work a loss to the Treasury of the United States of more than half a million dollars a year. This the supporters of the treaty were compelled to admit, but after argument the requisite majority ratified the treaty and upon the theory that the political, naval and commercial advantages were an adequate compensation. Upon the renewal of the treaty the King ceded Pearl River Harbor to the United States. After the expiration of the fixed period of seven years during which the two nations

were bound mutually, there was a class of men who were anxious to abrogate the treaty, and at each session of Congress for several years a proposition was introduced for that purpose. By something of argument and something of art, the scheme was defeated. The opposition, led usually by Holman, of Indiana, consisted largely of Democrats. Their reason was loss of revenue. That fact was always admitted by the friends of the treaty. It was claimed also that there was no advantage gained by the country from the introduction of rice and sugar from the islands duty-free. It was asserted that by combinations the prices were as high on the Pacific Coast as on the Atlantic. On the other hand the Louisiana sugar planters opposed the treaty on the ground that they were unfavorably affected. As the importations from the islands never exceeded four per cent of the consumption of the country, the treaty had no perceptible effect upon prices. The sugar and rice interests were reinforced by the delegations from Michigan, Ohio and Vermont, who opposed the treaty under an apprehension that it would operate as a precedent for a revival of the system of reciprocity with Canada.

The fact of the annexation of Canada to the United States, whether the event shall occur in a time near or be postponed to a time remote, depends probably on our action upon the subject of reciprocity.

Canada needs our markets and our facilities for ocean transportation, and, as long as these advantages are denied to her, she can never attain to a high degree of prosperity. England may furnish capital for railways, but railways are profitable only where there is business and production on the one hand, and markets on the other. The system of qualified intercourse tends to make the Canadian farmer dissatisfied with his condition, and as long as there are cheap lands in the United States he will find relief in emigration.

The time, however, is not far distant, when the Canadian farmer will be unable to sell his lands in the Dominion and with the proceeds procure a home in the States. When that time arrives he will favor annexation as a means of raising his own possessions to a value corresponding to the value of land in the States. The body of farmers, laborers, and trading people will favor annexation, ultimately, should the policy of non-intercourse be adhered to on our part, and they will outnumber the office-holding class, and thus the union of the two countries will be secured. It is apparent also that a policy of free intercourse would postpone annexation for a long time, if not indefinitely. Give to the Canadian farmer and fisherman free access to our markets and there will remain only a political motive in favor of annexation. The English government is pursuing a liberal policy in its dealings with the Dominion, and there is no reason for anticipating a retrograde course of conduct on the part of the home government.

THE MISSISSIPPI ELECTION OF 1875

In 1876 I was made chairman of a committee of the Senate charged with the duty of investigating the election of 1875 in the State of Mississippi. My associates were Cameron of Wisconsin, McMillan of Minnesota, Bayard of Delaware, and McDonald of Missouri.

By the election of 1875 the Republican Party had been overthrown and the power of the Democratic Party established upon a basis which has continued firm, until the present time. The question for investigation was this: Was the election of 1875 an honest election? There was an agreement of opinion that there were riots, shootings and massacres. On the side of the Democrats it was contended that these outrages had no political significance, that they were due to personal quarrels, and to uprisings of negroes for the purpose of murder-

ing the whites. The testimony was of the same character and the conclusions of the two branches of the committee followed the lead of these conflicting theories and statements. For myself I had no doubt that the election of 1875 was carried by the Democrats by a preconcerted plan of riots and assassinations. To me the evidence seemed conclusive.

The town of Aberdeen was the scene of murderous intimidation on the day of election, and at about eleven o'clock the Republicans left the polling place and abandoned the contest.

One of the principal witnesses for the Democrats was General Reuben Davis, a cousin of Jefferson Davis. He had been a member of the Thirty-sixth Congress, and he had resigned his seat to take part in the Rebellion. He was a Brigadier-General in the service, but without distinction. He explained and excused all the transactions at Aberdeen and with emphasis and adroitness he laid the responsibility upon the Republicans. Of certain things there was uncontradicted testimony. 1. That the Democrats placed a cannon near the voting-place and trained it upon the window where the Republicans, mostly negroes, were to vote, and that there was a caisson at the same place. 2. That there was a company of mounted men and armed cavalry upon the ground. 3. That guns were discharged in the vicinity of the voting place. 4. That at about eleven o'clock the sheriff of the county, a white man and a Republican, who had been a colonel in the rebel army, made a brief address to the Republican voters in which he said that there could be no election and advised them to go to their homes. This they did without delay. The sheriff locked himself in the jail where he remained until the events of the day were ended. General Davis insisted that all these demonstrations of apparent hostility had no significance—that the artillery men had no ammunition—that the cavalry men were assembled for sport only—and that the discharge

of muskets was made by boys and lawless persons, but without malice.

In many parts of the State the canvass previous to the election was characterized by assassinations and midnight murders. But all were explained upon non-political grounds.

In 1878 General Davis offered himself to the electors as a Democratic candidate for Congress. The convention nominated another person. He then entered the field as an independent candidate. He was defeated, or rather the Democrat was declared to have been elected. The Republicans had voted for Davis, and when the contest was decided by the returning board Davis published a letter in which he charged upon the Democratic leaders the conduct which in 1876, he had explained and defended. After the election of General Harrison in 1888, General Davis appeared at Indianapolis as a Republican, and as such he had an interview with the President-elect.

While I was conducting the investigation at Jackson, a stout negro from the plantation sought an interview with me after he had been examined by the committee. He was a mulatto of unusual sense, but he was under a strong feeling in regard to the outrages that had been perpetrated upon the negro race.

Finally he said: "Had we not better take off the leaders? We can do it in a night."

I said: "No. It would end in the sacrifice of the black population. It would be as wrong on your part as is their conduct towards you. Moreover, we intend to protect you, and in the end you will be placed on good ground."

There is, however, a lesson and a warning in what that negro said. If the wrongs continue, some "John Brown" black or white, may appear in Mississippi or South Carolina or in several states at once, and engage in a vain attempt to regain the rights of the negro race by brutal crimes. The

negroes are seven million to-day, and they are increasing in numbers and gaining in wealth and intelligence. The South, and indeed the whole country were not more blind to impending perils in the days of slavery than we now are to the perils of the usurpation in which the South is engaged. With such examples as this country furnishes and with the traditions under whose influence all classes are living, there will always be peril as long as large bodies of citizens are deprived of their legal rights.

Should such a contest arise, there will be wide spread sympathy in the North, which might convert a servile or social war into a sectional civil war.

COURTESY OF THE SENATE—SENATORIAL ELECTION OF 1887

One of my last acts as Secretary was to advise the President to nominate a Mr. Hitchcock for collector of the port of San Diego, California. Hitchcock was a lawyer by profession, a graduate of Harvard and a man of good standing in San Diego. Mr. Houghton, the member for the San Diego district, had recommended a man who was a saloon-keeper and a Democrat in politics, but he had supported Houghton in the canvass. Houghton's request was supported by Senator Sargent. Upon the facts as then understood the President nominated Hitchcock and one of the first questions of interest to me was the action of the Senate upon the nomination of Hitchcock which I supported.

Sargent appealed to what was known as the courtesy of the Senate a rule or custom which required Senators of the same party to follow the lead of Senators in the matter of nominations from the respective States. To this rule I objected. I refused to recognize it, and I said that I would never appeal to the "courtesy" of the Senate in any matter concerning the State of Massachusetts. Hitchcock was rejected. The President nominated Houghton's candidate.

This action on my part was followed by consequences which may have prevented my re-election to the Senate. When Judge Russell, who was collector of the port of Boston, was about to resign, General Butler, who had early knowledge of the purpose of Russell, secured from General Grant the nomination of his friend William A. Simmons. Simmons had been in the army, he had had experience in the Internal Revenue Service and his record was good. He was, however, Butler's intimate friend, and all the hostility in the State against Butler, which was large, was directed against the confirmation. I was not personally opposed to Simmons, but I thought that his appointment was unwise in the extreme, and therefore I opposed his confirmation. There were fair offers of compromise on men who were free from objections, all of which were refused by Butler. The President declined to withdraw the nomination unless it could be made to appear that Simmons was an unfit man. This could not be done. I was upon the Committee on Commerce to which the nomination was referred, and upon my motion the report was adverse to the nomination. Butler came to my room and denounced my action, saying that he would spend half a million dollars to defeat my re-election. I said in reply:—

"You can do that if you choose, but you cannot control my action now."

In the Senate I opposed the confirmation on the ground that a majority of the Republican Party were dissatisfied, that it was an unnecessary act of violence to their feelings, that there were men who were acceptable who could be considered, and that the means by which the nomination was secured could not be defended. I was then challenged to say whether I appealed to the courtesy of the Senate. I said:

"No, I do not. I ask for the rejection of Simmons upon the ground that the nomination ought not to have been made."

Sumner appealed to the courtesy of the Senate, but he had

then wandered so far from the Republican Party that his appeal was disregarded. Simmons was confirmed.

Enough of the proceedings were made public to enable my opponents to allege that I might have defeated Simmons, and that my action was insincere. As a result I had no further political intercourse with Butler, and when the contest came in 1877 his action aided Mr. Hoar in securing the seat in the Senate. I presume, however, that Butler preferred my election, but he had hopes for himself, or at least that the election would go to a third party. A day or two before the election he sent me a friendly despatch urging me to go to Boston. I had already determined to avoid any personal participation in the contest. That non-interference I have never regretted.

THE ELECTORAL COMMISSION

As I now view the subject (1900) the Electoral Commission was an indefensible necessity. In the division of parties it seemed impossible, and probably it was impossible, to secure a result with peace to the country, except by a resort to extraordinary means.

When the bill passed the two houses the chances were with the Democrats. Judge Davis was in the list of judges from the Supreme Court. His sympathies, and perhaps his opinions, were with the Democratic Party, and there was reason to apprehend that he might incline to act with the Democratic members of the commission. After the passage of the bill Judge Davis was chosen Senator from Illinois, and Judge Strong became a member. Upon the pivotal questions the members acted upon their political opinions, or, most certainly in accordance with them.

I voted for the bill upon the understanding that there was no specific authority for such a proceeding. Indeed, the questions might have been referred to the mayors of New

York and Brooklyn, upon grounds equally defensible in a legal point of view, although the tribunal selected was much better qualified for the duty. Having agreed to the use of an unconstitutional tribunal, or to an extra constitutional tribunal, I had no qualms about accepting the result. Nor was I especially gratified by the action of the commission. My connections with Mr. Conkling led me to think that he had great doubts about the propriety of the decision in the case of Louisiana, and that doubt may have led him to avoid the vote in the Senate.

REVISION OF THE STATUTES OF THE UNITED STATES, 1878

As chairman of the Committee on the Revision of the Statutes, I framed and reported the amendments to the Revised Statutes, which were afterwards incorporated in the edition of 1878, which I prepared by the appointment of President Hayes after my term in the Senate expired, which was made probably, upon the recommendation of Attorney-General Devens and without any solicitation on my part, or by any of my friends, as far as I know.

The edition of 1878 contains references to every decision of the Supreme Court down to and including volume 194. It contains a reference to the decisions of the Supreme Court, all arranged and classified under the various sections, articles and paragraphs of that instrument. In doing this work I was compelled to read all the opinions of the Court from the beginning of the Government, so far, at least, as to understand the character of each opinion.

