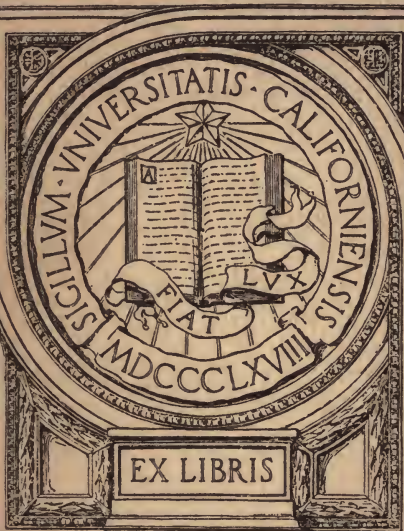




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THE LIFE OF  
WILLIAM HENRY SEWARD



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Life of Jewards  
by Frederic Bancroft TO . 1 .

MY SEVEREST CRITIC  
AND MOST GENEROUS FRIEND  
EDGAR A. BANCROFT  
OF THE CHICAGO BAR

mor.

N.Y., 1900.

82888



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# THE LIFE OF WILLIAM HENRY SEWARD

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## CHAPTER I

### THE START IN LIFE

VOLTAIRE has said that he who serves his country well has no need of ancestors. However, there can be no serious objection to them if they be sober-minded and do not embarrass their offspring. So far as is known, there was nothing in the lives of William H. Seward's ancestors that calls for either boasting or concealment. They came of good, plain stock, and stood well in the communities in which they lived. Grandfather John Seward was supposed to be of Welsh descent. He lived in Morris county, New Jersey, was a colonel in the Revolutionary army, and died in 1799. His wife was described by her famous grandson, more than half a century later, as a highly intellectual woman, pious as well as patriotic, although many of her relatives had adhered to the British cause. About all that is known of the maternal grandfather, Isaac Jennings, is that "he was of English derivation, a well-to-do farmer, who turned out with the militia of Goshen," New York. His wife, Margaret Jackson, was of Irish origin, but was remembered chiefly on account of her hatred of Catholicism.

Seward's father, Samuel S. Seward, was a physician

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by profession, but by practice he was a farmer, a merchant, a politician, a magistrate, and, for seventeen years, a county judge. He also represented his county in the New York legislature in 1804. Politics was not an expensive luxury in those days; so this man of many vocations prospered financially as he grew in the esteem of his neighbors. His wealth and his tastes were shown by the fact that in later years he founded in the village of Florida a superior high-school, called the "S. S. Seward Institute," and endowed it with twenty thousand dollars. Dr. Seward's wife, Mary Jennings, had merely the advantages offered by country schools.

William Henry Seward was born in Florida, Orange county, New York, May 16, 1801. He was the fourth of six children, two of whom were girls. His native village had about a dozen houses. His earliest vivid recollections were of the eclipse of 1806, and of stories about witches that dwelt at night in the attic of the little country school-house, and that during the daytime haunted the wooded cliff just above it. He remembered that his father once placed him on the counter of the store to give a poetical recitation, and that when a pleased listener asked the child which one of his father's many callings he intended to adopt, he replied that he expected to be a justice of the peace.

At the age of nine years he was sent to attend an academy in the neighboring village of Goshen, where he lived with two cousins, and began to study Latin. Although the boy had red hair, he had none of the pugnacity that children commonly suppose goes with it. He was not a robust child, but was small and somewhat timid. We can imagine the contemptuous words of his disappointed school-mates when they found that he was not a fighter. Nor would he even join them in trying to shut the teacher out of the school-house on Christmas for not giving them a holiday.

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By the time the school year in Goshen was completed, Florida had an "academy," and it was decided that William was to be the son favored with a liberal education, because he was the frailest. Excepting six months more in Goshen, a few years later, it was in Florida that he prepared for college. Recalling this time, after three-score years, he said that his studies began at five in the morning and closed at nine at night. Yet there were winter evenings when neighbors came in, and apples, nuts, and cider were brought forth, and the young student was allowed to sit by the open fire and enjoy them, while listening to long conversations on politics and religion. Perhaps, too, there were sledges and skates and horses and boys' sports in those days. Although the Swards had a few slaves—for slavery still lingered in New York—the boy had many chores to do. "It was my business to drive the cows, morning and evening, to and from distant pastures, to chop and carry in the fuel for the parlor fire, to take the grain to mill and fetch the flour, to bring the lime from the kiln, and to do the errands of the family generally; the time of my elder brothers being too precious to permit them to be withdrawn from their labors in the store and on the farm."<sup>1</sup>

The boy was so overloaded with difficult tasks in Latin that he rebelled and threw away his books. He reformed, however, when his father appealed to his ambition by telling him that he might become a great lawyer like some of the famous men of the time, if he would study hard. Either Seward's recollection at the age of seventy was very imperfect or his ambition at the age of ten was very extraordinary, for we are told that he then learned a double lesson within the time allowed

<sup>1</sup> Frederick W. Seward's *William H. Seward*, vol. i. p. 22. This work is prefaced by an autobiography that extends to 1834; the memoir and the selections from Seward's letters begin with 1831. The autobiography tells about all we know of Seward's boyhood and youth.

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for a single one, and that thenceforward study was as attractive to him as it had before been irksome.

Much careful work must have been crowded into the six years spent at the Goshen and the Florida academies, for by the autumn of 1816 his studies had taken him to a point about midway in the curriculum of a first-class college. As yet he had not been beyond the horizon of his little village and its surrounding hills. A few visits to Newburg were the only exceptions. Now, when little more than fifteen years of age, he went alone into the great world. Steamboats had been plying up and down the Hudson for several years, but the first one he ever saw was to bear him from Newburg to Albany, on his way to enter Union College, in Schenectady. To him the boat appeared a magnificent and luxurious palace. In his eyes Albany was a grand and impressive metropolis. No city visited in later years ever seemed so imposing.

He was soon in the surroundings of which every studious lad has dreamed; and wonder at the many strange sights gave place to awe of the great men, with still greater titles, who ruled on College Hill and were to judge his attainments. After he had taken his examination he was informed that he was fully qualified intellectually to enter the junior class, as he had expected to do, but that as he was under sixteen the rules would not permit it. So he became a sophomore.

Union College was then enjoying great prosperity under Eliphalet Nott. A man of large and liberal mind, he attracted the admiration of his students by his learning and benevolence. Too wise to insist upon severe discipline, he controlled the youths by treating them with manly confidence and patience, which are the best incentives to proper conduct. The state legislature had recently authorized the college to seek financial aid by means of a lottery—a very common method



of raising money in those days. President Nott also managed this device with great profit to his institution.

Seward was then a thin, pale, undersized youth, and looked even younger than he was. His red hair, sandy complexion, ill-fitting homespun clothing, and drawling speech made him the object of merriment when he first declaimed. The drawl became less as the months passed, and the rustic garb was soon laid aside for a new suit made by the most approved tailor. This caused him to go in debt, for Dr. Seward made him but a scant allowance, believing that what was good enough for the rural village would do for the college town. These debts led to trouble that imperiled the son's career.

Young Seward's ambition soon caused him to adopt the questionable habit of going to his tutor for help in study hours, so as to stand high in the class. The tutor pressed the students in their work until they got up a petty rebellion and demanded shorter lessons and more holidays: they put asafoetida on the stove, and one of them made bold to pull the teacher's hair. The offenders were detected and punished. Because Seward had refused to take part in the revolt, the boys accused him of being the informer. He was undoubtedly innocent, but the experience was a lesson to him: he never again sought special instruction from his teachers, says the autobiography. At another time he and his room-mate resolved to reach a sufficiently high grade of scholarship to become a member of the Phi Beta Kappa—a society that admitted to its fellowship only a few of the best students from the leading colleges. By working early and late, and with an enthusiasm and thoroughness that not many are capable of for a long time, they achieved high rank and the coveted reward.

But Seward was no mere bookworm. He had a fair share of human qualities, and knew how to shirk at times.




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His instructor in Homer was a young Mr. Wayland, who subsequently became famous as a philosophical writer and as president of Brown University. The students soon noticed that, according to Wayland's practice, they were each asked to recite about every third day. On other days they often brought to the class-room books that interested them more than the *Iliad*. The tutor discovered this and changed his method. Seward was called up when he least expected it. He was not prepared, and even refused to repeat his recitation of the previous day. The teacher then ordered him to leave the room. When the matter was brought before the disciplinary authority, Seward declined to apologize for his action, and thereupon his name was dropped from the roll. He was ready to admit that what he had done was wrong, but he insisted that it was unfair for the tutor to change his plan without due notice. For a week or two Seward quit his college quarters and associations. The good President finally intervened, generously expressed his regret at the action of the tutor, and in turn received Seward's apology.

The youth's experiences with politics began near the end of his junior year—that is, when he was seventeen years of age. In New York the struggle for supremacy was between the factions of the Republican (Democratic) party, led respectively by De Witt Clinton, the governor, and by Martin Van Buren. In the hope of defeating Clinton for re-election, Van Buren had induced the popular Vice-President, Daniel D. Tompkins, to be the rival candidate. In the course of the subsequent campaign Tompkins came to Schenectady, and the Van Burenites in college resolved to give him a welcome; Seward was their orator.

The senior year in college began, but the tailor had not been paid. Dr. Seward would not settle the account, and the son could not while remaining a student.



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The incident became so disagreeable that young Seward resolved to put an end to it by making himself financially independent of his father. Therefore, on the first day of 1819 he secretly started for Georgia, with a young friend who was engaged to take charge of a new academy in that state. A sail of seven days from New York brought their schooner to Savannah. At Augusta, Seward's companion was offered and accepted a better position than the one he had expected to fill. So Seward proceeded alone, hoping that his friend's recommendation would help him to obtain the relinquished position. By the time he was within thirty or forty miles of the end of his journey his purse was so nearly empty that he was compelled to advance on foot. His strength and resources were almost exhausted when he came upon a new log-cabin in the woods, which, fortunately, was occupied by a family that had recently moved from Auburn, New York. The young stranger received a hearty welcome, and was informed that the sought-for academy was in a settlement near by, and that his rural host was a trustee. On the following day the trustees met and examined the applicant, who then withdrew while his case was discussed. The few minutes he had to wait were anxious ones. "With only eighteen pence in my pocket, a thousand miles from home, my little wardrobe left thirty miles behind, where was I to go, and what could I do?" He was soon informed that he would be put at the head of the new academy if he was willing to accept the highest salary they were able to offer—eight hundred dollars a year, with the privilege of boarding wherever he might prefer at the rate of one hundred dollars per annum. As the school was not to open for several weeks, they held out a further inducement by saying that meantime they would give him free board and put a horse and carriage at his disposal, so that he might travel about the state at pleasure. He was

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not long in deciding to accept this generous proposition.

The academy was near Eatonton, which lies west of the central part of Georgia. Although cotton was the chief crop in that region, and the negro population was supposed to be as numerous as the white, the worst phases of slavery were not apparent there. The young New Yorker was much interested as he travelled about. The son of a slaveholder, he neither aroused nor felt such intense prejudices as were common between Northerners and Southerners a decade or so later. Of course slavery was distasteful to him, but otherwise he enjoyed his new surroundings, and was well received wherever he went.

Proud of his appointment, he had sent his father a newspaper containing an announcement of it. In a passion Dr. Seward wrote to the trustees telling them that his son had absconded from college without cause, bringing disgrace and sorrow upon his too indulgent parents, and that all who harbored him would be prosecuted to the full extent of the law. This frightened no one, and it did not cause the very independent and self-satisfied principal-elect to alter his plans. But by the same mail there came other letters. What a father's anger and threats could not do was quickly effected by the affection and grief of a mother and a sister. Three sons were then absent from home as a direct or indirect result of the unfortunate disposition of a man whose intentions were as good as his temper and judgment were bad. Young Seward obtained permission to resign on condition that he should stay until the arrival of a suitable successor from Union College. So, after successfully opening the new academy, he started for home.

The relations between father and son had not been much altered by the pleasant sojourn in Georgia. It was decided that the ex-principal should return to col-



lege in January, 1820. During the intervening half-year he read law in an attorney's office in Florida and Goshen, and began to make small payments to the tailor from fees earned in the justice's court. Unless the autobiography is misleading, here was a son to be proud of. But the stern father merely tolerated him when he did right, and was unrelenting when anything went wrong. It is hard for even an ill-tempered and cruel father to spoil a wise son, as Frederick the Great demonstrated in his youth.

The year's absence had been well spent, for the student, not yet nineteen, had learned to take a broader view of life and to appreciate its opportunities. An incident that occurred near the end of his college course indicated both his personal qualities and his standing among his fellows. Formerly there had been but two literary societies in Union College—the Philomathean and the Adelpic. The excitement over the struggle for the admission of Missouri as a state caused a faction of southern sympathizers to secede from the Philomathean and to form a new organization. The Adelpians looked with favor on the action of "the Southerners" because it promised to strengthen the Adelpic society. The question became not merely one between local literary associations, but also one about the relative superiority of civilization in the South and in the North. Seward's opinion on the much-confused dispute was naturally looked forward to as a matter of consequence. He refused to side with his fellow-Adelpians, and condemned the seceders, while he praised "the hospitable and chivalrous character of the South," as he states in his autobiography. This so offended the Adelpians that they tried to cause his expulsion from college. He made a manly, fearless defence. The attempted impeachment failed and the accused became a hero. He was one of three orators representing his society on commencement-

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day; the class chose him as one of its managers at that time, and he also stood among those who received the highest honors. This victory seems all the greater when we know that the feud between the champions of the North and those of the South became so irrepressible that on the day of graduation the class divided on the stage. Seward's oration was entitled "The Integrity of the American Union." How strange a foreshadowing of what came forty-one years later!

After graduation Seward returned to the attorney's office in Goshen, and remained until the autumn of 1821. Then he continued his studies under John Anthon in New York city. Anthon was the author of a book on "Practice," a subject to which Seward says he himself gave special attention. He joined a literary society called The New York Forum, where young lawyers and students of law developed their faculties in moot-courts and in literary exercises of different kinds. "Earlier than I can remember, I had a catarrhal affection, which had left my voice husky and incapable of free intonation. I had occasion, throughout my college course, to discover that I was unsuccessful in declamation." When he read or spoke what he had written, it was the composition that was praised. This was so evident to him that he once tried the experiment of exchanging productions with a friend who always made a fine oratorical impression, although not a good writer. The result was greatly to increase the applause given to his friend, while he himself received less than formerly.

In the spring of 1822 Seward went into partnership, in Goshen, with Ogden Hoffman, who subsequently became a famous criminal lawyer in New York city. It was to young Hoffman, when he abandoned the navy for the law, that Commodore Decatur is said to have expressed regret that he should exchange "an honorable profession for that of a lawyer." Although Seward



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had not yet been admitted to the bar, he received one-third of the profits of the office business, and all he earned in the justices' courts, while his partner had the counsel fees.

In October, 1822, Seward went to Utica to take his examination for admission to practise. His success was indicated by the fact that he failed on only one question. The Hoffman and Seward partnership now ended, but the sixty dollars he had earned in it were sufficient to pay his expenses while looking about the western part of the state for the best place in which to establish himself. What attracted him to Auburn is not known, unless a recent visit of a Miss Frances Miller with Seward's sister had something to do with it. At least the young attorney was treated very hospitably, and he received two good offers to enter into law partnerships there. The more favorable one was made by Elijah Miller, the attractive young woman's father, who guaranteed Seward five hundred dollars per annum, as his share to begin with. Seward took leave of Florida in December, 1822, receiving fifty dollars from his father as a financial start, and with the year 1823 he began his legal career in his new home. Although Auburn was the county-seat, it was a mere village in the centre of a region so recently settled that log-houses were still in the majority. But the inhabitants were thrifty, intelligent, and highly moral. The choice was a wise one in every respect.

He was more successful with his first case than most beginners are. An ex-convict from the Auburn prison had entered a house to steal, but had been frightened off before he had found anything, except a few pieces of worthless cloth. He was arrested and indicted for petty larceny, for taking "one quilted holder of the value of six cents" and "one piece of calico of the value of six cents." Seward brought convincing evidence to show

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that one piece was not "quilted" but sewed, while the other was white jean instead of "calico." In this way he saved his client from another term in the penitentiary.

From the beginning, Seward made it a rule to try his own cases rather than to employ older lawyers. This gave him experience and confidence. The first year's practice brought him more than the promised five hundred dollars; so, at last, he was able to pay his tailor-bills, which had grown during his final term in college. As he tells us in his autobiography, he soon became known as a good advocate, a careful conveyancer, and a successful collector of debts. But his chief aim seems to have been rather to stand high in the community than to become great by means of extraordinary devotion to his profession. The newspapers and magazines of both parties were always on his table, while the law books were taken down only for reference; he engaged a pew in the Episcopal church, and many years later he became a member of that church; he attended social and political meetings, generally acting as secretary; he managed the little dancing-assemblies, although never able to dance; he joined the militia, and carried a musket on parade. In fact, in every proper way he made himself useful or prominent, according to his opportunities.

Most important of all his acts at this time was his marriage in October, 1824, to Frances Miller, his partner's daughter. Although only nineteen years of age, she had received an extraordinary education. She was a very amiable person, intelligent, sympathetic, and worthy to be the guiding star and the object of the best impulses of a good man's life. Her father was a widower in comfortable financial circumstances, and was anxious not to have his home broken up. So it was agreed that the young couple should live with him.

Seward now had a very promising start in life, yet it

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was no better than he deserved. In no direction had he displayed genius or prodigious ability, like a youthful Pitt, or a Mill, or a Macaulay ; but he was always bright, clear-headed, ready, and eager to press forward. He was just the man to pick his way rapidly rather than to hew it. And, withal, he was wise enough to act on the principle that one should show oneself to be a good citizen before expecting to obtain the confidence and favor of good citizens.



## CHAPTER II

### FIRST EXPERIMENTS IN POLITICS

THE sprightly manner in which Seward had entered into different phases of life in Auburn indicated that he meant to make himself popular. A young lawyer with such an aim is sure to welcome an opening into politics. To Seward the opportunity came early, and he improved it.

The New York constitution of 1777 created a council of appointment, consisting of the governor and four senators. Nearly all state and local officers, from the judges and the heads of departments to the auctioneers, were appointed by the governor, subject to the unanimous approval of the council. After 1801 any member could nominate, and confirmation by a majority was sufficient.

The crushing defeat of the Federalists in 1800 left the Republicans without formidable opposition. Partisan removals from office had formerly been practised with moderation. Now that a combination of any three members could command several thousand appointments, the council became the centre of very lively intrigues. The antagonisms of political factions and families are always stronger than those of parties. So the feuds between the Republicans quickened as the Federalists disappeared. And after a few years the constant wrangling over the control of the offices outraged the moral sense of the people, and even disgusted many partisans. Therefore, the abolition of the irrespon-



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sible council of appointment was a question of the first importance in the constitutional convention of 1821.

The new constitution provided that a large number of the officers should be chosen by popular suffrage, and that most of the others should be appointed by the governor with the advice and consent of the senate. This change made the existing party machinery weak and useless. There was need of a central organizing body, more permanent than any one officer was likely to be, and more impersonal than the governor. To satisfy this demand, about half a dozen of the leading Republican politicians formed a junto at the capital. This junto soon became known as the "Albany Regency." Its policy was formulated in private councils and impressed upon the party by caucuses. After the Regency had gained a majority of a formal caucus or convention, the Republicans who failed to accept its decrees were punished without mercy; the faithful were rewarded, and if they were unfortunate their wounds were bound up. The withdrawal of De Witt Clinton from active politics, at the end of 1822, left his former followers without an efficient leader. So the Albany oligarchy controlled the only well-organized faction in the state.

When, in 1823, the question of choosing President Monroe's successor became urgent, there was a wide diversity of preference among the New York politicians. Martin Van Buren, at this time United States Senator, inspired the counsels of the Regency and enjoyed its support. His eyes were already longingly fixed on the White House. His plan was to weaken his opponents in New York and New England, and at the same time to strengthen himself for the future by helping the South secure the presidency once more. He sought the nomination of William H. Crawford, of Georgia, and the Regency approved. The other favorites were

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John Quincy Adams, Clay, Jackson, and Calhoun. The friends of Crawford had a plurality both in Congress and in the New York legislature. It had been the custom to make the presidential nomination in congressional caucuses, but now the Republican members of Congress opposed to Crawford refused to enter such a caucus.

In New York the presidential electors were selected by the legislature. At this time it occurred to some one that possibly the Regency could be outwitted and Crawford defeated if the legislature could be forced to give the people the power to choose the electors. With this end in view, the anti-Regency Republicans, and those who had formerly been known as "Clintonians," adopted the taking name of the "People's Party," and nominated candidates pledged to the desired change. Although the legislature did not make this change, the Regency party undertook to disunite the two factions of the opposition. Assuming that on ordinary party questions the recalcitrant Republicans disliked the Clintonians more than they did the Regency party, the Regency tried to force them to take a positive stand against the Clintonians by causing De Witt Clinton to be removed from the board of canal commissioners, where he had long served from a most generous sense of public duty. This scheme was a net spread in sight of the bird. The independent Republicans regarded it as an insult to their intelligence, and it stirred up the old Clintonian fires, now nearly dead. Clinton's former popularity quickly returned, and his nomination and election as governor were demanded as the most fitting way to avenge the wrong. He became the gubernatorial candidate of the new party, and James Tallmadge, an anti-Regency Republican, was nominated for the lieutenant-governorship.

It was in this campaign of 1824 that Seward, who

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had only recently completed his twenty-third year, began to take a prominent part in the politics of his county. Dr. Seward was, as we are told, a staunch Jeffersonian to his last hour. Young Seward was predisposed towards the Republicans, and at one time had regarded Van Buren as a more patriotic statesman than De Witt Clinton. Van Buren had been one of the leading spirits in the recent revision of the constitution. The abolition of the council of revision—which body had possessed a power of veto over the acts of the legislature—and the enlargement of both the basis and the scope of popular suffrage were changes especially pleasing to Seward. When he wrote his autobiography, nearly half a century later, he described himself as weighing, in his youth, the relative merits of the parties—the one founded by Jefferson and the other by Hamilton—and then deciding in favor of the federalistic side. It is pleasant to believe that one's attitude is the result of profound meditation, and perhaps there was more truth than after-thought in Seward's statement of the way his change of party came about. We know that he was naturally an independent youth, of good moral and political instincts. Such men are likely to begin political activity in the opposition. Moreover, De Witt Clinton was one of the ablest and most picturesque statesmen of the first half-century of New York politics; and the treatment he had received was likely to excite the sympathies of a man of Seward's age and impulses and aims.

Certain it is that Seward's mind was made up by 1824; for, as the autobiography says, he took an active though humble part in the campaign of that year. "Uniting with the opponents of the Republican party, I spoke for the new movement, wrote resolutions and addresses, and acted as delegate in meetings in my own town and county." The only record of his opinions at



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this time is an "address of a Republican convention" of Cayuga county, held in Auburn in October, 1824. It is especially interesting to notice the ideas and expressions by which he first attracted public attention. This address is practically limited to one subject—the Albany Regency. It alleges that the leaders of the Regency first gained popular confidence, as well as seats in the late constitutional convention, by being clamorous for republicanism; that having made futile efforts to retain the old council of appointment,

"they succeeded in incorporating into the new constitutional system . . . an institution which combines in one strong phalanx the office-holders, from the governor and the senators down to the justices of the peace in the most remote parts of the state—which makes the governor the subservient tool of the faction which designates him; converts the otherwise respectable judiciaries of the counties into shambles for the bargain and sale of office; and selects justices of the peace . . . not from among those whom an intelligent people would choose, but from the supple and needy parasites of power, who may, and it is to be feared do, bring not only the influence but the very authority of their offices to the support of the party whose creatures they are. Thus it has come to pass that each of the several counties contains a little aristocracy of office-holders, existing independently of popular control, while they are banded together by ties of common political brotherhood."

His characterization of the caucus system is especially keen:

"The caucus system, originally adopted from necessity, and never considered obligatory further than its nominations concurred with popular opinion, has been converted into a political inquisition. Patriotism is made to consist in a servile submission to its decrees. Offices and honors are offered to those only who will renounce their independence, and give their support to the 'old and established usages of the party,' while denunciations without measure are poured forth upon the heads of those who dare to ques-



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tion the infallibility of the decrees thus obtained. These denunciations have had their effect upon weak and timid minds, while the inducements offered on the other hand have not failed to enlist profligate politicians. These systems constitute the machinery of the Albany Regency. Honest men need no such aid to maintain a just influence. The safety of the state is not to be secured, nor its welfare to be promoted, by combinations to deprive the people of their constitutional power. When in Republican states men attempt to intrench themselves beyond the popular reach, their designs require investigation. Such men have for three years exercised the authority of this state. And what have they done to promote its prosperity or to add to its renown? The judiciary, once our pride, is humbled and degraded. The march of internal improvement is retarded, and the character of the state is impaired. Let the proceedings of the present legislature speak—a legislature composed of members, most of whom were pledged in their several counties, and all of whom were instructed to restore to the people their constitutional right of appointing electors of President and Vice-President of the United States. Yet its journals exhibit little else than contradictory measures affecting private corporations, together with all the practices of chicanery and open opposition to the very law they were required to pass. And all this has been done to effect the election to the presidency, of a citizen of this state known only by successive developments of his political intrigues, while he is deficient in all those high qualifications which ought to distinguish the chief magistrate of a free people.”

The man who could write such sentences—charged with moral indignation and shrewdly turned, so as to make the most of every possible advantage—might safely count on a political career. The arraignment of his late idol, Van Buren, was too severe, but it was expressed so positively that many must have accepted it without question.

The result of the state election was a defeat as pointed and reproachful as Seward's address. Clinton's majority amounted to nearly seventeen thousand votes; and Tallmadge, the candidate for the lieutenant-governorship, re-

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ceived a majority of over thirty-two thousand. Hammond, the historian of the state, called it a "tornado," and added: "In short, never was there a political revolution in this state more decisive and complete." As to national politics, the reader need hardly be reminded that the presidential election of 1824 gave no candidate a majority of the electoral votes; that, consequently, the election was thrown into the House of Representatives, and that by the support of the Clay electors Adams was chosen President. Clay became Adams's Secretary of State.

From this high tide of success for Clinton and Adams the waters rapidly receded. The hue-and-cry that the Jacksonians set up about the "bargain and sale," as they called the alliance between Adams and Clay, drew off a large number from the Clinton-Adams party. Writing of the campaign of 1826, Seward says in his autobiography:

"The organization of our new 'National Republican' party became torpid, and we continually declined in strength. There remained, indeed, true and faithful men in every county of the state of New York, with whom it was easy and pleasant to act in concert. But, notwithstanding the best efforts of this class, we were only able to save the re-election of Clinton in 1826, while our Republican opponents carried the lieutenant-governorship, majorities in the state legislature, and a majority of the Congressmen. Perhaps the earnestness of my speeches and letters, in aid of the national administration, may have attracted some attention in this period of defection and decline."

By 1828 Seward's experience and reputation in politics had increased to such an extent that he concluded that it was about time for him to receive something from the party to which he had "dedicated" himself. A political friend who was surrogate of Cayuga county wished to be free from his office. His resignation and

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a letter to Governor Clinton recommending that Seward be appointed his successor were handed to the young aspirant. With a heart full of confidence Seward bore them to Albany to make a personal application, and to receive—merely his “first initiation into partisan ways and usages at the state capitol.” After the governor had accepted the resignation and sent Seward’s nomination to the senate, but before the senate had taken any action, it became generally known that Clinton had allied himself with Van Buren, his former political enemy, for the purpose of opposing the re-election of Adams. This excited the Adams men at the capital, and they called an indignation meeting. As an active politician, Seward at once sided with those known as National Republicans (Adams men) and attended the meeting. He ought also to have requested the withdrawal of his nomination. Of course the senate rejected it. Seward recorded that subsequently he always had a prejudice against seeking or accepting a “trust conferred by executive authority.” Undoubtedly this was due to the impression that such a trust did not leave him much independence.

A little later a convention of the young men of New York who favored the present state and national administrations was called to meet in Utica. Seward was one of the delegates from his county. At a preliminary caucus the rivalry between the city and the country delegates for the choice of president of the convention became so strong that there was danger of a serious disagreement. When the excitement was at its height Seward plainly expressed his preferences, but warned those present against the folly of putting so much stress upon such a question, and then he promised the caucus that he and his friends would abide by the decision of the majority. He moved that such was also the pledge of the minority and that the meeting should adjourn,



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leaving the further consideration of selecting a president to the convention that should assemble the following morning. These opinions showed his superior good sense, and the result left no doubt as to his talent for politics. The next morning he went to the convention a little late. The city and the rural candidates had compromised on him; and when he entered the convention it rose to receive him, whom it had just chosen by unanimous vote to be its president.

In the same year he had a ludicrous experience resulting from secret association with the Anti-masonic party in Auburn. Many of his National Republican friends had recently become Anti-masons, and he frequently aided them with practical suggestions; for both the Anti-masons and the National Republicans regarded the regular (Democratic) Republicans as a common political foe. It was expected that one Archibald Green, an elderly and prominent pioneer of the county, would be nominated for Representative in Congress. Seward very carefully prepared resolutions and an address to suit the prospective announcement. They correctly described Green as "one of the earliest pioneers of western New York, matured by age," and "covered with the titles of official distinctions." An Anti-mason was to father the resolutions and address and present them to the convention. Seward, chuckling with pride over his sly intrigue, made excuse to attend to legal business in a neighboring village. On returning home that night he was surprised by being addressed by his neighbors as "Mr. Congressman." At the last moment it had been thought best not to nominate Green; so Seward had been chosen instead, and his name had been substituted without further change being made in what was descriptive of the pioneer. Boy in grandfather's coat and hat, dragging a great staff, was never more ludicrous than our budding politician placed in the

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political picture-frame made for the veteran. It soon became known that Seward had written the misplaced description; his enemies covered him with ridicule; his own partisans denounced him as an "intriguer and betrayer." His humiliation was complete; but he waited quietly.

When the National Republican convention of the district was in session, a little later, although he had not been permitted to be a delegate, and was now received with hisses, he went directly before it. In perfect frankness he explained to the convention how the absurd blunder happened to be made, and then resigned his nomination, and assured them that he would stand for no office whatever. Full pardon could not long be denied to one who had the courage and shrewdness to take such a course. It was the only sure way to demonstrate that he was still a National Republican. Naturally he was not active in the subsequent campaign; but he was fully restored to his former place in the party in time to share in its crushing defeat in 1828.

During the time Seward was making these experiments in politics the growth of his general popularity was indicated by several non-political distinctions conferred upon him by his townsmen and others. Lafayette's visit to the United States, in 1824-25, was a wonderful triumphal march, extending through countless cities from Bangor to New Orleans. It lasted more than a year. Auburn shared in the glory and sent out an escort of her favorite citizens to welcome the beloved Frenchman. Seward was one of the reception committee, and, with the mayor, had the honor of accompanying Lafayette on the drive from Auburn to Syracuse.

On July 4, 1825, Seward delivered a public oration in Auburn on the subject of the Union. A little less than two years later he made a brief appeal to his fellow-citizens in behalf of starving Greece, then engaged in a

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desperate struggle with the pitiless Turk. It was pitched in a tone of Christian humanity and was direct, eloquent, and sympathetic. In 1828, he read before the Adelpic Society of Union College a sketch of the life of David Berdan, one of his young collegiate and legal comrades, who had recently died at sea of consumption. Berdan had a gentle, almost timid, nature, a fine and poetic temperament. The eulogy was very modest in its aims, but it is worth a passing notice because it shows how fully Seward appreciated feelings and natures foreign to his own.





## CHAPTER III

### THE RISE OF POLITICAL ANTI-MASONRY

SEWARD'S tastes, associations, and ability had already appeared to be chiefly political; but now, after his first experiments and the election of 1828, he found that his party was moribund. To join the forces controlled by the Regency would do violence both to his feelings and to his principles. The alternative was to enlist in the Anti-masonic movement, which suited his temperament and promised to satisfy his political ambition.

American political history contains no episode more strange than the story of the Anti-masonic party. It sprang from no special theory of government or new deduction from the Constitution; its origin was due to an ill-judged act of violence, in September, 1826, which was wholly non-political in its nature. The object of this violence was William Morgan, a luckless soldier of fortune, who had followed different occupations in different localities. He was then living in Batavia, New York, and had formerly been an active member of the secret society of freemasons. During the summer of 1826 it became known that he was about to publish a book revealing the secrets of this order. Several indirect efforts to prevent the publication having proved unavailing, Morgan was seized in Canandaigua, bound, and carried to Niagara. It was believed that he was either killed there or drowned in Lake Ontario.

What was known, together with what was surmised, aroused the greatest excitement in the rural community

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in which he had resided. The mystery of his taking-off begot new and startling details with each narration of his fate, and supplanted all the ordinary topics of gossip and discussion. When it was discovered that nearly all who had been parties to the abduction were freemasons, popular feeling was greatly intensified. When it was declared that the kidnapping was merely the work of a few zealots acting on their own responsibility, it was believed that the conviction of the offenders would be easy. The public was surprised, however, to find that many freemasons belittled or excused the crime and ridiculed those who were desirous of seeing it avenged. It was several weeks before the principals and the particulars in the spiriting-away of Morgan became known. Meantime some bold efforts had been made to seize or destroy his manuscript; but they failed, and the book appeared. When the leading abductors of Morgan were required to answer indictments for the conspiracy, three of them pleaded guilty. This unexpected act increased popular amazement. A fourth person was brought to trial and convicted.

Encouraged by the results of these trials, and possessing additional evidence, committees from different counties of western New York met shortly afterwards at Lewiston, in Niagara county, for the purpose of devising plans for further prosecutions. Soon serious difficulties arose. Masons interfered with the meetings of the Anti-masonic committees. Many persons were brought to trial for the part it was supposed they had taken in the abduction, but in almost every case they were acquitted. In most instances, likewise, it was discovered that the juries were largely made up of masons; that the judge or the sheriff or the prosecuting attorney belonged to that society. Important witnesses and supposed accomplices disappeared. Even the sheriff of Niagara county had assisted Morgan's kid-

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nappers. New rumors as to Morgan's fate were constantly current; it was alleged, for example, that his body had been found in Lake Ontario, and, again, that he had been seen in good health in Smyrna, Asia Minor. Not a few good masons, like Governor Clinton, recognizing the seriousness of the offence and of the consequent excitement, endeavored to assist in punishing the offenders so as to check popular alarm. Others, whose actions were more regarded, in their exasperation at the extravagant charges made against the order, were ready to give all needed aid, without scruple or question, to any "brother." To many it seemed as if a secret and conscienceless brotherhood had conspired against the rest of society.

The Anti-masons grouped all these facts and fears together, and rushed to one conclusion: the obligations of freemasonry and those of citizenship were incompatible. To be sure this was neither absolute justice nor precise logic, but it was both practical and natural reasoning. In the energy of the Anti-masonry movement, although often misguided by personal interests, there was a deep significance, which Judge Throop happily expressed in sentencing the criminals at the first trial: "We think we see in this public sensation the spirit which brought us into existence as a nation, and a pledge that our rights and liberties are destined to endure."

This turning of the Anti-masonic guns from the participants in the outrage to train them upon the society of freemasons, and especially upon freemasons in public places, practically put upon the defensive all who were unwilling to renounce their order. In the mind of many the question thenceforth was not whether kidnaping and murder were to be ferreted out and punished, but whether freemasons should allow themselves to be persecuted merely because they belonged to a secret

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society, some few of whose members might be guilty of a serious crime. In several instances local societies harbored and gave direct assistance to members who were plainly guilty. It was charged that even where masons confessed or were convicted of participation in the outrage, in no instance did a lodge punish or expel them. Thus the question became one of masonry or anti-masonry; absolute justice before the law was a matter of secondary importance.

Before the excitement took a definite political course, it grew until it created the confusion of a whirlwind. Newspapers presented each side in the most inflammatory articles. Private affairs were neglected, and the energies of the people were absorbed in recriminations or were devoted to inquiring as to the fate of Morgan. Masons were turned away from the communion-table. The influence of nearly every religious denomination was thrown against the order; and in the town of Poultney every doubtful preacher was required to declare "the institution of masonry a bad institution" before he was given a hearing on religious questions. Even women held meetings and resolved that their daughters should not marry masons. The Anti-masons formed mock lodges and amused the public by extravagant and farcical ceremonies, by which the most ridiculous specimens of humanity were rushed from one high-sounding degree to another. Many of the masons yielded to the influence of the Anti-masonic campaign and withdrew from their lodges, while some of the lodges even surrendered their charters. When masons and others justly complained of all this absurd excitement, they were promptly answered with the question: "*Where is Morgan?*"

The earliest efforts to defeat candidates for office who were masons were made in certain local elections in the spring and summer of 1827; but political Anti-ma-



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sonry first assumed a definite shape in the campaign of 1828. The National Republicans, whenever they found it feasible, selected as their candidate some one who was not a mason; and the (Democratic) Republicans, soon comprising almost all the active masons and those who felt indignant at the actions of the Anti-masons, generally chose pro-masonic candidates. As Jackson was a mason of high standing, and Adams was not, and had declared that he never would become one, the Anti-masons favored Adams's re-election. But owing to a failure of the National Republicans and the Anti-masons to unite upon a state ticket, the Republicans were successful. However, the Anti-masons were greatly astonished at their own extraordinary strength, especially in western New York. That a party just founded should be able to elect four or five senators—reports differ—and seventeen assemblymen, showed a surprising development. It seemed to promise the control of the state in the near future.

The Anti-masons were so greatly encouraged that they soon called a state convention to meet in Albany, in February, 1829, for the purpose of perfecting the state organization and widening the scope of the party. Thenceforth, until the Anti-masonic decline set in, they carried on the most effective system of political propagandism that the state had ever known.

Seward sympathized with political Anti-masonry as early as 1827, but he did not openly join the party until about the end of 1828, after the followers of Van Buren and the Regency had elected all of the Cayuga county delegation in the assembly. As yet the east-bound wave of Anti-masonic popularity had not crossed "Cayuga bridge," the western entrance to Seward's county; but in 1829 the Anti-masons secured two out of its four representatives. Seward's first open and conspicuous act as an Anti-mason was to attend a convention of that



party in Albany, in February, 1829. This was the first convention at which measures were taken to make the party thoroughly political and national. Seward was a member of the committee appointed to consider the propriety of recommending a national convention. The report favored making the organization "co-extensive with the evils which they would correct," and suggested Philadelphia, September 11, 1830, as the place and date for a national convention.<sup>1</sup> On account of a speech that he made at this time he was at once accepted as one of the leaders. He was a delegate to the state convention at Utica, in August, 1830, and to the national convention in Philadelphia, in September, 1830. He was now a full-fledged politician.

One of the greatest difficulties confronting the new party was the refusal of the (Democratic) Republican newspapers to give any regular or serious attention to its actions. They either ignored the Anti-masons, as if they were a faction in China, or else ridiculed their leaders and complained of their extravagances. There were already more than thirty Anti-masonic newspapers, but they were entirely local in their character and circulation. Outside of the western half of the state the aims of Anti-masonry had never been carefully laid before the people. Now that the party had a significant representation in the legislature, it was desirable to found an official organ at the capital. So the first number of the Albany *Evening Journal* appeared March 22, 1830, under the editorship of Thurlow Weed.

Thurlow Weed had been a boy-soldier in the war of 1812, and subsequently a printer. After making several unsuccessful ventures with small newspapers, he

<sup>1</sup> *Proceedings of the Albany Convention of February 19, 20, and 21, 1829*, pp. 18, 19. In his autobiography Seward erroneously mentions 1830 as the year when he attended this Albany convention.

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settled in Rochester. His quick political sagacity early showed itself. He was one of the first to advocate publicly the nomination of Adams. In the campaign of 1824 he helped to harmonize the discordant elements within the Adams party, and was elected to the assembly. The news of the Morgan outrage was the occasion of his giving some keen advice to masons, which caused disaster to his newspaper; but he soon founded another one devoted to Anti-masonry. He had led the attempt to secure convictions in the courts, and had been most influential in planning how to take advantage of the different stages of the development of Anti-masonry as a political party, from its origin near Rochester to its organization as a state party with national aims. During the first Anti-masonic campaign a corpse was found in Lake Ontario. The Anti-masons insisted that it was Morgan's; the masons ridiculed the idea. It was alleged that Weed said, "It's a good enough Morgan until after the election." The story stuck to him, for his enemies regarded the remark as typical of his character as a politician. In 1830 he was again a member of the assembly. In a letter written in January of that year he gives this picture of himself: "When not engaged in the house, I am, as usual, busy as a bee in a tar-bucket writing political letters and editorial matter for nearly a score of papers of our kidney in various parts of the state. We shall, as you conjecture, push the Regency hard next fall."

When Seward was making a trip to Niagara Falls in 1824, his carriage broke down in Rochester. Weed was one of the strangers that came to his relief. Seward and Weed soon became friends, and a close personal alliance between them was formed shortly after Seward cast his political lot with the Anti-masons. Prior to 1830, Seward was not very prominent, but he was exceedingly active. He became almost at once the actual leader of

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the party in his county, using both tongue and pen in its behalf.

When a party nears the point of possible success it is likely to consider the question of victory more important than a rigid adherence to the principles on which it was founded. The Anti-masonic state convention that was held in Utica, in August, 1830, illustrated the rule. Feeling their great power in the western part of the state, the leaders began to search for a remedy for the lack of party popularity elsewhere. Under the name of the Working Men's party were grouped many of the discontented—such as mechanics that desired certain legislation in their interest, and National Republicans that had lost faith in their party and were unwilling to unite with either the Republicans or the Anti-masons. Hoping to attract such voters, the Anti-masons expressed opinions on other questions than those relating to secret societies. To Seward, as chairman of the committee on resolutions, was given the task of finding and expressing an identity of interests between the Anti-masons and the discontented elements mentioned, so as to make it appear quite natural to nominate for lieutenant-governor one whose prominence had been due solely to his favor with working-men.<sup>1</sup>

<sup>1</sup>The following passage shows that Seward had the partisan's instinct and knew how to sharpen a point. "*Resolved . . .* That in the events which called the party into existence we have proof that the society of freemasons has broken the public peace, and with a high hand deprived the state of a citizen; that in the guarded and studious silence of the press throughout this Union on the subject of that outrage, we have proof that freemasonry has subsidized the public press; that in the refusal of the house of the assembly to institute a legislative inquiry into the acts of the society of freemasons in relation to that outrage, we have proof that the legislative department has been corrupted; that in the withholding by the acting governor of all positive aid in bringing to justice the actors in that profligate conspiracy, and in his recent denunciation of the same public, which when a judge he hailed as 'a pledge that our rights and liberties are destined to en-



Although Anti-masonic sentiment reached its highest stage of excitement in New York, it was more successful in Vermont, where it obtained entire control of the state government; it extended through nearly all the New England and middle states and to some of the western. However, it was natural that in the attempt to found a national party the Anti-masons of New York should be the leaders; for they possessed energy, shrewdness, and ambition, and some of them were thoroughly sincere. The national Anti-masonic convention that assembled in Philadelphia, September 11, 1830, contained delegates from ten states and the territory of Michigan. Most of the New York party chiefs were present. Thaddeus Stevens was among those from Pennsylvania. Committees were appointed to make reports to the convention on a dozen important subjects connected with political Anti-masonry.

The proceedings of this convention show that Seward was the only delegate that was asked to make more than one report. He was charged with the task of preparing a statement of the progress of Anti-masonry throughout the United States, and of writing resolutions for the convention. His reports display great keenness and brevity of expression. In three octavo pages the entire history of political Anti-masonry is reviewed in a crisp, vigorous style. His resolutions were so concise and pointed that they were adopted as the platform of the party. In the debates he was also prominent. And he made successful efforts to exclude extravagant lan-

dure,' we have proof that freemasonry has made a timid executive subservient to her will—and that in the escape of the guilty conspirators by means of the masonic obligation of witnesses and jurors, we have fearful proof that freemasonry has obstructed, defeated, and baffled the judiciary in the high exercise of its powers. 'That for these reasons the society of freemasons ought to be abolished.'—*Proceedings of the Anti-masonic convention held at Utica, N. Y., August 11, 1830, pp. 4, 5.*

guage and prevent hasty action. The report of a delegate referred to the masonic institution as "Satan's synagogue." Upon Seward's motion these words were stricken out. Some members, too, were anxious to nominate a presidential candidate; but Seward suggested that the approaching state elections might result so as to call for some action not yet thought of. He seemed to feel the excitement so prevalent in the convention, and burst forth in glowing if not perfect eloquence :

"But, sir, this flame of Anti-masonry, vilified, ridiculed, despised Anti-masonry, which has not had the might of the press, or the good opinion of influential men, who have heretofore flourished in this nation—what has it done? Look around you, and ask any man who knows the fact, whether what there is of talent and respectability, what there is of virtue in this convention, is selected from the talent, the respectability, or the virtue of any party or parties which ever agitated any part of this community? Sir, they are new-made men; they are the made men of Anti-masonry. It is the opposition to secret societies which has called them forth. And in the energy and dignity of freemen, with which, in the face of this community, we are prosecuting this cause, you have an indication of that virtue, of that spirit, that redeeming spirit which called into existence the liberty and independence of this people."<sup>1</sup>

While Seward was in Albany, on his way to Philadelphia, Weed asked him a few pointed questions about giving up a part of his time to public office. When Seward returned from the national convention he found that he had been nominated as the Anti-masonic candidate to represent Cayuga county in the state senate. The campaign of this summer and autumn was noisy and grotesque—cannon, brass bands, mock masonic ceremonies, and fiery oratory were employed to keep up the excitement among the people, and to show

<sup>1</sup> *Proceedings, etc.*, 121.



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to the opposition that the Anti-masons were masters of the political field.

This election of 1830 marks the high-tide of political Anti-masonry. Throop, the Democratic candidate for governor, received one hundred and twenty-eight thousand votes, while Granger, the Anti-masonic candidate, received one hundred and twenty thousand. In the election of the previous year Seward's senatorial district had given a majority of over thirteen hundred against Anti-masonry; in 1830 Seward turned the scales with a majority of over eighteen hundred. This becomes all the more significant when we remember that Throop and Seward were residents of the same county.

Seward had won marked success as a young political leader in party conventions. He was now to enter upon a new task—that of attempting to influence legislation when he was in a small minority.

## CHAPTER IV

### THE STATE SENATOR

THE Albany of 1830 was very different from the capital of to-day. Although it had a population of only about thirty thousand, it was the centre of the political and social life of New York. The children no longer sang on December 6 :

“Sint Nicholas, myn goden vriend,  
Ik hab u altyd wel gediend”;

but the influence of the original settlers was still felt. Most of the aristocratic families bore Dutch names, and odd words of the same foreign origin were often heard in the best society. Likewise, here and there stood those quaint old buildings, made of Holland brick, with peculiar gables and wide porches, boasting of their age in huge iron letters set in solid masonry. New-Year entertainments were as common as in earlier times. The leading state and municipal officials kept open house, and “all the world went to see the dignitaries and drink their wine,” as Seward wrote. They enjoyed a modest conviviality and a social simplicity that are now unknown. The hotels were small ; and Eagle Tavern, an old inn facing the Hudson, in what was then called South Market Street, was headquarters for the politicians.

The state senate, then patterned after the English House of Lords, was a court for the trial of impeachments and for the correction of errors in all the state

courts. It consisted of but thirty-two members, and its discussions rarely rose above the tone of conversational arguments. It contained the best men and the legislative leader of each party.

The prominent Democratic members of the senate, during all or a part of the time Seward was there, were N. S. Benton, Nathaniel P. Tallmadge, and J. W. Edmonds. Their personal traits were very different, according to Seward's descriptions. Benton was ready to discuss extemporaneously every question that arose; Tallmadge made careful preparation and came forward with the heavy artillery of debate. Benton was effective by force of his boldness, energy, and self-assertion; Tallmadge was prudent and sagacious, and his eloquence and genial personality made almost every senator his warm friend. Edmonds did not enter the senate until 1832. He served on the most important committees and was the author of some of the most famous measures of his party. In committee he usually wrote the report, and on the floor he was generally the party leader on financial questions.

The trumpet of the Democratic party was the *Albany Argus*; and to its editor, Edwin Crosswell, were assigned many of the duties of generalship as well as those of trumpeter. Others originated the leading measures and formulated the legislative policy of the party, but Crosswell was master of the journalistic campaign. Thurlow Weed described him as a man of "quiet, studious, refined habits and associations"; he lived and worked in close connection with the Regency, most of whose members at times wrote political articles for the *Argus*.

The leader of the eight Anti-masons in the state senate was William H. Maynard. Both lawyer and journalist by profession, he devoted himself to politics. On questions of finance and internal improvements he had no superior, and his learning, as Seward said, was some-

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times "poured forth in a torrent of sparkling eloquence." Unfortunately, he died in the summer of 1832. His intimate comrade in debate was Albert H. Tracy, who was more brilliant and cultured but less learned. Although ambitious, he won confidence by the charm of his manner. After Maynard's death, Tracy became the Anti-masonic leader in the senate.

In the assembly the prominent Anti-masons were Francis Granger, Millard Fillmore, and John C. Spencer. Granger had been much more conspicuous politically than any other member of his party. As has been noticed, he came within a few thousand votes of being elected governor by the Anti-masons in 1830. Tact and cleverness, rather than extraordinary ability, were the sources of his popularity. He was prepossessing in appearance and manner, and had wit that was bright and harmless.<sup>1</sup> Fillmore was one of the earliest Anti-masons. His political career—chiefly remarkable on account of its graceful mediocrity and success—began in 1828, when he was elected to the state assembly. There his best work was done to abolish imprisonment for debt. In 1832 he was elected Representative in Congress. John C. Spencer was a brilliant lawyer, and sincere and able, but never very popular as a politician.

Entirely different from all others, and politically superior to them, was the editor of the Albany *Evening Journal*. Seward spoke of him in his letters in 1831 as "the magician whose wand controls and directs the operations of the Anti-masonic party," and as "a politician, skilful in design and persevering in execution, whose exciting principle is personal friendship or opposition, and not self-interest—that is just Thurlow Weed." "He sits down, stretches one of his long legs out to rest on my coal-box; I cross my own; and,

<sup>1</sup> Seward, 171, 172, quotes Seward's opinion at length.



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puffing the smoke of our cigars into each other's faces, we talk of everything and everybody except politics." In later years there was no less smoke but much more talk of politics. Although not yet within a quarter of a century of the maturity of his political power, his traits were already well developed. A keen knowledge of men and of their controlling motives and impulses, foresight coupled with great ability to devise and to execute party measures—these seem to have been his best and most distinctive qualities. Unaided, he usually thought out the campaign; then he would drop a few suggestions where they were most likely to be received and followed: the primary movement appeared to be started by others, yet it soon incorporated Weed's special purposes. Only after the plan had been completed did one recognize the author, it had seemingly been evolved so free from individual dictation. He divided politicians into bosom friends and despised enemies. Seward described him at this time as the perfection of noble manhood. Weed really had the heart of a soldier: he fought without sentiment or fear or—many have always believed—without scruple; but, after the battle, he often showed much magnanimity. His editorial articles were generally brief and pithy; frequently they were coarse and intensely personal. The Democrats hated him so thoroughly that they were likely to defend and praise any one whom he attacked. Weed's opponents never tired of the "good-enough-Morgan-until-after-the-election" story; and they even caricatured him at the theatre, in the vain hope that ridicule would break his power.

These were the most conspicuous of the men among whom Seward began his public career. All were his seniors in both years and experience. His party had polled a very large minority vote, but its representation hardly exceeded one-fourth of either branch of the legislature.

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After he had sat in his seat for ten days like a stone, not daring to open his mouth among the "conscript fathers"—in fact, almost afraid of his own shadow, as he said, he ventured to offer a resolution of inquiry in regard to some frauds practised by the Regency party upon the revenue arising from the excise upon salt manufactured at Salina. His over-conscious timidity was not apparent to others; so he received credit for boldness, and won a place among the leaders of his party. Thereafter, as he wrote, he felt that he could speak without fear, if there should be occasion to address the senate.

The occasion came within a month; and on the subject of the state militia he made his first real speech. The militia system of New York had been organized under the United States law of 1792, at a time when the British still held some of our forts and when there was danger of attack from Indians. Enlistment, with few exceptions, was compulsory with all men between the ages of eighteen and forty-five. On paper the state militia contained, in 1831, nearly two hundred thousand men. Seward drew this amusing picture of the way they were armed:

"Look at the arms exhibited at any regimental muster, and you will perceive that they have but one of the qualities requisite, that is, the *variety* of war-like weapons—guns, blunderbusses, rifles, fusils, muskets, with flints and without them, some wanting locks, some wanting stocks, some wanting barrels, to say nothing of the arms of the *élite*—walking-canes, whip-stocks, and umbrellas. I believe I have seen sixty muskets in a company, of which not ten would speed a bullet."

Several years before this time Seward had assisted in the formation of an artillery company in Auburn, and was chosen as its captain. The local militia rapidly increased in size, until a major and then a colonel were required. In each transformation Seward was given the

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highest office. Undoubtedly his experience was of practical value to him. Now he maintained that the time had come to decide whether the militia system should be preserved or abandoned. He proposed, as a remedy, both for present and threatened evils, that the force be reduced to a little more than one-fourth its number—to fifty or sixty thousand men—and that service be made voluntary. This, he held, would suit the financial conditions, while it would improve discipline and the military spirit among the soldiers. But his ideas were deemed too radical for adoption.

In April, 1831, it was proposed to amend the constitution, so that the mayor of New York city should be chosen annually by the electors qualified to vote for the other officers of that city. Those who opposed this proposition favored a plan to give the legislature power to decide from time to time how the mayors of the different cities should be chosen. A few days later Seward made a clear, strong speech in support of the original proposition.

“Again, sir, the tendency of all our principles of government is to democracy; the new constitution took the appointment from the council of appointment, and conferred it upon the immediate representatives of the people [the common council]. There is but one more change before you reach absolute democracy; that is the one now proposed, and conceded to be proper.”

He maintained that to let the legislature decide would be to turn back upon the path of progress and restore the strength of the central power at Albany. “I am in favor of giving the election to the people, and of extending the same right of election to all the cities in the state. . . .” The citizens of New York city were soon granted the right that Seward advocated.

The angry struggle between President Jackson and Congress on the question of the recharter of the Bank

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of the United States, and on account of the removal of the government deposits from that bank, is familiar history, and need not be recounted here. The journals of the time were filled with the enraged eloquence of Clay and the ponderous arguments of Webster on one side, and those of Thomas H. Benton and Silas Wright on the other. Jackson was serving his second term, and it was well understood that he wished Van Buren to be his political heir. Van Buren's success depended upon that of Jackson's anti-bank policy. Therefore the New York Democratic leaders not only followed Jackson, but also brought this question early before the state legislature. At first, in the spring of 1831, the resolutions merely declared that it was the "sentiment of this legislature that the charter of the Bank of the United States ought not to be renewed."<sup>1</sup> In 1832, the United States Senators were instructed, and the Representatives requested, to vote against such renewal.<sup>2</sup> Finally, at the beginning of 1834, the resolutions were so enlarged as to "highly approve" of the "removal of the public deposits from the Bank of the United States," and "the reasons given by the Secretary of the Treasury relative to the removal. . . ."<sup>3</sup>

The faithful chronicler, Hammond, says that Maynard and Seward opposed the resolutions of 1831 "with great zeal and ability." The debate of 1832 was an interesting one: Seward spoke for parts of two days,<sup>4</sup> and Tallmadge made a long reply to Seward.<sup>5</sup>

The resolutions of 1834 had been hurried through the assembly without debate. It was well known that

<sup>1</sup> *Senate Journal*, 1831, 256.

<sup>2</sup> *Senate Journal*, 1832, 71.

<sup>3</sup> *Senate Journal*, 1834, 41, 42.

<sup>4</sup> *Albany Argus*, February 2, 1832.

<sup>5</sup> *New York Evening Post for the Country*, February 7, 1832. Seward's speech is not included in his *Works*, but it was printed in the *Evening Journal* of February 13, 1832.



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there were only about half a dozen senators who would vote against them. The former leader of the minority, Maynard, was dead, and Tracy was unwilling to take part in the attack; so Seward was urged to formulate the objections of the small minority. There was no expectation that his speech would influence the senate; it was mainly intended for the voters in the state. His shafts were directed especially against the purpose and propriety of resolutions by the state legislature, for the bank question was entirely national. "Neither boldness of assumption nor superiority of numbers is always the test of truth," he said, in beginning. Such resolutions, he maintained, were entirely unnecessary, and were

"often, if not always, the machinery of demagogues, who seek by the use of them to accomplish objects which they could not accomplish by the constitutional and proper action of legislative bodies. In such cases, the affectation of a desire to instruct is a veil too thin to conceal the object of the measure. . . . Every state has the same constitutional right, and may as properly exercise the power of instruction. Suppose all to exercise it, where would be the freedom, and what the value of debate?"

It was by similar resolutions, he reminded the senate, that parts of New England had, during the late war with England, been brought into disobedience to the general government; the recent expressions of disunion in Georgia and South Carolina had commenced in a like manner. His direct appeal to the senators proved that he commanded a dramatic style of expression:

"And now I pray senators to consider what it is they are called upon to do. It is to instruct, not our representatives, but the representatives of the people of this state, to ratify and confirm this usurpation, and surrender to one man not only the treasures of this nation, but their own powers and duties with our own. If you will send these

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instructions, send one more with them. Tell them to forswear the memory of their fathers, their country, and their God. You will then have left them no more of evil to commit, no more shame to incur. . . . Sir, I have confessed that I had no hope that anything I could say would change a single vote in this house. Yet, when my fears are all excited by a view of the ruinous and lasting consequences of this usurpation, and when I reflect on the precipitancy which marks this act, I could kneel before this senate and implore them, could conjure them by our common hopes, and common interests, and our common recollections, to pause before the reckless measure be accomplished."

Although this speech did not furnish positive evidence of great forensic ability, it was substantial and well directed. Its dignity, however, was somewhat marred by an attempt to make an eloquent and haughty reply to an attack upon his personal position as an Anti-mason and his alleged "aristocratic associations" during his recent trip to Europe. Seward soon recognized his mistake.

In this debate he told the Democrats that in place of one strong fiscal agent of the government, thirty or forty with feeble and distracted powers, without responsibility or credit, had been substituted; that the evil effects of the change would increase until industry was paralyzed and commerce arrested in all the market towns on the seaboard; that the banks, having extended their discounts to the utmost limit, would close their vaults, and the applications for renewals and additional loans would be answered by the visits of the sheriff to the houses of the debtors. Within three months the disorganization of business had become so great that Governor Marcy thought it necessary to send a special message to the legislature urging a state loan of six million dollars in stocks to the banks and citizens of the state to stay financial disorders. Marcy's argument started with the assumption that all the confusion and

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danger were due to the hostility of the Bank of the United States. The law reported in compliance with his message provided for the distribution of the loan through certain state and county commissioners. Here was the party lever for the coming elections.

Again Seward spoke for the feeble minority, for his leadership was now unquestioned. His speech showed familiarity with all the facts connected with the financial confusion of the time. The whole bank question was reargued in outline. His special objection to the bill under consideration was on account of its "*corrupting* operation":

"In addition to a debt of two and a half millions owed to the treasury by the state banks, you would loan them four millions; you would make it their interest to become subservient and to do the will of those who wield the power of the state—you would thus establish directly and inevitably a great moneyed power to be wielded by the public officers; in other words, by the dominant party through the agency of moneyed corporations operating directly upon the people. The consequence of this will be the corruption of the government, the banks, and the people. . . . You appeal to the cupidity of some and operate upon the necessities of others in every county in the state. . . . In my place as a senator, I declare that to be opposed to the administration is a disqualification for the office of loan officers. . . . Thus, sir, in this free republic, is the money of the people proposed to be employed by the government to corrupt the people themselves."

Although, as he said, he blushed to think that it had been reserved for New York to establish such a system, he could not regret that the honor of its paternity belonged to one whose fame as a representative of this state in the Senate of the United States rested upon the declaration of the principle "that to the victor belongs the spoils of the enemy." Seward understood how to draw a partisan indictment. The bill became a law, but the banks never called on the state for aid. It was Ham-

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mond's opinion that Marcy's course was subsequently generally approved "and especially by the Whigs."<sup>1</sup>

These four speeches represent but a very small part of Seward's activity as a legislator. His private letters, the records of the senate, and newspaper reports show that he closely followed the measures before the upper house, and that, after the first year, he not only stood foremost among his Anti-masonic colleagues, but also ranked with the five or six ablest men in the state legislature. Many of the questions that came up were non-partisan in their nature. The abolition of imprisonment for debt, and other reforms, although immediately urged by Governor Throop, received his earnest support. Internal improvements were constantly favored by him; and as the Regency party could not be brought into open and positive opposition to them, Seward's following was much increased. He was also instrumental in causing the collection and publication of the colonial records of New York.

The nullification excitement reached the New York senate, of course. For once it was clearly impolitic for the Democratic politicians of the state to follow Jackson to the limits of his anger—for Van Buren could not afford to arouse ill-feeling in the South. So they tried to make a party mantle large enough to cover both Jackson's proclamation and the latest theories developed from the doctrines of the Virginia and Kentucky resolutions. This was Seward's opportunity. He boldly championed Jackson's personal attitude and attacked the Democrats of the legislature.

It was at that period the custom for each party to issue an address at the close of the legislative session. Of the four addresses that were put forth by his party during his senatorship, Seward wrote three. Only those

<sup>1</sup>2 Hammond's *Political History of New York*, 441.



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of 1831 and 1834 are in his published works. The former was a cutting arraignment of the Democrats for alleged extravagance, when there was but little money in the treasury; for the expenditure of large sums in divers ways, and for the enactment of special laws and the granting of charters in which legislators were personally interested. His opponents paid this address the highest praise by crediting it to the pen of John C. Spencer, who added to high legal and political abilities the reputation of a brilliant pamphleteer. The address of 1834 is a model on account of the directness and the partisan fervor with which it states the evil effect of the alliance between the national administration and the Democratic politicians of New York.

The account of political Anti-masonry stopped with the adjournment of the Philadelphia convention and the partial successes of 1830. For four years after the abduction of Morgan the trials of the men charged with complicity in that act greatly aided the party by keeping alive the Anti-masonic excitement. But by 1831 the statutory limitation had barred all prosecutions except for murder. This was lamented as a great misfortune.

Early in September, 1831, word came from Boston that there was much discontent there with the reported plan of the New York Anti-masons to nominate John McLean as the presidential candidate. Weed and Maynard persuaded Seward to visit Massachusetts in the interest of the party. Boston, then the most attractive city in the United States, greatly interested Seward. He received a cordial welcome and addressed two Anti-masonic meetings. He spent three hours with John Quincy Adams in the quaint old mansion at Quincy, and one of his letters gives an excellent description of the ex-President in all his intellectual nobility and icy sincerity.

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The first national convention for the purpose of nominating a presidential candidate was held by the Anti-masons in Baltimore in September, 1831. Twelve states were represented. The hearty sympathy of such men as John Quincy Adams, Richard Rush, John Marshall, William Wirt, John McLean, and Charles Carroll, of Carrollton, gave the convention much confidence. New York's delegation was the largest and most active. John C. Spencer was chosen to preside. Seward was placed on the important committee appointed to report on the extent to which the principles of freemasonry were political. Weed was present and very influential, but his name does not appear in the records of the proceedings. William Wirt, of Maryland, and Amos Ellmaker, of Pennsylvania, were chosen as the candidates for the presidency and the vice-presidency. Although the conditions of the time made it plain that Anti-masonry was not a cause to warrant a national political party, Seward wrote that he was almost the only delegate who was not sanguine of Wirt's success.

The state election in New York in 1831 showed a slight decrease in Anti-masonic strength. The Anti-masons were much disappointed by the selection of Henry Clay as the National Republican candidate for the presidency in 1832; for the fact that he was a mason was sure to weaken the sympathy between the two parties, whose chief aim was to defeat the Democrats. Many Anti-masons had expected the National Republicans to ratify the nomination of Wirt and Ellmaker. The New York National Republican convention advised its friends to support Granger and Stevens, the Anti-masonic candidates for governor and lieutenant-governor. Likewise the Anti-masonic candidates for presidential electors were accepted on the understanding that if successful they were to vote for Wirt, if that would elect him; otherwise they were to support Clay. This gave

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many Anti-masons much confidence. Seward was very active in this campaign; he was secretary of the Anti-masonic convention of his district and reported its resolutions and address;<sup>1</sup> he was also chairman of the central committee of his county. The election of 1832 was an overwhelming defeat for the Anti-masons. Seward said that nothing but laughter seemed appropriate when they saw how groundless their expectations had been. There was no opportunity to rally the party.

Seward spent the summer of 1833 travelling in Europe with his father. They visited England, Ireland, Scotland, Holland; went up the Rhine; passed through Switzerland and a part of Italy, and returned through France. Primarily for the benefit of his family and a few friends, he wrote about seventy letters descriptive of this trip, which were subsequently printed in the Albany *Evening Journal*. Fourteen of them are preserved in his *Works*. He was evidently a thorough and enthusiastic sight-seer, and his letters were generally unpretentious accounts of what he saw and thought. He was somewhat extravagant in his sympathies with Ireland and the Irish; he found London dreary and Paris cheerful and gay. Lafayette sent Seward a cordial invitation to call on him at his Paris house and to visit him at his country-seat at La Grange. Seward's descriptions of the veteran Frenchman and his surroundings are excellent. Weed considered Seward's letters from Europe so interesting that he continued to print them even after Seward objected.

In the autumn election of 1833 Seward's own district was swept by the Democrats, and the Anti-masons of the state could get majorities for only one senator and nine assemblymen. Seward, Weed, Granger, Fillmore, Spencer, and a few others soon held a consultation and decided

<sup>1</sup> Albany *Evening Journal*, October 8, 1832.



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that it would be useless to continue the Anti-masonic organization. So the young and aggressive partisan was once more without a party.

Seward's career as state senator came to an end in the spring of 1834. During his first year in Albany he lived at Eagle Tavern. His letters frequently complained that on some days he had not ten minutes to himself; that his room was "a thoroughfare"; that he could not understand how any one was able to study, and that he himself had "retrograded."<sup>1</sup> Towards the end of his first session we find him exclaiming: "Truly, this bachelor's life is one of very few charms!" He sighed to be free from the pursuit of the lobbyists, and to be at home,

<sup>1</sup> Here is an amusing account of the incidents of one day: "I have a cause of importance to argue in the Court of Chancery, at the term which will commence next Wednesday. I have delayed, ever since last summer, to make up my brief. I determined that I would do it this day. Now mark the glorious opportunity for study afforded by the incidents of one day. Rose at seven o'clock; read the newspapers, and was shaved; ready for breakfast at eight o'clock; smoked a cigar; set to work at half-past eight; wrote letters on business till nine; sat down at my brief; went to the house three-quarters past nine; senate organized at ten; I took French leave at eleven; worked at my brief till half-past twelve. Enter Mr. P—, who had tracked me from the house—wants a new county. Some gentlemen from Cruttenden's, on the hill, were here to dine with us; left the table at four; went to the register's office, called at the Tracys', and returned at five; enter a bookseller's agent, refused to sign for his book, got rid of him at six; went down to tea; found Sacket; brought him to my room; talked half an hour; enter Thurlow Weed; enter Mr. Lynde, of the senate, and Judge Dixon; exit Mr. Weed; enter Mr. James Porter, register; exit Mr. Porter; exeunt Messrs. Lynde and Dixon; enter Mr. Fuller, of the senate, and Fillmore, of the assembly; exit Sacket; enter Messrs. Andrews and Julian, of the assembly; enter Mr. Van Buren, of the assembly; exeunt Fuller and Fillmore; exit Van Buren; exeunt omnes at ten o'clock. Down sit I at my brief; clock strikes eleven; write a letter, and throw myself into bed at twelve o'clock. This is life legislative!"—*1 Seward*, 171.



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where his little boys, Gus and Fred, played in the smoke of his cigar. He moved his family to Albany the second year, and then his manner of life changed considerably.

To Mrs. Seward he wrote as follows of an attempt to bribe him :

“The lobby are becoming corrupt and impudent. Yesterday, after I had made up my mind to vote for the Leather Manufacturers’ Bank [bill], I received a letter requesting me to vote for it, because it would be to ‘the interest of the writer.’ I threw the letter into the fire, and told Mr. Tracy that I was almost disposed to vote against the bank. The bank bill passed. To-day the gentleman appeared and told me that any amount of stock I wanted in the bank I could have at ten per cent. I told him I wanted no stock in the bank. He said he could not offer it before the bank bill passed. I told him that it was useless to offer it to me either before or after it passed. I have seen too much of these operations. ‘Give me,’ said Agur, ‘neither poverty nor riches!’ And so say I. And yet, though I see those now flourishing who practise mean and corrupt ways, I cannot think it always was so, or always will be. If I thought so, Heaven knows I would soon be out of the line altogether. But it has not been so with me. For my years, I have had good speed, and as little reverse as most; and yet I have never given one vote from interested considerations, or attached myself to a party whose principles did not receive the support of my conscience. There is nothing bright, to be sure, in prospect, yet the way seems no more difficult than that through which I have passed.”

At first public life seemed, on the whole, distasteful to Seward. Then a year later he told his “father confessor,” Weed, that it produced the effect of making him “desire to abandon active occupation altogether.” But before the end of 1833 he had discovered what proved to be, theoretically at least, his true temperament and bent.

“I shall,” he wrote, “from the force of constitutional bias, be found always mingling in the controversies which

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agitate the country. Enthusiasm for the right and ambition for personal distinction are passions of which I cannot divest myself, and while every day's experience is teaching me that the former is the very agent which must defeat the latter, I am far from believing that I should be more happy were I to withdraw altogether from political action."

Having gained considerable success in one capacity, he was all the more eager to advance to something higher. But he was wise enough to see that principle and consistency would compel him to remain in the opposition to Van Buren, regardless of the chances of defeating him.

"I shall go on as always, adopting what my judgment and conscience approve. If my political career ends where it now is, I shall have enjoyed, if not all I deserved, as much of success as is my reasonable share. If success comes as it hitherto has done, when I am laboring in what seems to me the right cause, it will be doubly gratifying, because it will bring no remorse of conscience."

These self-judgments, written to a devoted wife, who was an idealist, were very much like Sunday meditations. They were also characteristic illustrations of the pleasant sentiment and the soothing philosophy that he had for every change of fortune.

## CHAPTER V

### WAITING FOR THE RISE OF THE WHIG PARTY IN NEW YORK

THE defeat of the fusion electoral ticket of 1832 had discouraged the National Republicans and the Anti-masons of New York from further action in that direction. Weed's cutting editorial articles in the *Evening Journal*, and Seward's able debates and scathing legislative address of 1834, kept alive a strong antipathy to the politics of Jackson and the Regency, and encouraged the opposition that in different localities merely called itself the "Anti-Jackson," the "Anti-mortgage," or the "Anti-Regency" party. Weed and Seward did most to hold together the remnants of the two shattered organizations. Like good generals, even in defeat they maintained their leadership until reinforcements and a reorganization enabled them to carry on the contest in a new field. In the campaign preceding the New York city election, in April, 1834, the antagonists of the Democrats called themselves "Whigs," endeavoring thereby to liken the Democrats to the Tories, and the arbitrary acts of "King Andrew" to those of odious King George. When it was found that this new local party had cut down the previous Democratic majority of five thousand votes to about two hundred, the opponents of the Democrats throughout the state quickly adopted the name of Whigs.

The next task was to select a candidate for the governorship. Seward's political importance was so well recognized that he was urged to become a candidate for

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the New York senate, or for the lieutenant-governorship, or for the House of Representatives. One after another of those whom the managers considered for the first place on the state ticket was found to be unavailable, so they finally agreed on Seward. On the day of the meeting of the local convention for the selection of delegates to the state convention at Utica, it was erroneously reported that Seward was to be nominated for the lieutenant-governorship. In order to prevent the convention from instructing its delegates to oppose him, he had to promise not to be a candidate for that office. By this means opposition was dodged, and the state convention unanimously nominated him for the governorship. The Whigs hoped to win the support of many disaffected Democrats by choosing Silas M. Stilwell, an influential mason, and recently a Democratic assemblyman, for the lieutenant-governorship.

Seward's sense of humor and his pride were too keen to allow him to be disturbed by the disfavor with which his nomination was received in Auburn. Moreover, the opposition to him was mainly due to personal jealousy. The Young Men's Whig state convention, which met at Syracuse a few days later, approved the choice of Seward, and went *en masse* to Auburn to visit him. A salute of fifty guns, an enthusiastic procession, and a public jollification meeting served to satisfy all the Auburn Whigs of the fitness of their fellow-citizen for the high honor.

The Democrats renominated Marcy and John Tracy. On each side the campaign proceeded with much vigor. The leading questions of the last session of the legislature were rediscussed, and dry arguments were enlivened by all the available personal ridicule. When Marcy was judge of the supreme court of the state he was allowed his expenses while on circuit. Among the items submitted for payment was the following: "For mend-



ing my pantaloons, 50 cents." The Whigs made much of it in placards, banners, and humorous allusions. This greatly annoyed Marcy and the Regency. The Democrats retorted by describing Seward as a red-haired, youthful candidate—"a man of small abilities, little experience, and no consistency."<sup>1</sup> More serious were the attacks upon Seward because he had voted against an appropriation for surveying a route for the New York and Erie railroad. Although he wrote a public letter saying that the vote "had no reference whatever to the merits of the project itself," it is doubtful if many were convinced by it. He had opposed the measure because he thought that so great a work should be done by the state, instead of by a private corporation,<sup>2</sup> but he was now too politic to say so. The most severe blow to the Whigs was the discovery by the Democrats that when Stilwell was in the assembly important parts of his reports on imprisonment for debt and on internal improvements had been plagiarized from such distinguished writers as Blackstone and De Witt Clinton. The *Argus*, for several weeks prior to the election, filled column after column with ludicrous comment, and with what is now popularly known as "the deadly parallel." In addition to these charges, the Democrats truly said that all the wealthy friends of the old Bank of the United States were Whigs, and alleged that the party was an aristocratic one. The effect was to check its growing strength.

Seward shared with many of the Whig leaders the expectation of party success, but Marcy was re-elected by a majority of about eleven thousand votes. Seward described Weed as "dejected beyond measure"; but he was soon able to convince himself that it gave him positive satisfaction to contemplate the change of af-

<sup>1</sup> Albany *Argus*, October 31, 1834.

<sup>2</sup> 1 *Works*, pp. xxxviii.

fairs that would take him back to his family and his law-books and afford him leisure for congenial studies. "And so the part I have assumed among politicians has its inception, *dénoûment*, and *finale!*" he wrote, at the end of 1834. His first letter to Weed after returning to the much-coveted quiet of his study and profession was characteristic of a man who has once yielded to political ambition. He rejoiced that he was free from the wearying and "unprofitable life" he had been "leading at Albany," and hoped that he was at home to remain for a long time; but he immediately added: "Keep me informed upon political matters, and take care that I do not so far get absorbed in professional occupation that you will cease to care for me as a politician." The world knows what the politician means when he says "farewell." Seward was as human as he was shrewd.

In the spring of 1835 Seward wrote jocosely to Weed that the local "professor of phrenology" had informed him that a chart of the "geography" of the ex-senator's skull showed "two great mountains"—"Conscientiousness and Fondness for Foreign Travel!" The phrenologist evidently knew his business, although he may not have found any significant bumps. What politician would deny the soft impeachment of conscientiousness? And who about Auburn had not heard or read of Seward's letters, in the *Evening Journal*, on travel in Europe? In fact, travel was Seward's greatest pleasure; and he and his wife and their five-year-old boy, Frederick, started in May, 1835, for a three-months' drive through Pennsylvania and into Virginia as far as the Natural Bridge, returning *via* Washington, and through Maryland, Delaware, Pennsylvania, and New Jersey. This trip, undertaken for the double purpose of improving Mrs. Seward's health and of indulging Seward's taste, was a very unusual one in those days.

Seward's letters and journal show how carefully he gathered information. The condition of highways, the scenery, the economic condition of the people in different localities, and the University of Virginia, were about equally interesting to him. The subject that was most frequently mentioned in the records of the journey was slavery. From Harper's Ferry the tourists went up the Shenandoah valley, famous for its alleged fertility. Seward at once detected "an exhausted soil, old and decaying towns, wretchedly neglected roads," and a people who, while ignorant of their condition and its cause, imagined themselves most prosperous and civilized. The usual daily phenomena in a slave state wrought upon Mrs. Seward's nerves. When one day the travellers saw ten naked negro boys, between six and twelve years of age, tied together like puppies and driven to a horse-trough and a shed for drink and shelter, she felt that she could no longer look upon the horrors of slavery. Seward's descriptions of Mount Vernon and Monticello will interest any one who has ever visited those delightful homes of Washington and of Jefferson. His account of a call upon President Jackson, at the White House, gives a good picture of the old General's peculiar qualities of simple-mindedness, gallantry, and imperiousness.

Seward was quietly following his profession when, in May, 1836, a suggestion and a recommendation from Weed, whose interest was constant in every phase of his friend's life, resulted in Seward's leaving his practice in Auburn for more than two years and laying the foundation of a comfortable fortune. In 1791, Robert Morris, the great financier, acquired from the state of Massachusetts nearly four million acres of land in the western part of New York. A little later the "Holland Land Company" purchased about three and one-half million acres of this tract for the purpose of selling or



leasing it on long credit to actual settlers. By 1830 it became the source of an immense income. Yielding to the extravagant financial and political ideas of the time, many of the occupants began to feel that the owners had already been sufficiently paid. The danger from such ideas and from hostile legislation led the company to be more rigid in its contracts, and then to divide and sell its vast estate. Some wealthy residents of Batavia made a preliminary agreement for the purchase of a large tract lying within Chautauqua county. The settlers were already much excited; but when, shortly after the sale, it was reported that the recent purchasers intended to raise considerably the price of lands on which the contracts had not been promptly fulfilled, the tenants felt that they were much wronged. Agrarian agitators easily convinced many of them that the title to the land was rightfully vested in the tenants themselves, and that the destruction of the offices and records of the company would put that right beyond question. So the Chautauqua office, with all its valuable papers, was razed to the ground, and arson and personal violence were threatened against the property and the employés of the land companies at different centres.

It was at this point that Seward was asked to accept the agency of the new company, to undertake the task of averting other calamities, and to restore quiet and harmony between the settlers and the landlords. At first it was necessary to guard against threatened violence; but by energetic, yet kind, businesslike methods he soon made it plain that he sought merely what was equitable. By autumn, order was practically restored, and in six months one-half of the estate had been settled, and more than eighty thousand acres of land had been conveyed. Seward's success was so highly appreciated that the American company made him one of its partners, and in the final transfer between



the Dutch vendors and the New York purchasers he was agent for both. When the latter negotiated a loan from a trust company and gave the Chautauqua estate "on deposit" for security, Seward was even made one of the trustees of the trust company.

The Whigs found it impossible to arouse or maintain popular enthusiasm on the side of a moneyed corporation like the Bank of the United States. Seward realized this, and said in the spring of 1835 that his party could not succeed "until there is a time of popular convulsion, when suffering will make men feel and, because they feel, think!" The New York Whigs went into the national campaign of 1836 merely to maintain their party organization in general, and to gain a few local successes. Their expectations were not disappointed in either respect, for they were not great. By fusing with the Equal-rights party, or "Loco-focos," they elected one Representative in Congress, a state senator, and two assemblymen. But the Democratic victory was very pronounced, and many thought it promised a long lease of power. Seward read the signs of the time more correctly, and wrote to Weed that he was "ready and willing to renew the contest." He had been one of the earliest and most influential advocates of Harrison's nomination, and he now favored supporting him as "a candidate by continuation."

The expected "popular convulsion" came with a crash early in 1837, bringing with it the well-known financial crisis of that year. Its causes were many and far-reaching, but a general tendency to rush into unreasonable speculations, which since 1830 had been increasing from year to year, was the strongest influence. The crops had been large and had brought high prices; foreign commerce had flourished; and the sudden expansion of currency and credit had been much encouraged by the

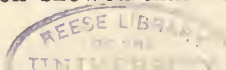
great government surplus of forty millions, in 1836, which was deposited among thirty-five so-called pet banks. In popular language, the times had been "easy," and almost every one had felt that in order to gain great riches, it was only necessary to make big ventures. Wild lands had been bought from the government, not for occupation, but to be sold again at a large profit. Congress came to look upon the condition of affairs as serious. Fearing lest the surplus revenue might either be lost through the failure of the banks in which it was deposited, or lead to extravagant appropriations, a law was passed ordering its distribution among the states. In the hope of checking the purchase of public lands for speculative purposes, President Jackson, in July, 1836, issued a circular, directing that only gold and silver should be accepted in payment for them — except from actual settlers—until December 15, 1836. The distribution of the surplus had the effect of temporarily drawing millions of money from actual use, and the specie order soon caused much specie to be moved from the great centres to the West. An unexpected stringency in the money market followed, which at once weakened the foreign credit of American business houses, and this in turn compelled the exportation of large quantities of specie. Suddenly the banks had to suspend specie payments and to curtail their usual loans. This depreciated the paper currency, and almost instantly destroyed general credit—the largest element in the previous financial buoyancy.

Only a few of the political aspects of the crisis in New York concern the present narrative. In the hope of getting nearer to a specie basis, a New York law of 1835 had forbidden the issuance of bank-notes of a denomination smaller than five dollars. Now that it was almost impossible to obtain coin, a private paper currency, popularly known as "shin-plasters," came into general circulation. They were merely promises to pay, and

were valuable or valueless according to the financial character of the promisor. This currency was very injurious to the many persons of small means. As the Democrats were in power, they were held responsible for all the ills.

During the summer of 1837 the panic grew worse. In a message to Congress in September, Van Buren admitted the failure of the existing bank system, and urged the establishment of the "sub-treasury plan." Many even of his own party regarded this as a blow at all banks, and united with the Whigs to prevent its adoption. After passing a few acts that were mere make-shifts, Congress adjourned. So, it was charged, the Democratic party had shown itself incapable of curing the ills that it was supposed to have brought about. Moreover, most of the Democrats who had been benefited by the earlier financial policy were now alienated because they had suffered losses on account of the distribution of the surplus and the issuance of the specie circular. In other respects the Democratic politicians of New York did not stand well in the estimation of the public. Since 1829, when Van Buren became governor, they had held undisputed sway in all branches of the state government, and many of them had become so corrupt that pecuniary gain was their chief aim as legislators. The people had more than a suspicion of this fact.

Such a state of affairs was a great encouragement to the Whigs, and they resolved to make the most of it. Seward was still in charge of the Chautauqua county lands, but he always had time for profitable politics, and he knew how to plan. When the Cayuga county convention met in Auburn, he was at home. A committee was appointed to invite him to take a seat among his Whig neighbors. The speech that he made when he appeared before the convention showed that he was a





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master of the politician's art of viewing with alarm the work of the opposing party :

“The change has come. We no longer warn the people against impending evils and apprehended danger. The evils are here. . . . Our agriculture, rich in its productions beyond all preceding experience, languishes and is crippled. The commerce of our great cities has been struck down. Our manufactories are paralyzed. Our works of internal improvement, of paramount importance, are suspended. Our gold and silver, no longer performing their function as the support of our currency, are drained from us; and the enterprising business-men of the country are falling under the exactions of the broker and usurer. The government, but recently disposing of untold revenue, is pledging its credit by issues of ‘continental money’ to pay the salaries of its officers, and carry on a war, alike inglorious in success or defeat, against a miserable handful of Indians in the swamps of Florida. . . .

“The remedy must be effected by representatives to be elected by the people. On one side, we will offer to the people men who have had no participation in the causes of these evils—men always careful to preserve rather than to destroy. On the other side, we see presented a divided party—divided between leaders of two classes—one class of whom allege that the cure of these evils is to be found in renewed ‘experiments,’ and another class who falter and shrink from further prosecution of such rash and dangerous measures.”<sup>1</sup>

The Whigs of the district were anxious to nominate Seward for the assembly; then they urged him to be their candidate for the senate. “But,” he wrote to Weed, “I have resisted the devil and driven him from me.” The two leaders had other ideas and expectations. Of course Seward was active in the campaign. During this autumn he spent several days in Washington consulting and dining with the Whig orators, while the Democrats were struggling in vain to relieve themselves from the evil effects of the financial crisis.

<sup>1</sup> 1 Seward, 340.



The sweeping Whig victory of 1837 would have deprived the Democrats of control in both houses of the legislature if successors to all the senators had been chosen. Seward saw in the result a promise of complete triumph for his party in the state election in 1838, and in the presidential election in 1840. Such prospects cast a less roseate light over his fond picture of retirement—his *otium cum dignitate*—oceans of leisure in the midst of shrubs and flowers, as he jocosely translated it.

The returns of the election were hardly in before Seward began to study how to outstrip Francis Granger for the nomination for the governorship, in 1838. Granger's claims were superior to Seward's in almost every respect: he was the senior in years and in service; he had twice been the Anti-masonic nominee for the governorship; and in 1836 he suffered defeat as the Whig candidate for the vice-presidency. But in each campaign his popularity had helped the cause. Therefore, Granger and his friends now insisted that he deserved the best office the New York Whigs could command. On the other hand, Seward's candidacy was promptly urged in many localities. It was at once seen that the two rivals might destroy each other's chances as well as injure the party; yet neither would withdraw. Somehow it was assumed that Weed would be an impartial referee; and until his preference became known, his office was a sort of political clearing-house for Whig leaders. Lest Seward should worry about his chances—notwithstanding pretended indifference and magnanimity—Weed wrote within a few weeks after the state election of 1837 that he had had a conversation with Granger, and that Seward should leave his own interests to his party and his friends<sup>1</sup>—a laconic suggestion, but full of meaning. Granger

<sup>1</sup> 1 Seward, 353.

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and his lieutenants wisely preferred to make the contest and let the state convention decide. Seward, trusting in Weed's political leaven, returned to the supervision of the affairs of the land company, and avoided the scramble for the offices at the disposition of the Whig assembly.

Before the end of 1837 the Whig state central committee decided upon the publication of a weekly "campaign" newspaper. At the price of one dollar per annum for a single subscription, with a great reduction where many copies were taken, it was sure to be popular. Of course the organization of the project was left to Weed. The first number appeared February 17, 1838, under the name of the *Jeffersonian*. Its editor was Horace Greeley, a youthful journalist in New York city, who for four years had been conducting an unpretentious literary and political publication called the *New Yorker*—eking out its slender profits with hack work for other papers. Therefore, he welcomed the annual salary of one thousand dollars for editing the *Jeffersonian*, which was printed in the office of the *Evening Journal*. Greeley was Weed's guest when in the capital. Seward also had given very substantial assistance in founding the new paper. Although the intimacy in the relations of these three men was not so well known then as it was later, charges of a special nature had been made and had received such credence that the first number of the paper contained an editorial denial that it had been established to favor the claims of any particular individual or individuals for candidates for public office. This much, however, is certain: the *Jeffersonian* was the means of Greeley's becoming a partner in the subsequently famous and powerful political firm of Seward, Weed, and Greeley.

Lack of activity or of political strategy was not a trait of the Weed-Seward school of politics. The most

annoying feature of the financial difficulties that could be remedied by legislation was the prevalence of the "shin-plaster" currency. This could be gotten rid of by repealing the law forbidding banks to issue bills under five dollars. The popular demand for such action was so strong that probably it would have been done but for a sly intrigue on the part of Weed. The Whig assembly promptly voted for the repeal. In his autobiography Weed recounts with much self-satisfaction how he induced a Whig to make an offensive attack upon the Democrats in order to embitter party feeling, and thereby prevent Democratic senators, who were in a majority, from voting with the Whigs for absolute repeal. The result was that the law was merely suspended for two years. So the Whigs claimed all the credit and accused the Democrats of being opposed to repeal. Just about this time Seward led in a call for a meeting in Auburn to protest against the small-bill law. He prepared for its adoption another of his stinging, partisan addresses: it told how the Whig assembly had obeyed the voice of the people of New York, while the Democratic President and the Democratic governor had insulted them, and the Democratic senate had dallied and made false pretences, and finally merely provided that the banks "*may*," not "*shall*," issue small bills. In this way "the TRUE ISSUE between the assembly and the senate, between the people and the administration, on the repeal of the law of 1835," was submitted for "dispassionate judgment." Thus, assuming that Weed's statement was true, Weed had held the Democrats while Seward lashed them and attracted the attention of the voters. Of course this helped Seward's candidacy.