The preparation of the index was the work of months. Its value is great and the credit is due to Chief Justice Richardson who not only aided me, but he devised the plan and gave direction to the work as it went on. It was our rule to index every provision under at least three heads, and in many cases there is a sub-classification under the general designa-

tion. We avoided an error into which many writers fall—we never indexed under the lead of an adjective, article or participle.

FRENCH AND AMERICAN CLAIM COMMISSION, 1880

In 1880, Mr. Evarts, the Secretary of State, invited me to act as counsel for the Government in defence of the claims of French citizens for losses sustained during the Civil War. There were more than seven hundred cases and the claims amounted to more than thirty-five million dollars including interest. The recoveries fell below six hundred and thirty thousand dollars. The printed record covered sixty thousand pages, and my printed arguments filled about two thousand pages. The discussions and decisions involved many important questions of international law, citizenship, the construction of treaties, and the laws of war.

The chairman was Baron de Arinos. He was a man of unassuming manners, of great intelligence, and of extensive acquaintance with diplomatic subjects. He was reserved, usually, but he was never lacking in ability when a subject had received full consideration at his hands. As far as I recall his decisions, when he had to dispose of cases on which the French and American commissioners differed, I cannot name one which appeared to be unjust.

The insignificant sum awarded was due to many circumstances. Of those, who as French citizens had suffered losses during the war, many had become American citizens by naturalization. Again others were natives of Alsace and Lorraine, and the commission held that they were not entitled to the protection of France in 1880 when the treaty was made. But the losses were chiefly due to the absence of adequate evidence as to the ownership of the property for which claims were made, and to the enormous exaggerations as to values in which the claimants indulged.

COURTS-MARTIAL

Between the year 1880 and the year 1895 there were five general courts-martial held in the city of Washington and I appeared for the defendants in four of them.

I was also retained for the investigation of two cases of officers of the Navy who had been convicted by courts-martial, one of them held in the waters of China and the other on the coast of Brazil. The latter, the case of Reed, which may be found in volume 100 of the United States Reports, became important as the first attempt by the Supreme Court to define and limit the jurisdiction of the civil tribunals over the proceedings of courts-martial.

The courts consist of thirteen officers of the service to which the accused may belong, and by a majority in number they are his seniors in rank, if the condition of the service will permit such a selection.

A court thus constituted is an imposing tribunal, and in dignity of appearance not inferior to the Supreme Court of the United States. The members are well instructed in the requirements of the service, but their knowledge of the science of law, especially in its technicalities, is limited. It is the theory of the system that the judge-advocate will be an impartial adviser of the court and that he will protect the accused against any irregular proceeding and especially protect him against the admission of any testimony that would be excluded in an ordinary court of law.

In fact, however, the judge advocate becomes the attorney of the Government, especially when the accused has the aid of counsel. His advice to the court becomes the rule of the court. Questions of testimony are important usually, and the line between what is competent and that which should be excluded is often a very delicate line. The judge should be a disinterested person. It is too much to assume that an advo-

cate can in a moment transform himself into an impartial judge.

In the case of Reed, which was an application by a *habeas corpus* proceeding for the discharge of Reed from prison, the Supreme Court held that it could not examine the proceedings of the court-martial further than to inquire whether the act charged was an offence under the rules of the service, and, second, whether the punishment was one which the court had power to impose.

Thus it follows, that intermediate errors and wrongs whether by the exclusion or admission of testimony, or by corruption even, cannot be remedied by judicial tribunals on the civil side.

A partial remedy for possible evils may be found through the appointment of a judge from the civil courts, or of an experienced lawyer who should become the adviser of the court-martial, in place of the judge-advocate—thus leaving to him the duties of an attorney in behalf of the Government.

XLII

LAST OF THE OCEAN SLAVE-TRADERS*

IN the month of April, 1861, a bark, registering 215 tons, anchored in the bay of Port Liberté, a place of no considerable importance, on the northerly coast of the island of Hayti, about twenty miles from the boundary of Santo Domingo. The vessel carried the flag of France, and the captain called himself Jules Letellier. The name of the vessel was not painted upon the stern, as is required by our law; but the captain gave her name as *Guillaume Tell,* bound from Havana to Havre. He stated that he had suffered a disaster at the island of Guadaloupe, and that he had been compelled to throw a part of his cargo overboard. He said also that his object in putting into the port was to obtain assistance for the recovery of his cargo; and for that purpose he solicited recruits. The authorities became suspicious of the craft, and an arrest was made of the vessel, her officers and men. After some delay the vessel was sent to Port au Prince, where she was condemned and confiscated upon the charge of being engaged "in piracy and slave-trading on the coast of Hayti."

Upon investigation it appeared that the true name of the vessel was *William,* and that the name of the captain was Antonio Pelletier. Pelletier was tried according to the laws of Hayti, convicted and sentenced to death. The sentence was commuted to imprisonment for a term of years. The facts of his arrest and of the sentence pronounced upon him were

* Printed in the *New England Magazine.*

published in the New York *Herald;* and thereupon, as it appeared in the investigation that was afterward made, his wife married and, taking Pelletier's two children, left the country. Pelletier was kept in prison for about two years, when he escaped, probably with the connivance of the authorities. He returned to the United States. Previous to his escape he gained the confidence of the commissioner of the United States at Port au Prince, who made a report in his behalf and upon the ground that he had been arrested, tried and convicted for an offence of which he was not guilty.

That report was made to the Department of State, when Mr. Seward was Secretary of State. Mr. Seward declined to act, upon two grounds,—first, it was not proved that Pelletier was a citizen of the United States; and second, the course of Hayti seemed to be justified by the facts as they then appeared. Pelletier presented a statement of his claim, amounting in all to about $2,500,000. He placed the value of the bark *William* and her cargo, with some money which he claimed was on her, at about $92,000. He claimed also that he had been subjected to many losses in business transactions, which he had been unable to consummate owing to his arrest in Hayti. These amounted to about $750,000. The most extraordinary claim was the claim for damages to his person, in the matter of his arrest and captivity, and the loss of his wife, children and home, for all of which he charged $300,000.

The claimant pressed his claim persistently to the State Department; and in the year 1884, when Mr. Frelinghuysen was Secretary of State, a protocol was entered into between him and Mr. Preston, then minister plenipotentiary of the republic of Hayti, by which this claim, with another large claim in behalf of A. H. Lazare against the republic of Hayti, was submitted to an international arbitrator,—the Hon. William Strong, formerly a justice of the Supreme Court of the United States. The republic of Hayti retained Charles A.

de Chambrun and myself as counsel for the defence. The hearing occupied one year of time, and the documents and the testimony taken covered two thousand printed pages. The investigation showed that Pelletier was born at Fontainebleau in France in the year 1819. At the age of fourteen he ran away from his home and country and came to the United States, where he found employment on board a ship, which was owned and navigated by one Blanchard of the State of Maine. From about the year 1835 to the year 1850, Pelletier was employed upon shipboard in various menial capacities, until finally he became master of several small vessels, which were employed on short voyages in the Caribbean Sea and on the coast of South America. About the year 1850 he appeared in the city of New York, and between that time and 1859 he was in the city of Chicago, where on one occasion and as the representative of some local party he was a candidate for alderman. He was also engaged for a time in the manufacture of boots and shoes at Troy, New York.

In the autumn of 1860 there appeared a statement in the newspapers that a bark called the *William* had been arrested and condemned at Key West upon the charge of having been fitted out for the slave trade. Guided by that notice, Pelletier went to Havana, and employed an agent to go to Key West and to purchase the bark. The purchase was made at a cost of $1,504. In Pelletier's statement of his claim, he asserted that he paid something over $10,000 for the vessel. From Key West the vessel was sent to Mobile in charge of a man named Thomas Collar, who became Pelletier's mate, but who was known on the vessel as Samuel Gerdon. At Mobile the *William* was fitted out for the voyage under the direction and apparent ownership of a firm in that city known as Delauney, Rice & Co., of which Pelletier claimed to be a member and proprietor to the extent of $50,000, the patrimony which he had received upon the death of his father.

The vessel was freighted with lumber, and was cleared for Carthagena, New Granada, in October. She arrived at that port late in November. The investigation showed that a portion of the lumber was placed upon the deck when there was space below where it might have been stored. It appeared also that the vessel contained a large number of water casks, some twenty or twenty-five, about twenty pairs of manacles, a quantity of ammunition, and that the number of sailors was considerably in excess of the number required for the navigation of the vessel.

At Carthagena Pelletier made a contract with a colored man named Cortes, to carry him with his wife and children and servant to a point on the coast east of Carthagena, known as Rio de Hache. This contract he never performed. The original object of the voyage, as he alleged, was to obtain a cargo of guano, at an island which he named Buida. As a matter of fact, there is no such island, or at any rate none could be found on the maps, nor was its existence known to the officers of our Government who had been engaged in taking soundings in the Caribbean Sea.

While the *William* was at Carthagena, one of the men deserted and notified the commander of a British man-of-war that the object of the voyage of the bark *William* was a cargo of negroes to be carried to the United States and sold as slaves. Following the desertion of this man, Pelletier left Carthagena and, instead of proceeding to Rio de Hache, which was understood to be the destination of the British man-of-war, he took a northerly course toward the island of Grand Inagua. Upon this change of the course of the vessel, Cortes became alarmed for his safety, and he urged Pelletier to put him ashore, and especially for the reason that the shades of maternity were falling on his wife. After a delay of ten days, Pelletier consented to land him, which he did at Grand Inagua, and secured in payment the goods and effects which Cortes

had on board the vessel, and which were understood to be of the value of $500 or more.

In the month of January, 1861, Pelletier arrived in the harbor of Port au Prince, Hayti, where he was accused of being engaged in a slave-trading expedition by five of his men whom he had landed and caused to be put in prison on the charge of insubordination. The authorities were so well convinced of the unlawful character of the expedition that they ordered Pelletier to leave without delay. He was convoyed out of the harbor by an armed vessel, and upon the understanding that he was to sail for New Orleans. As a matter of fact, however, he employed the months following, until April, in expeditions among the islands of the Caribbean Sea. In the course of the investigation, Pelletier appeared upon the stand as a witness. In a series of questions which I put to him, I asked for the names of the vessels which he had commanded, previous to the voyage of the *William.* Among others he mentioned the *Ardennes,* which was an American ship, registered. It turned out upon further investigation that that ship was fitted out by him at Jacksonville in the year 1859, and cleared for the Canary Islands. Her cargo consisted of rum, sugar, cigars and tobacco. From the admission of Pelletier it appeared that he never reached the Canary Islands, but made the coast of Africa, near the mouth of the Congo River. Upon being pressed for a reason for the change, he stated that he had been driven there by a storm. We were able to cause an examination to be made of the records of the *Pluto,* a British man-of-war, that discovered the *Ardennes* near Magna Grand in April, 1859. The officers of the *Pluto* boarded the *Ardennes,* and made such an examination as they thought proper. The captain made this entry after an examination of the vessel's papers and register, namely: "Which, though not appearing to be correct, I did not detain or molest them." The *Ardennes* lingered in the

vicinity of the mouth of the Congo, where she was arrested by the officers of the United States ship *Marion,* under command of Captain Brent. The results of the examination which he made and the circumstances of which he obtained knowledge were such that he took possession of the vessel and sent her to New York upon the charge of being engaged in the slave trade. The evidence produced at New York was not sufficient to lead the court to condemn her, but the judge gave a certificate that there was probable cause for her arrest.