It was common in those days for young men to hold separate political conventions. It has been noticed how in 1834 the young Whigs met after the regular party convention and aided Seward's popularity. He was now



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only thirty-seven years of age—nine years the junior of Granger—and still a favorite with youthful voters. But what would this profit him unless they could be organized so as to exert their influence in advance of the regular Whig convention, to assemble in September? The *Evening Journal* of May 4, 1838, proposed that the young men should assemble as early as May, and they actually met in July. Some troublesome questions were asked when it appeared that Horace Greeley was the leading spirit and wrote the resolutions of this convention, and that all of the one hundred delegates from Auburn favored Seward.<sup>1</sup> The convention felt called upon to announce that it had not convened in the interest of any special candidate.

Before the end of July, Seward was at the head of an organization whose central committee at Auburn had daily communication with each of the twenty-two towns in Cayuga county. Other counties were organized in the same manner; and then these counties in turn were influenced by a central committee.

When the Whig state convention met in September, of course Seward's friends were stronger than Granger's, and they prevailed. Luther Bradish was named for the second place on the ticket. The Democrats renominated Marcy and Tracy.

As the New York Whigs had never been in power, and had eliminated the national bank question from their programme, they could employ all their energy in reproaching the Democrats as "trafficking politicians" and in blaming them for the financial disorders, both state and national. The Democrats undertook to counteract this method of political warfare by attacking and ridiculing Seward. In heavily leaded type the *Argus*<sup>2</sup> made

<sup>1</sup> *Argus*, July 19, 1838.

<sup>2</sup> September 29, October 2 and 3.



the sensational charges that, as agent of a few Whig speculators, he had sold and delivered to a foreign corporation the bonds and mortgages that covered the farms and firesides of thousands of hardy and honest farmers of Chautauqua county, and that some trust company had a deed to all the lands; and that he demanded extortionate interest, and in other ways oppressed the settlers. The Democrats must have regretted giving Seward an opportunity to address the land company's tenants thus:

“I think, too, you will recollect that to the sick and infirm I invariably sent the papers for securing their farms; to the indigent the money to bear their expenses to the land office; and, since I am arraigned as a ‘soulless speculator,’ I may add that to the widow I always made a deduction from the debt of her deceased husband. To the common schools I gave land gratuitously for their school-houses. From the time I first went among you to this period, I have never refused any indulgence of credit and postponement that was asked at my hands.”<sup>1</sup>

More shrewd and effective still were these sentences:

“To the people of Chautauqua county, of all political parties, this statement [his answer to the charges] is due for the generous confidence they have reposed in me and the hospitality they have extended to me. It is required, moreover, by a due regard for their welfare, since their prosperity must be seriously affected by any discontent about their titles and security.”

The *Argus's* weak rejoinder, October 26, showed that the attack was a failure. But ridicule was continued, and the Democrats were very merry over their own puns about the bill question, expressed in this manner:

“For Governor :  
Big Bill Marcy  
*vs.*  
small bill Seward.”<sup>2</sup>

<sup>1</sup> 3 *Works*, 461.

<sup>2</sup> *Argus*, November 3, 1838.

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The question of slavery was somewhat unexpectedly made conspicuous at this time. As during the next thirty years some phase of it was prominent in Seward's thoughts and politics, we here take up an important thread. In colonial days nearly all good men agreed that slavery was wrong and would gradually die out. Southerners were as conspicuous as Northerners in opposition to the slave-trade and to slavery in the north-west territory, although slavery had more defenders in the South. The Colonization Society was founded in 1816 to get rid of the negroes by emigration and colonization. It offered a field of activity for many men with philanthropic impulses, and its ineffectual efforts alarmed no one. It was a drone which the busy bee of immediate emancipation finally killed. Abolition soon became a question of conscience. Many local and state antislavery societies were founded in 1833, and the National Antislavery Society was formed in Philadelphia near the end of that year. As early as 1834 antislavery meetings were broken up by mobs. This was an aid rather than an injury to the movement. The abolitionists founded newspapers and wrote countless pamphlets, and sent them to all parts of the country. It was in 1835 that a mob in Charleston, South Carolina, seized the mails, and extracted the antislavery publications and burned them in the street. And even the postmaster of New York city declined to forward abolition publications. The Postmaster-General, Amos Kendall, would give no official approval of this attitude, but clearly showed that it received his sympathy.

The advance guard of the immediate emancipationists soon became known as Garrisonians, from their energetic and impassioned leader, William Lloyd Garrison. They saw that the roots and branches of slavery intertwined the religious, economic, and educational, as well as the political, institutions of the time. In their impatience

they imagined that slavery vitiated all things that it touched. Therefore, many of them would neither vote nor share in the responsibilities of the state. The great outcry of the northern Whigs against the measures taken by the South to suppress the freedom of the mails (after 1835) and the right of petition in Congress (after 1837) was not due to sympathy with the abolitionists, but to the fact that these measures denied fundamental rights and gave the Whigs of the North a good political basis for attacking their opponents.

Weed's objection to a resolution in a Harrison convention in Albany, in 1836, denouncing the abolitionists, was that the question of slavery was "too fearful, and too mighty, in all its bearings and consequences, to be recklessly mixed up in our partisan conflicts."<sup>1</sup> Early in 1838 Granger recognized in the abolitionists "the same honest purpose that governed the mass of the Anti-masons," and prophesied that those who then said, "D— 'em, put 'em down!" would ere 1840 beg not to be put down by them.<sup>2</sup>

In New York there was a much larger number of moderate abolitionists than in New England, and they believed in bringing about reforms through political parties. As early as 1836 they put questions to the Whig and the Democratic candidates so as to obtain pledges or to create embarrassments. In the campaign of 1838 Gerrit Smith and Judge William Jay addressed letters to Seward and Bradish and to Marcy and Tracy, inquiring if they were in favor (1) of a law granting a trial by jury to persons in New York claimed as fugitives; (2) of abolishing all distinctions in the constitutional rights of the citizens of New York, founded solely on complexion; and (3) of a repeal of the law authorizing the importation of slaves into New York,

<sup>1</sup> 1 Seward, 319.

<sup>2</sup> 2 Weed, 57.

and their detention as such during a period of nine months.

Seward told his questioners that the subjects indicated by their inquiries did not enter "into the political creed of that large body of freemen" whose candidate he had become.<sup>1</sup> Undoubtedly, therefore, he would have preferred to ignore the importunate abolitionists if he could have done so without imperiling his chances for election. To the first question he replied directly in the affirmative. The second was more difficult. The constitution of the state granted every white male citizen twenty-one years of age the right to vote, after a year's residence, if he had paid any state or county tax or performed military duty within a year; other white male citizens might vote after three years' residence if they had paid or worked out their road tax. But no "man of color" might vote unless he had been for three years a citizen of the state, and for one year next preceding any election had been seized of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances thereon; and had been rated and had paid a tax thereon. Here was a marked discrimination against the negro. But Seward thought that this restriction was "scarcely to be regarded as a distinction 'founded solely on complexion.'" After a specious plea that there seemed to be no great popular demand for the change—a suggestion that had nothing to do with the right of the question—he answered this inquiry "with the simple negative I feel myself constrained to give."

As to the third question, a New York law provided that a slave-holder moving into the state with his slaves might retain them as apprentices until they had reached the age of twenty-one; and that any slave-holder sojourn-

<sup>1</sup> 3 *Works*, 426.





ing in New York for not more than nine months with his slaves might retain full possession of them. Seward maintained that because the courts of New York had decided that a master had a constitutional right to the return of his slave, although such slave was voluntarily brought into the state, the repeal of the nine-months law would in no way benefit the slave and might injure him. Seward knew that the Massachusetts courts had taken a view just the opposite to those of New York; and it was certain that if New York should forbid a master to sojourn in the state, the courts would soon change their opinion. He could not see that the nine-months statute in any way implied a sanction of slavery. The fact was that he had not yet begun to think and act like an antislavery man. A few years later he would not have expressed such sentiments as these :

“But, gentlemen, . . . I am not convinced that it would be either wise, expedient, or humane, to declare to our fellow-citizens of the southern and southwestern states that if they travel to or from, or pass through, the state of New York, they shall not bring with them the attendants whom custom or education or habit may have rendered necessary to them. I have not been able to discover any good object to be attained by such an act of inhospitality.”

The marked difference between Marcy's reply and that of Seward was that Marcy did not favor granting fugitive slaves a trial by jury. But the abolitionists considered this of such slight importance that they showed equal contempt for each of the gubernatorial candidates and covered both with the same reproach; they declared that there was no candidate for the governorship for whom abolitionists could consistently vote, and that the cause of human rights had nothing to expect from the election of either. On the other hand, the Whig candidate for the lieutenant-governorship, Luther Bradish, planted himself squarely upon the abo-

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lition platform, and they praised him as an upright and able advocate of the cause of impartial and universal liberty.

Probably no principles or the lack of them could have kept the Democratic strength up to what it was before the financial crisis. N. P. Tallmadge, one of the United States Senators from New York, had opposed the independent treasury policy of his party and had organized a faction of "conservative" Democrats, who ultimately proclaimed their preference for Seward and Bradish. Then, too, the highly commendable measures taken by the Democratic President and by the Democratic governor of the state to prevent Americans along the Canadian border from participating in the revolutionary efforts to secure the independence of Canada were very unpopular with many New Yorkers living near the northern boundary. Nevertheless, matters had not progressed to the satisfaction of the Whigs. The end of the campaign found Seward despondent, but he preserved such a "cheerful countenance" that he "dissipated every apprehension," as he wrote to Weed, and only Mrs. Seward and his sister knew his secret feelings.<sup>1</sup>

The election struck him dumb, as he wrote again. The total party majority in the state was about ten thousand. The Whigs carried the assembly again, and were successful in five of the eight senatorial districts; but the Democrats still held control of the upper house. Chautauqua county, which in 1834, before the land troubles began, gave him a majority of one thousand five hundred, now raised it to two thousand two hundred.

Seward accepted the victory very seriously, and wondered at his own "temerity" in seeking the highest office

<sup>1</sup> 2 *Weed*, 61.

in the state. He realized that there was a vast difference between the responsibility of leading an aggressive minority and that of shaping and directing a systematic policy for the majority—a majority that was not harmonious except in opposition to Democratic leaders.

## CHAPTER VI

### PARTY LEADERS AND PRACTICAL POLITICS DURING SEWARD'S GOVERNORSHIP, 1839-42

THE years since Seward's senatorship had made a few changes among the party leaders. Van Buren had been elected to the presidency, and was soon to be retired from office and to lose much of his influence. Silas Wright, Marcy's successor in the United States Senate, possessed such marked ability as a legislator and debater that the national party called for his entire services. Croswell, still the journalistic member of the Regency, kept up a steady fire of long anti-Whig editorial articles, always reserving his strongest epithets for the editor of the *Evening Journal*. Such sentences as these were not rare: "Weed's elevation to the Dictatorship has not improved his base nature. He still practises upon his old maxim that a lie well stuck to is as good as the truth." Azariah C. Flagg became one of the most dreaded of the opponents of the Whigs, because he was familiar with state finances and wrote with unrivalled force and clearness. John A. Dix, a soldier by early training, had left the army to assume the practice of the law; he had been adjutant-general and afterwards secretary of state of New York, and in 1842 he became a member of the assembly. His bright mind and great energy had won him a place in the Regency. Daniel S. Dickinson had distinguished himself as a debater in

<sup>1</sup> Albany *Argus*, January 12, 1839.



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the state senate and as a campaign speaker. His services were rewarded by his election as lieutenant-governor in 1842.

Among the Whigs Francis Granger was still very conspicuous. As compensation for not being nominated for the governorship, he was elected Representative in Congress in 1838, and was re-elected in 1840. Harrison made him Postmaster-General in 1841. A little later he served another term in Congress. Likewise Millard Fillmore, never a politician of the first order, had exchanged his chances of political leadership in New York for a place in the House of Representatives. Albert H. Tracy, after serving in the state senate as an Anti-mason and then as a Whig, became the Democratic candidate for the United States Senate, in unsuccessful opposition to Senator N. P. Tallmadge, who had shifted his allegiance from the Democratic to the Whig party. Although John C. Spencer was above ordinary politics, the Whigs had use for his talents and made him New York's secretary of state during Seward's first administration. President Tyler subsequently recognized his qualities and made him Secretary of War and then Secretary of the Treasury. So he, too, was early graduated from New York politics.

Horace Greeley's editorship of the *Jeffersonian* had been a conspicuous success. In the Harrison campaign of 1840 the Whigs founded another paper, called the *Log Cabin*. Greeley was naturally put in charge of it. It soon had eighty thousand subscribers. The ardor and peculiar personality shown in Greeley's articles invariably interested the reader, whether they convinced him or not. Greeley's judgments were often sentimental and unsound, but they appealed to one's sympathies. He was brilliant and erratic. Weed described him as having "no habits or tastes but for work, steady, indomitable work." By the end of 1840 Greeley was generally re-

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garded as the ablest and most skilful editor among the New York Whigs. The *Tribune* was founded in 1841, and soon outstripped the *Evening Journal* in influence throughout the country. As yet Greeley's ambition was supposed to be merely journalistic.

While others had constantly sought office, the master politician, Thurlow Weed, asked for nothing, but continued to scheme, manipulate, and execute, giving the material rewards to his followers. Year after year his preferences decided as to who should be the candidates of the party; its caucuses and conventions were often merely ratification meetings for nominations that he had already ordered. Other men would have created jealousies and hostilities, but Weed seemed to make even those who were defeated feel that they were under lasting obligations to him. Taking for his motto, "Let us remember all that was fair, and forget all that was faithless," he could find some advantage even in misfortune. When at last, in 1837, the party elected a majority in the assembly and there were offices at the command of the Whigs, Seward and many others urged him to take the best one available, the clerkship of the assembly. But he was wise enough to bear in mind that hitherto the obligation of the party had been to him, and that to have the obligation reversed might be less agreeable; he desired to see objects of far greater importance accomplished first.<sup>1</sup>

<sup>1</sup> "MY DEAR SEWARD: . . . I neither want nor think of the clerkship, or the state printing, until objects of far greater importance are accomplished.

"*After Tea.*—I have concluded to only *half* forgive you for thinking me weak enough to grasp for a paltry office, the moment one came within the jurisdiction of our party. I have seen enough of that infirmity in others (about whom we have so often talked) never to become the victim of it myself. Why, Seward! I would not be the means of darkening the hopes of the dozen good fellows who want it,

Weed the journalist was subordinate to Weed the politician; journalism was auxiliary to his power, not the source of it. His editorial articles were generally written in a pithy, unargumentative style which pleased his friends and tormented his enemies. Some of his epithets were so extreme as to seem grotesque and ludicrous nowadays.<sup>1</sup> They kept Croswell in a rage, and Weed himself in libel suits, brought by men who could find no other safe way to strike back. He had a convenient conscience: he regarded unscrupulousness as not reprehensible except on the part of political opponents. He thoroughly believed—as indeed many respectable persons still do—that nearly all things were fair in politics, if done in the interest of his party.

“As if by secret sign he knew”

when it would be best to overlook certain candidates and appoint one who had no thought of office; when to introduce some sentimental consideration, and when a “wrong appointment” would best “go down.”

This was the man who had secured Seward's advancement to the highest office in the state. Weed had almost constantly carried Seward's political power of attorney since Seward became an Anti-mason. Henry Ward Beecher, when asked to lecture in a certain city, once humorously replied: “I have nothing to do with it. You must see Major Pond, who points me and fires me off according to his own programme.” Weed planned with great caution: he was generally successful; and

for the emolument of five such offices. But not another word on this subject.” December 4, 1837.—1 Seward, 350.

<sup>1</sup> Here is a sample: “Will Croswell cease howling like an enraged hyena and state in plain terms the *principle* on which he would have had the governor and senate continue him and his associate harpies in power?”—*Evening Journal*, May 18, 1840.

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the chief reward usually fell to Seward. Seward never forgot his indebtedness. In his first letter after learning of his election as governor, in 1838, he said :

“ I waive all expressions of acknowledgment to you. Indeed, I feel just now as if your zeal had been blind ; but I may perhaps get over this. God grant, in all events, that I may be spared from committing the sin of ingratitude. I hate it as the foulest in the catalogue.”

During these years Seward and Weed usually met for an hour after dinner to talk politics, not as ordinary political friends, but as brothers whose mutual devotion was their first impulse. Seward's mental traits were such as to make it most congenial for him to think out the great measures of his administration. As Weed had no ambition or ties unfriendly to Seward's best interests, Seward felt that Weed could care for his general political welfare better than he himself. So each had his special field of work, but they discussed questions of all kinds before final action was taken. This relation became so well known that when shrewd office-seekers wanted a position they sought the favor of Weed, and often let the rest go. In some cases, like that of an Indian agency, Seward announced a vacancy and asked Weed to suggest a suitable person. And it was because Weed took original jurisdiction over political questions that the Democrats dubbed him “ The Dictator.”

The spoils system in New York did not originate with Van Buren, nor was Marcy its first able champion, as is popularly supposed. In a few isolated instances, political proscription had been practised at the end of the last century by the friends of Hamilton on one side and by those of George Clinton on the other. After 1801, as has been noticed, every member of the council of appointment was on an equal footing with the governor as to both



nominations and confirmations. For the first few years De Witt Clinton was able to rule the council in his own interest against the Livingstons; the Federalists had sunk to third-rate importance. Then suddenly the tables were turned: the Federalists managed the council of appointment for the year 1810, and swept the Clintonians out of office. The Clintonians returned the next year, and retained possession of the offices until 1815, when the reorganized (Democratic) Republican party, under the leadership of Tompkins and Van Buren, expelled them. Van Buren reduced to a precise system what had formerly been expressive mainly of personal or party hatred. From the time of the abolition of the council of appointment—in 1821—until 1839, the Albany Regency managed the appointments to office, except during the years 1825–28, when the People's party broke in upon Republican strength. Political proscription had become so much a matter of course that if any member of the Regency had favored the nomination, or even the retention in any desirable office, of a National-Republican, an Anti-mason, or a Whig, his party loyalty, if not his sanity, would have been questioned.

But this fetich of spoils seemed to be accepted by only a little more than a majority of the people. The leaders of the opposition asserted that political proscription was unjust and repulsive. Seward's first conspicuous act in politics had been a feeling protest against the tyranny of party. For a decade and a half since that time he and his friends had unceasingly charged that the Democratic politicians had used the offices for their own profit. On one occasion, when Solomon Van Rensselaer, an old postmaster at Albany, had been removed to make way for Azariah C. Flagg, the *Evening Journal* spoke of the ruthless practice of removals as "the juggernaut of party." The election of 1838 gave the Whigs full control, except over appoint-

ments requiring the consent of the senate. The next year they overcame the majority in that body. During the few weeks between the election and the inauguration Seward received a thousand applications for office. After reaching Albany this number was greatly increased by oral requests. As long as the senate remained Democratic, it persistently refused to confirm nominations, even where the term of the previous incumbent had expired. Therefore, it would have been worse than useless to make removals, while the Democrats could prevent confirmation. The spoils claimants became all the more clamorous in their demands for the many minor places exclusively within the appointing power of the governor. During 1839 Seward let the party axe fall upon a large number of Democratic officials, among whom were the keeper of the arsenal, whose income from the state amounted to but twenty-five dollars annually, with occasional charges for labor;<sup>1</sup> the state librarian,<sup>2</sup> and seventy collectors, superintendents of repairs, and other officers of the canals, so that "every officer on all the canals of the state" was displaced.<sup>3</sup> After the legislature adjourned Seward hastened to install Whigs wherever vacancies occurred. However, only comparatively few had secured prizes. So the many thousand Whig office-seekers devoted all their energies in the campaign of 1839 to secure a party majority in the senate. Then they importuned the governor in greater numbers and with more positive demands. About fifteen hundred offices might be filled after the meeting of the senate. To obtain these, another flood amounting to ten thousand applications burst into the gubernatorial mansion. For months its doors were open from eight in the morning until midnight, and Seward was

<sup>1</sup> *Argus*, April 9, 1839.

<sup>2</sup> *Argus*, February 21, 1839.

<sup>3</sup> *Argus*, April 9, 1839.

so continually besieged by applicants that letters received in December could not be acknowledged before May. Between January 7, 1840, and the 10th of the following April all of the fifteen hundred offices were filled, making, as Seward wrote to a friend shortly afterwards, an average of "one hundred a week, and fifty each executive day." The *Argus* minutely described the working of the Whig "juggernaut"—reporting how faithful and valuable officers were told, as they were about to leave their desks at the end of the week, that they need not return, solely because they were Democrats and their places were wanted by Whigs.

And now Weed was to act a new part. Those "objects of far greater importance"—whatever they were—seem to have been accomplished. The most profitable office within the state was that of state printer, then held by Edwin Crosswell, by virtue of a contract of September 16, 1830, under a joint resolution of February 25, 1829. The state printer's tenure was indefinite and the remuneration fixed at piece rates. As soon as the Whigs came into control of the assembly, a select committee was appointed to report on this office. The chief objection of the committee and the Whig press to the existing contract was that the indefinite tenure of the officer (who could not be succeeded except by process of law) was repulsive to republican institutions. By requesting estimates from the local printers, it was learned that the contract price for printing was excessively high. Immediately after the organization of the legislature in 1840, the Whigs introduced a bill providing for the appointment of Thurlow Weed as state printer for the term of four years, and until his successor should be appointed by the senate and assembly in the manner prescribed for the appointment of the secretary of state.



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To put Whig professions to a test, Daniel S. Dickinson led a protest against this proposition, mainly on the ground that the Whigs were striving to cover Weed with the shield of a contract, so that no change could be made within four years without violating the constitution. Several members of the legislature denied that there was such a purpose, and the *Evening Journal* of January 9, 1840, went so far as to say: "This impudent falsehood is uttered in the face of the fifth section of the bill, which reserves to the legislature the right to 'alter, amend, or repeal this law.'" Still the Whigs refused to adopt an amendment that would exclude the possibility of pleading a contract. The contest of another year will show why. The old law made it possible to change the state printer only with the joint approval of the assembly, senate, and governor. The purpose of the new law was to make the state printer absolutely secure in office for four years, and thereafter to permit his successor to be chosen by the legislature. It is difficult to understand how the new law was especially in harmony with republican institutions. Weed was entirely consistent: he had not grasped at a "paltry" office the moment one came within the jurisdiction of the party; but the bill to make him state printer was rushed through within six days from the opening of the session, and the first law ever passed by a Whig legislature in New York was the one that bestowed upon Thurlow Weed probably the most remunerative office in the state.

In two years the Democrats regained control of the senate and the assembly, and of course they endeavored to use their majorities for partisan purposes. Early in 1842 the legislature passed a bill designed to supplant Weed as public printer, and sent it to the governor for his approval. Seward returned the bill to the assembly with a veto, based on the exact grounds that the Demo-



crats anticipated—the inviolability of a contract—and he now maintained that the rejection of the Democratic amendment in 1840 showed that the Whigs intended to protect Weed with a contract.

Considering the aims of the new administration, it was proper that the Whigs should control the canal commission. At least one of the Democratic commissioners, William C. Bouck, had long been in advance of his party; and, in addition to favoring the enlargement of the Erie canal, he was in perfect harmony with the most progressive of the Whigs. His mastery of the canal accounts had been so complete that he had forced great care and economy. His valuable services for nearly twenty years, and the justice of the case, caused a Whig caucus to decide that he should not be removed with the others. But the theory that no Democrat should hold an office if a Whig wanted it finally prevailed. It seems strange that the Whigs, and especially Seward, could disregard the lesson of a similar removal by the Democrats, which had led an indignant people to elect De Witt Clinton governor in 1824. And the same result ensued; for Bouck, after one defeat, became Seward's successor.

Notwithstanding these exhibitions of political proscription or persecution—most of which occurred early in 1840—Weed declared that if it were not for the presidential question, which would absorb all other things, “the appointments would tear us to pieces.”<sup>1</sup> Greeley, wrote to Weed in 1841:

“I wish Seward could begin his life as governor once more. I think with his present experience he would start just right: inquire who was most deserving of office, instead of who was the most importunate; deal frankly

<sup>1</sup> *Weed*, 86.

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with all men, and never give a promise or encouragement of office until he had resolved to fulfil the expectation.”<sup>1</sup>

In the autumn of 1841 the Democrats elected a majority of the senators, and it was foreseen that they would again refuse to confirm some of Seward's nominations. On November 11, 1841, Seward wrote to John C. Spencer: “My heart is sick with sympathy that the important result of the campaign awakens.”<sup>2</sup> To prevent a repetition, in 1842, of the occurrence of 1839, the Whig spoilsmen endeavored to induce Seward to reconvene the Whig senate, so that those office-holders whose terms were to expire the following year might at once resign, be reappointed and confirmed, and thereby secure their positions for another full term. Seward regretted that the election made it impossible for him to choose men whom he regarded as “sound and patriotic,” but he stanchly declined to attempt to defeat the constitutionally expressed wishes of the people. Marcy had in a like manner been tempted shortly before Seward came into office, and had set a good example.

Although the Whigs were constantly attacked on account of their political proscriptions, Seward seems to have never taken official cognizance of the charges, or even to have used the words “political proscription” or “spoils.” This could hardly have been otherwise than the result of constant effort, such as Henry Clay made in trying to suppress his record on a certain phase of the slavery question. Marcy's unenviable fame—which Seward had done much to spread—on account of his speech in defence of the spoils system was doubtless a warning.

Had Weed preserved a similar silence—instead of admitting and attempting to justify the leading cases

<sup>1</sup> *2 Weed*, 92.

<sup>2</sup> Seward MSS.

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of proscription—the charges of the *Argus* would have received less credence. The Whig philosophy of the spoils system can be found in Weed's editorial articles, but these articles contain a brusqueness and a brutal sophistry that were as peculiar to Weed as they were unlike Seward. However, Weed expressed the general sentiment of the party leaders. His defence was along three lines: first, the Whigs merely accepted the policy that the Democrats had forced upon them; second, the spoils system was not only right, but it was conservative and necessary to republican institutions; and third, it was craven and ludicrous for the Democrats to complain of the system, and it would be inexcusable simple-mindedness in the Whigs to pay any attention to their whining criticisms.

It would be unfair to use the ideas of to-day in judging men of more than half a century ago. In 1840, Seward expressed the hope that the historian of his administration would at least allow that he had "endeavored to act in harmony with the spirit of the age." The "spirit of the age" had an insatiable hunger for spoils. When Seward and Weed were out of power they saw and denounced the evils of the spoils system, but when they secured control of the state government they were about as grasping and severe as had been Van Buren and Marcy and the Regency.

## CHAPTER VII

THE GOVERNORSHIP:—I. INTERNAL IMPROVEMENTS.—II. THE SCHOOL QUESTION.—III. CONTROVERSIES ABOUT SURRENDERING FUGITIVE SLAVES, ETC.

### I. INTERNAL IMPROVEMENTS IN NEW YORK

THE problem of internal improvements, like that of distributing the offices, confronted Seward at the threshold of his administration. Before the end of the American Revolution hardy pioneers had pushed their way into the valley of the Mohawk and beyond its navigable waters, and were making homes here and there on the ample and fertile plateaus towards the interior of New York; but the western part of the state was still a wilderness. Even at that time a few persons foresaw that ere long it would become important to open a waterway to Lake Ontario, and thereby make a line of civilization across the state. The credit of suggesting a navigable connection between the Hudson and Lake Erie is generally given to Gouverneur Morris. In 1811 the New York legislature passed a law creating a board of canal commissioners empowered to consider all questions in relation to inland navigation, and to solicit assistance from Congress and the different states. The commissioners obtained much sympathy but no material support outside of the state, and finally advocated the construction of the Erie canal by New York alone. The legislature approved the suggestion. The work on the canal that was to connect Lake Champlain with the Hudson was begun in 1816, and that on the Erie canal



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was commenced a year later. These public enterprises were the result of great popular enthusiasm for internal improvements. The Erie canal was soon connected with some of the lakes and the St. Lawrence on the north and with a series of lakes on the south, and by joining these in turn with the Susquehanna and the Alleghany rivers a very extensive secondary system of inland navigation was formed. A similar enthusiasm was developed in favor of railroads. Before 1840, seven hundred and thirty-six miles of canals and four hundred and six miles of railroads had been built.<sup>1</sup> The canals, with the exception of eighty-one miles, were a state enterprise. Up to 1835, at least, their financial success had been so great that it was believed that they had practically paid for themselves, and had indirectly enriched the state to the amount of many times their original cost.<sup>2</sup> The passion for speculation developed at this time aided the advocates of internal improvements. The legislature yielded complacently to the popular demand. Millions of dollars were appropriated for the extensive enlargement of the Erie canal and for the digging of others. In 1835 three millions were lent to the Erie railroad alone, and subsequently several smaller roads obtained state support.

Seward was brought up as a strict Jeffersonian Democrat. When near the end of his college course, he prepared an essay to show that the Erie canal could never be completed, or, if it should be, it would ruin the state. His change of mind in regard to internal improvements probably came when he began to champion the cause of the persecuted ex-canal commissioner, De Witt Clinton. As state senator, Seward gave such support to the propositions for internal improvements that many persons came to regard him as Clinton's successor in this field.

<sup>1</sup> 2 Works, 249.

<sup>2</sup> 2 Works, 118, 120, 121.

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In a speech made in 1835, on the occasion of laying the corner-stone to a canal-dam at Auburn, he said:

“Now, in my humble opinion, a state can no more wisely conduct its affairs than by contributing to the internal improvement of the territory within its limits a large portion of its revenues and credits. Every such improvement develops new resources, adds to the capital and commerce of the country, and increases the mass of taxable property on which the government, in order to secure full accountability to the people, ought always to rely for its support. Where individual enterprise and capital are sufficient to accomplish a desirable work, they ought to be at once called into exercise. Where they are incompetent, the state ought, in justice and sound policy, to contribute.” He was certain that “if all the internal improvements required to cross this state in every direction with roads, at such intervals as to leave not a single sequestered county or town within its limits, were to be made at once, the debt which would be created would not impair the public credit in the least degree, or retard the public prosperity a single year.”

If this was true, no one should have hesitated.

But objections to further internal improvements increased after 1835. The purposes for which the Erie canal had been constructed had not only been realized, but almost every important locality in the state could be reached by water. The progress of each year, and the accomplishment of such a result as the opening to New York city of four thousand five hundred miles of inland navigation, had increased Seward's enthusiasm, while adverse criticism was hardly noticed. In his first message, immediately after urging the speedy completion of the enlargement of the Erie canal, he noticed “a new triumph” in the application of steam to locomotion upon land, and advised the construction of “three great lines of communication by railroads, between the Hudson river and the borders of the state.” He suggested that one should traverse several of the northern counties and connect with the St. Lawrence

and Lake Ontario, and that the others should follow the lines since known as those of the Erie and the New York Central railroads. The two latter roads had been begun by private enterprise, and the Erie had received state aid. Seward now advised a state inquiry into the condition and prospects of both these undertakings; he thought that these works ought to be classed with the state enterprises of internal improvements, and that "if their completion cannot speedily or advantageously be effected otherwise, like them they ought to be constructed at the expense of the state." He recommended the continuance and extension of the general policy, and defined his position as follows:

"Internal improvement regards the highest possible cultivation of every part of the state, and the perfect development of its resources; the widest possible extension of the territory which can be made tributary to its markets, and the greatest possible diminution of the cost of transportation of persons and property; and consequent increase of population and labor, and diminished cost of production. All such improvements, therefore, rightfully engage public attention, and will doubtless receive from the legislature the discriminating favor due to their respective merits."

The crisis of 1837 led many men to investigate and to condemn the later tendencies of internal improvements. In their minds the question was: Can the state safely continue in the course marked out, although the financial conditions have radically changed? Their fears were soon thought to be justified by the falling off in receipts from the canals. It was found, too, that the total expenses of such public works always exceeded the estimates. Naturally the Democratic leaders—many of whom had until recently been enthusiastic for internal improvements—tried to find a course that would free their party as much as possible from respon-



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sibility. The Whigs, on the other hand, were glad to champion the system as exclusively their own. So the Democrats were soon able to throw the blame upon the Whigs, while they themselves demanded a repeal of the laws extending the state credit to certain railroads, and authorizing the construction of some new canals; they wished to abandon canals that could not be made to pay interest on their cost and their annual expenditure, and to levy a small tax to be used towards the liquidation of the state debt. The canals had until recently been built on the theory that their revenues would soon reimburse the state. The coincidence of hard times and the extension of the canal system had shown that this expectation was groundless.

Seward, like De Witt Clinton, did not regard internal improvements as dependent on financial or other temporary circumstances, but rather as a permanent and important function of the state in promoting the public welfare. Furthermore, as he was opposed to levying a tax for the purpose of paying the canal debt, and insisted that it should be met by future revenues derived from the canals, he considered it important that in order to preserve the state credit, all the canals should be kept in operation.<sup>1</sup> The canals had enhanced the value of property in their neighborhoods, and Seward believed that ruinous depreciation and increased financial difficulties would follow the abandonment of even those canals that produced revenues insufficient to pay interest on their cost. Local jealousies caused much discord in reference to every specific proposition for improvement; and, moreover, many persons argued that it was unconstitutional and unwarrantable for one generation to construct public works at the expense of a succeeding generation. In his annual message of 1840, Seward

<sup>1</sup> 2 *Works*, 236.



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urged the legislature to adopt a comprehensive and magnanimous policy—one that would “have reference not to local or temporary interests, but to the general and lasting prosperity of the state.”

Financial embarrassments increased despite all the Whigs could do. In order to sell the state's six per cent. bonds, it became necessary, in 1841, to offer them at twenty per cent. discount. Even by such means it was impossible to meet all obligations, for the most cautious capitalists were unwilling to lend money to the state on any terms. This greatly strengthened the opposition, who demanded that the completion of the enlargement of the Erie canal should be postponed until the state's credit could be improved. To this Seward replied, in his annual message of 1842:

“Unless we adopt a new financial policy, a suspension of the enterprise would involve a discontinuance of all other public works, because the state relies upon the increasing canal revenues to prosecute those undertakings; and the discontinuance of all would at once convert the existing debts into a dead weight, depending for its removal on the revenues of a dilapidated and obstructed canal with a diminishing trade. On the contrary, when the canal shall have been enlarged, we can, if necessary, while affording greater facilities, permanently raise the tolls twenty per cent., which, assuming the continuance of the present increase of trade, would, in 1852, secure us an annual revenue of \$3,892,000.”

Therefore, Seward was in favor of vigorously prosecuting the work. Nor did his courage stop here. At the same time he advocated, as additional branches to the system of internal improvements, the construction of two new railroads. One was to extend from the St. Lawrence to Lake Champlain, and thence to tide-water. Its object was to increase New York city's power to compete with Montreal. Capital in Massachusetts had already built the Boston and Albany railroad, and dur-

ing the season when the Hudson was closed to navigation Boston had drawn much of the trade that sought a seaport *via* Albany. On this account Seward's second proposition was to build a railroad that would keep open throughout the year communication with New York city.

The debt that the state was contracting was, politically, no slight burden to the Whigs. The Democrats pointed to its rapid increase of three or four millions annually,<sup>1</sup> as if it had been used for an ordinary expenditure, or for a public building or a monument, whereas it was strictly in the nature of an investment. The financial difficulties of many state governments and the open talk of repudiation by a few, caused much anxiety about New York. This anxiety was so general, and the Democrats had so constantly bewailed Whig extravagance, that they elected a majority in each house of the legislature of 1842. This made a definite and active policy urgent.

Their ablest financier was the former comptroller, Azariah C. Flagg. In February, 1842, he was reinstated, and soon showed that the indebtedness of the state had increased sixteen millions in less than four years;<sup>2</sup> that the state was in such financial straits as to make peremptory the suspension of work on internal improvements, and the levying of a tax to meet past obligations and to restore credit. Mainly in accordance with Flagg's recommendations, a law was enacted the leading features of which were—first, the levying of a tax of one mill on the dollar; second, the making of the interest on any loan to be effected, or stock to be issued, a charge on the canal revenues; and third, the suspension of all further expenditures on public works, except where the completion or further prosecution of the work should be necessary to preserve or secure the

<sup>1</sup> The canal debt alone grew from ten millions in 1839 to nineteen millions in 1842.—1 Poor, *History of Railroads and Canals*, 362.

<sup>2</sup> 3 Hammond, 274, 275.

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navigation of the canal of which it was a part, or to save it from destruction by flood or ice, or where it would cost less than the preservation of the work already done. This was popularly known as "the stop-and-tax law."

Of course it was a severe blow to the Whigs, for it was a sweeping condemnation of their fondest hopes. In his message to the legislature in extra session, in August, 1842, Seward looked upon the change of policy as "sudden and humiliating." Still he held to his former declarations, and boldly met the Democrats on the ground they had chosen. He believed that

"the danger to which the credit of the state was exposed arose, not from any cause merely local or temporary, nor at all from the extent of our unfinished works, nor from the amount of our indebtedness, nor from the firmness with which we had persevered in our improvements during the three previous years, but from the failure of the confidence of foreign capitalists, and even of the American people themselves, in the financial wisdom and integrity of the governments of other states."

Therefore, he invited the legislature to rescind its action in regard to the discontinuance of public works; for he thought that the state was "oppressed, not so much by opposing forces as by our own irresolution, and [that] a small portion of that energy which was put forth when our system of improvement was undertaken, would secure its re-establishment and successful triumph." He demanded a return to the extension of internal improvements, as though he had been chosen by the people to be their special spokesman.

In the message of 1839, Seward had referred approvingly to a report made to the assembly the previous year, arguing that the productiveness of the canals would warrant the annual expenditure of four million dollars for ten years, on the expectation that the revenues would reimburse the state within twenty-eight years.

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This gave the Democrats an opportunity to charge that he was in favor of a "forty million debt." They arranged the statistics of the question so as to make it appear to every one who could read that the course of the state's credit was downward, and that of its indebtedness upward, and that every citizen had a portion of the burden to bear. Seward's optimism was no match for the figures of the hard-headed comptroller, A. C. Flagg.

Although Seward was much misrepresented, yet it must be conceded that his reasoning about internal improvements and the finances of the state was generally highly theoretical and unscientific, and, at times, altogether visionary. Instead of devising a policy suited to actual conditions, he tried to flatter the people by references to their wonderful financial achievements in the past,<sup>1</sup> and endeavored to convince them that present and future state deficits ought to be made up out of the United States Treasury. The lands that the different states had given to the general government were long used as a means of paying the national debt. After this debt had been met the money received from this source was applied to the regular expenses of the government. The undignified and enervating practice of appealing to the general government for relief from state and local misfortunes of different kinds was sadly common about 1840. Seward now made solemn and persistent efforts to justify an

<sup>1</sup> "History furnishes no parallel to the financial achievements of this state. It surrendered its share in the national domain, and relinquished for the general welfare all the revenue of its foreign commerce, equal generally to two-thirds of the entire expenditure of the Federal government." Then he enumerated what the state had accomplished, and mentioned some purely fanciful considerations that made it necessary "to carry forward the policy of internal improvements."—2 *Works*, 204, 205.



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elaborate and expensive system of internal improvements by counting in as a permanent and reliable sinking-fund the share of the proceeds claimed by New York from the sale of public lands.<sup>1</sup> More surprising still was his official proposition to John C. Spencer, Secretary of War, that the states should seek relief from their existing embarrassments by asking the Federal government to purchase "the perpetual enjoyment of the right to use such public thoroughfares of the state for peaceful and warlike purposes within the scope of the Constitution."<sup>2</sup> His reasons were :

"The debts of the states have generally been incurred in improving roads, rivers, canals, education, and other great foundations of national prosperity and union; and nothing but an absolute constitutional injunction ought to prevent the nation from sustaining the states in their reverses consequent upon their having pursued so laudable and patriotic a policy."

Thus he assumed that the states had the right to demand remuneration for whatever benefits, direct or indirect, they gave to the Federal government. His propositions illustrated how daring he could be rather than admit a failure. Hammond says that the stop-and-tax law—which Seward opposed so strenuously—had an almost instantaneous effect on the public credit; that within two months seven per cent. stock went up to par; that within seven months the six per cents, and within fifteen months the five per cents, were at par.<sup>3</sup>

Seward believed in paternalism and a strongly federalistic government, yet it is not likely that he would have gone to such surprising extremes if a flood of adversity had not suddenly rushed in upon Whig plans. On one account, at least, he deserved great credit: he

<sup>1</sup> 2 *Works*, 253, 254, 321, 338, 415.

<sup>2</sup> 2 *Works*, 609.

<sup>3</sup> 3 Hammond, 285.

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refused to listen to suggestions, then both common and persistent, about the advisability of repudiation.

### II. THE SCHOOL QUESTION

For several years Seward had thought much about education. While at Westfield in 1837, he delivered a carefully prepared address on this subject before the local academy. Since his election as governor he had obtained wider information in regard to the needs of the schools. On July 4, 1839, he spoke to the children of New York city, at a Sunday-school celebration on Staten Island, about the importance and power of knowledge. He became so interested in popular education that he resolved to make a reform in the existing methods one of the most prominent features of his administration; and during the following autumn visited New York city for the express purpose of studying the question.

The common-school system which existed in other parts of the state had never been extended to New York city. There public education was under the control of an exclusive corporation known as the Public School Society. It spent its own and the public money, to the amount of considerably over one hundred thousand dollars annually, in founding and conducting what it called non-sectarian schools. Religious instruction was given to the pupils, but it was of the most elementary kind. The Catholics complained that if the Protestants gave religious instruction it must antagonize Catholic doctrines; that if, as Bishop Hughes said at the time, the distinctive dogmas of the Catholics, the Baptists, the Methodists, the Presbyterians, etc., were left out, nothing would remain but deism. The objections proved unavailing; so the Catholics established their own schools, under the supervision of their priests, and often within their church buildings. These schools were dependent on the con-

tributions of persons of small means, and the results were not satisfactory. Moreover, the so-called public schools did not attract the children of the poorer classes, especially those of recent immigrants.

Seward learned that a large number of children—subsequently estimated to be at least thirty thousand—were growing up in absolute illiteracy. In his annual message of 1840, he said :

“It ought never to be forgotten that the public welfare is as deeply concerned in their education as in that of our own children. I do not hesitate, therefore, to recommend the establishment of schools in which they may be instructed by teachers speaking the same language with themselves and professing the same faith.”

The proposition was a firebrand. It immediately aroused the antagonism of every prejudiced Protestant of all parties. Many interested in the system of public schools—then in the early stages of development in the state—thought that Seward's recommendation had a very dangerous tendency. For years the Democrats had not had such an opportunity to create political capital. Their newspapers waged a lively campaign. Shall we now, they asked, introduce a fundamental change, and have the creed and language of our system vary with the habits and preferences of the inhabitants of the different localities? If so, to be impartial, there must be not only English, German, French, and Dutch schools, but there must also be a further division, according to the religious creed of the parents. When a society of Universalists in St. Lawrence county asked for the establishment of a school in which their own faith might be taught, the criticisms of the Governor's recommendation seemed very relevant. “A press, that should have seconded it, perverted my language and assailed my motives,” Seward complained to a friend. “My

surprise was followed by deep mortification when I found that a considerable portion of the political party to which I belonged adopted the same perversion, and condemned the policy recommended.”<sup>1</sup>

The prospects were very unfavorable. The Governor and Bishop Hughes, of the Catholic Church, were soon in consultation. The public course of the Bishop showed that he favored separate schools for the Catholics and a division of the school-fund. In the campaign of 1840, Seward wrote to the Bishop saying that he had read and wished success to the Bishop's appeals to the people of his charge on the subject of education, and added: “I need not assure you of my sympathy in regard to the ultimate object of your efforts, the education of the poor.”<sup>2</sup> The Catholics understood that the Governor favored their aims.<sup>3</sup> Nevertheless the next annual message declared :

“I have not recommended, nor do I seek, the education of any class in foreign languages, or in particular creeds or faiths ; but fully believing, with the author of the Declaration of Independence, that even error may be safely tolerated where reason is left free to combat it, and therefore indulging no apprehensions from the influence of any language or creed among an enlightened people, I desire the education of the entire rising generation in all the elements of knowledge we possess, and in that tongue which is the universal language of our countrymen.”

Seward's embarrassments called for Weed's closest at-

<sup>1</sup> 1 Seward, 503.

<sup>2</sup> September 11, 1840. Seward MSS.

<sup>3</sup> “The Governor of the state, Mr. Seward, alluded to the subject in his annual message, and seemed disposed to favor the Catholic aims” [to obtain a portion of the school-fund].

“It was during the agitation of the school question that the Bishop [Hughes] formed an intimacy with Governor Seward which lasted for life. . . . Mr. Seward, by his position on the school question, was brought into frequent communication with Dr. Hughes, and throughout the discussion the Bishop and the Governor were in friendly correspondence with each other.”—Hassard's *Hughes*, 227, 241.



## THE SCHOOL QUESTION

tion. In the campaign of 1841 the school question became a leading one. A short time before the election the Catholics called a meeting at Carroll Hall, and made up a ticket from the candidates already nominated by the Whigs and the Democrats. Weed dined with Bishop Hughes that evening, and quietly slipped into the gallery of Carroll Hall and watched the proceedings incognito.<sup>1</sup> After a very bitter campaign this local fusion ticket was successful, but it had no important effect upon the main question. To prevent any doubt as to the continuance of the alliance, a letter from the Governor to the Bishop, on November 10, 1841, expressed sympathy for what they had both suffered, and added: "I will say to you with all freedom, that I propose to reassert my opinions and principles with firmness, and to submit the subject of the educational system to the direct action of the legislature." And then he asks the Bishop to pay him a visit before the close of navigation. "Do not say nay."

But already John C. Spencer, New York's secretary of state, who was *ex officio* state superintendent of schools, had made an elaborate and independent study of the school question. His report left out Seward's peculiar views, deprecated the introduction of religious questions, opposed the division of the school-fund, and recommended the extension of the state system to New York city. Nevertheless, Seward was as ready as ever. The annual message of 1842 said:

"This proposition, to gather the young from the streets and wharves into the nurseries which the state, solicitous for her security against ignorance, has prepared for them, has sometimes been treated as a device to appropriate the

<sup>1</sup> *Weed*, 500, 501.

<sup>2</sup> *Hassard's Hughes*, 248. Although Seward kept copies of this letter, and of that of September 11, 1840, they are not printed in his *Works* or in his son's biography.

school-fund to the endowment of seminaries for teaching languages and faiths, thus to perpetuate the prejudices it seeks to remove ; sometimes as a scheme for dividing that precious fund among a hundred jarring sects, and thus increasing the religious animosities it strives to heal ; and sometimes as a plan to subvert the prevailing religion and introduce one repugnant to the consciences of our fellow-citizens ; while, in truth, it simply proposes, by enlightening equally the minds of all, to enable them to detect error wherever it may exist, and to reduce uncongenial masses into one intelligent, virtuous, harmonious, and happy people. Being now relieved from all such misconceptions, it presents the question whether it is wiser and more humane to educate the offspring of the poor than to leave them to grow up in ignorance and vice ; whether juvenile vice is more easily eradicated by the court of sessions than by common schools ; whether parents have a right to be heard concerning the instruction and instructors of their children, and taxpayers in relation to the expenditure of public funds ; whether, in a republican government, it is necessary to interpose an independent corporation between the people and the schoolmaster, and whether it is wise and just to disfranchise an entire community of all control over public education, rather than suffer a part to be represented in proportion to its numbers and contributions."

This was a clever misstatement of the attitude of the opposition : no one desired that the children should be in the streets or on the wharves rather than in the schools ; but the objection was to Seward's recommendation that the language and faith of the teachers should coincide with those of the pupils.

The dispute resulted in good to the schools of New York, because it led to the establishment of a general system before antagonistic influences had become powerful. A compromise plan in harmony with Spencer's ideas was finally agreed upon by Weed, Greeley, and several of the Democrats, and was adopted. Bishop Hughes reluctantly gave it his support, but only because it promised an improvement upon the old system. The law expressly provided that no school in which any religious

## FUGITIVE SLAVES

or sectarian doctrine or tenet was taught, inculcated, or practised, should receive any portion of the school moneys. It carried out none of Seward's special suggestions that had attracted so much attention.

### III. CONTROVERSIES ABOUT SURRENDERING FUGITIVE SLAVES, ETC.

Seward had been in office but a few months when he was called upon to deal with a new phase of the slavery question. A schooner, belonging to citizens of New York, was undergoing repairs at Norfolk, Virginia, by a ship-carpenter, who was a Virginia slave, when some of the crew remarked to him that it was absurd to remain in Virginia when he could get high wages in the North. The slave understood the suggestion, and hid himself in the ship's cargo. When the vessel arrived at New York two Virginians were there to claim the fugitive and to present a requisition for three sailors that, it was alleged, had induced him to escape. The slave was immediately taken back to Virginia; but the three men were soon released on a writ of *habeas corpus*, because the requisition was issued on a defective affidavit. This was followed by a correspondence between Seward and different executives of Virginia, which continued for more than two years.

By the laws of Virginia the offence with which the three sailors were charged was a crime punishable by heavy fine and imprisonment. Therefore, the requisition for them was in accordance with the provision of the Constitution of the United States that enjoins the surrender of "a person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state." Seward declined to comply with the requisition, and argued that the constitutional provision "applied only to those acts which,



if committed within the jurisdiction of the state in which the accused is found, would be treasonable, felonious, or criminal by the laws of that state, or to those acts which, although they might not be criminal within that state, were nevertheless made so by the laws of all civilized countries";<sup>1</sup> that as neither the common law nor the laws of New York recognized slavery, the crime charged was, according to them, no offence whatever; and that to accept Virginia's view and allow each state to say what was a crime would, in effect, permit any state to change the Constitution.

Virginia received these arguments with great indignation. Her governor brought the question before the state legislature, and recommended that efforts be made to induce Congress to render impossible such fallacious and injurious constructions of the Constitution. The general assembly resolved that Seward's reasons were "wholly unsatisfactory"; that his course, if persisted in, should be met with the most decisive and effective measures for the protection of the property of Virginia's citizens; and that the governor of the state be requested to open correspondence with the executives of the different slave-holding states, asking co-operation in any necessary and proper measures of redress that Virginia might be forced to adopt, and that copies of these proceedings be forwarded to the governors of each state of the Union.

The legislature of New York contained a Whig majority in 1840, and it approved Governor Seward's opinions. It also passed a law granting trial by jury to every person claimed as a fugitive slave. This greatly increased the cost and uncertainty of recapture, and put the claimant under very inconvenient and even offensive restraints. Virginia's indignation and resent-

<sup>1</sup> 2 Works, 472.



## FUGITIVE SLAVES

ment increased. In March, 1841, her executive refused to surrender a forger on the requisition of Governor Seward, unless New York would deliver up the three sailors demanded by Virginia. About the same time Virginia passed "an act to prevent the citizens of New York from carrying slaves out of this commonwealth, and to prevent the escape of persons charged with the commission of any crime." It forbade, under heavy penalty, all vessels commanded or owned, in whole or in part, by any citizen of New York to depart from any port in Virginia for any port in New York until after an official inspection. This action caused quite as much inconvenience and was, financially, quite as detrimental as the recent New York law requiring trial by jury. The Virginia law might be suspended by the governor if New York repealed her jury law and consented to comply with the Virginia requisition. About the same time, Mississippi made common cause with Virginia, and declared that she would join with "other states in any mode or measure of resistance or redress."<sup>1</sup> In December, 1841, South Carolina passed an inspection law similar to that of Virginia, and designed to aid Virginia in her demands upon New York.

It was mainly by Seward's stand in refusing to comply with the requisition of Virginia that this state of affairs had been brought about. Without hesitation or fear, he reported to the legislature what Virginia and Mississippi had done, and at the same time indicated his determined opposition to the repeal of the New York law that was so offensive to the slave states; but he deprecated retaliatory measures on the part of New York. To the demands of Virginia, he replied :

"I could not, to save the commerce of the state, or even

<sup>1</sup> 1 Seward, 529.

the peace of the country, subscribe to the faith prescribed to me. I cannot believe that a being of human substance, form, and image—endowed with the faculties, propensities, and passions common to our race, and having the same ultimate destiny, can, by the force of any human constitution or laws, be converted into a chattel or a thing, in which another being like himself can have property, depriving him of his free will, and of the power of cultivating his own mind and pursuing his own happiness; a property beginning with his birth, and reaching over and enslaving his posterity. I cannot believe that that can be stolen which is not and cannot be property; and although such principles may be adopted and become the basis of institutions and laws in other countries, I cannot believe that any such community has the right to extend the operation of such institutions and laws so as to affect persons within the jurisdiction and under the protection of other nations.”<sup>1</sup>

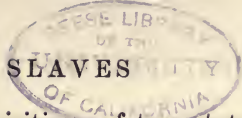
The New York legislature of 1842, being Democratic again, passed resolutions adverse to Seward's construction of the Constitution, and requested him to communicate these resolutions to the executive of Virginia. Seward replied by reviewing what he considered to be his constitutional duties and prerogatives; he thanked the legislature somewhat sarcastically for its opinions; he repeated his objections to surrendering the sailors, and finally declined to comply with the request that was a reflection upon himself.<sup>2</sup>

During the year 1841 he also had a long controversy with the governor of Georgia about a fugitive slave that had attempted to effect the escape of a female slave. Seward declined to deliver the fugitive on account of the inconclusive character of the affidavits; the argument did not stand on the technicalities of the law or deal with the moral phases of the question.

Seward entered the gubernatorial office with no pledges to the abolitionists, but rather with their ill-will and contempt. Within a little more than three

<sup>1</sup> 2 *Works*, 508.

<sup>2</sup> 2 *Works*, 433-35.



years he had denied the requisitions of two states asking for the surrender of persons charged with "stealing" slaves, and two other states had, in consequence, officially expressed their displeasure and fears. By this action he had made himself a leader of the anti-slavery Whigs, and the whole party had been led to pass the law giving trial by jury to persons claimed as slaves. In the view of the abolitionists, his attitude was none the less praiseworthy, because some of his arguments were based more on sentiment than on a strict construction of the Constitution.

But the full significance of what Seward had done can be appreciated only when we consider its effect in the South. For several years prior to his governorship, antislavery agitators and abolition pamphlets had been seen in many parts of that section. As a rule, the agitators were easily frightened on to the next village, and the pamphlets had little effect upon those to whom they were sent. The South as yet felt neither respect nor fear toward the few thousand abolitionists in several of the northern states; it only entertained resentment on account of the annoyances they created. New York had now, for a time at least, become antislavery. It cared nothing for southern epithets or contempt, and was not to be frightened. What were incendiary pamphlets in comparison with this! How many seething speeches by Phillips, how many copies of the *Liberator*, how many resolutions by Birney, Stewart, Smith, and Holley would equal in moral and political force, in actual power, Governor Seward's declaration: "I cannot believe that a being of human substance, form, and image . . . can, by the force of any human constitution or laws, be converted into a chattel or a thing"? The politicians, especially in Virginia and South Carolina, comprehended the meaning of the radical change that had taken place in New York, and began to call



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for a convention to promote common action on the part of those states to which slavery was so important that, as was said, any attempt to destroy or meddle with it might well be declared to be treason.

When Seward was elected governor the radical abolitionists seemed to be stronger than the political abolitionists. But in 1839 the political abolitionists began to organize for definite objects; they soon became known as the Liberty party, formulated a platform and nominated a presidential candidate, and recognized the importance of moderation. This brought them much closer to the Whigs that had formerly been Anti-masons and were used to partisan methods and discipline.

Although it was generally known that Seward was personally a hater of slavery, his replies to the abolitionists in 1838 had shown that he was not likely to be recklessly antislavery. Radical views were not so impolitic in 1839. Even then, he was much less an abolitionist than his strongest utterances implied. He said very frankly to some negroes who wrote to him from Toronto: "While I do not disclaim sympathy for your brethren, I must confess that in desiring to promote their improvement I am influenced chiefly by solicitude for the security and prosperity of my country."<sup>1</sup> At the time he was asserting and reiterating that neither the law of New York nor the common law recognized property in man, there was a New York statute that protected a master's property in slaves in case that master did not remain in New York more than nine months; and Seward had defended that law, as has been noticed. Of course, the Democrats twitted him on his inconsistencies. Nevertheless the political abolitionists rightly saw much to admire in Seward, and even offered to

<sup>1</sup> 3 *Works*, 435. This sentence is, without any sign of omission, left out of the quotation in 1 *Seward*, 556. What is there quoted conveys a different impression from that made by the whole letter.



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nominate him as a Representative in Congress.<sup>1</sup> But this proposition was not in line either with his aims or his political interests ; and he himself pronounced it "for many reasons impracticable."

<sup>1</sup> 1 Seward, 594, 595.

## CHAPTER VIII

THE GOVERNORSHIP (CONTINUED): IV. "THE HELDERBERG WAR."  
—V. THE McLEOD INCIDENT.—VI. THE REGISTRATION LAW.  
—VII. SOME REFORMS ADVOCATED.—VIII. USE OF THE PAR-  
DONING POWER.—IX. PROSPECT AND RETROSPECT

### IV. "THE HELDERBERG WAR"

DURING the first year of Seward's governorship some serious agrarian troubles arose in Albany county. Two centuries earlier Kiliaen Van Rensselaer obtained a large tract of land extending southward from the site of the present city of Albany for twenty-four miles on both sides of the Hudson. This great manorial estate was settled by persons who were given perpetual leases subject to the feudal tenure of the seventeenth century. Rents were paid to the patroon, Van Rensselaer, in kind; that is, in personal service, in fowls, in wheat, and in quarter sales. Generation after generation had occupied the small farms into which the great estate was divided. Stephen Van Rensselaer, the last of the patroons, died in 1839. For several years he had so combined benevolence with negligence that he had not regularly collected his rents.

The hardy farmers persuaded themselves that this was a recognition of their persistent claim of ownership, and refused to pay further rent. The Stephen Van Rensselaer who, in 1839, inherited from the last patroon the western part of the estate undertook to enforce payment, and the tenants prepared to resist. When the under-sheriff attempted to serve processes, he was

## “THE HELDERBERG WAR”

warned that if he persisted his life would be in danger. Other officers were threatened with tar and feathers, and all were forcibly driven away. The sheriff soon found it necessary to call for a *posse comitatus* of about six hundred citizens. With these he started for Reidsville, where he met about fifteen hundred resolute anti-renters armed with clubs. The unarmed *posse* was no match for the excited farmers. The sheriff then drew back with his followers, and appealed to Governor Seward to send the state militia.

Seward directed the sheriff to enter complaints and secure warrants against the leaders; to obtain attachments from the supreme court against them for contempt, and to call a *posse comitatus* and seize the resisters. When the farmers again appeared in overwhelming numbers, threatening violence, the Governor issued a proclamation calling out the militia and warning the rioters of the serious consequences that would follow a continuance of their proceedings. Several companies of militia hastened to the centre of the disturbance, a hill about fifteen miles from Albany, called the Helderberg, which gave the name to this “war.” Without any expenditure of ammunition the farmers were convinced of the danger of their attitude, and soon sent representatives to the Governor to say that they would quietly disperse. The sheriff found no further opposition. After a campaign of six days, the militia returned, and were met and thanked by the Governor.

This somewhat ludicrous “Helderberg War” lasted several months, yet not a gun was fired, and the only smoke came from a few burning tar-barrels. When the Democrats, a little later, viewed the “war” politically, they undertook to argue that the expenditure of twenty thousand dollars for military services in the field without the loss of a life or the criminal prosecution of a single anti-renter, was of itself a condemnation of Seward’s

policy. It is not clear how it would have been more successful if a score of persons had been killed. No criminal prosecutions followed, probably because it was foreseen that no convictions could have been obtained in that locality.

The incident had a political bearing, and Seward knew how to temper justice with politics. In a special message he said :

“ I beg leave to submit to the senate that the citizen soldiers who performed the service which has been described, under circumstances of danger and privation, and of exposure to the most inclement weather, are manifestly entitled to the most liberal remuneration ; that legislative action on the subject cannot long be delayed without shaking the confidence of the militia in the justice of the state ; and that, when that confidence shall become impaired, there will be much less alacrity than was manifested by the troops in question in obeying the call of the magistrate to sustain the civil authority.”

In the next paragraph he made this plea for those who had created the “ circumstances of danger and privation ” for the militia :

“ Although the citizens of this county who were engaged in those disturbances mistook the remedy for the evils they endured, and adopted measures inconsistent with the peace and good order of society, yet it cannot be denied that their complaints are well grounded, and that legislative interposition in their behalf is required not only upon considerations of justice and equality, but by sound and enlightened policy. Their petitions for relief from tenures oppressive, anti-republican, and degrading, are already before the legislature. I respectfully commend them to the favorable consideration of the senate.”

If either the militia or the anti-renters failed to become supporters of Seward, they must have been hard to please.



## THE McLEOD INCIDENT

### V. THE McLEOD INCIDENT

Many New Yorkers sympathized with the Canadian rebellion of 1837. Under the leadership of Rensselaer Van Rensselaer, a few hundred Americans seized Navy Island (which was British territory), in the Niagara river, and began operations against the Canadian village of Chippewa. A steamer called the *Caroline*, owned by a citizen of Buffalo, was used by the insurgents and their allies as a transport from the American shore. Late in December, 1837, an armed force of loyal Canadians made an expedition to the island, intending to capture the steamer and dislodge the insurgents. Finding that it had crossed to Schlosser, New York, with the intention of returning, the expedition advanced to that point. The attacking party drove the crew from the vessel, and killed a man on the shore; then the steamer was set on fire and sent down the river and over the falls. The United States government promptly made complaint to Great Britain, demanding explanation and redress on account of this act of violence within United States territory in time of peace. The British government assumed responsibility for the burning of the vessel, but, as the violence was regarded as justifiable defence against the actions of citizens of the United States, nothing more was then done.

In the winter of 1840-41, Alexander McLeod, a British subject, and a resident of Canada, was arrested in New York, and indicted for murder and arson in connection with the *Caroline* affair. The position taken by the prosecution on behalf of the state of New York was that the attack upon the *Caroline* was an offence against the laws of the state and the life and property of her citizens, and came within the jurisdiction of her courts. When the British Minister at Washington objected to McLeod's detention, President Van

Buren approved the policy that the state of New York had adopted, and declined to interfere. The English people became greatly wrought up, and their government began preparations for war. In March, 1841, Great Britain demanded the "immediate release" of McLeod, on the ground that the acts for which he had been arrested were of a "public character, planned and executed by persons duly empowered by her Majesty's colonial authorities."<sup>1</sup> Daniel Webster, as Secretary of State, considered that this avowal of all responsibility made the case "a question between independent nations, and that individuals concerned in it cannot be arrested and tried before the ordinary tribunals, as for the violation of municipal law." And he added, that if the indictment had been pending in one of the courts of the United States, the President would have immediately directed a *nolle prosequi* to be entered.<sup>2</sup> Although acknowledging that the President had no power to stop a proceeding in a state court, he instructed the Attorney-General, John J. Crittenden, to go to New York and supply Governor Seward with full information as to Great Britain's assumption of responsibility for the act; to suggest to McLeod's counsel that a change of venue be taken; to see that skilful and eminent counsel be retained, and to let it be known that the Federal government wished the case to come before the Supreme Court of the United States, if the defence should be overruled by the trial court. Meantime the excitement in England continued.

A great many voters of New York had for several years felt an intense prejudice against Great Britain, and wished to destroy her sovereignty over Canada. In 1838 the Democrats paid the penalty of fulfilling

<sup>1</sup> Fox to Webster, 6 Webster's *Works*, 247, 248.

<sup>2</sup> 6 Webster's *Works*, 264, 265.

## THE McLEOD INCIDENT

international duties in opposition to this prejudice, and Seward and the Whigs were the beneficiaries. Seward now maintained that the assumption of responsibility for McLeod's act by Great Britain could not change the individual liability of the offenders before the legal tribunals of the state, when those offenders voluntarily came within the state,<sup>1</sup> and that the decision on the merits of the case should be left to the ordinary course of law.<sup>2</sup> As there was danger that McLeod might not receive a fair trial in western New York, and might even be subjected to violence, Seward favored a change of venue, requested the chief-justice of the state to preside at the trial, and directed that extra care be taken to protect the prisoner.<sup>3</sup> These precautions received the special acknowledgment of the national administration.<sup>4</sup>

Pending McLeod's trial before the New York court, a controversy was carried on between Governor Seward and President Tyler. When it was rumored that McLeod's retained counsel, Joshua A. Spencer, might be appointed a district attorney of the United States, Seward strongly advised the President against making such an appointment.<sup>5</sup> The advice was disregarded; and it was soon reported that the new district attorney intended to appear in McLeod's behalf. Thereupon Seward made an earnest protest to the President against what he deprecated as

“the unseemly aspect . . . of a conflict between the Federal government and that of this state.”

“The prosecution must, at least, labor under a disadvantage, when it is seen that it is regarded by the Federal government as possessed of so little justice or merit that the legal representative of that government is left at lib-

<sup>1</sup> 2 *Works*, 573.

<sup>2</sup> 2 *Works*, 560.

<sup>3</sup> 2 *Works*, 578, 579.

<sup>4</sup> 2 Tyler's *Tylers*, 213.

<sup>5</sup> 2 *Works*, 586.

## THE LIFE OF WILLIAM H. SEWARD

erty to lay aside his official character and appear against the state in its court.”<sup>1</sup>

The President answered by explaining that Spencer was not acting in his official capacity, but in response to a retainer which antedated his entrance into office; and added: “Even if this government deemed it proper, either to protect its own interests or in obedience to its obligations to other countries, to direct its legal agent to appear before the courts of New York to resist either a pecuniary claim advanced against it, or a prosecution set on foot by that state against any individual,” he was unable to perceive what well-founded complaint could be urged against the procedure.<sup>2</sup> Seward replied by insisting that the district attorney was in effect maintaining that McLeod was not responsible before any court whatever; that the cause defended was that of Great Britain, as opposed to that of the United States, and that the fee received was for services in opposition to the state and the nation, and was “to be paid by our own arrogant adversary.” The Governor thought this spectacle “little calculated to secure the confidence of New York, or command the respect of Great Britain.”<sup>3</sup> But, in fact, both national governments held that McLeod was not individually liable for what he was alleged to have done; and Spencer’s defence in no way affected the merits of the case between the United States and Great Britain.

The legal proceedings against McLeod were not very satisfactory either to the Governor or to the Federal administration. The trial took place at Utica in the autumn of 1841. The court declined to admit evidence as to the public or private nature of McLeod’s alleged act. It was conclusively shown that McLeod was

<sup>1</sup> 2 *Works*, 558, 561.

<sup>2</sup> 2 Tyler, 208.

<sup>3</sup> 2 *Works*, 565, 566.



## THE McLEOD INCIDENT

not even a member of the attacking party. The jury, after thirty minutes' consultation, returned with a verdict of acquittal.

The incident was quite as unpleasant to Seward as the one about the schools. It cut his pride that all but two of the New York city papers opposed his views.<sup>1</sup> And to John J. Crittenden, the Attorney-General of the United States, he complained with much feeling that "the talent and wit of the administration might be more profitably exercised in some other manner than in an unavailing effort to drive me from a course, which, in my poor judgment, is required not less by patriotism and the honor of this state than by devotion to the administration itself."<sup>2</sup> "It has been somewhat oppressive upon me, personally, to have Mr. Webster roll over upon us the weight of his great name and fame to smother me."<sup>3</sup> At one time he thought that the New York Democrats would make a leading campaign issue of the desire of the Whigs at Washington to free McLeod; and in that case he had doubts about the future stability of the Whig party.<sup>4</sup>

The thousands of New Yorkers that sympathized with the revolutionists in Canada neither knew nor cared about any principle of international or constitutional law, but they regarded the arrest of McLeod as a rare opportunity to avenge themselves on one who, as was supposed, had made it dangerous for Americans to participate in the rebellion. When Webster's opinion became known, the New York Democrats quickly charged that there was collusion between the government at Washington and that at Albany to release McLeod without a trial. It is more probable that the Governor was acting from political motives than that he failed to see

<sup>1</sup> 1 Seward, 553.

<sup>3</sup> 1 Seward, 553.

<sup>2</sup> 2 Works, 588.

<sup>4</sup> 2 Works, 551.

that Webster's statement was unanswerable. By putting great stress upon the doubtful propriety of the United States district attorney appearing as counsel for McLeod, he exchanged the legal question for one that he could argue sentimentally and with better hope of approval.

VI. THE REGISTRATION LAW

For many years each party had charged the other with encouraging illegal voting. Undoubtedly both charges were well founded. In his first message, Seward said :

“The test of the qualifications of electors, and the form of applying it, have been found to be deplorably deficient in our populous cities. Notwithstanding all existing preventives and penalties, there are crying abuses of this precious right. . . . Anarchy will certainly follow the discovery that the ballot-boxes are an uncertain organ of the will of the people.”

One of the early results of Whig supremacy in the legislature was the passage of a bill requiring registration preparatory to voting in New York city. It had been favored by nearly all the Whig legislators, and was strongly advocated by Horace Greeley.

The Democratic press said that this requirement was typical of the party of “federalism,”—then the most hated word in politics,—and was a special outrage upon voters who were poor and of foreign birth. Now these were just the persons whom Seward and Weed knew how to attract. Seward, with the concurrence of Weed, decided to veto the measure, and wrote a message for that purpose. Reports of Seward's intended action created alarm among other Whig leaders. A special delegation of senators and assemblymen urged Seward to approve the bill; but he held his ground. Others came from New York city and elsewhere, but several of them

## SOME REFORMS ADVOCATED

were convinced by Seward. He was plainly told that he must decide between withholding his veto and causing the overthrow of his party and of his own political popularity. Weed then saw that the situation was serious. He had a "long sitting" with Seward, and they reviewed the whole field; finally, Seward concluded to sign the bill. However, he did this, as Weed reported to Granger, "not only against every sentiment of his heart, but against his convictions as to what was wise and safe"; and, in consequence, he "was miserable all day."<sup>1</sup> The unused veto message, which appears in Seward's *Works*, is, in effect, a criticism of his own action. It argues against the registration provisions, against the functions of the commissioners, and against the special requirements for a single locality. It is valuable as tending to illustrate how wide may be the difference between a politician's public opinion and his honest conviction.

As if to answer to the demand for a uniform system of voting throughout the state, the leading features of the registration law for New York city, except the specific requirement of registration, were, in 1841, extended to all the other cities. Seward favored this change. But the following year the Democrats regained preponderance in both houses; and the Whigs, because they had suffered a severe political defeat in the metropolis on account of the registration clause, joined with the Democrats, and that provision was unanimously repealed. Seward promptly signed the repeal.<sup>2</sup>

### VII. SOME REFORMS ADVOCATED

Although New York considered herself progressive, it was not until after Seward entered political life that imprisonment for debt was abolished, and that male and

<sup>1</sup> 2 *Weed*, 86, 87.

<sup>2</sup> 1 *Works*, p. xlix.

female convicts were placed in separate prisons. Seward, as senator, aided in both these reforms.

Shortly after he became governor a committee of the assembly reported that the inspectors of the state prison at Mount Pleasant had been neglectful of their duties and that the prisoners had been treated with tyranny and brutality. Seward sent a message to the senate recommending the removal of these inspectors.<sup>1</sup> Throughout his entire administration he seems to have given close attention to the best means of making the prisons and reformatories both efficient and humane. In his annual message of 1840, he said :

“While punishment of offenders should always be enforced with firmness, the spirit of the age manifestly requires that discipline should be tempered with kindness, and that moral influences, rather than severe corporeal punishment, should be employed to secure the submission and promote the reformation of the convict.”

In compliance with his suggestion, a law was passed making discipline less severe. In the annual message of 1841, he urged the use of methods that would tend to fortify good resolutions in the prisoners. He thought that they should receive helpful books and religious instruction.

In the same message he congratulated the state upon the success of the reform in separating the convicts according to sex, so that the female convicts were not only located in a different city, but were also under the supervision of a woman. A part of the old evil remained, owing to a law that sent female prisoners within the Auburn circuit to the Auburn prison to remain until transferred by an executive order. Seward recommended that the law be changed so that the prisoners

<sup>1</sup> 2 *Works*, 347.



should be immediately taken to their proper institution.

But Seward's solicitude for women whose offences were due more to misfortune than to depravity extended beyond the prison walls. It is no slight tribute to his intelligence that more than half a century ago he urged the founding of a retreat to which they might go and support themselves until the deep scarlet of their crimes should fade away, self-confidence should be regained, and honorable employment should be secured.

When, in 1831, the question of the abolition of imprisonment for debt was under consideration in the assembly, Seward said, in reply to a request that the reform be postponed: "If imprisonment for debt would be wrong ten years hence, why is it not so now?" The changes made since that time had not extended the reform to the Federal courts. In his annual message of 1841 he suggested that this could be done if the state should refuse to the Federal government the use of her jails for such cases. The following year Congress forbade imprisonment for debt by the Federal courts in those states in which it was not permitted by state authorities.

The most striking passage in Seward's first message—and the one that was longer than any other except that about internal improvements—spoke of reforms in the administration of justice. No acts of Seward's governorship seem to have been performed on a higher plane than his repeated insistence on a reform of nearly the entire machinery of legal procedure. He frankly gave credit for the initiative in this matter to his predecessor and most powerful political opponent, Marcy; and at all times he appeared to be as free from partisan motives as he was from fear of the disfavor of the lawyers and the officials who profited by the defects of the old methods.

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## VIII. USE OF THE PARDONING POWER

A governor's power to grant pardons causes him to hold a sort of *ex-parte* court to which the friends of all convicts may appeal, and where no decisions but those that grant acquittals give satisfaction, or are accepted as final. No argument that may induce a favorable decision is barred, and no appeal that may cause pity for the criminal is likely to be omitted. Here is Seward's record of one day's petitioners :

“ What a day I have had ! I was sitting on the piazza, smoking my cigar and reading the news, when Mrs. M——, widow of the late dyer, who had done so many things for us in his way, came for a pardon to release her son from the county jail. While engaged in hearing her appeal, came a woman, eight months in a peculiarly interesting state, poor, and with no place to lay her head, for the pardon of her young husband, a watchman, who had committed burglary in New York. She was crowded away by a maiden lady, whose only brother is in the state prison at Auburn for forgery. She gave place to a poor, broken-hearted creature, whose honeymoon was scarcely passed before her husband was despatched to Sing Sing. And when she left me, I received a grocer's wife, whose husband was consigned to the penitentiary, in New York, for larceny. And to these appeals was soon added one for a pardon to Thomas Topping, convicted of the murder of his wife. From these applications for executive clemency, I have had to change to issuing warrants for the arrest of Governor Dorr.”<sup>1</sup>

Early in the campaign of 1840 the Albany *Argus* seems to have decided that Seward's use of the pardoning power was a vulnerable point in his administration. It charged<sup>2</sup> that Whig influences had induced him to grant pardons to certain convicts, and to refuse them to others because they were Democrats. The attack cre-

<sup>1</sup> 1 Seward, 607.

<sup>2</sup> July 7, 1840.

ated a political sensation. A few weeks later Seward made an elaborate reply. It filled five and a half columns of the *Evening Journal*,<sup>1</sup> and gave the grounds of every pardon from state prisons. During the previous twenty years each governor had annually pardoned from one-seventh more to four times as many as Seward's average for 1839 or 1840, and Marcy's average was nearly twice as large as Seward's.<sup>2</sup> The *Argus* replied by casting slurs upon the nature of the defence and by repeating the charge that a company of low fellows who affiliated with the Whigs had, on account of political considerations, secured pardons for some of their associates.<sup>3</sup> Once or twice the *Argus* returned to the attack, but without much effect.

For two kinds of convicts Seward's sympathies were easily aroused. Where convincing evidence was produced showing that the prisoner was insane when the offence was committed, the Governor readily released him from the penitentiary, but provided, in the interest of public safety, for his proper restraint elsewhere.<sup>4</sup> Seward also believed that, as a rule, juvenile convicts, or those who, owing to peculiar associations and temptations, had thoughtlessly committed their first offence, ought not to undergo long imprisonment. However, the pardon was generally accompanied by a statement of the reasons for granting it, by some sound moral advice, and was coupled with a condition that assured placing the ex-convict in honest employment or moral surroundings.<sup>5</sup>

The most common cause of murder is drunkenness. During the first two and a half years of Seward's governorship there were eighteen convictions for murder, of which eight were cases of the killing of wives by

<sup>1</sup> September 10, 1840.

<sup>2</sup> 2 *Works*, 262.

<sup>3</sup> *Argus*, September 11, 1840.

<sup>4</sup> 2 *Works*, 617, 618.

<sup>5</sup> 2 *Works*, 618, 619, 620-24, 640, 643.

their husbands. Seward said that in five of the eight cases intoxication had been urged as a ground for executive interposition.<sup>1</sup> Evidently he refused to interfere. In another instance a man was convicted of assault and battery with intent to kill his wife, and was sentenced to five years' imprisonment. A few months afterward his wife and children sought to have him pardoned, saying that shortly before the assault he had become intemperate and that he was in a state of intoxication when the offence was committed, but that when he was sober he was a kind husband and indulgent father. There was no vagueness or sentiment in Seward's answer:

“I am not unmoved by sympathy for them [the wife and children], and for the prisoner. But it cannot be safe or wise to publish it in this community that five years' imprisonment is too severe a punishment for the man who, respectable or otherwise, drunk or sober, discharged a deadly weapon with intent to murder his wife. I doubt not that a pardon would increase the happiness of the prisoner's family, but the peace and security of many families would be put in jeopardy by such ill-considered clemency.”<sup>2</sup>

Some memorialists urged that a certain prisoner ought at least to have his sentence commuted because he had rejected religion, and if executed “would pass from time to eternity entirely unprepared to appear before the bar of God.” To recognize such a plea, the Governor said, “would be to execute the judgment of the law upon the penitent and broken-hearted, and save those whom neither conscience nor the fear of death, or of the tribunal beyond the grave, can soften and subdue.”

It is popularly believed that it is much easier for a great rascal to escape punishment than for a small one.

<sup>1</sup> 2 *Works*, 641.

<sup>2</sup> 2 *Works*, 636.



## THE PARDONING POWER

Seward's treatment of the case of Benjamin Rathbun did not confirm this theory. Rathbun had risen from humble beginnings until by energy, thrift, and fidelity he became one of the leading business men of the state. Buffalo fairly bristled with "evidences of his enterprise and public spirit." Finding himself unexpectedly in financial straits, he forged the name of a business associate. Other forgeries followed until nearly forty names had been used to obtain sums amounting to over three million dollars. With detection came public indignation and demands for speedy punishment. His property was seized, his power crumbled, and he was soon in a convict's cell. But after he had been imprisoned for a short time many persuaded themselves that he and his family had suffered enough; the number of his sympathizers rapidly increased, until the feeling of commiseration was shared by tens of thousands. Then a very large proportion of them petitioned for his pardon, and urged the usual sentimental reasons. Seward's reply concluded as follows:

"I deem it certain that there is no other offender whose pardon would so much impair the public confidence in the firmness, impartiality, and energy of the administration of justice. His conviction was necessary to maintain the sway of the laws and the rights of the citizens, and to vindicate the dignity and honor of the state. I reluctantly add that it seems to be a case in which the effect of that conviction must not be impaired by the exercise of executive clemency."

The pardon of James Watson Webb for violating the law against duelling created much criticism and ridicule at the time. Webb was an intimate friend of Seward, and had long been editor of the *New York Courier and Enquirer*. Next to Weed and Greeley, he was probably the most conspicuous Whig journalist in the state. He was pompous and severe in his writings. A Repre-

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sentative from Kentucky resented his criticism and sent him a challenge. The duel was fought in Delaware, and Webb was wounded in one leg. The Kentuckian escaped uninjured and was not prosecuted. Webb was convicted and sentenced to two years' imprisonment at hard labor for having left the state for the purpose of fighting a duel. Within a few days, however, the court, fourteen of the seventeen members of the grand jury, the municipal council, the officers of justice of New York city, and "many good and worthy citizens of this state," in all fourteen thousand, prayed the Governor to pardon Webb, because he was not the challenger, because the challenger had not been punished, because the combat was not mortal, because Webb had never intended to injure his adversary, because he had waived all legal defence, and because only three of all the previous offenders against the law had been prosecuted, and they had afterward been pardoned. The Governor pretended to act on these facts, and granted Webb full pardon. But even while the trial was in progress Seward wrote as follows to R. M. Blatchford:

"ALBANY, *November 18, 1842.*

"MY DEAR B.,—I discovered by the papers yesterday, too late to write to you, that an unfortunate lame man of our acquaintance, whose friends have tried to keep him out of difficulty, is again in trouble. Although he has a lame leg, I believe he has a sound heart. Pray, if you see him, ask him to give me a breathing spell before he goes to the Tombs, that is, to procure delay if he can until the last hour of the present term. There is no use in his lying there so long, nor longer than to communicate with me *after sentence*. If the matter is not yet closed, let him be advised to say substantially this and no more to his judges:

"I plead guilty, and though my education and associations gave me sentiments on the subject of the law of honor which are in conflict with the laws of the state, I submit myself to them without questioning their wisdom and without any feeling of unkindness to those by whom they are administered. I shall abide as becomes a good citizen the

## THE PARDONING POWER

judgment which the court shall deem it due to the interests of society to pronounce.’

“I shall not be in N. Y. to stay until this affair is ended. . . . You know what disposition ought to be made of this letter.”<sup>1</sup>

Seward’s theories as to the exercise of the pardoning power were philosophically and morally correct. To the Rathbun petitioners he replied :

“If there is one department in the administration of government where impartiality ought to be maintained more rigidly than in any other it is in the exercise of the pardoning power. The plea which prevails in favor of one whom the world has esteemed and respected, and in whose behalf thousands address the executive, ought to be equally efficacious when offered by the most obscure prisoner in his solitary cell.”

On another occasion he said :

“The power of pardoning criminals is confided in me for the purpose of maintaining the laws, not to repeal them or set them aside. A pardon granted upon the

<sup>1</sup> Seward MSS. Seward’s draft of a subsequent and long letter, without date, contains these sentences :

“Of course a pardon will be granted in any event. It would be oppressive to refuse. But it is decided that there shall be no explanation by the giver. There is but one difficulty in the way of universal approval. That is perfectly explained in a letter received this morning from S. B. [doubtless Samuel Blatchford]. . . . It was to remove this difficulty that I set down what ought to be said on pleading. But the importance of it was not appreciated and was not said.” Seward explained that his object was to have the lame man show respect for and submission to the law. Then he drafts the kind of a letter Webb should write while “a prisoner in the house of detention, awaiting the sentence of the court on my own confession of a violation of the laws which prohibit duelling.” One sentence that Seward wanted Webb to use in asking for a pardon, reads : “Yet no one has so good reason as I to know your disapprobation of the practice of duels and the principle in which it is founded, and your constant reprobation of both.”

“I write without opportunity to advise, and again desire [it] to be understood that my hand and heart and seal are all ready in any event. You know what should be done with this letter.”—Seward MSS.

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ground I have mentioned would involve the obligation to pardon in all other capital cases, and thus the laws solemnly established by the legislature would be virtually repealed by the executive authority."

Of course the pardon of Webb was not according to this rule. Seward's letters show that he was fully aware of the impropriety of his interest in Webb's case, and of the manner in which it was shown. Nevertheless, in all other cases, so far as is known, his exercise of the pardoning power, if not above criticism, was certainly much better than that of his predecessors.

### IX. RETROSPECT AND PROSPECT

Judged by the immediate consequences to the Whig party, Seward's administration was not a political success. This of itself is no reflection upon Seward, for new ideas and a persistent championing of them are at first rarely profitable. But for the rollicking enthusiasm of the national Whigs in 1840—when cider, songs, and endless parades made it difficult for the Whigs to get out of the current and for the Democrats to keep out—Seward would probably have been defeated for re-election. Harrison received thirteen thousand more votes than Van Buren, but Seward ran only five thousand votes ahead of his rival, Bouck—the ex-canal commissioner. The Whigs still held control of the legislature, but in the assembly their majority had been cut down to four. These results caused much speculation by the journalists. Greeley<sup>1</sup> attributed them to Seward's recommendations for the reform of the laws regulating legal procedure and about the schools. The *Evening Journal* praised the loyalty of the lawyers, but said that doubtless many scratched Seward's name from the

<sup>1</sup> *Log Cabin*, November 9, 1840.



## RETROSPECT AND PROSPECT

ticket because his reforms had reduced their fees as well as the rights of creditors. Seward had surely lost popularity among the Whigs and had won it among foreign-born citizens, but the latter could not safely vote for a party that was unfriendly to them. Undoubtedly much of the difference between the support received by Harrison and that accorded to Seward was due to the fact that the Democrats were in power in national affairs, while the Whigs were responsible for the political conditions that prevailed in New York: disappointment, discontent, and lack of enthusiasm were serious handicaps. After 1840 the popularity of the Whigs continued to decrease. Circumstances made it impossible for them to master the financial difficulties. Harrison's death, a month after his inauguration, and the feud between Clay and Tyler, injured the party throughout the country; for, as Fillmore wrote a little later, it had "no cohesive principle—no common head." So the election of 1841 brought almost three times as many Democrats as Whigs into the assembly and overthrew the Whig majority in the senate.

There had been nothing so flattering about the election of 1840 as to warrant the belief that Seward could have a third term if he sought it. The prospect did not improve later; yet the Governor speculated in this manner in 1841:

"You will have seen that I have announced that I am not and will not be a candidate for re-election. Few will understand the grounds of this decision. They are, however, such as commend themselves to my judgment, and are consistent with patriotism, as I trust. Why announce it now? I answer that the world may know that it is voluntary, and that it is my own act, and that the party may have the advantage of a fair consideration of my policy and measures, separated from that which always weighs against any policy or measure, the supposed ambition or selfishness of the projector.

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“There are other considerations. My principles are too liberal, too philanthropic, if it be not vain to say so, for my party. The promulgation of them offends many; the operation of them injures many; and their sincerity is questioned by about all [!]. Those principles, therefore, do not receive fair consideration and candid judgment. There are some who know them to be right and believe them sincere. These would sustain me. Others whose prejudices are aroused against them, or whose interests are in danger, would combine against me. I must, therefore, divide my party in a convention. This would be unfortunate for them, and, of all others, the most false position for me. And what have I to lose by withdrawing and leaving the party unembarrassed?”<sup>1</sup>

After the election of 1841, which Seward himself called “a disastrous overthrow of the Whig party in the state,” he wrote to John Quincy Adams: “As for the future, I await its developments without concern, conscious that if my services are needed they will be demanded; and, if not needed, that it would be neither patriotic nor conducive to my happiness to be in public life.”

To Seward politics was a harp with many strings, and he could touch them with the skill of a master. The *Evening Journal* of October 31, 1842, published a letter he had written two days before to a political friend. It was undoubtedly intended as a farewell address—neither too non-partisan nor too forgetful of the future. He said that although his motives in seeking retirement were “exclusively personal,” he trusted that they were such as might rightfully govern the conduct of every citizen.

“I shall devote myself chiefly to duties arising out of my domestic relations, which, of course, have been much neglected during the past four years. Though I may properly claim some exemption from active partisanship, I shall in private life be the same Democratic Whig in sentiment, in action, and association, that I have been in public life.”

<sup>1</sup> 1 Seward, 547.

<sup>2</sup> 1 Seward, 571.

## RETROSPECT AND PROSPECT

He advocated "the maintenance in spirit as well as in form, in practice as well as in theory, of the great fundamental truth that all men are born free and equal," and added that "these are measures and principles I have had occasion to maintain under the highest responsibility that can rest upon any citizen."