The real character of the voyage of the *William* from Mobile was finally established beyond all controversy. In the year 1880, a treaty was made between the United States and France, by which an international commission was created for the purpose of determining the validity of claims made by citizens of the United States against France and of claims made by citizens of France against the United States. Among the claimants against the United States were two Frenchmen of the name of Le More, residents of New Orleans. At the time of the capture of New Orleans in the year 1862, these men had in their possession a large sum of money belonging to the Confederate government. By the proclamation of General Butler, made immediately upon the capture of the city, all intercourse with the Confederate authorities by residents of New Orleans was interdicted. Notwithstanding the proclamation, the Le Mores contrived to convey the funds in their possession across the line, and to procure their delivery to the Confederate authorities. General Butler, having obtained knowledge of this transaction, had the Le Mores brought before him. He then questioned them, and upon his own judgment and without trial he sent them as prisoners to Ship Island, where they were confined for a time with an attachment of a ball and chain. Each of these men presented a claim to the commission, and, there being no defence, an award of $20,000 was made to each. If General Butler had

convened a military court or commission, as he should have done, and had he obtained a conviction, as he would have obtained one, he would not have subjected the United States to the judgments which were rendered finally.

In that hearing, De Chambrun represented the Government of France and I represented the Government of the United States. Thus having knowledge of the Le Mores, who were yet in New Orleans, we applied to them for the purpose of ascertaining the character of Delauney, Rice & Co., and also whether there was any person living who had knowledge of the fitting out of the bark *William*. They found a man by the name of Louis Moses, who had been a resident of New Orleans since the year 1852, and who was well acquainted with the house of Delauney, Rice & Co., having transacted business for it, and who was himself concerned in the fitting out of the bark *William*. He had indeed invested, in one form or another, the sum of $15,000 in the enterprise, of which he had evidence in writing. He stated that the object of the voyage was to obtain a cargo of negroes in some of the islands of the Caribbean Sea, and to bring them to a desert island on the west bank of the Mississippi, near the mainland of Louisiana; in fine, that there was no purpose to obtain a cargo of guano.

When the hearing commenced, in the year 1884, Pelletier came before the arbitrator in perfect health and with the appearance of a man of ability and of fortune. After an acquaintance of about a year I was able to use this language in my final argument: "It is a singular circumstance that Captain Pelletier has not produced an original paper or document in support of his claim. He is sixty years of age or more. He is a man not deficient in intellectual capacity, whatever else may be said of him. He is endowed by nature with ability for large and honest undertakings. He claims to have had an extensive business experience; to have been the pos-

sessor of large wealth; to have been trusted in fiduciary ways; and he comes here and claims compensation for a great outrage, as he alleges, upon his person and his rights; and yet he has not produced a paper that has the signature of any being, living or dead, by which he can sustain the claim he makes. What is his answer in regard to the absence of papers? It is that they were on board the bark *William*. According to the best information we can obtain, that bark was not less than twelve or fifteen years of age. We know that it did not much exceed two hundred tons burden. It was bound on a voyage into tempestuous seas; and, leaving behind him wealth, as he says, to be measured by the million, he embarks on that vessel with all his papers, including title deeds, articles of copartnership, powers of attorney, and preliminary accounts relating to unsettled affairs. He is a member of the house of Delauney, Rice & Co., in which he had deposited his patrimony to the extent of fifty thousand dollars; and he carries away on that frail bark all evidence of his investment in that firm. He had, he said, a partnership agreement; he had accounts of profits that had been rendered from time to time,—and all are gone. He had a dear wife and two children, for whose loss he now demands large compensation; and yet he carried away the evidence on which their right to his estate would have depended, in case of his death. The statement may be true, but in the nature of things it is not probable. That we may believe a statement of that sort, evidence is required, not from one man unknown, not from one man impeached, but from many men of reputable standing in society. It is not to be believed that a man who had been engaged in transactions measured by hundreds of thousands of dollars, through a period of ten years, should take every evidence of those transactions on board a vessel of hardly more than two hundred tons burden, manned by a crew composed of highbinders, as he has described them, and sail to

foreign lands, over tempestuous seas, upon the poor pretext of procuring guano for the plantations of Louisiana,—and this, as he says, when war was imminent."

In my argument to the arbitrator I attempted to trace the voyage of the *Ardennes* and the voyage of the *William* with as much minuteness as seemed to me to be wise under the circumstances, and for the sole purpose of establishing the charge that Pelletier was engaged in the slave trade. The character of the voyage of the *Ardennes* was important in view of the rule of law that, in the trial of a person charged with the crime of slave-trading, evidence is admissible which tends to prove that the accused had been engaged in similar undertakings at about the same time.

My argument occupied the business hours of two sessions of the court. At the opening of the court Pelletier appeared, took a seat, and remained during the first thirty or forty minutes of my argument, when he disappeared. The New York *Herald,* on the morning of the third day after Pelletier's last appearance, contained the announcement that Antonio Pelletier had died suddenly at the Astor House in the city of New York. The hearing proceeded, and on the 30th day of June, 1885, Mr. Justice Strong filed his opinion in the Department of State. In that opinion, he says:

"I can hardly escape from the conviction that the voyage of the bark *William* was an illegal voyage; that its paramount purpose was to obtain a cargo of negroes, either by purchase or kidnapping, and bring them into slavery in the State of Louisiana; and that the load of lumber, and the profession of a purpose to go for a cargo of guano were mere covers to conceal the true character of the enterprise." He states also "that Pelletier had applied to a Haytian to obtain fifty men and some women, blacks, of course, to assist him in obtaining guano." The arbitrator found, however, that by the law of nations the courts of Hayti had no jurisdiction of

the case. "It is undeniable," said Justice Strong, "that none of them were piratical in view of the law of nations."

By the *act d'accusation* Pelletier was charged with piracy and slave-trading on the coast of Hayti. The arbitrator found that he was not guilty of piracy and that the act of slave-trading was never committed, although the design and purpose of the voyage were perfectly clear. The claims as presented were all rejected by the arbitrator, except the claim for injury to Pelletier personally by his confinement in prison. For that injury the arbitrator allowed Pelletier the sum of $25 a day during his confinement, and the interest thereon up to the time the judgment was rendered, amounting in all to $57,250.

When the judgment had been rendered, the counsel for Hayti presented a memorial to the State Department, setting forth the impropriety and bad policy of a presentation by the Government of the United States of a judgment rendered in favor of a claimant who had been found guilty of fitting out a slave-trading expedition within the limits of the United States, and using the flag of the United States as a protection in the prosecution of his illegal undertaking. Mr. Bayard was then Secretary of State, and Mr. Cleveland was President. That view of the counsel of Hayti was accepted by the Secretary of State and by the President, and the government of Hayti was relieved from the payment of the claim. I ought to add that Mr. Justice Strong concurred with the counsel for Hayti, and made a representation to the Department of State urging the remission of the penalty in the judgment he had rendered.

The decision of Mr. Justice Strong raises a question of a very serious character—that is to say, whether an international tribunal can take notice of proceedings in the judicial tribunals of a foreign state, further than to ascertain whether the proceedings were according to "due process of law" in

the state where the proceedings were had. Justice Strong went so far as to hold that the courts of Hayti had erred upon the question of their own jurisdiction. Such a ruling, if applied to cases of public importance, might lead to very serious results.

XLIII

MR. LINCOLN AS AN HISTORICAL PERSONAGE

A SPEECH DELIVERED BEFORE THE LA SALLE CLUB, CHICAGO, FEBRUARY 12, 1889

THE services and fame of Mr. Lincoln are so identified with the organization, doings and character of the Republican Party, that something of the history of that party is the necessary incident of every attempt to set forth the services and the fame of Mr. Lincoln.

In a very important sense Mr. Lincoln may be regarded as the founder of the Republican Party. He was its leader in the first successful national contest, and it was during his administration as President that the policy of the party was developed and its capacity for the business of government established. The Republican Party gave to Mr. Lincoln the opportunity for the services on which his fame rests, and the fame of Mr. Lincoln is the inheritance of the Republican Party. His eulogy is its encomium, and therefore when we set forth the character and services of Mr. Lincoln we set forth as well the claims of the Republican Party to the gratitude and confidence of the country, and the favorable opinion of mankind.

If it could be assumed that for the Republican Party the Book of Life is already closed, it is yet true that that party is an historical party and Mr. Lincoln is an historical personage, not less so than Cromwell, Napoleon, or Washington,

and all without the glamor that rests upon the brows of successful military chieftains.

Of Mr. Lincoln's predecessors in the Presidential office, two only, Washington and Jefferson, can be regarded as historical persons in a large view of history. The author of the Declaration of Independence is so identified with the history of the country that that history cannot outlast his name and fame.

As the author of that Declaration and as the exponent of new and advanced ideas of government, Jefferson was elected to the Presidency, but his administrations, excepting only the acquisition of Louisiana, were not marked by distinguished ability, nor were they attended or followed by results which have commanded the favorable opinion of succeeding generations.

Washington had no competitors. The gratitude of his countrymen rebuked all rivalries. He was borne to the Presidency by a vote quite unanimous, and he was supported in the discharge of his duties by a confidence not limited by the boundaries of the Republic.

It is only a moderate exaggeration to say that when Mr. Lincoln was nominated for the Presidency, he was an unknown man; he had performed no important public service; his election was not due to personal popularity, nor to the strength of the party that he represented; but to the divisions among his opponents.

In 1862, when eleven hostile States were not represented in the Government, the weakness of the administration was such that only a bare majority of the House of Representatives was secured after a vigorous and aggressive campaign on the part of the Republican Party. Thus do the circumstances and incidents of the formative period in Mr. Lincoln's career illustrate and adorn the events that distinguished the man, the party and the country.

I am quite conscious that in our attempt to give Mr. Lincoln a conspicuous place in the ranks of historical personages, we are to encounter a large and intelligent public opinion which claims that distance in time and even distance in space are the necessary conditions of a wise and permanent decision.

The representatives of that opinion maintain that contemporaries are too near the object of vision, that to them a comprehensive view is impossible, and that the successive generations of one's countrymen may be influenced by inherited passions, or by transmitted traditions.

Some of us were Mr. Lincoln's contemporaries, and one and all we are his countrymen, and in advance we accept joyfully any qualifications of our opinions that may be made in other lands or by other ages, if qualifying facts shall be disclosed hereafter. But nearness of observation, and a knowledge of the events with which Mr. Lincoln's public life was identified, may have given to his associates and coworkers opportunities for a sound judgment that were not possessed by contemporary critics and historians of other lands, and that the students of future times will be unable to command.