The election of 1842 proved that his political discretion was not less admirable than his skill in giving philosophical reasons for his acts and intentions. Bouck, the Democratic candidate, received nearly twenty-two thousand more votes than his Whig rival, Luther Bradish; the Whigs elected but one senator, and only a little more than one-fourth of the assemblymen. The great printer's eagle, the common property of the rival journals, triumphantly spread its wings over a full page of the *Argus*; and the *Evening Journal* of November 10, 1842, exclaimed: "We are beaten, not by the 'meagre' majority anticipated, but by an avalanche! . . . It is a regular out-and-out Waterloo affair."

Seward's term had only a few weeks to run, but there was one duty that he was in no danger of neglecting. The first letter he wrote after hearing of his election as governor will be remembered. Here is his last before going out of office:

"ALBANY, *December 31, 1842.*

"MY DEAR WEED,—The end has come at last. My successor and the new year are here together. He has the keys and the seal, and I have recollections and reflections. Those which crowd upon me are different from what I anticipated. . . . My public career is honorably closed, and I am yet young enough, if a reasonable age is allotted me, to repair all the waste of private fortune it has cost. Gratitude to God, and gratitude and affection towards my friends, and most of all to you, my first and most efficient and most devoted friend, oppresses me.

"What am I to deserve such friendship and affection? Without your aid how hopeless would have been my prospect of reaching the elevation from which I am descend-

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ing. How could I have sustained myself there ; how could I have avoided the assaults to which I have been exposed ; how could I have secured the joyous reflections of this hour ; what would have been my prospect of future life, but for the confidence I so undeniably reposed on your affection ?

“I have need of many things. Yet it is not in my heart to ask for anything but blessings on you and yours ; and for myself, that I may be saved from the crime of ingratitude.

“ Yours faithfully,

“ WILLIAM H. SEWARD.”<sup>1</sup>

Weed's constant devotion to Seward was equalled only by Seward's manly gratitude to Weed. Their fortunes were to change many times, but the perfect mutual attachment continued until death broke the chain, thirty years later.

<sup>1</sup> <sup>2</sup> *Weed*, 98, 99. There is a difference between the text as printed here and the wording in *1 Seward*, 642. In the latter place some of the strongest acknowledgments to Weed do not appear, nor is there anything to indicate omissions.



## CHAPTER IX

### RETIREMENT AND POLITICS, 1843-44

SEWARD retired to private life at the beginning of 1843. His prospects were not bright. The Whigs were in an almost hopeless minority in the state, and many of them believed that the two great leaders were to blame for it. Seward pronounced himself disgusted with politics, but he was not altogether confident of remaining so. He had wavered for a time between the "disagreeableness" of settling in Albany and of returning to "the discomforts of business in Auburn." Probably political considerations led him to conclude that his "old office in Auburn would be less distasteful." Then his optimism asserted itself, and he pictured himself in a new library, free from the bother of clients and clerks, "nights and mornings and Sundays," near those who were ever his first thought and dearest affection, engaged in writing a commentary upon American government, politics, and law, and thus employing his spare time in an "occupation of a higher order than the practice of the law."

But his thoughts were soon to be occupied by less pleasing subjects. About 1830 he bought a "few despised village lots," from which, owing to the rise in their value and the rent from some buildings he had put upon them, he had made a fair profit. A few years later he converted his little means into an investment in some stores, so as "to be freed from the commercial operations which my soul abhors, of lending

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money, taking notes, buying and selling, etc." The salary he received, a few years later, from the land company was said to be five thousand dollars—then regarded as a liberal compensation. He also obtained, under favorable conditions, a four-hundred-thousand-dollar share in that company, but it was still a debt.<sup>1</sup> When he was elected governor, probably his net savings amounted to about fifty or sixty thousand dollars. After the expiration of his term he was confronted with "bills and notes of protest," and found that "his moderate personal estate had nearly melted away," says his filial biographer. This was due to the general financial crisis and his large expenditures when in office. Seward's father and his father-in-law, Elijah Miller, had been unusually successful in money matters, but they still retained possession of their property. Since 1835, at least, Weed had known Seward's financial affairs almost as well as those that were political; and Seward felt as free to call for Weed's assistance on one account as on the other. Here is evidence of it:

"AUBURN, *January 13, 1843.*

"MY DEAR WEED,—All excesses leave a train of penances. Those Rathbone notes fall due about this time. I am ashamed to confess that as to one of them I don't know when or where, any more than I can tell how, it is to be paid. If you will arrange the matter, and advise me of the manner in which the blanks, etc., are filled, I will endeavor hereafter to relieve your slate of the charge. Sad as the times are, and huge the undertaking, I will try to pay them off, with as long a time to work in as Walter Scott had to pay his creditors."<sup>2</sup>

Some of Seward's friends suggested bankruptcy proceedings as his only escape from life-long indebtedness.

<sup>1</sup> 1 Seward, 646.

<sup>2</sup> 2 *Weed*, 99; 1 Seward, 647, quotes much more as being part of the same letter; but the sentences about the Rathbone notes are left out without any signs of an omission.

But even if such an idea had not been entirely inconsistent with Seward's notions of honor, his keen political perceptions would have caused him to reject it. Although his debts were so large that, at first, he could barely pay the interest on them, in the best of humor he worked hard at his profession to escape from the great black spectre. A passage in a letter to Weed dated February 14, 1843, humorously described his new resolutions:

"You ask me when I am going East. Heaven bless you, I do not think of such a thing! I am resolving myself into a village lawyer; the thought of the expense of time and money which a visit would require appalls me. Why, I am wearing out old clothes, burning tallow-candles, smoking a pipe instead of cigars, economizing fuel, and balancing my cash-book night and morning. Don't think of asking me to travel on the railroad until the canal opens and the second-class cars are on the road. If I have occasion to visit Albany, as I may by-and-by, I think I shall strike across country on foot to Goshen, and arrive at Albany by one of Newton's steamboats, which always convey me gratis."<sup>1</sup>

<sup>1</sup> The following letter shows that his financial embarrassments continued for a few years at least:

"AUBURN, *September 19, 1845.*

"MY DEAR SIR,—In consequence of the friendship that had so long existed between your father and myself, and of your having come into his place in the conduct of his affairs, I hope I may seem justified in communicating to you what concerns myself in the same freedom I enjoyed with him.

"Going into an expensive public place, so going and in the midst of not unsuccessful efforts to secure a competency, and remaining there so long in such a disastrous period, I encumbered myself with very heavy embarrassments which it has been my most urgent business to remove by resuming my professional labors. The saving of my property has depended and yet depends on relieving it of those embarrassments. I ask no aid of relief laws, I solicit no loans of money, but I am desirous to look to kind friends for indulgence in the importunities I am obliged to make for just compensation for professional services which they allow me to render them. With the blessing of God and the continuance of my health, this is all I need. I make this explana-

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How he threw off his financial burdens and made his fortune a growing rather than a shrinking one will appear when his traits and career as a lawyer are considered.

There had been a great change in Seward's daily occupations, but not in his tastes and ambition. In fact, before he had had time to open an office he was following the broad current of state and national politics, although he was taking no active part.

When, in 1843, the Democrats began to organize their majority in the state legislature, they found that on the question of internal improvements many members of the party were more in accord with the Whigs than with the platform of their own party. So this question, aided by personal jealousies, led to the establishment of two rival factions of the New York Democracy. The contest to succeed Weed as state printer accentuated the antagonism. The *Argus* successfully advocated the election of its editor, Edwin Crosswell. That journal represented those Democrats who favored continuing internal improvements along a line about midway between the Whig policy and that of the stop-and-tax law. Among the leaders of this faction were Governor

tion of the reason for doing what I feel sure you will not think me unreasonable in doing under such circumstances. I have to-day drawn my order on you, as one of the executors of your father, for counsel fees and services in regard to his loan to Mr. Mason, and in drawing the will of your father, for twenty-five dollars, payable at the Bank of Auburn.

"I need not say that with increasing strength I shall hope to be able to render you, and those connected with you, kindnesses reciprocal for those which in the course of Providence it is now in your power to render me.

"I am, dear sir, therefore to request you if convenient to pay that small sum there and take up my draft which will be your voucher.

"Very truly your friend,

"WILLIAM H. SEWARD.

"HENRY WILLARD, Esq."—MS.



Bouck, Edwin Crosswell, Daniel S. Dickinson, and Horatio Seymour. Ex-Governor Marcy was known to sympathize with them. On national questions they accepted the regular party doctrines, giving themselves no special concern about progress or moral ideas; they were generally rather indifferent except as to practical success and the appointments to office. They were contemptuously called "Hunkers."

The leaders of the other faction were Azariah C. Flagg, John A. Dix, Samuel Young, Michael Hoffman, and, a little later, Samuel J. Tilden. The Albany *Atlas* was their organ. Martin Van Buren and Silas Wright inclined to this wing of the party. These men had of late exerted the greater influence, for they had made the most effective attacks upon Whig measures. Although ardent partisans, they dared to insist that immediate victory and the gaining of the offices were not always the best criterions of a wise policy. Already they were showing signs of restlessness under the pro-slavery yoke which the South had placed upon the national Democracy. The Hunkers ridiculed what they regarded as the inexpediencies of these radicals, and likened them to the old Dutchman who was so determined to rid his barn of rats that he set fire to it. So they were popularly known as "Barnburners." Notwithstanding the differences between the two factions, the Barnburners preserved party loyalty on leading questions; but it was uncertain how long this would continue.

Even before the Whigs came into power in New York, a large majority of them had a very decided aversion to foreigners. The Irish immigrants were peculiarly clannish, and soon found politicians ready to give them offices and special attention in exchange for their votes. It was not strange that native Americans, who had inherited Protestant prejudices and the ideas of the Revolution, should look with jealousy and fear upon

the new-comers, of whom so many were Catholics. The discussion of the school question had quickened the antagonism. At this time Ireland was agitating for the repeal of the law that had deprived her of her parliament. The Irish in America were intensely interested in this agitation, and in New York there was a strong movement in support of the cause led by O'Connell. Anti-Catholic sentiment became very bitter in many localities, and in some places the Irish were treated with mob violence and shocking brutality. In 1843 a Native-American party was organized in New York. It demanded that the elective franchise should not, until after the lapse of a long term of years, be conferred on citizens of foreign birth, and that only natives of the United States should hold office. In the election of a state senator from New York city in the autumn of 1843, this party—then calling itself "American Republican"—polled nearly nine thousand votes, as against about fourteen thousand by the Whigs and the Democrats, respectively.

Subsequent to Anti-masonic days, at least, Seward was not a man of prejudices. Although his speeches sometimes indicated the contrary, he had a cheerful liberality and was not disposed to see dangers. In 1840 he defined his views in these sentences :

"Why should an American hate foreigners? It is to hate such as his forefathers were. Why should a foreigner be taught to hate Americans? It is to hate what he is most anxious his children shall become. For myself, so far from hating any of my fellow-citizens, I should shrink from myself if I did not recognize them all as worthy of my constant solicitude to promote their welfare, and entitled of right, by the Constitution and laws, and by the higher laws of God himself, to equal rights, equal privileges, and equal political favor as citizens of the state, with myself."<sup>1</sup> And again, later, he wrote: "This right hand

drops off before I do one act with the Whig or any other party in opposition to any portion of my fellow-citizens, on the ground of the difference of their nativity or of their religion. No pretence of policy, no sense of injury, shall induce me to join, aid, or abet such miserable efforts.”<sup>1</sup>

Seward and Weed vigorously defended the foreign-born voters, and were reproached for it by their fellow-Whigs. That they did this solely for political advantage is no more to be assumed than that they would have done it if they had been sure that it would ruin their political prospects. Martyrdom as a career was as unattractive then as now. They undoubtedly believed that their course in general was right and that it would be advantageous in the near future.

Seward's severest critics said that he was merely coquetting with the foreign-born voters and not expressing his honest convictions. Every intelligent man knows that an agitation in one country for the purpose of bringing about political changes in another is an international impertinence that rarely does good anywhere and often does much harm. Seward had a very keen eye for appearances; yet in a speech at a St. Patrick's-day celebration, in 1840—when he was governor and soon to be a candidate for re-election—he recalled the night when the Irish parliament was “corrupted by British influence” and Ireland was “betrayed . . . into a provincial connection with England,” and declared that he “would rather have been dragged lifeless from the senate chamber than have yielded to such a union. Were I a citizen now, I would ‘agitate and agitate’ until that union was repealed, and an Irish parliament and Irish liberty were restored.”<sup>2</sup> Other parts of the speech were of a similar character, and he closed with special thanks to his audience “for all your kindness to

<sup>1</sup> *Works*, 388.

<sup>2</sup> *Works*, 221.

me now and heretofore." At a meeting to promote the repeal of the union between England and Ireland, held in Syracuse, in July, 1844, he referred to the "suspicion of insincerity" that attached to native Americans who exhibited more than "a conventional and customary sympathy for the people of a land so remote." He explained that prior to this time his part in the agitation had been confined to writing "a letter here and there, drawn forth by inquiries that could not be disallowed," and to presiding once or twice at what were called repeal meetings. He had been less active formerly, he said, because the cause was advancing and did not need his support, but that now "a reaction has come which has covered you with confusion and sadness."<sup>1</sup> Irishmen keenly appreciate such declarations. By 1844 Seward had become a favorite spokesman, presiding officer, and orator at repeal meetings. In the summer of that year he wrote to Weed: "Our good friends are covetous of my little grace with classes they have hitherto despised." In speaking at a St. Patrick's-day celebration, in 1846, he reviewed with minuteness and great perspicacity the wrongs that had been inflicted upon Ireland. He even read a long Latin record of a court in 1311, and added: "The plain English of this atrocious record is, that it was not *murder* but *excusable* homicide to slay an Irishman, unless he had renounced his country and become an Englishman."<sup>2</sup> Then he swept down the five centuries with fine rhetorical effect, and pleaded "guilty" "to the charge of being a repealer." "I may be told that Irishmen are incompetent to govern themselves. Let them *try*. It is certain they could not govern themselves worse than England governs them." So much to explain Seward's attitude toward the new Native-Ameri-

<sup>1</sup> 3 *Works*, 254, 255.

<sup>2</sup> 3 *Works*, 277.



can party and the voters against whom its activity was directed.

The organization that had caused the calculating managers of the two leading parties in New York the most annoyance was that of the political abolitionists, now commonly called the Liberty party. Few of the Liberty-party men had ever sought or held an office; their first aim was to use their ballots as a means of attacking slavery; and many were inspired by a zeal that made them seem odd and impractical. In 1840 James G. Birney had been their candidate for the presidency. In 1842 they began the practice of making nominations in every town, county, and district in New York where there were any abolitionists; and their gubernatorial candidate, Alvan Stewart, received 7263 votes. In 1843 they polled nearly sixteen thousand votes.

Seward's treatment of the Virginia and the Georgia slave cases had given him a popularity among the anti-slavery men of New York that no other Whig or Democrat could rival. Before he went into retirement colored men had begun to show considerable activity in politics. Until recently he had never favored equal political rights for the negroes of New York. But early in 1843 he wrote, in answer to a communication from some colored citizens of Albany:

“GENTLEMEN,—If prejudice, interest, and passion did sometimes counsel me that what seemed to be the rights of the African race might be overlooked without compromise of principle, and even with personal advantage, yet I never have been able to find a better definition of equality than that which is contained in the Declaration of Independence, or of justice than the form which our religion adopts. If, as the former asserts, all men are born free and equal, institutions which deny them equal rights and advantages are unjust, and if I would do unto others as I would desire them to do unto me, I should not deny them

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any right on account of the hue they wear, or of the land in which they or their ancestors were born.”<sup>1</sup>

This political plea of confession and avoidance was followed by a thoroughly unique benediction :

“May that God, whose impartial love knows no difference among those to whom he has imparted a portion of his own spirit, and upon whom he has impressed his own image, reward you for your kindness to me now, and in times past, and sanction and bless your generous and noble efforts to regain all the rights of which you have been deprived.”

Many of the abolitionists assumed that Seward’s anti-slavery sentiments would control his political actions. And when the Liberty party was casting about for a leader in the presidential campaign of 1844 several influential men at different times invited him to become a candidate for nomination. This was such a ludicrous misapprehension of his controlling purposes that he wrote as follows to Weed concerning one of the offers:

“Mr. N——, the other day, conscious that this is the season of Lent, and therefore similar to that in which the devil showed our Savior all the kingdoms of the earth and offered them to Him, tendered me the abolition nomination for President by letter, which I respectfully declined upon the ground, generally, that I have gone to the end of my ambition and sense of duty, not to speak of my obligations to that portion of the people to whom I am indebted for all honors.”<sup>2</sup>

Of course Seward’s friendly relations with the abolitionists became known to the Whigs and caused them much solicitude. It was generally believed that he and Weed were chiefly responsible for the candidacy of Harrison, instead of Clay, in 1840; and it was also suspected that they were opposed to making Clay the next

<sup>1</sup> 3 *Works*, 438.

<sup>2</sup> 1 Seward, 656.

Whig nominee. To put an end to these suspicions and fears, Seward wrote to a prominent Whig, saying:

“You are, therefore, at liberty to publish, in any way you think proper, that while I adhere, and expect to adhere as long as I live, to my published principles and sentiments concerning slavery, I still adhere just as firmly, and expect to adhere just as long, to the Whig party and its candidates, through all changes of time and circumstances. I shall do this for the simple reason that I regard the Whig party as the party through whose action wise measures and beneficent legislation must chiefly be secured.”<sup>1</sup>

There was surely no room to doubt his loyalty to Clay after he announced, at this time, that he himself had written the circular sent out by the state central committee recommending district conventions to appoint delegates to a national convention, and to instruct those delegates to vote for Clay.

There were several good reasons why Seward himself should not be a candidate for office in 1844. It was too soon to expect that certain Whigs had forgotten some displeasing features of his administration. Above all, his pecuniary affairs still demanded his close attention. Besides, he did not feel confident of Whig success that year. The political firm of Seward, Weed, and Greeley favored the nomination of Millard Fillmore for the vice-presidency and Willis Hall for the governorship. The plan was very adroit. If successful it would give Seward and Weed many opportunities to make grateful acknowledgments for past favors, and to proclaim their desire for nothing further—which was the best way to remove old animosities and regain full confidence and control for the future. Yet Weed seems to have felt some lingering doubts about the wisdom of Seward's refusal to be a candidate for the Whig vice-presidential

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nomination; but Seward humorously rejoined by saying that he had somewhere "read (not in Machiavel, but in another less unprincipled and equally wise) that it is good for a statesman to let others pass by him without envy, if they wish, while traveling the same road."

Eternal vigilance is no more the price of liberty than constant activity is the first requisite of leadership in politics. No one understood this better than the ex-Governor. A Whig mass-meeting in Auburn, in February, 1844, afforded Seward an opportunity to proclaim his opinions, and to put himself in touch with his partisans. He reminded his neighbors that nearly seven years had elapsed since he had been able to mingle in a gathering of his old political and personal friends. Now he seemed to hear a thousand voices calling upon him to resume those long-suspended duties; he saw a thousand faces beaming upon him with all the former kindness that had cheered him and made Auburn the centre of his happiness. Addressing them more directly, he said:

"Thanks to you, Whigs, neighbors! Success and triumph crown your labors for our country's welfare; peace and happiness, reverence and honor, attend you in your families and homes—such homes as none but enlightened American freemen ever had, but such, if Whig principles continue to flourish, as shall be enjoyed throughout our country and the world."<sup>1</sup>

Lest some opponent might think him harsh, he solemnly stated it as his belief that, as a general rule, men of all parties were alike honest and patriotic. But his political life had taught him the virtue of candor in judging others as well as the error of expecting candor in their judgments of him. Who could wish to follow a more gentle partisan?



Each party in the legislature continued to issue an annual address. In 1844, Seward again took up his pen and produced the keenest and most severe of all his political writings up to that time. The fact that the Whigs were in an insignificant minority in the legislature enabled him to disclaim for them all responsibility for not having accomplished much; yet in a few cases, he said, they had awakened a sense of justice in some of the Democrats, who, by joining with the Whigs, had been able "to thwart the destructive ends of their leaders." The Democrats were represented as disagreeing among themselves in following an imbecile policy, in stopping internal improvements, and in increasing taxation without benefiting the state. Seward's exposition of the Democratic policy on internal improvements was legitimate partisan warfare; but to have stated the whole truth—that the present object of that policy, or lack of policy, was not internal improvements at all, but to restore state credit—would have turned the edge of his criticism. Likewise, in national politics, by repudiating Tyler he was able to cast upon the Democrats the full opprobrium for the attempt to acquire Texas and for the continued suppression of the right of petition.

It was foreseen that the question of acquiring Texas would be the chief issue of the presidential election of 1844. The United States had once claimed Texas as being included in the Louisiana purchase, but this claim was given up as one of the considerations in the purchase of Florida, in 1819. However, many persons, especially in the South, continued to urge that Texas rightly belonged to the United States. In 1829 slavery had been declared to be abolished throughout all Mexico. Adventurous spirits and pro-slavery fanatics had moved into Texas, and had in many cases taken their slaves with them, intending by this means to trans-

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plant the institution of their own states, and either secure the independence of Texas or bring her into the Union. The story is familiar. Texas proclaimed her independence in 1836, and the following year the United States recognized it, although Mexico and Texas were still at war on the question. The South desired the acquisition of Texas chiefly in order to preserve her political balance in Congress, and thereby protect slavery. President Tyler, who had long since ceased to be a regular Whig, had worked with might and main to aid the pro-slavery cause. All abolitionists, nearly all northern Whigs, many northern Democrats, and some southern Whigs, opposed annexation then, on the ground that it would either cause war or increase the political power of slavery, or both.

Up to the spring of 1844 it seemed certain that Van Buren would be the Democratic presidential candidate, and that Clay would lead the Whigs. But in the South the Texas question was paramount. In reply to a political letter from a prominent Mississippian, Van Buren frankly declared that he was opposed to annexation while the United States remained at peace with Mexico and while Mexico claimed jurisdiction over Texas. The annexationists were able to induce the Democratic national convention, held in Baltimore in May, to adopt the rule requiring a two-thirds vote for nomination. Although more than a majority at first voted for Van Buren, he was finally defeated, and James K. Polk, of Tennessee, was nominated on a platform calling for immediate annexation "as a great American measure."

In a letter written at Raleigh, Clay had expressed opinions similar to those held by Van Buren. His sentiments displeased the annexationists, and at the same time were unsatisfactory to the abolitionists because the question of slavery had been given only slight consideration. But most of the northern Whigs were

jubilant, and he was chosen by acclamation as the party candidate. The nomination for the vice-presidency was given to Frederick Freylinghuysen, of New Jersey—not to Fillmore. The few lines of resolutions, in lieu of a platform, said nothing about slavery or annexation. As the national campaign advanced Clay found that on account of the Raleigh letter many southern Whigs were not enthusiastic for him and were thinking of turning to Polk; they even accused him of having become an abolitionist. Hoping to regain their confidence and support, in a letter to an Alabama friend he pronounced as “perfectly absurd” the charge that he was endeavoring to court the favor of the abolitionists, for they had never abused any one half so much as they had him. He added that personally he had no objection to the annexation of Texas, but was unwilling to see the Union imperiled for that purpose. In another letter he went farther and announced his opinion that slavery had nothing to do with the question; for whether Texas became independent or a part of the United States, it would not affect the duration of slavery. Almost as if admitting a blunder, he wrote a fourth letter to clear up the difficulties; but the attempt was not successful.

These “Alabama letters,” as all except the first were called, created consternation among the New York Whigs. The Raleigh letter had led them to expect that many antislavery men in the other parties would see that by voting for Clay they could prevent annexation and the strengthening of slavery. But now Clay had made it plain that he could not be trusted with antislavery interests.

The conditions prevailing among the Whigs and the Democrats were very favorable to the growth of the Liberty party; so it renominated James G. Birney for the presidency, and began an active campaign with the distinct expectation of defeating Clay; for New York



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was about evenly divided between the two leading parties, and was likely to be a pivotal state.

The best way for the Whigs to prevent such a result would be to make a vigorous attack upon the Democratic record, state and national, and to try to attract the antislavery men of different parties. Seward was peculiarly well fitted for this undertaking. Before the campaign opened, he had been regarded as so radically antislavery that in 1843 the Whig central committee had voted him out of the party;<sup>1</sup> he had the general reputation of being the most effective partisan writer in the state; he was a special champion of Clay and a determined opponent of the annexation of Texas; and no public man in New York was more admired by Irish-American voters. For these reasons his speeches were likely to mean more to the Whigs than those of any other man. He devoted nearly three months to canvassing the northern and most of the western counties of the state.

He advocated a policy of internal improvements extending to all useful public works, so as to benefit every part of the state.<sup>2</sup> He would stop taxation in connection with internal improvements, and meet state obligations by securing from the national government a division, among the states, of the proceeds of the sales of public lands.<sup>3</sup> Ordinary financiers might think that taking this amount out of the Federal treasury and dividing it among the states would make it necessary to tax the people to replace it. But Seward contended that "the people are not taxed to supply the amount withdrawn [from the United States treasury]. It is the foreign mechanic and artisan and capitalist who are taxed for that amount."<sup>4</sup>

<sup>1</sup> 1 Seward, 719.

<sup>3</sup> 3 *Works*, 247, 249.

<sup>2</sup> 3 *Works*, 247.

<sup>4</sup> 3 *Works*, 249.



His theory of party allegiance was very persuasive, although not new even then :

“Parties are incident to popular government. Two parties exist now, as two have always existed, and always will. Each of them as a majority, by turns, controls the administration of government, and, as a minority, exercises a salutary restraint upon the controlling party. We can only reach the administration, and influence its course, through one or the other of these parties. To attach ourselves to a third party, which has not and cannot, while the others last, have a representation in the public councils, is to renounce, for the present at least, the right of interference in public affairs.”<sup>1</sup>

Drawing upon his own experience, he said that when he wrote or spoke against slavery, his words were quoted in all the Whig papers and weighed by many Whigs ; whereas, had he been a member of the Liberty party, he would have had a small audience.<sup>2</sup> As the campaign advanced and the evil influence of Clay’s Alabama letters spread, Seward found “panic” in one place, and saw that “everybody droops” in another. He then appealed to Weed, with the question : “Is there any other way but to go through to the end, more devotedly than ever?”<sup>3</sup> Doubtless Weed answered in the negative.

As Clay relaxed in his antislavery sentiment, Seward became more aggressive. No one pointed out more clearly than he the real significance of slavery. It violated the spirit of our democracy ; it created sections and a discord of sentiments and interests ; it invited interference from abroad and bred disunion at home. If kept within its present limits, he continued in substance, slavery must soon languish owing to the rapid exhaustion of the soil it tilled. To seek expansion for it would cause war. He held that the proposed annexation of Texas was to be effected in the interest of an aristocracy of slave-holders :

<sup>1</sup> 3 *Works*, 261.

<sup>2</sup> 1 Seward, 706, 707.

<sup>3</sup> 1 Seward, 724.

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“Whatever else may happen, let us be spared from subjugation to an aristocracy of wealth consisting of human bones, sinews, and veins—consisting of the bodies and souls of our countrymen!

“And what is this slave-trade that we must favor and protect with such sacrifices? I have seen something of it. Resting one morning at an inn in Virginia, I saw a woman, blind and decrepit with age, turning the ponderous wheel of a machine on the lawn, and overheard this conversation between her and my fellow-traveller [Mrs. Seward]: ‘Is not that very hard work?’—‘Why, yes, mistress, but I must do something; and this is all that I can do now, I am so old.’—‘How old are you?’—‘I do not know; past sixty, they tell me.’—‘Have you a husband?’—‘Yes, I was married.’—‘Where is your husband?’—‘I do not know; he was sold.’—‘Have you children?’—‘I do not know: I had children, but they were sold.’—‘How many?’—‘Six.’—‘Have you never heard from any of them since they were sold?’—‘No, mistress.’—‘Do you not find it hard to bear up under such afflictions as these?’—‘Why, yes, mistress; but God does what he thinks is best with us.’ Mothers! you who sit before me so happy in the innocence and joy of your children, was not that slave-mother a woman and your sister?

“. . . The annexation of Texas to enlarge and fortify the slave-trade is, forsooth, ‘a great democratic measure.’ Out upon such democracy!”<sup>1</sup>

This was vivid and vigorous enough to rival Wendell Phillips at his best.

Of course Seward’s sentiments did not correctly represent the opinions of Henry Clay, nor were they even Whig sentiments. Clay, the idol of that party, had, after serious reflection, explicitly asserted that the annexation of Texas would have no effect upon slavery. His only grave objection to it was that it would cause war. But all abolitionists and most New York Whigs would have preferred a war with Mexico, if not in any way connected with slavery, to an extension of slave

territory, even if this could be accomplished without war or a dollar's expense; and they feared that if Clay should be elected he might find some means of bringing about annexation without a war.

"But you will say that Henry Clay is a slave-holder," Seward urged, almost pathetically. "So he is. I regret it as deeply as you do. I wish it were otherwise. But our conflict is not with one slave-holder, or with many, but with *slavery*. Henry Clay is our representative. You are opposed to the admission of Texas, and you admit and assert the duty of resisting it by the right of suffrage. Will you resist it by voting for James G. Birney? Your votes would be just as effectual if cast upon the waters of this placid lake."<sup>1</sup>

At the conclusion of his last speech he towered like an Alp above the partisan discussions of the campaign:

"I desire to say that as I have spoken here I have everywhere spoken—not as a mere apologist of the Whig party, or of its leaders, but as an advocate of the interests and honor of my country, paramount to the interests of all partisans and of all parties. I do not claim that I have been the organ of any party. I have spoken my own sentiments. . . . Let others hereafter do what they may. I shall stand on the same ground I now occupy, always demanding the abolition of slavery in America by political argument and suffrage, and by the constitutional action of all the public authorities. I trust in the instincts of the Whig party, that it will prove faithful to that cause; and when it shall prove false in any hour of trial it will be time enough to look elsewhere for more effective agency."<sup>2</sup>

Who could be more grandly independent and yet so practically partisan?

In March, 1844, Seward estimated the abolition vote of the state at sixteen thousand; and subsequent events were favorable to the third party. But the New York Whigs managed their campaign with extraordinary shrewdness. No resource seems to have been left unused. They brought into their service Cassius M. Clay,

<sup>1</sup> 3 Works, 253.

<sup>2</sup> 3 Works, 274.

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a relative of the Whig leader, and a Kentuckian, who, having fearlessly attacked slavery in the legislature and among the slave-holders of his state, had won admiration throughout the North. The Whigs frequently announced their meetings first in abolition papers, so as to convey the impression that there was a community of action and interest between the Whigs and the anti-slavery men. Nevertheless, Polk carried New York by five thousand plurality, and Silas Wright, against whom there was no objection on account of slavery, was elected governor by ten thousand plurality. Clay's Alabama letters certainly repelled many, probably not a score of whom voted for Polk. The natural impulse was to vote for Birney. Yet as Birney's vote in New York, in 1844, was about the same as the Liberty vote in 1843, Seward's speeches and Whig tactics must have attracted anti-slavery men.

To the stanch Whigs of New York Clay's defeat came like a deep personal affliction at midnight; they could not even think of the bright sun of other days. As Seward, Weed, and Greeley had been the most influential figures in the state campaign, and as their ideas on some questions had not been in harmony with those of a majority of the party, many blamed them for the sad result. Some thought that they had coquetted too much with the abolitionists, and thereby repelled Democrats who would otherwise have voted for Clay. Others believed that the intimacy of Seward and Weed with the Irish leaders of the state had alienated many Whigs with Native-American sympathies, without attracting Irish voters in return. On the other hand, Millard Fillmore held that it was the turning of Irish-Americans to Polk, on account of Native-American sentiment among Whigs, that gave victory to the Democrats. In any case it was ungracious to blame Seward, Weed, and Greeley. To Weed, regarding victory as the



chief consideration in politics, defeat was a great blow. Now, as his wrath burst forth against "the reckless designs and fatal tendencies of ultra-abolitionists," with what pride must he have recalled the fact that eight years before he had given warning of the danger of mixing up this "too fearful and too mighty" question of slavery in partisan conflicts! Greeley could easily have wished himself the unfortunate one instead of Clay, whom he loved with all the ardor of his nature. But to Seward the ingratitude must have been the most painful. He had at no time felt confident of victory, but he had neglected his private affairs and given the better part of six months to the campaign. He had been greatly perplexed to reconcile his own opinions with the attitude of Clay and of the national party; and the outcome was thoroughly unsatisfactory.

## CHAPTER X

1845-49: TRAVELS.—THE MEXICAN WAR.—THE CAMPAIGN OF  
1848.—ELECTION TO THE UNITED STATES SENATE

IN December, 1844, a stage on which Seward was riding overturned, and his right shoulder was dislocated and he was badly bruised. It was several weeks before he could go about and work as usual. During the spring and early summer of 1845 his time was almost exclusively occupied by his professional duties and by the work of enlarging the Auburn house and beautifying its surroundings. In July, 1845, he started on a trip to Lake Superior, going by water from Buffalo. Beyond Sault Sainte Marie he found a mixture of French and Indian life that bore a close resemblance to that of the old days of French dominion. A distance of about two hundred miles of the journey was made in a small boat rowed by four half-breed oarsmen. Seward was especially pleased by these merry boatmen, who pulled hard at their oars as they sang their strange, musical songs. Unfavorable weather compelled him to turn back before he had reached his intended destination—the Pictured Rocks, on Lake Superior; but he saw much of the life of the Chippewa Indians, for he visited their wigwams and pitched his tent among them on Superior's bleak shores.

Near the end of the year he was called to Washington to attend to some cases before the Supreme Court. He divided his time between his briefs and arguments by day and fashionable drawing-rooms and political

dinner at night. He was much more than a mere looker-on, or a lawyer that cultivated politics when not busy with his profession: he had never ceased to be a politician. Everybody knew that Weed was master of Whig affairs in New York, and that Seward was his closest friend. Therefore, many of the Representatives from the state came to consult Seward about the best attitude for the party to assume in relation to the difficult and complicated Oregon question. The Whig leaders took him into their confidence respecting "the arrangements for the next four years." General Scott was already in eager pursuit of the next Whig nomination for the presidency, not to be made until more than two years later; so he and John M. Clayton, his chief promoter, were especially attentive to the visiting New Yorker. Seward advised his fellow-Whigs about foreign affairs, and how to avoid defeating the nomination of the man whom they favored. He had a thorough grasp of national politics; and consciousness of his own intellectual and political training caused him to express amazement on seeing "with how little study and how little learning men who have ambition to figure on this great stage are content to arm themselves." In fact, he felt quite as much at home in the capital of the nation as in that of his state.

In January, 1846, he found time to visit Richmond. He then descended the James river, and went up the Chesapeake to Baltimore. His letters indicate that he was more deeply interested than formerly in the welfare of the slave. Out of about a dozen paragraphs in which he spoke of his experiences in Virginia, there was only one in which he did not in some way refer to slavery. In his opinion, slavery had stamped its curse upon almost everything. Below Richmond he saw a ship loaded with two hundred slaves for the New Orleans market, and with much feeling and biting irony he described

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the appearance and treatment of the "poor wretches" whom one of his ship's officers called "the happiest people in the world."

Early in April, 1846, Seward began a much longer journey. He descended the Ohio as far as Maysville, Kentucky. At Cincinnati he was offered a public dinner, but he declined it. He visited Cassius M. Clay, at Lexington, and they went together to call upon the great "Harry of the West," at Ashland. From Louisville Seward crossed the Ohio, and proceeded by stage, *via* Vincennes, Indiana, and Vandalia, Illinois, to St. Louis, and thence by boat to New Orleans. His correspondence gives evidence of a uniformly cheerful temper; he seemed to regard all inconveniences and mishaps by the way as necessary incidents to his undertaking. Some travellers are unhappy without their morning bath and dinner in courses, although they may be crossing the desert or climbing the Andes. But Seward could roll himself up in a buffalo-skin and sleep soundly in a rude wigwam or in a lumbering stage, however stormy the night. Although he might awake with fever and ague, his enjoyment of his surroundings seemed undiminished. A description in one of his letters indicates that he had the eye of a naturalist and a love of the prairie worthy of the author of *The Oregon Trail*:

"To-day I have traversed the Grand Prairie [of Illinois]. Its expanse and its greatness, its scattered 'timber' (small groves), looking like islands, and its solitary trees, looming up like ships on the sea, have filled me with delightful amazement. The carpet, though now too wet to tread, is beautifully fresh and verdant. It is covered with flowers of various hues; but, like those which are known to us at this season at home, they are low and delicate. I counted twenty kinds in blossom, and many more which these copious rains, with sunshine following, will call out from their hiding to-morrow. Cattle and horses roam the prairies with apparent freedom; the dove, the sparrow, the



## THE MEXICAN WAR

clamorous jay, the shrill lark, the wren, the blackbird, the oriole, the prairie-hen, the quail, the pheasant, the wild-goose, the turkey, the buzzard, and how many more I cannot remember, dwell peacefully in its broad expanse."

On reaching New Orleans, in May, 1846, his thoughts changed, for he found that city and all Louisiana "filled with martial excitement, arising from the breaking out of the war in Texas."

Tyler and the Democrats interpreted the result of the campaign of 1844 as a demand for the immediate acquisition of Texas. In January, 1845, Congress passed a joint resolution authorizing annexation as soon as Texas should consent; but the President was given the alternative of proceeding by the normal method of treaty, and it was understood that this course would be adopted. However, Tyler soon despatched a special messenger to obtain the consent of Texas as speedily as possible. The Texan Congress and a popular convention acted promptly. In December, 1845, the Congress of the United States formally voted Texas a member of the Union.

The extreme limit to which the western boundary of Texas had ever reached was the Nueces river, but Texas had made a paper claim of extending as far as the Rio Grande. Seven months before Texas had become a part of the United States, General Zachary Taylor, at the head of the United States troops in the Southwest, was ordered into Texas; and a little later he made his head-quarters at Corpus Christi, on the western bank of the Nueces, the most distant Texan settlement. In January, 1846, he was ordered to advance to the disputed territory on the Rio Grande. In March he took up a position among Mexican settlements, on the eastern bank of that river, opposite and threatening

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Matamoras. The Mexican general in command in that section informed him that he regarded this movement as an act of war. In April some American dragoons were captured on the eastern side of the river by a detachment of Mexicans. President Polk called this an invasion of our territory, and Congress declared it to be a "state of war," "by the act of the Republic of Mexico."

Taylor was then ordered forward, and advanced from Palo Alto to Resaca de la Palma, from victory to victory, toward the heart of Mexico, beating down her brave but weak army as a battering-ram would level her adobe walls. The story is familiar. When the war began Taylor was a brigadier-general by brevet; he had always been unpretentious, and was alike unknown to and unacquainted with the political world. But in military glory and popular favor he soon outstripped his commander-in-chief, Winfield Scott, and before the end of 1847 he was the most highly praised man in the United States.

In August, 1846, a bill was introduced into the House of Representatives appropriating two million dollars to enable the President to acquire New Mexico and Upper California and to bring about peace. Thereupon David Wilmot, a Democrat from Pennsylvania, moved an amendment providing that slavery should forever be excluded from territory so acquired. This was the famous "Wilmot proviso," which marked a new phase in the struggle between slavery and freedom. The bill did not become a law. The attempt to attach the proviso to a similar bill with the amount increased to three millions, failed early in 1847.

A few weeks after the first victories of the Mexican war, Weed chanced to meet Colonel Joseph P. Taylor, a brother of the popular general, and said to him: "Your

brother is to be our next President.”<sup>1</sup> The Colonel declared that the idea was “preposterous,” for his brother was a soldier, with no knowledge of political or civil affairs; that probably he had never voted; that he neither knew nor cared anything about parties, and that strong prejudices were the most he could claim. When told that the General admired Clay, hated Jackson, and would wear no clothes except those of American manufacture, and would not even allow foreign-made buttons to be put on them, Weed candidly remarked that he was not sure but that his prejudices were quite as important and practical as principles. Weed soon sent a note to the General, suggesting that if he would continue to look to his victories and disregard all political inquiries, he might confidently hope to be the next President. Taylor bluntly pronounced the suggestion “too visionary to require a serious answer,” and added: “Such an idea never entered my head, nor is it likely to enter the head of any sane person.” But Weed was not given to seeing visions or dreaming dreams. Although Zachary Taylor was a Louisiana slave-holder, although Clay, Webster, and General Scott were planning to bear the Whig banner in the next campaign, and although three-fourths of the New York Whigs were still devoted to Clay, Weed knew how to surmount these obstacles. He wrote a few sentences for the *Evening Journal*, stating that many were considering General Taylor for the presidency; then he quietly persuaded numerous Whig editors in New York to speak frequently of Taylor; and later came Taylor committees and the work preliminary to carrying the primaries in the General’s interest. At no point was there any question of principle; the sole immediate object was suc-

<sup>1</sup> For Weed’s full and doubtless overdrawn account of Taylor’s selection, nomination, and election, see 1 *Weed*, 570 ff.

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cess. Months passed, and Taylor's popularity rapidly increased as he completed the circle of his victories in Mexico; and then, like another Cincinnatus, as his admirers never tired of calling him, he modestly retired to his plantation. The Whigs were all the more zealous for the hero when they perceived that even his prejudices were not so partisan but that the Democrats would welcome a chance to take him as their candidate.

Weed thought that, as either Taylor or Clay was sure to be the Whig nominee, it would be expedient to balance the ticket with a northern antislavery man for the vice-presidency, and that Seward might well aspire to be that Northerner. About this time Clay made his great Lexington speech, which, according to his able biographer, was a "vigorous reproof of the national ambition for aggrandizement" and an "uncompromising declaration against the acquisition of territory for the spread of slavery."<sup>1</sup> It was certainly more antislavery than any other of Clay's recent speeches. On one day Seward felt that the speech had come four years too late, and on the next day he declared that Clay's opinions on slavery would not satisfy the North. Then he seemed to feel something like resentment that the Clay men should think of practising "the magnanimity of placing me in the same bark with Cæsar," and finally said that it mortified him to see that he was so little understood as to be regarded as willing to sacrifice principle for the hope of even a prosperous voyage under a chief who rejected so much that he might safely carry.<sup>2</sup> It is important to note that these sentiments were not expressed to Weed, but to Mrs. Seward. Weed was steadily aiming for Seward's nomination along with Taylor—a man who, if he had a single antislavery inclination, had never spoken of it. A

<sup>1</sup> 2 Schurz's *Clay*, 291.

<sup>2</sup> 2 Seward, 57, 58.



short time before the convention Seward wrote a letter to Weed showing that he had expected the nomination, but now thought it well to prepare himself for defeat :

“ I see that delegates are personal partisans, committed, if not pledged, to candidates, irrespective of the success of the party. In this state, the delegates who might otherwise be able to bring the convention to a practicable and safe ground are divided into factions. And now for ourselves, and myself, I see no danger to come from leaving me where I am. Either success or defeat of the party will find me in that case in a safe position for future duty upon the only platform upon which I could stand.”<sup>1</sup>

The Democratic national convention assembled in Baltimore in May, 1848. The New York Democrats had split on the question of declaring for the Wilmot proviso, and the Barnburners and the Hunkers had each sent a full delegation. Hoping to avoid offending either faction, the convention voted to admit both on the condition that they should together cast the thirty-six votes of the state. On becoming convinced that some one hostile to the Wilmot proviso was to be chosen, the Barnburners withdrew, and Lewis Cass and William O. Butler were nominated on a platform that deprecated all attempts to interfere with slavery.

Taylor's political star had steadily risen. He had refused to give any pledges as to his policy respecting the question of slavery. His favorite declaration was that he was “ a Whig, though not an ultra one ”; and he frankly announced that he would be a presidential candidate whether nominated by the Whigs or not. The Whig national convention met at Philadelphia in June, 1848, and chose Taylor and Millard Fillmore. It would hear nothing about the duty of Congress in regard to slavery in the territories; it feared to adopt a platform of prin-

<sup>1</sup> 2 Seward, 69.

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ciples—and was content with sentimental praise of its favorite—lest serious disagreements might develop in the party. Taylor was primarily the candidate of the slave states: out of ninety-four votes from the Whig states of the North only four were cast for him on the first ballot. Charles Allen and Henry Wilson, of Massachusetts, denounced the result as a victory of slavery over the principles of liberty, and led a small revolt.

A convention designed to fuse the partisan opponents of slavery met in Buffalo in August, 1848. The Liberty party had already nominated John P. Hale, and the Barnburners had taken Martin Van Buren, instead of Cass, as their candidate. Now both united with independent Whigs—among whom the “Conscience” Whigs of Massachusetts were the most influential—and formed the Free-Soil party, the purpose of which was to create an active organization for freedom that should antagonize the interests of slavery wherever they were not protected by the Constitution. Many of the earliest leaders of the Republican party were either members of this convention or were in sympathy with it. Salmon P. Chase, Joshua R. Giddings, Charles B. Sedgwick, James R. Doolittle, and Charles Francis Adams were there. In fact, the last sentence of the Free-Soil platform, “Free Soil! Free Speech! Free Labor and Free Men!” became the popular expression of the first national Republican platform by the addition of the words “and Frémont.” Martin Van Buren and Charles Francis Adams were chosen as the candidates of the new party. The devotion of Van Buren and the Barnburners to the generous, philanthropic sentiments expressed was brought into question when one remembered Van Buren’s past and the personal grudges of the Barnburners against the Hunkers and some of the leaders of the national Democracy. But many delegates would not disregard an opportunity to enlist in their

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cause fully one-half of what had formerly been the Democratic party of New York. Van Buren's nomination helped to create an energetic Free-Soil party in the state, with John A. Dix as its candidate for the governorship.

Probably no campaign in our history has been so crowded with shams and counterfeits as that of 1848. Not one of the presidential candidates was a good exponent of the party behind him. Even the Free-Soilers felt a little awkward with Van Buren at their head. Seward's part in this contest was mainly a repetition of the rôle he played in 1844, only now he appeared on a larger platform, and the whole North was his audience.

His relations with the foreign-born voters and the independent antislavery men were peculiarly intimate. His popularity with the Irish, especially, had steadily increased; it became and remained a source of great political strength, and it was largely increased by his eulogy of O'Connell in Castle Garden, in New York city.<sup>1</sup> Theoretically and on paper, the ultimate aims of Seward and the political abolitionists were about the same. The practical difference was that the abolitionists were thoroughly independent in action, while he was a strict partisan. Even after the election of 1844 he told Gerrit Smith that the Whig party was still "firm, fearless, resolved in the hour of defeat," and "willing and yet capable to take the cause of freedom into its keeping."<sup>2</sup> When Salmon P. Chase and others invited him to attend a "Southern and Western Convention of the Friends of Constitutional Liberty," at Cincinnati, he replied, in May, 1845, that if he were able to attend the convention, he would "not stop to inquire of whom it was composed." Such expressions always please non-partisans. Then he made some very practical and politic

<sup>1</sup> See *post*, p. 192.

<sup>2</sup> *3 Works*, 439.



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suggestions about mutual toleration among anti-slavery men and the avoidance of extreme policies: "Emancipation is now a political enterprise, to be effected through the consent and action of the American people. They will lend no countenance or favor to any other than lawful and constitutional means." He would extend the right of suffrage to the colored citizens of the free states, and thereby they would at once be enlisted on the side of liberty; he would strenuously resist the admission of slave states, demand the abolition of slavery in the District of Columbia, and as soon as an independent Congress could be elected he would favor an inquiry into the internal slave-trade.<sup>1</sup> The reformers would have been dull indeed if they had not seen much to admire in a man of such progressive ideas.

A few months later Chase charged the Whig party with being devoted to the interests of slavery. Seward promptly took up its defence as follows:

"There can be but two permanent parties. The one will be and must be the *Loco-foco* [Democratic] party. And that always was, and is, and must be, *the* slavery party. Its antagonist, of course, must be, always, as it always was and is, AN ANTISLAVERY PARTY, *more or less*. Whether more or less at one time or another, depends, of course, on the advancement of the public mind and the intentness with which it can be fixed on the question of slavery. Nor will the character of that antagonist party be greatly changed by any change of organization or name. . . . The Liberty party I do not think will succeed in displacing the Whig and giving a new name to the same mass (and, I repeat, the mass of the opposition will always be the same under any name). . . . We must differ until time shows which was right. Meantime, I am for emancipation and against slavery, whether my party go with me and live, or go against it and fall. Where can I do the most good? Manifestly with my own party, whose fortunes I share; and the more perseveringly when those fortunes are adverse from errors not

<sup>1</sup> 3 *Works*, 440-43.



my own. To abandon a party and friends to whom I owe so much, whose confidence I do in some degree possess, and who, as far as I am known to them, have steadily advanced to every position I have ever taken in regard to slavery, would be criminal, and not more criminal than unwise. . . . If *you* be right, the liberty cause will find me just where I am, faithful to that cause, whoever leads the battle, or under whatever banner. If *I* be right, it is just the same."<sup>1</sup>

Where in all our political literature can one find reasoning as adroit and effective for its special purpose? The abolitionists approved Seward's antislavery sentiments more than they disliked his partisan pleas. And the conservative Whigs thought that these pleas would be a very serviceable preventive against an antislavery revolt.

Of course Seward saw that his support of Taylor on a non-committal platform was absurd. A letter to Weed reported :

"A Whig said to me to-day: 'Well, I shall vote the ticket, I suppose, but I suppose so only because I expect to make myself a cheat. But Weed must stop now publishing "Wilmot proviso" articles and letters about negro-driving, and Greeley must stop too.'"

Shortly afterward he gave it as his opinion that Van Buren's position would hasten the great issue [the abolition of slavery], while it would embarrass the Whig party very little; and then he added the following as "the contents of my budget":

"I am thankful, as you can be, that I am not involved in the surrender that has been necessarily made for a time, of principles, the value of which [is] beginning to be so justly appreciated now that they have been so foolishly betrayed. As things are going it is quite unnecessary to take thought of ourselves for to-morrow." And a little later he wrote: "It is fortunate for us that the Democratic party is divided. Antislavery is at length a respectable element in politics."

<sup>1</sup> Schucker's *Chase*, 72.

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Seward and Weed had staked everything on having Taylor nominated for the presidency instead of Clay. If Taylor and Fillmore should be defeated, the old followers of Clay would take revenge on the two Whig leaders, and Seward's chances for the United States Senate would probably be destroyed. If the candidates should succeed, Seward and Weed were sure of rising to high places in national politics. That was their first aim.

Seward was not the central figure in this electoral contest of 1848, but the peculiar position he had won for himself probably made him the most valuable of all the Whig orators. He began his speech-making about the middle of September, and, with the exception of only a few days given to his professional affairs, he continued it until the election. He addressed public meetings in Massachusetts, Pennsylvania, Delaware, New York, and Ohio; and made at Cleveland his most important speech prior to 1850.<sup>1</sup>

In Seward's opinion there were six principles of American citizenship. They were: (1) the preservation of the Union, (2) the equality of *all* men, (3) the diffusion of knowledge, (4) the development of our national resources, physical, intellectual, and moral, (5) the preservation of peace and moderation, and (6) the abolition of slavery. These, he thought, were the principles of the Whigs of the Western Reserve. Then he exclaimed: "Whigs of the Western Reserve! we have maintained and promulgated these principles thus far together, through the agency, sometimes voluntary and sometimes reluctant, of the Whig party of the United States." The chain broke at the most important link. He did not tell and no historian has ever discovered when it was that the Whig party of the United States favored the abolition of slavery.<sup>2</sup>

<sup>1</sup> 3 *Works*, 291-302.

<sup>2</sup> Speaking of the parties two years later, when there was a much

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Admitting that his party was not above criticism, he brought forward the old argument against third parties, however high their aims, and insisted, in effect, that it would be better to accept half a loaf than to let one's enemies have the whole one. The decision must be made between giving "success, long or short, to one of the existing parties. Those who do this, whatever be their objects or motives, are responsible for the consequences. Theirs is the merit if the consequences are beneficent, and theirs is the blame if the result is calamitous." The inference of course was that the immediate result would be the criterion.

The next step was to ascribe all that was good to one party and all that was bad to the other :

"There are two antagonistical elements of society in America, freedom and slavery. . . . These elements divide and classify the American people into two parties. Each of these parties has its court and its sceptre. The throne of one is amid the rocks of the Alleghany mountains ; the throne of the other is reared on the sands of South Carolina."

Designating the Democrats as the supporters of slavery, and the Whigs as the champions of freedom, he said that the immediate consequence of a revolt from the Whig party would be the defeat of the measure intended to exclude slavery from the territories of California and New Mexico.

Antislavery men had four objections to the Whig party: (1) its candidate was a slave-holder, (2) its convention had failed to declare opposition to the extension of slavery, (3) its candidate was unpledged on that question, and (4) he was a soldier who had fought for slavery. Seward prefaced his replies by saying that in

stronger antislavery influence among the Whigs than there was at this time, Mr. F. W. Seward says : "Neither of the two parties was opposed to slavery, and the recognized leaders of both were men of southern birth."—2 Seward, 119.

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every instance in which the Whig party merited these criticisms he himself had differed from it. But Taylor, not Seward, was the man to be supported or opposed. Just as in 1844, when speaking of Clay, Seward regretted that Taylor was a slave-holder and that slavery was not as odious to a majority of the American people as it was to himself. Washington and Jefferson, he urged in extenuation, were slave-holders, yet John Adams, the Ajax of freedom, had nominated Washington to the command of the American army; and Jefferson had indited the immortal Declaration. The question was one "between the two parties themselves—between the party of liberty and the party of slavery. The slaveholding of the candidate is a personal matter, an ephemeral one; the error, if it be one, can be corrected; the principles of the Whig party are national and eternal." He had forgotten that Tyler was elected on Whig "principles," and that Slavery was deeply indebted to the last of the Virginia Presidents. He even maintained that considering the party's attitude in the past a declaration against the extension of slavery would have been superfluous. But, in fact, the party convention had avoided explicit expressions in favor of the Wilmot proviso and of antislavery ideas, because to have done otherwise would have split the organization. Yet in anticipation of a reply of this kind, he placidly urged: "Pronunciamientos by conventions and candidates could only divide the party unwisely, and procure their defeat unnecessarily." "The slave party need pledges of their chief, for they resign the government into his hands. The Whigs need none, for they retain it themselves." Tyler's example was forgotten once more. The best way to punish civilians for betraying the interests of peace, he held, would be the "election of a hero in their place—of a hero opposed to war and conquest." But he gave no evidence to show that Taylor was such a hero.



As if feeling quite sure that some of the antislavery men were still unconvinced, he pursued another line of reasoning for them. He admitted that the Whig party was not altogether sound, while the Democratic party was much less so; but their unsoundness was the fault of the country and the age.

“ ‘What, then!’ you say, ‘can nothing be done for freedom because the public conscience is inert?’ Yes, much can be done—everything can be done. Slavery can be limited to its present bounds, it can be ameliorated, it can be and must be abolished, and you and I can and must do it. The task is as simple and as easy as its consummation will be beneficent and its rewards glorious. It requires only to follow this simple rule of action—viz., to do everywhere and on every occasion what we can, and not to neglect or refuse to do what we can at any time, because at that precise time and on that particular occasion we cannot do more. . . . But we must begin deeper and lower than in the composition and combination of factions and parties. Wherein do the strength and security of slavery lie? . . . Inculcate, then, the love of freedom and the equal rights of man, under the paternal roof; see to it that they are taught in the schools and in the churches; reform your own code—extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods; correct your own error, that slavery has any constitutional guaranty which may not be released, and ought not to be relinquished. Say to Slavery, when it shows its bond and demands the pound of flesh, that if it draws one drop of blood, its life shall pay the forfeit. Inculcate that free states can maintain the rights of hospitality and of humanity; that executive authority can forbear to favor slavery; that Congress can debate; that Congress at least can mediate with the slave-holding states, that at least future generations might be bought and given up to freedom; and that the treasures wasted in the war with Mexico would have been sufficient to have redeemed millions unborn from bondage. Do all this and inculcate all this in the spirit of moderation and benevolence, and not of retaliation and fanaticism, and you will soon bring the parties of the country into an effective aggression upon slavery.

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Whenever the public mind shall will the abolition of slavery, the way will open for it."

This speech was intended not merely for "the grave, sober, and reflecting men of all professions, sects, and parties," who came to hear it, as Seward wrote, but also for the whole Western Reserve. Seward's special purpose was to convince men accustomed to hearing the fearless opinions of Joshua R. Giddings that the most radical antislavery sentiments were consistent with supporting Taylor. Therefore, there was no occasion for him to "tame" this speech "in deference to the supposed taste of the audience," as he said he had done with the one delivered in Boston.<sup>1</sup> Personally, too, there were many reasons for him to speak boldly. The conditions both in Ohio and in New York were such that it would have injured neither him nor his party had he, while supporting the Whig candidates, accepted as his own the most advanced views of the Free-Soilers. Seward's future was still dependent upon his popularity in New York. In the western part of the state probably three-fourths of the voters were in favor of Free-Soil doctrines in the abstract. Without exception, Taylor's supporters in New York were opposed to the extension of slavery, and many of them favored abolition in the District of Columbia. Even the New York followers of Cass were pro-slavery only in the sense that they were unwilling to oppose the interests of slavery at the risk of injuring the Democratic party. Hence it is evident that extreme opinions had not merely become respectable, as Seward had said, but they were also politic for a man who could balance them with very conservative and partisan action. "But be the result as it may, we have done our whole duty," he wrote to Weed near the end of the campaign.

## ELECTION TO THE UNITED STATES SENATE

The election of Taylor and Fillmore was a great triumph for Weed and Seward, as every one knew that no other two persons had done so much to bring about the Whig victory.

As was expected, the split in the Democratic party in New York had given the Whigs the control of the next legislature, which was to choose a successor to Senator Dix. Seward's claim to that high position ought not to have been questioned. But those Whigs who disliked Seward, either on account of his opinions or his prominence, tried many schemes to prevent his success. An offensive and personal letter, alleged to have been written by him, was forged and circulated. When this was discredited by denial, his Whig enemies urged that he would not be a fit representative of the party because his support of Taylor was not cordial, and because he led a radical faction and would unnecessarily agitate the question of slavery and disturb Taylor's administration and the harmony of the Union.

Undoubtedly according to a prearranged plan, James Watson Webb brought these objections to Seward's attention in such a way as to give him an opportunity to restate his opinions and intentions. As to his loyalty to his party's administration he said:

“The honors and wealth of the world could not seduce me from the support of an administration which the Whig party have called into power, unless indeed they themselves should first absolve me from the obligation to sustain it. . . . But, inasmuch as no patriot can save his country, except through the co-operation of a party, I shall be the representative of the Whig party, and not of a section or of a faction of it, but of that whole party, to which I sustain the most lasting obligations.”<sup>1</sup>

And although he had never been the defender or apolo-

<sup>1</sup> 3 *Works*, 414.

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gist of slavery, he would not "vainly agitate even that question in the public councils." He was in favor of circumscribing slavery; he would labor by free and kind and peaceful discussion to form public opinion and direct it to a constitutional, lawful, and peaceful removal of slavery; but that must be done by those who were responsible for it, and any constitutional barriers protecting the slave states must be as sacred as those that protected the free states. In his opinion, this could be done only through the agency of the Whig party and administration.

But the hostility to him was unreasoning, and even took the shape of a pamphlet, which was laid before every member of the legislature. Weed again assumed an apparently neutral position, but Seward's interests were as usual exclusively in his charge. In discussing this question, as well as others, the Whigs gathered about Weed for counsel and advice. How efficiently they were given is shown by the ballot that elected Seward early in February, 1849. A large number of Democrats must have voted for him, for he received the support of about four-fifths of the members of both houses.

Seward had now secured his position and the opportunity to "labor by free and kind and peaceful discussion to form public opinion" against slavery.



## CHAPTER XI

### SEWARD AS A LAWYER

SEWARD'S vocation and life-long pursuit were politics : the practice of the law was hardly more than an avocation, to which he returned at times for financial reasons. He did the work of his profession effectively, but without enthusiasm or much satisfaction. As the autobiography tells us, he "was practising law only for a competence, and had no ambition for its honors, still less any cupidity for its greater rewards." His dislike for his profession was often expressed in his jests. In 1843, when he heard of several prominent politicians, lately in office, being at Saratoga, he wrote: "I wonder why I alone of all the decayed dignitaries should be doomed to the tread-mill." While waiting for a case to be reached for trial, he complained, in January, 1844: "I would take a turnpike-gate rather than thus linger at the bar ; but turnpike-gates are neither to be sought nor declined, and, like the presidency, they seldom offer when you most want them." He craved popular applause and distinction, which are the rewards of political leadership rather than of triumphs at the bar. The philosophy and history of the law interested him ; he was fond of generalization and discussing principles ; but not of details, personal contests, and heated arguments. In saying, "I fear, I abhor, detest, despise, and loathe litigation," he was stating with playful exaggeration what was a fact. He was so indifferent to his

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professional reputation that in the United States Senate he once volunteered the remark that he did not pretend to be a lawyer.<sup>1</sup> Nevertheless, his legal career was both honorable and successful.

From the beginning in Auburn, in 1823, he made considerably more than his expenses.<sup>2</sup> By 1828 his earnings were ample for his needs; and a year later his income and reputation had so increased that, but for the demands of his poor relatives, he would soon have acquired pecuniary independence. His four years in the state senate gave little time or occasion for legal studies, except when the senate was sitting in its peculiar capacity as a court of last resort. On one such occasion the chancellor delivered an elaborate opinion on one side, while Seward read an opinion for an opposite decision. When the vote was taken, all save the chancellor agreed with Seward.<sup>3</sup>

Business came to Seward so rapidly after returning to the practice of his profession at the beginning of 1835 that he thought his annual income would amount to three thousand dollars. The labors of the land-office took him away from his practice in 1836; and arduous and protracted as they were, he liked them "far better than the perplexed life I led at home," because they were "attended with none of that consuming solicitude that has rendered my profession a constant slavery."

Not until January, 1843, did he again take up active practice. Then, as his son's biography says, the old tin sign was once more hung out, and Seward announced in the local newspaper that he was ready to attend to any business in the courts of law or chancery. No one

<sup>1</sup> *Congressional Globe*, 1855-56, 1097.

<sup>2</sup> For some references to his legal studies and first experiences as a lawyer, see *ante*, pp. 9-12.

<sup>3</sup> 6 *Albany Law Journal*, 279.

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came to seek Seward's counsel until the second day of waiting, when a farmer gave him a petty case about a broken fence and "breachy oxen." It was very much like beginning again at the bottom of the ladder. In a letter of that time he said :

"I spend my days in my law-office : I charge reasonable counsel fees, and they are thus far cheerfully paid. . . . My earnings thus far have been equal to the salary for an equal period while in office. My expenses are vastly diminished. I do not work hard, and especially devote myself as counsel ; have no partner, and only one clerk. I may earn five thousand dollars this year in this way if business continues as it has begun. I have commenced paying interest on all my debts. The principal is too great to be affected by my sinking-fund, unless I shall earn more."

While regaining lost ground in his profession he advised compromise, to keep his clients out of court ; he wished, as he said, "to get into the display exercises of the profession with modesty and moderation." As he probably knew less law than he did a score of years before, any bright attorney of twenty-five might then have outwitted the ex-Governor. In August, 1845, Seward reported :

"My first case has been argued acceptably to my client. I note this because, while all the world seem to regard me as an old professional stager, I am conscious that I am subjected to the trial of obtaining a place at the bar. The multiplicity of labors necessary for this is especially oppressive to one so near forty-five, who has so long rested from all similar pursuit. But thus far I have had good success."

In a letter of December 20, 1845, he said : "For the first time I begin to feel, as well as to enjoy, the dignity and ease of a counsellor." Before the end of 1846 he looked upon his progress with much satisfaction :

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“Every day since my retreat from public life, the profession which I once despised has been increasing its rewards, until we are no longer pressed by fear of disaster or sickness, although I have been diverted so often and so long from lucrative engagements.” At the end of 1854 he expressed this expectation: “If my affairs shall be as prosperous [in another year] as they promise now, they will enable me to quit my professional labors, and then I shall be at peace.”

Very rarely does a man achieve eminence in a profession that he dislikes; and Seward's measure of success may well excite wonder. Yet he had exceptional advantages in his early and intimate association with Judge Miller, his father-in-law; and his own natural mental keenness, pleasing manner, and unflagging industry helped him to make the most of circumstances. He prepared his cases with much care and great skill, and had a happy faculty of inspiring confidence. His fame as a jury-lawyer rests entirely upon his defences in four criminal cases—those of Wyatt, of Freeman, of Van Zandt, and of Abel F. Fitch and others—although he lost all of them.

Wyatt, a convict in the Auburn penitentiary, murdered a fellow-prisoner, and Seward defended him on the theory that Wyatt had so often been brutally whipped across the spinal column that he had become insane and irresponsible. Expert medical testimony and the warden's records of the whippings were produced in support of Seward's contention. But at the first trial the jury failed to agree, and the defence was regarded with general suspicion and disfavor.

In March, 1846, before a time for the second trial was set, William Freeman, a negro, and recently a convict, entered the house of a well-to-do farmer living a few miles from Auburn, and mortally stabbed four persons and wounded others. The murderer was soon captured



and identified. Many of the citizens of Auburn were so excited and bent on revenge that they desired to lynch him, lest some such plea as Seward had made for Wyatt might secure his release. Only by strategy did the sheriff succeed in getting Freeman into the jail without meeting with resistance. As soon as the prisoner was carefully questioned it appeared that he had acted under a blind impulse to avenge the alleged injustice of his imprisonment and the refusal to pay him for his work as a convict. The horror and anger created by his deeds were increased by a sermon that was preached over the dead bodies of his victims. Only a few of the more intelligent citizens were self-possessed enough to see—what would in other circumstances have been perfectly clear—that Freeman was a poor imbecile.

The popular and persistent demand for speedy punishment led the governor, Silas Wright, to call a special session of court to try both prisoners in the summer of 1846. The retrial of Wyatt was first taken up. Seward devoted himself freely to another attempt to establish the insanity of his client. But a jury that was excited by Freeman's bloody deeds brought in a verdict of guilty; and execution soon followed.

Many persons believed and charged that Seward's plea for Wyatt had convinced Freeman that murderers might go unpunished. Self-vindication, as well as a sober sense of justice, undoubtedly prompted Seward to make a close study of Freeman's case. Several days before the trial he wrote: "Freeman is a demented idiot, made so by blows [in prison], which extinguished everything in his breast but a blind passion of revenge. He should be acquitted at once, and with the public consent." Before Seward enlisted in the defence, this conclusion was supported by the opinions of prominent citizens of Auburn and by several experts on mental diseases, whom he had induced to come from a distance to

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examine Freeman.<sup>1</sup> The evidence of insanity was so strong that the judge felt compelled to submit that question to a jury upon a preliminary trial. The firm of Seward, Morgan & Blatchford, and David Wright gratuitously undertook the defence. A prejudiced jury decided that Freeman was sane enough to be accountable for his acts. When he was arraigned, he was so stupid that he could not understand the simplest questions. What had occurred was such a mockery of justice that David Wright declined to take any further part "in a cause which had so much the appearance of a *terrible farce*."<sup>2</sup> It is certain that Seward keenly felt the disgrace and inhumanity of the whole procedure. When Wright withdrew, Seward rose and said, with quiet earnestness: "May it please the Court, I shall remain counsel for the prisoner until his death."<sup>3</sup>

Of course, the most important argument in Freeman's behalf was made by Seward. He marshalled the evidence in such a manner as to convince any reader of his argument that his negro client was insane. It was also plain that Seward was master of the whole subject, and had the knowledge of human nature, the imagination, the command of sentiment, and the literary art that would have been very effective with sober-minded hearers. There were a few profoundly impressive passages, which aimed either to create pity for the prisoner or to show that Seward himself was acting from a solemn sense of duty.

"I plead not for a murderer. I have no inducement, no motive to do so. I have addressed my fellow-citizens in many various relations, when rewards of wealth and fame awaited me. I have been cheered on other occasions by manifestations of popular approbation and sympathy; and

<sup>1</sup> 1 Seward, 811, 813; 1 *Works*, 410.

<sup>2</sup> 1 Seward, 815.

<sup>3</sup> Wright soon reconsidered his decision and returned to the defence.

where there was no such encouragement, I have had at least the gratitude of him whose cause I defended. But I speak now in the hearing of a people who have prejudged the prisoner, and condemned me for pleading in his behalf. He is a convict, a pauper, a negro, without intellect, sense, or emotion. My child, with an affectionate smile, disarms my care-worn face of its frown whenever I cross my threshold. The beggar in the street obliges me to give, because he says 'God bless you' as I pass. My dog caresses me with fondness if I will but smile on him. My horse recognizes me when I fill his manger. But what reward, what gratitude, what sympathy and affection can I expect here? There the prisoner sits. Look at him. Look at the assemblage around you. Listen to their ill-suppressed censures and their excited fears, and tell me where among my neighbors or my fellow-men, where even in his heart, I can expect to find the sentiment, the thought, not to say of reward or of acknowledgment, but even of recognition. I sat here two weeks during the preliminary trial. I stood here between the prisoner and the jury nine hours, and pleaded for the wretch that he was insane and did not even know he was on trial: and when all was done, the jury thought—at least eleven of them thought—that I had been deceiving them, or was self-deceived."<sup>1</sup>

After an able review of the evidence bearing upon Freeman's mental condition, he made this impressive appeal:

"There is proof, gentlemen, stronger than all this. It is silent, yet speaking. It is that *idiotic* smile which plays continually on the face of the maniac. It took its seat there while he was in the state prison. In his solitary cell, under the pressure of his severe tasks and trials in the workshop, and during the solemnities of public worship in the chapel, it appealed, although in vain, to his task-masters and his teachers. It is a smile, never rising into laughter, without motive or cause—the smile of vacuity. His mother saw it when he came out of prison, and it broke her heart. John Depuy saw it and knew his brother was demented. Deborah Depuy observed it and knew him for a fool. David Winner read in it the ruin of

<sup>1</sup> 1 Works, 413.



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his friend, Sally's son. It has never forsaken him in his later trials. He laughed in the face of Parker, while on confession at Baldwinsville. He laughed involuntarily in the faces of Warden and Curtis, and Worden and Austin, and Bigelow and Smith, and Brigham and Spencer. He laughs perpetually here. Even when Van Arsdale showed the scarred traces of the assassin's knife, and when Helen Holmes related the dreadful story of the murder of her patrons and friends, he laughed. He laughs while I am pleading his griefs. He laughs when the attorney-general's bolts would seem to rive his heart. He will laugh when you declare him guilty. When the judge shall proceed to the last fatal ceremony, and demand what he has to say why the sentence of the law should not be pronounced upon him, although there should not be an unmoistened eye in this vast assembly, and the stern voice addressing him should tremble with emotion, he will even then look up in the face of the Court and laugh, from the irresistible emotions of a shattered mind, delighted and lost in the confused memory of absurd and ridiculous associations. Follow him to the scaffold. The executioner cannot disturb the calmness of the idiot. He will laugh in the agony of death. . . . That chaotic smile is the external derangement which signifies that the strings of the harp are disordered and broken, the superficial mark which God has set upon the tabernacle to signify that its immortal tenant is disturbed by a divine and mysterious visitation. . . . If you are bent on rejecting the testimony of those who know, by experience and by science, the deep affliction of the prisoner, beware how you misinterpret the handwriting of the Almighty."<sup>1</sup>

The jury pronounced Freeman guilty, and he was sentenced to be hanged. Seward in vain petitioned Governor Wright for a pardon. Then he appealed to the supreme court of the state for a new trial, and it was granted. But the judge who had tried Freeman was soon convinced of his hopeless imbecility, and refused to proceed with a second trial. In a few months more the wretched maniac died in his cell, and an examination of his brain disclosed indubitable proof of insanity.

<sup>1</sup> 1 *Works*, 468.



## SEWARD AS A LAWYER

Much has been said and written about the moral courage displayed by Seward in taking the side of this friendless, idiotic negro. It was a picturesque and heroic incident,<sup>1</sup> and exhibited Seward's sense of duty and his fearlessness of temporary passions, no less than his keen insight, which told him that there was an opportunity to do a brave, philanthropic act, which ultimately must redound to his advantage, both professionally and politically. At the conclusion of his speech at the preliminary trial occurred these sentences, in which Seward described himself as a martyr:

“In due time, gentlemen of the jury, when I shall have paid the debt of Nature, my remains will rest here in your midst, with those of my kindred and neighbors. It is very possible they may be unhonored, neglected, spurned! But perhaps, years hence, when the passion and excitement which now agitate this community shall have passed away, some wandering stranger, some lone exile, some Indian, some negro, may erect over them an humble stone, and thereon [have inscribed] this epitaph, ‘*He was faithful.*’”<sup>2</sup>

Fortunately Seward did not have to wait so long before the merit of his action was recognized. “The Freeman case, which, while going on, seemed to be leading him to ruin, was now bringing him appreciative friends and clients. Applications for copies of his speech were coming in from all quarters.”<sup>3</sup> A few months later Seward himself wrote: “Less than a year has passed since no execrations were too severe for the people who now judge favorably of my conduct, without any regard to the question whether my client deserved

<sup>1</sup> Although great indignation was felt against Seward, and the boys in the street even threw stones at one of his children, there never was any ground to fear that Seward himself would suffer from violence or from any professional loss on account of the unreasoning excitement of the time.

<sup>1</sup> 1 Seward, 822.

<sup>3</sup> 2 Seward, 32.

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death or not!"<sup>1</sup> Salmon P. Chase had come to regard Seward "as one of the very first public men of our country," and pronounced "his action in the Freeman case, considering his own personal position and circumstances, . . . magnanimous in the highest degree."<sup>2</sup> Such zealous abolitionists as Wendell Phillips and Samuel J. May gave him unstinted praise.<sup>3</sup> And Sumner declared that the defence of Freeman was "worth more for fame than the whole forensic life of Choate," and that he had heard Gladstone speak of that defence as the "finest forensic effort in the English language."<sup>4</sup> In 1850, Seward himself said that it "contains nothing I could afford to strike out or qualify."<sup>5</sup> The Wyatt and Freeman cases brought Seward into "the display exercises" of his profession sooner than he could have expected.

In 1842, John Van Zandt, an Ohio farmer, was carrying nine fugitive slaves in his wagon, when they were seized, and all but one of them were returned to Kentucky. The owner of the one that escaped brought suit in the Circuit Court of the United States against Van Zandt. Although there was no prospect of financial remuneration, Salmon P. Chase undertook the defence. But the jury awarded twelve hundred dollars as damages and five hundred dollars as a penalty for violating the fugitive-slave law. On appeal, the case for the recovery of the five hundred dollars was argued in the winter of 1846-47, before the Supreme Court by Senator James T. Morehead for the plaintiff and by Chase and Seward for the defendant. Seward undertook to prove not only that the fugitive-slave law of 1793 had not

<sup>1</sup> 2 Seward, 46.

<sup>2</sup> Schucker's *Chase*, 66.

<sup>3</sup> 1 Phillips's *Speeches, Lectures, and Addresses*, 382. In a letter of August 25, 1853, May wrote: "Your magnanimous espousal of the cause of poor Freeman, and unsparing efforts in his behalf, commanded my admiration."—Seward MSS.

<sup>4</sup> 3 Pierce's *Sumner*, 597.

<sup>5</sup> 2 Seward, 129.

been violated, but also that the ordinance of 1787 was a charter which the Constitution did not affect; and that, as the fugitive-slave law was repugnant to that ordinance—which prohibited slavery and provided for the return of fugitive slaves only when escaping from “any one of the original states”—it was void so far as fugitives from Kentucky (not an original state) were concerned. He made a bold exposition of what northern radicals desired to see accepted as constitutional law. But the judgment of the lower court was affirmed. Nevertheless, Seward’s argument was so pleasing to antislavery sentiment that the New York *Tribune* printed a large part of it. And thereafter Seward ranked with Chase, who was popularly known as “the attorney-general for runaway negroes.”

The case of Abel F. Fitch and others was a trial, in 1851, of about fifty citizens of Jackson county, Michigan, on the charge of conspiracy to destroy the property of the Michigan Central railroad and to injure its passengers.<sup>1</sup> When Seward was requested to act as counsel for the defence he was informed that the railroad had engaged the best talent in the state, and that only one lawyer of standing in Michigan would consent to help the accused. So here again Seward’s part had its chivalrous aspect. The trial lasted four months and gave Seward the severest strain of his professional life. Twelve of the accused were convicted, while the others were acquitted.

The strangest feature of Seward’s career at the bar was his sudden change from general practice to patent causes. James G. Wilson, the owner of a patent for a planing-machine, who chanced to hear Seward argue a case in the Federal court at Albany, immediately offered him a retainer and insisted on its acceptance, although

<sup>1</sup> 1 *Works*, 523 ff.



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Seward frankly admitted lack of familiarity with the laws and the sciences important to the patent lawyer. "The tact and success with which he managed Wilson's suits brought to him inventors, or holders of patent-rights, of steam-engines, valves, car-wheels, etc., all of which were tried in the United States courts, not only at Albany, Canandaigua, and Utica, but in New York, Philadelphia, Baltimore, Washington, and even Cincinnati, St. Louis, and other western cities."<sup>1</sup> Toward the end of the forties Seward was associated with a large proportion of the important patent-law cases of the time. When elected United States Senator he had one of the most lucrative practices in the state of New York, outside of New York city.<sup>2</sup>

During his most successful years at the bar his partners were Christopher Morgan and Samuel Blatchford. They had studied law under Seward's direction, and Blatchford had been his private secretary during the governorship. Morgan was genial, bright, and popular, and was a Representative in Congress in 1839-43, and the secretary of state of New York for four years after 1848. But he had no more love for his profession than the senior partner, and he possessed neither Seward's abilities nor his industry. Blatchford was the wheel-horse. He was the scholar and expert, especially in patent-law. The cases were usually prepared by him or under his direction. He was an assured success from the beginning. Careful, methodical, active, and able, he soon became successful, famous, and finally rose to the Supreme Bench. Seward wrote the arguments and appeared before the courts and carefully watched the procedure. The "Governor," as he continued to be called, always came well prepared, acted with the most

<sup>1</sup> Seward, 671.

<sup>2</sup> Statement of the late Justice Blatchford to the author.



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perfect dignity, and neither his graceless manner nor his unpleasant voice told against him in a court-room; and he never failed to be impressive, even when otherwise unsuccessful.

Seward's forensic efforts that have been preserved possess the merits of brilliancy, clearness, and vivacity; but, as a rule, they lack the close reasoning that makes a perfect chain. They excite the reader's admiration and persuade him that they support the better side, yet they often miss that highest effect of satisfying him that there is no other side. As he had no fondness for a debate, and possessed a wonderful talent for generalization and for the use of rhetorical weapons, he often appeared more like a pamphleteer than a legal debater. In intellect, Seward was probably equal to any public man of his time; but his temperament, his training, and, most of all, his ambition, prevented him from becoming a lawyer of unquestionable greatness.<sup>1</sup>

<sup>1</sup>General Frank Chamberlain, of Albany, who was a student in Seward's office in 1848-49, writes, under date of January 6, 1898: "Seward had not the grace, the elegance of diction, the style of oratory of an Everett. Nor had he that sweet, melodious, musical voice that magnetizes and powerfully sways an audience. But his arguments were strong, and by them, rather than by any fictitious means, he sought to influence, and generally succeeded. He studied everything obtainable bearing upon the question in dispute, fortifying his contention by pertinent precedents and decisions. It would be difficult to conceive of any one being a harder student or who could, day after day, week after week, and month after month, do and continue to do, without any abatement of force and energy, so much mental labor. Going into court he always attracted, compelled attention. There was something in his appearance that commanded the highest respect. He always impressed me as being a gentleman of the old school. And he was especially happy in briefly and strongly and naturally summing up his side of the case."

## CHAPTER XII

### SOME PERSONAL TRAITS AND CHARACTERISTICS

SEWARD was in his forty-second year when he ceased to be governor, and in his forty-eighth when he was chosen United States Senator. He was a slight, wiry man of scarcely medium height. Viewed from the side, his head appeared to be large, for it was long and narrow; his hair was thick, and his nose prominent and Roman. The much-talked-of "red hair" of his youth and early manhood had become brownish,<sup>1</sup> and at the end of the forties was beginning to show a slight sprinkle of gray. His thin, beardless face, and small "clear blue" eyes, indicated shrewdness and mental activity. Some have described him as rather careless in his dress. This also bespoke the man, for it was the intellectual, not the physical, Seward that he tried to make noticeable. There was nothing about his appearance to suggest a radical. Although of a nervous temperament, he was never restless or excited; his philosophical mind was sovereign.

Not at all robust, he was nevertheless able to endure very engrossing and protracted mental exertion. Neither plodding nor methodical, he was still farther from being indolent; and he took his work and his pleasure with zest, much as circumstances arranged them. His partisan arraignments, official papers, and legal briefs were often written at a single sitting,

<sup>1</sup> 2 Seward, 105.

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which sometimes continued throughout the night. Occasionally his pen would run on for nearly twenty-four hours, pausing only for one or two brief rests. His messages and political speeches were dashed off with a rapidity and continuous strain that few men are capable of. When preparing one of his addresses he wrote: "I have not left my room except for an evening walk in the four days." During his governorship his rule was to be accessible to all callers and to answer all letters that were not mere applications for office. The thick, bound volume of his drafts, scratched and interlined in the effort to get the best word or phrase, is proof of his industry as well as of the fact that he did nothing carelessly.

In early manhood Seward read much good literature. Of course his absences from Auburn greatly interfered with his literary culture, but in middle life he continued to enjoy Tacitus, Cicero, and a few other Latin authors. He was a close student of Bacon, and had considerable knowledge of the most famous works on politics and philosophy. In a letter written in Westfield in 1837, he said:

"I return to the house at seven or eight o'clock in the evening. There I pursue some grave reading, such as Bacon's works, until nine or ten, and, if weary, wind off with lighter matter. I am delighted with the works of Bacon, so profound, yet so brilliant, so universal in their learning, yet so accurate. But what do you think is my light reading? I stumbled the other night upon Dr. Spring's treatise on *Native Depravity*, and read it all, every word. I have been, moreover, greatly amused and somewhat edified by a most able and satirical Presbyterian review of Colton's *Reasons for Preferring Episcopacy*."

For fiction he had no special fondness, but the best novels of Scott and of Bulwer interested him at odd times. History attracted him much more. Prescott's *Mexico*

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called forth his enthusiastic praise. Alison's *History of Europe* was carried to be read on the train when he returned home from Albany, in January, 1843. Doubtless one reason for his belief that he was glad to be out of office was the thought that he was to have undisturbed evenings with his books. His library was never to become a very large one, but it was well selected; and, what is more rarely the case, he read what he bought. In a letter written in 1847 occur these sentences: "Occasion offered while at New York to purchase some translations of books which I have long desired, and which are wanting in our library. I have bought Dante, Tasso, Ariosto, Chaucer, and Lane's *Arabian Nights' Entertainments*." He took *The Divine Comedy* to read on a journey at this time.

The same mental alertness that enabled Seward to find pleasure in books helped him to see and appreciate the beauties and marvels of nature. He was fond of long journeys and of drives over the hills and through the woods; and when there was only time for a walk in his garden or about the streets, he liked to rise early so as to enjoy it before breakfast. There are many sparkling gems of description in his letters, for his ready pen easily put on paper the impressions he received. On a day early in April, he wrote:

"The advance of spring in the country was always interesting to me; and this is the first time I have enjoyed it in four years. I watch the development of vegetation with a lover's interest. I have my hot-bed in delightful success. My cucumbers are commencing their ramblings. The radishes begin to gather roughness upon the leaf. The sap starts from my grapes, and the polyanthus is in full bloom."

And later in April of another year:

"The crocus has flourished in bright-yellow flowers, and is drooping beneath the gaudy rivalry of the daffodils,



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which burst upon us in full splendor with the rising sun this morning. The little border-flower, with the pretty name that I cannot remember, disclosed its petals at the same time. The lilac-buds are bursting, and the gooseberries almost in leaf. Spring advances so fast that I can scarcely keep even with her in my gardening operations."

These sentences are about days in May :

"I am writing with my window open into the shrubbery, and the air is redolent of sweets, and the birds are in full chorus." "I wish you could be in the grounds here this bright morning. The chestnuts are in full bloom, and there is a humming of bees in their foliage, like the music of a distant water-fall."

On a day in 1837, when the financial crisis was spreading fear and gloom and wretchedness throughout the country, he wrote as if sitting in balmy sunshine :

"This month of June is so delightful ; our trees, our vines, and our shrubs are all so green and grateful to the eye ; the locust flowers produce almost a satiety of fragrance, and the mellowed light that makes its way through the foliage seems to hallow the dwelling for repose."

He had much of Thoreau's enthusiasm, but none of his scientific knowledge. In addressing a horticultural society in Boston, in 1848, he made this amusing confession :

"It happened that once in the month of May I had leisure from other pursuits, and I undertook to improve it by setting out trees and embellishing my grounds. I bought a large quantity of plants and trees from Prince's garden, and lo ! the trees were in blossom before the excavations were dug in which they were to be set ! My neighbors thought I was a strange man to set out trees in May. 'Why didn't you set these trees last fall ?' said they. Still I kept on digging and digging with faith. At last a very aged and venerable man who has an excellent garden, displaying great taste, came along and stood and looked upon me as I set out the trees and watered them, and braced them up for their struggle with the summer winds. 'Well,' said he, '*there is fun setting out trees even if they won't live.*'"

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His fondness for pet animals was a sign of a gentle disposition. Of course the pets were for the amusement of the children, but the busy father often took time to record the latest acts or fortunes of these adopted members of the family. To a friend who had just given him a mocking-bird called "Bob," this humorous acknowledgment was made :

"He began to show off his powers as soon as his food and water were replenished. I believe he must have formed his opinion of me from the current conversation of your great city, for he evidently intended to commend himself by showing that he, too, was a demagogue. He began with the notes of the wren, passed rapidly through the gamut of the robin, the jay, the bluebird, quail, snipe, crow, and woodpecker, and ended with a serenade of unknown but exquisite melody. . . . I have found but one cause of complaint against him. He is evidently in favor of the Public School Society's exclusive privileges, for when the Roman Catholic Lord Bishop of Nantes paid him a visit to-day, he would not be prevailed upon to open his throat."

Later he wrote that Bob's fame had gone abroad, and that he had set up a singing-school :

"He has one pupil, who was brought here by a bright-eyed boy, and installed at Bob's feet to learn the gamut. He has made no effort to instruct his pupil yet, and is preparing to lay aside his flute for the season, I think."

Another friend sent a small fawn, called "Jenny," which soon became very much attached to the children. Here is the Governor's account of one of her sad experiences :

"The poor, foolish creature, lonesome and broken-hearted, I suppose, because Fred and Willie had left her, leaped the enclosure and commenced a most improbable search for sympathy in the thoroughfares of the capital. The dogs pursued her, and the boys became allies by force of natural instinct. She came back bleeding from her wounds, and 'weeping,' indeed, like an innocent that had been stricken."

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When he returned to Washington after the exciting campaign of 1860, and just on the eve of the still more exciting prospects of disunion, he found time to write: "I would not have believed it, but my pretty cat remembered me, and was wild with joy at my return. She attends me constantly, sitting on my shoulder when I write, and following me when I move." Birds and dogs and cats always found a welcome and a safe retreat in Seward's grounds.

Strange as it may seem at first thought, Seward's greatest ability was shown as a writer. Early in life he recognized that his natural equipment for public-speaking was very much inferior to his skill in composition. He wrote with great ease, and had the rare capacity to criticise and improve his manuscript until he found the most concise and effective expression. His power was in his mental acuteness, his sprightly style, and the rapid flow of his ideas; and although these ideas might not be new, he had such a genius for stating them in an interesting way that they were accepted as thoroughly original. His indictments of the opposition were very successful, because he could sound almost all the notes that stir human feelings. When he became governor he found his peculiarities as a writer little suited to the responsibilities of administration; and many even of his own party thought him too eager to attract attention. But most of his messages and papers were such as come only from a bright mind and a ready pen.<sup>1</sup> He had a large vocabulary and employed it with

<sup>1</sup> Hammond, Seward's contemporary and the Democratic historian of New York politics, said that the annual message of 1839 "was an able document, and written in an easy and elegant style"; that the one of 1840, "like everything else written by Mr. Seward, is in good style, and evinces talents as a writer highly respectable"; and that that of 1842 was "both in style and spirit, superior to his former communications."—2 Hammond, 504, 523; 3 Hammond, 251.