The recent practical improvements in the art of printing, the telegraph and the railway, have furnished to mankind the means of reaching safe conclusions in all matters of importance, including biography and history, with a celerity and certainty which to former ages were unknown. In these five and twenty years, since the death of Mr. Lincoln, there has been a wonderful exposition of the events and circumstances of the stupendous contest in which he was the leading figure, and all that knowledge is now consummated on the pages of Nicolay and Hay's complete and trustworthy history. Of the minor incidents of Mr. Lincoln's career, time and research will disclose many facts not now known, which may lend coloring to a character whose main

features, however, cannot be changed by time nor criticism. The nature of Mr. Lincoln's services we can comprehend, but their value will be more clearly realized and more highly appreciated by posterity. As to the nature of those services the judgment of his own generation is final—it can never be reversed. Indeed, it may be asserted of historical personages generally, that the judgment of contemporaries is never reversed. Attempts have been made to reverse the judgment of contemporaries, in the cases of Judas Iscariot, of Henry the Eighth, and of Shakespeare, and I venture the assertion that all these attempts have failed, most signally. In our own country there have been no reversals. Modifications of opinions there have been—growth in some cases, decrease in others, but absolute change in none. The country has grown towards Hamilton and away from Jefferson. They are, however, as they were at the beginning of the last century, the representatives of antagonistic ideas in government, but their common patriotism is as yet unchallenged. It is the fate of those who take an active part in public affairs, to be misjudged during their lives, but death softens the asperities of political and religious controversies and tempers the judgment of those who survive. Franklin, Washington, Jackson, Clay and Webster, are to this generation what they were to the survivors of the respective generations to which they belonged. Mr. Calhoun has suffered by the attempt to make a practical application of his ideas of government, but the nature and dangerous character of those ideas were as fully understood at the time of his death as they are at the present moment.

I pass over as unworthy of serious consideration the detractions and attacks, sometimes thoughtless, and sometimes malicious, to which Mr. Lincoln was subject during his administration. He made explanations and replied to these detractions and attacks only when they seemed to put in peril

the fortunes of the country; but when he made replies, there were none found, either among his political friends or his political enemies who were capable of making an adequate answer. Consult, as we may consult, his correspondence in regard to the transit of troops through Maryland, in regard to the invasion of Virginia, in case the city of Washington should be attacked or menaced from the right bank of the Potomac, in regard to the suspension of the privilege of the write of *habeas corpus,* in regard to the arrest of Vallandigham, in regard to our foreign relations, and, finally, consult his numerous papers in regard to the objects for which the war should be prosecuted, and the means, as well, by which it could be prosecuted. Consider, also, that this work was done by a man called to the head of an administration that had no predecessor, to the management of the affairs of a government distracted by civil war, its navy scattered, its treasury bankrupted, its foreign relations disturbed by a traditional and almost universal hostility to republican institutions, and all while he was threatened constantly by an adverse public judgment in that section of the country in which his hopes rested exclusively. And consider, also, that Mr. Lincoln had had little or no experience on the statesmanship side of his political career, that as an attorney and advocate he had dealt only with local and municipal laws; that he was separated by circumstances from a practical acquaintance with maritime and international jurisprudence, and yet consider further with what masterful force he rebuked timid or untrustworthy friends who would have abandoned the contest and consented to the independence of the seceding States, in the vain hope that time might aid in the recovery of that which by pusillanimity had been lost; with what serenity of manner he put aside the suggestion of Mr. Seward that war should be declared against France and Spain as a means of quieting domestic difficulties which were even then repre-

sented by contending armies; with what calmness of mind he laid aside Mr. Greeley's letter of despair and self-reproach of July 29, 1861, and proceeded with the preparation of his programme of military operations from every base line of the armies of the Republic; with what skill and statesmanlike foresight he corrected Mr. Seward's letter to Mr. Adams in regard to the recognition by Great Britain of the belligerent character of the Confederate States; and, finally, consider with what firmness and wisdom he annulled the proclamations of Fremont and Hunter, and assumed to himself exclusively the right and the power to deal with the subject of slavery in the rebellious States. In what other time, to what other ruler have questions of such importance been presented, and under circumstances so difficult? And to what other ruler can we assign the ability to have met and to have managed successfully all the difficult problems of the Civil War? It cannot be claimed for Mr. Lincoln that he had had any instructive military experience, or that he had any technical knowledge of the military art; but it may be said with truth that his correspondence with the generals of the army, and his memoranda touching military operations indicate the presence of a military quality or faculty, which in actual service might have been developed into talent or even genius. His letter to General McClellan, of October 13, 1862, is at once a memorable evidence and a striking illustration of his faculty on the military side of his official career. He sets forth specifically, and in the alternative, two plans of operation, and with skill and caustic severity he contrasts the inactivity and delays of General McClellan, with the vigor of policy and activity of movement which characterized the campaign on the part of the enemy. He brings in review the facts that General McClellan's army was superior in numbers, in equipment, and in all the material of war. The President in conclusion said: " this letter is not to be considered as an order," and yet it is

difficult to reconcile the continued inactivity of General McClellan with the claim of his friends that he was a patriotic, not to say an active, supporter of the cause of the Union. With that letter in hand a patriotic and sensitive commander would have acted at once upon one of the alternatives presented by the President, or he would have formed a plan of campaign for himself and ordered a movement without delay, or he would have asked the President to relieve him from duty. No one of these courses was adopted, and the policy of inactivity was continued until Lee regained the vantage ground which he abandoned when he crossed the Potomac into Maryland. It is at this point, and in this juncture of affairs that the policy of Mr. Lincoln requires the explanation of a friendly critic. The historian of the future may wonder at the procrastination of the President. He may criticize his conduct in neglecting to relieve McClellan when it was apparent that he would not avail himself of the advantages that were presented by the victory at Antietam. The explanation or apology, is this, in substance: The Army of the Potomac had been created under the eye of McClellan and the officers and men were devoted to him as their leader and chief. They had had no opportunity for instituting comparisons between him and other military men. After Pope's defeat, the army had been unanimous, substantially, in the opinion that McClellan should be again placed in command. The President had yielded to that opinion against his own judgment, and against the unanimous opinion of his Cabinet. Having thus yielded, it was wise to test McClellan until the confidence of the army and the country should be impaired, or, as the President hoped would be the result, until McClellan should satisfy the Administration and the army, that he was equal to the duty imposed upon him. Hence the delay until the 5th of November, when McClellan was relieved, finally, from the military service of the country.

It was known to those who were near President Lincoln, that he was a careful student of the war maps and that he had daily knowledge of the position and strength of our armies. I recall the incident of meeting President Lincoln on the steps of the Executive Mansion at about eleven o'clock in the evening of the day when the news had but just reached Washington that Grant had crossed the Black River and that the army was in the rear of Vicksburg. The President was returning from the War Office with a copy of the despatch in his hand. I said:—

"Mr. President, have you any news?" He said in reply: "Come in, and I will tell you."

After reading the despatch, the President turned to his maps and traced the line of Grant's movements as he then understood and comprehended those movements. That night the President became cheerful, his voice took on a new tone—a tone of relief, of exhilaration—and it was evident that his faith in our ultimate success had been changed into absolute confidence. In the dark days of 1862 he had never despaired of the Republic, when others faltered, he was undismayed. He put aside the suggestion of Mr. Seward that he should surrender the chief prerogative of his office; he rebuked the suggestion of General Hooker that he should declare himself dictator; and he treated with silent contempt the advice of General McClellan, from Harrison's Landing, in July, 1862, that the President should put himself at the head of the army with a general in command, on whom he could rely, and thus assume the dictatorship of the Republic. He asserted for himself every prerogative that the laws and the Constitution conferred upon him, and he declined to assume any power not warranted by the title of office which he held. He was resolute in his purpose to perform every duty that devolved upon him, but he declared that the responsibility of preserving the Government rested upon the people.

Of the officers who successively were at the head of the Army of the Potomac, none ever possessed his entire confidence, until General Grant assumed that command, in person. His letter to General Grant when he entered upon the Campaign of the Wilderness contains conclusive evidence that his confidence was given to that officer, without reservation.

Turning again to the civil side of his administration, consider the steps by which he led the country up to the point where it was willing to accept the abolition of slavery in the States engaged in the rebellion. History must soon address itself to generations of Americans who will have had no knowledge of the institution of slavery as an existing fact. Indeed, at the present moment, more than two thirds of the population of the United States have no memory of the time when slavery was the dominating force in the politics of the country, when it was interwoven in the daily domestic life of the inhabitants of fifteen States; when it muzzled the press, perverted the Scriptures, compelled the pulpit to become its apologist, and when successive generations of statesmen were brought down on an "equality of servitude" before an irresponsible and untitled oligarchy.

As early as 1839, Mr. Clay estimated the value of the slaves at $1,200,000,000, and upon the same basis, their value in 1860, exceeded $2,000,000,000. This estimate conveys only an inadequate idea of the power of slavery and it presents only an imperfect view of the difficulties which confronted Mr. Lincoln in 1861 and 1862. Delaware, Maryland, West Virginia, Kentucky and Missouri were slave States, and all of them, with the exception of Delaware, were hesitating between secession and the cause of the Union. They were in favor of the Union, if slavery could be saved with the Union, but it was doubtful in all the year 1861, whether those States could be held, to the "Lincoln Government" as it was derisively called, if the abolition of slavery were a recognized

part of our public policy. Nor is this even yet a full statement of the difficulties which confronted Mr. Lincoln. With varying degrees of intensity, the Democratic Party of the North sympathized with the South in its attempts to dissolve the Union. During the entire period of the war, New York, Ohio and Indiana were doubtful States, and Indiana was only kept in line by the active and desperate fidelity of Oliver P. Morton. In the presence of these difficulties Mr. Lincoln recommended the purchase of all the slaves in the States not in rebellion; then he suggested the deportation of the manumitted slaves and the free blacks, to Central America, and for this purpose an appropriation was made; then came the proposition to give pecuniary aid to States that might voluntarily make provision for the abolition of slavery, and then came, finally, the statute of July, 1862, by which slaves captured, and the slaves of all persons engaged in the rebellion were declared to be free. It is not probable that Mr. Lincoln entertained the opinion that these measures, one or all, would secure the complete abolition of slavery, but they gave to the slave-holders of the border States an opportunity to obtain compensation for the loss of their slaves, and the pendency of these propositions occupied the attention of the country while the formative processes were going on, which matured finally in the opinion that slavery and the Union could no longer co-exist. In the same time the country arrived at the conclusion that separation and continuous peace were impossible. The alternative was this: Slavery, a division of territory, and a condition of permanent hostility on the one side; and on the other, a union of States, domestic peace, a government of imperial power, with equality of citizenship in the States and an equality of States in the Union. Thus his measures, which were at once measures of expediency and of delay, prepared the public mind to receive his monitory Proclamation of September 1862. In that time the border

States had come to realize the fact that the negroes were no longer valuable as property, and they therefore accepted emancipation as a means of ending the controversy. To the Republicans of the North, the Proclamation was a welcome message; to the Democrats it was a result which they had predicted, and against which they had in vain protested. But the controversy would not have ended with the war. Slavery existed in the States that had not participated in the rebellion, and the legality of the Emancipation Proclamation might be drawn in question in the courts. One thing more was wanted: an amendment to the Constitution abolishing slavery everywhere within the jurisdiction of the Government. This was secured after a protracted struggle, and the result was due in a pre-eminent degree to the personal and official influence of Mr. Lincoln. In one phrase it may be said that every power of his office was exerted to secure the passage, in the Thirty-eighth Congress, of the resolution, by which the proposed amendment was submitted to the States. Mr. Lincoln did not live to see the consummation of his great undertaking, in the cause of Freedom, but the work of ratification by the States was accelerated by his death, and on the 18th day of December, 1865, Mr. Seward, then Secretary of State of the United States, made proclamation that the amendment had been ratified by twenty-seven of the thirty-six States then composing the Union, and that slavery and involuntary servitude were from that time and forever forth impossible within our limits. Such was then the universal opinion in all America. It was our example that wrought the abolition of slavery in Brazil, and in colonies of Spain and Portugal; it has led to the extermination of the trans-Atlantic slave trade, and it was an inspiration to the nations of Europe in their effort to destroy the traffic in human beings on the continent of Africa.