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precision—as well when he wished to be clear and positive as when he aimed to be vague or equivocal. In short, Seward was already a master of English, although his faculties and skill continued to improve.

But was he not also a great orator? If by that be meant a speaker who deeply impresses an audience through the senses of sight and hearing, then the question must be answered in the negative. Except in peculiar circumstances—such as an anxious, curious crowd, in a time of general public excitement—his delivery rarely, if ever, added to the attractiveness or the force of the written production, and his reputation was highest among those who had only read his speeches. His oratory was intellect unaided by an inspiring physical personality. What is perfectly natural and best in his addresses suggests a keen philosophical essayist, versed in politics and well read in the field of his speculations. Hence, although no competent judge has pronounced him a great orator, yet no person of intelligence ever listened to his speaking with less than extraordinary interest.

In the fragment of autobiography Seward wrote: “Earlier than I can remember I had had a catarrhal affection, which had left my voice husky and incapable of free intonation.” Excessive smoking and the use of snuff did not lessen this misfortune. In arguing one of his famous law-cases, in the small court-house in Auburn, he said: “The voice of the district attorney reverberates through this dome, while mine is lost almost within the circle of the bar.” The best accounts of his speaking refer to the period of his senatorship and to his most ambitious efforts. The husky voice and graceless delivery were most noticeable. Galusha A. Grow, who admired Seward and heard him on several great occasions, described his manner as indifferent and perfunctory, much like that of a school-boy reciting a



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piece and concerned more with recalling what he wished to say than with impressing his audience.<sup>1</sup> Charles A. Dana's *Recollections* says: "He stood up and talked as though he were engaged in conversation, and the effect was always great. It gave the impression of a man deliberating 'out loud' with himself." One who heard the "irrepressible-conflict" speech subsequently wrote of it:

"But the manner of its delivery was effective in defiance of every rhetorical rule. Nay, I may say rather that the effectiveness of the elocution was not so much in spite of the speaker's disregard of rule as it was *because* he disregarded rule. It was, apparently, to a great extent an effort of memory. The orator slowly paced to and fro along the ample rostrum, his hands in his pockets or locked behind him, and ejaculated his speech piecemeal as he succeeded in recalling it. This was the appearance. Now and then he would arrest his steps, and stand for a moment while he gave utterance to a series of his carefully worded sentences. Altogether it was quite as if a self-absorbed man, in a tense state of moral and mental excitement, had got a couple of thousand of us closeted alone with him there, and was thinking aloud to us. But those interrupted ejaculations of thought were electric in their effect in that highly charged politico-moral atmosphere."<sup>2</sup>

Seward rarely, if ever, relied on the occasion or counted on employing the arts of delivery commonly practised by clever orators; his speech had, in most instances, been written out, reweighed and revised sentence by sentence, and then committed to memory. What was printed was the written speech, or the carefully corrected report of what he had said. This explains how his productions attained such a high and uniform level of literary excellence, and also why there was no rush of *ex tempore* thought, exciting the speaker and thrilling the audience.

<sup>1</sup> Statement to the author.

<sup>2</sup> From an account written by W. C. Wilkinson, now (1899) professor of rhetoric in Chicago University.

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It was not until within a year or two of Seward's election to the United States Senate that he had attracted much attention outside of his state as a public speaker, although he had addressed large audiences on many subjects for more than a score of years. His first conspicuous effort was a eulogy of O'Connell, delivered in Castle Garden, New York city, in the autumn of 1847. The introduction is impressive and picturesque, and is probably the first positive evidence that Seward would have become a great orator if he had possessed the physical qualifications:

“There is sad news from Genoa. An aged and weary pilgrim, who can travel no farther, passes beneath the gate of one of her ancient palaces, saying, with pious resignation as he enters its silent chambers: ‘Well! it is God's will that I shall never see Rome. I am disappointed. But I am ready to die. It is all right.’ The superb though fading queen of the Mediterranean holds anxious watch, through ten long days, over that majestic stranger's wasting frame. And now death is there—the liberator of Ireland has sunk to rest in the cradle of Columbus.

“Coincidence beautiful and most sublime! It was the very day set apart by the elder daughter of the church for prayer and sacrifice throughout the world for the children of the sacred island, perishing by famine and pestilence in their homes and in their native fields, and on their crowded paths of exile, on the sea and in the havens, and on the lakes, and along the rivers of this far-distant land. The chimes rung out by pity for his countrymen were O'Connell's fitting knell; his soul went forth on clouds of incense that rose from altars of Christian charity; and the mournful anthems which recited the faith, and the virtue, and the endurance of Ireland were his becoming requiem.”

A discourse on “The True Greatness of our Country,” delivered at Union and Amherst colleges, in 1844, was repeated before the Young Catholic Friends' Society, in Baltimore, in 1848. It was an instructive talk on the growth, development, tendencies, and dangers of our national life. The best of his non-political speeches

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of this period was his eulogy of John Quincy Adams, before the legislature of New York, in the spring of 1848. The style is spirited; the sentences are pointed and incisive; some of the passages are picturesque, and a few are dramatic. An emotional speaker, with voice and action suited to the expressions, could have made a profound impression with this oration. Adams's last moments were described as follows :

“ Stricken in the midst of this service, in the very act of rising to debate, he fell into the arms of conscript fathers of the republic. A long lethargy supervened and oppressed his senses. Nature rallied the wasting powers, on the verge of the grave, for a very brief period. But it was long enough for him. The rekindled eye showed that the recollected mind was clear, calm, and vigorous. His weeping family and his sorrowing compeers were there. He surveyed the scene, and knew at once its fatal import. He left no duty unperformed ; he had no wish unsatisfied ; no ambition unattained ; no regret, no sorrow, no fear, no remorse. He could not shake off the dews of death that gathered on his brow. He could not pierce the thick shades that rose up before him. But he knew that eternity lay close by the shores of time. He knew that his Redeemer lived. Eloquence, even in that hour, inspired him with his ancient sublimity of utterance. ‘ This,’ said the dying man, ‘ This is the last of earth.’ He paused for a moment, and then added, ‘ I am content.’ Angels might well have drawn aside the curtains of the skies to look down on such a scene—a scene that approximated even to that scene of unapproachable sublimity, not to be recalled without reverence, when, in mortal agony, One who spake as never man spake said, ‘ It is finished.’ ”

The estimates of Adams's life and character were sympathetic without being exaggerated.

Seward's elocution did not improve much in later years ; but throughout his whole term in the Senate, as will be seen, there was a steady growth in his faculty of literary expression, until he was unequalled in this respect by any public man of his time except Lincoln.



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Because Seward's wit and sense of humor rarely appeared in his public speeches, they have too often been overlooked. They helped to make him one of the jolliest of companions and correspondents. Here are a few samples of the merry bits that were freely scattered through his letters :

“ Among my visitors to-day was one poor fellow who spent an hour in deploring . . . the error of marrying a widow, two children, and one hundred and ninety-five acres of land ; the wife caring, as he says, all for the children and none for him, and the children claiming and taking all the land.”

“ One [of the clerks in the land-office] is very busily engaged in that chief of all pleasures—courtship. It must be an unusual case if it can last much longer without resolving itself into coffee and toast for two.”

“ Well, Mr. Weed, this is what I did not expect from you ! . . . I presume I might as well abdicate [the governorship] and resume my land agency, as you have usurped the government. The news from Tennessee and Indiana have made you bold. I think Ibrahim Pasha, the Emperor Nicolas, and you will soon be at loggerheads for the division of the world.”

“ My fever and ague being exorcised by brandy-and-coffee, I went [when in Illinois in 1846] with my cousin Glen to see Mrs. Nancy. She has a brick house and ‘ things to suit,’ all her own, and enough to attract another husband. When told who I was, she embraced me, and said : ‘ Why, my dear cousin ! How you have grown !’ ”

“ I mark this day with a white stone. There has not been a beggar at the door, and but one woman suing for a pardon for a husband convicted of bigamy.”

The common trait of believing that we always act from the best motives was conspicuous in Seward. Because he never doubted that what he wished to be true was or would be so, he often mistook for a reality what was but a mirage of how he desired to appear



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in history. To Thomas C. Chittenden he wrote, November 19, 1840, shortly after re-election by a decreased majority:

“In all my public action I am conscious of having been governed by higher notions than those of personal ambition or interest, and I have unhesitatingly relied upon the people. With the popular judgment I am content. I look not behind the ballot-box to define the motive of any elector to see whether he has been just or otherwise to me. If he has discharged his duty more conscientiously than I have, I congratulate him. If he has discharged it with less worthy motives, it is a matter for his consideration, not mine. The favor I have hitherto enjoyed is quite enough for me, and the most sincere pride I feel in it arises from the circumstances, that that man lives not, nor sleeps in his grave, to whom the suggestion of a wish for his aid in my preferment to the place I now hold, or any other I have ever enjoyed, was made directly or indirectly

“By your friend,

“WILLIAM H. SEWARD.”<sup>1</sup>

When he thought the Present somewhat blind to his virtues he looked with confidence to the Future—and was likely to offer her a ready-made judgment. Near the end of the campaign of 1840 a long letter to the citizens of Albany contained these sentences:

“It is a sublime spectacle to see a nation of twenty millions of free people intelligently and intently engaged in reviewing the policy and conduct of those who administer their government, and rendering that solemn judgment in which all are bound to acquiesce. . . . When the excitement and the interests of the present shall have passed away, it may perhaps be allowed that I have ‘sometimes been thought wrong by those who received their impressions through misrepresentations, or whose positions did not command a view of the whole ground.’ Nevertheless, I have been sustained by the reflection that I have had no interest, and have been conscious of no motive, calculated to sway me from the equal and exact justice, the elevated

<sup>1</sup> Seward MSS.

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purposes, and the pure patriotism which my station required. I have remembered also that the people were neither hasty in forming their judgment, nor easily deceived; that while they carefully weighed claims to their confidence, they were also slow to withdraw that confidence from tried public servants; and that while difficulties and perplexities were unavoidable in all public employments, and success was always uncertain, yet the magistrate who exercised the power confided to him by his fellow-citizens prudently, firmly, benignly, and with a view only to the public good, would be sure to enjoy the approbation of his own conscience, the highest of earthly rewards. . . . Thus cheered and sustained, I have not been impatient under the misapprehensions of friends, or the misrepresentations of those whose approbation it has not been my good fortune to secure, and have left my vindication to time and the candor of my fellow-citizens."<sup>1</sup>

Again, in 1841, we find him writing as follows of his prospective retirement:

“All my life long I have known that there would arrive occasions in the life of every public man when he could better promote great public measures as a private citizen than by attempting to use the influence of an official station. He who consults always the public welfare and improvement, and seeks to promote those great objects by wise measures, need not fear the want of due consideration. He who either does not devote himself to such ends, or adopts injudicious means to accomplish them, does not deserve the public favor.”<sup>2</sup>

Shortly after the election of Harrison, Seward announced his intention “absolutely to refrain from interfering in any way with the dispensation of the Federal patronage, and with the competition of my fellow-citizens for it, throughout General Harrison’s term”; and he so informed the President-elect.<sup>3</sup> The Governor’s letter-book shows that this was the rule; but it was impossible to ignore entirely what Greeley at this time called the “large and numerous swarms of office-hunt-

<sup>1</sup> 3 *Works*, 385.

<sup>2</sup> 1 Seward, 556.

<sup>3</sup> 1 Seward, 508, 524.

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ing locusts." Before Harrison was inaugurated, Seward had urged him to appoint James Watson Webb as postmaster of New York city, and to give an office to Edward Curtis.<sup>1</sup> He felt freer to ask the Postmaster-General, Francis Granger, for the appointment of protégés to clerkships.<sup>2</sup> A letter of July 4, 1841, addressed to Granger, said that the public welfare would be promoted by a speedy decision upon the Post Office appointments—*i.e.*, the removal of the Democrats—in the large towns like Troy, Auburn, Buffalo, etc. The reason given was that the Whigs would need the interval between the time of decision and November—when the next election would be held—to soothe the grieved and disappointed. The Governor had just offered to appoint an additional commissioner of deeds to please the Postmaster-General, although, as Seward said, "I should not think that the public interests required an increase of the number, nor do I think any very injurious consequences would result from such a proceeding."<sup>3</sup> Two years before, when the Democrats controlled the Federal offices, one Isaac Relf reported to Seward that he was to lose his position as postmaster because he had supported the Whigs in the last state election. Seward tried to console him with the thought that the proscription was in consequence of the "faithful discharge of one of the greatest responsibilities of freemen," and that he had the honor to be associated with General Solomon Van Rensselaer and other meritorious citizens who had suffered in a like manner; and then Seward added: "That cause must be desperate and its principles reprehensible which demands such sacrifices."<sup>4</sup>

<sup>1</sup> Letters of February 6 and 11, 1841. Seward MSS.

<sup>2</sup> Letters of March 1 and April 2 and 5, 1841. A letter of October 20, 1841, to John C. Spencer, the Secretary of War, asks for a place for John Duer. Seward MSS.

<sup>3</sup> Seward MSS.

<sup>4</sup> Letter of March 23, 1839. Seward MSS.



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It was one of Seward's greatest annoyances that in all periods of his political career many thought him insincere and given to concealment. "Quite the opposite of concealment, I trust, is the error of my character as a public man," he protested to a friend. "Every mortal being is at full liberty to reveal any word, verbal or written, he has from me. You will find it all consistent with itself, and with my letter to you."<sup>1</sup> Here are some sentences from letters to Weed: "Your letter admonishes me to a habit of caution that I cannot conveniently adopt. I love to write what I think and feel as it comes up. You will do well to destroy my letters."<sup>2</sup> "Don't lose your pocket-book, but if you are going to, burn my letters first."<sup>3</sup> It was the difference between Seward's acts—which were usually prompted by a higher sense of duty than those of most of his contemporaries in politics—and his ambitious efforts to appear as quite perfect that gave him this reputation for insincerity.

Optimism was another of his conspicuous traits. He was by nature very cheerful and hopeful. Knowing that every one prefers a leader who believes in his own power, he always wore an air of confidence before the battle, and of complacency after it. He was never at a loss for plausible arguments. He liked difficult tasks, for he believed that he could accomplish them. The practice of being optimistic was studiously cultivated throughout his life, because it was a political resource of great value, as well as a personal comfort.

From the time of the rise of the Whig party until the nomination of Lincoln, Seward was the special favorite of liberal-minded, ambitious young men. His practical

<sup>1</sup> 1 Seward, 521.

<sup>2</sup> 1 Seward, 345.

<sup>3</sup> 2 *Weed*, 410. Similiar suggestions were made to other correspondents.



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successes, his brilliant philosophizing, his rhetoric, and his declarations that slavery must be abolished, appealed to their imaginations and promised a new order of things, which the young generally desire. Whig politicians and conservatives, not in close alliance with Weed, disliked Seward on account of his radical doctrines, but they tolerated his opinions because they dared not risk making an enemy of him.

Seward's gentlemanly bearing, in all circumstances, was a very important characteristic. If he ever did a discourteous or mean act, either in public or private, it is not known. There may have been more generous men in politics, but it would be difficult to name a more considerate and polite one. Weed was often summary and severe, and consequently those who were not his warm friends were almost sure to be his bitter enemies. But Seward always remembered that every man was entitled to respectful treatment.<sup>1</sup> He habitually answered disappointed office-seekers in so kind, philosophical, and apparently frank a vein, and made so plausible a statement of his trials and of his desire to be impartial, that their anger must often have changed to sympathy. "To be misrepresented by opponents and to be misunderstood by friends is the fortune of public men," he often remarked on such occasions. An-

<sup>1</sup> The following incident was narrated to the author by one who was a party to it. A young countryman stopped at the door of Seward's law-office and asked in drawling tones if that was Squire Paine's office. One of the two law-students addressed replied: "No, this—yere—ain't Squire Paine's of-vice." Seward overheard what had been said and came into the room and reproved the young men for insulting a man who had merely asked a proper question in his natural way, and added: "Young gentlemen, if you wish to insult a man, insult an old one, for a young one will live to avenge it." Whether the advice was intended to be more than a semi-jocose way of closing the incident, we need not speculate; but it is certain that Seward was never intentionally rude to any one.

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other happy sentence was: "I need not say that next to the pleasure which an appointment confers upon the recipient is that which is enjoyed by him who makes it. It can scarcely be doubted, therefore, that the power is exercised as freely as the constitution and the laws permit."<sup>1</sup>

He understood how popularity and success are obtained. He knew when to appeal to the pride, the sympathy, the ambition, the indignation, the prejudice, the moral sentiment, and the imagination of those whom he addressed. One of Mark Twain's stories tells about a parson who understood the world and "liked all sorts of men—in fact, he was all sorts of men himself."

The variety of Seward's resources and the complexity of his character were largely due to the direct influence of two men—John Quincy Adams and Thurlow Weed—who were hardly more alike than day and night. His relations with Weed have often been mentioned. John Quincy Adams's friendship and example inspired many of Seward's best acts, for Seward looked upon him with positive reverence.<sup>2</sup> Shortly after Adams's death Seward said, in some remarks before the New York court

<sup>1</sup> To Joseph K. Edgerton, May 29, 1840. Seward MSS.

<sup>2</sup> In February, 1847, he wrote of the venerable ex-President, then a Representative from Massachusetts: "I was quite alone with him for several hours, and I shall remember the instructions received, with gratitude and affection, as long as I live." And again the following April: "During my stay in Washington, I enjoyed pleasure and instruction in a whole day spent with Mr. Adams *en famille*. I could not repeat here any of the thousand lessons I learned from him. But the parting was affecting: 'I trust, Mr. Seward, you will allow me to say that I hope you will do a great deal for our country; you must, and you will. I am going. I shall be here but a little while. I look to you to do a great deal.'" On one occasion about this time Adams remarked to him: "You made General Harrison President; you can make the next President. Will you give us a man who is not for slavery? Tell me that. Assure me of that, and I shall be prepared to make my testament."

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of chancery: "I have lost a patron, a guide, a counsellor, and a friend—one whom I loved scarcely less than the dearest relations, and venerated above all that was mortal among men."<sup>1</sup> Seward was absolutely sincere in his expressions about Adams and Weed. That is the great enigma of his life, and because of it some have regarded him a second John Quincy Adams, while others have insisted that he was only Thurlow Weed's Siamese twin. In fact, he was a combination of some of the most striking characteristics of each man. Hence he was not less eager to inherit the mantle of the one than to be the beneficiary of the schemes and power of the other. So, until he laid aside his ambition for preferment many years later, he was like Daudet's hero, who heard two voices:

"TARTARIN-QUICHOTTE, très exalté :  
Couvre-toi de gloire, Tartarin.  
TARTARIN-SANCHO, très calme :  
Tartarin, couvre-toi de flanelle."

Seward always showed a preference for getting first the covering of *flanelle*, knowing that *gloire* fits best on the outside. Carlyle said of Voltaire: "He loved truth, but chiefly of the triumphant sort." Seward desired to be true to Adams's example, but he thought it necessary to keep Weed as a guide and ally in the struggle.

As a son, a husband, and a father Seward was ex-

<sup>1</sup> Seward's eulogy of Adams was received with such favor that some enterprising Auburn publishers induced him to undertake a biography of his *beau-idéal*. Professional duties and political enterprises made it impossible for Seward to complete the work; so a local clergyman was engaged to do it under Seward's supervision. It appeared in 1849, and forty thousand copies of it were soon sold. (Derby's *Fifty Years*, etc., 60.) Excepting the religious cant scattered through the book, it has many excellent qualities. The political opinions and the estimates of Adams's acts were plainly inspired, if not actually written, by Seward.



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emplary. The womanly charms that had attracted the youthful attorney to Auburn never lessened in his eyes. Few wives have ever received or have ever deserved a more constant devotion and affection than he gave Mrs. Seward. Her frail health, and the difficulty of either leaving the children behind or of taking them away from home, generally kept her in Auburn. On the other hand, holding office at the state capital, caring for the land company's interests in western New York, arguing cases and making political speeches in distant cities—such duties compelled Seward to be separated from his family much of the time. "How strange a thing it is that we can never enjoy each other's cares and pleasures except at intervals," he wrote to his wife in 1847. In 1835 he considered it his chief duty "to save the health of one without whose society and affection the most successful results of my most diligent exertions would be valueless." When they travelled together he had the tenderest solicitude for her welfare; when they were far apart he thought of himself as a "banished man" from the home of my affections." At another time, when approaching darkness made it necessary to bring a long letter to an end, he expressed this beautiful fancy: "I hold fast to my pen, as if it were a talisman and had the power to summon and hold you before me." An infant daughter died early in 1837. After returning to the land-office he sent back these touching and sympathetic sentences:

"We are again separated, my dear Frances; I have returned to you the boy you lent me; you now have both, all, in your keeping; you have our living and our dead with you and the home with which they are associated, and I am far away and all alone; and yet you will be the mourner, for you are the stricken one, you are the woman, the mother. . . . I yet regret very much that I had not insisted on your coming with me, for I am afraid to leave you to mourn alone; and yet I am without the means to



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console you. Indeed, I feel great need of consolation myself. The lightness that was in all my heart when I thought of you and your sanctuary, and those who surrounded you there, was the main constituent of my cheerfulness, for I was always thinking of you ; I am now always thinking of you, but I imagine you sitting alone, drooping, desponding, and unhappy ; and when I think of you in this condition, I cannot resist the sorrow that swells within me. If I could be with you to lure you away to more active pursuits, to varied study or more cheerful thoughts, I might save you for yourself, for your children, for myself."

The day he became governor he wrote :

"EXECUTIVE CHAMBER, 11 A.M., *January 1, 1839.*

"MY DEAR FRANCES,—We are here. The ceremony is over. A joyous people throng the capitol. This is the first message."

A letter of January 1, 1846, from the national capital, contained this passage :

"All around me I hear salutations of the New Year. . . . I gather up a thousand of these greetings and speed them to her whose joys and sorrows are mine own, who cannot be happy without making me glad, who cannot be grieved without making me disconsolate."

Toward the children Seward showed the tenderest paternal affection.<sup>1</sup> He was fond of writing to them letters of instruction and amusement suited to their ages. One to Frederick when he was six years old explained why it was wrong to rob birds' nests and kill the birds, whereas it was right to take hens' eggs. Another letter to one of the boys contained these sentences :

<sup>1</sup> Aside from the daughter that died in infancy, the children were : Augustus H., born in 1826, and Frederick W., born in 1830 ; William Henry, jr., born in 1839, and a daughter, Fanny, still younger, who grew to womanhood. Clarence A. Seward, born in 1828, was the son of one of Seward's brothers. Clarence's parents died when he was a child, and after his thirteenth year he was brought up in his uncle's family in Auburn.

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“Black kittens mew so much and at such unseasonable hours, that I think it will be necessary the next time we purchase to select one of a lighter color.

“I am glad that you saw the Siamese twins. They are very nice young men, as I am informed. Would you like to see them when they are hunting? I wonder whether they both fire at once?

“. . . Do you know that the sap, which is the blood of trees, and shrubs, and plants, runs down into the roots in the cold weather and remains there invigorating the roots? In the spring, when the warm weather comes, the sap ascends into the trunks and branches, and then they begin to put forth buds and flowers. Sap is taken from the maple-tree, in the spring, to make sugar, just as it is going up into the limbs. . . .

“I hope that the Indian pony proved docile and fleet in the harness. Your ducks, I suppose, will furnish eggs and ducklings enough to pay for the corn and oats you have so liberally provided for them.”

Seward's parents ended their days in Florida, New York, after reaching an advanced age. His mother died in 1844 and his father in 1849. For nearly twenty years they had felt great pride in their son's rise in law and in politics. He, in turn, looked upon them with increasing reverence. When he heard of his mother's illness, he was away from home, and very much engrossed with law-cases and the campaign of 1844, but he wrote: “I may decide to go to my mother's bedside, even with the hope that grows within me for her convalescence. I may wait, alas! perhaps too late. To be too late at the sick-bed of a mother, and such a mother!” Unfortunately, he did arrive too late to find her living.

Such was Seward the leader in state politics. A quarter of a century had elapsed since he broke away from Van Buren and the Albany Regency and took up his pen to denounce the tyranny of party. During these years he had displayed great activity, persistent ambition, and shrewd calculation. What was new and strange

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in the phenomenon of his political career was his ability to combine radical and eccentric aims with a strict and severe partisanship. Although allied with a man who was certainly no better than the least scrupulous of the managers of the Regency, Seward had virtues that placed him above all other successful contemporary New York leaders. It was equally true that there was no intelligent New-Yorker who failed to see something to admire in Seward, or who fully approved of him. Leader of a great, swelling chorus of partisans, Seward had nevertheless been a close understudy to the wisest and noblest non-partisan between the time of Washington and that of Lincoln. However, this much was already certain: Seward was brilliant, attractive, alert, zealous, and daring in whatever he undertook, unsteady as to means but resolute as to purpose—yet always preferring to succeed by the best methods—and hopeful of being at last, in fact and in fame, another John Quincy Adams.

## CHAPTER XIII

### THE OUTLOOK AS UNITED STATES SENATOR

SEWARD'S election to the United States Senate did not launch him upon an unfamiliar sea. Few men who had not lived in Washington could have felt more at home there. The Virginia and the McLeod incidents, the defences of Freeman and of Van Zandt, and, most of all, the Cleveland speech, had given him a national reputation. Pleasure trips, politics, and cases before the Supreme Court had often called him to the capital. Again, just after the presidential election of 1848, professional engagements caused him to divide several weeks between Baltimore and Washington. On his way South he learned that the politicians in New York city were planning to take possession of President-elect Taylor before he reached Washington. The purpose was to supplant Weed in Taylor's confidence so as to injure Seward's prospects. "Now that I have got into the law again pretty deep," Seward wrote home from Baltimore in one of those soothing letters, "I care nothing for these intrigues. Colonel Taylor, the President's brother, has been with me much lately, and is kind, friendly, and confiding." To Weed Seward reported: "The Colonel is warm and affectionate toward you, and I think toward me." Probably this relationship became notorious, for it strengthened, in an important respect, the other ties that the two Whig leaders had to the President-elect. What wonder that, when Seward was in Washington a little later, every one importuned him with questions about the political outlook.



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It was near the end of February, 1849, when Seward returned to Washington to begin his political career there. It caused him a pang to learn that he was too late to offer Taylor any advice about the formation of the Cabinet. The services and qualities of Seward and Weed were well understood; otherwise the Senator-elect could not have entered, almost at once, into confidential relations with Taylor and the prospective Secretaries of State and of the Interior, Clayton and Ewing. Before the 4th of March, Seward had seen the manuscript of the inaugural address, and had concluded that Taylor had a "fund of good-nature, patriotism, and integrity," and was a good Whig, possessing discretion, purity, and excellence of motive.

The question of greatest national importance was, Shall slavery be admitted to the territory lately acquired from Mexico? That republic had long since declared slavery abolished there. During the war Congress had twice rejected the Wilmot proviso. In 1848 Oregon had demanded a territorial government. It lay north of slavery's limits, and many claimed that it was covered by the ordinance of 1787. Senator Bagby, of Alabama, announced that he would rather make the people there go without a government until the day of judgment than to see Oregon organized with the Wilmot proviso.<sup>1</sup> However, party interests warned the Southerners against making a test case about a region in which no one expected slavery to thrive. But as to California and New Mexico—the spoils of the war—the North was not more determined to keep them free than the South was to open them to slavery. Since the summer of 1848 President Polk and others had tried to settle the contest by having the Missouri-compromise line extended to the Pacific. Nearly all the mem-

<sup>1</sup> *Congressional Globe*, 1847-48, Appendix, 691.

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bers of the southern wing of each party felt that they ought to insist upon as much as the express recognition of slavery south of the line  $36^{\circ} 30'$ . A few northern Democrats, like Stephen A. Douglas, also wished this, so as to avoid the national and party risks of a contest. Such men as Giddings, John P. Hale, Wilmot, and Horace Mann maintained that the Constitution gave Congress the right to legislate for the territories, and that therefore the duty to check the growth of slavery was imperative. The people generally did not perceive that a crisis was approaching.

Gold had been discovered in the valley of the Sacramento in January, 1848. A real El Dorado could not have been more strange than the incongruous fragments of different nationalities that came together in California before the end of that year. When Congress assembled in December, California was in great need of a government. Root, of Ohio, succeeded, by a vote of 106 to 80, in getting the House committee on territories instructed to bring in, with as little delay as practicable, a bill, or bills, providing territorial governments for California and New Mexico, "and excluding slavery therefrom."<sup>1</sup>

There were some who then thought the time for action had come. Calhoun, with solemn zeal, led a movement that brought about half the southern Congressmen to a special meeting in the Senate chamber. An address, warning their section of the dangers of the situation, was the outcome. But many southern Whigs were opposed to radical measures that would discredit the victory that they had recently helped to win; and, moreover, they expected to be able to make a compromise whereby California and the larger part of New Mexico would be admitted as a free state and the bal-

<sup>1</sup> *Cong. Globe*, 1848-49, 39.

ance of New Mexico be annexed to Texas. The question was one thing in logic but quite another in practical politics. Even the hot-blooded Toombs said that it was important to wait for an overt act of aggression before planning disunion, and that that act was likely never to come.<sup>1</sup>

Late in the session of 1848-49, Senator Walker, of Wisconsin, offered an apparently harmless amendment to the civil and diplomatic appropriation bill, proposing to extend to the country lately Mexican all Federal laws affecting the financial interests of the United States. A slight alteration subsequently included the extension of the Constitution to the new acquisition.<sup>2</sup> This was filling the wooden horse with the most deadly weapons in aid of Calhoun's theory, that the Constitution carried slavery with it into the territories. A few days later this measure passed the Senate by a two-thirds majority. About the same time the House showed that it had a majority favorable to the organization of these territories with the Wilmot proviso. Each assembly promptly indicated its intention not to pass the other's bill. Giddings led the attack upon the Senate amendment. As it was attached to a very important appropriation bill, there was danger that an extra session might have to be called to save the government from coming to a financial standstill, while anarchy continued its reign in California. On the last day of the session the committees of conference reported to their respective houses that they had failed to agree.

The President-elect was very anxious to have California put under some sort of civil rule. Taylor, Clayton, and Ewing called Seward's attention to the situation, and suggested that he improve it if he could. Seward then visited many Representatives and secured their sup-

<sup>1</sup> 1 Coleman's *Crittenden*, 336.

<sup>2</sup> *Globe*, 1848-49, 561.



port to an amendment to continue in force the Mexican laws until July 4, 1850; but he was not able to win for it a majority of the Senators. Until the evening of March 3, 1849, it looked as if the South had the advantage and could compel the House either to accede to Walker's amendment or to take the responsibility for the defeat of the civil and diplomatic appropriation bill. Southerners attempted to prevent a vote by filibustering, and fisticuffs were employed as arguments. Although the Senate was less violent, it was quite as disorderly. The confusion finally became so great that Senator Sam Houston declared that, although he had waded through scenes of anarchy and turbulence and had seen people forming a chaotic community, the present spectacle made him feel that they should cover their heads with shame. It was after five o'clock when the Senate decided to drop the amendments and to pass the appropriation bill without further reference to the House.

At seven o'clock Sunday morning, March 4, 1849, just as the House was about to adjourn *sine die*, Speaker Winthrop made his grateful acknowledgments, and rejoiced that while the mighty monarchies and stately empires of Europe had fallen, or were tottering, our own republic had stood firm because of the inherent stability of our institutions. Five hours later the new Vice-President, Fillmore, speaking of the change of administration, congratulated the Senate and the country upon the oft-recurring and cheering evidences of our capacity for self-government. And neither intended to be ironical.

Seward had not been successful in his aim to have California and New Mexico put under the control of United States officials who should continue in force Mexican laws forbidding slavery. But it is certain that his timely activity and private consultations at least helped to turn the scales against the plan to open Cali-



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ifornia and New Mexico to slavery. At an hour more favorable to that institution than was likely to come again, its claims had not been recognized.

It was a very remarkable Senate that Seward became a member of on March 4, 1849. Its chamber was the small, semi-circular room now occupied by the Supreme Court. Several of the most illustrious statesmen of the epoch since the outbreak of the second war with Great Britain were sitting there as contemporaries of many who were to be leaders in a vastly more stormy period, stretching off nearly two decades into the future and ending in civil war and complete emancipation. Looking back upon this Senate, it seems to have been overcrowded with great men. The three most famous of all American Senators—Clay, Webster, and Calhoun—were beginning their last session; each bent under the weight of life's generous span of years, but their intellectual fires never glowed more brightly. Benton, Cass, and Houston, their juniors in ability more than in age, were still full of vigor, as if their political roots drew nourishment from newer soils. John Bell, of Tennessee, Willie P. Mangum and George E. Badger, of North Carolina, and John M. Berrien, of Georgia, eminent southern Whigs, were nearer the end than the beginning of their careers. The most prominent southern Democrats were nearly all ardent champions of slavery. Calhoun's colleague, Andrew P. Butler, had a reputation as a jurist. William R. King, of Alabama, who had seen important service in both houses of Congress and in diplomacy, was to be Vice-President under Pierce. His associate, Jeremiah Clemens, had a harsh and vigorous manner of debating, which attracted much attention. Jefferson Davis, a soldier by profession, had distinguished himself in the Mexican war, but his chief desire was for political leadership along lines suggested

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by Calhoun. Mississippi's other Senator was Henry S. Foote, an eccentric, quarrelsome man, who talked fustian and indulged in personalities at every opportunity; ever ready to defend slavery, yet he was the head of the unionist faction in his state. Both of the Virginia Senators, Robert M. T. Hunter and James M. Mason, rose above mediocrity, and in some respects approached greatness. Like Jefferson Davis, they belonged to the future rather than to the past. John P. Hale, of New Hampshire, the only Free-Soiler in the Senate prior to 1849, had been there for two years. Hannibal Hamlin, of Maine, and a few other northern Democrats, as well as some of the northern Whigs, were known as antislavery men, but they were generally mild and looked first to party interests; Hale gloried in his indifference to political considerations, and never missed an opportunity to harass slavery's champions by argument, jest, and sarcasm. Stephen A. Douglas, small in stature but great in ambition and impetuous in debate, had entered the Senate with Hale. He had stepped from the chairmanship of the House committee on territories to that of the Senate. The man who had reported the joint resolution by which Texas was annexed, and who had been a conspicuous defender of the subsequent war of conquest, would have been a match for Danton in audacity. Hale's supreme passion was to antagonize slavery; Douglas was eager for leadership and political power. Salmon P. Chase, of Ohio, Pierre Soulé, of Louisiana, and William C. Dawson, of Georgia, were among those whose terms began with Seward's. Chase, hardly past forty, handsome and earnest, had won great notoriety as a lawyer in several prominent cases about slaves and as the practical leader of the Liberty party. He owed his election to a coalition between the Democrats and the Free-Soilers in the Ohio legislature. Dawson, a Whig, had a good legal mind and a fondness for direct

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and cutting denunciation of the favorite plans of the antislavery leaders. Soulé, a Frenchman, who came to the United States in early manhood, was more like a Castilian—picturesque, daring; eloquent, eager for conquests and fame far beyond the horizon. To distinguish oneself in rivalry with such men would require extraordinary talents and tireless activity. Seward possessed both.

In the House the leaders were less famous, but some of them were recognized as very able. Already or soon to be conspicuous among the Whigs were Robert C. Winthrop and George Ashmun, of Massachusetts; Thaddeus Stevens, of Pennsylvania; Thomas L. Clingman, of North Carolina; Alexander H. Stephens and Robert Toombs, of Georgia; Lewis D. Campbell, Robert C. Schenck, and Samuel F. Vinton, of Ohio; Charles S. Morehead, of Kentucky; and Edward D. Baker, of Illinois. The most distinguished of the Democrats were James L. Orr, of South Carolina; Howell Cobb, of Georgia; Albert G. Brown and Jacob Thompson, of Mississippi; Andrew Johnson, Isham G. Harris, and Frederick P. Stanton, of Tennessee; and John A. McClernand, of Illinois. There were thirteen active and aggressive Free-Soilers, of whom Joshua R. Giddings, of Ohio; David Wilmot, of Pennsylvania; Horace Mann, of Massachusetts; Preston King, of New York; and George W. Julian, of Indiana, have won permanent places in history.

Like all others with a reasonable expectation of having an important legislative and political career in Washington, Seward's chief solicitude at first was about offices. They could be commanded only as a result of cordial relations with the President; and such relations were soon established.

The clash between the respective interests of Fillmore and Seward, which seemed to be obviated by the elec-



tion of one as Vice-President and the choice of the other as Senator, had only been postponed—postponed until what was originally personal and local became a matter of much concern to the whole state—and, in fact, to the whole Whig party. Before going to Washington to take office, Seward and Fillmore met at Weed's house in Albany and flattered themselves into believing that their share of the fruits of the presidential victory could be divided in peace. The rush for the spoils was so great that Seward jocosely remarked, a little later, that the world seemed to be divided into two classes: those going to California in search of gold and those going to Washington in quest of office. Even before the inauguration Taylor had settled down to the daily practice of receiving callers from six in the morning, and Seward was likewise giving two early hours to office-seekers. For a time Seward and Fillmore continued their bland manners and the outward signs of intimate friendship, but it was a mere truce, not peace. Seward realized this. "Thus far we go together consistently, but we discuss only distant or negative questions," he wrote to Weed a few days after the agreement at Albany. "I have stipulated," he added, "for time and inaction concerning marshals, postmasters, district-attorneys, and there I leave these matters."

But day by day, <sup>in every way</sup> the office-seekers became so insistent that even the truce was merely a superficial pretence. In his total ignorance of political affairs, Taylor supposed at first that Fillmore, as Vice-President, would be a member of the Cabinet. The honest old soldier, in his desire to be impartial between the rivals, soon tried to have the Cabinet-officer most concerned decide between Seward and Fillmore. By this arrangement Fillmore was able to control the nominations to some of the best offices in the state. The superior political skill of Weed and Seward was promptly demonstrated. With



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perfect tact Seward voted for the confirmation of Fillmore's friends. Weed, however, made haste to see Colonel Taylor, and indirectly caused himself to be sent for by the President. The governor of New York at the time was Hamilton Fish, who was indebted chiefly to Seward and Weed for his position. On March 24, 1849, Seward wrote to Weed as follows:

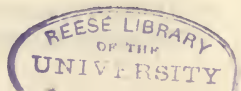
“Well! The beginning has been successful beyond anticipation. Things have ripened until suspicion has given place to confidence, and weakness to strength.

“The V. P. is bland as ever. The Cabinet are sound, the Senators wise, and there is as yet no ascertained way up-stairs through the kitchen of the White House.

“The V. P., with inimitable *naïveté*, has inquired of me when I would leave the city, saying that he should leave when I should take my departure, so as to prevent the *jealousies of our friends*, respectively. . . . Let Governor Fish now write to me when you have any advice to give the Cabinet. Some of the members take *that* point with great respect. It is the state administration at Albany that is to be strengthened, and the Governor is its acknowledged head. This saves the necessity of deciding between the V. P. and the Senator.”<sup>1</sup>

Leaving matters to the Governor meant supremacy in the state for Seward and Weed, but their ambition had now become national, and Fortune was working for them. General Taylor had let it be understood, in advance of his election, that he would leave to Congress all questions of legislation. The public charge that he had favored the passage of the Walker amendment indicated that he had violated his promise and might be hostile to the Wilmot proviso. Here was Seward's opportunity to use the clever pen that had so often won him distinction and promotion. He wrote what he described to Weed as a “vindication of General Taylor on the ‘Free-Soil’ question.” “It was approved in full

<sup>1</sup> 2 Seward, 107.



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Cabinet, the President presiding, in my presence, and ordered printed. All trouble is at an end. I shall have much to tell you."

This meant that Seward had won first place in Taylor's confidence. Fillmore's candle was not entirely snuffed out, but it soon ceased to be counted as one of the lights of the administration. Seward's aim was to influence the President, not to control him. Seward knew that his power must depend upon his usefulness. Taylor's obligations to Weed and Seward for services in the past, and the prime importance of retaining the support of the two men who were both Whig managers in New York, and the leaders of the whole antislavery Whig faction—these were considerations that the new Senator could count on. Seward's politic suggestions, his readiness, and his fascinating *savoir faire* inspired the President's confidence and won his friendship. Fillmore was suave and prepossessing in manner, but a Vice-President has neither power nor constituents. Toombs and Stephens believed that there was an understanding to the effect that the antislavery men of the North—Free-Soilers and Democrats, as well as Whigs—were to be won over to the administration by Seward, and that the President, in turn, as a liberal Southerner, was to allow the party to follow its course without hindrance.<sup>1</sup> It is at least certain that the President was soon convinced that rotation in office was sound republican doctrine, and that there should be more rotation in the future, especially in New York.<sup>2</sup> Seward and Weed and their allies were believed to be the most potent influence in the distribution of practically the entire patronage of the North.<sup>3</sup>

When General Taylor's administration began, Califor-

<sup>1</sup> Waddell's *Linton Stephens*, 99.

<sup>2</sup> *Weed*, 175.

<sup>3</sup> *1 Coleman's Crittenden*, 365. *Waddell's Linton Stephens*, 101.

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nia and New Mexico were still in the same unorganized condition as on the day they came into our possession, a year before. Immigrants had been rushing into California every month with the force and volume of a spring flood ; but there was no general civil authority to protect from highwaymen and adventurers men that were making an honorable search for gold. A military officer remained in charge of the territory. In some communities the local government remained nearly the same as it had been under Mexican control ; in others it had been changed somewhat by local elections. California, at least, should have been organized as a territory in the summer of 1848. Now her population was sufficient to warrant a demand for statehood. But Congress had denied the rights and prayers of Californians for nearly a year, and it would not reassemble for nine months.

Taylor's ingenuous nature had been touched by the neglect that California had received. Within a few weeks after the inauguration he sent a prominent Whig Representative from Georgia and several army officers to bear instructions and give assistance toward advancing the organization of a civil government for California. Although spontaneous movements had begun before the President's commissioners arrived, the military commandant took the lead along the lines Taylor had suggested. A constituent convention met at Monterey, September 1, 1849, and by October 13th it had completed its work. The constitution prohibited slavery. This was surprising, but it seemed much more so when it was learned that, although fifteen members were from the slave states, the antislavery clause had been adopted by a unanimous vote. In November the constitution was approved by a popular vote of twelve thousand against eight hundred. In December the legislature met and General Riley surrendered to it his assumed civil functions. A few days later John C. Frémont and Dr.



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William M. Gwin were chosen to represent California in the United States Senate.

While the California plan was developing, an expedition against Cuba was prepared at New Orleans. As soon as President Taylor learned of it he issued a warning proclamation; two of the ships were condemned, and the expedition was forestalled. These were painful object-lessons to those who had been dreaming of the extension of slavery westward and southward.

However, it was not until December, 1849, when the new Congress met, that the full significance of the situation became apparent. By this time it was understood that the antislavery men, under the lead of the Whigs, expected to pass some of their favorite measures. Toombs learned from the President himself that he would probably not oppose them. When the Whig caucus for agreeing upon a party candidate for the speakership refused to promise not to press the proviso or favor the abolition of slavery in the District of Columbia, Toombs, Stephens, and several other Southerners withdrew. These two talented Georgians, who had done most to check Calhoun's radical movement of the previous winter, were now determined to prevent the organization of the House until the Whigs should make the desired pledges. For nearly three weeks there was great excitement in the House, and during the latter half of that time violence of speech and action was almost continuous. Toombs led the members from his section, threatening secession in a manner that was bold, eloquent, and impressive. Notice was given that the Union would be broken up if slavery should be excluded from California and New Mexico or abolished in the District of Columbia. Finally, the House agreed to elect by a mere plurality. Because the Free-Soilers believed that Winthrop was not stanchly antislavery, they refused to vote for him; and thereby they permitted the choice of Howell Cobb,



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who was stanchly pro-slavery. Seward advised his friends to "stand by and fast to Winthrop."

During this storm the Senate was waiting with an air of indifference and indolence for the organization of the House and the reception of the President's annual message, when suddenly, on the 20th of December, it also became excited. The great Irish apostle of temperance, Father Mathew, in the course of a tour of the United States, was about to visit Washington. Walker offered a resolution proposing to give the distinguished visitor a seat within the bar of the Senate during his sojourn in the capital. Clemens, of Alabama, objected to its immediate consideration; so it went over to the next day. He then explained his position by saying that Father Mathew had been charged with denouncing one portion of this confederacy as little better than a band of lawless pirates. The offensive fact was that Father Mathew, like his compatriot Daniel O'Connell, was a philanthropist and lover of freedom without any special exceptions, and that, several years before, they had joined in an appeal to Irish-Americans to throw their influence against the institution of slavery. Clay suggested, in his sympathetic way, that men often appreciated more the picayunes than the double-eagles in the currency of social life; therefore, the proposed courtesy might not be an unwelcome "tribute to the man who had achieved a great social revolution—a revolution in which there has been no bloodshed, no desolation inflicted, no tears of widows and orphans extracted."

As yet Seward had not spoken in open session on any question of general interest. A Southerner was responsible for the discussion, and—what was of no slight importance—it was evident that Clemens's objection would be overruled. Seward called the attention of his colleagues to the regrettable fact that the numerous statutory memorials that adorned the halls, the cham-

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bers, and the grounds of the Capitol could convey no encouragement to the dead in whose honor they had been raised, but that now there was a chance to recognize a living public benefactor. That Father Mathew had improved the condition of any portion of the human race was sufficient to entitle him to the approbation and gratitude of the American nation, Seward said; but since it had been objected that this act of respect should be denied on account of antislavery opinions, he hoped that the Senate would show by the unanimity of its vote that, if slavery was regarded as an error, a crime, a sin, its existence was deplored and the responsibility for its introduction was denied, and that the meed of virtue should not be withheld because the one who possessed virtue had also exhibited devotion to the rights of man.

The way the thoughts were expressed was peculiarly exasperating to the hotspurs of the South, and they attacked the Irish reformer with intense bitterness. Jefferson Davis charged that he came as a wolf in sheep's clothing, and that Seward was the very best authority as to his antislavery opinions. Mason pronounced Father Mathew's appeal to Irishmen as an "aggression upon the American people which years of regret can never efface." The case grew rapidly more embarrassing to the quixotic assailants as one after another showed that he had great respect for the reformer's labors for temperance, and that all alike knew that the present mission was solely in that interest. But Downs, of Louisiana, who retained his self-control and deprecated the folly of his hot-headed southern colleagues, soon suggested that perhaps Seward had assumed his attitude in order to put the South in a false position and weaken her cause. He proposed to favor the resolution so as to avoid falling into what might be a trap and an attempt "to spring a new issue

on us." But it was too late. The excited Southerners besought Walker to withdraw his resolution; then they endeavored to have it laid on the table; but the Senate finally passed it by a vote of thirty-three to eighteen. No northern Senator had voted against it, and only nine from the South voted in favor of it.

When Weed approved Seward's action, Seward replied: "The northern men are tame, indolent, pusillanimous. If I could show the northern and southern men that I was of different metal, and yet not a querulous and discontented man, it was well." There was no more doubt about his being a man of "different metal" than there was that his *début* was very successful.

Taylor's first annual message spoke of California's organization for statehood, and expressed the belief that New Mexico would follow in a somewhat similar course. It was suggested that Congress accept what California had done, wait for New Mexico to act for herself, and avoid discussing sectional topics. The recommendation was as sound as it was unlikely to be followed.

A special message of January 21, 1850, replied to the request of the House for information respecting what had taken place in California and New Mexico. It maintained that, as the excitement on the question of slavery in those provinces was likely to continue until they should become states, their admission should be effected at the earliest practicable moment; and that if New Mexico were in the Union, its boundary dispute with Texas could be settled in the Supreme Court. Evidently Taylor's desire for harmony was greater than his devotion to slavery. His policy of letting the people act for themselves was sure to work to the advantage of freedom; for even the most importunate of the propagandists of slavery were unwilling to risk their slave property in this acquisition without some assuring legis-



lation on the part of Congress. But what made Taylor's attitude so important was the fact that the admission of slavery into California and New Mexico, or its exclusion from them, would have a lasting and probably decisive influence upon the contest between the North and the South. This will be seen from a mere glance at some of the leading features of the political contest about slavery.

During the past sixty years the current of southern opinion on the subject of slavery had been reversed. The alleged financial advantages of the institution had steadily widened and deepened until they were powerful enough to shape the opinions and to influence the actions of the South. By 1850 a great majority of that section had come to believe that slavery was not only "a good—a positive good," as Calhoun claimed, but they also agreed with Albert G. Brown, of Mississippi, that it was "a great moral, social, political, and religious blessing—a blessing to the slave and a blessing to the master."<sup>1</sup> No Southerner doubted that the clauses of the Constitution granting representation for three-fifths of the slaves and providing for the return of fugitives were a complete recognition of slavery. No other class of property, and perhaps no other interest whatever, was so intimately associated with what the South considered to be her welfare. It represented almost a thousand million dollars in capital.<sup>2</sup> It was, therefore, less "the peculiar institution" of the South than *the* institution; in fact, in politics and in every-day life it was supposed to be as indispensable as air and food. Yet, notwithstanding these rights and interests, this property and general welfare

<sup>1</sup> *Globe*, 1849-50, 258.

<sup>2</sup> Clemens said that the value of slave-property exceeded nine hundred millions.—*Globe*, 1849-50, Apx., 52. Brown, of Mississippi, believed that two thousand millions were involved in it.—*Globe*, 1849-50, 259.



could not be preserved without constant and special assistance from without. It was even necessary, in order to protect slavery from adverse legislation, that the representation of the slave states—in the Senate, at least—should continue equal to that of the free states. As free states were sure to demand and receive admission into the Union from time to time, and as nearly all the territory of the United States especially adapted to slavery had been organized into states, the South demanded new acquisitions. After the annexation of Texas there were fifteen slave to thirteen free states. By 1848 the North had restored the equilibrium by gaining two more states. In 1850, California demanded admission with a constitution prohibiting slavery, and New Mexico was likely to do the same soon. To permit this would surely give to the North the power to make it difficult if not impossible for the South to realize her aims. The signs were unmistakable. Stephens, who, in one of the most exciting moments of the recent speakership contest, had declared that he believed the day would never come when the Union would be dissolved,<sup>1</sup> now expressed the opinion that the adoption of the President's policy would be the beginning of the end of the Union; that it was a great mistake to suppose that the South could stave off the questions, for ultimately she must submit or fight.<sup>2</sup>

The men of the Revolution felt that slavery was an immorality that was mocking their grand expressions about liberty and equality, and ought to be done away with. Because it had never been sufficiently profitable in the North to become powerful either financially or politically, its gradual abolition there was effected without great opposition. The refusal on the part of the House to receive antislavery petitions, the annexation of

<sup>1</sup> *Globe*, 1849-50, 29.

<sup>2</sup> Johnston and Browne's *Stephens*, 244, 245.

Texas by joint resolution, and the pro-slavery war with Mexico, proved the assertions of the radical abolitionists about the evil influence of slavery upon the nation. A majority of northern voters had come to realize that unless a more active campaign should be waged in behalf of freedom, the South would soon gain sufficient power to shape the foreign and domestic policy of the government so as to give slavery permanent supremacy. It was this danger that led to a northern interpretation of the Constitution and to northern ideas of moral and political duty that were entirely different from those of the South. What the South believed to be a constitutional recognition—a guaranty, even—of slavery, the North now regarded as only a limited concession in acknowledgment of actual conditions existing under state law. The antislavery leaders had resolved to construe as much of the Constitution as possible in the interest of freedom, to antagonize slavery wherever Federal authority could reach it, and especially to keep it out of the territories, and thereby render impossible the formation of any more slave states, except, perhaps, out of Texas. Moreover, hundreds of thousands in the North looked forward to the abolition of slavery in the District of Columbia and in the United States forts and arsenals, and to the placing of destructive restrictions upon the inter-state slave trade. On the other hand, the southern leaders were counting on carving at least three additional slave states out of Texas, and on the acquisition of Cuba, Mexico, and other tropical countries.

The discussion of these questions was easily embittered. The champions of slavery were taunted by the assertion that their own fathers, if they were alive, would be their strongest opponents, and that the whole civilized world was against their favorite institution. They replied by claiming for the South a superior culture and chivalry, and by alleging that the "white sla-

very" of the factories, and the condition of the free negroes, in the North, were as bad as southern slavery.<sup>1</sup> The northern advocacy of liberty and philanthropy was denounced as hypocrisy—as "a creed that soars to the heavens in its doctrines, but looks to the earth for its rewards."<sup>2</sup> Clemens had said, in the debate about Father Mathew: "Wherever this antislavery sentiment shows itself, whatever form it may assume, I am ready to do battle against it. . . . You must let us alone or take the consequences."<sup>3</sup> And many others expressed similar warnings. On each side of Mason and Dixon's line the leaders seemed to be engaged in a rivalry as to who could go farthest in promulgating extreme ideas. Party lines were almost entirely broken, and it was remarkable that the legislatures of all the northern states, except one, had passed resolutions urging at least a strict adherence to the doctrine of the Wilmot proviso; whereas the legislatures of all but one of the southern states had declared that resistance would be justified in case the principle of that proviso should be adopted or if slavery should be abolished in the District of Columbia.<sup>4</sup> Jefferson Davis announced that he had come to this session of Congress with melancholy forebodings that it might be the last of the government, and that the feelings of the Senate had daily been harrowed up by this question of slavery.<sup>5</sup> Hunter declared that he always endeavored to avoid it, but that it met him everywhere; that it was like the plague of darkness in Egypt, pervading the world without and filling the home within; that it veiled the political horizon and obscured the cheerful light of the domestic fire.<sup>6</sup> It was the one vital question, and Congress was compelled to discuss it.

<sup>1</sup> Clemens, *Globe*, 1849-50, Apdx., 52; Davis, *ibid.*, 156.

<sup>2</sup> *Globe*, 1849-50, 134.

<sup>3</sup> *Globe*, 1849-50, 57.

<sup>4</sup> 2 Schurz's *Clay*, 322.

<sup>5</sup> *Globe*, 1849-50, 137.

<sup>6</sup> *Globe*, 1849-50, Apdx., 382.



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But, unfortunately, there never had been a time when opinions on slavery were so antagonistic and positive.

The complication was the most serious one that had ever occurred in our domestic politics. Many thought it would result in violence, and probably in disunion. But Seward seemed to relish the excitement. His intimacy with the administration enabled him to foresee, and probably to encourage, the President's antipathy toward the southern radicals. He believed that Taylor would "not flinch from any duty," and would be as willing to try conclusions with those who should attempt disunion as Jackson was with the nullifiers, and that the extreme opinions would put the President on the side of the North.<sup>1</sup> Therefore, he had confidence that the Southerners would be overborne if the anti-slavery men should "show the virtue of moderation" and firmly support the policy of the administration in respect to California and New Mexico. He warned the President in advance not to expect either favor or forbearance from Congress, and that faction would run into sedition; but that having saved the Union he would be re-elected. For himself, Seward decided, as early as January 25, 1850, to devote his time to "a bold yet careful sketch of the destiny of this country and its races"; and from that point he intended to "demonstrate the certain deliverance of the continent from slavery to be inevitable, and the dissolution of the Union to be impossible."<sup>2</sup>

<sup>1</sup> 2 Seward, 112, 113.

<sup>2</sup> 2 Seward, 121.





## CHAPTER XIV

### THE DEBATE ON CLAY'S COMPROMISE PROPOSITIONS—SEWARD'S "HIGHER-LAW" SPEECH

IT had been generally understood since the autumn of 1849 that Henry Clay would try to weave the apparently irreconcilable aims of the two sections into a systematic compromise. Perhaps the strongest influences for success were the personal traits and popularity of the great Kentuckian. There have been greater statesmanship, shrewder political leadership, and more superb oratory, but no one has seemed to Americans to possess all these qualities in such harmony and with such fascinating vigor as Henry Clay. He was the soul and body of a movement that was to seek victory in spite of great opposition from three quarters—the antislavery men of the North, the slavery-expansionists of the South, and the conservatives who wished to support Taylor's administration and believed in a let-alone policy. The compromises of 1820-21 and 1833 were not so difficult as the present task. But Clay was well equipped. From the retirement that he had sought seven years before, the legislature, although much out of sympathy with his advocacy of gradual emancipation in Kentucky, had again called him by unanimous vote. He had accepted the responsibility because he believed that he might save his country from civil war and disunion. Since returning to Washington he had hoarded his remaining strength that he might use it all in what he felt would be his last great contest. For many weeks he revolved

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soothing expedients in his mind, and thought that he could never again feel the burning passions that had in former years given him popularity and triumph in many a debate. He had come out of his special meditations only to speak some glowing words in praise of that gentle revolutionist, Father Mathew, and, again, to urge the moral and patriotic importance of the purchase by the government of the manuscript of Washington's "Farewell Address."

Clay's plan was laid before the Senate, January 29, 1850, and became the basis of the great compromise of that year.<sup>1</sup> It was divided into eight propositions. The first provided for the admission of California as a state, without any conditions respecting slavery. Because the South regarded the organization of California as exceptionable, and injurious to slavery, this was counted as a concession to the North. The second proposition favored the formation of territorial governments in the remainder of the acquisition from Mexico, without any provision for either the introduction or the exclusion of slavery. This waived the Wilmot proviso and would prevent the admission in the near future of New Mexico as a state; it left open the questions: Has property in slaves a constitutional right to protection in the territories in general? and, Is slavery still prohibited in this particular territory? Therefore there remained a possibility of ultimately making one or more slave states. So this was a gain for the South. The third point was to draw the boundary line between Texas and New Mexico so as to cut off most of Texas's claim to disputed territory. This would be a disadvantage to the South, because this territory would then be much less inviting to slave-holders.. The fourth was to appropriate a sum of money, in consideration of the accept-

<sup>1</sup> *Globe*, 1849-50, 244 ff.

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ance of this boundary, to pay the debt that Texas had contracted prior to annexation and for which she had pledged her duties on importations. The holders of Texan securities, who were largely Southerners, would be greatly benefited by such an arrangement. The fifth proposition declared that it was "inexpedient" to abolish slavery in the District of Columbia without due compensation and the consent of the people of the District and of Maryland. This was practically a surrender of the strongest but not most important antislavery claim. The sixth was to prevent the use of the District of Columbia as a mart for the interstate slave trade. This was a distinct recognition of the moral objection to that trade; but it was the abolition of a trade that forty years before had been pronounced an abomination by John Randolph and which was offensive to many slaveholders.<sup>1</sup> The seventh called for more effectual provision for the return of fugitive slaves. By inference it approved Mason's fugitive-slave bill, already before the Senate, which was known to be as important to slaveholders along the border as it was offensive to the anti-slavery sentiment of the North. The eighth item was a declaration that Congress had no right to prohibit or obstruct the trade in slaves between the slaveholding states. Although the right of Congress to control this trade had not been fully established, even in the minds of all of the antislavery leaders in Congress, yet it was plain that the exercise of such a power would soon be a very serious, if not fatal, blow to the value of slave property, especially in the slave-breeding states.

When Clay offered his propositions for compromise, "for accommodation," he did so with no selfish interest—no man need ever fear him again as a rival, he said

<sup>1</sup> *Globe*, 1849-50, 246, 250, Apdx., 391.

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—but he merely submitted them as the result of his conscientious labors. He preferred to plead for the harmony that it was their purpose to bring about, rather than to insist upon their superiority; for he was “oppressed,” “appalled,” and “anxious” about the dangerous condition of the country.<sup>1</sup> His most difficult task had been to devise a real compromise, none of whose constituent parts should seem to call for the surrender of a positive moral claim or a constitutional principle. He thought that he had succeeded, for to him there was no bold moral question of right or wrong in the problems: peace and union were the great moralities in comparison with which all others were too petty for consideration. Hence the only real opposition that he feared was made up, as he said, of “passion, passion—party, party—and intemperance”; for the northern ideas that had not been recognized were merely “an abstraction, a sentiment—a sentiment” which might easily be waived. He aimed to be strictly impartial. He could not see that because there were fifteen slave states it followed that the Constitution of the Union of thirty states carried slavery rather than freedom into new acquisitions. His voice would be for war if the general government should interfere with slavery within the states; but no earthly power could induce him, he declared, to vote to establish slavery or to stand with those who should make war to extend it to the territories acquired from Mexico—“a war to propagate wrongs.”<sup>2</sup> Non-action on slavery would really be best for the South. Because the Constitution promised the return of fugitive slaves, he was ready to “go with him who goes farthest” in legislating for its fulfilment. Here, he said, the South had serious cause for com-

<sup>1</sup> *Globe*, 1849-50, Apdx., 115.

<sup>2</sup> *Globe*, 1849-50, 249, Apdx., 117.



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plaint. But in nearly all other respects her rights, influence, and interests had received generous recognition. Secession would destroy the grand past, prevent a glorious future, and be the most fatal of expedients. Neither reason nor the Constitution would warrant it. It would mean war; and he would oppose it.<sup>1</sup>

Clay had announced that he sought neither to argue with fellow-Senators nor to make a display of oratory for those who had come from near and far and were overflowing the galleries, the anterooms, and the very floor of the Senate. But his sincerity and patriotism were as impressive as the strongest arguments and the most exalted oratory. His rich voice, melting into pleading tones—his purple flush, so indicative of deep feeling—his benevolent eyes, begging from others the generosity they expressed—appealed to all. And none present could withhold the fullest sympathy, when, on one day, he held up a fragment of Washington's coffin, regarding it as a warning from the grave that Congress should pause; and when, on another day, he pictured the sad havoc that disunion and war would bring, and implored Heaven that he might not "survive to behold the sad and heart-rending spectacle." No wonder that George W. Julian, although one of the most aggressive of the abolitionists in Congress, at times felt himself drawn toward Clay by a peculiar spell; that Stephens's long-cherished dislike melted into generous sympathy, and that, after the speech, a great throng of men and women gathered about to congratulate and to kiss the matchless orator.<sup>2</sup>

The very fact that Clay's propositions called for no absolute surrender of any claim or principle by either section led each extreme to believe that it was receiving

<sup>1</sup> *Globe*, 1849-50, Apdx., 127.

<sup>2</sup> Julian's *Recollections*, 84; Johnston and Browne's *Stephens*, 249, 255.

nothing. Jefferson Davis, who now stepped to the first place in southern leadership both in the Senate and before the people, said that the northern movement was "no longer the clamor of a noisy fanaticism, but the steady advance of a self-sustaining power to the goal of unlimited supremacy."<sup>1</sup> With keener insight than Clay, he insisted that if it had been due merely to party and sentiment it might reasonably be expected to subside. But it was deeper and more comprehensive; it was sectional and meant sectional conquest or submission. To trim the North of some of her most radical demands might postpone the conquest, but it would not prevent it. Unless that constantly increasing supremacy could be stopped at a certain line, Clay's propositions in themselves meant not real compromise, but final submission. In the widest sense, therefore, he was right when he complained that Clay, a southern man, in failing to insist upon the claim vital to the interests of his section, had given such support to abolitionism as all the northern men in the Senate could not have afforded. Davis would have preferred the Wilmot proviso to Clay's plan for the treatment of slave property in the new territory; for, he said, the former recognized the necessity of legislation to deprive the slaveholder of what he regarded as rights, while the latter by silence practically denied their existence. His ultimatum on the territorial question was the extension of the Missouri-compromise line to the Pacific, with specific recognition of the right to hold slaves in the territory on the south.<sup>2</sup> In a speech occupying a large part of two legislative days, he reargued the leading theses of the South in sentences graceful and not too deep to fascinate the admiring and fashionable crowd in the gallery. Back of it all was the fundamental dogma—the heart

<sup>1</sup> *Globe*, 1849-50, Apdx., 149.

<sup>2</sup> *Globe*, 1849-50, 249.

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of the whole controversy—that the government must make no difference between property in slaves and property in other things; the government was “equally bound to protect on the high seas the slave in the vessel as [and ?] the hull of the vessel itself;” and it followed as a corollary that southern expansion should not be restricted, but that “our territory shall increase with our population.” If these rights should be denied, it required no prophetic eye to see, he said, “that grass will grow on the pavements now worn by the constant tread of the human throng which waits on commerce, and the shipping will abandon your ports for those which now furnish the staples of trade.”<sup>1</sup>

Davis could not have become so prominent at this time had not Calhoun's chair been almost constantly vacant of late. No other Southerner has equaled Calhoun in both force of intellect and sincerity of character. The South revered him and felt an almost boundless gratitude toward him, because his whole existence had been given to her interests; he had been her chief debater, philosopher, and leader. Shortly after writing the southern address, in the winter of 1848-49, he had a severe attack of bronchitis complicated with an affection of the heart. His health rapidly declined; he had several fainting spells, and was frequently unable to go to the Capitol. Knowing that he was nearing his end, he said, at different times, to Toombs and to Rhett: “The great battle must be fought by you younger men.”<sup>2</sup> But the old statesman wanted to die near the rostrum, not in the quiet of his plantation home. His mind seemed to become even more active and determined as his body weakened. So, when he occasionally felt a temporary rally of his strength, he eagerly em-

<sup>1</sup> *Globe*, 1849-50, Apdx., 155, 157.

<sup>2</sup> 1 Coleman's *Crittenden*, 363; *The Carolina Tribute to Calhoun*, 369.



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ployed the hours, when not confined to his bed, in dictating to an amanuensis what was to be his last argument in the Senate.

Too weak to walk alone, Calhoun yet appeared in the Senate on March 4, 1850, and sat in his chair while Senator Mason read the manuscript. There was a striking contrast between the bent and emaciated form, the sunken cheeks, the feverish, glaring eyes of the great Carolinian and the vigorous, logical sentences that the Senators were hearing. His last argument began by saying that he had believed from the first that the agitation of the question of slavery would, if not prevented by some timely and effective measure, end in disunion. It concluded with the self-consoling remark that he had done his duty, both to the Union and to his section, and was, therefore, free from responsibility. He maintained that the crisis was the result of the destruction of the equilibrium between the sections. This had been brought about chiefly by three causes: the exclusion of slavery from common territory, the revenue system, and a centralization of the government. The different points were argued with precision and force, and led up to the cause of the strife—the injury or danger to slave property. The most baneful influence, he said, came from the agitation of the question of slavery. He passed by the Clay propositions, because others who were present when they were explained had answered them. The President's plan could not save the Union, for it would not satisfy the South that she could remain in it consistently with her safety and honor. The "executive proviso," as Calhoun called it, aimed to accomplish the same purpose as the Wilmot proviso; but it was more objectionable, because less open, bold, and distinct. Nevertheless, the Union could still be saved, if the North would but will it. She needed only



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“to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government.”<sup>1</sup>

Elsewhere he explained that his idea of an amendment was to provide for a dual executive, along sectional lines, with an absolute veto in each sectional chief. The responsibility of saving the Union rested upon the North, because she was the stronger. The recognition or denial of southern rights in California should be considered the test question as to northern purposes.

There was not a threat nor a magniloquent phrase in the speech. No one had ever made so sober, accurate, and concise a statement of the forces working against slavery. Nothing could more clearly have shown that the chief southern complaint should have been that the trend of our political system and of civilization was against slavery. Then the real logic of his reasoning—that danger to slavery and the certainty of disunion were synonymous terms—would have been plain to all. Even the most radical of the southern leaders had not demanded more than what they called a return to the Constitution of “the fathers.” Therefore Calhoun’s mention of an amendment surprised the whole Senate, and Foote soon protested, declaring that no southern Senator had been consulted about it or would be willing to be held responsible for it. Cass announced that if the Union could not be saved except by Calhoun’s plan, the handwriting on the wall read, “God hath numbered our Republic and finished it.”

<sup>1</sup> *Globe*, 1849-50, 455.

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But these grandiloquent time-servers had no talent for abstruse problems. Calhoun retorted by saying that the whole course of the Michigan Senator had been one of palliatives, but that the present condition was a disease, like a cancer about to strike into a vital part, which could not be cured by palliatives. Never before had Calhoun seen the truth more clearly. Never before had he shown such supreme devotion to the South. He had made the sole exact diagnosis of the disease, and had prescribed the remedies—if perchance his elaborate scheme of denationalization would have been effective. But the politicians were more afraid of the remedies than of the disease.

Unable to stand, except by leaning on his desk, even to utter a few sentences with a faint voice and gasping breath, the truest champion of slavery lifted himself to his feet again and again to object to misapprehensions, to insist that no one had done more to save the Union by opposing infractions of the Constitution, and to declare that he was not afraid to say the truth on any subject. His last words to the Senate were a declaration, on March 13th, that he would hold no more than formal intercourse with men who were endangering the Union. Then, supported on either side, as he had several times come and gone of late, he was borne back to his sick-room. With mind still eager for action, he thought not of his last moments, so near at hand, but exclaimed: "If I could have one hour more to speak in the Senate, I could do more good than on any past occasion of my life."<sup>1</sup> He expired on the last day of March, 1850.

Perhaps the largest audience that ever crowded within the narrow limits of the old Senate-chamber was there on March 7, 1850, to hear Daniel Webster. There was great curiosity about his course, for it was all but

<sup>1</sup> *The Carolina Tribute*, etc., 319.

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certain that his opposition would prevent a compromise, but that with his aid one might be effected. The circumstances gave him a great opportunity for oratory, argumentation, and statesmanship. The first sentences sounded the key-note of the eloquence and patriotism of the whole address: "I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. . . . I have a duty to perform, and I mean to perform it with fidelity—not without a sense of the surrounding dangers, but not without hope. . . . I speak to-day for the preservation of the Union. 'Hear me for my cause.'"<sup>1</sup>

A review of the question of slavery was made the broad basis of Webster's argument. Slavery had existed, under various theories, at all times. The Roman world was full of slaves when Christianity was introduced; and there was nothing against it to be found in the teachings of Jesus Christ or of his Apostles, said Webster. The religious leaders of the North agreed both directly and indirectly that slavery was contrary to the spirit of the Gospel and was morally wrong. With equal sincerity those of the South insisted that just the reverse was true. A schism in the great Methodist Episcopal Church was the result of what he regarded as the deplorable teachings of men who thought everything absolute—absolutely right or absolutely wrong—and believed that human duties might be ascertained with the precision of mathematics. At the time of the adoption of the Constitution antislavery feeling pervaded the whole country, but it was more excited at the South. Congress used all the power it had to prevent the spread of slavery, and it was generally expected that it would begin to run out. Subsequently cotton

<sup>1</sup> *Globe*, 1849-50, 476.



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increased enormously in importance, bringing in a golden age for the South, which in turn demanded territorial expansion. Webster made it plain that he had opposed the annexation of Texas and the acquisition of the Mexican tracts, and he maintained, as he said in 1847, that no man in Massachusetts held more firmly to the principles of the Wilmot proviso than he did. But as Texas had come into the Union by means of a joint resolution promising that four additional states might be formed out of her, under certain conditions, and that those lying south of 36° 30' might each independently decide whether to admit or exclude slavery, he would stand by that pledge. "The law of nature—of physical geography," excluded slavery from the territory more recently Mexican. Hence contract and "the ordinance of nature" had removed the question of slavery from the domain of practical discussion and legislation; and to insist longer upon the Wilmot proviso would be to "wound the pride" of the South.

Each section had its grievances. The South complained—and rightly, he thought—against the opposition to the return of fugitive slaves, and against the efforts of some of the northern legislatures to induce Congress to interfere with slavery within the states. It was his opinion that the abolition societies had "produced nothing good or valuable," and that it was due to their action that in Virginia "the bonds of the slaves were bound more firmly than before." He caused a laugh by saying that these societies had spent money enough to buy the freedom of all the slaves in Maryland and to pay for their colonization in Liberia, but that antislavery benevolence had not taken that particular turn. He thought that the mutual complaints of the sections, whether matters of law or opinion, could be and ought to be redressed. For "the extinguishment or meliora-



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tion" of slavery, he pledged that "if any gentlemen from the South shall propose a scheme of colonization to be carried on by the government on a large scale for the transportation of free [!] colored people to any colony or any place in the world, I shall be quite disposed to incur almost any degree of expense to accomplish that object." His declaration against "Secession! Peaceable secession!" and his plea for the Union, were positive and grand.

Webster's influence was not more vital to the success of Clay's compromise than a proper understanding of his position is important to one who wishes to discover the reasoning and statesmanship that the time demanded. The apologists for the seventh-of-March speech usually picture in the background the great deeds of the most commanding defender of the Constitution,—the giant of our civilization, and the object of European wonder no less than the idol of our just pride,—and then they seek to compel a condemnation or an approval of his whole career. That is a device of attorneys for the defence; it should not be tolerated at the bar of history. Webster was the marvel of his age, but the wisdom or the mistake of his attitude on March 7, 1850, must be tested by what he then said and by the demands and opportunities of that time.

It was natural, but not conclusive, that all the strictly antislavery men should regard his speech as a bid for the presidency. There were, unfortunately, some facts that strongly supported this view. It was understood among the Southerners more than two weeks before Webster delivered the speech that it was to "win him golden opinions from the Potomac to the Rio Grande";<sup>1</sup> while Horace Mann and his friends expected that Webster

<sup>1</sup> Johnston and Browne's *Stephens*, 250.

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would speak for the North.<sup>1</sup> Webster's optimistic view of the Nashville convention (to be held the following June) as a meeting for the purpose of advising "forbearance and moderation, and to inculcate principles of brotherly love and affection and attachment to the Constitution of the country, as it now is"; his willingness to go to any extremity to remove free negroes from the South; the whole trend of his argument, which was an anodyne for the northern conscience,—these and other features of his speech were very unexpected.<sup>2</sup> However, it is better not to assume an ulterior motive.

Webster's disappointments had been numerous during the past ten years. The rapid growth of antislavery sentiment in Massachusetts had greatly weakened his power and clouded his outlook. The abolitionists had made Webster and Winthrop special objects of attack.<sup>3</sup> As the antipathy between Webster and the radicals grew, he gave less consideration to the subject of slavery, and felt more like cherishing southern approval

<sup>1</sup> Mann's *Mann*, 293. Seward referred to it as the "unlooked-for course of Mr. Webster."—<sup>2</sup> Seward, 124. It may be that Giddings mistook hints for promises when he stated that Webster had pledged his support to antislavery.—*History of the Rebellion*, 323. Curtis asserts (*2 Webster*, 402) that Webster had no consultation with any one "down to the eve of the speech," but the correctness of the report that Stephens repeated *sub rosa* disproves this.

<sup>3</sup> To the antislavery North it seemed very significant that the *Charleston Courier* should say editorially of the speech that it was "pervaded by a spirit of moderation, fairness, and good faith on the subject of slavery, and a manly and generous respect for the rights, honor, and feelings of the South, which entitle the gifted and eloquent speaker to the gratitude of the South and the applause of all good men." The Washington correspondent expressed doubt as to how much support Webster would receive at the North, but he expected that the Conservatives would rally to him. "The South and West will back him."—*Courier*, March 11, 1850.

<sup>3</sup> The resentment probably felt by both can be seen in Winthrop's description of his assailants as "a little nest of vipers . . . biting a file for some three or four years past."—*Globe*, 1849-50, Apx., 191.

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for the sake of a Union for which there was always as warm a glow in his heart as in his rhetoric. But it required serious obtuseness on the part of a New England statesman to think, after the lessons of recent years, that the discussion of the question of slavery could be taken up or dropped at will. Yet Webster maintained, at great length, that he had read all the disputes in the Methodist Episcopal Church about the sin of slavery, and had "never yet been able to come to the conclusion that there was any real ground for that separation." It was comprehensible even to antislavery zealots that in the domain of politics the wrong of slavery might be considered secondary to the welfare of the Union; but to nearly all thoughtful men in Massachusetts it was as plain then as it is to-day, that when Webster stated that one branch of a church conscientiously believed that slavery was wrong and the other that it was right, but that they should have continued in harmony, he was making a most gratuitous exhibition of his blindness to a fundamental principle of morals: that a matter of conscience cannot be compromised without sin. Seward summed up the question in a dozen words: "The moral sense, the conscience of the age, has outgrown Mr. W."<sup>1</sup>

Because slavery had become powerful from a weak beginning, and against the almost unanimous opposition of the government and of public opinion, was it not important now to put every possible obstacle in its way? Nearly six weeks before Webster had proclaimed his high-sounding theory of the ordinance of nature, Jefferson Davis told the Senate that but for the agitation of the question of slavery, slave property would already have been taken into the new territory.<sup>2</sup> Seddon, Meade, and others from the South held similar opinions.<sup>3</sup> Even

<sup>1</sup> 2 Seward, 136.

<sup>2</sup> *Globe*, 1849-50, 249.

<sup>3</sup> 3 Von Holst, *History of the United States*, 480, 481. Clingman had



granting that the system was no more likely to enter New Mexico than upon "the everlasting snows of Canada," if that should become ours, there were still strong reasons in statesmanship, but not in politics, for the application of the Wilmot proviso. The South claimed that slave property had a right to enter all the territories, and she had now threatened secession in case the claim should be denied. If Webster had been consistent in his alleged antislavery attitude, he would have foreseen that if the South expected neither to win these provinces for slavery nor to gain something for slavery by preventing the application of the proviso, then she would not secede in case of its adoption; whereas, if she did expect either, then there was reason for the proviso. Webster's position offered encouragement to the introduction of extraneous and arbitrary considerations as grounds for secession. The irreconcilable inconsistencies between what he did and said before 1850 and after that time have caused his apologists great difficulty.<sup>1</sup> Moreover, his whole presentation of the case was a mere makeshift; there was no hint as to how to treat slavery a day or a decade or a century after this compromise. Did he think that the compromise would settle it entirely? Was it statesmanship to make such a mistake?

As yet no one had spoken for the antislavery North—those Whigs, Democrats, Free-Soilers, abolitionists, who differed in opinion as to methods and ultimate action, but agreed that nothing more should be con-

declared that but for the antislavery agitation enough Southerners would have taken their negroes to the mines of California to have made a slave-holding state.—*Speeches*, 239. But Webster was supported in his opinion by Toombs and Clay.—1 Coleman's *Crittenden*, 335; *Globe*, 245, Apx., 119, 126.

<sup>1</sup> Lodge's *Webster*, especially pp. 394-96, 308.



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ceded to slavery. They would not accept the compromise, and yet they were not satisfied with Taylor's brief programme. They might be more consistent, and were sure to be without much influence, if they remained unorganized; but if they could be brought to the support of Taylor there was a fair chance to defeat the compromise and thereby reject all the radical demands of the South. The man who, in 1848, could satisfy the antislavery men of the Western Reserve and within a few weeks could win the confidence and become the most influential adviser of a slave-holding President, was the only one likely to be able to bring about a working agreement between the administration and the progressive North. The opportunity to make the Whig party the party of freedom, or to make Whigs of the anti-slavery men, which had long been Seward's aim, at last seemed to be within the range of possibility. Webster's unexpected course brought Seward into open and avowed leadership much earlier than he had expected.

It was on March 11th that he rose to define his attitude in the crisis. The admission of California was the most urgent question. The paramount law of self-preservation, he said, had made it necessary to organize a state government without waiting longer for Congress to act. To those who insisted that the admission of California should be accompanied by a compromise of the questions arising out of slavery, he replied :

"I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED; because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises, which are not absolutely necessary, radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascertaining the truth. They involve a relinquishment

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of the right to reconsider in future the decisions of the present, on questions prematurely anticipated. And they are acts of usurpation as to future questions of the province of future legislators.”<sup>1</sup>

He held that there was no correlation between the different interests to be compromised: California's claims were so reasonable and so urgent and independent that she had a right to admission even if she had come as a slave state.

Seward interpreted Calhoun's demand for an equilibrium between the sections as meaning that the free states, whatever their present or future majorities in Congress and in the nation, should concede to the slave states, being in a minority, the full advantage of equality; that the Constitution should be altered so as to transform the government from a national democracy into a federal alliance, in which the minority should have a veto against the majority. The theory of equilibrium claimed that it existed when the government under the Constitution was formed. But it began to be lost by the passage of the ordinance of 1787; “that is, it began to be lost two years before it began to exist.” Farther on in the speech he put to the South the puzzling question: “How did it happen that this theory . . . of the equilibrium of the states, of the title of the states to common enjoyment of the domain, or to an equitable and just partition between them, was never promulgated, nor even dreamed of, by the slave states when they unanimously consented to that ordinance?” Even if the political equilibrium were established, he said, it would be devoid of that *physical* equilibrium necessary to its permanence, for the future development of the South would be much less rapid than that of the North.

In respect to the return of fugitive slaves, he believed

<sup>1</sup> 1 *Works*, 60.

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that the Constitution contained only a compact, depending on the states for its execution. The Supreme Court had made such a decision as virtually to bring the whole subject within the province of Congress, and put it outside of state authority. "With what reason, then, can they expect the states *ex gratia* to reassume the obligations from which they caused those states to be discharged? I say, then, to the slave states, you are entitled to no more stringent laws, and that such laws would be useless." The existing statute was ineffectual not because it was too lenient, but because it denied the alleged refugee certain rights which Northerners regarded as fundamental to justice. The interpretation of the Constitution had been so perverted that it was maintained that slaves were chattels, and that he who helped them to escape from bondage was guilty of larceny. Such an interpretation was regarded by the North as "unjust, unconstitutional, and immoral." For the sake of the argument it might be granted that northern convictions were disloyal, yet they were honest convictions; and the law was to be executed in free, not slave, states—not by those free states, but by the Federal authority. When had force ever changed moral convictions?

"Your constitution and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind except you esteem that hospitality a virtue. The right of extradition of a fugitive from justice is not admitted by the law of nature and of nations, but rests in voluntary compact. I know of only two compacts found in diplomatic history that admitted EXTRADITION OF SLAVES. Here is one of them. It is found in a treaty of peace made between Alexander, Comnenus, and Leontine, Greek Emperors at Constantinople, and Oleg, King of Russia, in the year 902. . . . This was in the year of grace 902, in the period called the 'Dark Ages,' and the contracting powers were despotisms. And here is the other [quoting the fugitive-slave clause of the Constitution]. . . . The law of nations disavows such compacts; the law of nature,



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written upon the hearts and consciences of freemen, repudiates them. Armed power could not enforce them, because there is no public conscience to sustain them. I know that there are laws of various sorts which regulate the conduct of men. There are constitutions and statutes, codes mercantile and codes civil; but when we are legislating for states, especially when we are founding states, all these laws must be brought to the standard of the laws of God, and must be tried by that standard, and must stand or fall by it.

“ . . . We are not slave-holders. We cannot, in our judgment, be either true Christians or real freemen if we impose on another a chain that we defy all human power to fasten on ourselves. You believe and think otherwise, and doubtless with equal sincerity. . . . Do we, then, in this conflict of opinion, demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human powers to effect its escape, you shall be your own police, and in acting among us as such you shall conform to principles indispensable to the security of admitted rights of freemen? If you will have this law executed, you must alleviate, not increase, its rigors.”

He believed that because Congress had a right to abolish slavery in the District of Columbia, the free states were responsible for its continuance there. Although the legislature of New York had shown its willingness to accept the extinction of the slave-trade in the District and waive emancipation, still Seward dared to say :

“ But we shall assume the whole responsibility if we stipulate not to exercise the power hereafter when a majority shall be obtained. . . . Sir, I shall vote for that measure, and am willing to appropriate any means necessary to carry it into execution. And, if I shall be asked what I did to embellish the capital of my country, I will point to her freedmen and say, These are the monuments of my munificence !”

With similar reasoning he answered the plea for waiving the proviso of freedom in territorial charters. The



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principle of compromise, he objected, would give undue consideration to the institution of slavery, for it was only *one* of many institutions in the South. The principle of compromise also regarded the territories as only a possession to be enjoyed in common or by partition by the citizens of the states. However acquired, we held no arbitrary power over them.

“The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty.

“But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness. . . .

“This is a state, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy.”

He maintained that the right to admit new states also implied the power to reject them, and that the discretion was absolute, except that when admitted the state must be republican in its form of government. It followed that Congress might impose conditions, such as boundaries and the ordinance excluding slavery. He showed that the argument that the proviso was unnecessary on account of climate was denied by Southerners themselves, and was disproved by the fact that slavery had existed in all climates. No one would venture to assert that the ordinance of 1787 was unnecessary. To Webster's averment that it was absurd to re-enact the laws of God, he replied :

“Sir, there is no human enactment which is just that is not a re-enactment of the law of God. . . . Wherever I find a law of God, or a law of nature disregarded or in danger of being disregarded, there I shall vote to reaffirm it, with all the sanction of the civil authority.”

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Nor would the argument that the diffusion of slavery would not increase its evil bear inspection; for who would deny that slavery was weakened by its exclusion from the Northwest territory, or that it was strengthened by diffusion into Missouri?

From the time, more than a year before, when the Southerners issued their address, one of the most potent forces in the interest of compromise was the popular fear of disunion and war. Many of the public men were trembling with anxiety; others plaintively besought the extremists to desist from their extravagances and to surrender the chief articles of their creeds in the interest of harmony. A few of the radicals on each side defied or welcomed threats of disunion, believing that attempts to carry them out would be the only way to decide whether the problem could be solved within the Union. To Seward it was evident that the daily alarms ought to be discredited, because they were mainly expressive of a wish whose realization it was hoped they might help to bring about. Unlike Clay, he did not believe that the alleged danger came from the violence of party spirit, but what we were seeing was "the agony of distracted parties—a convulsion resulting from the too narrow foundations of both the great parties, and of all parties—foundations laid in compromises of natural justice and of human liberty." He agreed with those who had said that there could be no peaceful dissolution, and he insisted that disunion and secession would be revolution. He felt confident that those who believed in the terrors of revolution overlooked the nature of the structure of the government and the character of our physical geography. If this country was to be divided at all, its rivers and mountains would make a north and south, not east and west, line the only possible demarcation. The political machinery might get out of order; if so, it could be re-

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paired. The fears of many seemed to indicate that the government existed merely by sufferance—"by the assent of the legislatures of the states." It was a growth—the product of needs, of experience, and of the highest statesmanship.

It is doubtful if Seward ever showed more sober moral courage and statesmanlike insight than in the following passage on the real problem of the time and how to solve it. We know of nothing surpassing it in all antislavery literature. The question of the hour

"embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual, voluntary effort, and with compensation, or whether the Union shall be dissolved and civil wars ensue, bringing on violent but complete and immediate emancipation. We are now arrived at that stage of our national progress when the crisis can be foreseen, when we must foresee it. . . . And now, it seems to me, that all our difficulties, embarrassments, and dangers arise, not out of unlawful perversions of the question of slavery, as some suppose, but from the want of moral courage to meet this question of emancipation as we ought. Consequently, we hear on one side demands—absurd, indeed, but yet unceasing—for an immediate and unconditional abolition of slavery—as if any power, except the people of the slave states, could abolish it, and as if they could be moved to abolish it by merely sounding the trumpet loudly and proclaiming emancipation, while the institution is interwoven with all their social and political interests, constitutions, and customs.

"On the other hand, our statesmen say that 'slavery has always existed, and, for aught they know or can do, it always must exist. God permitted it, and he alone can indicate the way to remove it.' As if the Supreme Creator, after giving us the instructions of his providence and revelation for the illumination of our minds and consciences, did not leave us in all human transactions, with due invocation of his Holy Spirit, to seek out his will and execute it for ourselves.

"Here, then, is the point of my separation from both of these parties. I feel assured that slavery must give way, and



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will give way, to the salutary instructions of economy, and to the ripening influences of humanity; that emancipation is inevitable, and is near; that it may be hastened or hindered; and that whether it shall be peaceful or violent depends upon the question whether it be hastened or hindered; that all measures which fortify slavery or extend it tend to the consummation of violence; all that check its extension and abate its strength tend to its peaceful extirpation. But I will adopt none but lawful, constitutional, and peaceful means to secure even that end; and none such can I or will I forego. Nor do I know any important or responsible political body that proposes to do more than this. No free state claims to extend its legislation into a slave state. None claims that Congress shall usurp power to abolish slavery in the slave states. None claims that any violent, unconstitutional, or unlawful measure shall be embraced."