There is an aspect of Mr. Lincoln's career, which must attract general attention and command universal sympathy. His loneliness in his office and in the performance of his duties is deeply pathetic. It is true that Congress accepted and endorsed his measures as they were presented from time to time, but there were bitter complaints on account of his delays on the slavery question, and not infrequently doubts were expressed as to the sincerity of his avowed opinions. There were little intrigues in Congress, and personal aspirations in the Cabinet in regard to the succession. Of the commanders of the Army of the Potomac from McDowell to Meade, each and all had failed to win victories, or they had failed to secure the reasonable advantages of victories won. There were divisions in the Cabinet which were aggravated by personal rivalries. On one occasion, leading Republican members of Congress engaged in a movement for a change in the Cabinet; a movement which was without a precedent and wholly destitute of justification under our system of government.

His want of faith in his Cabinet was shown in his preliminary statement when he proceeded to read the Proclamation of Emancipation. Mr. Lincoln was then about to take the most important step ever taken by a President of the United States and yet he informed the men, the only men whose opinions he could command by virtue of his office, that the main question was not open for discussion; that the question had been by him already decided, and that suggestions from them would be received only in reference to the formalities of the document.

It may be the truth, and our estimation of Mr. Lincoln would not be lowered, if, indeed, it were shown to be the truth, that he chose to act upon his own judgment in a matter of the supremest gravity, and in which, from the nature of the case, the sole responsibility was upon him. On the great question

of the abolition of slavery his mind reached a definite conclusion, a conclusion on which he could act, but neither too early nor too late. The Proclamation was issued at a moment when the exigencies of the war justified its issue as a military necessity, and when, as a concurrent fact, the public mind was first prepared to receive it, and to give to the measure the requisite support.

Mr. Lincoln prepared the way for the reorganization of the government. Under him the old order of things was overthrown and the introduction of a new order became possible. Through his agency the Constitution of the United States has been brought into harmony with the Declaration of Independence. The system of slavery has perished, the institutions of the country have been reconciled to the principles of freedom, and in these changes we have additional guarantees for the perpetuity of the Union.

A just eulogy of Mr. Lincoln is a continuing encomium of the Republican Party. By the election of 1860 he became the head of that party and during the four years and more of his official life he never claimed to be better nor wiser than the party with which he was identified. From first to last he had the full confidence of the army and of the masses of the voters in the Republican Party, and of that confidence Mr. Lincoln was always assured. Hence he was able to meet the aspirations of rivals and the censures of the disappointed with a good degree of composure. To the honor of the masses of the Republican Party it can be said that they never faltered in their devotion to the President and in that devotion and in the fidelity of the President to the principles of the party were the foundations laid on which the greatness of the country rests.

The measure of gratitude due to Mr. Lincoln and to the Republican Party may be estimated by a comparison of the condition of the country when we accepted power in March,

1861, with its condition in 1885, and in 1893, when we yielded the administration to the successors of the men who had well-nigh wrecked the Government in a former generation.

The Republican Party found the Union a mass of sand; it left it a structure of granite. It found the Union a by-word among the nations of the earth, it left it illustrious and envied, for the exhibition of warlike powers, for the development of our industrial and financial resources in times of peace, for the unwavering fidelity with which every pecuniary obligation was met; for the generous treatment measured out with an unstinted hand to the conquered foe; and, finally, for the cheerful recognition of the duty resting upon the Republican Party and upon the country to enfranchise, to raise up, to recreate the millions that had been brought out of bondage.

This work was not accomplished fully in Mr. Lincoln's life, but he was the leader of ideas and policies which could have no other consummation.

At the end it must be said of Mr Lincoln that he was a great man, in a great place, burdened with great responsibilities, coupled with great opportunities, which he used for the benefit of his country and for the welfare of the human race. Among American statesmen he is conspicuously alone. From Washington and Grant he is separated by the absence on his part of military service and military renown. On the statesmanship side of his career, there is no one from Washington along the entire line who can be considered as the equal or the rival of Lincoln.

And we may wisely commit to other ages and perhaps to other lands the full discussion and final decision of the relative claims of Washington and Lincoln to the first place in the list of American statesmen.

XLIV

SPEECH ON COLUMBUS

DELIVERED AT GROTON, MASS., OCTOBER 21, 1892

WE celebrate this day as the anniversary of the discovery of the American continent.

> "'The hand that rounded Peter's dome,
> And groined the aisles of Christian Rome,
> Wrought in a sad sincerity;
> Himself from God he could not free;
> He builded better than he knew."

Of these lines of Emerson, the last three are as true of Columbus, as of

> " The hand that rounded Peter's dome,
> And groined the aisles of Christian Rome,"

for, he too,

> " Wrought in a sad sincerity;
> Himself from God he could not free;
> He builded better than he knew."

And shall we therefore say that he is not worthy of praise, of tribute, of memorials, of anniversary days, of centennial years, of national and international gatherings and exhibitions, that in some degree mankind may illustrate and dignify, if they will, the events that have followed the opening of a new world to our advanced and advancing civilization?

In great deeds, in great events, in great names, there is a sort of immortality, an innate capacity for living, a tendency to growth, to expansion, and thus what was but of little moment in the beginning is seen, often after the lapse of years,

possibly only after the lapse of centuries, to have been freighted with consequences whose value can only be measured by the yearly additions to the sum of human happiness.

Franklin's experiments in electricity were followed at once by the common lightning-rod, but a century passed before the electrical power was utilized, and made subservient, in some degree, to the control of men.

Every decade of three centuries has added to the greatness of that one immortal name in the literature of the whole English speaking race. The security for the world that the name of Shakespeare and the writings of Shakespeare cannot die may be found in the selfishness, the intelligent selfishness of mankind, which will struggle constantly to preserve and to magnify a possession which if once lost, could never be regained.

After four centuries of delay we have come to realize, with some degree of accuracy, the magnitude of the event called the Discovery of America. Identified with that event, and as its author, is the man Columbus. Involved in controversies while living, the object of the base passions of envy, hatred and jealousy, consigned finally to chains and to prison, and in death ignorant of the magnitude of the discovery that he had made, there seemed but slight basis for the conjecture that his name was destined to become the one immortal name in the annals of modern Italy and Spain.

As if accident and fate and the paltry ambitions of men had combined to rob Columbus of his just title to fame, the name of the double continent that he discovered was given to another. To that other the name remains, but the continent itself has become the continent of Columbus. In connection with the event no other name is known, and so it will ever be in all the centuries of the future.

In these years we are inaugurating a series of centennial anniversary celebrations in honor of Columbus, and in testi-

mony of the importance of the discovery that he made. This we do as the greatest of the states that have arisen on the continent that he discovered, and I delay what I have to say of Columbus and of the discovery that I may express my regret and the reasons for my regret, that the celebration and the ceremonies have not been made distinctively and exclusively national. In this I do not disparage, on the other hand I exalt, the public spirit, the capacity for large undertakings, the will and the courage of the city and the citizens of Chicago in assuming burdens and responsibilities from which any other city on this continent would have shrunk.

My point is this: If the people and Government of the United States were of the opinion that the discovery of a continent—a continent in which one of the great governments of the world has found an abiding place—was worthy of a centennial celebration, then the conduct of the celebration ought not to have been left to the care of any community less than the whole. Nor is it an unworthy thought that something of dignity would have been added to the celebration if the nations of the earth could have been invited to the capital which bears the name of the discoverer of the continent and the founder of the Republic.

There are occasions which confer greatness upon an orator. Such are revolutionary periods, the overthrow of states, radical changes in a long-settled public policy, struggles for power, empire, dominion. These and kindred exigencies in the affairs of men and states, seem to create, or at least to furnish opportunity and scope for, statesmen, orators, poets and soldiers.

This peaceful ceremony in peaceful times, of which we now speak, will not produce orators like Patrick Henry and James Otis at the opening of our Revolutionary struggle, like Mirabeau in France, or Cicero in Rome, pleading for a dying re-

public, or Demosthenes in Athens contending hopelessly against the domination of one supreme will.

An orator for this occasion was not to have been waited for, he was to have been sought out and found if possible.

If Webster were living and in the fullness of his powers, the country might have looked to him for an oration that would have so linked itself with the anniversary that it would have been recognized in every succeeding centennial observance.

Turning from this thought, which at best, can only serve as a standard to which our hopes aspire, I venture the remark, that there is not one of our countrymen who, by the studies of his life, by the philosophical qualities of his mind, by the possession in some large measure of that Miltonian power of imagination which Webster exhibited, is qualified for the supreme task which I have thus imperfectly outlined.

For one day the rumor was voiced that Castelar of Spain had been invited to deliver the oration at the more formal opening of the exhibition in May next. That rumor has not been affirmed nor denied, but from the delay, we cannot hope that its verification is now possible.

Historical knowledge, due to long and laborious studies, and the spirit of historical inquiry, are not often found in the same person, combined with argumentative power and the quality of imagination stimulated by an emotional nature. From what we know of Emilio Castelar of Spain, it may be said that he possesses this rare combination in a degree beyond any other living man.

In the year 1856 when he was only twenty-four years of age, he was appointed, after a competitive contest, to the chair of philosophy and history in the University of Madrid. During his professorship, in addition to other work, he delivered lectures on the history of civilization.

The political disturbances, in which as a republican, he had taken an active part, led to his exile for four years, but upon his return to Spain he resumed his place in the University. In 1873 he was prime minister during the brief existence of the republic. Of his published works, the best known in this country is the volume entitled "Old Rome and New Italy." At present he is a member of the Cortes, where he gives support to the Government in its measures of administration, without yielding his political principles or indorsing the monarchical system. If this country were to pass beyond its own limits in the selection of an orator, then, without question Spain has the first, and indeed, the only claim to consideration. Spain furnished the means for the expedition and the world is indebted to her enlightened patronage for the discovery. It may be assumed, reasonably, that Castelar would have brought from the archives of Spain fresh information in regard to the motives of Ferdinand and Isabella, trustworthy statements as to the character and conduct of Pinzon, the ally of Columbus, and at the end he might have been able to prove or to disprove the theory that Columbus had knowledge of the existence of this continent, or that he had or had not reasons for believing that land in the west had been visited by Scandinavian voyagers in the tenth century.

As I pass to some more direct observations upon Columbus and the voyage of 1492, and to the expression of some thoughts as to the future of the country, I wish to say that I limit my criticism to our representative men, whose estimate of the importance of the anniversary was quite inadequate. They failed to see its connection with the past, its relations to what now is, and more important than all else they failed to realize that this celebration is the first of a long line of centennial celebrations, each one of which will mark the close of one epoch, and the beginning of another.

I cannot imagine that in a hundred years this anniversary,

in its organization and conduct, will be thought worthy of imitation. Let us imagine, or rather indulge the hope that then all the States of the south and the north, from the Arctic Seas to Patagonia, will be united in a national and international celebration in recognition of an event that has increased twofold the possibilities, comfort and happiness of the human race.

Passing from these criticisms, at once and finally, it is yet true that in this centennial celebration the two Americas, Southern Europe and the Catholic churches throughout the world are united as one people, and for the moment differences in religion and diversities of race are forgotten. Italy was the birth-place of Columbus; Spain, after long years of doubt and vexatious delays lent its patronage to the scheme of the "adventurer" as he was called; and the church, of which Columbus was a devoted, and perhaps a devout disciple, bestowed its blessing upon those who staked their lives or their fortunes in the undertaking. It is not probable that Columbus looked to that posthumous fame of which he is now the subject. His vision and his hopes extended not beyond the possession of new lands where he might rule as a potentate and enjoy power; where Spain might found an empire, and where the church might establish its authority over millions of new converts. Spain gained new empires, and maintained her rule over them for three centuries and more; the church enlarged its power by the acquisition of half a continent, in which its ecclesiastical authority remains, even to the close of the nineteenth century. For a moment, and but for a moment in the annals of time, Columbus was permitted to realize the dream of his life. After a brief period, however, instead of place, power, gratitude, wealth, he was subjected to chains, and consigned to prison. Of the three great parties to the undertaking, Columbus alone, seemed to have been unsuccessful, but at the end of four centuries he reappears as the

one personage to whom the gratitude of mankind is due for the discovery of the new world. Nor do we enter into any inquiry as to the manner of man that Columbus was on the moral side of his character. We know that he was an enthusiast, that he was richly endowed with the practical virtues of patience, of perseverance, of continuing fortitude under difficulties, and we know that neither Spain, nor the Church, nor Pinzon the ship-builder and capitalist, nor all of them together would have made the discovery when it was made. To Columbus they were essential, but without Columbus they were nothing.

To the wide domain of history may be left the inquiry as to the truth of his visit to Iceland in the preceding decade, his knowledge of the expeditions of the Scandinavian voyagers to Greenland and the coasts of New England in the tenth and eleventh centuries, and his theories or beliefs concerning the spherical figure of the earth.

Whatever might have happened previous to the voyage from Palos, and whatever might have been the extent of Columbus' knowledge, the discovery of America for the purposes of settlement and civilization, was made by Columbus himself at eight o'clock in the evening of October 11, O. S. when he saw the shimmer of fire on the Island of San Salvador. That fact being established, the fact of the existence of land near by was established also. The sight of land at three o'clock the next morning was not the discovery; it was evidence only of the reality of the discovery made by Columbus the evening before.

In these four hundred years the empires that Spain founded in the New World have slipped from her grasp; the church has lost its temporal power, but the fame of Columbus has spread more and more widely and his claims to the gratitude of mankind have been recognized more generally.

At the end of each coming century, and for many centuries,

no one can foresay how many, millions on millions in the Americas and in Europe will unite in rendering tribute of praise to the enthusiast and adventurer whose limited ambitions for himself were never realized, but who opened to mankind the opportunity to found states freed from the domination of the church and churches freed from the domination of the state.

We do not deceive ourselves, when we claim for the United States the first place among the states on this continent. We are the first of American states in population, in wealth, in our system of public instruction, in our means of professional and technical education, in the application of science to the practical purposes of life, and finally, in experience and success in the business of government.

It should not be forgotten by any of us, nor should the fact be overlooked or neglected by the young that these results have been gained by the labors and sacrifices of our ancestors, and we should realize that the task of preserving what has been won, is the task that is imposed upon the generations as they succeed each other in the great drama of national life. Vain and useless are all conjectures as to the future. The coming century must bring great changes—equal, possibly, to those that have occurred since 1792. At that time our territory did not extend beyond the Mississippi River, our population was hardly four million, our national revenues were less than four million dollars annually, manufacturing industries had not gained a footing, for agricultural products there was no market, the trade in slaves from Africa was guaranteed in the Constitution, the thirteen States had not outgrown the disintegrating influence of the Confederation, the Post-Office Department was not organized, and the National Government was not respected for its power, justice or beneficence, of which the mass of people knew nothing.

In this century our territory has been enlarged fourfold,

our population is eighteen times as great as it was in 1792, our revenues have been multiplied by a hundred, and the convertible wealth of the people has been increased in a greater ratio even. The railway, the telegraphic, the telephonic systems have been created. The dream of Shakespeare has been realized—we have put a girdle round about the Earth in forty minutes.

More than all else, and as the culmination of all else, we have demonstrated the practicability of a government of the people, by the people and for the people. All this has been made possible by and through a system of universal public education—a system which taxes the whole people, and educates the whole people in good learning, and in the cardinal virtues which adorn, dignify and elevate the individual man and furnish the only security for progressive, successful, illustrious national life.

This is the inheritance to which the generations before us are born. A great inheritance—a great inheritance of opportunity, a great inheritance of power, a great inheritance of responsibility, from which the coming generations are not to shrink.

XLV

IMPERIALISM AS A PUBLIC POLICY

THIS paper is introduced upon two grounds mainly. It sets forth with a reasonable degree of fulness the views that I have entertained for three years in regard to President McKinley's policy in the acquisition and control of the islands in the Caribbean Sea and in the Pacific Ocean, and it presents a history of my relations to political movements through a long half century.

SPEECH DELIVERED AT SALEM, MASS., OCTOBER 18, 1900, IN REPLY TO A SPEECH MADE BY THE HONORABLE WILLIAM H. MOODY, M. C.

A truthful statement that I have been inconsistent in the opinions that I have held and advocated upon questions of public concern, would not disturb me by day, nor consign me to sleepless nights.

It is now sixty years since I first held public office by the votes of my fellow-citizens. In that long period of time my opinions have undergone many changes. When I have had occasion to address my fellow-citizens upon public questions I have not reviewed my previous sayings through fear that some critic might arraign me for inconsistency.

I have considered only my present duty in relation to the questions immediately before me.

In the first ten or fifteen years of my manhood I accepted political economy as a cosmopolitan science and free trade as a wise policy for every country. My views in favor of

free trade for the United States are set forth in printed articles, which are now accessible. They are at the service of the critics and of the advocates of free trade. Consistency is not always a virtue, and inconsistency is not always a vice. Even courts of justice change their rulings and holdings when they find themselves in error.

The Supreme Court of the United States has reversed its first decision in the cases that have arisen under the confiscation acts of 1862, and in other cases the court has qualified its opinions from time to time. This authority is valuable as proving or as tending to prove, that inconsistencies in opinion may be consistent with integrity of purpose.

An attempt to change the issue while the trial is going on is not infrequently the weak device of misguided advocates who happen to be charged with the care of weak causes.

It is now twenty years or more since I appeared before Judge Endicott of your city in a cause between a trustee and the *cestui que* trust. The counsel for the trustee in an argument of considerable length, proceeded to demonstrate the unwisdom, the incapacity, indeed, of my administration of the Treasury Department. I made no attempt to meet the new issue, and the Judge gave no opinion upon it. I made an effort to satisfy the Judge that the trustee was withholding money that belonged to my clients, and Judge Endicott so held. My opponent had an opportunity to argue an issue that was not before the court, and his client was doomed to lose his case.

A cause is now pending before the American people. The issue is this: Is it wise and just for us, as a nation, to make war for the seizure and government of distant lands, occupied by millions of inhabitants, who are alien to us in every aspect of life, except that we are together members of the same human family? The seriousness of this issue cannot be magnified by the art and skill of writers and speakers, nor can

it be dwarfed to the proportions of a personal controversy. Nor does it follow from any possible construction of the Constitution that it is wise and just for the American people to seize, through war, and to govern by force, the hostile tribes and peoples of the earth whether near to or remote.

The advocates of weak causes have two methods of defence to which they most frequently resort: epithets and a change of issues.

It was in this city that Mr. Webster made a remark that is applicable to the use of epithets and the avoidance of issues. Mr. Webster had come to this city to aid the Attorney-General in the trial of Frank and Joseph Knapp. His presence was disagreeable to the counsel for the accused, and they more than intimated that he had been brought to Salem to carry the court against the law, and to hurry the jury beyond the evidence. In reply, Mr. Webster referred to the Goodridge trial, in which he had appeared for the accused, and he said: "I remember that the learned head of the Suffolk Bar, Mr. Prescott, came down in aid of the officers of the government. This was regarded as neither strange nor improper. The counsel for the prisoners, in that case, contented themselves with answering his arguments, as far as they were able, instead of carping at his presence." This is, in substance, the demand that we make upon the supporters of the war in the Philippines. Let them cease to denounce us as traitors; let them explain the facts on which they are arraigned; and let them answer the arguments that we offer in defence of the Republic.

Causes may be lost by misinterpreting or misrepresenting the issues, or by undervaluing the character and ability of opponents, but causes are not often won by such expedients. The political issues in popular governments are the outcome of measures and policies, and the issues can be changed only by a change of policies and measures. President McKinley's

administration has been an administration of new policies and new measures, and, consequently, it is an administration of new issues—issues that will remain until the measures and policies, to which they owe their origin, have been abandoned. Therefore, the struggle to change the issues, however made, or by whomsoever made, is a vain struggle.

If, in this year 1900, it could be proved beyond controversy that in the year 1859, I had maintained the doctrine that the Constitution of the United States did not apply to the Territories, and that in the year 1899 I had expressed the opposite opinion, would these facts, including the change of opinion, and whether considered together or considered separately, possess any value argumentative, or otherwise, as a justification of President McKinley in seizing the Philippine Islands through war, and in attempting to govern the inhabitants by force? Is it of any consequence when this country is dealing with a public policy of which war is the incident, and the continuing inevitable incident, whether the opinions that one man may have entertained one and forty years ago are acceptable opinions now that the one and forty years have passed away? Yet, my fellow-citizens, this is the argument which the representative of the ancient and honored county of Essex offers to you and to the country in justification of a policy of war degenerating at times into brutal massacres, carried on against ten million people, inhabitants of a thousand islands, ten thousand miles from our shores, and at a cost of four million dollars a week, and at the sacrifice each year of thousands of the youth of America, and the destruction of the health and happiness of tens of thousands more.

Such is the history of President McKinley's administration, and such is the defence offered by the representative of the county of Essex.

There may have been no sinister design in the attempt to

demonstrate my inconsistency upon a question of constitutional law. I do not assume the existence of personal hostility. An end would be answered if you and others could be induced to believe that in 1859 I had so construed the Constitution as to justify President McKinley in governing the Philippine Islands as though the Constitution of the United States did not exist. Thus do my opinions receive more consideration from an opponent than they could command at the hands of a friend.

I am now to speak more directly in explanation of the opinion that I gave in 1859, with something of the history of the circumstances which led to the preparation of the paper of that year. It is an error to assume that the question whether or not the Constitution extends to the Territories, was a prominent question, in the period of the anti-slavery controversy. That question was not publicly and seriously discussed on either side.