In contrast with Webster's readiness to appropriate unlimited millions to remove the free colored population from the slave states, "and thus, as appears to me, fortify slavery," as Seward concluded, the latter now declared that there was no reasonable limit to which he would not go in applying the national treasures to effect the peaceful, voluntary removal of slavery itself.

Considering that he had shown that there was no adequate cause for revolution, he met the southern demands for guaranties by declaring, in substance: You cannot have a further guaranty for the surrender of fugitives from labor, "because you cannot roll back the tide of social progress." "If you wage war against us, you can, at most, only conquer us, and then all you can get will be a treaty, and that you have already." If you wage war to obtain a guaranty against the abolition of slavery in the District of Columbia, can we not immediately declare slavery abolished here? How will resistance carry slavery into the territories? "Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate slavery, then, by the sword?" Would war for slavery end the freedom



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with which slavery is discussed in the free states? No; war would only inflame the discussion; for "it is a part of the eternal conflict between truth and error." Instead of adopting Webster's plan of soothing the very prejudices of slavery and of denouncing the agitation for freedom, Seward now insisted:

"It will go on until you shall terminate it in the only way in which any state or nation has ever terminated it—by yielding to it—yielding in your own time, and in your own manner, indeed, but nevertheless yielding to the progress of emancipation. You will do this, sooner or later, whatever may be your opinion now; because nations which were prudent and humane, and wise as you are, have done so already."

This was Seward's first set speech in the Senate. In it he doubtless tried to answer Greeley's call, of a few days before, for a "calm, comprehensible, impregnable assertion of the principles and policy of freedom."<sup>1</sup> Although it was known that he was to speak, the little galleries were not crowded. Many Representatives came in, but there was no throng of fashionable ladies to smile at the white-haired gallants of the Senate and to obtain admission to the floor, as on the days when Clay, Calhoun, and Webster spoke. The immediate impression upon the listeners was not very great. Some passages were delivered with an almost painful deliberation and monotony; but when he came to speak of human rights his pulsations quickened, his tones were less husky, and he was, in effect, interesting and eloquent. Webster paid close attention, hardly taking his eyes from the speaker. Corwin was appreciative, and Hale seemed to be delighted. Foote and Calhoun alone showed signs of uneasiness. Calhoun at first was restless, and was thought to be angry; but soon all expres-

<sup>1</sup> *Tribune*, March 9, 1850.

sion disappeared from his face, while he gazed fixedly at his new opponent. So he sat, as if magnetized, through the speech of nearly three hours. On no previous day during this session had he remained so late.

The importance of the speech became more apparent when seen in print. The *Tribune* correspondent telegraphed that night that it would "wake up the Union." Almost instantly the leading antislavery Whig papers pronounced it the best systematic exposition of the principles of freedom that had ever been made in Congress. Within a few days the antislavery Democrats, the Free-Soilers, and the abolitionists, seeing that it rose above partisanship, praised it enthusiastically. Before the month of March had expired, one hundred thousand copies had been sent out from Washington, and it was famous throughout the country as the "higher-law" speech, and every intelligent man had taken side for or against it.

It was to be expected that Seward would be hated by the pro-slavery zealots, for he was not merely an antislavery man with rapidly widening influence, but he was also a party leader of consummate skill. Withal he seemed to them to be a sort of political wizard, he was so imperturbable, so complacent, yet so alert and powerful. Now that he had come out into the open, and expressed his opinions with a fulness and courage that no one except Calhoun had rivaled, his enemies saw that it was time to attack his arguments. The speaker's peculiarities of style and expression, rather than the novelty of the sentiments, attracted attention, for Hale had made the Senate familiar with radical views. But what was startling was the way he had reduced the antislavery arguments to a concise and philosophical creed. And still more mysterious were his sentences declaring that there was a certain superhuman something above the Constitution, and superior to the

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written laws, that might make them weak or ineffectual, and to which he gave the name of the "higher law."

Most of Seward's opponents interpreted some of his expressions as incendiary and revolutionary. The Washington *Republic*, which had such intimate relations with the Whig administration that it was known as its organ, made one of the first and most powerful attacks upon Seward. It claimed that if his declarations should be put into practice, they would allow scope of action as unconfined as the winds, and that there would be "no safety to property, or security to life or liberty, for the public servant can set up for himself a law different from and above the sovereign will as expressed in written constitutions."<sup>1</sup> The last and probably the most angry words that Calhoun ever spoke in the Senate were against Seward on account of this speech.<sup>2</sup> Cass interpreted Seward's expressions to mean that a person was under no obligation to abide by his oath to support the Constitution, if he believed that the Constitution countervailed the law of God.<sup>3</sup> Clay thought, five days after the speech, that it had destroyed Seward's confidential intercourse with the President, "as it has eradicated the respect of almost all men for him."<sup>4</sup>

<sup>1</sup> *Republic*, March 15, 1850.

<sup>2</sup> Foote had said that he knew the opinions of most of his colleagues, and was on good terms with everybody. Calhoun replied:

"I am not—I will not be on good terms with those who wish to cut my throat. The honorable Senator from New York justifies the North in treachery. I am not the man to hold social intercourse with such as these."

MR. FOOTE (in his seat). "I think he [Mr. Seward] will have to be given up."

MR. CALHOUN. "I recognize them as Senators—say good-morning, and shake hands with them—but that is the extent of my intercourse with those who I think are endangering the Union."—*Globe*, 1849-50, 520.

<sup>3</sup> *Globe*, Apdx., 1062.

<sup>4</sup> *Clay's Private Correspondence*, 604. More than once Clay subse-



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Among some of the radicals of the South language could hardly be found strong enough to express the disgust and horror that were alleged to be felt.<sup>1</sup> Senator Badger, a Whig from North Carolina, made this careful exposition of what he conceived to be the real meaning of Seward's position :

“The principles of the Senator from New York render it impossible to count upon the execution of any law. The judge upon the bench may say, when called upon to pronounce judgment, that the act of the legislature which it is his duty to enforce transcends some moral obligation imposed on him by the law of God. . . . These principles destroy the foundations of all law and justice. They give us a fanatical and wild notion that every man in civilized society has a right, as a citizen, to make his own judgment a rule of conduct paramount to and overruling the law of his country.”<sup>2</sup>

Seward's sententious declarations were welcomed by all who had subscribed to the platform of the Liberty party of 1844,<sup>3</sup> and by all radical antislavery men. He seemed to justify everything that northern states and reformers had done to prevent the execution of the clause of the Constitution providing for the return of

quently spoke in public with the greatest contempt of what he regarded as the meaning of the higher law.—*Globe*, Apdx., 572.

<sup>1</sup> A eulogy on Calhoun, delivered by the Rev. J. C. Coit, April 24, 1850, contained the following sentences: “The subtlety, falsehood, ambition, and treachery, by which this serpent wormed its way to the floor of Congress, are characteristic of the spirit that animates the system. And as to the position of its federal champion, after his avowal that no laws or oaths would bind him in opposition to the supreme authority of his own conscience (the man within his breast), in my humble opinion he should have been promptly impeached and expelled from the Senate.”—*The Carolina Tribute to Calhoun*, 172.

<sup>2</sup> *Globe*, Apdx., 387.

<sup>3</sup> A part of section 18 said: “It is a principle of universal morality that the moral laws of the Creator are paramount to all human laws; or, in the language of an Apostle, that ‘we ought to obey God rather than men.’”—McKee's *National Platforms*, 31.



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fugitive slaves, and to encourage every citizen to believe that he had a moral and civil right to refuse to obey the laws passed by the majority. If Seward was correctly understood, then his "higher law" was a sentimental and mystical justification of anarchy.

He owed it to himself no less than to his country to explain his meaning. But, strange to say, at different times, he further beclouded the matter both by an evasive silence and by speech. On one occasion he confusingly referred to the natural laws of emigration, and then to a quotation from Algernon Sydney as an example of a reference to a higher law, although there was no similarity between the subjects cited; and he did not say which his higher law resembled.<sup>1</sup> In the course of Seward's speech on Freedom in New Mexico,<sup>2</sup> Senator Pratt, of Maryland,<sup>3</sup> accused him of having found a

<sup>1</sup> "Emigration from Europe and from Asia, from Polynesia even, from the free states and from the slave states, goes on, and will go on, and must go on, in obedience to laws which, I should say, were higher than the Constitution, if any such laws were acknowledged here. And I may be allowed here to refer those who have been scandalized by the allusion to such laws to a single passage by an author whose opinions did not err on the side of superstition or of tyranny: 'If it be said that every nation ought in this to follow their own constitutions, we are at an end of our controversies; for they ought not to be followed, unless they are rightly made; they cannot be rightly made if they are contrary to the universal law of God and nature.'" —1 *Works*, 108.

<sup>2</sup> See *post*, p. 275 ff.

<sup>3</sup> "Upon two occasions, sir, as is known to every member of the Senate, the honorable Senator from New York has announced here, that, from the origin of this government, there have been two antagonistic principles warring the one against the other, which must result, in the course of time, in the destruction of the weaker of the principles by the more powerful. These two principles are the principles of human liberty, as he terms it, and the assumption, in the Constitution, of the universal equality of man. He has avowed that this principle of human liberty is the higher law, which he feels constrained to obey, although it may conflict with the express provisions of the Constitution and his oath to sustain that instrument. For ex-

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principle that he had declared it his duty to obey, although in conflict with the express provisions of the Constitution; and then the Marylander announced his intention to favor Seward's expulsion from the Senate.

ample, he believes and admits that the Constitution of the United States positively forbids the Congress of the United States to abolish slavery within the states; yet, inasmuch as this higher law of his, this principle of human liberty, comes in conflict with the Constitution, he says he shall be bound by this higher law, and would disregard the Constitution of his country, and disregard his oath to support it, when the Constitution and his oath conflict with his voting for such an unconstitutional act as the abolition of slavery within the states of this Union. I think I may say I am right, Mr. President, when I assume that no other Senator upon this floor would have offered the proposition upon which I am about to comment; because it is, in every one of its features, directly subversive of every constitutional principle.

“MR. SEWARD. ‘Will the Senator allow me a word of explanation?’

“MR. PRATT. ‘I yield the floor.’

“MR. SEWARD. ‘I distinctly deny that I have ever, on this floor or elsewhere, maintained one solitary principle of all the principles which have been put into my mouth by the Senator from Maryland.’

“MR. PRATT. ‘Then the Senator should be much obliged to me for giving him an opportunity of denying what is universally believed. Does he deny that he has uttered, and that he has reiterated, the sentiment that there is a law which he has found above the Constitution?’

“MR. SEWARD. ‘Yes, sir, I deny it.’

“MR. PRATT. ‘Then he denies what every one know she has said. I have heard him say it over and over again, and his denial does not make untrue what I assert. I call on every Senator to say if the Senator from New York has not been heard to say that there was a higher law, which he felt bound to obey, when that comes in conflict with the Constitution. I call on any Senator on this floor to say whether he has not heard the Senator from New York say this?’

“MR. BALDWIN. ‘Since an appeal is made to other Senators, I must simply say that I did not understand the sentiment of the Senator from New York as it has been stated by the Senator from Maryland.’

“MR. FOOTE. ‘Everybody else did.’

“MR. SEWARD. ‘I do not propose to reply to what is personal to myself in the remarks of the honorable Senator from Maryland. I

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Seward positively denied that there was a law which he had found above the Constitution. Yet the threat of expulsion seemed to be not unwelcome, and he declined to explain his speeches. A few minutes later he maintained, at least by implication, that he had said no more than that there was a Supreme Being.<sup>1</sup>

have nothing of a personal character to say. There is no man in this land who is of sufficient importance to this country and to mankind to justify his consumption of five minutes of the time of the Senate of the United States with personal explanations relating to himself. When the Senator made his remarks, I rose to express to him the fact that he was under a misapprehension. The speeches which I have made here, under a rule of the Senate, are recorded, and what is recorded has gone before the people, and will go, worthy or not, into history. I leave them to mankind. I stand by what I have said. That is all I have to say upon the subject. The Senator proposes to expel me. I am ready to meet that trial too, and if I shall be expelled, I shall not be the first man subjected to punishment for maintaining that there is a power higher than human law, and that power delights in justice; that rulers, whether despots or elected rulers of a free people, are bound to administer justice for the benefit of society. Senators, when they please to bring me for trial, or otherwise, before the Senate of the United States, will find a clear and open field. I ask no other defence than the speeches upon which they propose to condemn me. The speeches will read for themselves, and they will need no comment from me."—*Globe*, Apdx., 1444.

<sup>1</sup> "Then it [the proposed constitution of New Mexico] proceeds to utter what the Senator from Maryland will consider a dangerous heresy:

"Acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe, and imploring His aid and direction in its accomplishment, do ordain and establish the following constitution:'

"We see that here are a people who acknowledge a higher power than the Constitution.'

"MR. PRATT (interposing). 'Does the Senator mean to say that I consider that a heresy?'

"MR. SEWARD. 'I say that the Senator characterized what I said as a heresy when I expressed precisely this opinion.'

"MR. PRATT. 'Will the Senator yield the floor a moment?'

"MR. SEWARD. 'Certainly; but I give the Senator notice that I shall make no answer.'



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These explanations, which did not explain, made somewhat of an anticlimax to a speech that, as a whole, had been brave, direct, and explicit. Foote, who was always eager to badger Seward, was more pointed than heedful of the decorum of the Senate when he accused him of speaking in the "language of jesuitical mystery."<sup>1</sup> And Hale made Seward's evasions all the more noticeable by defiantly avowing that he believed that there was "a law higher than the Constitution, and which we are bound to obey always and at all hazards."<sup>2</sup>

What, then, was the "higher law," if anything but a political will-o'-the-wisp, a trick of speech? The two passages that have been quoted<sup>3</sup> refer to the same super-legislative influence. There is no difference between Seward's "standard" of the "laws of God" and the

"MR. PRATT. 'Mr. President, when one asserts, I am sorry to say, what he knows to be untrue—'

"Several Senators. 'Order! Order!'

"MR. PRATT. 'I beg pardon, Mr. President—'

"MR. SEWARD. 'I hope the Senator may be permitted to speak.'

"MR. PRATT. 'I was about to say, that when a Senator makes an application to myself which is not correct, with the assertion upon the part of that Senator that nothing which I can say will induce him to reply, I feel that proper respect to myself should induce me to say nothing.'"—*Globe*, Apx., 1445.

Seward described this occurrence, in a letter to his wife, as follows: "We have had a scene in the Senate, of which, most unexpectedly, I was made the prominent figure. . . I offered an amendment for the admission of New Mexico, and argued it at length. Governor Pratt, of Maryland, rose, with much vehemence, to reply, and commenced putting into my mouth strange perversions of my speech of March 2d [11th?], so erroneous and absurd, that it was, of course, for me to deny that I had ever expressed any of the propositions he attributed to me, with a flourish, threatening to move my expulsion. I disclaimed vindication, but relied on my speech itself. The debate became general, and I think it resulted in leaving the gentleman floored, and the public mind in a way of being better advised. . . . I think they will scarcely propose to expel me again."—2 Seward, 149.

<sup>1</sup> *Globe*, Apx., 1447.

<sup>2</sup> *Globe*, Apx., 1445.

<sup>3</sup> See *ante*, p. 246, 247.



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"higher law." Neither in this speech nor in any sentence that Seward ever wrote or spoke, so far as is known, is there a positive declaration that any law ought to be violated, whether it controverted the laws of God or not. He was convinced that the fugitive-slave law could not be enforced because the northern people believed that it was beyond what the Constitution warranted, and that it was also in conflict with broad moral principles. In regard to it he merely stated his opinion of the fact—that it could not be enforced. He spoke as a legislator to legislators; and, strange to say, Mason, Calhoun, Jefferson Davis, and others, agreed with him that probably the law would be futile.<sup>1</sup> Those who undertook to prove that the sentence in which the "higher law" occurred asserted something anti-constitutional had to disregard its plain wording.<sup>2</sup> It was:

"The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty."

<sup>1</sup> Mason, *Globe*, 1849-50, 233. *Charleston Courier*, March 15, 1850, said that Seward agreed with Mason and Calhoun in what he averred about the Constitution operating upon the northern people, and therefore being unenforceable. Davis said, February 13, 1850: "I feel that that law will be a dead letter in any state where the popular opinion is opposed to such rendition. I would sooner trust it to-day to the sense of constitutional obligations of the states than to the enforcement of any law which Congress can enact against the popular opinion of those among whom it is executed. I have never expected any benefit to result to us from this species of legislation."—*Globe*, Apdx., 150. If any special credit or blame attached to the idea or words, it certainly belonged to Jefferson Davis, who spoke a month in advance of Seward. Borland said, May 8, 1850: ". . . and I believe there is no principle of human conduct more fixed, nor more clearly exemplified in practice, than that no law can be usefully operative in any community which is in contravention of the opinions and feelings of that community."—*Globe*, 954.

<sup>2</sup> In order to make even a specious basis for an argument, Badger deceptively took the sentence out of its context and made it a part of another paragraph, with which it had no connection.—*Globe*, Apdx., 387.

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“But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes.”

Now no matter what that higher law really was, there was no room for objecting to it, on the basis of the Constitution, so long as it reinforced the Constitution. Of course many of the Southerners, who maintained that the Constitution carried slavery into the territories, would have been glad to make it an offence to declare that the Constitution devoted the public domain to freedom. What Seward did was to use his “higher law” to show that the highest considerations, both legal and moral, called for a policy of the broadest freedom in the territories. To heed these considerations was a statesman’s duty; for it was the way to “sow greatness to our posterity and successors,” as he suggested in a quotation from Bacon.

In its relation to the individual, the “higher law” seems to be synonymous with what is commonly understood as the dictates of conscience. In its broadest sense it is the popular understanding of the fundamental principles of morality, justice, and humanity, in their application to administration. In a democracy, public opinion sooner or later shapes itself in harmony with this understanding, and usually expresses itself in legislation. If laws are not the outgrowth of public opinion, or if for any reason public opinion changes, the laws are repealed or become obsolete. Instead of stating this truism clearly, he used a transcendental phrase to say that the principles of right, which give public opinion its strength, were opposed to pro-slavery aims. Two days before Seward spoke, the *New York Tribune* had forcibly expressed the idea that no statute would be effectual without the support of the people of the North. Several days later, Weed showed that he understood the

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phrases to mean that a law contrary to public opinion could not be enforced.<sup>1</sup>

This is in harmony with Seward's evident meaning when, in 1840, he maintained that, "*by the higher laws of God himself*," the foreign-born citizen was entitled to equal rights and privileges with ourselves.<sup>2</sup> In the Van Zandt argument he affirmed that "we are commanded to do so [afford succor, help, and comfort to the needy and oppressed] by Divine laws, paramount to all human authority."<sup>3</sup> In the Cleveland speech he said :

"It is written in the Constitution of the United States that five slaves shall count equal to three free men, as a basis of representation ; and it is written also, in violation of the Divine law, that we shall surrender the fugitive slave who takes refuge at our fireside from his relentless pursuers."<sup>4</sup>

He used the "higher law" not as a definite and unchanging statute or command, but a sort of pole-star ; it did not make peremptory a certain course, or any course, but it furnished a fixed point from which to begin calculations to discover the best course.<sup>5</sup> Even in Seward's estimation, this "higher law" was not the highest law ; for he declared in the case of California, that the circumstances of her demand for admission were such that he would admit her even if she had come with slavery.<sup>6</sup> Hence it becomes evident that Seward's doctrines were neither especially new nor positively unconstitutional or revolutionary ; for he was careful to stop short of saying which should be obeyed when civil and Divine (or moral) laws are in conflict. He shrewdly left that to inference.<sup>6</sup>

<sup>1</sup> *Evening Journal*, March 23, 27, 1850.

<sup>2</sup> 1 Seward, 472.

<sup>3</sup> 2 Seward, 40.

<sup>4</sup> 3 *Works*, 300.

<sup>5</sup> 1 *Works*, 62.

<sup>6</sup> Nearly all the political philosophers from Aristotle to Lieber speak of the superiority of moral over civil law. An anonymous pamphlet entitled : "The Higher Law Tried by Reason and Authority :



The vague, startling sentences gave Seward great notoriety, but they were damaging to his reputation and seriously injured as good a cause as any man ever favored. What the period needed was sober, practical reasoning. The right philosophy had been obscured in phrases that sounded like so many literary gems from the phrase-book of the Garrisonians. They made Seward appear to be the chief of the radicals of abolition; they elicited the hatred of the conservative northern Whigs and Democrats at the very time when, if he could have obtained a hearing with them such as he had with the Cabinet, he might have persuaded many more to support the President—which was all that was needed then. What he had already said at Cleveland about the antagonism between slavery and freedom, and

An Argument Pro and Con." (Cincinnati, 1851) gives (pp. 42-45) quotations from many writers on public law:

"The law of nature, being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; no human laws are of any validity, if contrary to this; and such of them as are valid, derive all their force, and all their authority, mediately or immediately, from this original."—BLACKSTONE.

"There is a law above all human enactments, written by the finger of God on the heart of man."—LORD BROUGHAM.

"As the common law is more worthy than the statute law, so the law of nature is more worthy than them both."—LORD BACON.

"The law of nature is a supreme, inviolable, and uncontrollable rule of conduct to all men. It is discoverable by natural reason; its fitness and wisdom are founded on the general nature of human beings, and not on any one of those temporary and accidental situations in which they may be placed."—SIR JAMES MACKINTOSH.

"Nay, if any human law should allow or enjoin us to commit murder, we are bound to transgress that human law, or else we must offend both the natural and the Divine."—BLACKSTONE.

"The practical conclusion is, that disobedience is always presumptively wrong in morals,—though it may be justifiable in the case supposed,—of a contradiction between Divine and human laws."—JUSTICE COLERIDGE.



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what was to be announced with greater force at Rochester, was real statesmanship, because it was wise, positive, and clear—it was an electric light in the fog. The "higher law" made the speech of March 11th famous, but it was his concise statement of the history and the present and future significance of slavery that was most valuable. The good influence of the whole speech was lessened by the sentences indicating that he was courting the applause of the revolutionary abolitionists. Otherwise it would have been one of those great achievements like Webster's reply to Hayne, that so elucidate facts and shape public thought that they mark epochs in history. Such speeches need no explanation, for they state the whole problem and solve it. ✓

It is not strange that Seward himself did not see this. He had undertaken the impossible task of being politician, statesman, and radical. His mind rarely had any conception of failure, either before or after the fact. He was so plausible in his reasoning that he could always convince himself, and many others, that his means and his motives were the best. Nothing is more interesting than are Seward's comments on himself. Weed regretted Seward's extreme position, foreseeing the discord that it was to breed between the two as yet unorganized factions in the Whig party. Seward replied :

"I have just read your note ; and, of course, I am satisfied that the occasion for the difference between Mr. Webster's views and my own was an unfortunate one. But it was there and had to be met. The first element of political character is sincerity. In any event, this question is to continue through this year, and longer. We know which class of opinion must gain and which must lose strength.

"Remember that my dissent on the fugitive-slave question alone would have produced the same denunciation, if

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I had gone, on all the rest, with Mr. Webster. This thing is to go on to an end, near a revolution. While it is going on, could I, with consistency, or safety, be less bold, or firm? After it shall be over, could I endure that the slightest evidence of irresolution should have been given, on my part? . . .

“I have reflected upon the exigency upon which I spoke, and the question which demanded examination. I have studied the criticisms upon the effort with what abatement of self-esteem I could; and after all this, with the single exception of the argument in poor Freeman’s case, it is the only speech I ever made that contains nothing that I could afford to strike out or qualify.

“I am not able to see how I could have defended the right, as I was bound to defend it, in any other way; or even how I could have served the administration or the Whig party, not to say how I could have maintained my own position and character, had I spoken otherwise. I know there is carping and caviling. But if people can carp at the recognition of the fear of God as the beginning of wisdom, or the truthfulness with which I have shown the cruelty of compacts between white men to oppress black ones, what could I have said that would not have provoked more just and more severe censure? I *know* that I have spoken words that will tell when I am dead, and even while I am living, for the benefit and blessing of mankind; and for myself this is consolation enough. I am content that God has given me the place and the occasion; and I should be willing to close my legislative career with this honest and faithful beginning of it.”<sup>1</sup>

Seward did not stand alone; he was merely the most conspicuous of the antislavery leaders in Congress. Chase was as different from him in personal traits and methods as he was in antecedents. He neither spoke for, nor had to account to, a great party. He had both the weakness and the strength of independence. Seward believed that progress could be made only by strict adherence to the Whig party. Chase openly declared that both of the leading parties had shown themselves faith-

<sup>1</sup> 2 Seward, 129, 130.

## CLAY'S COMPROMISE PROPOSITIONS

less, and that even the Free-Soil party need not presume upon his support if it took to itself new aims aside from antislavery. Seward was more brilliant, more calculating, and more resourceful. Chase was superior in thoroughness of argument, in the force of his candor, and in the freedom of his action. A Democrat on economic questions, he was heartily despised by northern conservatives and by the entire southern wing of the Democracy. He had not the ubiquitous Foote to attack him; but Butler assailed him with solemn and persistent enmity.<sup>1</sup> Early in the session Chase made three points clear to all who could hear or read: that he was determined to oppose slavery "with the principles of the ordinance of 1787"; that no menace of disunion would move him from his path; and that he was not afraid of his opinions, and would insist upon having it borne in mind that he was one of a Senate of equals.<sup>2</sup>

Chase's formal speech on the compromise occupied a part of two days, March 26 and 27, 1850. It was unique in its plan and depth of research. It aimed to give a full exposition of the antislavery opinions of the men of the Revolution and of those who formed the government under the Constitution. Then it showed how, under the compromise of the Constitution and by the desire of gain, slavery had steadily increased in extent and strength; how this had changed the ideas of the South, and caused a new construction of the Constitution, and how from that construction a sectional programme had been elaborated—a programme that was unwarranted by the ideas or the laws of "the fathers," and that was both revolutionary and unrepublican. It was specially appropriate that a Senator from Ohio—the first and strongest of the states formed out of the Northwest territory—should demand that the principles of the great

<sup>1</sup> *Globe*, 1849-50, 134 ff.; Apdx., 81.

<sup>2</sup> *Globe*, 133; Apdx., 83.



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ordinance should be extended to the vast tracts acquired from Mexico. It was not party that slavery feared, but the independence that both rose above and undermined party. It was the dull but sophistical Democracy of this portion of the country that had been the constant ally and "Swiss Guard" to slavery during the period of its growth. No wonder, then, that the South was startled when Chase exclaimed:

"Shall we yield to this outcry? [for the extension of slavery]. For one, I say, Never! In my judgment, it is time to pause. We have yielded point after point; we have crowded concession on concession, until duty, honor, patriotism, shame, demand that we should stop. . . . Let us understand each other. Let us cease from endeavoring to agree in the support of the same candidate upon opposite grounds. . . . Least of all does the stale cry of disunion alarm me. . . . It may be, however, that you will succeed here in sacrificing the claims of freedom by some settlement carried through the forms of legislation. But the people will unsettle your settlement. It may be that you will determine that the territories shall not be secured by law against the ingress of slavery. The people will reverse your determination. It may be that you will succeed in burying the Ordinance of Freedom. But the people will write upon its tomb, *Resurgam*; and the same history which records its resurrection may also inform posterity that they who fancied that they had killed the proviso only committed political suicide."<sup>1</sup>

Hale was the needed supplement to Seward and Chase. Though less a statesman than either of them, he had a perfect temperament for an agitator and reformer that was to confront dull conservatism, fiery passions, and an overwhelming majority. He was the most radical of the antislavery men in the Senate, and the best representative of the political abolitionists, who favored attacking slavery at every point where it was not clear-

<sup>1</sup> *Globe*, Apdx., 479, 480.



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ly protected by the Constitution. He was, perhaps, the readiest debater in Congress. He could and did make long and conclusive arguments, but he was most effective in short and unexpected encounters. The grandson of an Irish exile, he had true Hibernian quickness and humor. As contentious as Foote, he was never importunate, and generally made his opponent an object of ridicule. Cass, Butler, Dodge, of Iowa, Dawson, Webster, Clay, Foote, and others, tried his mettle—and felt it in his darts. Lowell once wrote, perhaps not quite seriously, that there never had been a reformer who was not also a blackguard; and surely the author of *The Biglow Papers* had a right to express the opinion. Hale commanded all the legitimate weapons of agitation. He taunted Webster with inconsistency and with being the idol of the South; he warned those who strove, by a compromise, to preserve the equilibrium that the Congressmen who had, in 1820, made a similar attempt lost all the equilibrium they possessed, and had never recovered it. He was as daring in debate as J. E. B. Stuart was with cavalry. He could employ the bitterest words, like “maniac,” “fanatic,” and “mob” (which the Southerners hurled at him and his faction), in repartee that was both cutting and amusing. He enlivened his morality with wit, and tempered his wit with a moral purpose. The *Charleston Courier* said, as many wished to believe, that Hale was a “guerilla chief—a lawless bandit—possessed of fire and daring enough to make him dangerous.”<sup>1</sup> The southern radicals would have preferred to hate him, but there was no bitterness in his nature; and his genial manners, keen sense of humor, and his handsome, smiling face, kept him on good terms with most of them. He was never off his guard, and Underwood, of Ken-

<sup>1</sup> February 18, 1850.

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tucky, called him "the most astute senatorial gladiator."

These were the leaders and the most important features of the debate on Clay's resolutions. The House also had its scenes and discussions on various questions. But interest centred in the Senate, because the ablest men were there, and because the only chance for Clay to succeed was to obtain so impressive a senatorial majority for a compromise as would tend to undermine the antislavery strength among the Representatives. But the numerous antagonisms seemed to increase rather than to lessen. On April 18, 1850, after several weeks of discussion—in which Clay made many pathetic appeals for compromise, Calhoun spoke his sad farewell, Webster cast the one great shadow over his brilliant career, and Seward, Chase, and Jefferson Davis, for the first time, took the centre of the stage—the whole question was referred to a committee of thirteen.

## CHAPTER XV

### THE PASSAGE OF THE COMPROMISE

CLAY was unanimously chosen chairman of the special committee of thirteen to which the Senate referred the perplexing issues.<sup>1</sup> The committee made a long and careful report May 8, 1850. It grouped into three bills the substance of Clay's original propositions for a compromise, only slightly changing them by a few additional specifications. The first bill united the three disturbing questions about the admission of California, the organization of territorial governments for New Mexico and Utah, and the boundary between Texas and New Mexico. The legislatures of these territories were expressly forbidden to pass any law "in respect to African slavery." The other bills referred to the return of fugitive slaves and the abolition of the slave-trade in the District of Columbia. As no minority report was presented, it looked at first as if a settlement were almost at hand, but appearances were deceptive.

Even among the members of the committee there were but few who favored all the propositions. Clay's northern support, made up of Cass, Dickinson, Bright, Douglas, and Webster, was firmer than that given by the South. The extremists in each section were about equally dissatisfied. Considering that the pro-slavery

<sup>1</sup> His colleagues were Cass (Michigan), Dickinson (New York), Bright (Indiana), Webster (Massachusetts), Phelps (Vermont), Cooper (Pennsylvania), King (Alabama), Mason (Virginia), Downs (Louisiana), Mangum (North Carolina), Bell (Tennessee), and Berrien (Georgia).

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aim was to obtain an approval of the claim that slavery had a right to exist everywhere except where confronted by a state law, Yulee, of Florida, was right when he insisted that no distinct concession had been granted to his section. But he and some others were willing to compromise on the line of  $36^{\circ} 30'$ , for that would give slavery "a face on the Pacific ocean" and an opportunity for indefinite expansion southward. To many of the Northerners the propositions were not more pleasing. With a mixture of jest and earnest, Hale claimed that the proposed compromise would "turn the territories into a slave pasture," and that the South had taken everything. Of the southern radicals he inquired: "In the name of humility, Senators, what do you want?" He insisted that his section had received nothing, because freedom had not been recognized as the supreme principle. He again created a round of laughter among his grave fellow-Senators by thanking the champions of slavery for their opposition to the report. So the extremes seemed to meet.

President Taylor apparently held the balance of power on the question of compromise. At the time of his election, he was undoubtedly more in sympathy with the South than with the North. The sterling honesty and directness in a soldier's life are likely to lead to a simple, positive policy. The petty sophistries of the politicians had never made any impression upon Taylor. He had concluded that California had a moral claim to admission into the Union at once; that New Mexico should be welcomed as soon as ready, and that the other questions should be taken up at a future time. If men or states far away were determined to become excited and make threats, he could not see that this was a justification for the denial of a civil government to the people in any territory. He made it plain that he would not permit Texas either to assume sovereignty



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over disputed districts or to interfere with the efforts of New Mexico to form a state constitution. Even before the committee of thirteen had been appointed, it was understood that all plans of compromise would be discouraged by the President. Therefore it became difficult for any southern man to support him. For a time some hesitated whether to support Clay's plan or that of the President, but it was not long before intimate relations between Taylor and the southern Whigs in Congress ceased, whereas the northern influence steadily increased. The President had such strength in his control of the offices that comparatively few of the Whigs in the North and in the border slave states dared to make a direct attack upon his policy.

This policy, if successfully maintained, would bring in California as a free state and set a precedent for the exclusion of slavery from all territory free at the time of acquisition. Therefore it almost compelled the support of a very large proportion of the antislavery men, and it furnished plausibility to the declaration that the President's plan and the aims of the North were identical. Northern radicals made much ado about their support of a President from the South, and pointed to it as evidence of the reason and moderation of their section. But Toombs promptly declared that the claim was a "fraud"; and a few days later Stephens said to the pretenders: "You are for the plan only so far as it suits your interest." This was true. The alliance was solely one of convenience; and the earnest antislavery men in Congress intended to go with the current only as long as it bore them toward their goal. Taylor's attitude was so antagonistic to pro-slavery purposes that it seemed to be positively antislavery; and the denunciations of southern Whigs made this more conspicuous. But if such northern extremists as Giddings, Mann, and Thaddeus Stevens had gone to him with threats and de-

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mands, as some of the Southerners did, undoubtedly they too would have been answered in language more vigorous than elegant.

In his defence of the Compromise bill, Clay said, May 21st: "I find myself assailed by extremists everywhere; by undercurrents; by those in high as well as those in low authority." And some charged him with inconsistency and being a bolter. He felt that, as others had disclaimed partisan and sectional motives, it was not fair to blame him for a lack of them; and he complained that the administration stood in the way of the passage of his measures, when it could not, as he asserted, command a Senator who dared to accept his challenge to an open debate on the merits of the respective propositions. In spite of physical fatigue, his resolution and mental vigor increased.

For nearly three months after the speech of March 11th, Seward did not take a conspicuous part in the debates on slavery. The excitement resulting from his great effort doubtless suggested the importance of waiting until he could get the new bearings. So he quietly watched the proceedings from day to day, and commented on them with good-humor or sarcasm. In brief letters to Mrs. Seward at Auburn, and to Thurlow Weed, he wrote of the eagerness of the crowds to hear Clay's eloquence; the low standard of political and moral sentiments in Washington; Webster's appearance "in his seat arrayed in that bright blue coat and particularly buff waistcoat, which are so ominous of an explosion that kills always somebody"; the lack of firmness and concert in the action of Northerners; Clay's influence and how the politics of compromise were flattering and wheedling those who wavered; the amusing superiority of Hale in controversy; the illness of Bell, resulting from the necessity of choosing which way he should vote and speak on the compromise; and how

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Webster had proved himself to be the author of the jury-trial amendment for fugitive slaves, which Seward had proposed in January—the slight difference between them being that Seward had placed his amendment on the Senate's table, whereas Webster's was written subsequently and put in a private desk. Seward was frightened neither by the shadow of the approaching Nashville convention, so terrible to many, nor by the convention itself, although its chief purpose was to organize for resistance to northern aims. Thinking of those who trembled when Southerners threatened disunion, he wrote: "Oh! how I do despise northern recreants who suffer themselves to betray and sell the holiest hopes and interests of freedom under the terror of the gasconaders," whose threats he considered to be merely "old, worn-out burlesque of tragedy"; and he sarcastically suggested that after all slavery seemed to be the normal condition of mankind. Nor was he disturbed by the reports of an elaborate scheme on the part of Davis, Mason, Yulee, and Turney, in the Senate, and of Clingman, Inge, Toombs, Stephens, and Meade, in the House, to refuse all supplies until Congress should make an express recognition of slavery in the territories.

But he was ready for action at any moment. Soulé, purely for tactical purposes, denounced peon slavery. Then one northern Senator moved that it be abolished; but others pleaded lack of information, and constitutional limitations. Seward saw no such obstacles, but thought that after six months had been spent in endeavoring to stop African slavery, it would not be unworthy now to prevent the enslavement of Indians. While there might not be full information in regard to peon servitude, it was enough for him to know that it was "SLAVERY"; for "I hold this truth to be self-evident, that 'all men are created equal,' and that they



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have inalienable rights, and that among those rights is LIBERTY.”<sup>1</sup>

Again, on June 13th, in a debate on the compromise bill, he rushed in fearlessly. The Texans had prepared to assert by force of arms their claims to a part of New Mexico and many Southerners had declared that if the United States should interfere, civil war would be the result. The compromise bill had been constructed on the plan that it would be best to yield to Texas a part of her claim, and give her a few millions for relinquishing another part. That was not what Seward regarded as statesmanship. He was willing to consider the United States heir to the debt for which Texas had pledged her revenues, and he desired to see the same authority compel an equitable settlement of the boundary dispute. But this measure, he said, proposed that the United States should “surrender at discretion to the first act of usurpation committed by one of the states” upon a portion of the territory of the nation, while Congress was in session, with its legislative powers in actual operation, and with the civil and military powers of the government in full vigor.<sup>2</sup>

This directness caused Foote to become violently excited, and he declared that Seward “desired to procure a bloody settlement of this question,” for which the Vice-President called him to order. Dropping his personalities, still he could not rid himself of visions of horror and of “torrents of blood.” He even charged that Seward’s “selfish and unnatural heart is now panting for” a civil war so as to make himself the President of one section.<sup>3</sup> Seward utterly ignored the explosion, and entered a protest against what he called the “conspiracy” of

<sup>1</sup> 1 *Works*, 312.

<sup>2</sup> 1 *Works*, 314.

<sup>3</sup> *Globe*, 1849-50, Apdx., 862, 863.



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combining so many measures in one bill; for, he said, "he who requires me to vote for measures which I disapprove by combining them with those which I do approve, seeks to control my judgment by coercion."

The *Charleston Courier*, of March 23, 1850, had complacently announced that Seward had been found to be much less powerful and talented than was supposed, and had "sunk . . . very soon to his proper level." But neither the attacks of the *Republic* nor Clay's opinion, that he had lost "the respect of almost all men," had injured Seward; his intimacy with Taylor and his Cabinet seems not to have been interrupted for a single day. He regarded it as his special task to defend the administration, for his advice and support continued to be sought on the most important questions.<sup>1</sup> Instead of seeing his "provincial reputation" wither, as the *Charleston Courier* had claimed, his superior adroitness and energy had made him one of the three or four most influential public men of the time. He was still regarded as Taylor's chief counsellor. It was on account of this relation with the President that he was able to report, on June 28th, so cheerful an outlook as this: "The conviction has become a general one that the 'Compromise' will fall [fail?]. I saw the President this morning. He is in fine spirits."

On July 1st, Seward was consulted about a special message that Taylor contemplated sending to Congress. On the next day, in a speech on "Freedom in the New Territories,"<sup>2</sup> he defended the President's plan to admit California without conditions. He said that the compromise bill seemed to be "adapted to enable Senators to speak on one side and to vote on the other; to comply with instructions and to evade them; . . . to support the Wilmot proviso, and yet to defeat its application

<sup>1</sup> 2 Seward, 133, 134, 138, 141.

<sup>2</sup> 1 *Works*, 94 ff.

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to the only territories open to its introduction." This was why those who wished to follow Clay found it easy to do so. For those who had so complacently announced that the proviso was superfluous, offensive, or a mere abstraction, he had some keen responses:

"I cannot surrender a just and benevolent purpose to arguments which knit contradictions as closely as words can lie together. I know that there are slaves at this moment in Utah; and I know, moreover, that the discovery of a few flakes of gold, or of a few grains of silver, or even of a few lumps of coal in the unexplored recesses of New Mexico, would be followed by a new revelation of the will of the Almighty in regard to it. . . . Perhaps they can point me to an act conferring or declaring human rights that was not an abstraction. . . . Perhaps, moreover, the apologists can show me some act declaratory of human rights that did not give offence. . . . The abstractions of human rights are the only permanent foundations of human society."

There was one sentence in Seward's reply to the southern complaints on account of the alleged neglect of the North to surrender fugitive slaves that must have shot like a needle through the veins of the southern Senators, nearly all of whom had bought and sold negroes. After denying that what slave states treated as property had been impaired one dollar, he added, without a sign of feeling: "Strength, and beauty, and youth, bring their accustomed prices." Such insinuations were not forgiven.

As a means of preserving and renewing the Constitution itself, he favored applying the Wilmot proviso, not only where it was necessary to save territory from slavery, but even where its application might have been waived. These few sentences best represent the Seward of 1850:

"Slavery and freedom are conflicting systems, brought together by the union of the states, not neutralized, nor

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even harmonized. Their antagonism is radical, and therefore perpetual.

“ . . . You may slay the Wilmot proviso in the Senate-chamber, and bury it beneath the Capitol to-day; the dead corse, in complete steel, will haunt your legislative halls to-morrow.

“ . . . But while this compromise will fail of all its purposes, it will work out serious and lasting evils. All such compromises are changes of the Constitution, made in derogation of the Constitution. They render it uncertain in its meaning, and impair its vigor, as well as its sanctions.”

He regarded this compromise as doubly dangerous, because it was

“ a concession to alarms of disorganization and faction. Such concessions, once begun, follow each other with fearful rapidity and always increasing magnitude. It is time, high time, that panics about the Union should cease; that it should be known and felt that the Constitution and the Union, within the limits of human security, are safe, firm, and perpetual.”

We shall need to remember some of these declarations when we come to consider the situation in 1861. Seward had shown no fear in his analysis of slavery. Had he not possessed great capacity for broad, fearless statesmanship, he could not have thought out the only true solution, with which he closed this remarkable speech:

“ There is a way, and one way only, to put them [the alarming agitations] at rest. Let us go back to the ground where our forefathers stood. While we leave slavery to the care of the states where it exists, let us inflexibly direct the policy of the Federal government to circumscribe its limits and favor its ultimate extinguishment. Let those who have this misfortune entailed upon them, instead of contriving how to maintain an equilibrium that never had existence, consider carefully how at some time—it may be ten, or twenty, or even fifty years hence—by some means, by all means of their own, and with our aid, without sudden change or violent action—they may bring about the eman-

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icipation of labor and its restoration to its just dignity and power in the state. . . . They will thus anticipate only what must happen at some time, and what they themselves must desire if it can come safely, and as soon as it can come without danger. Let them do only this, and every cause of disagreement will cease immediately and forever. . . . The fingers of the Powers above would tune the harmony of such a peace."

The importance of Seward's arguments had now become so well understood that the Senate-chamber was crowded by an eager audience. The speech was highly praised, and Seward himself reported that the compliments that it called forth were all he could have desired. It helped to keep up the courage of those who were opposed to compromise, and the President's avowed intention to meet force with force made a very discouraging outlook for the South and the followers of Clay.

But the sudden illness and death of Taylor, July 9th, entirely changed the prospects. The tolling of bells at midnight, announcing the sad event, was doubly sad to the antislavery Whigs, who felt, as Mann exclaimed: "A dark hour is before us!" The alliance that Seward had so skilfully developed was at an end. Would the new President be a party to a similar one?

As yet Fillmore had taken no definite stand either for or against compromise. In former years he held about the same opinions as Seward and Weed; but when he lost the favor of the President, he entered into closer relations with conservative Whigs. Taylor left no considerable following in the South. So Fillmore had to choose between acting with Clay and Webster (which might possibly reunite the Whig party), and supporting Taylor's policy under the management of Seward, Weed, and Greeley. Seward strongly urged Fillmore to retain Taylor's Cabinet. But no one had much expectation that this would be done. The friends of com-



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promise were almost immediately flushed with confidence of early success. The new President appeared to hesitate for a few days, but Clay soon became his chief counsellor and special oracle at the Capitol, and Webster was made Secretary of State. Even before this, the antislavery majority in the House showed signs of shifting with the wind. Within a week from the date of Taylor's death Seward wrote, not quite seriously, of course: "Why, John Jay and Franklin would be mocked in the streets if they were to revisit Washington!"

Seward was soon attacked with increased bitterness in the Senate.<sup>1</sup> The newspapers that were friendly to the administration tried to read Weed out of the party. It was not long before Fillmore gave the most positive evidence that he regarded Seward and Weed as his enemies; and they reciprocated this feeling. The plan of mixing up the question of a tariff with that of slavery—which the Taylor-Seward alliance had emphatically rejected months before—was revived and encouraged, and it soon added some strength to the current setting southward. Weed and Seward did not lose courage or give up the fight, and even let it be known that they would meet Fillmore with swords drawn.<sup>2</sup>

Clay's relations with the administration gave him the

<sup>1</sup> It was at this time that there was talk of expelling him on account of his "higher law."

<sup>2</sup> Seward avoided public personal opposition to Fillmore, but he included the new President among the compromisers, whose action he continued to attack as formerly. In numerous editorials, after the middle of July, Weed did not shun personalities. "Let President Fillmore follow in General Taylor's cherished track, and he will have the support of our heads, our hands, and our hearts. . . . If President Fillmore, the high office and sacred mantle of General Taylor, with all their responsibilities and trusts, having fallen upon him, falters, we shall abandon his administration. And 'if this be treason, then make the most of it.'"—*Evening Journal*, July 19, 1850.

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keenest satisfaction; he had become, as Seward said, "the dictator he aimed to be." Neither feeble health nor the frightful heat of this summer could check him, for his supreme passion was to effect a compromise. He could now afford to speak fearlessly against the radicals. On July 22, he made his final elaborate speech. In argument, patriotism, and popularity it was, perhaps, his greatest effort.

In spite of the threats and opposition of Texas, New Mexico had steadily advanced toward statehood. While Taylor was on his death-bed a messenger brought a copy of New Mexico's recently adopted constitution, which prohibited slavery and defined the disputed boundaries. A majority of the Cabinet decided to stand by New Mexico, and if the President had recovered he would probably have sent a message to Congress in support of this plan.<sup>1</sup> Senator Bradbury, of Maine, proposed an amendment to certain sections of the compromise, providing for the settlement of the boundary question by a commission of six, three to be appointed by the United States and three by Texas. Seward saw in this a yielding on the part of the United States to the threats of Texas and a failure to give New Mexico a fair representation.<sup>2</sup> To correct this and to gain another state for freedom, he offered an amendment authorizing the President to issue a proclamation declaring that New Mexico should be admitted as a state on the official presentation of her constitution, and also authorizing her to appoint three representatives on the boundary commission.<sup>3</sup>

In supporting his amendment he labored under great disadvantage, because the official application for admission into the Union had not yet been received. Even

<sup>1</sup> 5 Schouler's *History of the United States*, 187.

<sup>2</sup> 1 *Works*, 320.

<sup>3</sup> *Globe*, *Apdx.*, 1442.

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Chase was unwilling to anticipate this. Other good antislavery Whigs objected on various grounds. Seward himself pointed out the fact that, after New Mexico should attain statehood, the Supreme Court would be the natural tribunal for the settlement of the boundary. But he did not undertake to answer the very important objection that the boundary line finally settled upon might cut off most of New Mexico's population. Her claims were far less strong than those of California, but Seward knew that freedom never gained anything without sacrifice. Doubtless he had expected to find that there was still some life in "the President's plan"—some advantage to be secured for freedom by mounting into the old hero's empty saddle. But he was sadly mistaken, for he did not receive the support of a single vote. The explanation is that, like Horatius at the bridge, he was arguing against time and repelling the opposition, expecting two new Senators and New Mexico's official appeal to come to his aid.<sup>1</sup> Writing to Weed about his action toward New Mexico, he said that "in the midst of 'dough-faceism' all around us and among us, I was willing to seem to go farthest."

The "Omnibus bill" was finally defeated in the Senate, August 1st. Only the part providing for the establishment of a territorial government for Utah was passed. It was expected that a majority could be obtained for each of the separate propositions. The bill defining the boundary of Texas—giving her one-third of what the antislavery Whigs believed to be New Mexican territory, and ten million dollars for relinquishing the remainder of her claims—was approved by the Senate, August 9th. A few days later it took similar action on the separate bill for the admission of California. Thereupon ten southern Senators made a formal written pro-

<sup>1</sup> 2 Seward, 149.



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test against this action. As if to follow Calhoun's advice about making a test question of California, they maintained that the passage of such a bill would approve a principle that might forever thereafter exclude the southern states from the enjoyment of the common territory, and that it would also mean that the exclusion of slavery was "an object so high and important as to justify a disregard not only of all the principles of sound policy, but also of the Constitution itself." One after another the bills went through by majorities that no one thought possible a few weeks before. During August the excitement was again intense among the slavery extremists, and Mann wrote that men talked treason as they took their daily meals. But Seward looked for no danger from their menaces, for to him they seemed "rather like petulant than seditious partisans."

Before the end of August the Senate had passed all the compromise bills except the one forbidding the use of the District of Columbia as a mart for the inter-state slave-trade. The proposition reported by the committee of thirteen made the act of aiding the escape of a slave a felony punishable with ten years of imprisonment, and it gave the city corporations within the District the right to impose conditions upon the movements of free negroes entering, remaining in, or departing from the District. On this account Seward offered a substitute for the whole bill, providing for the compensated abolition of slavery within the District if a majority of the legal voters therein should approve it.<sup>1</sup> The mere reading of the substitute brought from Dawson a declaration that Seward's purpose was to destroy the Whig and Democratic parties and to build up a free-soil and sectional party "for the mere purposes of individual aggrandizement." And Foote hastened to call the substi-

<sup>1</sup> Text in *Globe*, 1849-50, Apx., 1642.



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tute a bill to dissolve the Union. Seward patiently let the angry remarks continue well into the second day before he attempted a defence. Then he quietly, but most provokingly, explained his silence by saying that it was the nature of a bad cause to betray itself, and that he had not been mistaken in expecting that the opposition would be the best vindication of his proposition. He told his assailants that

“the great instructor in the art of reasoning (Lord Bacon) teaches that it is better always to answer to the ‘matter’ of an adversary than to his ‘person.’ The imputation of motives does not come within the rule, and therefore it falls at my feet. The measure I have submitted is either right or wrong. If right, no unworthiness of motive of mine can detract from the merits; if wrong, no purity of motive can redeem it.”<sup>1</sup>

It was too late in the session to argue at length that Congress had the power to make a *free* man; so he said: “I demand proof that Congress possesses the power to make a *slave*, or to hold a man in bondage.” In a few laconic sentences he maintained that his plan was adequate, just to the slave and to the master, deliberate and prudent, and broad enough to cover future needs. To the objection that the present was not the right time for emancipation in the District, he sarcastically replied:

“Well, sir, slavery has existed here under the sanction of Congress for fifty years, undisturbed. The right time, then, has not passed. It must, therefore, be a future time. Will gentlemen oblige me and the country by telling us how far down in the future the right time lies?”

With directness and courage worthy of John Quincy Adams, or Giddings, he announced:

<sup>1</sup> 1 *Works*, 112.

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“Sir, each Senator must judge for himself. Judging for myself, I am sure the right time has come. Past the middle age of life, it has happened to me now, for the first time, to be a legislator for slaves. I believe it to be my duty to the people of this district, to the country, and to mankind, to restore them to freedom. For the performance of such a duty, the *first* time and the *first* occasion which offers is the *right* one. . . . I could not return to the people who sent me here, nor could I go before my Maker, having been here, without having humbly, but firmly, endeavored to discharge that great obligation.”

And he thus ridiculed the assertion that the passage of his amendment would dissolve the Union: “This Union is the feeblest and weakest national power that exists on earth, if with twenty millions of freemen now it cannot bear the shock of adding six hundred to their number.”

Thereupon Foote declared that he felt “humiliated; yes, sir, profoundly mortified,” that he had taken part in the debate on an amendment that had originated with the Senator from New York; that if he had not supposed that it came from another source, he “could not have noticed it, without an entire loss of self-respect.” This was ludicrous, coming from one whose self-respect was as uncertain as the shores of the frozen seas; but his reasoning became preposterous when he solemnly predicted that Seward would “sink at once to his true level” if others would join him (Foote) in refraining from saying “one word in reference to anything that may emanate from the honorable Senator from the ‘Empire State.’” Even the sedate old compromisers burst into laughter at the absurd suggestion. Seward did not deign to notice Foote’s insolence, although it was so marked that the President of the Senate felt compelled to call him to order twice before he had spoken a dozen sentences.

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Clay showed his sincerity and impartiality by the earnestness with which he championed the compromise-committee's strictly antislavery measure for abolishing the inter-state slave-trade in the District. Finally, all the amendments to it were defeated, and the bill passed the Senate, September 16, 1850. All the bills had received good majorities. As a general statement, the Senators from the states bordering on Mason and Dixon's line furnished most of the majority for the different measures. Where the bill was in the nature of a compromise, like the Texas boundary bill, the extremists of each section voted against it. When it was distinctly favorable to freedom or to slavery, as in the case of the California bill, or that for the organization of New Mexico without the proviso, the respective champions of the section to be benefited voted with the compromisers.

In the House the majority in Taylor's time had been normally antislavery. But the influence of Clay, augmented by that of Fillmore and his Cabinet, proved to be more demoralizing here than in the Senate. The courage of about a score of Northerners, who, as Mann wrote, had sworn, like St. Paul, not to eat or drink until they had voted for the proviso, yielded to the seductive influences. The House, as usual, reflected more of the popular excitement of the time, especially in regard to the bills concerning the Texas boundary and fugitive slaves. On September 17th it concurred in the Senate bill for the abolition of the slave-trade in the District. As Fillmore's approval was a foregone conclusion, this was regarded as the consummation of the compromise.

During the course of the debate Clay had prophesied that if the compromise measures should pass, agitation would cease; that their enactment would be the reunion of the Union, a dove of peace taking flight from the dome

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of the Capitol and carrying glad tidings of restored harmony to the extremities of this distracted land, and that they would be the doom of the abolitionists "as certain as there is a God in heaven."<sup>1</sup> When all the bills had been enacted he expressed his belief that the peace would be permanent.<sup>2</sup> Cass thought that the question of slavery had been so completely settled that not only no party could be built up in relation to it, but also that it was not worth while to make speeches about it. The opponents of the compromise were confident that these measures merely represented a legislative desire to be rid of the different subjects involved. Chase tried to bring up the question of slavery in the territories, saying that it had been avoided. Hale warned those who were exulting in the alleged peace, that the peace would be short and that their rejoicing would be turned into mourning.

One of Bacon's apothegms says that Solon likened the people to the sea, and orators and counsellors to the winds, for the sea would be calm if the winds did not trouble it. The accuracy of the comparison seemed to be proved by the calm in the autumn of 1850. The people in general were glad to accept the announcements of permanent peace. Party and sectional feelings had run high, and business had been greatly disturbed by the excitement. As long as a tangible right or interest was plainly involved the voters were ready to support the arguments of their political leaders; but probably not one-fifth of them in either section desired to continue the agitation on the theoretical questions of the present or to anticipate the problems of the future. Therefore, nearly all of those who had supported Clay were welcomed home as never before. In

<sup>1</sup> *Globe*, Apx., 616, 1412, 1413.

<sup>2</sup> *Globe*, 1849-50, p. 1858.



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most of the large cities, both in the North and in the South, meetings were held to rejoice over the result and to denounce the abolitionists and Seward's "higher law." "The sickly air of compromise filled the land," says Julian, in his *Recollections*, "and for a time the deluded masses were made to believe that the Free-Soilers had brought the country to the verge of ruin." //

Although a powerful reaction had taken place in both sections, it did not discourage the extremists. A genuine agitator never contents himself with the right gained, but always thinks of attacking the wrong that still continues. The fact that the slave-trade had been abolished in the District encouraged the moral zeal and indignation with which the abolitionists denounced the law for the return of fugitive slaves. Garrison, Phillips, Sumner, Theodore Parker, Charles Francis Adams, and many less able but equally earnest antislavery orators in numerous localities in the North, resolved to hold more meetings and to have better organizations than in the past. In many of the principal cities influential vigilance committees were formed, among whose members were some of the most cultured and wealthy. Their first aim was to assist fleeing slaves and to prevent their return when captured.

Likewise in the South there remained a powerful ferment of secession, although in all the slave states, except Georgia, Alabama, Mississippi, and South Carolina, the compromise was either welcomed, or accepted without protest, by a great majority of the people. In Georgia an active minority were anxious for secession; but by the commanding ability and united efforts of Toombs, Stephens, and Cobb, who from having been radicals in Congress suddenly became conservatives at home, the Union and compromise sentiment retained control. A similar minority existed in Alabama, but after an exciting debate at a public meeting called in Montgomery

to ratify the compromise, the conservatives asserted and maintained their numerical superiority. Yet the secessionists, under the lead of William L. Yancey, at once began the organization of Southern Rights Associations, the object of which was to propagate ideas favorable to secession, much as the antislavery radicals had done in the interest of abolition. Foote had been the only member of the Mississippi delegation who favored the compromise, and he was most bitterly censured by the legislature and press of the state; but after a heated contest, extending through an entire year, he was elected governor of Mississippi. In South Carolina a clear majority believed, as Calhoun had advised, that the admission of California would warrant secession; but many of them thought that secession by their state alone would be impracticable. If the forces in opposition to the compromise were to increase in strength, then Seward's prophecy about the resurrection of the Wilmot proviso would surely be fulfilled, and Clay's "dove of peace" would be transformed into a most ferocious bird of prey.

In looking back over these two years of almost continuous dispute and excitement, it is still a debated question whether these compromise measures were beneficent or baneful. Some have maintained that they served a good purpose, because they gave the North another decade in which to work out the wonderful development of her population and resources, while the South advanced but slowly. If lack of population and resources had ever been the main weakness on the part of the North, this fact would warrant the conclusion. But all that the North had ever needed, or was ever to need, were leadership and determination to defend the Union at all hazards. "The cowardice that yields to threats invites them." It was the ready and resolute stand of Jackson

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and of Webster in earlier years that brought nullification to a halt so quickly. If Webster had from the first opposed this compromise it would surely have failed, but the admission of California could have been forced. Then the South would have had to base action upon the alleged injustice of admitting a free state without a slave one or of allowing any territory to organize as a state before slavery had an opportunity to take root there; for, as yet, no substantial complaint of interference or of violation of the Constitution could have been brought against the North. If secession had then been attempted, Clay and many of the southern Whigs would immediately have thrown their influence to the side of the Union. The abolitionists, the Free-Soilers, and most of the northern Whigs and Democrats would soon have chosen, or been compelled to take, a like position. The issue might easily have been brought about weeks before Taylor's death. In no case does it seem probable that Fillmore could have been as weak as Buchanan was a decade later.

In 1850 the cause of secession had not one-half the strength and organization that it possessed in 1861; for the great mass of the people, outside of a few states, were far behind the radicals and did not see the real antagonism between freedom and slavery. But the threat of secession was each time accompanied with preparations, both material and mental, and these preparations steadily augmented in spite of the compromise. To the South the compromise was not the result of fear; it was like going into a temporary encampment after a successful preliminary campaign. At the North it was entirely different. The compromise was the direct product of timidity, sophistry, and commercial interests—the yielding to which greatly weakened national spirit and courage. The successful northern champions of compromise—Webster, Cass, Douglas, and Fillmore—being unnerved

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and self-deceived, unnerved and deceived a large majority of the people of their section.

Seward was the only one that then fully grasped the problem; he saw the existing dangers and how to meet them: he seemed to feel the legislator's and the reformer's obligations toward the future, and he told how those obligations could be fulfilled in a peaceful, constitutional manner; he, alone, had the politician's skill and resources, and he would have helped to turn the course of events for the better if Taylor's life had been prolonged a few months.

Seward's political career was now only half run. His fame had become thoroughly national. If he should strengthen and enlarge his reputation as a champion of freedom, and neither fear disunion nor approve anything likely to provoke it, he would surely be the greatest American of the century. He had demonstrated that his talents were of the first order. The chief point in dispute was his character. There was a wide difference of opinion as to whether he was a genuine anti-slavery man and would continue to be such in every circumstance, or whether he was using antislavery ideas just as Jefferson Davis and others were employing pro-slavery ideas—as a means of becoming the leader of a section.



Here 15 Nov 1857

## CHAPTER XVI

THE "HIGHER LAW" WAITS ON THE "FINALITY," 1850-52

SEWARD and Weed had endeavored to attract all anti-slavery men to the Whig party by giving it a practical, constitutional, antislavery purpose. Taylor's death upset their plans and disorganized their forces, so that they had much difficulty in maintaining their standing even at home. Fillmore owed the Sewardites many a grudge, and he soon began to pay the debt. They received no more favors, and many lost their offices. This did not suffice; it was important that the power and popularity of their leaders should be broken and that it should be gained by the compromise Whigs, to be used in 1852 by Fillmore or his favorite, Webster.

The first trial of strength came in the Whig state convention at Syracuse, in September, 1850. Some of Fillmore's most influential New York appointees were there under the nominal leadership of Francis Granger, who, like Fillmore, had often realized the misfortune of being second to Seward in Weed's affections. The conservatives hoped to administer a severe rebuke to the other faction by adopting a platform approving the compromise and ignoring, if not condemning, Seward's course in the Senate. But no one had ever caught Weed napping. The Sewardites were willing, for the sake of harmony, to commend some of the measures of the compromise, and to express a hope that no evil might result from others; but they insisted that the convention should give a clear and positive approval of their chief. When a

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resolution to this effect was passed, about one-third of the members withdrew. Later, they issued an address declaring that the resolution about Seward showed a purpose "to destroy the Whig party and build up an abolition party on its ruins," and they summoned the conservatives to a new convention to meet a few weeks later. Thenceforth members of this faction were known as "Silver Grays," from Granger's very handsome hair. Subsequently this term was often used to designate the Fillmore or conservative Whigs, in contrast to the "conscience" or progressive Whigs. These Silver-Gray bolters soon became disheartened, and the Democrats were defeated by a small majority. But the outlook was not inspiring to the Whigs.

The country as a whole longed for repose and a renewal of fraternal feeling. Fillmore only expressed a highly popular sentiment when he declared, in his annual message of 1850, that most of the subjects dealt with in the compromise were now beyond the reach of Congress, "as the legislation which disposed of them was, in its character, final and irrevocable." A few weeks later more than two score Senators and Representatives, headed by Henry Clay, agreed not only to adhere strictly to the settlement, but also to withhold their support from any candidate for the presidency, vice-presidency, membership of either house of Congress, or for a state legislature, who was not known to be opposed to disturbing the compromise.

It was about this time (early in 1851) that Seward explained to a friend his idea of amending the fugitive-slave law so as to allow freedom to be purchased by the fugitive, or by any person, corporation, or state where the arrest was made. This was to be accompanied by a plan permitting any negro wishing to redeem himself from slavery to show to any court of the United States that the laws of his state permitted it and that his mas-

ter consented to the arrangement, and then he should be paid for by a warrant on the United States Treasury.<sup>1</sup> If some such project could have been carried out, there would have been no civil war about slavery. But the South would resist everything favorable to emancipation; and the North would neither consider paying for slaves, nor could it, if it would, stop the agitation against slavery. Naturally, Seward's friends thought his scheme impracticable.

The President had sought to win Seward to a policy of conciliation, and the Free-Soil Democrats had made it known to him that they would move for the repeal of the fugitive-slave law; but he refused to negotiate with the one or to join the other.<sup>2</sup> He had no taste for guerilla warfare or for the duties of the recruiting-officer: he thought himself best suited to lead great numbers in a definite campaign. Moreover, he was pledged to partisanship. He also believed that both the measures of the compromisers and the aims of the disunionists would be failures, and that the fugitive-slave law was reacting, and would “continue to react, upon the institution of slavery itself.”<sup>3</sup> He had no desire to retract anything that he had said in the past, but he felt that even legislation that he viewed as mistaken or wholly bad was entitled to some respect until its operation had been fairly tried. He continued to stand firmly by the right of petition, by which the agitation was easily kept up, but he wished to avoid appearing as one of the agitators or having any responsibility for their acts.<sup>4</sup>

<sup>1</sup> 2 Seward, 161.

<sup>2</sup> 2 Seward, 158.

<sup>3</sup> *Globe*, 1850-51, 575.

<sup>4</sup> “I may say this, sir, I am sure, because, although I have been distinguished on some occasions by the epithet of agitator, I happen to be at least one member of this body—how many others there are I do not know—who never introduce this agitating subject of slavery here, who have been content with the debates which were had upon it, when it came legitimately before us in the form of bills requiring debate; bills which, in the process of legislation, became, or might become,



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He knew the importance and personal advantage of saving his power for great opportunities. But the *Evening Journal* encouraged the agitation against the fugitive-slave law;<sup>1</sup> and when the announcement was made that the President would use the whole strength of the army to enforce the hated law, it warned him, on November 1, 1850, that "the descendants of the sires who fought at Bunker Hill, at Bennington, at Saratoga, and at Stony Point, will be prepared 'to face the music.'"

The time was certainly a very trying one for Seward. He could neither consistently support the compromise nor openly stand with the radicals in their revolutionary attitude of denouncing it as having no force that they were bound to respect. Yet effective political activity had to take one direction or the other. To Weed he unbosomed himself as follows, in March, 1851:

"We have parts to act, which seem to me more difficult than ever were assigned to political actors within our time. To cherish and secure the development of this great prin-

laws. I am one who has never spoken on the subject in this house since the bills referred to became laws, and of whom it cannot be said that I have on any occasion, by speech, writing, or otherwise, addressed the people on the subject since those bills became laws. Sir, I claim, then, to be one of those who have been content to leave these measures to the scrutiny of the people, and to abide their judgment and the test of time and truth. I have added no codicils, and have none to add, to vary, enforce, or explain what I had occasion to say during the debates on these questions."—*Globe*, 1850-51, 575, 576.

<sup>1</sup>"The committee appointed at a previous meeting reported a series of strong resolutions, deprecating the passage of the law, and avowing a determination to resist it at all hazards—'peacefully and legitimately if we can—forcibly if we must.' . . . It was attended by a large number of our best citizens, who fully sympathized with what was done. . . . Any attempt to arrest a fugitive would, we have no doubt, be attended with trouble; for many of our most respectable citizens are honestly impressed that the law is not only infamously unjust, but clearly unconstitutional."—*Evening Journal*, October 9, 1850.



ciple of freedom, so that it may heal and bless a great nation, requires boldness and constancy, which put me upon a kind of heroism quite likely to mislead; and it requires also sagacity and prudence, for which I rely upon you [Weed] alone. By the rest of mankind I am either flattered beyond my sense of appreciation, or cursed outright. . . . You can hardly judge how lonesome it is here for me, because I find no advisers around me.”

In a letter of April 5, 1851, addressed to a Massachusetts anti-fugitive-slave-law convention, Seward gave a clear, strong exposition of what was, at least theoretically, his attitude toward the compromise and the existing status. He had not taken part in the popular discussion of the compromise measures, he said, because he did not wish to appear prejudiced, distrustful of his colleagues, or impatient of a favorable popular verdict. Now that his opinions had been called for, he would state the considerations that would govern his vote when the law should come up for review in the national legislature. To most of the compromise measures he had serious objections, and none of them gave him satisfaction. The promise that the fugitive-slave law would put an end to the agitation of the question of slavery was wholly a false one, for its agitation was “as inseparable from our political organization as the winds and clouds are from the atmosphere that encircles the earth.” In some of the states the compromise and its preservation had been accepted as an offering, a condition, in exchange for loyalty. At a time when many at the South were advocating secession in the interest of slavery, and when many at the North were proclaiming the new doctrine, “No union with slave-holders,” and were giving aid and encouragement to violent resistance against the execution of the fugitive-slave law, Seward was brave and wise enough to declare:

“But since it is so, I can only say that we, on whom the recent action of the government bears, as it seems to us, so

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unjustly, are in the Union for richer or poorer, for better or worse, whether in a majority or in a minority, whether in power or powerless, without condition, reservation, qualification, or limitation, for ever and aye; that we are in the Union, not because we are satisfied with the administration, but whether satisfied or not; not at all by means of compromises, or understandings, but by virtue of the Constitution; and that all other parties are in the Union on the same terms, for the same tenure, and by virtue of the same obligation; and so they will find their case to be, when they offer to plead violations of extra constitutional conditions to justify secession."<sup>1</sup>

These statements carried the implication that laws should be obeyed, whether favorable or unfavorable to freedom. It was not so easy to live up to this doctrine a little later, when the excitement against the fugitive-slave law became intense throughout New York. In October, 1851, a negro named Jerry McHenry, living in Syracuse, was arrested as a runaway slave. Before the case had been decided, a company of abolitionists, headed by Samuel J. May, the pastor of the local Unitarian society, violently took McHenry from the officers of the law. In a few days McHenry was carried to Canada, and what is known as the "Jerry rescue" was a success. Eighteen of the leaders were indicted and brought to Auburn for trial. When bail was called for, Seward was the first to go on their bond. After the required security had been obtained, he invited the accused and their Syracuse friends to his house, where they were entertained until they started for home.<sup>2</sup> The prosecution was abandoned because the United States attorney found it impossible to obtain twelve jurymen who were not prejudiced. It was supposed that Seward would have defended the accused if the case had gone to trial.<sup>3</sup>

<sup>1</sup> 3 Works, 448.

<sup>2</sup> Samuel J. May's *Recollections*, 380.

<sup>3</sup> A large meeting of abolitionists unanimously voted to invite Seward

In the New York state campaign of 1851 the Whigs and the Democrats were about equally evasive. Neither dared unreservedly to approve or to repudiate the compromise. The personal disagreement between the Silver Grays and the Sewardites continued, but the animosities were less expressed in public. Seward took only a perfunctory part in the campaign. He and Weed knew that it was no time for any of their bold strokes. Although the Democratic victory that year was not sweeping, many Whigs believed that their party would never again win. Weed concluded to withdraw from the strife of the factions and pass several months in Europe, hoping that during his absence harmony might be brought about, and General Scott chosen as their presidential candidate in 1852.

The session beginning December 1, 1851, brought reinforcements to the few antislavery Senators. In place of Daniel S. Dickinson, a Democrat that generally acted with the South, Seward had the pleasure of introducing his friend and younger associate in politics, Hamilton Fish. The new-comer was little known outside of New York, and it was not until many years later that the country learned that he was a man of uncommon ability. When governor he had shown by his advocacy of the Wilmot proviso that he was one of the “conscience” Whigs. Chase presented Benjamin F. Wade as the successor of Thomas Corwin. Wade had the coarse, strong fibre of the Westerner of humble origin, meagre education, vigorous mind, and sincere purpose. He had been a law-student in the office of Joshua R. Giddings, and later they became partners. Less an agitator than Giddings, he rose higher in his profession, and was destined

to take part in the defence if Attorney-General Cushing should conduct the prosecution.—S. J. May to Seward, August 25, 1853, Seward MSS.



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to have greater political influence. They were equally fearless; and the most defiant pro-slavery declaimers in the Senate were soon made to wince under the harsh logic and rasping diction of the new Senator from Ohio. It must have been ludicrous to see the old time-server, Cass, act as senatorial godfather to the handsome young philanthropist, Charles Sumner. January and May are more alike. In mind Sumner was a scholar, somewhat dilettante; at heart he was a reformer, ardent and resolute. He was a cultivated lawyer, but his studies were on the theoretical side of his profession. He had been chosen as the best exponent of the indignation felt in Massachusetts against Webster's sensitiveness to the rights claimed by slavery. The Whig, who, when asked, in 1848, whether he would choose Cass or Taylor, replied in a public speech, "If two evils are presented to me, I will take neither," was not likely to show much respect for the card-houses of the politicians. No other Senator could truthfully say with him: "Sir, I have never been a politician. The slave of principles, I call no party master." When Sumner was chosen, Seward sent him this greeting: "I take new courage in the cause of political truth and justice when I see a Senator coming from Massachusetts imbued with the uncompromising devotion to freedom and humanity of John Quincy Adams."<sup>1</sup>

In the House hardly half a dozen sentences had been spoken before the word "compromise" burst forth like a flame where there had previously been no sign of fire. The Whigs had held a caucus and had declared acquiescence in the compromise measures; but only about one-third of the party had attended, and the resolution had passed by merely a two-thirds vote; therefore, this "unequivocal" declaration represented about two-ninths of

<sup>1</sup> 3 Pierce's *Sumner*, 250.



the Whigs in Congress. It was necessary for the southern Whigs to make their constituents believe that the North accepted the compromise as final, for otherwise the secessionists would have a better chance for support. A similar proposition also came before a Democratic caucus. There was less doubt about the attitude of the Democrats, therefore they laid the resolution on the table, in order to make it more easy to hoodwink northern Democrats who had antislavery tendencies. The annual message again expressed confidence in the good effect of the measures of 1850. The unexpected wrangle gave Giddings just such an opportunity for sarcasm as he always welcomed. He rose, he said, to "embrace this opportunity of congratulating the honorable Secretary of State and the President upon the beautiful workings of their peace measures—this quieting of all *agitation!*" A very large part of the talk of this session of nine months was about the great "settlement" and the choice of presidential candidates for 1852. The Congressmen were so lacking in candor that there was only slight exaggeration in what Horace Mann wrote early in 1852: "A politician does not sneeze without reference to the next presidency." During the winter of 1851-52 and the following spring the calm outside of Congress was so marked, except among the restless and irrepressible abolitionists and secessionists, that Hillyer, of Georgia, taunted Giddings with the assertion that, in spite of the worst the abolitionists had been able to do, slaves brought as high a price as ever; and Robert C. Winthrop announced, in May, 1852, that there was not a Whig in all Massachusetts "who cares to disturb anything that has been done."

Had the foremost anti-compromise Whig also been becalmed? Weed's absence in Europe had left Seward in actual as well as nominal leadership of their faction.

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There seemed to be no possibility of changing the attitude of the party during the present Congress. We know what he thought about agitation, and he himself saw no good opportunity for antislavery legislation. In public he said little or nothing about the well-hated compromise, but much about foreign relations. In a quiet but systematic way he and his friends were strengthening Scott's candidacy for the Whig nomination. This movement was aided by raising Scott to the grade of lieutenant-general.

There was no chance for the Whig party to succeed in 1852, unless its presidential candidate's opinions regarding slavery should be vague or generally unknown. Scott's great military service, his birth in the South, the report that he had favored the compromise of 1850, and the fact that he had never been an offensive partisan or specially identified with either section—all suggested his availability. Fillmore was the favorite of most of the conservative Whigs outside of New England, and of practically all the office-holders. The South was grateful because he had saved her from Taylor's plan, and she had confidence in his purpose to enforce the fugitive-slave law. Many at the North preferred him because experience had shown that he was—as Beecher styled Hayes—"a poultice." Webster's chief support came from conservative northern Whigs, especially in New England, who admired his intellectual superiority and believed that the great "Defender of the Constitution" could make the compromise a source of permanent tranquillity and an object of patriotic reverence. Many intelligent southern Whigs, led by Toombs, Clingman, and Stephens, preferred him because they saw that no Northerner of less ability and conservatism could withstand the surging agitation. Doubtless they believed that his alienation from the radical Whigs would cause him to separate more and more from New

England influences and come into closer relations with the South, much as Taylor had drifted away from southern counsels and his own interests as a planter. The abolitionists contemptuously called Webster a “dead elephant,” and the conservative Whig leaders acted as if they thought there was truth in the metaphor.

The political status seemed most favorable to Scott, who had declined to express any political opinions. The significant point about his candidacy was that the Sewardites felt confident that they could influence him even more than they had Taylor; but they deprecated a platform calling the compromise a “finality.” To assist in this purpose, Stanley, of North Carolina, who had recently been the leading Whig candidate for the Speakership, assured the House, in the most positive terms, that Scott was still a firm supporter of the measures of 1850;<sup>1</sup> and he advocated that the convention should choose its candidate without any platform whatever.<sup>2</sup> The more probable Scott's nomination became, the more furiously the friends of his rivals charged in speeches and in the press that he was merely a figure-head for Seward's antislavery schemes. Before the Whig convention met, in Baltimore, June 16, 1852, all the conservatives were so fearful of the influence of Seward and his followers that they decided to insist upon the adoption of a resolution approving the compromise before permitting the nomination to be made. This was necessary to prevent a very wide breach in case of the selection of Scott, but it might also ruin the party.

Seward's actions at this time show that the pro-slavery Whigs were right about his relations with Scott and the expectations built upon them. Weed had not yet returned home, and Seward held the Scott reins. At

<sup>1</sup> *Globe*, 1851-52, 1157.

<sup>2</sup> *Globe*, 1851-52, Apx., 704.



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first he believed that the Whig convention would pass no resolutions;<sup>1</sup> but soon the yielding of many of his friends to the demands of the conservatives caused him pain and alarm. Although they called him "Dictator," he lacked the courage either to forbid the surrender or to enter into it frankly, and he begged to be allowed to "go to Auburn and be out of the affair"; but "all factions protest against that." The delegates came to Washington and crowded his house from morning until night; and he, as he said of Scott, was "badgered out of patience and almost out of his senses." Mrs. Seward had now, as at other times, great fear lest he might not insist that the party should stand by antislavery principles. He strongly promised her that he would neither descend from his high position nor consent to any sacrifice of principle.<sup>2</sup>

The southern delegates held a caucus on the first day of the convention and agreed upon a platform. It was foretold that the acceptance of a compromise resolution would be followed by the nomination of Scott by means of support from the Fillmore delegates. The resolution adopted was so pro-slavery and so reproachful of the tendencies of the Whigs, from whom Seward drew his chief and growing support, that it ought to have satisfied the most exacting Southerner.<sup>3</sup> Fillmore received two more votes than Scott in the beginning, and it was not until

<sup>1</sup> 3 Pierce, 315.

<sup>2</sup> 2 Seward, 184, 186.

<sup>3</sup> "Eighth. That the series of acts of the Thirty-second Congress, the act known as the fugitive-slave law included, are received and acquiesced in by the Whig party of the United States as a settlement in principle and substance of the dangerous and exciting questions which they embrace, and so far as they are concerned we will maintain them and insist upon their strict enforcement until time and experience shall demonstrate the necessity for further legislation to guard against the evasion of the laws on one hand and the abuse of their powers on the other, not impairing their present efficiency; and we deprecate all further agitation of the question thus settled as dangerous to our peace,



the fifty-third ballot that the latter was successful. Webster's humiliation was pitiable. In spite of all he had suffered and sacrificed, and although it was he or his friends that had furnished the South with the objectionable “finality” resolution,<sup>1</sup> at no time did more than one-tenth of the delegates support him; nor did one vote, at any time, come from a slave state. William A. Graham, of North Carolina, was nominated for the vice-presidency.

The outcome was a severe blow to Seward. He believed that this “wretched platform [had been] contrived to defeat General Scott in the nomination or to sink him in the canvass.” He could see nothing but defeat and desertion ahead, for Scott had been deprived of his former “vantage of position.” There did not remain in Seward's mind even so much as a comforting thought that the old soldier might accept the commission while he declined to obey the accompanying instructions. Scott was “incapable of understanding that it is not obligatory on him to execute it”—the “wretched platform”—Seward wrote to Weed. “Honor, he thinks, requires that; and you know that freedom and humanity are sentiments which the soldier subordinates under the demand of what is called honor and duty. I am yet aloof.” Seward was so thoroughly disheartened that he declared to Weed that he was “entirely weary” of his Senatorship, and would “hail as a pleasure . . . the necessity of giving it up for any reasons of party or of public good.” Charles Sumner informed Charles Francis Adams that Seward would “take an opportunity, by letter or speech, to extricate himself from the platform. Seward's

and will discountenance all efforts to continue or renew such agitation whenever, wherever, or however the attempt may be made; and we will maintain the system as essential to the nationality of the Whig party and the integrity of the Union.”

<sup>1</sup> 2 Stephens's *War Between the States*, 237-238.

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policy is to stick to the party; no action of theirs can shake him off. But the cause of freedom he has constantly at heart; I am satisfied of his sincere devotion to it.”<sup>1</sup> Seward wrote to Mrs. Seward:

“For myself, I shall forbear until I see how the party takes position, and then, when all is known, I shall find occasion to let those know, who may care to know, how far I am overruled, and how far responsible.”<sup>2</sup>

If this meant anything, it meant that he would publicly repudiate the platform, for no intelligent person could have supposed that he had favored the adoption of a resolution aimed directly at him and his followers.

Before the Democratic convention met—also in Baltimore, the first week in June—a circular letter had been addressed to the leading candidates for nomination by that party, asking them to state their present and prospective attitudes toward the compromise. They hastened to make the most positive answers, even promising to veto any attempt on the part of Congress to weaken the fugitive-slave law. This overpledging, together with the requirement of a two-thirds vote for a choice, resulted in the abandonment of the well-known leaders—Cass, Buchanan, Marcy, and Douglas—and the selection of the inconspicuous and unpledged Franklin Pierce. William R. King, of Alabama, was named for the second place. The most important resolution in the platform promised to “resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made.” Although Pierce had served in the legislature of New Hampshire, in both houses of Congress, and in the Mexican war, and was a lawyer of much more than average ability, he had no

<sup>1</sup> 3 Pierce, 281

<sup>2</sup> The quotations from Seward's letters are from 2 Seward, 187, 188.

great reputation outside his native state. He declared that the principles of the platform commanded his approval, and that no word or act of his had been in conflict with them.

Thus the Whig and the Democratic parties were completely pledged to the “finality.” The Democrats were really more devoted to the interests of their southern allies, and therefore more to be shunned by those who wished to subordinate slavery’s claims; but the Whigs had shown a cowardice and trickery that made them more contemptible. Men that were thoroughly anti-slavery in principle thought it time to abandon the old organizations and to help forward the Free-Soil party, whose convention was to meet in Pittsburgh in August. A very large proportion of the New Yorkers who in 1848 had bolted from Cass, more to feed a grudge than to advance a reform, had now gone back to render a half-hearted service to the Democracy. The best Free-Soil support came from Massachusetts and Ohio—from Chase, Giddings, Sumner, Henry Wilson, and Charles Francis Adams. The Pittsburgh platform demanded the repeal of the fugitive-slave law because it was “repugnant to the Constitution, to the principles of the common law, to the spirit of Christianity, and to the sentiments of the civilized world”; it declared slavery sectional and freedom national, and claimed that the whole subject of slavery and the extradition of fugitives from service should be left to the states; it pronounced as dangerous the doctrine that any human law was a finality, and took for its motto: “Free Soil, Free Speech, Free Labor, Free Men.” John P. Hale headed the ticket, and George W. Julian, a very sincere antislavery Representative from Indiana, was named as his colleague.

Both Seward and Greeley had drafted letters of acceptance for Scott, in the hope that he might be able to express himself so as to save the support of the South



without forfeiting that of the North.<sup>1</sup> But the honest old soldier telegraphed his acceptance "with the resolutions annexed." Although this pledged him to the compromise, his nomination dissatisfied many Southerners and the followers of Webster. They still maintained that he would be under the influence of Seward, who would probably be a member, if not the head, of his Cabinet. Doubtless many of the Silver Grays had apprehensions of entire loss of the spoils. To allay these fears, and to avoid alienating the compromise and proslavery Whigs, Seward published a letter to an unnamed Whig in New York, promising that he would accept no "public station of preferment whatever" from Scott.<sup>2</sup> Stephens, Toombs, Cabell, and others had already declared that they would bolt Scott; some of them soon became parties to a hostile manifesto. Other southern Whigs, like Clingman, directly announced a preference for Pierce; but Toombs and Stephens finally gave their support to the forlorn attempt of the irreconcilable New Englanders that nominated Webster as an independent candidate.

This campaign was peculiar on account of the apparent success with which each wing of the two great parties contended that the candidate of its party was true to the interests of its section, while the opposing candidate was hostile to them. Ridicule and misrepresentation were the chief resources of both the Democrats and the Whigs. In such circumstances Seward did not take the field as usual. He excused himself from accepting invitations by saying that his private affairs and impaired health demanded more than the time he could command before the next session of Congress.<sup>3</sup>

Excepting in its immediate political aspects, the ques-

<sup>1</sup> Pike, *First Blows of the Civil War*, 140.

<sup>2</sup> Letter of June 26, 1852, in the *New York Times*, June 29th.

<sup>3</sup> 1 John Sherman's *Recollections*, 96.



tion of slavery had not been before the Senate since February. The antislavery men of New England were especially anxious to have Sumner open his batteries on slavery's great fortifications in the upper house. On July 27th, he offered a resolution for the repeal of the fugitive-slave law. The following day he endeavored to have the question taken up so that he might speak, but his motion was rejected by a vote of thirty-two to ten. Seward voted to give Sumner a hearing, and two days later he wrote home: "When will there be a North? The shutting of the doors against Sumner was wicked and base. . . . I thank God I had an opportunity to show how little I care for the alarms about the Union, sounded by the Southerners, or for the platform erected by the Whigs!" Finally, on August 26th, Sumner succeeded in getting his proposition before the Senate. This gave him a right to be heard. For four hours he kept up a steady fire of facts and arguments fused by a moral earnestness entirely new in that chamber. Many were startled by the thought that this man of great talents for agitation, of untiring zeal, and with wholly non-partisan aims, had come among them to remain at least six years. A whole phalanx of slavery's defenders—weak and strong, some enraged and others manly and dignified—rose up against the new champion.

Only three Senators, Chase, Hale, and Wade, stood with Sumner for the repeal. Seward voted on other questions on the 25th and the 27th of August; therefore he could not have been ill or far away on the 26th. No good excuse is known for his failure to vote. Men that had believed in his "higher law" were surprised. Many of the abolitionists who thought him sincere when he wrote, April 5, 1851, to the Massachusetts convention, "Nevertheless, there can be no impropriety in my declaring, when thus questioned, the opinion which will govern my vote, upon any occasion when the fugitive-

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slave law shall come up for review in the national legislature," asked themselves if, after all, Seward was much more than a shrewd and brilliant politician who knew how to exploit antislavery men. It is not difficult to guess the process by which Seward justified his failure to keep his promises. The daily charge that Scott was the representative of Whigs that neither would nor could accept the compromise as final, tended to keep aloof from him the admirers of Fillmore and Webster. Seward was their pet aversion, and his radical declarations were continually held up to view. It was so important to meet this attack that a Whig Representative from New York, named Schoonmaker, endeavored to show that Seward had kept his promise, made when a candidate for the senatorship, that he would neither apologize for slavery nor unreasonably agitate against it. "Who is there," he asked, "who has spoken at all in the Senate who has spoken less on the slavery question? Who is there who has spoken more, who has spoken more nationally on all, nay, more nationally on that very subject?"<sup>1</sup> It was apparent that if Seward should support Sumner, it would be said that he was following Free-Soilers and making war upon the platform that his candidate was pledged to support. Of course this would have weakened Scott and injured Seward's standing among the Whigs. Wade, however, voted with Sumner although he supported Scott. It is interesting to know that while Seward feared to vote, and Fish even voted against Sumner, both Mrs. Seward and Mrs. Fish sent the Massachusetts Senator their hearty congratulations on his speech. And Seward even dared to write him a private note praising it.<sup>2</sup> Such is the "higher law" of—politics.

The character of the campaign prevented Seward and

<sup>1</sup> *Globe*, 1851-52, Apdx., 1027.

<sup>2</sup> 3 *Pierce*, 307.

Weed from intimately associating with Scott, and both of them tried to avoid meeting him. Except occasionally, they had no expectations of success. Weed's spirits rallied in September, when Scott was speaking in Ohio, and when the feud between the Democratic factions was raging bitterly, as he reported.<sup>1</sup> Again, Seward grew faint-hearted and thought seriously of resigning and abandoning public life.<sup>2</sup> The end of the campaign brought the Whigs such a defeat as no one had dreamed of: Scott succeeded in only four states and received but forty-two electoral votes, while two hundred and fifty-four were given to Pierce.

Seward's tactics had utterly failed. He had hoped that Scott might be carried forward and past the convention in a cloud of uncertainty and party equivocation. Even after the Democrats had completely surrendered to the southern demands, and when it became known that the most influential of the Free-Soilers were holding back ready to support Scott, if he should be nominated without a pledge to the “finality,” still Seward lacked the courage to use the power he had so shrewdly gathered into his hands, and say no to the compromisers. If he had insisted on making the issue plain and positive, conservative northern Whigs, at least, would have paused before driving off the stronger faction of their party in their own section. It was well known that many of their southern colleagues, so called, could no longer be counted on, and Seward himself believed that Scott could not be elected on a compromise platform. Had he taken his stand boldly at the last pass, the Whig party would have become for once what he had so often claimed that it was—the party of freedom. But he submitted to a platform which, as he himself said

<sup>1</sup> Weed to Seward, September 25, 1852, Seward MSS.

<sup>2</sup> Seward, 191.

<sup>3</sup> Pierce, 314, 315; Giddings's *Speeches*, 488; Mann's *Mann*, 364.



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in later years, "accepted the fugitive-slave law, allowed the extension of African slavery, and prohibited discussion upon it in the national Congress forever."<sup>1</sup> It had often been asserted during the past two years, by friends and opponents, that Seward was looking forward to being the presidential nominee in 1856. The evidences of such expectations were already numerous.

Estimating Seward by his private correspondence or his public utterances, where no party interest was involved, he rivaled the best of the law-abiding anti-slavery men. He and his special friends naturally treated this unpolitical record as representative of his career, and they often imagined that he was suffering as a martyr, when, in fact, he was merely unsuccessful as a politician.<sup>2</sup> Therefore, it is sometimes necessary to compare private declarations with public acts if the truth is to be discovered and told. Seward must have keenly felt the failure to succeed, at this time, either as a reformer or as a politician; for otherwise the *New York Tribune* would hardly have made, and the *Times* have copied, a bitter complaint that there had been a systematic effort on the part of prominent men of both the great parties "to hunt down and crush him."<sup>3</sup> Seward wanted to pass for a staunch defender of the antislavery cause and an unyielding opponent of the compromise and the pro-slavery men; yet he thought it strange and felt ill-used when they accepted him at his word and treated him as a genuine enemy.

Both the *Tribune* and the *Times*<sup>4</sup> considered the defeat an annihilation of their party. The blow was so severe that many of the Sewardites were not merely stunned

<sup>1</sup> 5 *Works*, 554.

<sup>2</sup> See 2 Seward, 190, 191, 193, and many other places; Lothrop's *Seward*, *passim*.

<sup>3</sup> *Tribune*, November 8th; *Times*, November 10, 1852.

<sup>4</sup> November 8th and 10th, respectively.



but disheartened. Yet Seward himself wrote, in answer to Charles Sumner's inquiries :

“I answer that just now there is nothing to say only that recent events are what were or might have been foreseen, and that they do not disturb me in the least. No new party will arise, nor will any old one fall. The issue will not change. We shall go on much as heretofore, I think, only that the last effort to convert the Whig party to slavery has failed.”<sup>1</sup>

But, in fact, the end of the old order of politics was near at hand. “The Great Compromiser” had slowly declined under a wasting consumption, and expired in June, 1852, still cherishing the delusion that the dove of peace which he had sent forth from the Capitol would never be driven back. His rival, and perhaps superior in all save popularity, overborne by the weight of years and disappointments, rapidly failed and finally succumbed, October 24th. In Massachusetts, one thousand six hundred and seventy admirers paid him their last tribute by voting the Webster Union electoral ticket about a fortnight after his death. Stephens and other Southerners showed him a similar token of admiration “in the spirit in which the garrison of Châteauneuf laid the keys of their stronghold upon the coffin of Bertrand du Guesclin.”

<sup>1</sup> 3 Pierce, 316.

## CHAPTER XVII

### DIVERSIONS IN FOREIGN AFFAIRS, 1851-52

THERE is often a subtle connection between domestic affairs and foreign relations. The game of international politics surpasses all others because the stakes are greater and it can be played with such speed, finesse, and apparent success. National prejudices are always allies of the boldest denouncer of "foreign aggressions," for the people as a whole are rarely able to form an unbiased opinion. Serious difficulties between nations can be created with such facility that they are often conjured up as a means of escape from either a dead calm or a close domestic contest. Boldness and excitement have sometimes been excusable, if not unavoidable; but more frequently the alarms have been false, and the "grievances" have been mere fabrications for personal or party ends. In such a field the politician that is crafty in action and brilliant in speech easily wins great popularity.

Seward was too ambitious and too shrewd to be content with the dangerous rewards of the antislavery agitation. His advice to Sumner, in 1853, indicated what his own plan had been. "I trust you will," he wrote, "seize some practical questions, and vindicate, as you can, the claim disallowed to us all of competency to general affairs of government. Do this, and defy the malice of the disappointed."<sup>1</sup> He had been in the Senate eight years before he was placed on the com-

<sup>1</sup> 3 Pierce, 321.

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mittee of foreign affairs; but he early displayed a fondness for speaking on international questions. He had long been famous for his sympathies and associations with foreign-born Americans, and he believed that it was the duty and destiny of this country to become the home of the oppressed of other nations.

None of the revolutionary movements of 1848 excited so much sympathy in the United States as that of Hungary. Her attempt to establish an independent republic, and the picturesque leadership of Kossuth, had an almost magical effect upon Americans. The first engagements seemed to promise success to the Magyars. But in the winter of 1849-50 the Austrian forces, supported by two hundred thousand Russian soldiers, again marched against the Hungarian revolutionists, and soon conquered them. Kossuth and a band of his followers fled to Turkey. The Sultan gave them an equivocal reception: he refused to surrender them to Austria, but he promised to detain them. All this appealed to the imagination and sentiment of Americans, weary of the old dogmatic discussions. Kossuth was now "an exile and a captive," while his "republic" was "trampled under the feet of despots." Somehow our nation had received an affront; therefore, we must at least secure his freedom and offer him an asylum among us. The impulse was both popular and political. Early in 1851 a joint resolution of Congress authorized the President to employ a national vessel to convey Kossuth and his companions to the United States, on the assumption that they desired to dwell among us.<sup>1</sup> In September, our war-ship *Mississippi* bore him from under the sceptre of the Sublime Porte.

Since Lafayette's visit to America, in 1824, the hearts of New Yorkers had not throbbed with so sincere emo-

<sup>1</sup> *Globe*, 1850-51, 710.

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tion, and the harbor and buildings of New York had not displayed such signs of rejoicing, as when, on December 6, 1851, the Kossuth procession moved up Broadway. Had Washington come forth from his tomb to celebrate his victories in war and in peace, popular delight could hardly have been greater. Eloquence and enthusiasm, like a prairie-fire, soon spread over the country. During Kossuth's long imprisonment in an Austrian dungeon, many years before, his chief companions were King James's Bible and Shakespeare's plays. From them he acquired a rare mastery of English. He was one of the greatest orators of the century. As the multitudes gazed at his sable garb and plume, and heard the classic English of other centuries uttered in deep, sad tones, they were so charmed as almost to imagine that a god of a heroic age was summoning them to battle.

On the first day of the session, December 1, 1851, Senator Foote, acting under the advice of Webster and other members of the administration,<sup>1</sup> introduced a resolution for a reception to Kossuth by both houses jointly. He requested its immediate consideration; but it met with such angry objections from several of the watch-dogs of slavery that, on the fourth day, he asked permission to withdraw it. Was no one to see the rare opportunity to win popular applause? As soon as the Senate consented to Foote's request, Seward gave notice that he would offer a resolution, of much wider scope, proposing that Congress, "in the name and behalf of the people of the United States, give Louis Kossuth a cordial welcome to the capital and to the country."<sup>2</sup>

From this time forward, Seward was most intimately associated with Kossuth, and was the special standard-bearer of the Magyar's cause. On December 9th and 12th he spoke briefly, but with much force and eloquence, in

<sup>1</sup> *Globe*, 1851-52, 12.

<sup>2</sup> *Globe*, 1851-52, 31; 2 Seward, 176.



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support of his resolution.<sup>1</sup> His view was that, having officially invited Kossuth to come, we humiliated or insulted him in proportion as the official welcome was less generous than the invitation. Despotshad united against him; we were his natural sympathizers; but if we gave him no comfort, where might he expect to find it? As yet there was no talk of protests and threats. "No, sir," said Seward, "it is not a question of intervention future, but of intervention past! . . . Russia has intervened, and Hungary has fallen by that crime. Kossuth is an exile upon our shores in consequence of it. . . . What do we propose to do? To grant a welcome to Kossuth." Only six Senators—all from the South—voted against the resolution. Shields, Seward, and Cass were appointed as the Senate committee of reception. Washington welcomed Kossuth as if trying to rival New York. He was received by the Senate, January 5, 1852; and two days later a large and enthusiastic banquet was given him, at which Webster, Douglas, and Cass spoke. The hour was late when Seward was called upon; so he merely stated that, when it was originally proposed in the Senate to receive the great Hungarian, he had been advised not to hurt the cause by advocating it; but he would stand by the side of Webster, Douglas, and Cass, and be "willing to go for the rights of Hungary and of nations as far as he who goes the farthest."<sup>2</sup>

Seward more than fulfilled his pledge. The wonderful receptions given to Kossuth in the East, during the first month after his arrival, greatly excited the entire North. Millions, who a few years before could not have told the difference between a Magyar and a Cossack, were now thrilled by the mere mention of "poor Hungary." Popular collections for the financial support of the cause were taken in nearly all parts of the country.

<sup>1</sup> *Works*, 172-85.

<sup>2</sup> *National Intelligencer*, January 8, 1852.

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Scores of large assemblages and some of the state legislatures passed resolutions denouncing Austria and Russia, and calling upon the Congress of the United States to take some action in the interest of the Hungarians. On January 12, 1852, Seward presented a petition from the alderman and five hundred of the inhabitants of the eleventh ward of New York city, asking the government to lend support to Kossuth.<sup>1</sup> The nation seemed to be drifting away from its policy of non-interposition in European affairs. On January 19, Senator Clarke, of Rhode Island, introduced a long joint-resolution, whose chief feature was to recite certain passages from Washington's Farewell Address, and to repledge the government to Washington's maxim of "honest friendship with all nations, entangling alliances with none."<sup>2</sup> This was a most unpropitious breeze to those whose sails were set to the Kossuth agitation. On the following day Cass moved a substitute, declaring that while the United States sympathized with all nations that were striving to establish free governments, yet they recognized the right of each nation to manage its own internal affairs in its own way, without interference from any other power, and that they had not seen, nor would they again see, without deep concern, the violation of this principle.<sup>3</sup> This was not likely to satisfy the enthusiasm for Hungary's cause; so there was a chance for a higher bid for popular favor. Seward was just the one to make it; and he did so by offering resolutions, of which the most significant clause was as follows:

*Resolved*, That considering that the people of Hungary, in the exercise of the rights secured to them by the laws of nations in a solemn and legitimate manner, asserted their national independence, and established a government by

<sup>1</sup> *Globe*, 1851-52, 244.

<sup>2</sup> *Globe*, 1851-52, 298.

<sup>3</sup> *Globe*, 1851-52, 310.

their own voluntary act, and successfully maintained it against all opposition by parties lawfully interested in the question, and that the Emperor of Russia, without just or lawful right, invaded Hungary, and by fraud and armed force subverted the national independence and political constitution thus established, and thereby reduced that country to the condition of a province, ruled by a foreign absolute power; the United States, in defence of their own interest and of the common interest of mankind, do solemnly protest against the conduct of Russia on that occasion, as a wanton and tyrannical infraction of the laws of nations. And the United States do further declare, that they will not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, whenever or wherever they may occur.”<sup>1</sup>

On March 9th, he supported these resolutions by a long and formal speech that revealed some new traits and tendencies. To the doctrine of the natural equality of men as announced in the Declaration of Independence, he added the belief that when one nation had established a government based on that doctrine, its mission was to aid every effort for republicanism and civil liberty in other parts of the world.<sup>2</sup> Cass's resolution indicated, and his speech made it still more evident, that his idea was merely to express an opinion on what was regarded as a patent violation of a principle of international law.<sup>3</sup> But both Seward's resolutions and the direct implication of his speech meant that we

<sup>1</sup> *Globe*, 1851-52, 310.

<sup>2</sup> “The consequence is, that despotism is a common cause, and it results also that the cause of constitutional liberty has also become one common cause—the cause of mankind against despotism. Now whatever people leads the way at any time in any crisis in this contest for civil liberty, becomes the representative of the nations of the earth.”—1 *Works*, 175. “Why else was this nation chosen, that ‘out of her, as out of Sinai, should be proclaimed and sounded forth the first tidings and trumpet’ of political reformation to all nations?”—*Ibid.*, 219. See also pp. 184, 185.

<sup>3</sup> *Globe*, 1851-52, Apdx., 162.



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should, at least, be propagandists of liberty against despotism, and avowed allies of revolutionists against absolutism.<sup>1</sup>

The announcement that the United States would "not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, wherever or whenever they may occur," created some alarm. It was assumed that this meant—as the words implied—an entire change in our national policy, and that one of three things must happen in case Hungary should make another formidable attempt at revolution: first, Russia would stand aloof on account of apprehensions resulting from our threatening protest—which was a ludicrous idea; or, second, if Hungary and Russia should re-enact their parts, then we must, by material aid to the former, make good our warning, and thereby practically begin a war against Russia; or, third, we must do nothing, and thereby render ourselves ridiculous, after having deceived Hungary with vain hopes. But Seward met fears of war with a most solemn vow of peace.<sup>2</sup> Yet in other places there was

<sup>1</sup> "It would, indeed, have been better to have protested during the period of the act itself. But the period was short, and we remote. The act is yet recent, and the prospect of a new attempt of Hungary continues the transaction, and renders a censure of the past and a protest against the apprehended renewal of Russian intervention important and seasonable."—1 *Works*, 206.

In a eulogy on Henry Clay, in June, 1852, he said: "Our sympathy kindles, our indifference extinguishes, the fire of freedom in foreign lands. Before we shall be fully conscious that a change is going on in Europe, we may find ourselves once more divided by that eternal line of separation that leaves on the one side those of our citizens who obey the impulses of sympathy, while on the other are found those who submit only to the counsels of prudence. Even prudence will soon be required to decide whether distant regions, east and west, shall come under our own protection, or be left to aggrandize a rapidly spreading and hostile domain of despotism."—3 *Works*, 109.

<sup>2</sup> "War is so incongruous with the dictates of reason, so ferocious, so hazardous, and so demoralizing, that I will always counsel a trial of every other lawful and honorable remedy for injustice, before a



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a strong suggestion that the liberty of foreigners might be of greater importance to us than our selfish repose.<sup>1</sup> The speech was studiously equivocal: some passages were strong enough to satisfy the most bellicose, while others were sufficiently mild to soothe mere sentimentalists. This was the only way for him to profit by the general sympathy with Hungary without incurring the anger of those who believed that the United States should take no notice of incipient revolutions in Europe.

He also endeavored to show that the adoption of his ideas would not lead to a new departure in our foreign policy; and he instanced the attitude of the President and of the Congress of the United States in relation to certain great governmental changes that had at different times taken place in France. Yet, even according to his own statement of the facts, what was done was merely to recognize a *de facto* status or to give expression to a wish or to offer good-will. In not one case had the United States made a protest against either the past or the anticipated action of a third power; nor was there any danger of our being so understood.<sup>2</sup> In this way he cited as precedents cases that were not analogous at

resort to that extreme measure of redress; and, indeed, I shall never counsel it except on the ground of necessary defence."—1 *Works*, 202.

<sup>1</sup> "I will only add that it is time to protest. The new outworks of our system of politics in Europe have all been carried away. Republicanism has no abiding-place there, except on the rock of San Marino and in the mountain home of William Tell. France and Austria are said to be conspiring to expel it even there. In my inmost heart I could almost bid them dare to try an experiment which would arouse the nations of Europe to resist the commission of a crime so flagrant and so bold."—1 *Works*, 220. "I believe, also, that it is Righteousness, not greatness, that exalteth a nation, and that it is Liberty, not repose, that renders national existence worth possessing."—*Ibid.*, 221.

<sup>2</sup> 1 *Works*, 208 ff. Our relations to republican governments on this continent were under a special rule, which in no way applied to our proverbial non-intervention in Europe.—*Ibid.*, 213 ff.

the vital point, until he reached this surprising and unwarranted conclusion :

“I will only say that either this Protest is not an Intervention, or we have done little else than to intervene in every contest for Freedom and Humanity throughout the world since we became a nation. That if this act be wrong, we have never done right. . . . The question before us, then, is not whether we shall depart from our traditional policy, but whether we shall adhere to it.”<sup>1</sup>

Seward could be a close logician when the question was wholly a concrete one, but where it was largely theoretical or sentimental, or had a political bearing, he could make generalizations to suit a desired conclusion. “What the laws of nations do not forbid, any nation may do for the cause of civil liberty in any other nation, in any other country,”<sup>2</sup> he said. But the question in government is not what “may” be done, but what is *best* to be done. Again he said :

“Will it be more dishonorable to relinquish it [Hungary] after an earnest effort, than to abandon it without any effort at all in its behalf? Sir, if it be mere honor that is then to prick us on, let the timid give over their fears. A really great, enlightened, and Christian nation has just as much need to make war upon a false point of honor as a really great, enlightened, and Christian man has need to engage in a personal contest in the same case ; and that is no necessity at all. Nor shall we be reduced to the alternative of war. If Hungary shall never rise, there will be no *casus belli*. If she shall rise, we shall have the right to choose the time when to recognize her as a nation. That recognition, with its political influence and commercial benefits, will be adequate to prevent or counterbalance Russian intervention. But I am answered that we shall unnecessarily offend powers whom it is unwise to provoke. I reply that it is not enough for a nation that it has no enemies. Japan and China are in that happy condition. It is necessary that a state should have some friends. To us,

<sup>1</sup> *Works*, 218.

<sup>2</sup> *Works*, 177.

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exemption from hatred obtained by insensibility to crime is of no value ; still less is the security obtained by selfishness and isolation.”<sup>1</sup>

In another place he reasons in this manner :

“It is clear enough, however, that we distrust our strength seldom, except when such diffidence will serve as a plea for the non-performance of some obligation of justice or of humanity. But it is not necessary to press such inquiries. What is demanded here is not any part of our fifty millions of annual revenue, nor any use of our credit, nor any employment of our army or of our navy, but simply the exercise of our free right of speech. If we are not strong enough now to dare to speak, shall we be bolder when we become stronger? If we are never to speak out, for what are our national lungs given us?”<sup>2</sup>

Senator Jones, of Tennessee, who argued against the contentions of both Cass and Seward, suggested that it was more than two years since Russia's offences had been committed, but that it was only recently, and since the tide had set in, “flooding an avalanche of sympathy and power and influence over this Union,” that certain Senators had thrown themselves upon the tide, and shouted, with stentorian voices, “Hungary and her bleeding cause!”<sup>3</sup> This applied with less force to Seward than to others, for more than two years before he denounced Russia and made himself the object of criticism by his proposition to give public lands to the Hungarians. But Jones's soundest objection was that the United States should either continue the old policy of non-concern, or else say, “Hands off!” in such terms that there could be no doubt as to what should be done

<sup>1</sup> 1 *Works*, 204.

<sup>2</sup> 1 *Works*, 219. The sentiments expressed above are inconsistent with the praise Seward had given John Quincy Adams for opposing intervention in European affairs in connection with the French revolution, in 1793, and the Greek revolution, in 1826.—Seward's *Adams*, 53, 126 ff.

<sup>3</sup> *Globe*, 1851-52, Apx., 306.



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in case Russia disregarded the warning. Neither Seward's brilliant rhetoric nor Cass's vast and meandering argument could conceal the mistake of advocating a vague resolution that might offend Russia and fill her with resentment, and also involve our pride, without giving any substantial support to the cause of Hungary. Although Seward's resolution was not passed, he had shown how skilfully he could juggle firebrands.

The efforts for a protest, like the enthusiasm for Kossuth, were merely a momentary and ineffectual blaze. Three months after the wonderful formalities and eloquence bestowed by Congress and the administration upon Kossuth,<sup>1</sup> he returned to Washington from his southern trip; his followers were reduced from seventeen to four; his rich habiliments had given place to common attire as his fortunes had declined; no committee or brass-band or crowd welcomed him; and even politicians had grown cold and indifferent. When he left the capital for the last time, a few days later, only the Seward and Mrs. Horace Mann were sufficiently devoted to the leaders of this forlorn hope to pay them the compliment of a friendly farewell. Not long afterward Seward wrote: "Hungary and Kossuth have passed from the memory of all men here, except myself. They have been like an exciting novel, and the people, like the reader, want a new one, not a reproduction of what has been read."<sup>2</sup>

Sparks from the French revolution of 1848 had blown westward as well as eastward, and had "set Ireland in a rapture of hope and rebellious joy." The party of Young Ireland, contemning O'Connell's wise counsel to

<sup>1</sup> The *National Intelligencer*, of January 3, 1852, said: "The suite of Kossuth is composed of twenty-two; and they have twenty-one rooms at their service, including several parlors."

<sup>2</sup> Seward, 184.



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seek reforms through the influence of moral suasion, ventured to stir up an insurrection. Two of its fiery young leaders, William Smith O'Brien and Thomas F. Meagher, were convicted of high treason, and sentenced, according to an old law, to be hanged, beheaded, and quartered. But the sentence was commuted to transportation for life, and they were sent to Australia.

In December, 1851, Foote introduced a resolution authorizing the President to open a correspondence with the British government for the purpose of appealing to its magnanimity and respectfully requesting the liberation of these "personages," and "to offer to receive them upon the hospitable shores of the United States." In January, Senator Shields, of Illinois, presented an amendment in the shape of a still more courteous resolution, in which it was stated that the United States "would regard this act of clemency as a new proof of the friendly disposition of the British government toward our Republic." A few days later, Seward suggested some verbal amendments to Shields's propositions, and was soon rivaling that distinguished Irish-American in championing the cause of these "Irish patriots."<sup>1</sup> All the resolutions assumed that because there were many in the United States who sympathized with the exiles, that was ample justification for making the present request. Two objections were immediately raised: first, it would be interference; and, second, Great Britain would either disregard our prayer, or, if she granted it, we should be under a moral obligation to welcome interference on her part in our domestic affairs.

On February 11, 1852, Seward defended his resolution in a brief but carefully prepared speech<sup>2</sup> containing sev-

<sup>1</sup> For text of all the resolutions, see *Globe*, 1851-52, 502.

<sup>2</sup> 1 *Works*, 186-95.

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“the circumstances in which we stand, in regard to Ireland, render the duty of making it imperative. But for the instructions and example of the United States, Ireland would never have attempted revolution in 1798, nor would William Smith O’Brien now have been an exile; for if it had not been for those instructions and that example, Ireland would long ago have sunk into the slumber of bondage that knows no waking. Again, sir, the failure of Smith O’Brien and his associates resulted from the exhaustion of Ireland. That exhaustion has contributed largely to the elements of our wealth, strength, and power. If we had not withdrawn the political and physical means of self-defence and of resistance from Ireland during the last sixty years, she would now have been able to maintain a successful rebellion.”

It is a conservative summary of Seward's various declarations to say that he believed it to be the duty of well-established republics to encourage and support—morally and politically, at least—every rebellious or revolutionary people striving to found a republic. All the leaders and their followers that might flee from the consequences of failure, and thereby become “exiles,” should be welcomed by the United States and given a portion of our public lands.<sup>1</sup> To an ordinary philanthropist this might seem like rather liberal treatment; but it did not appear so to Seward. It was only the beginning of our peremptory duties. Where the revolution failed, as in Hungary, we had a solemn obligation to protest, and to berate despots for helping one another against their deadliest enemy; for by this means the revolution might be encouraged to break forth again, and the despots might be frightened from their alliance. Where the revolution failed from lack of physical strength, resulting from emigration to our country, then the least that we could do—in expiation for having shores so hospitable that many had preferred to come to

<sup>1</sup> See *post*, Vol. II., p. 52.

them rather than to remain at home and fight for a republic—was to attempt to secure the release of the convicted rebels. Because we ourselves had carried through a successful revolution and established independence, and thereby offered instructions and an example to all friends of liberty, it was an “imperative” duty to try to save all imitators from the penalties of unsuccessful emulation!

It had satisfied the ambition of the showy little Senator from Mississippi to propose that the President open a correspondence with the British government. But this would not be sufficiently picturesque—nor would it fully exploit the opportunities. In the debate on intervention in behalf of Hungary, Seward cherished the delightful delusion that if we spoke, England would follow our example, and then “the ever-fraternizing bayonets of the army of France, if there should be need, would open a passage for the voice of that impulsive and generous nation!” [Hungary.]<sup>1</sup> So now he imagined that “Great Britain would not refuse the boon”—in fact, would be “thankful to us for our confidence in her generosity.”<sup>2</sup> And he suggested, as his last wish, that, instead of using the customary diplomatic channels, the Irish-American champion from Illinois should be made the bearer of the appeal, for he considered that it would be such “a goodly and gracious sight to see that honorable Senator returning to his native land, . . . the bearer of a proclamation of amnesty from the sovereign of his native country.” What a perfect device for flattering Irish-Americans!

Subsequently a resolution was introduced into the House requesting the President, if at the time of the release of the Irish exiles a national ship should be in the neighborhood of Australia, “to proffer it to them as a benefice.”<sup>3</sup> Fortunately, Congress and the country

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<sup>2</sup> *1 Works*, 193.

<sup>3</sup> *Globe*, 1851-52, 1469.



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soon came to a sober second thought; and all this demagogical impertinence was dropped before we had officially abandoned our national dignity and our wise, well-settled policy of not meddling with European politics.

In the mid-summer of 1852, and during the presidential campaign, some of the leading Democrats of the Senate undertook to create excitement on account of the report that Great Britain had resolved to adopt a new practice under the convention of 1818, and exclude the fishermen of the United States from some of the Canadian bays more than six miles wide at the mouth, as well as from those of less width; that the British construction of the convention was to be enforced, and that a large naval fleet had been sent to those northern waters to overawe American fishermen and to prevent them from following their lawful pursuits; that the Secretary of State, Webster, had acknowledged British claims, and that President Fillmore had done nothing to protect American interests. Senator Mason introduced a resolution calling upon the President for all the official correspondence, and inquiring if a naval force had been sent to protect American fishermen.<sup>1</sup> Although speeches were not in order on the resolution, Mason, Cass, and others, spoke of the "insult and indignity to the American people," and of meeting "the British government face to face."<sup>2</sup>

With the death of Taylor, two years before, Seward had ceased to be the spokesman of the Whig administration, but his opinions still carried great weight. He replied to the critics by saying that he was in favor of the resolution, but was opposed to prejudging the action of the President and the Secretary of State; that if the question should prove to be as serious as was thought by some, it was the more important that all should keep

<sup>1</sup> *Globe*, 1851-52, p. 1890.

<sup>2</sup> *Ibid.* and ff.

cool pending the contemplated negotiations.<sup>1</sup> This was the only proper mood.

A few days later the President replied to the Senate's inquiries. Formal attacks were at once begun, especially by Cass and Soulé, before the message could be sent to the committee on foreign affairs. Seward repeated his suggestions about keeping cool, and expressed his intention to show that the administration had been misunderstood and unjustly censured; but the opposition then made an effort to have the question referred without giving him an opportunity to be heard.

In his speech, August 14, 1852, Seward's chief task was to show that there was no ground for alarm.<sup>2</sup> By the convention of 1818 with Great Britain, the citizens of the United States had equal rights with British subjects to fish in certain waters of British America, but they were expressly excluded from fishing within three miles of the shore of all other parts of the British North American possessions.<sup>3</sup> The most profitable fishing was within the three-mile limit, and the use of the shores was also very important in order to compete with the Canadian fishermen. Therefore, there was a constant temptation for our fishermen to disregard the convention. Jealousy led the Canadian authorities to attempt to exclude American fishermen from the bays of Fundy and Chaleur, and others. Finally, the British law-officers supported the claims of the Canadians, but the British government concluded to continue to permit Americans to fish in the Bay of Fundy. The United States claimed it as a right, but England conceded it as a favor. The Canadians chafed under the handicap of our tariff of twenty per cent. on foreign fish and of a large bounty to our fishermen, and they demanded a more rigid enforcement of the convention. England

<sup>1</sup> 1 *Works*, 376 ff.

<sup>2</sup> 1 *Works*, 254-77.

<sup>3</sup> Treaty of 1818, Article I.



proposed to settle all the difficulties by special negotiations on the question of reciprocal trade between the United States and their northern neighbors. The President had referred the question to Congress, but nothing had been done. To soothe her complaining colonists, England had recently increased the number of armed vessels (but not the number of guns) in Canadian waters—not in order to compel negotiations at the cannon's mouth, as had been suggested, but solely to act as a maritime police. All of the twenty-eight seizures that had been made between 1839 and 1851 had been for violations of the convention as construed by ourselves. The questions remained unchanged: for thirty years we had claimed the right to fish in the great bays, but Great Britain had denied it. Congress had neglected to take any action toward bringing about a settlement. The administration had entered into no negotiations about the question and had taken no position to weaken American claims; it had in no way been derelict, unless it was derelict not to undertake to tell Great Britain how large a naval force she might maintain in her own waters.

To the politicians that had been "sounding forth" the "idle alarms" of a coming war, Seward read a most sensible and sobering lecture in these strong, clear sentences:

"The vast commerce of the world is practically divided between these two capital maritime powers, and is as yet largely in the hands of England. . . .

"England is a creditor nation. We are debtors to her. Heaven knows how much capital is not accumulated in England. It is a capital that has been gathered through a thousand years, by a nation of wonderful and world-searching sagacity, industry, and enterprise. We employ of that capital all that we can obtain, for we have need of it all, to bring at once into sudden development and perfection vast and perpetually extending regions, which, for near six thousand years, were, by civilized man, untrodden and unknown.



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A large portion of our public debt is owned in England. Large masses of our state debts are owned there. In addition to that, our merchants are indebted to England. . . .

“England, then, cannot wisely desire, nor safely dare, a war with the United States. . . .

“The United States *might* aggrandize themselves by war, but they are *sure* to be aggrandized by peace. I thank God that the peace of the world is largely subject to the control of these two great powers; and that, while they have common dispositions toward harmony, neither has need of war to establish its character for firmness or for courage. Each has had enough of

“‘The camp, the host, the fight, the conqueror’s career.’”

The reasonable way to deal with such a question would be “by reciprocal legislation with the British Parliament or with the British colonies of some sort.” Meantime he thought a commission should be appointed to ascertain what was practicable.

Seward’s attitude toward this question showed his capacity for discussing important international questions with soberness and directness, although perhaps his first aim was to defend President Fillmore and Secretary Webster, the leaders of the Whig administration, against Democratic assaults for campaign purposes. The speech was highly praised by Webster, and helped to bring about a better party feeling among Whigs of different factions.<sup>1</sup>

The future Secretary of State had manifested not only a taste for questions in foreign relations, but he had also

<sup>1</sup> August 15, 1852, Webster wrote to Seward: . . . “I am happy to hear from all quarters that the effect was marked and impressive; distinguished no less by the new information which you laid before the Senate than by the manner in which it was presented.” He also thanked Seward for complimentary references to him.—Seward MSS. R. M. Blatchford wrote to Seward, August 25, 1852: “Mr. Webster, in a letter I have from him to-day, says: ‘Mr. Seward made a great speech on the fishery question. There was more statesmanlike discussion in it, by far, than anything else of his which has ever come to my knowledge.’”—*Ibid.*

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shown his ability to make himself a leader in that field as well as in others. The method of his defence of the Whig administration gave ample evidence of his capacity to argue like a liberal-minded conservative, familiar with international courtesies and careful to avoid international misunderstandings—just as his declarations and sophistries about the incidents of which Kossuth and the Irish “patriots” were the occasion displayed the contrary. His versatility, influence, and resources were still increasing, and his political limitations had not yet been found.

## CHAPTER XVIII

### THE REPEAL OF THE MISSOURI COMPROMISE, 1853-54

EXCEPT incidentally and in relation to foreign affairs, the word "slavery" was hardly spoken in the session of Congress between December, 1852, and March, 1853. Business felt the flush of prosperity, and the politicians, like the tradesmen, took up new enterprises. But the fires of abolition and of secession were apparently as ceaseless as *Ætna's*. The northern radicals were not discouraged, although popular sentiment was so hostile that they kept their assistance to fleeing slaves as secret as possible. The refusal of the South Carolina convention of 1852 to favor the withdrawal of that state from the Union without waiting for others cut the pride of the leaders, but it had in nowise convinced them that the existing status was not dangerous to their favorite institution. The last Whig administration gave place to a Democratic one, March 4, 1853. Pierce's inaugural address showed that he was conscious of the dangers recently passed, but not very apprehensive of the future. He fervently hoped that the question was at rest, and that "no sectional or ambitious or fanatical excitement" would "again threaten the durability of our institutions." His first annual message promised that the repose should suffer no shock during his term.

Three southern men, destined to exert great influence in both sectional and national affairs, entered the Senate in 1853. Robert Toombs, during his four terms as a Whig Representative from Georgia, had exhibited a boldness, a

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dogmatic force, and a positive eloquence that had won for him distinction and influence. Chance gave him the chair that had been vacated by Hale's retirement, and he early ventured to express the belief that another three years would relieve the Senate of the remainder of the antislavery men—those "common disturbers of the peace and quiet of the Republic."<sup>1</sup> He was still classed as a Whig. From Louisiana came Judah P. Benjamin, a Whig, and John Slidell, a Democrat. Slidell took the place of Pierre Soulé, whom Pierce had commissioned minister to Spain. Strangely enough, none of these three great Louisiana Senators was a native of the state, or even of the South. Benjamin's parents were English Jews, and he was born in St. Croix in 1811, while they were on their way to the United States. During the twenty years he had practised at the New Orleans bar he had risen to the head of his profession in the state. His oratory was fluent, melodious, and fascinating. Slidell was born and educated in New York city, and was graduated from Columbia College in 1810. Several years later he moved to New Orleans and made a specialty of commercial law. One term in the House of Representatives, and a diplomatic mission to Mexico in 1845-46, which helped Polk to fabricate his excuses for the war against that country, were as yet Slidell's only services in national politics. He could not excite the Senate like Toombs, nor charm it as Benjamin did with ease; but he was persistent, industrious, and influential in an unostentatious way, which in subsequent years made him one of the most important men in his section.

The Louisiana territory north of 36° 30', that was still unorganized, was a tract about twelve times the size of Ohio, and larger than France and Germany and Ohio

<sup>1</sup> *Globe*, 1853-54, Apdx., 348.



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combined. It extended from the Missouri-compromise line to British America, and from the western boundaries of Missouri, Iowa, and Minnesota to the Rocky mountains. It was called Nebraska, and was practically uninhabited except by Indians and traders. Like the territories of Oregon, Washington, and Minnesota, recently organized, it was generally supposed to be forever protected from slavery by barriers of nature and positive law. Since 1844 Douglas had made repeated efforts to have this country opened up to the white man. A bill for this purpose, without mention of slavery, passed the House in February, 1853. The Senate laid it on the table by a vote that was neither strictly sectional nor partisan. Doubtless most of the opposition from the South was due to a fear lest immigrants might soon cover the prairies and create new free states, thereby making slavery's weight in the balance relatively less. But Atchison, of Missouri, who had previously opposed organizing this region, now candidly stated that continued resistance would be useless, for there was no hope that the Missouri-compromise restriction would be repealed.<sup>1</sup>

Shortly after Congress convened, in December, 1853, Dodge, of Iowa, introduced into the Senate the bill that had passed the House the previous session. It was soon referred to the committee on territories. On January 4, 1854, Douglas reported it in a greatly changed form. The most important alteration was the provision that when the territory or any part of it should be admitted as a state it should come in with or without slavery as its constitution indicated. The accompanying written report suggested that it was "a disputed question whether slavery is prohibited in the Nebraska country by *valid* enactment"—*i.e.*, whether the Missouri-compromise restriction was con-

<sup>1</sup> *Globe*, 1852-53, 1113.

stitutional. Still the committee would not recommend the affirmance or repeal of the antislavery clause of the Missouri act, nor any declaration as to the meaning of the Constitution in respect to the legal points in dispute. In this manner Douglas, who was the controlling influence in the committee, hoped to keep free from direct responsibility for renewing the discussion about slavery in the territories. Until three days after the bill was first printed, Douglas's acts and utterances plainly indicated that he considered the Missouri-compromise restriction to be in force. Even then, when the twenty-first section of the bill first appeared, it merely declared that "the true intent and meaning of this act [Douglas's bill], so far as the question of slavery is concerned, [is] to carry into practical operation the following propositions and principles, established by the compromise measures of 1850": first, "that all questions pertaining to slavery in the territories, and in the new states to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives"; second, that there should be a right of appeal from the local tribunals to the Supreme Court of the United States on questions of personal freedom and title to slaves; and, third, that the Constitutional guaranty for the return of fugitives extended to the organized territories as it did to the states.

The suggestion of a possible chance to regain what had been lost by the compromise of 1820 startled and encouraged the South. But if slavery should be excluded until recognized by territorial action or that of a constitutional convention, this would be merely a theoretical gain over an absolute exclusion, for no free territory would vote for slavery. The party advantage in the South of immediately putting slavery on an equal footing with freedom was so plain that Senator Dixon, of Kentucky, coveted it for the southern Whigs. So he

proposed to repeal the Missouri-compromise restriction and to declare that "the citizens of the several states or territories shall be at liberty to take and hold their slaves within any of the territories of the United States or of the states to be formed therefrom," as if the Missouri compromise had never been passed.<sup>1</sup> The following day, January 17th, Sumner gave notice that when the Nebraska bill should be taken up he would move an amendment providing that nothing in it should be construed as abrogating or in any way contravening the Missouri act.

The effect of these amendments would be to rob Douglas of the advantages expected to come from equivocation. Surprised and distressed, the Illinois Senator quickly had the bill sent back to his committee. He first remonstrated with and then wheedled Dixon, meantime reviewing the field and calculating consequences.<sup>2</sup> If he retained the position taken in his bill and the accompanying report, he and his party would be beaten at their own game, while he would surely be held responsible by both sections for precipitating a renewal of the slavery agitation. The only possibility of salvation and glory was in a headlong rush. He secured Dixon's consent to incorporate the latter's amendment into his bill; then making the bait still more inviting to the South, he divided the vast tract and proposed to organize it into two territories, giving the name of Kansas to the part lying west of Missouri. The larger and northern portion retained the name of Nebraska. The climate and soil of much of Kansas were sufficiently similar to those of Missouri, where slavery thrived, to convince the South that another slave state could be made

<sup>1</sup> *Globe*, 1853-54, 175.

<sup>2</sup> 1 Nicolay and Hay's *Lincoln*, 345-48; 1 Rhodes's *History of the United States*, 434-36. Mrs. Archibald Dixon's *The Missouri Compromise and its Repeal*, 446 ff.



out of this territory. Needing the support of the administration to secure the success of so bold a scheme, Douglas obtained it in a special conference at the White House, Sunday, January 22, 1854. On the following day he reported from his committee a new bill, favoring the organization of two territories, with the line of 37° north latitude as the southern boundary of Kansas, in order to leave the Cherokee Indians undisturbed. To avoid northern wrath, which would surely follow a proposition to repeal the Missouri compromise—yet desiring to win southern favor for doing away with that compromise—Douglas's bill now declared that that compromise had been "superseded by the principles of the legislation of 1850, . . . and is hereby declared inoperative."

Many Congressmen saw, after the first days of January, that Douglas was playing with fire, but a large number of them considered the scheme too rash for success.<sup>1</sup> Northern newspapers of both parties had mentioned the threatening danger, but nearly all Whigs and Democrats of that section had drunk so deeply of the soothing opiate of "finality" that they seemed indolent and almost indifferent.<sup>2</sup>

Fortunately a few were faithfully standing guard. While Douglas was preparing his net Chase was writing, from a draft made by Giddings, a paper to expose the bad faith and danger of the bill.<sup>3</sup> This paper was published in the leading northern newspapers a day or two

<sup>1</sup> On January 24th, Douglas gave as his chief reason for desiring to enter upon the consideration of his bill, that that seemed to him to be the only way he could get a large portion of his colleagues to read it.—*Globe*, 1853-54, 239.

<sup>2</sup> As late as February 23d, the *New York Evening Post* said: "It strikes us that we must plead guilty for the distinguished men of the Democratic party at the North. Their error, it is charitable to believe, consisted mainly in this: they have been too sanguine in regard to the defeat of a project so very impudently unprincipled as this of the Nebraska bill."

<sup>3</sup> Text in *Globe*, 1853-54, 281.



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after Douglas made his report in the Senate. It soon took the title of "The Appeal of the Independent Democrats," on account of those whose names were appended to it—Senators Chase and Sumner, and Representatives Joshua R. Giddings, Edward Wade, Gerrit Smith, and Alexander DeWitt. It was as startling as an alarm-bell at midnight. No more timely and effective philippic has appeared in our history since the Revolution. In a few thousand words it reviewed the salient points of the whole struggle with slavery. The attempt to repeal the Missouri compromise was denounced "as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast, unoccupied region immigrants from the Old World, and free laborers from our own states, and convert it into a dreary region of despotism inhabited by masters and slaves." It implored Christians and Christian ministers to interpose; it called upon the people to protest against "this enormous crime" by every effective means within their reach. Blow after blow was struck at Douglas, who was charged with making the "dearest interests" of the people "the mere hazards of a presidential game."

Douglas expected, on January 24th, that his bill would be taken up at once; but several Senators, including Chase and Sumner, requested that time should first be given for its private consideration. Douglas consented to a postponement of six days. This gave the "Appeal" an open field in the newspapers, for it was published in the *New York Times*, January 24th. On the 30th Douglas came into the Senate in a towering passion, caused by what he called the "tornado" raised by Chase's document. Because in some of the newspapers it had borne the date of January 22d, which was Sunday, he indignantly complained: "Thus it appears that, on the holy Sabbath, while other Sena-

tors were engaged in attending divine worship, these abolition confederates were assembled in secret conclave, plotting by what means they should deceive the people of the United States, . . . in the name of our holy religion.”<sup>1</sup> It was not known as yet what divine worship Douglas and Davis and President Pierce had engaged in on that particular Sunday. In fact, the appeal was neither written nor signed on Sunday, but on Thursday, January 19th. The erroneous date was due to a clerical error.<sup>2</sup> It was even printed correctly in the *New York Times*.

Douglas's speech contained two leading arguments: one designed to show that the Missouri compromise had already been repealed, the other that popular sovereignty was right and best, even for freedom. Douglas had not at first assumed that the compromise of 1820 had been superseded, but he was positive in declaring that each state formed out of the Nebraska territory should be admitted with or without slavery as its constitution provided. The change of position made imperative by the action of Dixon and Sumner brought forth a peculiar defence. Instead of viewing the Missouri compromise as a result of special circumstances—and the best that each side could obtain at that time—Douglas maintained that the purpose of the line 36° 30' was “to carry out the great principle,” not only in present but in all future territory.<sup>3</sup> This was pure assumption; the admission of Missouri, being a slave state and lying north of that line, violated that “principle.” The adoption of the line was no more a “great principle” than another feature of that agreement—the entrance of a slave state and a free state into the Union at the same time. Subsequently the extremists of each section naturally made as

<sup>1</sup> *Globe*, 1853-54, 276.

<sup>2</sup> *Globe*, 1853-54, 280, 282.

<sup>3</sup> *Globe*, 1853-54, 276.

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much as possible out of the compromise. The men that pursued a middle course and deprecated agitation favored the readoption of past expedients when unforeseen difficulties arose respecting slavery. This was how Douglas happened to propose, in 1845, the extension of the line  $36^{\circ} 30'$  through Texas in case of the redivision of the state. Again, in 1848, when our possessions reached the Pacific in this latitude he moved that the line be extended to that ocean. As is well known, this proposition was defeated through the influence of northern antislavery men. "The very men who now arraign me for a departure from the Missouri compromise," Douglas now angrily charged, "are the men who successfully violated it, repudiated it, and caused it to be superseded by the compromise of 1850."<sup>1</sup> But, in fact, their action in no way affected any part of the Missouri compromise, for merely the extension of the line  $36^{\circ} 30'$  was under consideration.

By similar jugglery he undertook to prove that the Missouri compromise was done away with by that of 1850. The demonstration was attempted by maintaining that non-intervention in 1850 as to slavery in Utah and New Mexico was another great "principle" of general application. This "principle" of non-intervention was in conflict with the earlier "principle" of a geographical line; therefore, the latter compromise annulled the former. Wade then pointedly asked, "Why do you do it over again?"<sup>2</sup> But the compromise of 1850 actually provided for the maintenance of the line  $36^{\circ} 30'$  in the part of Texas that was detached in 1850 and became a part of the unorganized territory of the United States.<sup>3</sup>

Having shown sophistically that it was rank injustice to accuse him of trying to repeal the Missouri compro-

<sup>1</sup> *Globe*, 1853-54, 277.

<sup>2</sup> *Globe*, 1853-54, 277.

<sup>3</sup> *Globe*, 1853-54, 277; *ibid.*, Apdx., 136.



mise, it was only necessary to explain to the deluded North that congressional interference in behalf of freedom was favorable to the development of slavery. Such a brazen absurdity had probably never before occurred to any man, and no one except Douglas ever had the audacity to attempt to prove it. This, however, was easily accomplished by misrepresenting the means by which slavery had in past years been prohibited in Illinois and other territories. It was a proper climax of such effrontery to say to the zealous antislavery men: "If they [the people of Kansas and Nebraska territories] do not want it [slavery] they will not have it, and you should not force it upon them."<sup>1</sup> Many who could grasp merely the outline of such an argument rejected its conclusions, for it was notorious that Douglas's allies wanted the Missouri compromise repealed because it was still in force and was an obstacle to the expansion of slavery.

Chase bore the brunt of the debate because no other Senator had the alertness, physical and intellectual force, and independence necessary to overcome the impetuous "Little Giant." Chase's speech of February 3, 1854, not only refuted every important claim Douglas made, but it gave the history of the struggle against slavery; it outlined the future, and was the truest expression of that sober, conscientious antislavery sentiment that was rising above party or personal interests. After refuting the arguments of Douglas, he challenged all who were in the Senate in 1850, to say if any of them imagined then, or believed now, that the Missouri prohibition was superseded by the legislation of that year. He defied Mason, of Virginia, to say that he had ever even heard of the doctrine before January 23, 1854.<sup>2</sup>

The attitude of the "conscience" Whigs, except

<sup>1</sup> *Globe*, 1853-54, 279.

<sup>2</sup> *Globe*, 1853-54, Apdx., 135.



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Wade, was quite different from that of the independent Democrats and Free-Soilers. The antislavery Whigs, like the antislavery Democrats that had supported Pierce, were broken in spirit and courage by the popular demand for an avoidance of sectional issues. Even Seward had bowed to the "party yoke of no more agitation," and had found an outlet for his superior mind and energy by discussing questions in foreign relations and in internal improvements. His private opinions and feelings had undergone no marked change; but in his case, as in that of most public men, one must distinguish between what he might have preferred to do and what he actually did. It is with the latter that the biographer of his political career is chiefly concerned.

Seward was still regarded as the leader of his party, and as the person most likely to be its next presidential nominee. When Congress met in December, 1853, every one expected a long period of tranquillity. Seward would have been unambitious, indeed, and blind to his legitimate opportunities if he had not already thought of the best road to the White House. During the first week of the session, he gave at his house what he pronounced an "entirely successful" political reception, which was attended by more than half of his party associates in Congress "from all the states, North and South, East and West," and he found it very "gratifying to see how passion had subsided."<sup>1</sup> A little later he dined Senators Jones, of Tennessee, and Dixon, of Kentucky—two devotees of slavery. Seward's account to his wife of this meeting said that they "were very kind, and wanted to talk about slavery all the time, and to convince me how wrong I am and how I persist in ruining great prospects."<sup>2</sup>

<sup>1</sup> 2 Seward, 212.

<sup>2</sup> 2 Seward, 213.

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When Douglas introduced his first bill, Seward wrote home, January 4th, that he would do his duty, but then he added: "I am heart-sick of being here. I look around me in the Senate and find all demoralized. Maine, New Hampshire, Connecticut, Rhode Island, Vermont!!! All, all in the hands of the slave-holders; and even New York, ready to howl at my heels if I were only to name the name of freedom, which once they loved so much."<sup>1</sup> Such bits of sentiment soothed the fears of the affectionate, gentle radical in Auburn, and fed the pleasing self-delusion that Democrats were all "slave-holders," and that the senior Senator from New York was freedom's only true champion and martyr. Four days later he informed Weed that Benton insisted that the Douglas bill could be defeated if the northern states would "remonstrate in public meetings and in legislative resolutions." Benton urged that it be done. Seward submitted this for consideration; but evidently he thought that this would have a tendency to make southern Whigs support Douglas. "I have a hope," he wrote, "that we may get up a division in the South on the subject, and perhaps draw Clayton out to lead an opposition to the 'repeal of the Missouri compromise.' That is the word."<sup>2</sup>

It soon became known that Douglas's aim was to pass his bill with a rush, before strong opposition in Congress could develop or popular indignation could be stirred up. "The Appeal of the Independent Democrats" was quickly responded to by petitions, by protests at public meetings, and by the instructions and requests of legislatures. Even before the debate began the slave-holders had lost their alleged control in New York, Massachusetts, Rhode Island, and Ohio, for those states now presented "an undivided hostility" to the repeal, as Seward wrote.<sup>3</sup>

<sup>1</sup> 2 Seward, 216.

<sup>2</sup> 2 Seward, 217.

<sup>3</sup> 2 Seward, 218.

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For a few days it was supposed that all the leading antislavery men in Congress had signed Chase's document, and that the names of Seward and Benjamin F. Wade were among them. Chase now explained that the final plan was to have it speak merely for the independent Democrats.<sup>1</sup> Wade immediately declared that he "endorsed every word" of the document, but Seward took great pains to disclaim all responsibility for it.<sup>2</sup> Other signs indicated that his first thought at this time was to keep himself ready to take advantage of whatever might occur. He was invited to address a meeting in New York city to protest against the Nebraska bill; or, in case that should be impossible, to send a letter to help "arouse the North to a defence of its rights, and the South to [the] maintenance of its plighted honor." Public business was ample excuse for not attending the meeting; but instead of replying suitably to the other part of the request, he referred to his position in 1850, and said that if he had been supported then the present status would not exist. While he promised to do his "duty here with as many true men as shall be found," yet there was significance in his declaration that he must decline "to go into popular assemblies, as an agitator," and that he had "refrained from all unnecessary discussion of the slave laws of 1850, and of matters pertaining to slavery, even here, as well as elsewhere, because I was unwilling to injure so just a cause by discussions, which might seem to betray undue solicitude, if not a spirit of faction."<sup>3</sup> Wade and the independents, on the contrary, had rather gloried in the fact that they were abolitionists, if opposition to the extension of slavery was the criterion, and they were eager to engage the enemy.

<sup>1</sup> *Globe*, 1853-54, 280.

<sup>2</sup> *Globe*, 1853-54, Apdx., 329.

<sup>3</sup> *4 Works*, 432.



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It was not until February 17th—two weeks after Chase, and eleven days after Wade, and a week after Truman Smith—that Seward took the floor. He had organized the northern Whigs, and selected his position with care.

“For the present,” he said, “I meet the committee who have brought this measure forward on the field they themselves have chosen, and the controversy is reduced to two questions: 1st. Whether, by letter or spirit, the compromise of 1850 abrogated or involved a future abrogation of the compromise of 1820? 2d. Whether this abrogation can now be made consistently with honor, justice, and good faith?”<sup>1</sup>

This placed the responsibility for the movement upon Douglas and the administration, and made the South, both Whigs and Democrats, appear as the aggressors. The position was politically impregnable, and it offered the best advantages to Seward’s peculiar methods and style of debate. With a philosophical calmness that would suit an essay on free-trade or the veto-power, he reviewed the history of the contest between slavery and freedom. With him it was not a question of morals, but a problem in both statesmanship and politics. The Missouri compromise should be maintained because it would “secure the occupation by freemen, with free labor, of a region in the very centre of the continent, capable of sustaining, and in that event destined . . . to sustain, ten, twenty, thirty, forty millions of people and their successive generations forever!” To adhere to it would, in time, secure “two, four, ten, twenty, or more Senators, and Representatives in larger proportions, to uphold the policy and interests of the non-slave-holding states, and balance that ever-increasing representation of slave-holding states, which past experience, and the decay of the Spanish-American states, admonish us has only just begun”;<sup>2</sup> and it would save to all

<sup>1</sup> 4 *Works*, 452.

<sup>2</sup> 4 *Works*, 440.



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the states a right of way across the continent to the Pacific and to the nations beyond it. To abrogate that compromise would resign all to hazards that mortal vision could not fully foresee; it would commit the region to the chances of social, political, and commercial rivalry and jealousy, perhaps to short-lived communities, to conflicts between races and castes—perchance to secession.

Seward effectively met Douglas's groundless assertion that the compromise of 1820 had been repealed by that of 1850. If the Nashville convention of secessionists so understood it, "why did they reject and scorn and scout at the compromise of 1850?" Then he gave this general challenge, somewhat like Chase's a fortnight before:

"I now throw my gauntlet at the feet of every Senator now here, who was in the Senate in 1850, and challenge him to say that he then knew, or thought, or dreamed, that, by enacting the compromise of 1850, he was directly or indirectly abrogating, or in any degree impairing, the Missouri compromise? No one takes it up."

Seward held that if the objection to a geographical line was well taken, it must be because the extension of slavery was no evil, or because the maintenance of the line was impracticable. The laws prohibiting the African slave-trade expressed the judgment of Congress and the American people against slavery. He did not like a territorial line, but it was because he wanted all the territory to be free. If, as Senator Badger and others had claimed, the soil and climate of the Nebraska territory would exclude slavery, why were they so anxious to have the inhibition removed? The same Senator had reproached the opponents of slavery for denying slaves the benefit of being spread out over wider territory; for, he maintained, it would not increase their number or strengthen the institution.<sup>1</sup> Seward replied

<sup>1</sup> *Globe*, 1853-54, Apdx., 149.

by asking Badger to state whether slavery had gained or lost strength by its diffusion over a larger surface than it formerly covered.

The theory of the unconstitutionality of the Missouri-compromise line and the dogma of popular sovereignty were mutually dependent. The Southerners urged the former, and Cass and Douglas were the chief expounders of the latter. Seward replied that it was the peculiarity of compromises that constitutional objections, like all others, were buried under the settlement, for the respective parties waived all objections in consideration of the equivalents received. Could one party now revive old objections and refuse the promised equivalents without itself first restoring the equivalents it had received? He maintained that Congress, if it had the power to create and govern territories, had the right to exclude slavery from them; for "find the authority of Congress over the territories wherever you may, there you find no exception from that general authority in favor of slavery." The greatest difficulty in the defence of popular sovereignty was to show not that it was right or that the denial of it was despotic, but that it was practicable to carry it out save in certain directions. The Federal control over the laws, the governors, the judges, and other officers of the territories, must still be maintained.

The South disclaimed responsibility for the disturbance of the compromise of 1820, even if still in operation, because the movement against it was begun and led by a northern Senator who received substantial support in his own section. Seward pointed to the mass of protests, under which the Senate table almost gave way, as evidence that Douglas had no authority to surrender northern claims. "Are you quite sure," said Seward, in one of his polite but cutting interrogatories, "you have given her [the North] timely notice? Have you not, on

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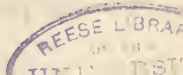
the contrary, hurried this measure forward to anticipate her awakening from the slumber of conscious security into which she has been lulled by your last compromise?"

If perfect composure and courtesy were not second nature with Seward, one might almost believe that he assumed them in the present debate in order that the reflections, the warnings, and the prophecies he was making might be more impressive.

"Senators from the slave-holding states, you are politicians as well as statesmen. . . .

"I have nothing to do, here or elsewhere, with personal or party motives. But I come to consider the motive which is publicly assigned for this transaction. It is a desire to secure permanent peace and harmony on the subject of slavery, by removing all occasion for its future agitation in the Federal legislature. Was there not peace already here? Was there not harmony as perfect as is ever possible in the country when this measure was moved in the Senate a month ago? . . ."

"Senators from the slave-holding states: You, too, suppose that you are securing peace as well as victory in this transaction. I tell you now, as I told you in 1850, that it is an error, an unnecessary error, to suppose, that because you exclude slavery from these halls to-day, that it will not revisit them to-morrow. You buried the Wilmot proviso here then, and celebrated its obsequies with pomp and revelry; and here it is again to-day, stalking through these halls, clad in complete steel as before. Even if those whom you denounce as factionists in the North would let it rest, you yourselves must evoke it from its grave. . . . You will not cease to cherish slavery. Do you see any signs that we are becoming indifferent to freedom? On the contrary, that old, traditional, hereditary sentiment of the North is more profound and more universal now than it ever was before. The slavery agitation you deprecate so much is an eternal struggle between conservatism and progress, between truth and error, between right and wrong. You may sooner, by act of Congress, compel the sea to suppress its upheavings, and the round earth to extinguish its internal fires, than oblige the human mind to cease its inquirings, and the human heart to desist from its throbbings. . . ."





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... "The non-slave-holding states are teeming with an increase of freemen—educated, vigorous, enlightened, enterprising freemen—such freemen as neither England, nor Rome, nor even Athens, ever reared. Half a million of freemen from Europe annually augment that increase; and ten years hence half a million, twenty years hence a million, of freemen from Asia will augment it still more. You may obstruct, and so turn the direction of those peaceful armies away from Nebraska. So long as you shall leave them room on hill or prairie, by riverside or in the mountain fastnesses, they will dispose of themselves peacefully and lawfully in the places you shall have left open to them; and there they will erect new states upon free soil, to be forever maintained and defended by free arms, and aggrandized by free labor. American slavery, I know, has a large and everflowing spring, but it cannot pour forth its blackened tide in volumes like that I have described. If you are wise, these tides of freemen and slaves will never meet, for they will not voluntarily commingle; but if, nevertheless, through your own erroneous policy, their repulsive currents must be directed against each other, so that they needs must meet, then it is easy to see, in that case, which of them will overcome the resistance of the other, and which of them, thus overpowered, will roll back to drown the source which sent it forth.

"'Man proposes, and God disposes.' You may legislate, and abrogate, and abnegate, as you will; but there is a Superior Power that overrules all your actions, and all your refusals to act; and, I fondly hope and trust, overrules them to the advancement of the happiness, greatness, and glory of our country—that overrules, I know, not only all your actions, and all your refusals to act, but all human events, to the distant but inevitable result of the equal and universal liberty of all men."

The common remark that politics, like misery, makes strange bedfellows, has rarely been so well illustrated as in this struggle. There would have been no possibility of passing the bill if its significance had been clearly defined, or even if the South had had to accept Douglas's explanations and arguments. A northern Democratic leader, pretending to care only for popular sovereignty—the principle of American independence—had, mani-



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festly for personal advantage, revived the discussion about slavery in the territories; and then, in self-defence, felt compelled to maintain that the Missouri compromise had already been repealed. He and Dixon, a southern Whig, became allies, although the latter insisted "that the Missouri restriction, if not expressly repealed [in 1854] would continue to operate."<sup>1</sup> Dixon's position was remarkably brief and frank: "I know no Whiggery, and I know no Democracy. I am a pro-slavery man."<sup>2</sup> Badger was a southern Whig, who in years past had acknowledged that Congress had full power over the territories. His greatness as a lawyer did not always appear in his logic when arguing as a politician. He made such incompatible declarations as these: "It is in the highest degree probable that with regard to these territories of Nebraska and Kansas, there will never be any slaves in them"; by forbidding us to take slaves thither, you force us to sell them, and make us "become hard-hearted slave-dealers"; the whole movement of the abolitionists has "tended to restrict, rather than to relax, the bondage" of the slave.<sup>3</sup> When the North Carolina Senator was making his pathetic plea for allowing a master to take into the territories the old slave that had nursed him in childhood—exclaiming, "Why, in the name of God, should anybody prevent it?"—Wade interjected that there was no objection to Southerners taking their old mammies into these territories; the objection was merely to their retaining the right to *sell* them there.<sup>4</sup> Toombs, a Whig, and Brown and Butler, Democratic Senators from Mississippi and South Carolina respectively, all strenuously contended that the com-

<sup>1</sup> Mrs. Dixon's *History of the Missouri Compromise and its Repeal*, 446.

<sup>2</sup> *Globe*, 1853-54, 240.

<sup>3</sup> *Globe*, 1853-54, Apdx., 149.

<sup>4</sup> Riddle's *Wade*, 199; 2 Wilson's *Slave Power*, 388.

promise of 1820 was unconstitutional, for the Constitution protected slaves as property in all the territories. Brown and Butler considered the doctrine of popular sovereignty an utter absurdity, and Brown's refutation of it has never been surpassed: "To admit the sovereignty of a territory is to admit the existence of a state out of the Union."<sup>1</sup> Butler viewed the relation between the Federal government and the territories as being like that of a guardian toward a ward; and he believed that the theory of popular sovereignty would soon be abandoned if a territory should establish polygamy or any institution that outraged popular opinion.<sup>2</sup> Douglas's purpose forbade his attempting to argue against the favorite southern dogma as to slave property in the territories; but Cass, less obsequious than formerly, attempted to show that it was "of very recent birth" and impracticable, because if the special institutions of the states extended to the territories, the latter would have to administer not their own laws, but the various and probably conflicting laws of the states.<sup>3</sup> As a matter of fact, the advocates of these conflicting theories destroyed each other's arguments; the task was easy, for both theories were groundless and were mere inventions to suit special purposes.

The opponents of the repeal movement found the defensive unusually advantageous. They could all agree in pointing out the mutual contradictions of their antagonists, and the pell-mell haste with which this measure was driven forward. The antislavery men joined with

<sup>1</sup> *Globe*, 1853-54, Apdx., 231.      <sup>2</sup> *Globe*, 1853-54, Apdx., 239, 240.

<sup>3</sup> *Globe*, 1853-54, Apdx., 271 ff. "It is evident, if this doctrine is sound, that the jurisprudence of a country would not be regulated by its condition, nor by the wants nor wishes of its inhabitants, but by thirty-one remote legislatures, equally indifferent to its interests, and ignorant of necessities. Such a system would be *a new thing under the sun*, the aphorism of the wise man of Israel to the contrary notwithstanding."—*Globe*, 1853-54, Apdx., 274.

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many conservative Whigs and Democrats, who had supported the compromise of 1850, in extolling that of 1820; in fact, they vastly outdid them, for this was the most practical way to show that slavery was now taking the aggressive. Judging their words merely, this was not altogether sincere, for there was not one of them that would not have been glad to blot out that compromise for anything more favorable to freedom; nor was there, probably, one of them that had not favored, or promised to favor, the repeal of some part of the compromise of 1850. Had they been as absolutely candid as Dixon, they would have said: "We know neither parties nor compromises, except when they will aid us as antislavery men." Badger, Toombs, and others had no difficulty in making the pretences of their adversaries appear ridiculous.<sup>1</sup> Seward was fully estopped, by his action since 1850, to call any compromise "irrepealable and unchangeable." There was nothing about the Missouri compromise that made it more sacred than that of 1850. He had promised to vote to change the fugitive-slave law—but had not kept his word—and he had announced that he belonged to a class that considered the compromise of 1850 subject to "review, modification, and repeal."<sup>2</sup>

Innumerable attacks and the lack of reliable support compelled Douglas to surrender his pretension that the compromise of 1820 had been superseded. On February 7th, he offered an amendment declaring that the Missouri compromise had become "inoperative and void," because "inconsistent with the principles of non-intervention" recognized in 1850.

Of course the right to close the debate belonged to him. It was nearly midnight, on March 3d, when he obtained the floor. For more than three hours he spoke in an impetuous and angry manner. The storm that

<sup>1</sup> *Globe*, 1853-54, Apdx., 148, 348.

<sup>2</sup> 2 Seward, 162.



was gathering in the North made it necessary for him to show that his responsibility and the importance of the measure were very slight: he was merely the instrument of the Senate, who had placed him upon the committee on territories. If the Missouri compromise of 1820 was ever a compact at all, it was broken by the North, in 1821, when Missouri was forced to change the provision of her constitution respecting free negroes. If there was any compact it must have been between the North and the South—but a majority of the North voted against the Missouri compromise. "If there is such a geographical line, it ought to be obliterated forever, and there should be no other parties than those provided for in the Constitution, viz., the states of the Union."

What worried him most was the frequent assertion that no one thought, in 1850, that Nebraska was to be affected. He replied by saying that his opponents had seized upon a mere incident and overlooked the real principle, which was non-intervention. Would any one say that that principle had not been thought of? He not only showed that it had often been mentioned in 1850, but quoted the declaration of the Illinois legislature, in 1851, that the principle ought to be applied to all the territories. His movements were so quick that he seemed to rout the "abolition confederates." But, in fact, he had entirely evaded the question, for he did not show that he or any one else supposed, in 1850, that the principle of non-intervention actually touched Nebraska. By such tricks as this, by adroit definitions and subtle quibbles, by shifting words or ideas, by a wonderful command of facts and an effective sophistry—and by uniting all in an impetuous, roaring torrent of words, he refuted or confused and then seemed to sweep away one after another all the arguments of his opponents. Seward had referred to Missouri as having come into the Union under the compromise of 1820, and to Henry



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Clay as its author. After drawing Seward well into the trap, Douglas forced him to admit that Missouri came in under the act of 1820 and that of 1821, and that Clay's part of the compromise was the act of 1821. What wonder that Seward voluntarily said of Douglas, "I have never had so much respect for him as I have to-night."<sup>1</sup> The righteous indignation and overwhelming assurance that Douglas could display were amazing. He complained that he had been denounced and burned in effigy, all on account of the gross misrepresentations of his assailants. Instead of being responsible for the agitation, he alleged that it was due to the abolitionists, who had never ceased agitating since 1820; yet he was suffering persecution for the sins of his enemies! He felt sure that the pending measure would "destroy all sectional parties and sectional agitation" and "be as popular at the North as at the South, when its provisions and principles shall have been fully developed and become well understood."<sup>2</sup>

At a few minutes before 5 A.M. of March 4, 1854, this bill passed the Senate by a vote of thirty-seven to fourteen.

In the House the arguments and motives were about the same as those in the Senate, but filibustering and violence of speech and action gave a more realistic expression to popular sentiment. If the vote could have been postponed until the opinion of the North had exerted its legitimate influence, doubtless a majority would have been obtained against the measure. Pierce aided in the passage of the bill by making support of it a test of party loyalty. Under the lead of Richardson, of Illinois, and Alexander H. Stephens (privately advised by Douglas, who was frequently on the floor), the struggle was brought to an end on May 22d. All of the Senate

<sup>1</sup> *Globe*, 1853-54, Apx., 331.

<sup>2</sup> *Ibid.*, 338.

bill, with an unimportant exception, was approved by a vote of one hundred and thirteen to one hundred. The members in the House and the spectators in the galleries received the announcement, some with applause and others with hisses.<sup>1</sup> Owing to the changes made by the Representatives, it was necessary for the bill to be returned to the Senate.

Before this time the measure had aroused the enthusiastic approval or hatred of almost every voter in the country. Political belief must permeate society deeply before the clergy expound it. Until within a few years one of the most common and bitter complaints of the abolitionists had been that the pulpit was an ally of slavery. Now a great evolution, if not revolution, had taken place. In March, 1854, Edward Everett presented to the Senate a remonstrance from three thousand and fifty New England clergymen against the Kansas-Nebraska bill. Many members of the same profession in and near New York city also petitioned against it. A little later even Douglas felt compelled to submit a similar memorial from over five hundred others in the northwestern states. Later still came more remonstrances from New England. In fact, almost all religious congregations had become schools for the propagation of antislavery teachings. And the church was a sign of, rather than an exception to, the popular indignation.

Quite aside from the purely moral question there was a very practical one. The character of the population that had of late years settled in Illinois and Wisconsin, or swept across the Mississippi into Iowa and Minnesota,

<sup>1</sup> *Globe*, 1853-54, 1254. "Of the southern Representatives, four Democrats and five Whigs had voted against the bill; the northern Whigs stood solid in the minority, and the northern Democrats were equally divided — forty-three against forty-three. From the North, eighty-eight delegates had voted against and forty-three for the bill." —4 Von Holst, 452.

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indicated that this Nebraska country would belong to ambitious and thrifty young Northerners and to hardy peasants from Germany and Scandinavia. It was regarded as the inheritance of the rising generation. For the first time slavery now came into positive conflict with what hundreds of thousands at the North regarded as their material interests, for the admission of slavery to Kansas and Nebraska was sure to be a great barrier to free laborers. Even men that were indifferent to moral questions felt the keen point of this personal interest. Otherwise the comparatively few reformers who had long been hated as "agitators and abolitionists" could not have set half the nation in a blaze in a few weeks.

To Southerners the success of this measure meant the admission of slavery into all the present and future territories of the United States—into all the territory that the government could be induced to seize or conquer. They were not pursuing idle fancies, but were making definite and resolute plans for future acquisitions. It was supposed that Cuba was already practically within our grasp, and yet she was regarded as the merest appetizer. More slave territory would lead to a call for cheaper slaves, who could be supplied only by reopening the slave-trade. This was already seriously discussed in the South.

The course of events had cleared up many doubts by the time Seward made his final argument against the bill, May 25, 1854.<sup>1</sup> Employing a reference to an astronomical phenomenon of the morrow, he said: "The sun has set for the last time upon the guarantied and certain liberties of all the unsettled and unorganized portions of the American continent that lie within the jurisdiction of the United States. To-morrow's sun will rise

<sup>1</sup> 4 *Works*, 464 ff.



in dim eclipse over them. . . . We are on the eve of the consummation of a great national transaction—a transaction which will close a cycle in the history of our country.”

It was the belief or pretence of those in favor of the bill that they were establishing a principle that would relieve Congress of all action in regard to slavery. To this Seward made the incisive reply: “No; you establish no principle, you only abrogate a principle which was established for your own security as well as ours; and while you think you are abnegating and resigning all power and all authority on this subject into the hands of the people of the territories, you are only getting over a difficulty in settling this question in the organization of two territories, by postponing it until they come here to be admitted as states, slave or free.”

Seward’s speculations about the way the rivalry between slavery and freedom would work out its settlement are interesting, because they show the starting-point of several of his most statesman-like acts as well as of some of his great miscalculations during the next few years.

“This antagonism must end either in a separation of the antagonistic parties—the slave-holding states and the free states—or, secondly, in the complete establishment of the influence of the slave power over the free—or else, on the other hand, in the establishment of the superior influence of freedom over the interests of slavery. It will not be terminated by a voluntary secession of either party. Commercial interests bind the slave states and the free states together in links of gold that are riveted with iron, and they cannot be broken by passion or by ambition. Either party will submit to the ascendancy of the other, rather than yield to [give up] the commercial advantages of this Union. . . . Who is there, North, that hates slavery so much, or who, South, that hates emancipation so intensely, that he can attempt, with any hope of success, to break a Union thus forged and welded together? . . . I



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know that men may rave in the heat of passion, and under great political excitement; but I know that when it comes to a question whether this Union shall stand, either with freedom or with slavery, the masses will uphold it, and it will stand until some inherent vice in its constitution, not yet disclosed, shall cause its dissolution. . . .

. . . "If they [the champions of slavery] shall succeed, I shall be, as I have been, a loyal citizen. If we succeed, I know they will be loyal also, because it will be safest, wisest, and best for them to be so. The question is one not of a day, or of a year, but of many years, and, for aught I know, many generations. Like all other great political questions, it will be attended sometimes by excitement, sometimes by passion, and sometimes, perhaps, even by faction; but it is sure to be settled in a constitutional way, without any violent shock to society or to any of its great interests. . . . In pursuing such a course, it seems to me obviously as wise as it is necessary to save all existing laws and constitutions which are conservative of freedom, and to permit, as far as possible, the establishment of no new ones in favor of slavery, and thus to turn away the thoughts of the states which tolerate slavery from political efforts to perpetuate what in its nature cannot be perpetual, to the more wise and benign policy of emancipation."

Seward's leadership was successful because he was always optimistic and adroit in what he said in public. In the face of the overwhelming victory for slavery—and he assumed that slavery might get Kansas, Cuba, and all of Mexico down to the isthmus—he pronounced the signs not discouraging. His reason was that the South could not supply the slaves for this region. Lest some might doubt this, if the slave-trade should be reopened, he declared: "No one, I am sure, anticipates the possible re-establishment of the African slave-trade."<sup>1</sup> Only a few weeks earlier he had written: "Southern men begin to talk about repealing the prohibition of the African slave-trade. It would be no more surprising to me to see that done than it is to see what I am now see-

<sup>1</sup> 4 *Works*, 470.

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ing.”<sup>1</sup> The question had frequently been discussed in public and private during the spring of 1854.<sup>2</sup> Of course his aim now was to inspire his followers in the charge he wished to lead. “Come on, then, gentlemen of the slave states. Since there is no escaping your challenge, I accept it in behalf of the cause of freedom. We will engage in competition for the virgin soil of Kansas, and God give the victory to the side which is stronger in numbers as it is in right.”

Chase, Wade, and Sumner did more than suggest the possibility that the free states might learn that laws could be repealed; like Shylock, they clearly announced that the North would “better the instruction.” Chase called for the denationalization of slavery, and declared that it should be permitted to live only within the states where it was out of the reach of congressional legislation.<sup>3</sup> Wade promised his opponents that thenceforth he would be “an *Abolitionist* at heart while in the slave-cursed atmosphere of the capital,” and announced that slavery must be driven back and confined within the states where it existed.<sup>4</sup> Sumner called on the people to strike slavery, not only in the territories and the District of Columbia, but also in the domestic slave-trade, especially upon the high seas. “Everywhere within the sphere of Congress the great *Northern Hammer* will descend to smite the wrong; and the irresistible cry will break forth, ‘No more slave states!’”<sup>5</sup> This was sufficient to enable Douglas to declare, in closing the debate, that these leaders had avowed themselves in favor of “civil war, servile insurrection, and disunion”; and he denounced it as treason.<sup>6</sup>

<sup>1</sup> 2 Seward, 224.

<sup>2</sup> 2 Weiss's *Theodore Parker*, 206, 207; Pike's *First Blows of the Civil War*, 226-29.

<sup>3</sup> *Globe*, 1853-54, Apx., 781.

<sup>4</sup> *Globe*, 1853-54, Apx., 764, 765.

<sup>5</sup> *Globe*, 1853-54, Apx., 785.

<sup>6</sup> *Globe*, 1853-54, Apx., 787.

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Shortly after one o'clock on the morning of May 26th, the Senate recorded its vote of thirty-five to thirteen in favor of the bill as passed by the House. The spectators again disregarded the rules, and made such "demonstrations of applause" that the presiding officer threatened to have the galleries cleared. Once more, as when the joint resolution for the annexation of Texas was adopted, slavery's victory was announced in thundering salutes on Capitol hill. The antislavery men went to their abodes in deeper gloom than they had ever before experienced. What had occurred during the past five months had been so extraordinary that many must have feared, as Mason and Toombs had prophesied, that they would be swept out of office.

In this great debate—perhaps the greatest in all our history—Seward was one of the four opposition leaders in the Senate, but he had not taken the chief part as he did in 1850. Chase and Sumner and Wade attacked with the dash of fearless cavalry. Seward organized his forces and kept on the defensive as much as possible. There were two reasons for this: unlike Chase and Wade, he had, as has been noticed, neither talent nor taste for a close debate; and he had heavy responsibility and great prospects in relation to the party of which he was the leader. Therefore, he preferred to manage the Whigs and to prepare speeches likely to appeal to and fascinate as large a proportion as possible of the reading public of the North. His arguments against the bill were suited to this purpose. The *Tribune* had gone to the great trouble and expense, at that time, of having the speech of May 25th telegraphed in full from Washington.<sup>1</sup> The suburban newspapers in all parts of the North usually copied Seward's most striking passages. The speech of February 17th was trans-

<sup>1</sup> *Tribune*, May 27, 1854.



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lated into German, and was widely read even in western Texas.<sup>1</sup> Douglas indicated how this speech was regarded when he complained, on March 3d, that one of its statements was "published in every abolition paper, and repeated by the whole tribe of abolition orators and lecturers." From Springfield, Illinois, W. H. Herndon reported to Seward that he had "a fast and growing popularity out West," and added: "Mr. Lincoln, my partner and your friend, and formerly Member of Congress from our district, thinks your speech most excellent."<sup>2</sup> Of Seward's final protest against the bill, the *Tribune's* opinion was that no speech "had attracted or deserved more attention"; that "in compactness, clearness, and calmness" it had not often been surpassed; while its "hopeful, buoyant spirit under circumstances of defeat" would "inspire many anxious hearts."<sup>3</sup> Congratulations were very numerous—among them many from clergymen of different denominations, and the editor of the *Times* in a personal letter gave it the highest praise.<sup>4</sup>

<sup>1</sup> 1 Rhodes, 453.

<sup>2</sup> March 21, 1854, Seward MSS.

<sup>3</sup> *Tribune*, May 27th.

<sup>4</sup> "I had no idea such a rainbow could hang out on such a cloud. Your hopeful bearing and assurances—the future which *you* see and depict—have done more to encourage me than anything else I have seen or heard. I am not so loyal to the Union as you are. *Empire* is a grand ambition, but *freedom* is loftier. Still the popular heart will respond to your sentiment and its utterance will do good. We are the most ambitious people the world has ever seen; and I greatly fear we shall sacrifice our liberty to our imperial dreams."—Raymond to Seward, May 30, 1854.—Seward MSS.



## CHAPTER XIX

### PARTY TRANSFORMATIONS.—THE REPUBLICAN PARTY AND ITS LEADER.—1854-55

BEFORE Douglas had even thought of the repeal of the Missouri compromise, the story of *Uncle Tom's Cabin*, like the shots at Concord bridge, had been "heard round the world"; but the tale had not yet exerted any political influence. The contest that Douglas precipitated brought into action the latent indignation of men of character, who felt that their intelligence had been insulted by the sophistries of the politicians, or who had been aroused by the inhumanity described by Mrs. Stowe. It was soon noticed that, whereas formerly the true apostles of freedom were generally men of excitable temperament, without business capacity and given to vagaries, now the ablest lawyers, the most prosperous merchants, and the shrewdest editors became conspicuous figures in the agitation. "Abolitionist" soon ceased to be a word of reproach and became almost synonymous with political independence and conscience. Even the Garrisonians had now overflowing audiences, and they found their journals rapidly increasing in circulation.

Men that were as free to act as they were to think expected that the opponents of the Douglas-Dixon movement would quickly assume a definite and permanent political organization. "Party names and party prejudices are the cords that bind the Samson of the North," wrote Dr. Bailey, the editor of the *Washington National Era*, an antislavery journal. To him belongs

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the chief credit of bringing about a caucus of northern Congressmen, who finally agreed to give the northern fusion the name of the Republican party.<sup>1</sup> But the selection of a new name had at first no marked effect, for the politicians were not desirous of calling themselves Republicans before there was a corresponding organization in their own states; so they continued to be known as "anti-Nebraska men." In June they united in an appeal to the country against the policy that had recently prevailed.<sup>2</sup>

The first large Republican convention was held in Jackson, Michigan, early in July, where a state organization was formed. The example was soon followed in Wisconsin, Vermont, and Maine. Similar attempts were made in Ohio, Illinois, Indiana, and Iowa, but, at first, with much less success. Meantime many had called for a new national party; but it was not so easy to form one. The Free-Soilers said they could not, without self-stultification, give up their name and organization and accept those of the Democrats or of the Whigs. The anti-Nebraska Democrats felt that if they should allow themselves to be engrafted upon either of the other parties they might appear to confess openly that formerly they themselves had been pro-slavery. Recent extraordinary successes in local elections at the North made the Whigs feel quite self-sufficient; so they said, in effect, to their temporary allies: "If you really desire to fight slavery, you have only to come and join with us, for no northern Whig in Congress voted with Doug-

<sup>1</sup> Pike, 233, 234; <sup>2</sup> Wilson's *Slave Power*, 410, 411.

<sup>2</sup> In a letter to his wife, Seward wrote: "Our friends here are becoming more reliant on my advice and help, and more tenacious of my appearing with them in my votes. How do you like my address of the 'anti-Nebraska' men?"—2 Seward, 234. But as no authoritative reference to him as the author has been found, it seems probable that he merely meant that it was written along the line of his ideas.

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las." The effective retort was: "But it was you Whig leaders that helped make up a majority for the 'finality' programme in 1852. In the recent contest all but a very few of you were careful to keep the party on the defensive merely, while we propose not only to repeal this repeal, but also to drive slavery back and confine it to the narrow limits of its positive constitutional rights."

Thomas H. Benton had used some vigorous arguments and effective satire in debating against the Kansas-Nebraska bill in the House, and had won enthusiastic applause in the North. His independence and courage, together with the decline of his power in Missouri, seemed to give heroic proportions to his long and picturesque career. It was believed that, as a Democrat, he could attract a very large portion of his old partisans in the free states. Seward was head and shoulders above any other Whig both in practical leadership and in popularity. Therefore, many urged that these two men should be put forward in the campaign of 1856 as the candidates of a new party. At the same time it was suggested that if Seward would consent to this arrangement he should have the nomination for the presidency in 1860. The presidential campaign was still two years in the future, while Seward's term in the Senate would expire in March, 1855. Weed and Seward were not in the habit of trying to seize the acropolis before they had scaled the city walls. Moreover, the *New York Times*, which generally reflected their sentiments, repeatedly predicted, in May and June, 1854, that Seward would be the successful Whig candidate for the presidency in 1856.

Seward did not expect that the Whig party would be dissolved.<sup>1</sup> To Theodore Parker, who had asked his support in getting up an antislavery convention of all

<sup>1</sup> 2 Seward, 231.

the states, he expressed the belief that a national convention would at that time bring together only the old party leaders; it would be better to let each state act for itself in 1854, and subsequently convene the states into a general council; and that it was not the duty of the men in Washington to lead in the antislavery movement, but "to co-operate in the reforms it shall demand."<sup>1</sup> Weed, too, gave plausible reasons for continuing the Whig party.<sup>2</sup> Not even the antislavery spring-tide could sweep them from their partisan anchorage.

In New York there were also strong indications that a majority of the voters would prefer a distinctly anti-Nebraska party. The *Tribune* urged this with much feeling. An anti-Nebraska convention, composed of Whigs, Free-Soilers, and independent Democrats, met at Saratoga in August, 1854. The platform declared that the Missouri-compromise line should be restored, that slavery must be excluded from all the territories, and that no more slave states should be admitted into the Union.<sup>3</sup> Many expected that a state Republican ticket, in imitation of the action of the Michigan Republicans, would be nominated; and such would probably have been the case if Whigs had not been in control. A resolution was brought forward declaring that when the convention adjourned it should do so to meet on September 26th, in Auburn, and that if there should then be satisfactory candidates in the field they should be supported. As it was foreseen that the regular Whig convention would meantime be held, and that

<sup>1</sup> 2 Seward, 232.

<sup>2</sup> "The business of reconstructing parties and platforms is a difficult and delicate one. Let those undertake it who will, and those perform it who can. For ourselves we are content with the plain practical work that lies here before us, marked out by the people themselves, and waiting only for us to put our hands to it."—*Evening Journal*, June 7, 1854. See also Pike, 237.

<sup>3</sup> *Tribune*, August 18, 1854.



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the passage of this resolution would enable it to claim the undivided support of the anti-Nebraskans, such serious objection was made to the last part of the resolution that it was withdrawn.<sup>1</sup> To allay the fear of Free-Soilers and Democrats that they might be overborne by the Whigs in this Saratoga convention, it had been agreed that each of the five delegates from a district should have an independent vote. This was now changed so that in the Auburn convention a majority of each district should cast the district vote.<sup>2</sup> Evidently it was designed to secure approval for the Whig nominations.

The Whig state convention met at Syracuse, September 20, 1854. It adopted strong antislavery resolutions and nominated a ticket made up entirely of Whigs, although there had been a pretence of favoring fusion.<sup>3</sup> The leaders had such confidence in the arrangements for receiving the approval of the anti-Nebraska convention at Auburn, and they found the state Democracy so split into factions, that it was deemed unnecessary to choose any except Whigs as candidates. Horace Greeley had let it be known that he considered the time opportune for him to receive some substantial reward for his past services and his present prominence. He aspired to the governorship. But the convention nominated Myron H. Clark for the first place and Henry J. Raymond for the lieutenant-governorship. Clark had recently won great popularity by his activity in the state senate in advocacy of a bill limiting railroad fares to two cents a mile and of another bill prohibiting the sale of liquor. Raymond had served his apprenticeship in journalism under Greeley, first on the *New Yorker* and afterward on the *Tribune*. James Watson Webb recognized his superior

<sup>1</sup> *Tribune*, August 19, 1854.    <sup>2</sup> *New York Times*, August 19, 1854.

<sup>3</sup> *Tribune*, November 9, 1854.

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qualities and gave him a position on the *Courier and Enquirer*, where circumstances put him in sharp rivalry with Greeley, especially when the latter favored Fourierism and other vagaries of the time. Raymond was soon elected to the state assembly, and for a term served as its speaker. When the *Times* was founded, in 1851, he became its editor, and made it more of a party and less of a personal and reform organ than the *Tribune*. Raymond was not less brilliant but was vastly more practical than Greeley, and by 1854 he had forced Greeley out of first place in the confidence of Weed and Seward. We shall see how Greeley resented this.

The adjourned anti-Nebraska convention and that of the Free Democracy met at Auburn toward the end of September. The anti-Nebraskans found that the Whigs, by making vigorous antislavery declarations, had anticipated them and temporarily destroyed the chances of forming a new party; so all except a few bolters accepted the Whig nominees. The Free Democracy nominated a fusion ticket with Clark at the head. A temperance convention also chose him. The faction of the Democrats known as the "Hards"—made up chiefly of the Hunkers of former years—favored the Nebraska bill, opposed prohibition, and nominated Judge Bronson. Their rivals, the "Softs," were less positive except in their desire for offices; and their devotion to principle was humorously described by Daniel S. Dickinson when he said that they had condemned the Nebraska bill and congratulated the country on its passage. They renominated Horatio Seymour.

As the old parties crumbled and divided, many voters allied themselves with the growing Native-American movement which had shown a sporadic existence for nearly twenty years.<sup>1</sup> The great increase of European

<sup>1</sup> See *ante*, 135 ff.

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immigration, as a result of the revolutions of 1848-49, excited the fears of a large proportion of the Whigs and the Protestants because so many of the immigrants were Catholics and became Democrats. Nor did the South look upon them with favor, for most of them settled in the North and were unfriendly to slavery. So when the political upheaval of 1854 came, the "Americans" profited by it. Their organization was secret and oath-bound and soon had members in every state. They declared that the Pope was conspiring to extend his temporal power to the United States. They called themselves "The Sons of '76" and "The Order of the Star-Spangled Banner," and glorified Washington and made "America for Americans" their motto. By such means they attracted to their ranks countless patriotic but not very thoughtful men, who were tired of the question of slavery. By the summer of 1854 it became evident that many voters—especially the youthful and ill-balanced ones—had been drawn into the movement, which was popularly styled the "Know-Nothing" party, because "I don't know" was one of the countersigns of the order as well as the response given to inquiries from the uninitiated. Its chief aims were: first, and most important, to check and restrict the political influence of foreign-born citizens; and, second, to prevent the Catholics from obtaining supremacy in the public schools or from injuring these schools by securing state appropriations for Catholic schools. The realization of the former aim was sought by demanding twenty-one years' residence before the granting of citizenship, and by excluding all except native Americans from office.

It was suspected that the Know-Nothings in New York were gaining large accessions from the other parties. Everything they did was odd and mysterious, and, to the curious, alluring. They did not hold their state convention until shortly before the election.