The controversy was conducted upon the theory that the Territories were under the Constitution. The question was this: Can a slaveholder move from a slave State to a Territory and be protected under the Constitution in holding his slaves as property?

It was the theory of the Missouri Compromise Measure of 1820 and it was also the theory of the compromise measures of 1850, that the Constitution neither authorized slavery anywhere nor prohibited it anywhere. The Kansas-Nebraska Act of 1854 recognized, as an admitted fact, the doctrine that the Constitution extended to the Territories, and it asserted as a conclusion of law and as a public policy, the doctrine that the Constitution "should have the same force and effect within the Territory of Kansas as elsewhere within the United States." Thus it was maintained by the friends of the compromise measures that the Constitution neither authorized slavery in the Territories nor prohibited it. This

view of the Constitution was accepted by the opponents of slavery.

The Constitution did not authorize slavery in the States nor did it prohibit slavery in the States. Until the Dred Scott Decision, the controversy proceeded upon the idea that States and Territories were alike under the Constitution, and that by the Constitution slavery was neither authorized nor prohibited in any State, nor in any Territory of the Union.

Inasmuch as at that time slavery was not prohibited under the Constitution, there was a general agreement in the proposition that Congress might authorize slavery in the Territories and that Congress might prohibit slavery in the Territories. One party contended for its authorization, the other party demanded its prohibition. On this issue the contest was made up. From first to last the contest proceeded upon the theory, on all sides admitted to be a true theory, that the Constitution of the United States, by its own force, applied to all the Territories of the United States. In that opinion I concurred.

When Mr. Douglas concluded to become a Presidential candidate, he broached a theory of constitutional interpretation for which he may have found some support in the Dred Scott Decision.

His theory was this: The Constitution so applies to the Territories that they must take places as States in the American Union, and the Constitution also requires Congress to accept the Territories as States, and with such institutions as the Territories, when on their way to Statehood, might choose to establish.

Hence it was, that in the article in reply to Mr. Douglas, I made this statement: "But now under the new political dispensation, these thirty million can have no opinion concerning the admission of States which may have established Catholicism, Mohammedanism, Polygamy or even Slavery."

I interrupt the course of my remarks to say that already in the Philippines we are tolerating and supporting slavery and polygamy, and preparing the way for the organization of Catholic and Mohammedan States, and their admission into the American Union.

It was in 1859, and in the article now under debate, that I used this language as a fair exposition of Mr. Douglas' plans:

"The people of a Territory have all the rights of the people of a State; and therefore there are no Territories belonging to the American Union, but all are by the silent negative operation of the Constitution of the United States, converted into independent sovereign members of the North American Confederacy. 'We commend this system to the advocates of popular sovereignty. It offers many advantages. It will not be possible for the people or the Congress of the United States to resist the admission of new States, inasmuch as their consent will not be asked. It avoids all unpleasant issues. It provides for new slave States; it disposes of Utah; it settles, in anticipation, all questions that may grow out of the annexation of the Catholic Mexican States; and it permits the immigrants from the Celestial Empire to re-establish their institutions, and take their places as members of this Imperial Republic." This statement of Mr. Douglas' policy in the interest of slavery is not a far-away prophecy of the doings under President McKinley's administration.

I have reached a point in this discussion when this remark may be justified: No impartial reader of my article of 1859 can fail to discover that the discussion did not involve the question now raised. The issue was this: Are the Territories bound by the Constitution to become States in the American Union against the judgment of the people, and are the existing States bound to accept a new State and that without regard to its institutions? This was the theory of Mr. Doug-

las, and it was a theory designed to provide a certain way for the increase of slave States. My argument was aimed at that policy.

At the end of my article there is a summary by propositions which contains declarations that were outside of the controversy with Mr. Douglas.

One of these has been quoted, and quoted in error as evidence of my inconsistency. I read the proposition: "The Constitution of the United States may be extended over a Territory by the treaty of annexation, or by a law of Congress, in which case it has only the authority of law; but the Constitution by the force of its own provisions is limited to the people and the States of the American Union."

In this general proposition there are several minor and distinct propositions.

1. The Constitution may be extended over a territory by a treaty of annexation. This is now my distinct claim in regard to Porto Rico and the Philippines, a position that I have uniformly maintained.

2. The Constitution may be extended to a territory by law, *in which case it has only the authority of law.*

As to this statement I can only say I may have had in mind instances of such legislation as may be found in the Kansas-Nebraska Act.

When we say that the Constitution of its own force, applies to the Territories, we refer to the parts that are applicable to the Territories as distinguishable from the parts that relate to States exclusively. It is a provision of the Constitution that

"No State shall make any law impairing the obligation of contracts." In terms this limitation does not extend to Territories. Congress might extend the limitation, but the Act of limitation would have only the force of law.

3. "The Constitution by the force of its own provisions is limited to the *people* and States of the American Union." This is only a declaration that the Constitution does not apply to other states and communities. The word *people* includes the inhabitants of the Territories as well as the inhabitants of the States. If there could have been a doubt in 1859 of the validity of this interpretation, the doubt has been removed by the Fourteenth Amendment. The inhabitants of Territories are thereby made citizens of the United States, are brought within the jurisdiction of the Constitution, and as citizens they are put upon an equality with the citizens of the States. They are of the *people* of the American Union, and as such they are under the Constitution of the United States.

These are the opening words of the amendment:—

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

We have no subject classes in America excepting only such as have been created, temporarily, as I trust, in Porto Rico and the Philippine Islands, by the policy of President McKinley, and all in violation of the Thirteenth Amendment to the Constitution, which reads thus:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." President McKinley claimed jurisdiction over the Philippine Islands and consequently the inhabitants are entitled to the benign protection of this provision of the Constitution. There cannot be any form of involuntary servitude imposed upon any American citizen without a violation of this fundamental law. Hence it is that the administration is forced to deny citizenship to the inhabitants of the Islands and to assert the claim that the Presi-

dent and Congress may govern the inhabitants of territories acquired by purchase, as in the case of the Philippine Islands, or by conquest, as in the case of Porto Rico, as they might be governed if the Constitution did not exist. And this, we are told by the President and his supporters, is not imperialism, but a process of extending the blessings of liberty and civilization to the inferior races of the earth.

The claim of the President is the assertion of a right in Congress to establish a system of peonage or even of slavery in Alaska, Hawaii and the rest. Your representative finds himself called to the defence of this doctrine. Thus is the amendment to the Constitution made of none effect in the Territories.

The character of President McKinley's policy is set forth in his own words and they justify the charge of imperialism.

In his speech of acceptance he said:—"The Philippines are ours, and American authority must be supreme throughout the Archipelago. There will be amnesty, broad and liberal, but no abatement of our rights, no abandonment of our duty; there must be no scuttle policy." What is the meaning of this language? Is it not an assertion of absolute, unconditional, permanent supremacy over the millions of the islands?

Imperialism is not a word merely. It is a public policy.

The President denounces imperialism, and with emphasis he declares that we are all republicans in America. None of us are imperialists.

Our answer is this: In the language that I have quoted the President describes himself as an imperialist. The test of Republicanism is the Thirteenth Amendment. The President is subjecting ten million people to involuntary subserviency under his rule. This, by whatever name called, is the imperialism that we denounce.

We denounce it as a violation of a provision of our Con-

stitution that was gained at the cost of the lives of four hundred thousand men.

We denounce it as a violation of the rights of ten million human beings who owe no allegiance to us. Our title! you exclaim. I answer, What is it? A title to rule an unwilling, revolutionary people, who, at the time our title was acquired, were demanding of Spain the enjoyment of the right of self-government. That right was well-nigh gained when we accepted the place of substitute for Spain. Through twenty months of war we have been engaged in a fruitless attempt to subjugate our purchased victims, and we have been cajoled, continually, by the declaration that the war was ended.

If we accept the theory of the President that our title to Porto Rico and the Philippines is a good title, then that title can be exercised and enjoyed only in one of two ways under our Constitution and the example that has been set in the case of Cuba. They should be held as Territories, on the way to Statehood, or as possessions entitled to self-government without delay by us. Mr. McKinley, Senator Lodge and Mr. Moody say neither way is acceptable—the lands and the people are ours. They have no rights under our Constitution. We will hold them subject to our will until they accept our authority and recognize our right to rule over them, and beyond that we will hold them until, in our opinion, they are qualified to govern themselves.

The doctrine of imperialism is again set forth in the President's letter of acceptance of September 8. "The flag of the Republic now floats over these islands as an emblem of rightful sovereignty. Will the Republic stay and dispense to their inhabitants the blessings of liberty, education and free institutions, or steal away, leaving them to anarchy or imperialism."

Thus the President is engaged in dispensing liberty to conquered peoples instead of allowing them to enjoy liberty

as a birthright. He is dispensing to them such education as he thinks they ought to have, instead of allowing them to decide for themselves as to the education which may be agreeable or useful to them. He dictates for them the "free institutions" which in his opinion are best adapted to their condition, instead of allowing them the freedom to choose their own institutions. Thus the President assumes authority to furnish systems of education and institutions of government by force, denying to the people all freedom of action for themselves, and thereupon he declares that "empire has been expelled from Porto Rico and the Philippines."

Can the President show wherein his policy, in principle, differs from the policy of Spain?

Spain was engaged in war to compel the Filipinos to accept Spanish institutions of education and liberty. We are attempting through war to compel the Filipinos to accept American institutions of education and liberty. It is not an answer to say, what may be true, that American ideas and systems of education are superior to Spanish ideas and systems. In each case there is compulsion. In each case there is a denial of freedom. In each case, there is the same exercise of power. In each case there is the same demand for a subservient class. In each case there is gross undisguised imperialism. The difference is to the advantage of Spain. Spain was consistent. Her policy was a policy of imperialism;—a policy of centuries.

America was a republic. Self-government was at the basis of all her institutions. It was a prominent feature of her history. Our accusation against President McKinley is this: He turned away from the history of America, he disdained our traditions, and he reversed the policy of a century.

Mark the consequences of the change. In other days we sympathized with Greece in its struggle for self-government; we denounced the suppression of liberty in Hungary, and in

the opening years of this century we welcomed the provinces of Central and South America as they emerged, one by one, from a condition of imperial vassalage, and took their places in the galaxy of Republican States.

If in this year 1900, America had sent forth one word of official cheer to the States of South Africa, the act would have been an act of self-abasement that would have invited the contempt of all mankind.

When we charge imperialism upon the administration this question is put exultingly: " Where is the crown? " I answer from history. England waited a century, after the conquests by Clive and Hastings, for a Beaconsfield to crown Britain's Queen " Empress of the Indies." The crown is but a bauble. Empire means vast armies employed in ignominious service, burdensome taxation at home, and ruthless maladministration of affairs abroad.

In two short years of imperialism, these evils have ceased to be imaginative merely, and they have taken a place among the unwelcome realities of our national life.

Before I close this discourse I shall return to the subjects that I have now introduced to your attention, and for the purpose of asking you to foster and preserve the quality of consistency in the history of the county of Essex.

Mr. Moody introduced two topics to the Essex Club of which I am to take notice. They concern me personally, but there is an aspect of one of them that may merit public attention.

With a kindliness of spirit, that I could not have anticipated, Mr. Moody attributes my failure to continue in the opinions that he claims were entertained by me in 1859, to the infirmities incident to advancing years. He thus raises a question that I am not competent to discuss. I pass it by.