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Only the initiated were allowed to pass the guards outside. The proceedings were secret, and the design was to keep them so to all persons not in the order. The results were communicated to the different lodges; and every "Son of '76" had already sworn to support the decision of the convention. As the "Americans" held no public meetings, and made no demonstrations, they alone knew the numerical strength of their organization. It was eventually revealed that David Ullman, a conservative Whig, had been selected as the head of their state ticket. Especially in this campaign in New York, Know-Nothingism was a unique phenomenon; for its membership was made up of many politicians that continued to be known and to receive support as Whigs or Democrats.

Since the early days of Anti-masonry, Seward had been a consistent opponent of secret political organizations, and an equally consistent champion of the utmost claims for immigrants. His recent extravagant declarations about the suffrage being an "inherent natural right," about "the very constitution of human society," giving every new-comer the ballot "as a means of self-protection against unendurable oppression,"<sup>1</sup> and about it being un-American to make any distinction, in regard to the privilege of securing a homestead from government lands, between a native American and a foreigner that had just arrived and declared his intention to become a citizen of the United States<sup>2</sup>—these and similar statements had caused the Know-Nothings to regard him as the leader of the tendencies and policies that they denounced as dangerous and unpatriotic. So they made it one of their chief aims to choose a legislature hostile to his re-election. Of course many of the Democrats and most of the Silver Grays desired his defeat. Fortunately the Whig leaders had from the first resolved

<sup>1</sup> 4 *Works*, 468.

<sup>2</sup> *Globe*, 1853-54, 1708, 1709.



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to make the party yoke as easy as possible. While the Albany *Evening Journal* and the New York *Times* said, early in the summer, that Whigs would be renominated for all offices, they added that the party would rejoice in the re-election of any Democrat that had voted against the Kansas-Nebraska bill.<sup>1</sup> This policy had tended to minimize the dislike of independent anti-slavery men for the Whig party, and in many districts it led to a local fusion ticket under the influence of Seward's friends.

Clark was elected by only a small majority over Seymour, but Raymond received nearly thirty thousand votes more than his chief rival. It surprised every one to find that the Know-Nothings polled over one hundred and twenty-two thousand votes for Ullman, which was within thirty-four thousand of the number received by the Whig candidate. The Whigs had nominally a large majority of the next legislature, but so many of them were also Know-Nothings that, if they should combine with the Democrats, Seward's defeat would be easy.

A few days before the end of the campaign, Greeley wrote to Seward:

“Just as soon as this election is over, I want to have an earnest talk with you. I have held in as long as I can, or shall have by that time. I don't think we can absolutely be beaten, but relatively we must be—simply for want of courage and common-sense. And if we *are* beaten, anyhow, I shall endeavor to show why. I have tried to talk to Weed, but with only partial success. Weed likes me, and always did—I don't think he ever had a dog about his house he liked better—but he thinks I know nothing about politics. . . . If there are any plans for the future, I want

<sup>1</sup> *Evening Journal*, June 1, 1854; *Times*, June 10. The *Tribune* recommended (June 17, 1854) that every opponent of the bill should be renominated. It kept standing in a frame of deep mourning lines a black-list of Representatives that had favored the bill, and demanded their defeat.

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to know what they are, and if there are none, I want to know that fact, and I will try to form a plan of some sort for myself.”<sup>1</sup>

Sixteen years had elapsed since Greeley had come into intimate political and personal relations with the two great New York Whigs. During that time he had been their active, faithful ally. He had the impulses and impractical ways of an emotional philanthropist. Although much too erratic to be trusted with party management, he was an invaluable supplement to Weed and Seward, who cleverly managed to keep on intimate terms with reformers and weave them into the warp and woof of the Whig party as fast as circumstances permitted, or at least to keep their hostility directed against the Democrats. No other journal had done so much as the *Tribune* to make Seward the idol of the antislavery people of various degrees. When Weed had recently explained to Greeley that it was not advisable to place his name at the head of the Whig state ticket, he sought the lieutenant-governorship. The preference for Raymond both wounded Greeley's pride and gave to Raymond and the *Times* the popularity and support that Greeley coveted for himself and his paper.

Greeley did not wait for the “earnest talk,” but in a long letter of November 11, 1854, he dissolved the political partnership of Seward, Weed, and Greeley.<sup>2</sup> It was written in a peevish and resentful strain; it narrated the author's personal relations with his associates, complaining of their neglect of him, and reviewing, with an envious eye, the prosperity and distinction they had bestowed upon others. It was as rich in sarcasm as it was poor in taste and mistaken in judgment. It showed that he was prone to do a foolish act in the most foolish

<sup>1</sup> October 25, 1854, Seward MSS.

<sup>2</sup> Greeley's *Recollections*, 315-20.

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way possible ; that he neither understood his best friends nor could be controlled by them.

Seward and Weed had not rewarded Greeley with office as they had countless other persons much less serviceable. Weed himself had never sought or accepted any office except that of state printer. For him power and prosperity were enough. Had not the senior members of the political firm helped their junior to the first rank in American journalism? They knew that journalism was his forte ; whereas his many eccentricities would make a failure of him in office, if they did not defeat him in the first campaign. Thus had Seward and Weed reasoned ; but naturally it did not satisfy Greeley, who craved evidence of respect and confidence as a woman's nature craves affection. Seward seems to have made a soothing reply, so that in a subsequent letter Greeley practically confessed his folly by saying that what he had coveted was "some sort of public recognition that I was esteemed a faithful and useful coadjutor," and he added : "Office as such is not within my line ; I should make no reputation and many enemies in any responsible position."<sup>1</sup> Seward's kindly disposition and some of his personal characteristics are shown in this confidential account of the incident to Weed :

"Has Greeley written to you, or do you see him nowadays? Just before the election he wrote me an abrupt letter. I did not think it wise to trouble you about it. Then, when he thought all was gone, through your blunders and mine, he came out in the paper and said as much, in a chafed spirit. To-day I have a long letter from him, full of sharp, pricking thorns. I judge, as we might indeed well know, from his, at the bottom, nobleness of disposition, that he has no idea of saying or doing anything wrong or unkind ; but it is sad to see him so unhappy. Will there be a vacancy in the Board of Regents this winter? Could one be made at the close of the session?"

<sup>1</sup> November 24, 1854, Seward MSS.



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Could he have it? Raymond's nomination and election is hard for him to bear.

"I think this is a good letter to burn. I wish I could do Greeley so great a kindness as to burn his."<sup>1</sup>

What prevented Seward from doing Greeley "so great a kindness"—especially as he did not obtain for him the highly honorable sinecure mentioned—is not known. The suggestion as to a seat on the Board of Regents at least showed that Seward understood what would suit Greeley's tastes; for Greeley had recently written to a friend: "I should like the idea of running for an office without the necessity of getting beaten on the one hand or being swallowed up in official cares and duties on the other."<sup>2</sup> Seward supposed that this outburst was the result of a very exceptional combination of circumstances, the ill effects of which would be merely ephemeral; or, as Mr. Frederick W. Seward has epigrammatically said, he regarded it "as the petulant complaint of a friend, not as the menace of an enemy." For nearly six years the particulars of this episode were to remain unknown to the public, and then it was to assume great importance.

As far as national politics was concerned, the election of 1854 was a severe rebuke to the administration and the Douglas Democrats, but it was very much less of a victory for freedom than it might have been, judging from the sentiment of the North during the previous spring, and the success of the Republican party in the localities where it took definite shape. Although only seven of the forty-three northern Democrats that voted for the Kansas-Nebraska bill were returned, barely a majority of the next House were elected as anti-Nebraska men.<sup>3</sup>

<sup>1</sup> 2 Seward, 239.

<sup>2</sup> 1 *Republic*, 198.

<sup>3</sup> 2 Rhodes's *History of the United States*, 67; *Tribune Almanac*, 1856, 4.



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There is no room to doubt that the Whig leaders in New York and Massachusetts<sup>1</sup> were chiefly responsible for the inconclusiveness of this victory of 1854. As against an earnest, unselfish contest for the sole purpose of counteracting the encroachments of slavery, Know-Nothingism might almost have been, as Greeley humorously said, "as devoid of the elements of persistence as an anti-cholera or an anti-potato-rot party." Seward and Weed and their journalistic allies were the chief obstacles to the immediate formation of a national anti-slavery party.<sup>2</sup>

These men knew the magic of the Whig wand and how to use it. Why should they hazard anything unnecessarily when Seward's re-election to the Senate and, presumably, his nomination for the presidency were involved? Moreover, they undoubtedly felt confident that they were the only persons competent to lead the political antislavery movement.

The Southerners that believed, with Toombs, that in a few years the other antislavery Senators would follow Hale into retirement, politically disliked Seward the most of all their contemporaries. This was because he kept up intimate relations with both scheming politicians and unselfish reformers. Chase and Sumner and Wade were so direct and outspoken that their influence could be measured by the number of essentially non-partisan voters. But Seward angered his enemies by his coolness and subtle unsteadiness: he could let his reform ideas wait upon political and personal interests, but,

<sup>1</sup> 3 Pierce, 398 ff.; 1 Merriam's *Bowles*, 117 ff.

<sup>2</sup> The *Tribune* of November 9, 1854, said: "Instead, however, of taking the position which circumstances and his own antecedents seemed to require, Mr. Seward, adhering to the vacated shell of Whiggery, has stood aside and allowed the great movement of the free states to go forward without a word of bold and hearty encouragement from its national leader. The result is recorded in the returns of this election."

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when these were safe, he returned to his radical programme and was all the more dangerous. These facts, together with the peculiar status in New York, attracted national attention to the contest over Seward's re-election.

The New York assembly chose a Know-Nothing speaker and clerk. Seward's candidacy soon became so important a question that every other issue led up to it; for a month prior to the time set for a vote, February 6, 1855, it was discussed almost daily. The claims were that he had well represented the state and her interests by his great ability and devotion to duty and by his numerous speeches on different questions of commerce and navigation; and, most of all, it was urged, his re-election was due him and the whole North on account of the way he had met the slave-power. The Democrats and many of the Know-Nothings were very bitter against him. As the day for the choice approached, Albany filled with curious spectators, and the whole country watched the despatches from New York's capital. In two respects, at least, there was ground for satisfaction among Seward's friends: first, by his course on the Kansas-Nebraska bill he had put himself in such a position that no one dared to say that he had been extreme on the question of slavery; and, second, he had not lost his popular distinction as an antislavery leader or made any apologies for his past. Time and the discussion, as he always liked to believe in crises, worked in his favor; but probably there was no influence so great as Weed's. His peculiar means of persuasion were generally as effective as they were secret. To the surprise of nearly every one, many Know-Nothings suddenly turned to Seward, and he was elected by a large majority in each house. The explanation of the outcome was that a large number of Seward's friends had, several months before, gone into the Know-Nothing or-

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ganization, secured nominations for the legislature, and been elected.<sup>1</sup>

The public rejoicing over Seward's victory was significant of the position that he had attained as a national character and as an exponent of a great movement. The announcement was received with prolonged cheers in the state capitol, and cannon thundered the news from the park outside and from the neighboring hills. At night bonfires blazed in the principal streets, and the Whigs had a demonstration unequalled by any since Harrison's election, in 1840. In Washington, Senators gathered about the victor, and friends waited in the corridors, anxious to be among the first to offer their congratulations. One observer said that Seward received the felicitations of his fellow-Senators with great unconcern: the only demonstration he made was to take an extra

<sup>1</sup> When a Whig caucus of eighty members (of whom sixty had taken the pledge to Know-Nothingism) met, they nominated Seward by a vote of seventy-four to six, on the first ballot, and then made it unanimous. "The mode in which it has been accomplished is probably more creditable to the sharpness than to the honesty of the Seward managers. When it was seen how powerful the new [Know-Nothing] party was likely to become, the Seward men, as by concert, crept into the lodges and undertook to lead the movement. . . . They put forward the candidates for the assembly; and these, when necessary to dispel suspicion, signed written pledges to vote against Seward. They were elected. They still carried on the farce. . . . From this state of affairs it was evident that some one had to be cheated; and the most intelligent men contemplated what time has disclosed as to who was to be the victim. . . . For three days the assembly has discussed the obligation of oaths, of an extra-judicial character and unpleasant to fulfil; and the result of the casuistry is seen in the general self-absolution from all such obligations."—New York *Evening Post*, February 3, 1855.

The vote for Seward in the state senate was eighteen to thirteen, and in the assembly sixty-nine to fifty-seven. An editorial in the New York *Times* of February 7, 1855, said that there were five or six more members of the assembly that would have voted for him if their votes had been necessary. Daniel S. Dickinson and ex-President Fillmore were his chief rivals.



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pinch of snuff, turn his sandy head round in his high, starched collar, and give a phlegmatic nod, as if to say: "It is all right, just as I expected. I am used to such things."<sup>1</sup> That evening his house was crowded with admirers who came to express their pleasure over the result. But no circumstances could make Seward forget one obligation. To Weed he wrote at once: "I snatch a minute from the pressure of solicitations of lobby men, and congratulations of newly made friends, to express, not so much my deep, and deepened gratitude to you, as my amazement at the magnitude and complexity of the dangers through which you have conducted our shattered bark, and the sagacity and skill with which you have saved us all from so imminent a wreck."<sup>2</sup>

The non-partisan antislavery men also rejoiced over Seward's success. "At last there is a political North!" was a common exclamation among them. Cassius M. Clay, then at the height of his well-deserved fame as a practical abolitionist, sent Seward hearty congratulations, and added: "I think by your varied speeches and dignified national (not special) statesmanship you have placed yourself foremost in the van march of republicanism. Once more—I congratulate you and the cause."<sup>3</sup> Theodore Parker was still more laudatory:

"I hope the next six years may be as honorable to yourself and as profitable to the nation as are the last. . . . As you are the most powerful Senator in the United States, we shall look to you for heroic service in the struggle between Freedom and Despotism in America; and if our expectations are high, it is *you* who have made them so. That you may do noble deeds for your country, and win shortly

<sup>1</sup> *Evening Post*, February 7, 1855.

<sup>2</sup> 2 Seward, 245, and 2 *Weed*, 231, do not entirely agree as to the full text of the letter.

<sup>3</sup> February 6, 1855, Seward MSS.



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the highest honors the nation can bestow on such as deserve well of mankind, is the hearty wish and hope of,

“ Faithfully yours,  
“ THEO. PARKER.”<sup>1</sup>

Greeley gave a sigh of relief, and wrote to George E. Baker: “ Ah, well; the struggle is over, and I am no longer anybody’s partisan. I don’t care a button whether Seward stops where he is or goes higher.”<sup>2</sup>

The slavery question was carefully avoided by the Senate during the short session of 1854–55, until a few days before its termination. Toucey, of Connecticut, brought in a bill providing for the transfer from state to Federal courts of all suits against any person for acts done under color of a law of the United States. (The purpose was to counteract state legislation hostile to the execution of the fugitive-slave law) Even the fugitive-slave law of 1793 had seemed so dangerous to liberty that some of the northern legislatures had guaranteed trial by jury and the writ of *habeas corpus* to all persons claimed as fugitives. In 1840, New York passed one of those acts that subsequently became famous as “ personal liberty laws.” Before 1850, Massachusetts, Vermont, Rhode Island, and Pennsylvania had followed New York’s example. Since the new fugitive-slave law of that year Vermont, Rhode Island, Connecticut, Michigan, Wisconsin, and other states had put obstacles in its way. The usual method was to extend trial by jury to fugitives, and to forbid state officers to assist the slave-catchers. In a few cases, as in Michigan, the moral, legal, and financial support of the state was given to the fugitive, in order to obstruct the execution of the national law. It involved considerable personal risk for a Federal officer or a slave-owner to attempt to carry out the law as Congress intended. Toucey’s bill opened the

<sup>1</sup> February 11, 1855, Seward MSS.

<sup>2</sup> 2 *Weed*, 232.

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floodgates, and in rushed the turgid stream of debate about slavery.

Almost every political or constitutional controversy of these years was directed to slavery's interest or disadvantage. The signs are many that, if the South had gained a permanent superiority, a large party in the North would soon have taken a stand on state rights, and would have tried to secede from the Union in order to get free from all responsibility for slavery. When the Missouri compromise was repealed—and many thought that this was the successful beginning of an elaborate scheme to expand slavery and make it respectable and supreme—some of the most influential northern journals and orators began to consider whether it would not be better to let the South work out her plans as a separate nation.<sup>1</sup> The widely expressed sympathy with those abolitionists that attempted, in May, 1854, to prevent the return from Boston to Virginia of the fugitive, Anthony Burns, showed that there had been a great increase in the number of the believers in the "higher law" as understood by extremists. But the indications that an antislavery party would be in control before long were unfavorable to the development of disunion sentiments at the North. However, for the next two or three years we get occasional glimpses of how the North and the South might have exchanged arguments if the circumstances had been different. It seems like a

<sup>1</sup> The *Tribune* of May 26, 1854, announced that it was about to publish a pamphlet containing selections from leading articles in its columns, showing the "baneful control" and inferiority of the slave states. The leading editorial article of the *Times* of the same date informed the South: "A few more such acts of bad faith and such fierce contests and our bonds will become very weak. . . . *The danger of separation is for them, not for us.*" The *Evening Journal*, June 3d, said: "If the South desires to secede, so be it. We do not suppose that there would be any serious effort made to stop the movement."

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dream to read, in the debate on the Toucey bill, Chase's praise of South Carolina's leading secessionist, R. B. Rhett, the declarations of Wade that he believed "in the wisdom, constitutionality, and propriety of the Virginia resolutions of 1798 and 1799," and Seward's expression of alarm that centralizing legislation was crushing "these noble, independent states."<sup>1</sup>

In his speech<sup>2</sup> in opposition to the Toucey bill, or "the supplemental fugitive-slave law," as some persons called it, Seward discussed other questions, as if announcing his programme for the future. He rarely made bitter attacks, but he could be sarcastic or ironical with stinging effect. He mentioned as an illustration of the precedence given to questions affecting slavery that he—holding in his hand a proposition to erect a monument to illustrate the life of Thomas Jefferson and commemorate the names of the signers of the Declaration—had risen simultaneously with the Senator from Connecticut when about to propose the present bill, but that he (Seward) had not been able to obtain a hearing.

"The Senate of the United States will erect no monument to the memory of Jefferson, who declared that in the unequal contest between slavery and freedom, the Almighty had no attribute which could take part with the oppressor. But the Senate will, on the other hand, promptly comply with the demand to raise another bulwark around the institution of slavery."

As to the prejudices against persons of foreign birth, or of the African race, he exclaimed:

"Secret societies, sir! Before I would place my right hand between the hands of other men, in a secret lodge, order, class, or council, and, bending my knee before them, enter into combination with them for any object, personal or political, good or bad, I would pray to God that that

<sup>1</sup> *Globe*, 1854-55, Apdx., 211-13, 242.

<sup>2</sup> *Globe*, 1854-55, Apdx., 240-43.



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hand and that knee might be paralyzed, and that I might become an object of pity and even of the mockery of my fellow-men. Swear, sir! I, a man, an American citizen, a Christian, swear to submit myself to the guidance and direction of other men, surrendering my own judgment to their judgments, and my conscience to their keeping! No, no, sir. . . . Proscribe a man, sir, because he was not born in the same town, or county, or state, or country, in which I was born! Why, sir, I do most earnestly and most affectionately advise all persons hereafter to be born, that they be born in the United States, and, if they can without inconvenience, to be born in the state of New York, and thus avoid a great deal of trouble for themselves and for others. . . .

“More than that, sir, speaking from a full knowledge and conviction of the serious inconveniences which absolute and eternal slavery entails upon man and races of men, I do earnestly, strenuously, and affectionately conjure all people everywhere, who are hereafter to be born, to be born white.”

But what was of the first importance in this speech was the frank, clear announcement of his position toward compensated emancipation:

“I add, further, to meet the requirements of those who suppose that a proposition of gradual emancipation to the slave-holding states is either timely now or soon will be so, that while I retain a place in the national councils, any slave-holding state willing to adopt the humane policy which has already been adopted by my own state and by other states, shall have my vote for any aid, either in lands or money, from the Federal government, which the condition of the public treasury and of the national domain will allow, in furtherance of an object in which not only the slave-holding states are interested, but which concerns the whole Union, and even human nature itself.”<sup>1</sup>

The general idea was not new with Seward, and it had not been forgotten how, in 1850, he had stood in bold contrast with Webster; but never before had he publicly and distinctly described what he would gladly

<sup>1</sup> *Globe*, 1854-55, Apx., 241.



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do to rid the country of slavery. Mrs. Seward was satisfied with the speech, and that indicated that it had a genuine ring.<sup>1</sup> Seward the statesman had not been lost in Seward the politician. It was most becoming that he who had so often maintained that the contest between the sections would be settled without war or a disruption of the Union should have a sober plan for the solution of the problem. If the proposition fell upon dull ears; if the sullen, greedy South only clutched her prize the more firmly; if the North, cold and mean in her pharisaical virtue, looked with disdain at the idea of paying to be rid of a "crime," it was no fault of the New York Senator. And it was a discouraging sign that in this debate, Benjamin, one of the most intelligent of the southern leaders, had expressed his firm belief that the South would one day have to resort to secession in order to escape being overpowered by the North.<sup>2</sup> Fortunately, the Toucey bill did not become a law.

Kansas was to be the Thermopylæ of the contest between slavery and freedom. The aroused North quickly approved the plan to try to regain in Kansas what had been lost in Congress. Almost every village and town was soon called upon to aid in settling the territory with antislavery enthusiasts. By autumn large numbers of men were hurrying forward, hoping to make Kansas a free state; every steamer going up the Missouri was crowded with them, and their trains of canvas-covered wagons streamed across the prairies. Because Kansas had been counted as slavery's allotted portion, the South called this aiding of free-soil settlers an outrage. Early in the summer of 1854, President Pierce had appointed Andrew H. Reeder, a Pennsylvanian, as territorial governor. In February, 1855, a careful census showed that

<sup>1</sup> 2 Seward, 249.

<sup>2</sup> *Globe*, 1854-55, Apdx., 220.

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there were nearly nine thousand inhabitants in Kansas, of whom about one-third were entitled to vote. In March, when the election of members to the legislature was held, about four thousand Missourians swept over the border and participated in it. Reeder saw the outrage, and ought to have refused to give certificates of election to any one, and then appealed to the President and Congress to make provision for a fair contest. Instead, he ordered new elections in only the few districts where protests had been presented. When the legislators met, in July, 1855, the pro-slavery representatives numbered twenty-eight and the free-soilers eleven. After a very short time all the free-soil members had withdrawn or had been unseated, and the legislature and Reeder were at loggerheads. In August, 1855, President Pierce removed him on the alleged ground of speculating in Kansas lands. Before the arrival of the new governor, Wilson Shannon, of Ohio, the legislature had enacted laws that filled a large volume, and had adjourned.

What attracted most attention at the time was the slave-code. Slavery was not introduced, but was assumed to exist. A term of two or more years of imprisonment with hard labor was to be the punishment for persons that should claim, or circulate a paper claiming, that slavery had not a legal standing in the territory; not less than five years for those that should teach the slaves anything designed to make them dissatisfied or attempt to escape; ten years, or the death-penalty, for those that prompted or aided the flight of a slave. No one conscientiously opposed to slavery, or that did not admit the right to hold slaves in the territory, could serve as a juror in any cases of this character.<sup>1</sup> Among many other astonishing laws was one limiting the suffrage to citizens of the United States that were inhabi-

<sup>1</sup> 5 Von Holst, 160.

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tants of the territory (without requirement as to time), and another providing for a *viva-voce* vote at elections after November 1, 1856. The former disfranchised all men that had not been in the United States five years, and made it feasible for any white man to vote after paying a poll-tax of one dollar. The *viva-voce* vote enabled the pro-slavery champions to distinguish the antislavery men. Both sides fully realized that slavery could not prosper in Kansas without a rigid slave-code.

It was in a large degree the skill with which the Know-Nothings had kept the question of slavery in the background that had made their wonderful growth possible. But as the excitement over affairs in Kansas increased, the "Americans" found themselves in a dilemma. In the South they were unable to show that they were reliably pro-slavery when the Democrats accused them of being the tools of the abolitionists. In the North, too, they had a similar difficulty to contend with. In Massachusetts, Henry Wilson, a Know-Nothing, and in New York, William H. Seward, an anti-Know-Nothing, had been chosen Senators by legislatures where the "American" party had nominal control; but in each case it was the special antislavery record of the candidate that made the result possible. A national council of the party at Philadelphia, in June, 1855, tried to be explicit. A majority report denied to Congress the right to prohibit slavery in the territories or to abolish it in the District of Columbia, and called upon all to maintain the existing laws on the subject. A minority report, approved by citizens from fourteen states, was equally positive in demanding the immediate restoration of the Missouri-compromise line, the protection of actual settlers, and the admission of Kansas and Nebraska as free states.<sup>1</sup>

<sup>1</sup> 2 Wilson's *Slave Power*, 427.



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Representatives from the North said that not a village in their section could be carried with the pro-slavery resolutions, while the Southerners replied that not a parish in theirs would support the antislavery propositions. After stormy sessions for several days, the southern platform was adopted. Then this party, like that of the Whigs, divided at Mason and Dixon's line. Most of the northern members protested against the action of the convention, and fifty-three of them joined in issuing an address similar to the minority report. A large number of the northern Know-Nothings now allied themselves with the Republicans, or, as in Massachusetts, made opposition to slavery their chief aim.

The Whig managers in New York and elsewhere had not failed to notice that the occurrences in Kansas and the split in the Know-Nothing party were rapidly justifying and giving strength to the Republicans. Before the autumn of 1855 the Seward Whigs concluded that it would be most prudent to bring their party officially to an end by merging it in the Republican organization, which had come into existence in New York in spite of their opposition. The Whig and the Republican state committees, respectively, called conventions to meet at Syracuse, in September, 1855. The Republicans were men of diverse political antecedents—among them were former adherents of the Free-Soil, the Know-Nothing, or the Temperance party, or of the "Hard" or the "Soft" faction of the Democracy. It was reported that Seward had said to an acquaintance, who doubted as to which assembly to attend, that it would make no difference, for although the delegates would enter at two doors they would come out at one.<sup>1</sup> The two parties met in separate halls, but committees from each soon

<sup>1</sup> 2 Seward, 253, 254.



agreed upon a union. Excepting a few "Silver Grays," who protested against a "fusion with any abolition party," the Whigs marched into and lost their name in the Republican convention. The incident was as unique as it was full of hearty good-fellowship.<sup>1</sup> A majority of the nominees had formerly been Democrats, and Preston King, the best of them, headed the ticket as candidate for the secretaryship of state. The Republicans planted themselves on the issue of antagonism to the Douglas-Pierce policy in Kansas.<sup>2</sup>

Wherever the Republican party existed Chase and Sumner were rightly regarded as its national leaders. From the day Douglas first called them "abolition confederates," their fame had rapidly increased. Sumner became a hero throughout New England, and, as Seward wrote in the spring of 1855, was "riding the topmost wave." So desirous were the people of seeing and hearing Sumner that he was invited to several cities in Massachusetts and New York to deliver an antislavery address. In the West, Chase was high in popular favor. Ohio Republicans enthusiastically chose him as their candidate for the governorship, and already there was talk of making him the party nominee for the presidency, in 1856.

Seward's greatest ambition, next to being the foremost party leader, was to be the foremost antislavery leader. Perhaps neither he nor Weed felt any uneasiness on account of the prominence of Sumner and Chase, but it was evident that Seward's future would depend upon his ability to perform some striking service for the Republicans. No one has ever seemed to understand political

<sup>1</sup> 2 Seward, 254.

<sup>2</sup> "At the convention, all issues but that growing out of the repeal of the Missouri compromise were dropped. . . . Nothing is said, or proposed to be done, concerning slavery in the states or in the District of Columbia; nor is the fugitive-slave law made an issue in the coming canvass."—*Times*, September 29, 1855.

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opportunities quite so well as the Albany "Dictator." It was arranged that Seward should make two speeches, one in the state capitol at Albany, and the other at Buffalo. In the former place he was amid the surroundings of New York's great men of the past, whom he had known there, and whose descendants and admirers were in every county. In Buffalo he was not far from his own neighbors, and, as he said, was almost "on the shores of the silvery lakes among which I dwell." He was not the one to overlook such opportunities or to omit a reference to the picturesque.<sup>1</sup>

As he habitually kept aloof, in appearance at least, from party management in the state, he could begin at Albany with this assumption: "You, old, tried, familiar friends, ask my counsel whether to cling yet longer to traditional controversies and to dissolving parties, or to rise at once to nobler aims, with new and more energetic associations"—and he spoke as if at a party christening, shrewdly entitling his speech "The Advent of the Republican Party." Instead of making slavery or the South the direct object of his attack, he adopted a new plan of reducing the enemy to the actual number of slave-holders, three hundred and fifty thousand men,

<sup>1</sup> At Albany he said, in beginning: "Hail to the capital of New York! Venerable for its antiquity, and yet distinguished for its loyalty to progress, liberty, and union. This capital is dear to me. It has more than once sent me abroad with honorable functions, and even in those adverse seasons, which have happened to me, as they must happen to all representative men, it has never failed to receive me at home again with sympathy and kindness. . . . Old familiar echoes greet my ears from beneath these embowered roofs! The voices of the Spencers, of Kent, and Van Rensselaer, and Van Vechten, of the genial Tompkins, of Clinton the great, and the elder Clinton, of King and Hamilton, of Jay, the pure and benevolent, and Schuyler, the gallant and inflexible. The very air that lingers round these arches breathes inspiration of moral, social, of physical enterprise, and of unconquerable freedom."—4 *Works*, 225. The introduction to the Buffalo speech was also very happy.—*Ibid.*, 241.

and calling them "the privileged class." The nation was founded on the simple and practically new principle of the equal and inalienable rights of all men, and therefore it necessarily became a republic; but every republican state is sure to be transformed into an aristocracy if it has a privileged class growing stronger and stronger and an unprivileged class becoming weaker and weaker. That this had been the tendency in the United States he clearly proved by a review of the steps in slavery's forward march. Then making a climax out of the outrages that the vast but subjected unprivileged class were then suffering on account of the demands of the favored few, he said, with Antony-like irony :

"Your representatives in either house of Congress must speak with bated breath and humble countenance in presence of the representatives of the privileged class, lest justice be denied to your old soldiers when they claim their pensions, or to your laborers when they claim the performance of their contracts with the government. The President of the United States is reduced to the position of a deputy of the privileged class, emptying the treasury and marshaling battalions and ships of war to dragoon you into the execution of the fugitive-slave law on the one hand, while he removes governors and judges, at their command, who attempt to maintain lawful and constitutional resistance against them in the territory of Kansas. The Vice-President of the United States and the Speaker of the House of Representatives are safe men, whom the privileged class can trust in every case. The care of the judiciary of the territories, and even of the foreign relations, is intrusted in either house to assured supporters of that class. Protection is denied to your wool, while it is freely given to the slave-holder's sugar. . . . Canada, lying all along your northern borders, must not even be looked upon, lest you may lust after it, while millions upon millions are lavished in war and diplomacy to annex and spread slavery over Louisiana, Florida, Texas, Mexico, Cuba, and Central America. . . . The national flag, the emblem of universal liberty, covers cargoes of slaves, not only in our own view, but flaunts defiance over them in foreign ports. Judges of United States courts, safe under the protection of the



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President and the Senate, charge grand juries in advance of any question that obnoxious and unequal Federal laws are constitutional and obligatory; they give counsel to legislative bodies how to frame laws which they will sustain, instead of waiting to review those laws when enacted. They even convert the writ of freedom to an engine of slavery, and they pervert the power of punishing irregularities committed in their presence into the machinery of a tyranny as odious as that of the Star Chamber. The privileged class in Virginia imprison your seamen in their ports, in retaliation for the independence of your executive authorities; and you are already in a doubtful struggle for the right to exclude the traffic in slaves from your own borders."

The whole number of those that made up the privileged class, he continued, was only one per cent. of the entire population of the country; and if their immediate relations and dependents were added, all would not amount to more than fifteen per cent. He believed that the nation would pay for emancipation, because the evil of slavery had become intolerable; and that what was needed was "Organization! organization! Nothing but organization." The "American party" would not satisfy the needs, because it had different opinions on opposite sides of the Potomac, and it was narrow and unchristian. "Let it pass by." Nor would the Democratic party do, for it had led in the commission of all those aggressions, save one. "Let the Democratic party pass." Was the Whig party suited to the task? "Where is it? Gentle shepherd, tell me where! . . . The privileged class, who had debauched it, abandoned it"; and outside of New York "the lovers of freedom, disgusted with its prostitution, forsook it, and marched into any and every other organization." "Let, then, the Whig party pass." The Republicans had laid a new, sound, and liberal platform, broad enough for both Whigs and Democrats to stand upon. Its principles were equal and exact justice; its speech was open, decided, and frank.



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“I do not know that it will always, or even long, preserve its courage, its moderation, and its consistency. If it shall do so, it will rescue and save the country. If it, too, shall become unfaithful, as all preceding parties have done, it will, without sorrow or regret on my part, perish as they are perishing, and will give place to another, truer, and better one. . . . I do not know, and personally I do not greatly care, that it shall work out its great ends this year, or the next, or in my lifetime; because I know that those ends are ultimately sure, and that time and trial are the elements which make all great reformations sure and lasting.”

The speech made at Buffalo, a week later, and called “The Contest and the Crisis,” was, to the one at Albany, like the keener half of a great political argument. Some passages in it stood in rather strong contrast with the optimism and patience of his speeches and letters of the previous year:

“Ye good men of Erie! The Republican party is sounding throughout all our borders a deep-toned alarm for the safety of the Constitution, of union, and of liberty. Do you hear it? The Republican party declares that, by means of recent treacherous measures adopted by Congress and the President of the United States, the constitutional safeguards of citizens, identical with the rights of human nature itself, are undermined, impaired, and in danger of being overthrown. It declares that if those safeguards be not immediately renewed and restored, the government itself, hitherto a fortress of republicanism, will pass into the hands of an insidious aristocracy, and its batteries be turned against the cause which it was reared to defend.”

The practical objections to the plans of the Republican party were that they were not loyal to the Constitution and the Union, and that the South would not submit to them. With cutting sarcasm, Seward asked: “Are loyalty and patriotism peculiar virtues of slaveholders only? Are sedition and treason natural vices of men who, fearing God and loving liberty for themselves, would therefore extend its blessings to all man-

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kind? What is there inherent in the nature of slavery to make slave-holders loyal to institutions of freedom and equality?" Aside from the interests of a thousand kinds that held non-slave-holders to the Union, slave-holders had a bond peculiarly their own. Secession would bring on a servile war. "Against that war, the American Union is the only defence of the slave-holders—their only protection. If ever they shall, in a season of madness, secede from that Union and provoke that war, they will—soon come back again."<sup>1</sup> To make the danger of disunion or civil war seem still less, he said that the threats were not made by slave-holders, but for them by politicians. The slave-holders were the most libeled class. "I never knew a disloyal man among them."

To the question whether it was wise to jeopard the safety and happiness of twenty-five millions of white men in the vain effort to mitigate the sufferings of only three millions of negroes, he replied by asking whether the interests of twenty-five millions of free, non-slaveholding white men ought to be sacrificed or put in danger for the convenience or safety of three hundred and fifty thousand slave-holders. It was the slave-holders that had deprived the non-slave-holders of free speech, of the right of suffrage, and of the rewards of public office. They had by usurpation made Kansas a slave territory, where "the utterance of this speech, calm and candid though I mean it to be, would be treason; the reading and circulation of it in print would be punished with death."<sup>2</sup> Although the North had elected a majority of the Representatives, the evils had increased, and, unless northern Representatives should be instructed, slavery was likely to extend from Kansas to the southern border of British America. Thus the free states would be shut out from the Pacific coast, and "become imbe-

<sup>1</sup> 4 *Works*, 248.

<sup>2</sup> 4 *Works*, 249, 250. This was a very startling exaggeration.

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cile," while "slavery grasps the dominion of the republic." "Dominion over this republic, by whomsoever exercised, is dominion over the continent and all its islands."

But he brought the question still nearer home. New York's experience in abolishing slavery, and Virginia's and Maryland's in retaining it, told the whole story. If New York had, fifty years before, clung to slavery, where would have been her present three million free-men, where her great and enormous canals and railroads, where her educational, charitable, and religious institutions, where her commerce and ships?

"Where your inventors of steamboats, of electric telegraphs, and of planing machines—where your ingenious artisans—where your artists—where your mighty press? Where your twenty cities—and where, above all, the merry, laughing, agricultural industry of native-born and exotic laborers, enlivening the whole broad landscape, from the lake coast to the ocean's side? Go ask Virginia—go ask even noble Maryland, expending as she is a giant's strength in the serpent's coils, to show you her people, canals, railroads, universities, schools, charities, commerce, cities, and cultivated acres. Her silence is your impressive answer."

In some respects these speeches were the boldest and most extreme of Seward's whole life. There was no suggestion that he was not an agitator, or that he discussed the question of slavery only when it was brought before him in due course of legislation. Now the fugitive-slave law—the most offensive part of the compromise that, as he had boasted, he had not offered to repeal—was denounced as unconstitutional. There was not even a hint that the Whig party was the party of freedom, or that a third party was a practical impossibility. Now he enunciated the true doctrine that no party should be tolerated after it had lost "its courage, its moderation, and its consistency."<sup>1</sup> He had become

<sup>1</sup> 4 *Works*, 240.



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an agitator, indeed, and one of such force and keenness and passion that many a Garrisonian must have envied him. But how, otherwise, could he expect to spring from crumbling authority among the disorganized Whig ranks in the rear to the supreme command of the attacking column of the Republicans?

These speeches created a great political sensation. It was not to the meagre company at Albany nor to the large crowd at Buffalo that Seward's remarks were chiefly addressed. He spoke to the whole country—to the North, that she might understand the danger and unite under his leadership—to the South, that she might know that her course was to be resisted. Countless northern newspapers, as had now become their practice, reprinted these speeches, or long quotations from them; so that every intelligent man in the free states was familiar with their declarations. The Republicans were jubilant over them. Charles Sumner wrote: "I have devoured your speech [at Albany] with admiration and delight. The latter half I read aloud to the Longfells, who enjoyed it with me. It is finely thought and composed. . . . I am so happy that you and I are at last on the same platform and in the same political pew. I feel stronger for it."<sup>1</sup> Cassius M. Clay's sentiments were significant: "I am pleased at the one 'step' *further* in your Albany speech. You'll soon be as much a 'fanatic' as myself! Good."<sup>2</sup> And Richard Henry Dana pronounced the Albany speech "the key-note of the new party."<sup>3</sup>

This dissolution of the Whig party and the dissensions among the Democrats and the Know-Nothings had encouraged the Republicans to expect to carry most of the northern states. But in some of them, like Massachu-

<sup>1</sup> October 15, 1855, Seward MSS.

<sup>2</sup> November 16, 1855, Seward MSS.

<sup>3</sup> 1 Adams's *Dana*, 348.



setts and New York, the Know-Nothings took such an attitude as to attract a large number of anti-Nebraska Whigs and Democrats who feared lest the Republicans might have an ulterior purpose to attack slavery everywhere. This election divided the New York legislature about equally among the Americans, the Democrats, and the Republicans, with superiority in the order named.<sup>1</sup> In Massachusetts, Rhode Island, Connecticut, California, Tennessee, Maryland, and Kentucky the Know-Nothings were supreme in the legislature. The Republicans established themselves in every northern state, and swept Ohio and Vermont with great enthusiasm.

Seward felt the zeal of the new party, and was as confident as formerly that the Know-Nothing organization would be ephemeral. "Old friends came in yesterday panic-struck about the future," he wrote after the election. "But my philosophy is not disturbed." "A year is necessary to let the cheat wear off." His belief rested upon the conviction that "the heart of the country is fixed on higher and nobler things" than hostility to immigrants and exaggerated fears of the Catholic church.<sup>2</sup>

From the very beginning of his public life, Seward had been especially fond of delivering addresses on non-political occasions where his speculations about government could be indulged and appreciated. Near the end of 1855 he was orator of the day at the annual commemoration of the landing at Plymouth.<sup>3</sup> His correspondence at the time, rather than the address, indicates that he was not only abreast of the most advanced of the Republicans, but also that he had reached an understanding with some of the most influential abolitionists.<sup>4</sup>

<sup>1</sup> *Tribune Almanac*, 1856, 41.

<sup>2</sup> 2 Seward, 258, 259.

<sup>3</sup> For a characterization of this address, see Vol. II., 79.

<sup>4</sup> Shortly after the visit to Plymouth, he wrote to Theodore Parker, complaining that the antislavery men of New England did not rec-

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Chase was the great light in the West, and Sumner was still growing in popularity in the East. But Seward had a much larger audience than either. The man that had satisfied such radicals as Sumner, Clay, Parker, and Phillips<sup>1</sup> was none too conservative for the Republican party. Excepting the "Silver-Gray" faction—rapidly declining in significance—Seward and Weed had carried the whole state Whig party with them into the Republican ranks. The transformation had been made so suddenly and so well that the moment Weed ceased to be the manager of the New York Whigs he became the manager of the New York Republicans, although it

ognize that there were different parts to be played; that their criticisms of those who did not act as was expected injured the progress of the cause.

"What I had seen of Wendell Phillips had prepared me to believe that he, more wise than those I have described, could tolerate in me the exercise of discretion which they disallowed. What I had heard of you encouraged me to hope the same from yourself. But I wanted especially to see you and Mr. Phillips and have a full understanding on that subject. Although I failed to obtain opportunities for these explanations, my visit was nevertheless completely successful in this respect also. Mr. Phillips was just and magnanimous. Your letter even divines my desires and fully satisfies them. I am indeed worth little to the cause of political justice by myself alone, but I hope to serve and advance it by persuading some portion of my countrymen to adopt and maintain it also. When I seem unmoved and inactive, you rightly conclude that it is only because I am keeping steadily in view a coming occasion and opportunity to move and act, as I think, more wisely and effectively. I will not deny to you, my dear sir, the confession that my life is chiefly dedicated to the advancement of a reform which I think cannot be hastily or convulsively made; that the record by which I mean to be tried is one to reach, not to any period or point of elevation, but to the end of my life; and the only earthly tribunal to whom I submit myself is posterity."—2 Seward, 262, 263.

<sup>1</sup> "I recognized the clink of it [Plymouth rock] to-day, when the apostle of the 'Higher Law' came to lay his garland of everlasting—none a better right than he—upon the monument of the Pilgrims. [Enthusiastic cheering.] He says he is not a descendant of the Pilgrims. That is a mistake. There is a pedigree of the body and a pedigree of the mind."—1 Phillips's *Speeches*, 232.

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was some time before his supremacy was so absolute. The very journals that had formerly given prominence to every act and word of Seward the Whig, now gave equal prominence to Seward the Republican.

The eighteen months since the passage of the Kansas-Nebraska bill had been a period of experiment in Kansas and of violent agitation elsewhere. The legislative and executive efforts to deal with the new phases of the slavery question were to begin with the Congress assembling in December, 1855. Seward might well be expected to play a still greater part than formerly. The new organization at his back was more united and in closer sympathy with him than the Whig party had ever been. His political ambition and his aspirations to be a real reformer tended to work together. Most suggestive of the many signs of a deeper moral feeling were his last words at Plymouth: "I hold the occasion ever dear to my remembrance, for it is here that I have found the solution of the great political problem. Like Archimedes, I have found the fulcrum by whose aid I may move the world—the moral world—and that fulcrum is Plymouth rock."<sup>1</sup>

<sup>1</sup> *4 Works*, 205.

## CHAPTER XX

### THE FIRST YEAR OF SEWARD'S REPUBLICAN LEADERSHIP, 1855-56

IMPORTANT events had taken place in Kansas since the summer of 1855. Not one free-state man held a territorial office or had any prospect of influencing legislation in the usual way in the near future. The northern crusaders must either accept the status—which would probably mean that Kansas would become a slave state—or reject the entire territorial *régime*, and start a movement for immediate statehood, much as California had done. Early in October, 1855, a convention was held at Big Springs for the purpose of organizing a free-state party. James H. Lane, an ex-Representative from Indiana, who had voted for the Kansas-Nebraska bill, and ex-Governor Reeder undertook the direction of the movement. Under the guidance of Lane the convention declared that “the best interests of Kansas require a population of white men.”<sup>1</sup> Every effort was made to preclude charges of sympathy with the abolitionists.

In September a convention at Topeka had decided that delegates to a constitutional convention should be chosen October 9th, and that they should meet at Topeka, October 23d. On October 9th the free-state men also elected Reeder as the territorial delegate in Congress. The pro-slavery party did not participate in any of these movements; but, on October 1st, the day appointed by

<sup>1</sup> Quoted, Spring's *Kansas*, 65.



the territorial legislature, they elected J. W. Whitfield as the delegate in Congress. The constitutional convention drafted a constitution that prohibited slavery after July 4, 1857, and gave suffrage to male white citizens and civilized Indians. The exclusion of free colored men was decided by a popular vote of nearly three to one. The constitution was ratified December 15th, by a vote of one thousand seven hundred and thirty-one to forty-six. The election of state officers occurred January 5, 1856. Charles Robinson was chosen as the future governor. After practising medicine for several years in Massachusetts, he became a prominent editor and politician in California during the stormiest years in that region. He had come to Kansas to forward the work of the emigrant-aid societies.

The free-state legislature convened at Topeka, March 4, 1856. Robinson issued a message; the legislature chose Reeder and Lane as Senators, prepared a memorial asking admission into the Union under the Topeka constitution, passed some laws, and adjourned to meet July 4th. Robinson was careful to declare that his government and its laws were merely *in posse*, conditional upon congressional approval by means of the admission of Kansas as a state. The pro-slavery party looked with sullen contempt upon these movements and took no part in any of them, except to employ violence at two or three places.

But both parties had become so excited that the killing of a free-state settler, near the end of 1855, was the occasion of an outburst of violence. Then some free-state men rescued a prisoner from a pro-slavery sheriff and his friends, and rushed to Lawrence. Governor Shannon called out the militia, and the United States troops were put under his orders. Bands of Missourians, eager for a conflict, responded. Lawrence was at once in a state of siege, ready to make use of the

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military preparations that had progressed during the past few months. But a "treaty" was agreed on, and the sheriff sent home the disappointed warriors from Missouri. This is what is known as "the Wakarusa war," which aroused the whole country, less on account of what actually happened than as evidence of a political volcano that might have a terrible eruption at any time.

The Congress that met in December, 1855, contained some important additions to the ranks of the Republicans. Hale came back as Senator from New Hampshire. Henry Wilson, an antislavery Know-Nothing, succeeded Edward Everett, who was not sufficiently ardent to represent the feelings of Massachusetts. In place of James Shields, a courageous soldier and political ally of the "Little Giant," Illinois had sent Lyman Trumbull, whom Sumner correctly called "a hero, and more than a match for Douglas." A few anti-Nebraska Democrats, who held the balance of power and would not vote for a Whig, had insisted on the selection of Trumbull. Dodge, of Iowa, a Douglas Democrat, gave place to James Harlan, a Whig Republican. Since early in 1854, William Pitt Fessenden, chosen by a coalition of the Whigs and antislavery Democrats, had been one of Maine's Senators. All were men of great mental power, and were soon united in the effort to make the Republican party supreme by using the methods of the best class of politicians. Among the new Republicans in the House that were to distinguish themselves were Justin S. Morrill, of Vermont, Anson Burlingame, of Massachusetts, John Sherman and John A. Bingham, of Ohio, and Schuyler Colfax, of Indiana.

The contest for the speakership continued in vain for two months, because no candidate could obtain a majority of the votes. The discussions varied in tone from extreme merriment to angry and half-drunken insult.

Finally, it was agreed that the choice should be decided by plurality. Nathaniel P. Banks, a Know-Nothing Republican, was successful. Joshua R. Giddings, being the oldest member in consecutive service, was requested to administer the oath. It was the brightest day the antislavery men had ever seen, and the saddest one for slavery, when this grim veteran of agitation could exclaim: "I have attained the highest point of my ambition. *I am satisfied.*"<sup>1</sup>

It devolved upon the administration to find a solution for the difficulties in Kansas. Pierce's annual message of 1855 not only championed the side of the South, but looked at the attitude of the North through southern glasses. An *ex-parte* narrative of our different acquisitions and of the recent acts affecting slavery in the territories was given with the force of a Douglas and the seductive literary grace of a Jefferson Davis. "Will not different states be compelled, respectively, to meet extremes with extremes?" the message asked. "And, if either extreme carry its point, what is that so far forth but dissolution of the Union?" The President was certain that if the sectional agitation should be persisted in, it would end in civil war. "It is either disunion and civil war, or it is mere angry, idle, aimless disturbance of public peace and tranquillity." In a special message on Kansas, January 24, 1856, Pierce repudiated responsibility for all of Reeder's acts. He maintained that Reeder's certificates of "duly elected" issued to pro-slavery candidates for the territorial legislature had made it "too late now to raise" the question, "whatever irregularities may have occurred in the elections." This was quibbling. The vital questions were: Had the territorial legislature been elected through fraud, and were it and its laws an expression

<sup>1</sup> Julian's *Giddings*, 326.



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of the popular will of the territory? What was the best way to help that will to find expression? The President ought to have urged the appointment of a congressional committee to investigate and report whether the election of March, 1855, had been affected by extensive frauds. If so, then he should have recommended a new election under proper safeguards. Instead of doing this, he wasted his strength in denouncing the free-state movement and "the inflammatory agitation," which, for twenty years, had "produced nothing but unmitigated evil." He promised "to exert the whole power of the Federal Executive to support public order in the territory; to vindicate its laws, whether Federal or local, against all attempts of organized resistance; and so to protect its people in the establishment of their own institutions, undisturbed by encroachments from without, and in the enjoyment of the rights of self-government assured to them by the Constitution and the organic act of Congress." This was understood as a pledge to "vindicate" the pro-slavery party and suppress the free-state opposition, if possible. He suggested that some measure should be taken providing that, when the population became sufficient, a constitutional convention should be held to organize Kansas as a state.

Active preparations were making in Kansas in anticipation of a bloody contest between the pro-slavery men, supporting the territorial government, and the aggressive free-state settlers. Frequent acts of violence indicated what was coming. On February 11, 1856, Pierce issued a proclamation warning both parties to desist from lawlessness, and putting the United States troops at Forts Leavenworth and Riley at the disposition of Shannon. This was supposed to mean that the President was to withhold nothing from the support of the pro-slavery programme in Kansas.



On March 12th, Douglas read the majority report of the committee on territories on the President's message. Collamer, of Vermont, who was the only antislavery man on the committee, spoke for the minority. Sumner and Douglas crossed swords in such a way as to indicate that the debate would be an angry one. Seward, as usual, was cool, and expressed the belief that the talk of violence and civil war would not be warranted by events, and that the question would be settled without endangering the Union. A few days later the committee brought in a bill providing that when Kansas should contain a population of ninety-three thousand four hundred and twenty inhabitants—the ratio for a Representative in Congress—the legislature might call an election of delegates to a constitutional convention with a view to admission into the Union. Seward, as leader of the Republicans, promptly gave notice of a substitute favoring the immediate admission of Kansas under the Topeka constitution.<sup>1</sup>

Douglas's bill and Seward's substitute practically forced the whole country to take sides with one of the two parties in Kansas. The carrying out of the Pierce-Douglas plan would compel a recognition of the territorial legislature and its acts; and a postponement of statehood would strengthen pro-slavery influence and make it more and more difficult for the free-state men to gain allies and exert their rightful functions as citizens when the day for holding elections arrived. It seemed hopeless, too, to expect the various elements making up the free-state party to hold together until their programme should be supported by the Republican leaders in Congress. There is no denying that partisan considerations influenced the managers on each side. The resolution, and desperation even, that were early

<sup>1</sup> Globe, 1855-56, 693.

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displayed in Kansas had swept eastward and were beginning to be felt throughout the North and the South.

Douglas opened the debate in the Senate, March 20, 1856, and Collamer soon followed. Each confined himself mainly to a defence of his own report and to a discussion of the events alleged to have taken place in Kansas and to the probable consequences. As usual, Seward was not one of the first to speak. He took the floor on April 9th. His friends had great expectations: "Seward will make the greatest speech of his life; he is showing new power daily," wrote Sumner.<sup>1</sup> Seward, like James G. Blaine, was one of the few men that knew just when and how to make himself the centre of attraction. After a dramatic introduction, he directly charged the President with being an accessory to the Missouri invasions and the acts of the legislature which had "established a complete and effective foreign tyranny over the people of the territory."<sup>2</sup>

"Thus Kansas," he said, "has been revolutionized, and she now lies subjugated and prostrated at the foot of the President of the United States, while he, through the agency of a foreign tyranny established within her borders, is forcibly introducing and establishing slavery there, in contempt and defiance of the organic law. These extraordinary transactions have been attended by civil commotions, in which property, life, and liberty, have been exposed to violence, and these commotions still continue to threaten, not only the territory itself, but also the adjacent states, with the calamities and disasters of civil war."

Seward's custom had been to discuss merely the political acts and principles of a party or a section. At Albany, "the privileged class" had been the object of attack. But now he trained his guns upon one man—the President, not in his private capacity, but as the

<sup>1</sup> 3 Pierce, 433.

<sup>2</sup> 4 Works, 481.

public officer most responsible for the character of the struggle in Kansas. Pierce's recent statements about the contest were reviewed and refuted; he exposed the insincerity of the complaints against Reeder; he made the attack upon the emigrant-aid societies seem pitiable by a statement that similar methods of colonization had been used in the settlement of a great part of the whole country, since the landing at Jamestown; he showed how Missourians had threatened all northern societies, and then he challenged the citation of any law that the emigrant-aid companies had violated. In justification of the Missourians, it had been claimed that they were compelled to act as they had done because, if Kansas should be abolitionized, slavery in Missouri might be attacked from that side. To this he replied: "Missouri lies adjacent to abolitionized Iowa on the north, and to abolitionized Illinois on the east, yet neither of those states has been used for such designs." By a long series of searching questions—some of which were not entirely fair—he slowly tightened his instrument of torture around his victim.<sup>1</sup> Then speaking for the people of Kansas, whose trials he had described, he said, dramatically:

"Speechless here, as they yet are, I give utterance to their united voices, and, holding in my hand the arraignment of George III., by the Congress of 1776, I impeach—in the words of that immortal text—the President of the United States"—[and he read the document].

"How like unto each other are the parallels of tyranny and revolution in all countries and in all times. Kansas is to-day in the very act of revolution against a tyranny of the President of the United States identical in all its prominent features with the tyranny of the King of England which gave birth to the American revolution. Kansas has instituted a revolution, simply because ordinary remedies can never be applied in great political emergencies."<sup>2</sup>

<sup>1</sup> 4 Works, 493-96.

<sup>2</sup> 4 Works, 503, 505.



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He was using the word "revolution" with very surprising frequency for a man that had always claimed to favor only peaceful and constitutional means.

The chief objection to Seward's proposition to admit Kansas under the Topeka constitution was that that constitution had grown out of conventions in which men of only one party were represented, and that the whole movement was without warrant of Congress and in actual defiance of the territorial government. Seward's reply was that there had not been any irregularity because "there can be no irregularity where there is no law prescribing what shall be regular," and that "the same alleged irregularities" could be found in the cases of Texas and California. If Seward's abstract statement was true, then the merest faction might properly call a general constitutional convention, draft a constitution, and demand admission into the Union on the ground of entire regularity, although nine-tenths of the population had looked on in derision. In former cases where constitutions had been formed without congressional authority, the whole undertaking represented the wish of a large majority of the particular territory. There the principle of democracy had been preserved; but it was overlooked—not without cause, and perhaps not without justification—in the efforts at Topeka.

Seward's superiority was not in a close argument with an antagonist, but in broad philosophizing and brilliant declamation, which were more interesting and effective with the people.

"Senators of the free states," he exclaimed, "I appeal to you. . . . You know, then, that slavery neither works mines and quarries, nor founds cities, nor builds ships, nor levies armies, nor mans navies. Why, then, will you insist on closing up this new territory of Kansas against all enriching streams of immigration, while you pour into it the turbid and poisonous waters of African slavery? . . .



“You profess a desire to end this national debate about slavery, which has become for you intolerable. . . . Will you even then end the debate, by binding Kansas with chains, for the safety of slavery in Missouri? . . . He who found a river in his path and sat down to wait for the flood to pass away was not more unwise than he who expects the agitation of slavery to cease while the love of freedom animates the bosoms of mankind.

“The solemnity of the occasion draws over our heads that cloud of disunion which always arises whenever the subject of slavery is agitated. Still the debate goes on more ardently, earnestly, and angrily than ever before. It employs now not merely logic, reproach, menace, retort, and defiance, but sabres, rifles, and cannon. Do you look through this incipient war quite to the end and see there peace, quiet, and harmony on the subject of slavery? If so, pray enlighten me, and show me how long the way is which leads to that repose.”

This was one of Seward's greatest political discourses. The Republicans in the House, not having a clear majority, had shown a disposition not to try to overthrow the territorial government. Apparently Seward's aim was to inspire them with courage, to make the issue clear and sharp and popular, under his leadership. Cass said that the speech was “evidently considered by those who concur in his [Seward's] opinions as the test and standard of their views and purposes”; while Benjamin intimated a belief that it had gone into so many hamlets and cottages that it was hopeless to expect that any words of his own could counteract it.<sup>1</sup> It is easy to understand why Greeley, who heard the speech delivered, called it “the great argument,” and “unsurpassed in its political philosophy,” and why Simonton, the *Times* correspondent, regarded it as Seward's finest production.<sup>2</sup> The excitement of the hour and the hazard of his plan made it more heated and popular than any he had ever delivered. Sumner

<sup>1</sup> *Globe*, 1855-56, 1094, Apx., 523.

<sup>2</sup> 2 Rhodes, 130, 131.

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gave it the highest praise,<sup>1</sup> and nothing that Seward had done before interested so large a number of persons.<sup>2</sup>

The developments in Kansas gave point and interest to the debate, not yet near the end. The House sent out a committee to gather information about the character of the elections. Companies of Northerners, armed with Sharpe's rifles—popularly called "Beecher's Bibles"—as the most potent influences, went forth to Kansas, thinking more of a contest with the crusaders from the South than of raising crops. The most serious movement against the free-state men was an indictment of Reeder, Robinson, Lane, and others, by the grand jury of Douglas county, for treason on account of their action against the territorial legislature. The same grand jury recommended that the two leading newspapers be suppressed as nuisances, and that the hotel used as headquarters by the free-state men be demolished. The leaders fled for safety. In May the United States marshal for Kansas issued a proclamation calling for a posse to help him execute certain writs in Lawrence. Hundreds of pro-slavery zealots and adventurers responded to the marshal's call. The inhabitants of Lawrence decided not to offer resistance, fearing that it might bring on a conflict

<sup>1</sup> "He has, throughout a life of unsurpassed industry, and of eminent ability, done much for Freedom, which the world will not let die; but he has done nothing more opportune than this [the offering of his proposition to admit Kansas], and he has uttered no words more effective than the speech, so masterly and ingenious, by which he has vindicated it."—*Globe*, 1855-56, Apx., 540.

<sup>2</sup> Seward wrote to Weed: "The demand for it from the country, all parts, is immense, exceeding what I have ever known. I am giving the copies away by the one hundred, and even the one thousand, to applicants, for distribution in Pennsylvania, Ohio, and other states. It seems to me, as it does to you, that the whole battle turns on the points involved in the speech, and that with that issue brought home to the people, all can be saved; without it, all must be lost."—2 Seward, 270.

with the United States government, and thereby endanger the free-state movement. The invaders ran riot in Lawrence, burned the hotel and Robinson's house, destroyed the presses, and retired in drunken and jubilant disorder.<sup>1</sup>

It was only a few days after this incident that John Brown became famous in Kansas. He had had a checked career, having unsuccessfully followed many occupations in several states. A man of strong character and sterling honesty, his only constant purpose had been to aid negroes, bond and free. His vigorous but uncultivated mind solemnly accepted the sanguinary heroes of the Old Testament as the best models for his daily life. He went to Kansas in the autumn of 1855, where four sons had settled, but his purpose was to fight, not to till the soil. In the spring of 1856 the Browns and their neighbors at Osawatomie heard of the danger threatening Lawrence. Before they could reach the place news of its misfortunes met them. Brown thought the policy of the free-state leaders cowardly. He believed that the sword of Gideon would be the best instrument of peace. He quietly chose six or eight companions, and they ground their cutlasses in preparation to take revenge for pro-slavery crimes and to inspire fear of the Free-Soilers. They made a midnight raid, May 24, 1856, upon some aggressive pro-slavery men sleeping in a settlement called Pottawatomie. Five were taken out and most brutally slain. Brown religiously believed that he was an instrument of divine justice; but, in fact, he and his imitators, like the border ruffians, were guilty of murder, arson, robbery, and of expelling opponents. All followed impulses more appropriate to savages who had, until lately, roamed those prairies, than to men undertaking to found a state. Brown soon became the

<sup>1</sup> Spring, 118 ff.



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hero of many persons having more courage and sentiment than judgment or patience.

Meantime the Senate debate was becoming more sullen and angry in character, and tended to run on lines of sectional resentment rather than of national arguments. Sumner knew that the opposition hated him, and he intended to deserve the distinction by trying to "pronounce the most thorough philippic ever uttered in a legislative body."<sup>1</sup> On May 19 and 20, 1856, he realized his intention to the letter. What others had assumed or inferred or generalized about Sumner undertook to demonstrate. He shot forth his arguments with an intense conviction and a righteous indignation that were terrible. Collamer and Trumbull spoke like lawyers, and confined themselves to a few propositions, which they made plain and impressive. Hale and Wilson felt New England's hostility toward "the favorite institution," but Sumner alone possessed the moral and intellectual qualities that enabled him to pronounce effectively the curse and contempt of civilization upon slavery and its champions. His nervous system seemed to be more feminine than masculine, and his sympathies were so wrought up by the woes that pro-slavery men had spread over Kansas that he was filled with a relentless mania to scourge not only the institution, but South Carolina, and Butler, Douglas, and Mason, whom he regarded as its most ambitious defenders. It was in speaking about Butler and Douglas, especially, that he became grossly personal and severe in a way that was irrelevant to the main question and injurious to his argument.

Douglas replied in coarse insult. Mason regretted that political circumstances compelled him to associate in the Senate with men "whose presence elsewhere is a

<sup>1</sup> 3 Pierce, 431, 439.



dishonor, and the touch of whose hand would be a disgrace." <sup>1</sup> Butler was not in Washington. His nephew, Preston S. Brooks, a Representative from South Carolina, resolved to inflict physical punishment on Sumner. After lying in wait outside the Capitol on two successive days with Edmundson, of Virginia, these two and Keitt, of South Carolina, went to the Senate-chamber. Brooks came upon Sumner unawares as he sat at his desk writing shortly after adjournment, and beat him over the head with a heavy cane until he fell to the floor. The murderers at Pottawatomie had been matched by these "chivalrous sons of the South," who, as was said at that time, went hunting in pairs for an unarmed and unsuspecting Senator.

In the evening after the assault the Republican Senators met at Seward's house to decide upon a course of action. Southerners had so often spoken of "satisfaction" and "responsibility," it seemed not improbable that other Republicans might be attacked. On Seward's suggestion, it was agreed that Wilson, as Sumner's colleague, should make known to the Senate—"in the simplest form, without reproach, without passion, without even a manifestation of excitement"—the cause of Sumner's absence; then, if no Democrat should offer a resolution of inquiry, Seward should do so, without a word of censure. <sup>2</sup> Although Wilson urged that the incident called for "prompt and decisive action" and invited older members to take the initiative, the Democrats would have allowed the matter to pass without further notice had not Seward proposed that a committee of five be appointed to investigate the circumstances and report the facts and conclusions. <sup>3</sup> It was foreseen that parliamentary courtesy would compel the

<sup>1</sup> *Globe*, 1855-56, Apdx., 544-46.

<sup>2</sup> *Globe*, 1855-56, Apdx., 661.

<sup>3</sup> *Globe*, 1279.

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naming of Seward on the committee if it should be appointed. So Mason offered an amendment proposing that the committee should be chosen by ballot. Seward, to avoid debate, accepted the amendment. Not one Republican was elected. A few days later the report of the committee gave a brief statement of the facts; declared Brooks's assault a breach of the privileges of the Senate—which, however, could only be punished by the House; and recommended that a complaint to the House should be accompanied with the affidavits taken.<sup>1</sup>

From the moment the assault became generally known great excitement prevailed in Washington. It was notorious that many northern men—like the settlers in Kansas—now felt that their personal safety required the carrying of arms.<sup>2</sup> Whatever Brooks's chief motive may have been, it was evident from the approval he received that the act was an expression of a common conviction on the part of Southerners that northern men ought not to be allowed to express their opinions freely about matters especially dear to the South. This fact made the question not merely one of personal vengeance or of a violation of parliamentary privilege and constitutional law; it made it a question in

<sup>1</sup> *Globe*, 1317. In the House a committee of three Northerners and two Southerners was appointed to report on the affair. The former made a majority report favoring the expulsion of Brooks and the censure of Edmundson and Keitt. It was impossible to obtain the two-thirds vote necessary for expulsion, or a majority for the censure of Edmundson, who was not present at the moment the assault occurred. But Keitt was censured, and the vote of one hundred and twenty-one to ninety-five for Brooks's expulsion had the same effect upon the latter. Both resigned, and were soon re-elected by an almost unanimous vote. As Brooks passed out of the House southern women met him at the door and embraced and kissed him.—3 Pierce, 491. Since the memorable day the venerable Clay swept all hearts by his magic plea for union and compromise such a sight had not been witnessed in the Capitol.

<sup>2</sup> 2 Seward, 273; Pike, 339.

the broad, open field of civil liberty—the right of free speech. When, then, Toombs and Butler and others frankly approved the act,<sup>1</sup> and when scores of Representatives did the same, directly or indirectly, it was time for northern men to show that they understood the question and were not afraid of it. Wade saw and met the issue when he said: “If the principle now announced here is to prevail, let us come armed for the combat; and although you are four to one, I am here to meet you. God knows a man can die in no better cause than in vindicating the rights of debate on this floor. . . .”<sup>2</sup> Wilson pronounced the assault “brutal, murderous, and cowardly,” and added: “Any assumption of superiority by the Senator from South Carolina, or any other state, as to recognition, will pass for what it is worth in the Senate and the country.”<sup>3</sup> And at the earliest opportunity he reviewed most of the points in Sumner’s speech to which Butler had taken exception; insisted on their accuracy; produced evidence indicating that Butler had been the aggressor in personalities, and he even reiterated on his own authority the substance of what had been said about Butler’s looseness and inaccuracies of statement.<sup>4</sup> It was the best and only practical way to impress upon the Southerners themselves that, after all their bluster, they had assumed a position that they dared not defend and could not profitably even pretend to maintain.

It has been charged that Seward showed a lack of courage and of dignified frankness in relation to this incident. His rule was to avoid personalities, but his re-

<sup>1</sup> *Globe*, 1855-56, 1305.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, 1306. Butler and others had said with self-complacency that it was not their habit to recognize Sumner. Wilson answered Butler’s claim that he had generously given Sumner social position, by calling it “a piny-wood doctrine—a plantation idea.”—*Ibid.*, 1400. See also p. 1403.

<sup>4</sup> *Ibid.*, 1399 ff.

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cent attack upon President Pierce was a marked exception. Now Seward related that when he heard of the assault, "I disciplined my feelings, my very heart itself, into submission to the dictates of my soberest judgment," in order that the character and honor of the Senate should suffer no injury.<sup>1</sup> Subsequently he announced that it was "a proud day" for him when the Senate unanimously adopted his resolution—a resolution that would doubtless have been rejected if he had opposed the amendment the aim of which was to exclude Republicans; that he did not blame the Senate for excluding him; that, although the report had been severely criticised at the North, he "liked the report because its positions were sound and just."<sup>2</sup> He complimented the author of the report (Pearce, of Maryland), although he could hardly have been ignorant of the fact that Pearce's disapproval of the assault was chiefly based on its being a breach of the privileges of the Senate.<sup>3</sup> Seward's remarks were in reply to a criticism by Senator Hunter, of Virginia, on the report, and although Seward mentioned that the South had "bade the assailant go on in his work of reform"—"the extinguishment of the opposition to the extension of slavery into Kansas"—he was content with uttering the warning that such a policy would only benefit the cause of freedom, and with skilfully reducing to an absurdity the proposition that Brooks had a right to take matters into his own hands.<sup>4</sup> Butler replied with such energy that the spectators in the galleries burst into applause. Among

<sup>1</sup> *Globe*, 1855-56, Apx., 661.

<sup>2</sup> *Ibid.*, 661, 662.

<sup>3</sup> A few minutes later Pearce said: "I knew him [Brooks] as an amiable and honorable man. I thought he had yielded to the very natural impulses of an indignation for which, in my opinion, no man can be charged with blame other than that of yielding to the infirmities of human nature."—*Ibid.*, 665.

<sup>4</sup> *Ibid.*, 662, 663.



other questions, Butler asked Seward if he endorsed the approbatory part of the Massachusetts resolutions about Sumner's speech, especially regarding its attack upon South Carolina. Seward complimented Butler's character—"the chivalry of which I freely admit"—and answered, that "whenever any Senator in this hall assails the name, fame, or character of any other member, or the name, fame, or character of any state in this Union, I think he commits an [im]propriety, and he will never receive my support or countenance in a transaction of that kind."<sup>1</sup>

In public he had complimented Butler and had been so evasive that he seemed to condemn Sumner's action. But he had written privately a few days before: "Mr. Wilson, yesterday, made a triumphant reply to Mr. Butler, and the best possible vindication of Mr. Sumner."<sup>2</sup> Even the very mild Senate report, which Seward had specially praised, came near being rescinded a little later;<sup>3</sup> and in a campaign speech, the following autumn, he brought the sincerity of his praise into question by declaring that the vote which approved the report had "admitted rather than declared that the assault . . . was a breach of the privileges of the Senate."<sup>4</sup>

Seward's invariable and commendable habit of never allowing himself to be a party to an angry personal debate, doubtless largely accounted for his unwillingness to defend Sumner. Referring to a "tilt" Sumner had with a newspaper, Seward wrote in 1854: "He took my advice as usual, and as usual followed his own."<sup>5</sup> If, as seems likely, this had occurred again, it should weigh in Seward's defence. It is probable also that Seward's attitude was somewhat influenced by his fears as to the effect further excitement would have on his political prospects in the presidential campaign of 1856.

<sup>1</sup> *Globe*, 1855-56, Apdx., 664.

<sup>2</sup> 2 Seward, 277.

<sup>3</sup> 2 Seward, 279.

<sup>4</sup> 4 *Works*, 260.

<sup>5</sup> 2 Seward, 226.

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During the last half-year Seward's candidacy for the presidential nomination had not developed according to expectations. Before the end of December, 1855, a movement was begun in Washington by Francis P. Blair, Sr., Chase, Sumner, Dr. Bailey, Banks, and Preston King—all of Democratic antecedents—for the purpose of assembling an anti-administration convention at Pittsburgh or Cincinnati, on what was known as the Ohio plan—half Republican and half Know-Nothing. Seward was urged to attend the little gathering at which the plan was to be developed. The leaders believed that all the free states except New York would acquiesce. It was known at the time that Blair favored the nomination of John C. Frémont, and that Chase sought the nomination for himself. Seward disclaimed being a candidate; refused to join the movement; declared that he “must distinctly protest against any combination with ‘Know-Nothings’”; and when Preston King solicited his co-operation, he referred him to Weed on the ground that he himself took no part in conventions or organizations.<sup>1</sup> While it was true—in the language of aspiring politicians—that he was not a candidate, this was due more to the circumstances than to either Seward or his friends.<sup>2</sup>

The national council of the American party was again held in Philadelphia, February 18, 1856. The resolu-

<sup>1</sup> 2 Seward, 264.

<sup>2</sup> Weed's point of view is shown by these sentences in his answer of January 3, 1856, to Seward: “I am sorry you did not meet those gentlemen, dissenting only when the Know-Nothing feature obtruded itself. The general reason assigned is liable to misconstruction. But no matter now. It is difficult in your position to decide what is best. Of one thing I am sure. If ever a candidate, it must be when the people are ready, and demand it, and not by act of your own. It is a question which will take care of itself. It can neither be hastened nor hindered by individuals.”—Seward MSS.

A popular biography of Seward, with selections from his speeches and writings, had been prepared by George E. Baker, Seward's *protégé* and the editor of his *Works*. It appeared early in 1855.

tion denying the right of Congress to prohibit slavery in the territories or to abolish it in the District, which was passed the previous year, was rapidly weakening the party in the North without bringing it victory in the South. So the council struck out the resolution, declaring that it had neither been proposed by the South nor approved by the North, and announced that "on the subject of slavery we stand upon the principles and provisions of the Constitution of the United States, yielding nothing more and claiming nothing less."<sup>1</sup>

In the national convention, held on February 22d, in the same city, a northern delegate offered a resolution pledging the party not to nominate for the presidency or the vice-presidency any man not in favor of prohibiting slavery in territory north of 36° 30'. When the resolution was laid on the table, the delegations from Connecticut, Massachusetts, Rhode Island, and Ohio, and a part of those from Illinois, Iowa, and Pennsylvania, withdrew and summoned a new convention to meet in New York city June 12th.<sup>2</sup> The regular organization at Philadelphia chose Millard Fillmore and Andrew J. Donelson as its candidates.

In response to a call of the chairmen of several Republican state committees, delegates from twenty-three states met in Pittsburgh, also on February 22d, for the purpose of organizing the national Republican party. Francis P. Blair, Sr., was chosen chairman. A ringing address by Henry J. Raymond, and speeches and letters from men formerly prominent in the Whig, the Democratic, or the Know-Nothing party, indicated that at last the old anti-Nebraska factions had formed a nucleus for a vigorous and effective movement. The address announced as the three leading objects of the new party, the abolition and exclusion of slavery from the territories,

<sup>1</sup> *Globe*, 1855-56, Apdx., 1179.

<sup>2</sup> 5 Von Holst, 262.



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the immediate admission of Kansas as a free state, and the overthrow of Pierce's "weak and faithless" administration. Messages came from the bolting Know-Nothings, indicating that many of them would unite with the Republicans. This made it all the more urgent that the new party, in its formal national convention, now called to meet at Philadelphia, June 17th, should select a man that had never been conspicuous as a Whig or a Democrat or as an opponent of Native-Americanism.

Thenceforth the nomination of either Seward or Chase—who were the best representatives of Republican ideas and by far the ablest and most worthy among the candidates—became less and less likely, while Frémont's strength grew rapidly. His candidacy had been discussed since the autumn of 1855, when Greeley began to champion his interests in opposition to Seward's. Frémont possessed what the politicians call "availability." He was born in Georgia. The stories of his wonderful and dangerous expeditions to the Northwest and across the mountains to the Pacific, and of his romantic courtship and marriage to the daughter of Senator Benton, had caused him to be known and admired by a larger number of men, women, and children than any other American of his time. Rather more of a Democrat than a Whig in antecedents and associations, as one of the first two Senators from California he had been somewhat identified with the question of freedom in the territories. The South, the West, and now the East—for he was living in New York at this time—might be made to feel pride in this man, who was not a partisan. Moreover, the support of the *Tribune* and of the *Evening Post* did much to enable him to outstrip Seward.

Many voters that had lately been Whigs favored Judge John McLean, of the Supreme Court, who was a non-partisan of great character and fitness for the highest



office; but his candidacy in no way caught the fancy either of the people or of the managers.

The fact that the Republicans lacked a majority in the House and could obtain the support of northern Know-Nothings only by granting concessions to their claims, resulted in a policy much less aggressive than Seward had advocated; for he had bravely outlined a radical course and had expected the party to give him its highest mark of approval. On March 13, 1856, he wrote to Weed:

"It is manifest that here the tone of antislavery feeling is becoming daily more and more modified, under the pressure of the 'Know-Nothing' influences. While we met in caucus and cheered each other with strong antislavery speeches, those who advised and got up the affair announce everywhere that the object is to let us down to the level of non-committal and questionable nominations. They represent even *me* as advocating their policy. Thus my speech, which was of an entirely different character, is so presented. I cannot remonstrate, dispute, or complain. Yet I feel as if I was already half demoralized. If Kansas comes here soon with a constitution, I shall make a bold effort for her acceptance, which may present an issue on which we can rally the party."<sup>1</sup>

Weed had no confidence in Republican success in 1856, and therefore he was unwilling to press for Seward's nomination.<sup>2</sup> Without the active aid of Weed and with

<sup>1</sup> 2 Seward, 267.

<sup>2</sup> 2 Weed, 245. On March 15, 1856, Weed wrote to Seward: "I saw too well where things were tending, but I did not and do not now see how to avert the evil.

"I am glad that you attended the meeting, and do not regret the impressions of your remarks as they have gone abroad. I hope that you will go on cheerfully until we reach the point at which duty compels a separation. I am for yielding to those who desire it the privilege and responsibility of finding candidates. And I [am] only anxious to be at Washington to assure all that the field is open and clear.

"My apprehensions of Fillmore are lessening. The nomination is not acceptable to the North. But this danger is not yet passed. Should there be a break at Cincinnati that drives the Hards to Fillmore, this and other states would be in peril."—Seward MSS.

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the determined opposition of Greeley, Seward was quite helpless against the tendency of opposing forces to unite on Frémont. His letters of this time show how he had set his heart on being the Republican candidate and how the disappointing and adverse circumstances quite stripped him of his usual optimism and caused him to lose his self-confidence and to talk again of giving up public life.<sup>1</sup> It was perfectly natural and justifiable that Seward should feel aggrieved that availability and a compromise of principles should be made the chief considerations; and it does not appear that he complained to any one except to those two in whom he confided his most secret thoughts.<sup>2</sup> In one of his letters to Mrs. Seward, written three days before the convention, he indicated his feelings and outlined the political situation as follows:

<sup>1</sup> 2 Seward, 270, 271, 275-80; 2 *Weed*, 244. Weed wrote a letter for Seward's use, "which would be equally right in the event of the nomination of anybody." The letter was finally torn up.—2 Seward, 276.

<sup>2</sup> To Mrs. Seward he wrote, June 11, 1856: "From all I learn, I remain of the opinion that 'availability' is to be indulged next week, and that my own friends are to make the sacrifice. Be it so; I shall submit with better grace than others would."—2 Seward, 277. Two days later he wrote again: "Everybody here talks of nothing but the anticipated convention at Philadelphia next week, and the indications are quite decisive of a 'compromise' that threatens me with peculiar embarrassments; while I, alone, foresee that it will be even more injurious to the great cause in whose name the compromise is to be made. No word from New York reaches me. I am quite satisfied that I am to be left to look on at a distance, and learn events as they transpire. It tries my patience to read and hear what is said, and to act as if I assented, under expectations of personal benefits, present and prospective! Just as soon as the convention has done its work, the appeals will come from every quarter to me to bring into the capital stock what little of character for independence and firmness I have saved. When I think of this, I turn to Douglas and Cass and Pierce and see the humiliations they are practising in their party to a similar end, under similar circumstances, and I perceive that I am to be obliged to choose between that, on the one side, or a reserve that will seem selfish and factious, on the other."—*Ibid.*

“The Philadelphia delegates are passing through here, and the state of things is odd enough. The understanding all around me is that Greeley has struck hands with enemies of mine, and sacrificed me for the good of the cause, to be obtained by a nomination of a more available candidate, and that Weed has concurred in demanding my acquiescence. The nomination of either the California candidate or the Ohio judge is regarded as a foregone conclusion, and as a conclusion arrived at with my own approval and consent. But there are continually arriving here one delegate or more from each of the states, who are suspicious, distrustful, and apparently obstinate in refusing to acquiesce in the bargain. Tied up as I am, I am unable to give them any explanation or consolation. If I were to pursue the course prescribed to me, I should avow myself in favor of the course they say has been agreed upon. But I have concluded to preserve my own self-respect by speaking only what I think, so far as I speak at all. I hope that my ingenious tormentors will find somebody else to subject to their screws when I shall have exhausted myself.”<sup>1</sup>

Seward's point of view respecting the best interests of the party had changed much during the past year. He now feared that compromise and availability were to be its great misfortune. Then he anticipated that the victory would be lost on account of “rash counsels” and “the infatuation of the besiegers.”<sup>2</sup>

<sup>1</sup> 2 Seward, 277.

<sup>2</sup> “I would prefer to talk rather than to write of that formidable question [the Republican nomination] that, coming next year, already has thrown its shadow over us. We have inaugurated the movement that will, at no distant day, work the problem out. I wish that we could rest, retire, withdraw, and leave it to work out. I do so for two reasons. First, because henceforth we can do nothing but what will be set down to the account of an ambition which we do not feel. Secondly, that I think it by no means certain, and even hardly probable, that it is to work out completely and safely next year. Rash counsels will probably prevail, and the first assault will be repulsed, not so much because the enemy is strong, but because of the infatuation of the besiegers. I do not want that you and I should bear the responsibility of such a disaster. For while the world is exciting itself into all kinds of passions about eagerness for the command, I am by no means



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Even the proceedings of the Democratic convention, which met at Cincinnati, June 2, 1856, were unfavorable to Seward's interests. The excitement on account of affairs in Kansas and the Brooks assault on Sumner warned the Democrats to adopt as peaceable a programme as possible. Their platform promised that they would "resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question under whatever shape or color the attempt may be made." It expressed the belief that the only way to avoid civil war and disunion would be to persevere in the party's policy of "non-interference by Congress with slavery in state and territory, or in the District of Columbia." Pierce was the logical candidate, and a large majority of the southern delegates favored him. But the President was regarded at the North as so identified with pro-slavery outrages in Kansas that his renomination would compel their defence in the campaign. Douglas was eager to secure first honors, but all Northerners that had left the Democratic party were special enemies of the "Little Giant"; while the South feared to trust him, seeing that he had no more sympathy with slavery than with freedom, but used principles and theories merely as political pulleys by which to hoist himself. Cass still cherished hopes, and had some support on account of his views on foreign affairs; but age had made it impossible for him to keep abreast of his two young rivals, who had seized his standards and rushed to the front. Like Douglas, he, too, had lost the majority in his own state. Buchanan's absence, as Minister to Great Britain, had kept him personally aloof from the contest at home. Yet his part in the Ostend manifesto<sup>1</sup> was satisfactory evi-

ready to accept it, if tendered. I do not know that I ever wrote so freely on a subject upon which a wise man ought not to write at all."  
—2 Seward, 252.

<sup>1</sup> See *post*, 471.



dence to the South that she could count on him. Probably he was the only one that could carry Pennsylvania, and the support of that state seemed essential. Although his strength came at first chiefly from the North, Slidell and Wise soon brought over many southern delegates, and he was chosen. Breckenridge, of Kentucky, was nominated for the vice-presidency.

Because both Fillmore and Buchanan were accounted conservative men, it became necessary for the Republicans to select a candidate that would not alienate any one of the three distinct elements of the party, yet would attract the milder type of antislavery men. Although much calculation and some trimming existed among the Republicans, even at this early period, their national convention, which met at Philadelphia, June 17, 1856, was remarkable for the intelligence of its members and their high moral purposes. It took for its two vital principles the only really urgent propositions—the exclusion of slavery from all the territories and the immediate admission of Kansas under the Topeka constitution. James Watson Webb believed, up to the eve of its assembling, that Seward's nomination and election would be certain if he should persist; but Seward declined to do so.<sup>1</sup> This was no great

<sup>1</sup> On June 17th Seward wrote to his wife: "A messenger came through by night from Philadelphia, bringing Schoolcraft's letter, saying that my nomination now would be unwise and unsafe, on the ground that the election would be impossible; while earnest friends refused to forego my nomination, without my own authority; also a letter from Webb, saying that my nomination and election would be certain, if I would persist. I remitted a peremptory declension, on the ground that the Republican convention was not prepared to adopt all my principles and policy; and that I would not modify *them* to secure the presidency."—2 Seward, 278. On June 26th he explained this erroneous forecast by writing: "The truth is, between us, that it was intended to have the platform silent on the 'American' question; but to have the nominations represent a coalition of Republicans and 'Americans' (ignoring my principles for this time). But

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sacrifice; for, in fact, the choice of Frémont was a foregone conclusion. On the informal ballot he received three hundred and fifty-nine votes to one hundred and ninety-six for McLean. When the formal vote was taken he received all but thirty-eight.<sup>1</sup> William L. Dayton, of New Jersey, was chosen for the second place on the ticket. Abraham Lincoln was Dayton's strongest rival.

A remnant of the Whig party met in Baltimore, in September, and, without announcing any definite principles, declared that the chief danger of the time was the sectionalism of the two leading parties, and that the best, if not the only, way to avoid disunion would be to re-elect Fillmore.

Republican enthusiasm and the increased efforts at the North to send armed emigrants into Kansas to take the place of expelled settlers and to carry on the struggle, —although printing-presses had been destroyed, leaders imprisoned, and villages burned,—were signs that alarmed the Democrats. They offered various propositions indicating their willingness to compromise with their opponents in order to get rid of the heavy handicap which Kansas was sure to be to them in the approaching contest. The Toombs bill favored taking a new census, and calling a constitutional convention—without waiting for the population that would entitle it to a Representative in Congress—under such conditions as, on their face, seemed to promise a fair election and a state government in the near future. Other Democrats were willing to repudiate the party dogmas of non-intervention and popular sovereignty to the extent of abrogating some of the most objectionable laws of

Dr. Bailey's protest, through Mr. Giddings, prevented that, and now we have a complete Seward platform, with new, representative men upon it."—2 Seward, 279.

<sup>1</sup> 2 Rhodes, 184.

the legislature. The Toombs bill was selected by the Senate as the best resource. After a stormy all-night debate, and a continuous session of twenty hours, this bill was passed at eight A.M. July 3, 1856, by a vote of thirty-three to twelve.<sup>1</sup>

It was nearly daylight when Seward rose to state his objections.<sup>2</sup> His attitude on the Kansas question had been clear and consistent from the beginning of the session, although not altogether practical or free from party considerations. He had maintained that the frauds and violence of the invading Missourians had vitiated the elections and made the territorial legislature and its acts an unlawful assumption. The report of the House committee on affairs in Kansas, which had just been made, supported his position with twelve hundred pages of facts. The Republican platform had adopted Seward's demand for the immediate admission of Kansas under the Topeka constitution. But the Democrats had to continue a general support to the territorial legislature. There was, therefore, no room for a real compromise. And Seward told the Senate that by no act of his should any human being thereafter ever be made or held a slave. He recalled his prophetic words about burying the Wilmot proviso under the Capitol; how, when it came forth from its tomb and was sent back and bound down, he had foretold that it would come again into the halls of Congress to be settled there at last, and how once more it had burst its cerements and presented itself with aggravations that surpassed even his "fanatical" imagination. The only way to solve troublesome questions was to deal with them directly and decide them by majorities—not evade them. He gave ample reason for his opposition when he stated that there was "no evil, social or political, which is ever supposed to threaten

<sup>1</sup> The legislative day was July 2d.

<sup>2</sup> 4 *Works*, 512-35.

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the stability of the Union, that does not arise immediately out of the existence of slavery.”

The Republicans believed that the Toombs bill was a double subterfuge: to take the Kansas question out of the campaign and to continue pro-slavery control in the territory. Under the lead of Galusha A. Grow, an energetic and sincere young Republican from Pennsylvania and the chairman of the House committee on territories, Seward's bill<sup>1</sup> demanding the admission of Kansas under the Topeka constitution was pressed with spirit and success in the House of Representatives.

There was no prospect that either house would accept the other's bill. The antipathy between the two chambers was increased when, on July 4th, the Federal troops dispersed the Topeka legislature. To compel the President to change his policy toward Kansas, the House affixed riders to some of the appropriation bills. An amendment to the army bill prohibited the use of the military to enforce the laws of the territorial legislature. The credit for this was supposed to belong to Seward.<sup>2</sup>

The heat of the summer of 1856 was very oppressive, the session had been long and trying, and to several of the Republican Senators it seemed useless to carry on the unequal contest. But Seward continued to lead the opposition with spirit, defending the attitude of the House, spreading again before the Senate and the country the record of the ills that Democratic theories and practices had brought upon Kansas.<sup>3</sup> In his opinion, the sole aim of the attempted conquest of Kansas, “through the countenance and aid of the President of the United States,” had been to establish slavery there; therefore he was determined to place as many legitimate obstacles as possible in the way of its success. He

<sup>1</sup> 2 Seward, 280, 282.