I trust that Mr. Moody may live to the age of two and

eighty years; that his experience may be more fortunate than the fate that he attributes to me, and that at that advanced period of his life his ability to interpret the Constitution of his country will not be less than it now is.

The speech of Mr. Moody, as it appears in the *Transcript* of August 30, closes with this sentence: "He at least might spare the epithets to the party that has showered upon him every honor within its gift, except the presidency." If I have applied any disparaging epithet to the Republican Party, my error is due to my ignorance of the meaning of the word. The quotations which Mr. Moody has made from my speech at the Cooper Institute contain a declaration in two forms of expression, which may have led Mr. Moody to charge me with the use of epithets. I find nothing else on which his allegation can be founded. I reproduce the quotations:

"President McKinley and his imperialistic supporters through two steps in an argument have deduced an erroneous conclusion from admitted truths.

"(1) Our government in common with other sovereignties has a right to acquire territory.

"(2) That right carries with it the right to govern territory so acquired.

"From these propositions they deduce the false conclusion that Congress may indulge a full and free discretion in the government of the territories so acquired. Herein is the error, and herein is the usurpation."

Again, "We have the right to acquire territory and we have the right to govern all territory acquired, but we must govern it under the Constitution, and in the exercise of those powers, and those only, which have been conferred upon Congress by the Constitution. Any attempt further is a criminal usurpation."

In the first quotation I make the charge that President McKinley, in his attempt to govern the Philippine Islands as

though the Constitution did not apply to them, was exercising powers not granted to him by virtue of his office.

The President is the creature of the Constitution, and his jurisdiction is measured and limited by the jurisdiction of the Constitution.

When the President asserts that the Philippine Islands are not under the Constitution, he admits that the Philippine Islands are not within his jurisdiction. If, on the other hand, the islands are within his jurisdiction, it follows that his right of jurisdiction over them must have come from the presence of the Constitution itself.

Let there be no misunderstanding upon one point. I claim that the Philippine Islands are under the Constitution and that the President may exercise in and over the islands whatever powers the Constitution and the laws may have placed in his hands.

I claim further that as a right on the part of the Filipinos, and as a policy of justice and wisdom on our part, we should relinquish our title, whatever it may be, and allow the Filipinos to enter upon the work of governing themselves.

The President sets up the doctrine that the islands are not under the Constitution and that they may be governed by him outside of all constitutional restraints. This is the usurpation that I have charged upon him, but not upon the Republican Party of former days. Upon the basis specified the charge remains. It is not an epithet. Let the charge be answered, or otherwise, let the President and the supporters of his policy abandon the doctrine that we can seize, hold and govern communities and peoples who are not within the jurisdiction of our Constitution and, who, consequently, are not subject to our laws.

I have said that the President and his supporters are imperialists. If the word is descriptive of a policy then the word is not an epithet.

In the passage that I have quoted from the speech of Mr. Moody he charges me in fact, if not in form of words, with a violation of my obligations to the Republican Party, and upon the ground that the party "has showered upon me every honor within its gift except the Presidency." The consideration that I have received from the Republican Party merits acknowledgement, and that I accord without reserve, but it cannot exact subserviency from me.

On public grounds I ask this question: Are those who may hold office under the leadership of a party, to be held by party discipline to the support of measures and policies which they condemn? Freedom of opinion and freedom of speech are of more value than public office. The movement for the reform of the civil service, is, in its best aspect, but an attempt to rescue the body of office holders from the tyranny and discipline of party and of party leaders. Thus much upon public grounds, but, for myself, I shall not seek protection under a general policy.

Never for a moment from my early years did I entertain the thought that I would enter public life, or that I would continue in public life, as a pursuit or as a profession. Hence, it has happened that I have never asked for personal support at the hands of any, and hence it has happened that I have never solicited a nomination or an appointment from or through the Republican Party or any member of it.

In 1860, a majority of the delegates to the Congressional Convention in my district, favored my nomination, but not through any effort by me. I attended the Convention and placed in nomination Mr. Train, who had been in Congress one term.

Without any effort on my part I was nominated in 1862-'64-'66 and '68. No aid in money or otherwise was given by the State Committee or the National Committee. Following my nomination in each case the District Committee

asked me for a contribution of one hundred dollars. On one occasion the committee sent me a return check of forty-two dollars and some cents with a statement that the full amount had not been expended. If contributions of money were made by others the fact was not communicated to me.

I became a candidate for the Senate upon a request signed by members of the Legislature. When the second contest was on, in 1877, I declined a call by a telegraphic message to visit Boston and confer with my friends who were anxious for my election. I was a member of the Peace Congress of 1861 and I received several other appointments from Governor Andrew, but without solicitation by me. At his request I went to Washington for a conference with Mr. Lincoln and General Scott. I reached the city by the first train that passed over the road from Annapolis. Again, at his request, I went to Washington the Monday following the battle of Bull Run.

I received two appointments from President Lincoln, when, in each case, I had no knowledge that the place existed.

From General Grant I received the offer of the Interior Department and then of the Treasury Department, both of which I declined. When General Grant had taken the responsibility of sending my name to the Senate, I had no alternative as a member of the Republican Party and as a friend to General Grant.

Upon the death of Mr. Folger, President Arthur asked me to take the office of Secretary of the Treasury. I was then concerned with the affairs of another government and I declined the appointment.

When General Garfield had been nominated at Chicago in 1880 the nomination of a candidate for the Vice-Presidency was placed in the hands of the friends of General Grant. The nomination was offered to me.

In the forty years from 1856 to 1896, I made speeches in

behalf of the Republican Party in Massachusetts, Maine, Vermont, New York, Pennsylvania, Maryland, North Carolina, Mississippi, Missouri, Illinois, Ohio and Indiana and in no instance did I receive compensation for my services. When I spoke in Ohio my expenses were paid on all occasions but one. That was a volunteer visit. My acquaintance with the politicians of Ohio was agreeable from first to last.

In my many trips through New York it was understood that my expenses were to be paid. When General Arthur was at the head of the committee his checks exceeded the expenses, perhaps by a hundred per cent.

On one occasion the State Committee asked me to make six or eight speeches upon their appointment. That service I performed; whether my expenses were paid I cannot say. If they were paid it is the exception in Massachusetts, unless local expenses may have been met where addresses were made.

If a mercantile account current could be written, it might appear that my obligations to the Republican Party are not in excess of the obligations of the Republican Party to me.

From my experience as a member of the Republican Party I add an incident to what I have said already.

In the month of July, 1862, and at the request of President Lincoln and Secretary Chase, I entered upon the work of organizing the Internal Revenue Office. That work was continued without the interruption of Sabbaths or evenings, with few exceptions only, till March, 1863, when, as was said by Mr. Chase, the office was larger than the entire Treasury had been at any time previous to 1861. It was the largest branch of government ever organized in historical times and set in motion in a single year. The system remains undisturbed. Such changes only have been made as were required by changes in the laws. In the thirty-eight years of its existence the Government has received through its agency the enormous sum of five thousand and five hundred million dol-

lars being twice the amount of all the revenues of the Government previous to 1860.

I have thus devoted many minutes of your time to the questions raised by Mr. Moody.

The nature and extent of my obligations to the Republican Party and the question of my consistency in the construction that I have given to the Constitution of the United States, are not matters of grave concern for you. They have come into the field of discussion through the agency of Mr. Moody.

I come now to ask your attention to a view of your relations to passing events which concerns the county of Essex.

Your county has a distinguished history — distinguished for its men and for its part in public affairs. Shall the history that you are now making be consistent with that which you have inherited and which you cherish? I mention one name only among your great names and I bring before your minds one event only.

In the order of time and in the order of events, the second most important paper in the annals of America is the "Ordinance for the Government of the Territory of the United States Northwest of the River Ohio."

The chief value of that ordinance is in the sixth article which is in these words: "There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

By repeated decisions the Supreme Court has held that the stipulations and terms of the ordinance remained in force after the adoption of the Constitution, unless a conflict should appear, and in such a case the ordinance would yield to the Constitution. As the article in regard to slavery was not controlled by the Constitution, the exclusion of slavery became the supreme and continuing law of the Territories and States that were organized in the vast region covered by the

Ordinance of 1787, and it may be assumed, fairly, that the character and power of those States made possible the extermination of the institution of slavery in all parts of the country. The parties to the ordinance of 1787 may have builded better than they knew, but their work is one of the four great acts or events in the history of the Republic:— The Declaration of Independence, the Ordinance of 1787, the Constitution, and the amendment abolishing the institution of slavery.

Nathan Dane of the county of Essex, was the author of the Ordinance of 1787; and he was a delegate in the Continental Congress from 1785 to 1788. Of all the eminent men that you have sent forth into the service of the State and the country, he must be accounted the chief, when we consider the value of his contribution, historically, and on the side of freedom and civilization. His fame is in your hands and I have come to ask you to consider whether the policy of President McKinley in the Philippines is in harmony with the Ordinance of 1787 and the amendment to the Constitution of 1865.

By the Ordinance of 1787, freedom and full right to self-government were made secure to the coming millions who were to occupy the States northwest of the River Ohio. By the amendment of 1865 freedom and equality in government were guaranteed to all and especially to the negro race in America.

Shall the avoidance of the Amendment in States of this Union be tendered as a reason for a denial of equality and the right of self-government in the Philippine Islands? If the negroes in America are entitled to freedom from a state of subserviency, are not the colored races in the Philippines entitled to freedom, and that whether they are under the Constitution or beyond its jurisdiction?

You are called to a choice between the doctrines of Nathan

Dane and Abraham Lincoln on one side and the doctrines and policy of President McKinley and his supporters on the other side. The point that I make is this: The three propositions cannot stand together. Dane and Lincoln are in harmony. They guaranteed equality and self-government to all. President McKinley and his supporters demand subserviency of all who are not within the lines of the American seas.

They assert supreme authority over their fellow-men for an indefinite period of time, and they promise therewith good government. Here are the assertion of power and the promise of goodness that have attended the origin and movement of every despotism that has risen to curse mankind.

That you may see, as in one view, the doctrines of Dane, Lincoln and McKinley, I read again the records that they have made.

"There shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes whereof the party shall have been duly convicted."—NATHAN DANE.

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."—ABRAHAM LINCOLN.

"The Philippines are ours and American authority must be supreme throughout the Archipelago. There will be amnesty, broad and liberal, but no abatement of our rights, no abandonment of our duty. There must be no scuttle policy."—WILLIAM MCKINLEY.

"The flag of the Republic now floats over these islands as an emblem of rightful sovereignty. Will the Republic stay and dispense to their inhabitants the blessings of liberty, education and free institutions, or steal away leaving them to anarchy or imperialism."—WILLIAM MCKINLEY.

"Any slave in the Archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market price."—Article 10, of the McKinley treaty with the Sultan of the Sulu Isles.

I leave three questions with you.

Is a vote for President McKinley and his policy in the Philippine Islands a vote in harmony with the teachings and examples of Nathan Dane and Abraham Lincoln?

Is the policy of President McKinley consistent with the history of the county of Essex?

Shall your representative stand for Nathan Dane and Abraham Lincoln and Freedom, or for William McKinley and Despotism?

THE END

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