<sup>2</sup> 1 John Sherman's *Recollections*, 133.

<sup>3</sup> Speech of August 7, 1856. 4 *Works*, 535-59.



hoped also, by supporting the majority of the Representatives, to assist in creating "that divergence between the House of Representatives sustaining freedom and the Senate sustaining slavery, which may bring the question home to the people for their decision."<sup>1</sup>

The hour for adjournment arrived, and there was no appropriation for the army because no agreement had been reached. Three days later, August 21st, Congress reconvened, and the contest continued. Knowing what previous Houses had done under similar circumstances, and that the Republicans did not possess a clear majority, Seward foresaw the result; but he himself would yield nothing. Clayton sought a compromise; but, observed Seward, "Compromise is the statesmanship of the last generation."<sup>2</sup> Again the Democrats spread alarms and declared that the "black Republicans" were insisting upon a policy that would bring on civil war. In another of his brilliant speeches, Seward replied, August 27th:

"I am appealed to, to yield before the terrors of civil war. I am conjured to surrender my positions by the love which I bear to peace and harmony. I do, indeed, love peace; I do, indeed, fear the terrors of civil war; but that is not enough to make me surrender an object more important than peace—liberty. Peace! The Senate will give peace to Kansas now on one condition—that Kansas will surrender freedom, and accept slavery. Is there anything new in this proposition? Is it not the very proposition you made when you passed the Kansas-Nebraska law? If the people of Kansas would have accepted slavery, they could have had peace at the hands of Congress eighteen months ago, and there would never have been a marauder, or even a hostile intruder, from Missouri, within the territory. They have always had the option of peace; they have it now, independently of you; they have only to strike the colors of freedom, and run up the black flag of slavery, and thereupon peace, order, and tranquillity will reign throughout the prairies they have chosen for their abode."<sup>3</sup>

<sup>1</sup> 2 Seward, 284.

<sup>2</sup> 2 Seward, 288.

<sup>3</sup> 4 *Works*, 568.

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The House was resolute for more than a week, but finally a majority favored the army bill without the restrictions.

The campaign of 1856 was chiefly a continuation of the general struggle in Congress, projected upon a vastly larger field. The two years of constant agitation had served the Republicans well. They had a distinct advantage in the justice of their cause; it appealed to intelligence and moral impulses and bred an enthusiasm and self-sacrifice that have never been rivaled in any political campaign. The enterprise and alertness of the Republican press reflected the changes of public opinion and turned to the best practical advantage the marauding and the outrages of the pro-slavery guerillas—now not much worse than those of their opponents. Relief meetings generously pledged money and inspired hundreds of young men to hurry out into the Kansas whirlpool. Reeder and other refugees from injustice, young orators, veteran agitators, and political clergymen harangued the North in school-houses, public halls, and churches. This was the first national campaign in which the religious press and many of the religious denominations took an active interest.

The northern Democrats could not cope with these and other allies of the Republicans. Their principal strength lay in the vast mental inertia of their followers, their own capacity to conceal the real issue, and their ability to explain the purposes of northern abolitionists and of southern secessionists so as to convince conservative Whigs and "Americans" that the Union would be in danger in case the Republicans should triumph. Kansas was a scarlet letter to the Democracy of the North and a subject so much to be avoided that her press and orators made but slight political use of the atrocities of Brown

and Lane during this summer.<sup>1</sup> In August, Shannon, who had tried to be impartial, resigned and fled for safety. The secretary of the territory soon encouraged the border ruffians to return to their depredations. Pierce became alarmed lest the skirmishing and marauding might imperil the chances of Democratic success. A new territorial governor, J. W. Geary, of Pennsylvania, was sent out, and speedily quelled the disorders sufficiently to relieve the extreme anxiety.

The political campaign was well suited to Seward's temperament and oratorical abilities. There were suspicions that he felt "grouty"<sup>2</sup> and was greatly displeased that the party while accepting his programme had wholly rejected him. Of course he privately spoke of retirement from politics.<sup>3</sup> But in his public acts there were no traces of disappointment. Although the only campaign speeches preserved in his *Works* were those at Detroit and Auburn, October 2d and 21st, respectively,<sup>4</sup> he took an active part in the contest in New York.<sup>5</sup>

These two speeches are especially interesting and politically important because they represent his understanding of what the most intelligent antislavery voters of the North regarded as the leading questions of the time; he gave his peculiar and fascinating expressions to thoughts that he believed were theirs already or soon would be. For the speech at Detroit he took the central idea of what he had said at Albany the previous year—changing the phrase from "the privileged class" to "the dominant class"—and showed how politicians that were either slave-holders or in intimate alliance with them dominated the White House, the vice-presidency, the committees of the Senate, the different executive departments, and the Supreme Court; how free

<sup>1</sup> 2 Rhodes, 219.

<sup>2</sup> Pike, 347.

<sup>3</sup> 2 Seward, 282.

<sup>4</sup> 4 *Works*, 253, 276.

<sup>5</sup> 2 Seward, 293.



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speech had been suppressed in the South, and how "the natural and ancient order of things is reversed; freedom has become subordinate, sectional, and local; slavery, in its influences and combinations, has become predominant, national, and general."<sup>1</sup> After the conquest of Kansas would come that of Nebraska and Utah, and then Cuba.

"Beyond these visible fields lies a region of fearful speculation—the restoration of the African slave-trade, and the desecration of all Mexico and Central America, by the infliction upon the half-civilized Spanish and Indian races dwelling there, by our hands, of a curse from which, inferior as they are to ourselves, they have had the virtue once to redeem themselves. Beyond this area last surveyed lies that of civil and servile wars, national decline, and—**RUIN.**"<sup>2</sup>

It was one of the best signs of Seward's statesmanship that he believed that these events were to be avoided, "not, as some of you have supposed, by heated debates sustained by rifles or revolvers at Washington, nor yet by sending armies with supplies and Sharpe's rifles into Kansas. . . . Least of all is it to be won by retaliation and revenge. The victory will be to those who shall practise the highest moral courage, with simple fidelity to the principles of humanity and justice."<sup>3</sup>

Nothing has been found to indicate that Seward expected that his party would succeed in 1856. The October elections showed that the Democrats had well resisted the attacks of the Republicans in some of the free states. In November Buchanan carried Pennsylvania, California, Illinois, Indiana, New Jersey, and all the southern states except Maryland, which was the only one that cast its electoral vote for Fillmore. Although Buchanan received one hundred and seventy-four electoral votes to one hundred and fourteen for Frémont and eight for Fillmore, he lacked three hun-

<sup>1</sup> 4 *Works*, 269.

<sup>2</sup> 4 *Works*, 271.

<sup>3</sup> 4 *Works*, 273.



dred and seventy thousand popular votes of an absolute majority.<sup>1</sup>

Even this did not show how great a revolution had been brought about since 1852. In nearly all the southern states the Democratic gains had been so enormous that there seemed to be no room there for another party. These gains had been more than counterbalanced by losses at the North. Pennsylvania and Indiana were the only northern states in which Buchanan had obtained a clear majority. It was a foregone conclusion that the "American" party could not long survive, and the probabilities were that the current would sweep most of its members into the Republican ranks. Therefore, the next contest must be still more positively sectional. From the time of this election nothing in future politics seemed more probable than that the leadership of the North in the next national campaign would be given to Seward,—the most influential politician in the party and the best representative of a statesmanlike aim to suppress and finally to extinguish slavery by peaceful, constitutional, and generous means.

<sup>1</sup> 5 Von Holst, 461.

## CHAPTER XXI

### THE ANNOUNCEMENT OF THE "IRREPRESSIBLE CONFLICT," 1857-58

PIERCE'S last annual message, in December, 1856, indicated that he was more depressed by the policy of the Republicans than elated by the victory of the Democrats. In his opinion the whole antislavery agitation was little else than an "attempt of a portion of the states, by a sectional organization and movement, to usurp the control of the government of the United States," for the purpose of attacking slavery everywhere. He considered this to be wanton aggression and sure to lead to civil war and disunion. Hale replied to the President's assumption by saying that he had never met a person who believed that Congress had the right to interfere with slavery in the states.<sup>1</sup> Brown, of Mississippi, cited Seward's famous declaration, that slavery "can be and must be abolished, and you and I can and must do it,"<sup>2</sup> as evidence in support of Pierce's position. Seward, who never undertook to argue until he was ready, coolly remarked that perhaps the reference was to a speech that he had made at Cleveland "in support of Zachary Taylor, a slave-holder of Louisiana."<sup>3</sup> Mason and Wade were more direct. The Virginia Senator maintained that the South would not tolerate interference with slavery in the territories any more than in the states; and, therefore, if the Republicans had succeeded in the pres-

<sup>1</sup> *Globe*, 1856-57, 11.

<sup>2</sup> See *ante*, p. 167.

<sup>3</sup> *Globe*, 1856-57, 12.

idential election, the Union would have been dissolved.<sup>1</sup> Wade believed that it was the settled purpose of the people of the North to confine slavery to the states where it already existed, whatever the consequences might be.<sup>2</sup> The two Senators exchanged compliments for frankness, and rightly, for each truthfully expressed the predominant sentiment of his section.

Much of the original disunion sentiment among anti-slavery men—which had been caused in 1843-44 by an intense hostility to the anticipated annexation of Texas—found indirect relief in the Liberty-party movement of 1844 and that of the Free-Soilers four years later. However, the ultra-abolitionists, under Garrison's leadership, continued their denunciation of the Constitution as "a covenant with death and an agreement with hell," and hoped to realize their motto of "No Union with slave-holders." The intellectual and moral influence of the Garrisonians was far-reaching, even among hundreds of thousands of voters that continued to act as partisans in every campaign. Disunion sentiment increased or waned according to the prospects of building up a strong antislavery party. It rose rapidly after the passage of the Kansas-Nebraska bill, but soon declined again when the rapid evolution of the Republican party promised to overcome pro-slavery supremacy. The ultra-abolitionists did not become regular Republicans, but some of their leaders were most hopeful and confident of Republican success. Theodore Parker, who was strictly neither a Garrisonian nor a Republican, but had intimate relations with both, said that the South would secede in case of Frémont's election, whereas the North would ultimately be "forced to take the initiative of revolution" if he should be defeated, for it would mean the triumph of the slave-power.<sup>3</sup> He was a

<sup>1</sup> *Globe*, 1856-57, 16, 26.

<sup>2</sup> *Ibid.*, 27.

<sup>3</sup> 2 Weiss's *Parker*, 189.

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false prophet, because he did not take into account these two facts: the latent antislavery strength of the North was so great that the pro-slavery party could be overcome even after one or two more victories; and political revolutions are not undertaken for merely moral reasons, where no positive material interest is involved.

But many Massachusetts abolitionists concluded that the election of Buchanan meant the permanent supremacy of the South; so it was decided to hold a state disunion convention in Worcester, January 15, 1857. The call was issued by Thomas Wentworth Higginson, Francis W. Bird, Thomas Earle, and others; and one of the theses was that the Union was a failure, "as being a hopeless attempt to unite under one government two antagonistic systems of society, which diverge more widely every year."<sup>1</sup> Invitations were sent to many prominent Republicans. Charles Francis Adams, Amasa Walker, Giddings, and Henry Wilson replied unsympathetically. Wilson denounced the movement, with boldness and eloquence, as a crime against liberty, and he hoped that the convention would leave all the impotent and puerile threats against the Union to the southern slave-propagandists and follow the banner of "Liberty and Union."<sup>2</sup>

<sup>1</sup> *3 Life of Garrison*, by his Children, 450.

<sup>2</sup> *3 Garrison*, 451, 452. A letter from Colonel Higginson, dated May 12, 1895, contains the following specially interesting sentences: "The convention was an effort (not altogether successful) to unite the Garrisonian abolitionists (who were disunionists upon a technicality, under the United States Constitution, which they held to be pro-slavery) and those who, like Mr. Bird and myself, were voters. There was at that time a growing feeling in New England that slavery might prove to be so entrenched that there was no way of escape but in *northern* disunion. Speaker N. P. Banks had practically endorsed this view. . . .

"Events went on very rapidly, and some of those who led in the call for the convention found themselves, within a few years, in the Union army."



Among Seward's manuscripts is the following autograph answer to the invitation he received:

"WASHINGTON, *January 3, 1857.*

"DEAR SIR,—I have received the letter which you have addressed to me conveying from the committee of arrangements an invitation to a meeting of citizens of Massachusetts which is proposed to be held on the 15th instant to consider the practicability, probability, and expediency of a separation between the free states and slave states within the Union, and requesting me to communicate my sentiments on that subject if I shall not be able to attend.

"You are pleased to inform me that the greater part of the signers of the call of [the] Convention were active supporters of Colonel Frémont in the late election, and to direct my attention to that fact as one of peculiar significance.

"I do not imagine that it is necessary for me to inform the Committee that I think a dissolution of the American Union, and especially such an one as is thus proposed, if it were proposed, would be a calamity to be deplored equally by the free states and the slave states, and disastrous to the hopes of the lovers of freedom and humanity throughout the world. I think it is merely blind passion which makes any man seek to destroy the present fabric of government because of errors in its administration which he cannot at once cause to be corrected. I have no more fears that the agitators of disunion either in free states or in slave states or in both those classes of states can carry out their desperate schemes, than I have faith in the reasons they assign for adopting such schemes.

"For these reasons I look upon the event of such a dissolution of the Union as one neither probable nor even possible under any circumstances that can now be foreseen in the progress of the Republic. It is certainly a matter much to be regretted if it is true that any persons who manifested their loyalty to the interests of freedom in the last election by voting for the Republican candidates have so soon afterwards compromised their characters for devotion to the great cause by setting on foot a project to subvert the Union. Nevertheless there were periods in the Revolutionary War when many, who had long been faithful Whigs, grew weary, and gave up the contest against opposition. The Revolution, nevertheless, went on to its glorious consummation. So will the cause of

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Freedom. It may be hindered, but it cannot be ruined by the follies or the crimes of any whose services it has at any time engaged.

“I am, gentlemen,

“Respectfully,

“Your obedient servant.”

The invitation had asked for his views in case he should be unable to attend the convention. This letter shows that his opinions were clear and positive. The document acquires a peculiar historical and psychological value when we know that it was never sent, but was quietly put away.<sup>1</sup> One can only speculate as to his reasons for remaining silent. He never had a particle of sympathy with disunion theories. Yet, abolitionists were, to a great extent, pathfinders and recruiting officers for the Republicans. Their support could not be depended upon, but their active hostility was yearly becoming more dangerous. While Seward was much less intimate with the abolitionists than Sumner was, they had all, at times, found much to praise in Seward's conduct. He may well have foreseen that the receipt of this letter would anger many that had voted for Frémont, and would otherwise be likely to be his friends in the next national campaign. His part in the incident was strikingly characteristic, in that his first impulse was the right and brave one, while his second thought was political and governed his final action.

Buchanan's inaugural address presented some surprising contrasts to Pierce's message. The new President saw a rainbow. All agree, he said, “that, under the Constitution, slavery within the states is beyond the reach of any human power, except that of the respective

<sup>1</sup> Colonel Higginson, by whom it would have been received if it had been sent, and Messrs. W. P. and Francis J. Garrison, after independent and most obliging researches among the reports of the convention, reached a conclusion supporting this opinion.

states themselves wherein it exists." Somehow he had reached the complacent conclusion that the chief point in the bitter strife had reference to the time at which the people of a territory should decide whether to admit or prohibit slavery. "This is, happily," he said, "a matter of but little practical importance. Besides, it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and finally settled." Deep and illogical self-delusions!

Two days later the opinion of the Supreme Court was announced in the case of Dred Scott. In 1834 Dred Scott, the slave of an army surgeon, was removed by his master from Missouri to Illinois, and thence, in 1836, to Fort Snelling, a point on the Mississippi river in the Louisiana territory near the present city of St. Paul. In 1838 he was taken back to Missouri. In 1848, after he had been whipped by his alleged master, he brought suit in one of the lower courts of Missouri for assault and battery, on the ground that his stay in the North had made him free. This court decided in favor of Scott. But the state supreme court reversed the decision, holding that his status as a slave re-attached on his return to Missouri. Meantime his transfer to one Sanford, a citizen of New York, enabled him to bring a similar suit in the Federal circuit court. Thence an appeal was taken to the Supreme Court of the United States.

The first point at issue was whether Dred Scott was a citizen of Missouri; for, if not, he had no standing in the Court. The highest Missouri court had decided that Dred Scott was still a slave. Therefore, a majority of the Supreme Court agreed that he was not a citizen of Missouri, and, consequently, that a Federal court had no jurisdiction in the matter. This should have ended the case. But counsel in their arguments had dwelt upon the questions of the constitutionality of the Missouri



compromise and of the citizenship of negroes. A majority of the Justices were strongly pro-slavery and could not resist the apparent opportunity to settle these questions forever. The most important point in the opinion of the Court, which was read by Chief Justice Taney, was the statement that slaves were recognized as property by the Constitution, and, therefore, could not be excluded from the territories by Congress. This swept away the supposed constitutionality of the Missouri compromise and made the principal aim of the Republican party—the prohibition of slavery in the territories—seem revolutionary. In a long historical argument the Chief Justice maintained that for more than a century before the Declaration of Independence, negroes had been of an inferior race, having “no rights which the white man was bound to respect,” and that they had never been regarded as citizens in the language of the Declaration of Independence, of the Articles of Confederation, or of the Constitution.

The dissenting opinion of Justice Curtis best represented the view of the North. He held that slaves were property only by state law, and that when they were voluntarily removed from the jurisdiction of such a law they lost the character of property and acquired that of persons. If this doctrine had been the opinion of a majority of the Court it would have made all territories free. In regard to the citizenship of free negroes, he reached a conclusion that was likewise directly opposed to that of the Chief Justice: he conclusively showed that, in several of the states, free negroes had not only been regarded as citizens both before and after the adoption of the Constitution, but had also possessed the right of suffrage.

Vain as had been the previous efforts to settle the contest between the advocates of slavery and of freedom, this decision of the Court—the realization of a long-



cherished dream of southern radicals—embittered the conflict tenfold. The Republicans saw in it evidence of an unscrupulous determination to make the whole antislavery movement appear as illegal. The fact that Buchanan announced in advance the character of the forthcoming decision was accepted as ample evidence that he and Taney had been in consultation. In the eyes of the North, the silken robes of Justice had been besmirched with the mud of politics, and where the Court's opinions had generally been received with profound respect, they were now sneered at as mere *obiter dicta*. In Curtis's ineffectual minority opinion, Republicans saw the true construction of the Constitution, and they pronounced the decision no more binding than if uttered by a southern debating club.<sup>1</sup> Northern legislatures passed resolutions full of disrespect. On the other hand, the South welcomed the new exposition as an impregnable bulwark for her interests and the highest vindication of her most extreme claims. The denunciations of the North were to her fresh evidences of a spirit of discontent and of contempt for law, which made aggressions easy and a continuance of the Union correspondingly difficult. As Taney was hated by one section as the genius of evil, so Curtis was regarded by the other as the exponent of all that was destructive of the Constitution and of political fraternity.

Meantime affairs in Kansas had continued to attract national attention. Although Governor Geary, the successor of Shannon, had broken up the terrorizing and desolating guerilla bands of both parties, the peace was of short duration. Geary's prudence and courage enraged the territorial legislature, which met in January, 1857. These frontier Solons would not brook opposi-

<sup>1</sup> 1 Merriam's *Bowles*, 223.

tion; so Geary, like his predecessor, had to flee for safety during the first days of Buchanan's administration.

Buchanan was one of those dull, narrow-minded, honest partisans whose weak virtues are valuable blinds for politicians that have none of these qualities. He lacked the courage either to take up Pierce's hand and play out the game promptly, or positively to repudiate the whole enterprise. The recent past had weakened the expectation that Kansas could be made a slave state, but confidence was felt that fair dealing would bring it into the Democratic ranks. Buchanan appointed Robert J. Walker territorial governor and F. P. Stanton secretary. Walker was a man of high repute, and had been a Senator from Mississippi and Secretary of the Treasury under Polk. Stanton was an able lawyer, and for ten years had served as a Representative from Tennessee.

Provision had been made by the territorial legislature for the holding of a constitutional convention. The free-state men still held themselves aloof from the territorial *régime*, and kept some life in the so-called Topeka state government, so as to be ready at any time for desperate expedients. To induce them to take part in the election of members of the constitutional convention, Walker promised that the constitution to be framed should be submitted to the voters for approval; and the President and the Secretary of State had already given a similar pledge.<sup>1</sup> However, less than one-fourth of the registered voters participated in the election that was held in June, 1857. The constitutional convention met in Leecompton in September, but soon took a recess to await the results of the approaching election of a new territorial legislature.

<sup>1</sup> *Globe*, 1857-58, Apdx., 4.

By means of repeated assurances of protection and an honest ballot, a great majority of the free-state men were induced to change their plans and to nominate candidates, notwithstanding the fact that the pro-slavery party had the advantage in the apportionment and the registration lists. Amazing pro-slavery frauds were committed in two localities, but Walker and Stanton, honest and brave, promptly threw out the false returns. The free-state men elected a majority of each house of the legislature.

The constitutional convention reconvened, realizing that all had been lost except what might be saved through dishonor. Members that had promised to favor a submission of the whole constitution to the people now changed their course. The constitution was made to declare: "The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same, and as inviolable, as the right of any property whatever." This was designed to put slavery out of the reach of any law less than a constitutional amendment; and even that was forbidden prior to 1864.<sup>1</sup> Fearing an entire repudiation of their work, the convention decided not to allow the voters to approve or to disapprove the constitution as a whole, but merely to favor the "constitution with slavery" or the "constitution with no slavery." Therefore, the constitution, with the obnoxious declaration about slave property, must be adopted. The words "no slavery" did not mean that the state should contain none but free men, but only that the bringing in of slaves might be prohibited.<sup>2</sup> The popular vote on the constitution was set for December

<sup>1</sup> 6 Von Holst, 89.

<sup>2</sup> The scheme was all a juggle, by which it was expected that Kansas could be made a slave state in any event.—Spring, 223; 6 Von Holst, 91-94.



21, 1857, and the election of state officers for January 4th following. The free-state men declined to take part in this game of heads-I-win-and-tails-you-lose; so the "constitution with slavery" was approved by a ratio of more than ten to one. There was great rejoicing, for it was supposed that slavery had won in the fight for Kansas.

Meantime, however, in the absence of Governor Walker, Secretary Stanton had summoned the new territorial legislature to an extra session. It provided for an unqualified submission of the constitution to the people on January 4, 1858, the day on which the pro-slavery party had intended that only state officers should be voted for. On that date the free-state men not only elected their candidates, but also cast over ten thousand votes against the constitution—about four thousand more than the pro-slavery party had polled on December 21st. As nearly half of the vote of December 21st was found to have been fraudulent, the pro-slavery victory seemed to be turned into a complete rout.

It was the duty of the new Congress that assembled in December, 1857, to pass upon these troublesome and dangerous questions as they arose. The Democrats had a majority in the House, and chose James L. Orr, of South Carolina, for Speaker. In the Senate the Republican minority had risen to twenty, while there were thirty-seven Democrats and five Native-Americans. Among the new Republican Senators were Preston King, from New York, who had led the Democratic revolt in the state in 1854, and Zachariah Chandler, Cass's successor, a bold, able politician, ready to meet the most intrepid spirits of the South. Jefferson Davis stepped from Pierce's Cabinet into the Senate, and continued to be the most clever and plausible of the southern leaders. From Tennessee came Andrew Johnson. During his service in the House and as chief executive



of his state he had shown that he was a plebeian Democrat, and he had recently acquired the title of the "Mechanic Governor."

Buchanan had already shifted his position; so he now recommended to Congress the admission of Kansas under the Lecompton constitution, independent of how the approaching elections in Kansas might result. He promptly removed Stanton for calling the legislature in extra session. Walker soon wrote a vindication of his own policy, and then, to avoid removal, resigned. This outcome was the occasion of Seward's witty remark, a little later: "The ghosts on the banks of the Styx constitute a cloud scarcely more dense than the spirits of the departed governors of Kansas, wandering in exile and sorrow for having certified the truth against falsehood in regard to the elections between freedom and slavery in Kansas."<sup>1</sup>

It was notorious that Douglas had done much toward influencing Walker to go to Kansas, and that he, too, had committed himself to a fair submission of the constitution to a popular vote. What had been done by the Lecompton leaders had filled thousands of Democrats with shame and anger. "Popular sovereignty" had been a cloak for political counterfeiters. The Republicans rejoiced, and Seward looked into the future with complacency, confident that the Democrats would "break down sooner or later, in crossing the Kansas bridge."<sup>2</sup> After the message had been read, Douglas rose and said that he totally dissented from the part that seemed to approve the proceedings of the Lecompton convention. Stuart, a Democratic Senator from Michigan, indicated that he, too, would be in the opposition.

Hale and Trumbull could not refrain from at once

<sup>1</sup> 4 *Works*, 608.

<sup>2</sup> 2 Seward, 328.

thrusting their lances into some of the many open places in Buchanan's armor. But Seward, with characteristic self-possession and shrewdness, blandly remarked that he considered it would be only fair to allow those to be heard first that had stood upon the principles of the Kansas-Nebraska bill, but now differed from the President in construing those principles.<sup>1</sup> The object of this policy was to let the Democratic quarrel develop beyond the possibility of reconciliation before the Republicans entered the debate. This was very important, for otherwise there would be no chance to defeat the Lecompton constitution, for the Democrats had a majority in each house.

On December 9th, Douglas defined his position and attacked that of the President. He was always impressive, but his unusual moderation gave the speech surprising force, and probably made it seem much more severe than he intended. He candidly announced, "I do not care whether it [the slavery clause] is voted down or voted up"; but he had, he said, "spent too much strength, and breath, and health too, to establish this great principle [of popular sovereignty] in the popular heart, now to see it frittered away."<sup>2</sup>

Bigler, of Pennsylvania, Jefferson Davis, and others defended the President. At first, Democratic opponents in the Senate paid one another labored compliments and spoke with great caution, in the hope of avoiding a schism among themselves; but the increasing excitement of the press and of the politicians soon overtaxed their patience. The daily sessions became long and angry when it was seen that Douglas's criticisms were seriously undermining party discipline.

But it was not until February 2, 1858, when Buchanan sent to Congress a special message urging the admission

<sup>1</sup> *Globe*, 1857-58, 6.

<sup>2</sup> *Globe*, 1857-58, 15, 18.

of Kansas under the Lecompton constitution,<sup>1</sup> that the climax was reached. Rarely has there been a better illustration of the saying that half the truth is a whole falsehood. He made an elaborate effort to show that the opposition in Kansas for the past three years had been wantonly revolutionary. The plain fact was that the territorial government was based upon shocking frauds and had been supported by tyranny, violence, and shameless deception. It had an unworthy purpose and never represented a fair majority of the rightful voters. The free-state movement was revolutionary against this fraudulent and outrageous government. The vitality of its opposition was due to the fact that it was supported by a majority of the actual settlers. Buchanan ignored these facts and appealed to "expediency." According to the decision of the Supreme Court, he said, "Kansas is, . . . at this moment, as much a slave state as Georgia or South Carolina." The quickest and best way to get rid of slavery, therefore, would be to admit Kansas and call a new constitutional convention. He thought it of no consequence that the present constitution forbade the abolition of slavery before 1864; and of course he did not mention that it would be revolutionary to disregard this prohibition. In effect, he recommended revolution in the future to get rid of it in the present.

The South believed that the refusal to admit Kansas under the Lecompton constitution would be positive evidence that the North had decided to prevent the admission of any more slave states. Yet all Northerners saw that to follow Buchanan's plan would be a repudiation of popular sovereignty. Threats of secession again became common. In the House there was great excitement; at one time during an all-night session on the

<sup>1</sup> *Globe*, 1857-58, 533.



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message there was a "battle-royal": "thirty men at least were engaged in the fisticuff."<sup>1</sup> The President had ample support in the Senate; but in the House a sufficient number of Douglas Democrats and Know-Nothings to make up a small anti-Lecompton majority had shown a disposition to oppose his policy. The surest way for the Republicans to form a majority against Buchanan, and thereby prevent Kansas from becoming a slave state, was to pretend to accept the doctrine of popular sovereignty.

No one in Congress, in 1856, had been more eager than Seward to have his party take an aggressive position. Now he was its unrivaled leader and the man that, by general recognition, had the most at stake in relation to its future strength. On March 3, 1858, he addressed the Senate in a carefully prepared speech on "Freedom in Kansas,"<sup>2</sup> that reflects the exigencies of the situation. Two-thirds of it was an able and eloquent disquisition upon the history and meaning of the strife between freedom and slavery that had brought about the existing status. In style it was quite unlike the arguments of other Republicans, and it was as vigorous as the best of his earlier efforts. What he said of Buchanan and the Dred Scott decision created a sensation:

"Before coming into office, he [Buchanan] approached, or was approached, by the Supreme Court of the United States. On their docket was, through some chance or design, an action which an obscure negro man in Missouri had brought for his freedom against his reputed master. . . . The counsel who had appeared for the negro . . . had argued that his client had been freed from slavery by operation of the Missouri prohibition of 1820. The opposing counsel,

<sup>1</sup> Johnston and Browne's *Stephens*, 330, 331. Keitt, of South Carolina, attacked Grow, of Pennsylvania, and was knocked down. *Globe*, 1857-58, 603-606, 623. New York *Herald*, February 7, 1858; *Times*, February 8th.

<sup>2</sup> *4 Works*, 574-604.



paid by the defending slave-holder, had insisted, in reply, that that famous statute was unconstitutional. . . . The Court did not hesitate to please the incoming President by seizing this extraneous and idle forensic discussion and converting it into an occasion for pronouncing an opinion that the Missouri prohibition was void, and that, by force of the Constitution, slavery existed, with all the elements of property in man over man, in all the territories of the United States, paramount to any popular sovereignty within the territories, and even to the authority of Congress itself. . . .

“The day of inauguration came—the first one among all the celebrations of that great national pageant that was to be desecrated by a coalition between the executive and judicial departments, to undermine the national legislature and the liberties of the people. The President, attended by the usual lengthened procession, arrived and took his seat on the portico. The Supreme Court attended him there, in robes which yet exacted public reverence. The people, unaware of the import of the whisperings carried on between the President and the Chief Justice, and imbued with veneration for both, filled the avenues and gardens far away as the eye could reach. The President addressed them in words as bland as those which the worst of all the Roman emperors pronounced when he assumed the purple. He announced (vaguely, indeed, but with self-satisfaction) the forthcoming extra-judicial exposition of the Constitution, and pledged his submission to it as authoritative and final. . . .

“The pageant ended. On the 5th of March, the Judges, without even exchanging their silken robes for courtiers' gowns, paid their salutations to the President, in the executive palace. Doubtlessly the President received them as graciously as Charles the First did the judges who had at his instance subverted the statutes of English liberty. On the 6th of March, the Supreme Court dismissed the negro suitor, Dred Scott, to return to his bondage; and having thus disposed of that private action for an alleged private wrong, on the ground of want of jurisdiction in the case, they proceeded with amusing solemnity to pronounce the opinion that, if they had had such jurisdiction, still the unfortunate negro would have had to remain in bondage, unrelieved, because the Missouri prohibition violates rights of general property involved in slavery, paramount to the authority of Congress. A few

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days later, copies of this opinion were multiplied by the Senate's press and scattered in the name of the Senate broadcast over the land, and their publication has not yet been disowned by the Senate. Simultaneously, Dred Scott, who had played the hand of *dummy* in this interesting political game, unwittingly, yet to the complete satisfaction of his adversary, was voluntarily emancipated, and thus received from his master, as a reward, the freedom which the Court had denied him as a right."<sup>1</sup>

These declarations were nothing less than a deliberate charge of a conspiracy, extending back through several years and culminating in dishonorable "whisperings" between the President-elect and the Chief Justice. Three days later, Reverdy Johnson, an ex-Senator, an ex-Attorney-General, and the leading counsel for the defence, in a letter to a public meeting at Baltimore, denied the more important charges.<sup>2</sup> Judah P. Benjamin soon made a reply to Seward in the Senate, and plainly showed that the leading accusations were without foundation. "Shame, shame once more," he cried, "upon the Senator who makes charges like these without the shadow of a ground for their support."<sup>3</sup>

As a matter of fact, the assumption that there was collusion between the President and the Chief Justice, because the former knew the character of the decision two days before it was announced, was not sustained. Alexander H. Stephens had foretold it more than two months before, and the *New York Tribune* of March 2d gave all the important particulars.<sup>4</sup> The tenor of the decision was, therefore, an open secret at least three days before Buchanan's inauguration. Although there was a flagrant impropriety in the President's reference to a future decision of the Supreme Court, Seward's

<sup>1</sup> 4 *Works*, 585-88.

<sup>2</sup> Tyler's *Life of Taney*, 385.

<sup>3</sup> *Globe*, 1857-58, 1071.

<sup>4</sup> Johnston and Browne's *Stephens*, 318; 2 Rhodes, 269.

charges were so grave that he ought to have substantiated or withdrawn them. Yet he did neither.<sup>1</sup>

His language grew more violent as he proceeded :

"The Supreme Court, also, can reverse its spurious judgment more easily than we could reconcile the people to its usurpation. The Supreme Court attempts to command the people of the United States to accept the principles that one man can own other men, and that they must guaranty the inviolability of that false and pernicious property. The people of the United States never can, and they never will, accept principles so unconstitutional and so abhorrent. Never, never. Let the Court recede. Whether it recede or not, we shall reorganize the Court, and thus reform its political sentiments and practices, and bring them into harmony with the Constitution and with the laws of nature."<sup>2</sup>

When Mason erroneously inferred that it was Seward's plan to remove the Justices, somehow, if the Republicans should come into power, he explained that he expected soon to bring in a bill "to reorganize the Supreme and Circuit Courts of the United States in such a way as to equalize the representation of the several states in the courts as far as possible, according to their Federal population, and at the same time to secure greater facility and despatch to business."<sup>3</sup>

Hardly less surprising, but much more rational, was his proposition to take up popular sovereignty :

"But I shall not insist, now, on so radical [!] a measure as the restoration of the Missouri prohibition. . . . We may attain the same result, in this practical case of Kansas,

<sup>1</sup> Subsequently it became known that, only a few years before, he had solicited permission to dedicate to Taney a speech on the subject of indemnities for French spoliations. Seward made the request as "an expression of the high regard which, in common with the whole American people, I entertain for you as the head of the Judiciary Department." In declining the honor the Chief Justice showed that he had a fine sense of judicial propriety.—Tyler's *Taney*, 318.

<sup>2</sup> *4 Works*, 595.

<sup>3</sup> *Globe*, 1857-58, Apdx., 77.



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without going back so far. Go back only to the ground assumed in 1854, the ground of popular sovereignty.<sup>1</sup> Happily for the authors of that measure, the zealous and energetic resistance of abuses practised under it has so far been effective that popular sovereignty in Kansas may now be made a fact, and liberty there may be rescued from danger through its free exercise. . . . God forbid that I should consent to see freedom wounded because my own lead or even my own agency in saving it should be rejected. I will cheerfully co-operate with these new defenders [the Democratic Senators, Douglas, Stuart, and Broderick] of this sacred cause in Kansas, and I will award the mall due praise, when we shall have been successful, for their large share of merit in its deliverance."<sup>2</sup>

The popular sovereignty that Seward now favored was not strictly territorial, but merely the sovereignty of the people of a territory when forming a state government. The two theories were very different. Yet Seward's attitude meant that states were to be admitted with or without slavery as they themselves decided. In the past, he had always insisted that Congress had the right to make conditions. The doctrine was now much more dangerous than it was before the Dred Scott decision, for slavery was lawful in all territories and could be prohibited only by the state constitution. Slavery might not be able to outvote freedom in northern territories, but in present and future ones in the South it was almost certain of victory. The vital principle of the Republican party in the past had been a demand for a return to the policy of the ordinance of 1787—the intervention of legislation against slavery. The national platform had not announced that there should be no more slave states, but there had been at least a tacit understanding to that effect among a majority of Republicans. One might suppose that Seward's move was

<sup>1</sup> This was directly opposed to the platform of the New York anti-Nebraska convention of 1854. See *ante*, p. 366.

<sup>2</sup> 4 *Works*, 596.



tactical, and for the occasion merely, had he been less explicit. The *Times*, Seward's ally, again made the significance of his language more clear, although it went farther than his expressions warranted. It said he knew that the highest statesmanship was to make the best use of expedients and of the circumstances of the day; that the Nebraska bill and the election of 1856 had established the principle of popular sovereignty and given the people of every territory absolute control over their own affairs. "Mr. Seward accepts the principle as a fixed fact, and instead of inveighing or arguing against it, he only asks that it shall be respected and adhered to by the party which made it the main plank in its platform." Douglas might well have felt proud when the *Times* declared, in the same editorial article: "The general recognition of the principle of popular sovereignty is all that is needed to restore peace to the country, and to allay the agitation of the slavery question."<sup>1</sup>

This speech was a political masterpiece, in which consistency was disregarded and success was counted all-important. A few days before its delivery, Seward wrote to his son: "Perhaps the captious critics and censors will be able to learn from my speech, how it is possible for a man to serve a party without being a mere partisan."<sup>2</sup> It became at once an expression of Republican aims, although it was surprisingly inconsistent with what Seward and the party had previously maintained. As in the case of many of Seward's great discourses, this one was carefully prepared and furnished

<sup>1</sup> The New York *Times*, March 5, 1858. Chase complimented Seward upon his speech, as "worthy of yourself and of the occasion," but added: "I regretted the apparent countenance you gave to the idea that the Douglas doctrine of popular sovereignty will do for us to stand upon for the present."—Warden's *Chase*, 343.

<sup>2</sup> Seward, 336.

to the press, so that it could be printed in full in New York on the day following its delivery.<sup>1</sup>

As matters now stood, the Senate voted to support the President's plan to admit Kansas under the Lecompton constitution; but the House wanted first to know what the people of the territory thought about this constitution. On account of the disagreement between the two houses, committees of conference were appointed. English, of Indiana, Stephens, and William A. Howard represented the House, and Green, Hunter, and Seward the Senate. The joint committee agreed (Seward and Howard dissenting) upon a plan proposed by English. It left the ground of the objection to the Lecompton constitution entirely out of consideration, and endeavored to make the question one about public lands. The Lecompton convention had claimed for Kansas the right to tax the public lands of the United States within her borders, and it also sought large grants for state purposes. This bill offered Kansas generous grants and a percentage of the money received from the sale of United States lands in Kansas, if a majority should vote "proposition accepted." In this case, the President should declare Kansas admitted into the Union under the Lecompton constitution. If a majority should vote "proposition rejected," then Kansas should remain in the territorial condition until after the population had reached ninety-four thousand, the ratio for a Representative in Congress.<sup>2</sup> Thus popular sovereignty and congressional non-intervention had come to mean a large reward for accepting slavery and a severe penalty for rejecting it.

<sup>1</sup> The *Times* of March 4, 1858, printed the whole speech, but made no claim of having received it by telegraph, as it would have done if it had not been furnished in advance. Reverdy Johnson said, in the letter already mentioned, that Seward's speech was in print before it was delivered.—Tyler's *Taney*, 386.

<sup>2</sup> For text of the bill, see *Globe*, 1854-55, p. 1764.

This so-called compromise enlisted so little patriotism and enthusiasm in its defence that Seward showed, in his speech against it, April 30, 1858,<sup>1</sup> that it hardly rose to the level of his contempt. He denounced it as designed for self-deception and contradictory explanations in different localities. The bill provided that the election should be held under the supervision of five commissioners, three of whom were to be appointed by the President. Seward objected to this feature by saying: "But though it is with pain and shame and mortification, yet I do confess that I cannot trust the President of the United States." Having in mind the pro-slavery loss of prestige through the opposition of Douglas, Stuart, and Broderick in the North, and of Crittenden and Bell in the South, Seward told the pro-slavery men that for the first time they were going before the people "stripped naked of every pretence of equality or impartiality between freedom and slavery," and "in the detested character of a party intervening for slavery against freedom." Although he learned while he was speaking that the bill had just passed the House, the fact did not ruffle him. He coolly remarked: "I have known all the while that this was to be either our last defeat or our first victory. Either result was sure to be quite welcome." As to the future, he showed his calm, lucid confidence, which was so effectual in inspiring his followers.

"For Kansas, for freedom in Kansas, I have not so much concern as I have about the place where I shall sleep to-night, although my house is hard by the place where I stand. Kansas is the Cinderella of the American family. . . . Kansas will live and survive your persecution. She will live to defend, protect, and sustain you."

There had never been any doubt of the passage by the Senate of the bill introduced by English. There

<sup>1</sup> 4 *Works*, 604-18.



is evidence indicating that Douglas wavered for a time, but he concluded to vote with the Republicans.<sup>1</sup> In the House several anti-Lecomptonites were won over, so that the bill passed by a vote of one hundred and twelve to one hundred and three.

In August the vote was taken in Kansas, and eleven thousand expressed their disapproval of English's device, while only seventeen hundred favored it. Thus Kansas declined to become a slave state.

In the political campaign of 1858 the two special features were the Lincoln-Douglas debate and Seward's speeches.

However great Douglas's general responsibility for the Kansas struggles may have been, he deserved much credit for the defeat of the wicked scheme to make Kansas a slave state, although he may have seen that otherwise he could not hold his place in Illinois politics. Even the loss of the five anti-Lecompton votes from Illinois would have turned the scale the other way.<sup>2</sup> The persistency and unscrupulousness of the plotters indicated that they would have gone to dangerous extremes had not Douglas refused to support them. Seward's warning, in his speech of March 3, 1858, that the free-state men would violently resist admission under the Lecompton constitution,<sup>3</sup> was founded upon the well-known declarations and preparations of the Kansas Republicans. Had violence been again resorted to, the consequences would probably have been very serious. Therefore, many saw that Douglas had rendered the country a substantial service.

<sup>1</sup> 2 Wilson's *Slave Power*, 563; Schurz's *Speeches*, 169.

<sup>2</sup> 2 Nicolay and Hay's *Lincoln*, 131.

<sup>3</sup> "If you attempt to coerce Kansas into the Union, under the Lecompton constitution, the people of that territory will resort to civil war."—4 *Works*, 596.



The Republicans felt especially grateful to him; for, by defeating Buchanan and the South, he had helped the Republicans to their first great victory—a victory that, in the excitement of the time, seemed to embody the most important aim of their party. They did not form a new opinion of Douglas's character, but they meant to give due weight to facts and probabilities. They expected that the same influences that had been most powerful in inducing his action—the growing anti-slavery sentiment in Illinois—would compel him to antagonize the administration on sectional questions in the future. Power and the overthrow of the pro-slavery Democracy were essential to the realization of any of the Republican aims. Many of the Republicans in the East thought that both could best be secured by keeping Douglas in his position as queen-bee of the small swarm of anti-administration Democrats. Therefore, they preferred that his re-election to the Senate should not be contested. Greeley felt that the Republican standard was too high for practical purposes, and that the doors should be opened wide to welcome disaffected Democrats.<sup>1</sup> Seward discreetly avoided interfering, but probably Lincoln's view was correct: "I have also thought that Governor Seward, too, feels about as Greeley does, but, not being a newspaper editor, his feeling in this respect is not much manifested."<sup>2</sup> What Seward had said about adopting popular sovereignty and welcoming Douglas indicated that he, like many others, agreed with Dr. Robinson's opinion that "men who are too conscientious and too honorable to change their tactics with a change of circumstances are too conscientious for politics."<sup>3</sup>

Of course the Republicans in Illinois were not so

<sup>1</sup> 2 Herndon and Weik's *Lincoln*, 64. 1 Merriam's *Bowles*, 228, 229, 232-34, shows the sentiment in the East.

<sup>2</sup> 2 Lincoln's *Works*, 239.

<sup>3</sup> Spring's *Kansas*, 217.

ready to make a hero of the "Little Giant." Had he not been their most dangerous opponent? Had he not long held the legislature and a majority of the people in subjection by means of his vigorous sophistries? Since 1855, when Abraham Lincoln gave way to Trumbull, the anti-Nebraska Democrats had joined the Republican party, and Lincoln was its leader in Illinois. In June, 1858, the state convention nominated him as Douglas's successor in the Senate, with the purpose of appealing to the voters to elect a legislature favorable to his selection. It was at this convention that he made his famous declaration: "'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall; but I do expect it will cease to be divided. It will become all one thing or all the other."<sup>1</sup>

Lincoln had as yet but little national fame, and that little was mainly due to his candidacy for the vice-presidential nomination in 1856. But no one except Douglas had such a hold upon the voters of Illinois. The friendship and political hostility of the two were seasoned by associations and rivalries of a quarter of a century. As no man in Washington had ever been able to argue with Douglas to any great advantage, it required courage for Lincoln to challenge him to a joint debate. This debate, which attracted wider attention and had more important results than any other ever held in an American political campaign, was carried on in seven different localities in the state. It popularized the arguments that had formerly seemed technical or too remote. Soon all readers of newspapers were following the discussion, and taking an almost personal interest in the outcome.

<sup>1</sup> 1 Lincoln's *Works*, 240.

The central idea was the controversy about the relation between the Dred Scott decision and popular sovereignty. According to the Supreme Court, the Constitution guaranteed the right of property in slaves in the territories, whereas Douglas's dogma asserted that a majority of the voters of a territory had the right to adopt or to exclude slavery at will. In the South the acceptance of the recent decision was the criterion of loyalty to the Constitution, to party, and to section; but a majority of the northern Democrats were almost as strongly devoted to Douglas's theory of popular sovereignty. Lincoln expected that if he could force Douglas to admit that the decision of the Supreme Court had destroyed popular sovereignty, then enough Illinois Democrats would desert their leader to prevent his reelection. If, on the other hand, Douglas should insist that popular sovereignty was still vital and might exclude slavery from a territory, then the South would become his inveterate foe, and a permanent division of the Democracy would be the result. Therefore, in the debate at Freeport, Lincoln put this question: "Can the people of a United States territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a state constitution?"<sup>1</sup> To this Douglas answered that it did not matter what the Supreme Court might decide as to the right of slavery to go into the territories, for the reason that slavery could not exist in any territory unless protected by police regulations, which would exist or not according to the opinion there respecting slavery.<sup>2</sup> This was sufficiently adroit to make it appear to Douglas's followers that the Dred Scott decision had not destroyed popular sovereignty; so he did not lose his hold on the state. But he was not free

<sup>1</sup> Lincoln's *Works*, 308.

<sup>2</sup> *Ibid.*, 315.



from the other horn of the dilemma, as will be seen later.

In New York the Know-Nothings were still formidable, and the Republicans feared them. The conventions of the two parties were called to meet simultaneously at Syracuse, in the hope of agreeing on a common ticket; but the plan did not succeed. Greeley again wished to be the gubernatorial candidate.<sup>1</sup> By rare exception Weed became a delegate to the convention, and openly put his favorite, Edwin D. Morgan, in nomination.<sup>2</sup> It was another thorn for Greeley. Moreover, the abolitionists, discontented with the actions of the Republicans, had nominated Gerrit Smith for governor.

These circumstances were suitable to Seward's style of political oratory. There was no demand for such specific attack and defence as Lincoln and Douglas had employed; but the keener and more extreme he could make his declarations as to the meaning of the two parties, the more certain the Know-Nothings would be to cease their untimely theorizing, the abolitionists to stop their hypercriticism, and the Republicans to put aside their fears. During the campaign Seward spoke at Rochester, Oswego, Rome, and Auburn.

At Rochester, October 25, 1858, he was received with "unmistakable outbreaks of zeal," as he noticed in beginning this famous speech.<sup>3</sup> Our country, he said, exhibited two radically different political systems: one resting on the labor of slaves, and the other on that of freemen. The increase of population and of internal communications was rapidly bringing into close contact the states in which these systems prevailed, respectively, and collision was the result.

"Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of inter-

<sup>1</sup> Pike, 425.

<sup>2</sup> 2 *Weed*, 251.

<sup>3</sup> 4 *Works*, 289-302.



ested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slave-holding nation or entirely a free-labor nation. Either the cotton and rice-fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their farmers to slave-culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men."

Seward explained his opinion as to how the South expected to extend slavery over the whole country:

"By continued appliances of patronage and threats of disunion, they will keep a majority favorable to these designs in the Senate, where each state has an equal representation. Through that majority they will defeat, as they best can, the admission of free states and secure the admission of slave states. Under the protection of the judiciary, they will, on the principle of the Dred Scott case, carry slavery into all the territories of the United States, now existing and hereafter to be organized. By the action of the President and the Senate, using the treaty-making power, they will annex foreign slave-holding states. In a favorable juncture they will induce Congress to repeal the act of 1808, which prohibits the foreign slave-trade, and so they will import from Africa, at the cost of only twenty dollars a head, slaves enough to fill up the interior of the continent.<sup>1</sup> Thus relatively increasing the number of slave states, they will allow no amendment to the Constitution prejudicial to their interest; and so, having permanently established their power, they expect the Federal judiciary to nullify all state laws which shall interfere with internal or foreign commerce in slaves. When the free states shall be sufficiently demoralized to tolerate these designs, they reasonably conclude that slavery will be accepted by those states themselves."

<sup>1</sup> Seward's views of southern intentions on this question had wavered a good deal. See *ante*, p. 359, and 4 *Works*, 600.

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If fears of the accomplishment of such aims were chimerical, it was only, he urged, because the designs of the slave-holders could be defeated. The way to resist them was to dislodge the Democratic party, which was their tool and only resource, as he made plain by recounting its services to slavery. "This dark record shows you . . . that of the whole nefarious schedule of slaveholding designs which I have submitted to you, the Democratic party has left only one yet to be consummated—the abrogation of the law which forbids the African slave-trade."

The only means of overthrowing the Democrats was to support the Republican party. It was, therefore, time for all friends of freedom to unite. Some objected that the Republican party was too evasive; others that it was too aggressive, and still others that there was no hope of success. Seward replied that the character and fidelity of a party were determined by the public exigencies and the temper of the people when they called it into activity. Those who feared that the Republicans might impair the Union were overlooking what was happening to the Constitution. "It is a constitution of freedom. It is being converted into a constitution of slavery." The secret of the assured success of the Republican party lay in the fact that it was "a party of one idea; but that idea is a noble one—an idea that fills and expands all generous souls; the idea of equality—the equality of all men before human tribunals and human laws, as they are all equal before the Divine tribunal and Divine laws."

The concluding paragraph was impressive and significant, for it spoke of the rising revolution :

"I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty Senators and a hundred Representatives proclaim boldly in Congress to-day sentiments and

opinions and principles of freedom which hardly so many men, even in this free state, dared to utter in their own homes twenty years ago. While the government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever."

The Democratic press immediately indulged in the most hysterical denunciations, as if the sentiments of this speech were new and revolutionary. The "irrepressible conflict" was made a bugbear for the remainder of the campaign. The New York Herald called Seward an "arch agitator," a more dangerous abolitionist than Beecher, Garrison, or Parker.<sup>1</sup> It daily spoke of his "bloody programme" as one to wage war for freedom, and it foretold that the South would secede if Seward or any other candidate standing upon his platform should be elected in 1860.<sup>2</sup> Because Seward had declared that either free labor would cultivate southern fields or slave labor those of the North, it was announced that he favored carrying fire and sword into the South. Even the New York Times thought that his utterances about abolishing slavery in the slave states were somewhat risky.<sup>3</sup> The radical antislavery papers regarded the speech as a bold and commendable stroke against the tendency to allay agitation.<sup>4</sup>

At first thought it seems strange that this speech should have attracted so much attention. Lincoln had four months before announced his belief that this

<sup>1</sup> October 28, 1858.

<sup>2</sup> *Herald*, October 29, 1858.

<sup>3</sup> Editorial article, October 28, 1858.

<sup>4</sup> The *Herald*, November 8, 1858, quoted from the *Antislavery Standard*.



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government could not endure permanently half slave and half free. Nearly two years earlier Seward himself had spoken at Auburn of "an ancient and eternal conflict between two entirely antagonistic systems of human labor."<sup>1</sup> Earlier still, the Richmond *Enquirer* had said: "The war between the two systems rages everywhere, and will continue to rage till the one conquers and the other is exterminated."<sup>2</sup> On the eve of the passage of the Kansas-Nebraska bill, in May, 1854, Wade solemnly told the Senate that the South had declared a sectional war for the mastery, and added: "Slavery must now become general, or it must cease to be at all."<sup>3</sup> On February 18, 1854, Henry Ward Beecher, who was a seer in politics as well as in theology, declared at a public meeting that "the two great principles must come into collision and fight till one or the other is dead."<sup>4</sup> Even during the great compromise debate of 1850, the Albany *Evening Journal* had affirmed: "There is, and ever will be, an uncompromising warfare between Freedom and Slavery."<sup>5</sup> But before all of these, Seward, in Cleveland, in 1848, had made the antagonism between the two systems the leading feature of his first great speech in national politics. Since that time the same idea, changing in expression to suit what was grouped about it, had appeared in almost every elaborate argument that he had made on the subject of slavery. This was why Seward did not dream that the Rochester speech, as he told Theodore Parker, was a new or a bolder piece of composition than the usual ones.<sup>6</sup> While the antipathy between the two systems was becoming plainer others may have described it more clearly, but

<sup>1</sup> 4 *Works*, 279.

<sup>2</sup> *Enquirer*, May 6, 1856, quoted 6 Von Holst, 299.

<sup>3</sup> *Globe*, 1853-54, Apdx., 764.

<sup>4</sup> New York *Tribune*, February 20, 1854.

<sup>5</sup> July 31, 1850.

<sup>6</sup> 2 Seward, 353.



he had the genius to sum it up finally in two words—"irrepressible conflict." These words attracted great attention and guaranteed immortal fame because they exactly characterized a most important fact.

Four days after the Rochester speech he announced, at Rome, New York, another view of the political status that was as astonishingly erroneous and partisan as the former was, in some respects, accurate and philosophical:

"The slave-holders are intelligent, reflecting, and sensible men; they have found out that this cannot be made a land of universal slavery. . . . They are subdued in spirit. They would, if they could, become passive and relinquish the contest for a majority of slave states and for ascendancy in the Union. . . .

"Division is apparent in their counsels, and if there be ultra and vile men among them, their action is rendered nugatory and harmless by the dissent and resistance of conservative and moderate men. Thus you see that the threats and menaces of disunion in that quarter have died away, and that henceforth we might expect forbearance, toleration, and patriotism on the part of the slave-holders, if they were left free to act for themselves. It is natural that it should be so. Slave-holders are a property-holding class. Interest persuades them to moderation. . . . But a new force has intervened in their behalf. . . . This new force is that portion of the Democratic party which is found within the free states. The slave-holders were content with their great acquisitions, secured by the great compromise of 1850. But for that foreign intervention of which I have spoken they would have submitted to the organization of new free states within that part of the ancient territory of Louisiana covered by the Missouri compromise prohibition of 1820. . . . Let it be understood, then, henceforth, that our contest is not with slave-holders, but with abettors and retainers of slavery among ourselves."<sup>1</sup>

To declare an irrepressible conflict between two systems of labor, and then to say that the men interested

<sup>1</sup> N. Y. *Tribune* of November 6, 1858, contains the speech in full.

in slavery were submissive and that the chief advocates of slavery were those that lived where only free labor existed, was to make the theory mere bombast and to state what lacked all but the most superficial semblance of truth. Only the most bitter partisans ever accused even the worst northern Democrats of really desiring the extension of slavery, and probably no one believed it. These Democrats assisted the plans or dared not oppose the demands of the South; it was rare indeed that they furnished ideas to slave-holders. They were simply indifferent to slavery, and were against antislavery. Even Douglas never meant to champion slavery in itself; but he and many others had been willing to help slavery if slave-holders would assist them politically. It is impossible to say with certainty if Seward's new doctrine was designed to express a new idea as a means of escape from the excitement and unfavorable result that, it was feared, the "irrepressible conflict" might bring about. It is only known that the Rome speech was never reprinted; it was doubtless intended for the purposes of the campaign, not for history. So neither Seward nor any of his biographers ever referred to its peculiarities. The *Tribune* admitted that Seward's Rochester speech had frightened a good many into voting for the Democratic candidate for governor, and the *Herald* believed that the Republican ticket would have been defeated if that speech had been made a month earlier.<sup>1</sup>

The northern elections of 1858 brought the Republicans many victories, and secured for the party a good plurality in the next Congress. New England was fully won over to Republican ideas. In Illinois the Democrats elected—chiefly as a result of the unfairness of the apportionment—a majority of the legislature, which

<sup>1</sup> *Herald*, November 4, 1856.

meant defeat for Lincoln. But in Pennsylvania the fusion ticket left the Democrats twenty-six thousand votes in the minority. In New York the Republican gubernatorial candidate was successful by a majority of seventeen thousand.

The *Times* and the *Herald* had agreed on one point—that the question of Seward's candidacy in 1860 was the most important feature of the state campaign.<sup>1</sup> Therefore, it created no surprise when James Watson Webb proclaimed in his *Courier and Enquirer* that the contest had now settled, so far as New York was concerned, who was to be the standard-bearer in 1860, and that Seward and Republicanism had now become one and inseparable.<sup>2</sup>

<sup>1</sup> *Times*, October 20, 29, 1858; *Herald*, October 28, 1858.

<sup>2</sup> Quoted in the *Herald* November 8, 1858.

## CHAPTER XXII

### SOME QUESTIONS IN FOREIGN RELATIONS, 1853-60

ALTHOUGH slavery was supposed to be a strictly domestic institution, it had often demanded a hearing in connection with questions in foreign relations. Polk was determined to acquire a large part of Mexico and all of Cuba. He drove weak Mexico to the wall; but Spain declined to sell the "Queen of the Antilles" for the proffered one hundred million dollars, and the opportunity to use force was not then found. However, the Democratic party and the South, especially, were bent on making Cuba a part of the Union. The work of filibusters kept the question alive, and other powers besides Spain and the United States became somewhat involved. In 1852 the French and the British Ministers at Washington tried to induce our government to enter into a tripartite agreement not to seek the acquisition of Cuba, and to discountenance the efforts of any other nation to obtain possession of the island. Fillmore's Secretary of State, Edward Everett, replied that the President did not covet Cuba for the United States, but that the Senate would not ratify such an agreement as was proposed.

After Pierce's election, in 1852, some of the Democrats affected grave fears lest Great Britain might obtain possession of Cuba. So, in January, 1853, Cass introduced a series of resolutions made up of phrases from messages of Monroe and Polk against European colonization in America, and declaring that, while the



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United States disclaimed any designs upon Cuba inconsistent either with their duties to Spain or with the laws of nations, they would view all efforts on the part of any other power to procure possession of that island "as unfriendly acts, directed against them, to be resisted by all the means in their power."<sup>1</sup> Cass delivered a long and pompous speech about the vital importance of our making the Gulf of Mexico "practically an American lake," and he prophesied dire calamities in case Cuba should ever be owned by Great Britain.<sup>2</sup> Soulé made it plain that what southern radicals wanted was the early acquisition of Cuba.<sup>3</sup> "Manifest destiny" was too vague a term; so he suggested that our "right of self-preservation"—a right "paramount to all other rights"—might be involved in the question of the ownership of Cuba, and he thought that this question might have to be decided by war.

Hale offered an amendment to Cass's resolution, substituting "Canada" wherever "Cuba" had occurred in the principal paragraph. He called for extension northward; insisted that Canada was a thousandfold more important than Cuba to our interests in war and in peace, and he made the Michigan Senator's alarms about the danger of having Great Britain for a neighbor on the south seem very ridiculous by reminding him that, when in his Detroit home, he slept every night within reach of British shells.<sup>4</sup>

Seward undertook to shape a temporary policy for the opposition.<sup>5</sup> It was already known that he was in favor of territorial expansion; so he announced his intention to vote both for Cass's resolution and for Hale's amendment. At the same time he did not desire, he said, the immediate or early annexation of Cuba, nor see

<sup>1</sup> *Globe*, 1852-53, 199.

<sup>2</sup> *Globe*, 1852-53, Apdx., 90-95.

<sup>3</sup> *Globe*, 1852-53, Apdx., 119-23.

<sup>4</sup> *Globe*, 1852-53, Apdx., 90, 97, 98.

<sup>5</sup> *3 Works*, 605-18.

how he could vote for it at all until slavery ceased there, and not even then, unless it came into the Union without injustice to Spain and without the danger of creating internal dissensions among ourselves. He was opposed, at "all hazards and consequences," to permitting the restoration of colonial relations between any portions of this continent and the monarchies of Europe.<sup>1</sup> After these admissions there remained little more than temporary inexpediency on which to base objections. The question had been brought forward in the wrong way and at the wrong time, he thought; it was urged without the sanction of the actual President, and the passage of the resolutions might anticipate and embarrass Pierce, who would come into office in a few weeks. "The northern states are content now; they do not fear recolonization, and do not want Cuba. The southern states are content; they do not now desire political excitement, and they are not prepared for anything that may involve the nation in war." He showed that there was no recent action on the part of Great Britain or France that made a discussion of this question urgent.

Soulé had censured Fillmore for alleged severity toward the filibusters whom Lopez had recently led to Cuba. Seward rightly charged that the tendency of Soulé's speech was to exasperate the American people against the European powers. "I cannot sympathize with such a spirit. I would submit to no real wrong, and justify no oppression or tyranny committed by them. But, on the other hand, I will seek no factious cause of controversy. I want no war with them. We are sure to grow by peace. A war between the two continents would be a war involving not merely a trial which was the strongest, but the integrity of our republic." If

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France or Great Britain should obtain Cuba, the first act of the government there must be to liberate the slaves at the expense of the home treasury; and Cuba without slavery would be valueless to any European state. Then he told his fellow-Senators how the United States could outstrip European rivals:

“You want the commerce of the world, which is the empire of the world. This is to be looked for, not on the American lakes, nor on the Atlantic coast, nor on the Caribbean sea, nor on the Mediterranean, nor on the Baltic, nor on the Atlantic ocean, but on the Pacific ocean and its islands and continents. Be not over-confident. Disregard not France, and England, and Russia. Watch them with jealousy, and baffle their designs against you. . . . Open up a highway through your country from New York to San Francisco. Put your domain under cultivation and your ten thousand wheels of manufacture in motion. Multiply your ships, and send them forth to the East. The nation that draws most materials and provisions from the earth, and fabricates the most, and sells the most of productions and fabrics to foreign nations, must be, and will be, the great power of the earth.”

Cass characterized the speech as “the most disingenuous, and marked with the most self-complacency,” of all he had ever heard in the Senate; and his language became so violent that he was called to order.<sup>1</sup> The considerations urged by Seward were not altogether ingenuous, nor was the speech entirely consistent. However, his opposition was as able as any that could be made against resolutions for which one was to vote.

President Pierce’s inaugural address told the country that his administration would “not be controlled by any timid forebodings of evil from expansion”; that, indeed, it was “not to be disguised that our attitude as a nation and our position on the globe render the acquisition of

<sup>1</sup> *Globe*, 1852-53, Apx., 127.



certain possessions not within our jurisdiction eminently important for our protection.”<sup>1</sup> It was generally supposed that this had special reference to Cuba. A little later Pierre Soulé was sent as United States minister to Spain. The first important instructions given to him by the Secretary of State, William L. Marcy, were conservative;<sup>2</sup> but Soulé almost immediately began his record of picturesque and reckless diplomacy.

In February, 1854, the *Black Warrior*, sailing from Mobile to New York, was seized and her cargo confiscated at Havana, because her papers stated that she was sailing under ballast, whereas she had several hundred bales of cotton on board. The law was on the side of Spain, but the officers of the *Black Warrior* had acted in accordance with common practice, well known to Cuban officials. It was a question that sober-minded diplomatists could have settled in a few conferences and despatches. But that would not have coincided with the wishes of the politicians. Editors wrote extravagantly about the “insult to our flag,” and the President was requested to send to the Capitol the diplomatic correspondence in the case. Pierce replied in a shrill, cheerless message about Spanish aggressions upon our commerce, and implied that war would probably be necessary.<sup>3</sup>

What alarmed the South and fed the blaze was the belief that Spain had adopted a new system whereby the needed agricultural laborers were to be supplied to Cuba by loosening the bonds of a class of Cuban slaves and by importing apprentices from Africa and the Orient. This, it was assumed, would ultimately lead to emancipation and make the island less available for purposes of slavery. So the alleged innovation was

<sup>1</sup> *Globe*, 1852-53, Apdx., 244.

<sup>2</sup> 33d Congress, 2d Session, House Exec. Doc., No. 93, pp. 3-8.

<sup>3</sup> *Globe*, 1853-54, 636.



called the "Africanization of Cuba," and was pictured with all the horrors that tropical imaginations could conjure up.

Under date of April 3, 1854, Marcy instructed Soulé that in case Spain should be unwilling to sell Cuba for the proffered one hundred millions, or for twenty or thirty more, he should try to detach that island from all European dependence. So Soulé entered into close relations with those that were plotting a revolution in Madrid. On July 15th he was able to report that if the United States would advance three hundred thousand dollars to the revolutionists, they would agree to relinquish the island to our government, on reasonable terms, as soon as they should come into power. With full knowledge of Soulé's grave offence against the nation to which he was accredited, Marcy not only gave him no reproof, but complimented him and directed him to meet John Y. Mason and James Buchanan, United States Ministers to France and Great Britain, respectively, for the purpose of deciding how "to clear away impediments" to our acquisition of Cuba.<sup>1</sup>

The result of the meeting of the three ministers was the "Ostend manifesto," dated Aix-la-Chapelle, October 18, 1854. The great bugbear of "Africanization" haunted the commissioners, and they rose to this climax of absurdity and menace:

"But if Spain, dead to the voice of her own interests, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American government under such circumstances?"

"Self-preservation is the first law of nature, with states as well as with individuals. . . .

. . . "We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base trea-

<sup>1</sup> Doc. 93, pp. 122-24.

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son against our posterity, should we permit Cuba to be Africanized and become a second Santo Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union.”<sup>1</sup>

The President and the Secretary of State recognized at once that Soulé and his wonderful theories were as dangerous to executive management of our relations with Spain as any filibusters. So the outrageous speculations of the manifesto were directly but diplomatically repudiated; the United States still desired to purchase Cuba, but Soulé was instructed not to make a proposition for that purpose unless there was reason to expect that it would be welcomed. Soulé's disappointment and resignation, and the concentration of public attention upon the Kansas struggle, early in 1855, were additional influences favorable to putting this dangerous, and at that time unprofitable, question in the background for more than two years.

In 1857, after Robert J. Walker became governor of Kansas and saw that it was preposterous to expect slavery to have a permanent existence there, he suggested to President Buchanan how compensation could be obtained farther south, and exclaimed: “Cuba! Cuba! (and Porto Rico, if possible) should be the countersign of your administration, and it will close in a blaze of glory.”<sup>2</sup> In his annual message of 1858, Buchanan took up the plan of acquiring Cuba. His complaints against Spain remind one of the wolf's grievance against the lamb in the brook. The existing status was insufferable, of course; and Buchanan's assurances that the United States had no aims that could not be real-

<sup>1</sup> Doc. 93, p. 131.

<sup>2</sup> Covode Investigation, 36th Cong., 1st Sess., Report No. 648, p. 119.



ized by honorable negotiations and fair purchase, were necessary after his diplomacy of 1854 and his recent declarations about self-preservation and about Cuba being "comparatively unimportant" to Spain, but of "vast importance to the United States." In canting hypocrisy he sighed: "As long as this market [for slaves in Cuba] shall remain open, there can be no hope for the civilization of benighted Africa." To enable him to negotiate with ready millions, and practically as if he were the whole treaty-making power of the government, Congress was asked to appropriate at once enough to make a tempting guarantee to Spain.

To aid this plan, Slidell introduced a bill and made a long report from the committee on foreign affairs, favoring the purchase of Cuba. It was proposed to put thirty million dollars at Buchanan's immediate disposal. If Congress should assent to this, Buchanan would have an almost irresistible leverage. This was a new device for increasing the power of slavery and of the Democracy. The Senate caucus put this issue on the party programme. Even before Congress met, Douglas had told the South that the United States would, in time, be compelled to take Cuba, Mexico, and Central America.<sup>1</sup> As ideas of expansion southward were not confined to the South, the outlook was not encouraging for the antislavery men.

As usual Seward marshalled the opposition. Before the Slidell bill was reported he had introduced a resolution calling upon the President for any recent correspondence respecting the purchase of Cuba. The response showed that there had been none.<sup>2</sup> A few days later he made, from the committee on foreign affairs, a minority report respecting Cuba, and introduced a bill calling upon the President to furnish to the next

<sup>1</sup> 2 Nicolay and Hay, 173.

<sup>2</sup> *Globe*, 1858-59, 413, 506.

annual session of Congress the documents referring to the relations between the United States and Spain, the condition of the treasury and of the army and the navy of the United States. It also provided that the President might in the mean time convene either the Senate or Congress in extra session, in case the relations with Spain should become critical.<sup>1</sup> Seward's purpose was to attack not the general plan to acquire Cuba, but the expediency and the method of Buchanan's proposition; to gain time, without either opposing the main question or allowing the Democrats to make a strictly party issue of it. In a sober and adroit speech<sup>2</sup> he opposed the administration bill, on the ground that it would put the treaty-making power and the civil status of a million and a half Cubans in the hands of the President; or, if the Senate should refuse to ratify the treaty, it would lead to the forfeiture of the thirty million dollars advanced; that it would throw us into financial difficulties and make a national debt the interest on which would consume the entire annual revenue. Because in the days of her misfortune Spain had held Cuba, Seward believed that she was not likely to let Cuba go now that she had the support of France and England. Therefore, he considered that the overture was "an empty one, an idle one, a ludicrous one," designed to change the question and retrieve the sinking and wasting fortunes of the Democratic party.

Slidell was not a ready debater, so Toombs took his place on the floor. What Seward had said about the attitude of England and France was turned by Toombs so as to imply that they disputed our sovereignty. In thundering tones he called upon Congress to defy their interference; and his remarks left no doubt as to the ulterior purpose of the Southerners. He had opposed

<sup>1</sup> *Globe*, 1858-59, 538.

<sup>2</sup> *Ibid.*, 538-40.



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the project to build a railroad to the Pacific as "utterly worthless for all pecuniary purposes or commercial transactions," and he believed that it would never be constructed. We already had control, he said, of the cotton and of the bread of the world. "Give us Cuba, give us the West Indies, and we shall command all the other wants of the human race." Thus, he maintained, we could "make first the Gulf of Mexico and then the Caribbean Sea a *mare clausum!*"<sup>1</sup>

The following letter shows that Seward took a more serious view of the question than his tactful speech indicated.

"Private.

"WASHINGTON, *January 27, 1859.*

"MY DEAR DANA,— . . . For three years I have regarded this Cuba demonstration as the most dangerous one to us that the Democracy could get up, and when it came at last it was made a subject of anxious and careful discussion. It was apparent to me that the scheme had not yet embodied any such partisan support as could carry it through Congress, and that it could early be pushed aside and so rendered harmless if the Republican party should not, in its zeal, accept and assume the false issue it tendered, and so drive the Democracy into union. I felt, on the other side, the embarrassment which might result from a manifest disinclination to meet so plain a proposition boldly. But our northwestern friends told me what I knew intuitively to be true, that to suffer the issue to go out as the Democrats had expected it to be made up would be disastrous to us in their part of the Union. What was done finally was on full consideration and agreement and entirely satisfactory to all sides. When the subject comes up again we must meet it as we best can. We are anxious to draw out some southern opposition, and that may be expected—if we do not too readily and selfishly appropriate their resistance to it to our own party uses. I expect Mr. Crittenden and Mr. Bell to oppose it, Mr. Hammond to vote against it, and some others, whom I will not name,

<sup>1</sup> *Globe*, 1858-59, 543.

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to be reluctant in their support. I see that the *Post*, usually so very right, calls for a more decided activity on our side. If you can do anything in the emergency to reconcile our friends to the system of delay we are making, you will do a great good. I think *ridicule*, not grave argument, the most safe and most effective way of disposing of it. To talk of the *dangers of war* now is just what the enemy most wants us to do. The most effective, the only effective, part of Mr. Toombs's reply to me was that where he perverted a remark of mine into a deprecation of war with France and England. It would be *killed in an hour* if we of the opposition could avow ourselves in favor of such a war.

“ Faithfully yours,

“ WILLIAM H. SEWARD.

“ CHARLES A. DANA, Esq.,  
“ Ed. *Tribune*.”<sup>1</sup>

The Democrats desired to hurry the bill to a vote so as to get it more fully before the country, but the Republicans refused to permit this, as the rules of the Senate entitled each Senator to an opportunity to be heard on the subject. As this short session neared its end, the Republicans were anxious to take a vote on a bill that had passed the House, granting public land to actual settlers. The two measures came into conflict, and there was a dispute as to which should have precedence. Neither side would yield. The ever-ready leader of the Republicans, seeing an opportunity for one of his effective antitheses, solemnly said: “The Senate of the United States may as well meet face to face the issue which is before them. It is an issue presented by the competition between these two questions. One, the homestead bill, is a question of homes, of lands for the landless freemen of the United States. The Cuba bill is a question of slaves for the slave-holders in the United States.”<sup>2</sup>

<sup>1</sup> MS. kindly lent by Mr. Dana.

<sup>2</sup> *Globe*, 1858-59, 1352.

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This greatly angered Toombs. He spoke of "these little paltry tricks of two-penny demagogues," but a still more contemptible class were those that were led by the demagogues crying "land for the landless." Then he accused Seward of trying to evade meeting "this great question of national policy."<sup>1</sup> "Bluff" Ben. Wade, who was always at his best in a heated debate, caused the visitors in the galleries to burst into applause by saying that the homestead bill was the greatest measure that had ever come before the American Senate, and that the question really was, "Shall we give niggers to the niggerless or land to the landless?" The audience welcomed his blunt expressions when, apropos of the unwillingness of the chairman of the committee on appropriations to give way to the Cuba bill but not to the homestead bill, he said: "The appropriation bills lie easy now behind this nigger operation." Again they laughed when he declared that the whole purpose of the Democratic party was to "go through the earth hunting for niggers," without whom that party could no more be run than a steam-engine without fuel.<sup>2</sup>

Seward did not answer Toombs's charges in the spirit in which they were made, but concluded a caustic review of Buchanan's administration by saying that the Republicans were called "cowards because they dared not meet the miserable, pitiful, false, fabulous, pretended issue" which the President of the United States had forced upon them. He closed his remarks with another emphatic antithesis: "The Senate is the propagandist of slave labor; the House of Representatives is the body which maintains and demands the interests of freedom and free labor. . . . I am always . . . to be found on the side of the House of Representatives, freedom, and free labor, and always against the Senate, slavery, and

<sup>1</sup> *Globe*, 1858-59, 1353, 1354.

<sup>2</sup> *Ibid.*, 1354.

slave labor. If there is cowardice in that, I am willing to submit to the imputation."<sup>1</sup>

If there had ever been anything to warrant the belief that the efforts to acquire Cuba would be confined to "honorable negotiation" and "fair purchase," as Buchanan had announced, the credulous were soon disabused. Spain's declaration, quoted by Seward, was a positive refusal even to consider any proposition. Brown, of Mississippi, was only more frank than other southern Senators when he declared that he wished to "advertise to all the world that we mean to have it [Cuba]—peacefully if we can, forcibly if we must."<sup>2</sup>

But the Republicans insisted so strenuously upon their right to be heard before the question should be brought to a vote that the Democrats abandoned their plan to pass the bill that session, fearing lest the appropriation bills might be crowded out. This was one of the first important victories won by the Republican Senators. Although they numbered less than one-third of the upper house, they had, under Seward's effective leadership, and by reason of the force and readiness of such men as Wade, Fessenden, Trumbull, Wilson, and Hale, thwarted their opponents.

In February, 1853, there was an important debate about our strained relations with Mexico. The international disagreement that gave rise to it grew out of a grant, in 1842, from the dictator, Santa Anna, to a Mexican named José Garay. This grant gave Garay a monopoly of colonizing a strip of land and of opening a passage across the isthmus of Tehuantepec, conditionally upon making surveys and commencing the work within a specified time. The conditions were not complied with, and the grant was therefore forfeited. But,

<sup>1</sup> *Globe*, 1858-59, 1355.

<sup>2</sup> *Ibid.*, 1363.



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in 1846, Salas, the provisional president of the republic, gave a two years' extension of the time for fulfilling the conditions. It was claimed that during this time the grant came by assignment into the hands of Americans. In 1850 a treaty in regard to the Tehuantepec route was negotiated between the United States and Mexico. Mexico fully agreed to it, but the United States Senate rejected it. It was then modified by our Secretary of State so as to recognize expressly the Garay grant. Only after the most threatening and insolent language on the part of the American Minister could the Mexican President be persuaded to sign the new draft. The United States then ratified it, but the Mexican Congress rejected it with only one vote in the affirmative.

On February 1, 1853, our Senate committee on foreign affairs reported some resolutions declaring that negotiations should end unless Mexico should make a proposition consistent with our demands in reference to the grant, and that otherwise we should adopt measures to preserve the honor of this country and the rights of its citizens.<sup>1</sup> Mason, the chairman of the committee, Downs, of Louisiana, and Brooke, of Mississippi, supported these resolutions by vigorous speeches.<sup>2</sup> They not only favored insisting upon the rights claimed by the American assignees, but they would order an army into Mexico to enforce them. Mason went so far as to maintain that "according to public law this government may demand of Mexico a way across Tehuantepec!"<sup>3</sup> The adoption of the course outlined by the committee on foreign affairs meant that we should either have practical control of a railroad across Mexico or else go to war with that country. War with Mexico would surely result in further conquests and more territory for slavery, while

<sup>1</sup> *Globe*, 1852-53, 458.

<sup>2</sup> *Globe*, 1852-53, Apdx., 134, 138, 165.

<sup>3</sup> *Globe*, 1852-53, Apdx., 137.

it would also hinder the development of the great Northwest.

Seward saw the bearing of the question. On February 8, 1853, he made one of the most sober and thorough arguments of his life against these resolutions and the reasoning of the Southerners.<sup>1</sup> He maintained that Salas's decree extending the time of the expired grant was unlawful and that the Mexican Congress had declared it null and void; that Salas placed a condition upon his decree, providing that neither the colonists that should settle upon the land granted nor the proprietors should claim alien privileges; and that when Garay assigned part of his grant (that to colonize the land), he expressly withheld the part referring to the opening up of a route across Tehuantepec. To Mason's claim about our having a right to a way across Tehuantepec, Seward replied, with fine sarcasm: "I have to say on this argument . . . that when we have such a right, one so perfect, and one descending to us so directly from Almighty power and Divine justice, it was most bungling diplomacy to rest that right upon the grant of the Mexican government to Don José Garay." If merely a passage across Mexico was desired, he said, there was no ground for disagreement, for Mexico had declared her willingness "to consent to the opening of a communication through the isthmus of Tehuantepec, for the free and untrammelled commerce of the whole world." Furthermore, she had also offered to indemnify the assignees of the Garay grant for their losses. The climax of his destructive review of the question was to show that our threat of war was in plain violation of one of our treaties with Mexico which promised that arbitration should first be resorted to unless "altogether incompatible with the nature of the difference or the circumstances of the case."

<sup>1</sup> 3 *Works*, 623-56.

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“Senators, behold here the fundamental error in all these transactions—the error which might have been, and ought to have been, perceived—a private speculation, with which the government had nothing to do, combined, mingled, confounded with a great national enterprise—a private speculation, undertaken on public account. A great national interest brought down to the mire, and polluted by contamination in an association with private speculation. Now, I ask, is it not high time to separate this private speculation from this great national, world-wide, important concern? Sir, our dignity as well as our interest requires us to review our position, and not to ask Mexico to reconsider hers—to retrace our own steps, to dissolve our connection with this New Orleans company, to dissolve the connection of our government with speculators—speculators, whether upon the levee on the Mississippi, or upon South street on the East river—to dismiss them to the remedies afforded by the nation with which they have contracted—which remedies are the only ones they have a right to expect, or, in making their contract, could have contemplated. Then prosecute this great design of inter-oceanic communication across Mexico, by fair, open, single-handed, single-hearted diplomacy. The isthmus of Tehuantepec will be opened in good time. It cannot long remain closed against the spirit of the age. The advance of our country, and of civilization throughout this continent, assures that it will be opened.”

In place of the unwarrantable and threatening resolutions, Seward proposed to substitute one declaring that the United States would “not suspend diplomatic relations with Mexico without tendering to that power, or waiting a reasonable time to receive from it, an offer of arbitration, according to the terms of the treaty of Guadalupe Hidalgo.”

For once Seward had spoken more to the Senate than to the country. He was on the unpopular side, and he so thoroughly exposed the shameless conduct of our Minister to Mexico and the assumptions of the committee as to run the risk—so frightful to public men—of being called unpatriotic. But he was also entirely in line with the



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party interests of the Republicans. One Senator on the other side had expressed surprise to find that he possessed so much of a "belligerent propensity," and complimented him upon his assiduity in the collection of facts, "for which he deserves so much credit."<sup>1</sup> Although Mason urged that "a report, made after considerable labor, by one of the standing committees of the Senate" ought to be acted upon,<sup>2</sup> the subject was soon dropped.

Akin to the resolutions about the Monroe doctrine and Cuba, Cass introduced others, requesting President Fillmore to furnish the Senate information "respecting the establishment of a new British colony in Central America," known as the Bay Islands, and asking what, if any, measures had been taken to prevent the violation of the Clayton-Bulwer treaty, "which provides that neither party shall 'occupy, or fortify, or colonize, or assume dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.'"<sup>3</sup> On January 4, 1853, after the President had answered, Cass expressed his surprise to find that the plenipotentiaries of the contracting powers had agreed, in 1850, shortly after the treaty had been ratified by the Senate, that it did not apply to British Honduras and its dependencies. His object in voting for it, he said, had been "to sweep away all British claim to Central America." He and other Democrats passed the severest reflections upon the Whigs because this expectation had not been realized.<sup>4</sup>

Seward promptly met the attack upon this work of the Whig administration.<sup>5</sup> He argued that the principal purpose of the treaty was not to dislodge the British from Central America, but, as the preamble stated, to set forth and fix the "views and intentions [of the two

<sup>1</sup> *Globe*, 1852-53, 536, 537.

<sup>2</sup> *Globe*, 1852-53, 538.

<sup>3</sup> *Globe*, 1852-53, 158.

<sup>4</sup> *Globe*, 1852-53, 237, 238.

<sup>5</sup> 1 *Works*, 376-87.



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nations] with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific oceans by way of the river San Juan de Nicaragua, and either or both the lakes of Nicaragua or Managua"; that the Senators, when approving the convention, did not understand it to include all of geographical Central America, but only the five Central American states ; for otherwise the treaty would have covered the Panama and Tehuantepec routes, whereas the Nicaragua route was specifically stated ; that it could not have been supposed that the Belize and British Honduras were to be renounced by Great Britain, for they were as well known to be British possessions "as Quebec and Canada"; that Senators could not have remained ignorant of the construction of the treaty until the recent response was received from the President, for ten days after its ratification in 1850, the President had sent a communication to Congress expressly stating that it applied to the five states that formerly comprised the Republic of Central America, but that "the question of the British title to this district of country, commonly called British Honduras, and the small islands adjacent to it, claimed as its dependencies, stands precisely as it stood before the treaty"; and, finally, that they must have understood that it did not include British Honduras, for the chairman of the committee on foreign affairs wrote to the Secretary of State saying that the Senate "perfectly understood" so.

Seward's arguments were brief and strong. Referring to the President's communication to Congress explaining the treaty shortly after ratifications had been exchanged, he said : "This paper gave to the Senators, just two years five months and twenty-two days ago, the same information which surprises, shocks, and alarms them now."<sup>1</sup>

<sup>1</sup> 1 *Works*, 384.

He concluded his remarks with a glowing eulogy of Taylor's administration. And the Whigs considered that the Democratic assailants had been "utterly routed."<sup>1</sup>

When Pierce's annual message of 1855 was sent to Congress, December 31st, the House was still in the midst of the angry speakership contest. Neither the questions involved in that contest nor those growing out of the state of affairs in Kansas were favorable to Democratic success in the approaching presidential campaign. There was need of an issue that would unite the party. Great Britain had interpreted the Clayton-Bulwer treaty as in no way restricting her previous claims in Central America; and, as has been noticed, she had organized the Colony of the Bay Islands. She continued to insist that the treaty was only prospective and did not affect any of her possessions at the time of its adoption. Pierce's message now maintained that by that treaty Great Britain had surrendered all except her possession of the Belize. If the Democrats should push the international dispute up to the point of war, a new and all-engrossing issue would be raised in regard to which many of the Republicans of Whig antecedents were committed to Great Britain's construction of the treaty. This was especially true of Seward, who bore the greatest responsibility for the party programme and was eager to be the Republican candidate. Therefore, he must either repudiate his former arguments on this question or imperil his own and his party's chances in the presidential campaign of 1856.

On the day the message was read he took his stand with those demanding that Great Britain must yield or expect war. He declared that it was news to him that "the stipulation not to colonize or to occupy was prospective only, and not present and actual."<sup>2</sup> He was

<sup>1</sup> Senator Mangum, *Globe*, 1852-53, 272.

<sup>2</sup> *Globe*, 1855-56, 108.

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prepared to insist upon the enforcement of the treaty and ready to assert and maintain the Monroe doctrine.<sup>1</sup> On January 31, 1856, he made a formal speech in support of Pierce's message. He talked threateningly of war and favored making positive demands upon Great Britain.<sup>2</sup>

There were two ways of opposing British claims in Central America: one was to apply the Monroe doctrine against any claims of later date than Monroe's famous message, and the other was to argue that British claims were renounced by the Clayton-Bulwer treaty. The latter was much the easier method; for the Monroe doctrine had no sanction of law and was the mere dictum of an administration, and in any case it could not reasonably be urged against claims arising prior to 1823. But if it could be proved that Great Britain promised, in the Clayton-Bulwer treaty, to withdraw from any part of South America, the agreement might properly be insisted upon. To make a clear case against Great Britain, it was necessary to show that she had promised to abandon her protectorate over the Mosquito coast, and had organized the Colony of the Bay Islands in plain violation of the treaty of 1850. Seward undertook to do this, notwithstanding his previous attitude.

“To remove this doubt, Great Britain repeats and specifies that she will not (from this time henceforward) ‘make use of any protection which she *now* affords to any state or people, for the purpose of maintaining any colony, or occupation, or exercising *any* dominion whatever, on the Mosquito coast.’”<sup>3</sup>

His quotation was garbled, and was an astonishing misrepresentation of the following words of the treaty:

... “nor will either make use of any protection which either affords or may afford, or any alliance which either

<sup>1</sup> *Globe*, 1855-56, 110.

<sup>2</sup> *Globe*, 1855-56, Apdx., 75-80.

<sup>3</sup> *Globe*, 1855-56, Apdx., 77.



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has or may have to or with any state or people *for the purpose of erecting or maintaining any such* FORTIFICATIONS, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same." . . .<sup>1</sup>

The omission of the words that are here italicized entirely changed the meaning intended to be conveyed by the treaty. Great Britain already maintained a protectorate over the Mosquito coast, but not such a one as could be claimed to be "assuming or exercising dominion." Moreover, the very clause itself showed that a protectorate, or an alliance, was not precluded; for it provided that, in case of such a status, it should not interfere with the equal enjoyment of the proposed canal by the citizens of the other contracting power.

The reasoning in regard to the Bay Islands was equally inconclusive. When ratifications of the Clayton-Bulwer treaty were exchanged, the British government expressly stated that the engagements were understood not to apply to "*her Majesty's settlement at Honduras, or to its dependencies.*"<sup>2</sup> The American plenipotentiary, Clayton, replied: "The chairman of the committee on foreign relations of the Senate, Hon. William R. King, informs me that 'the Senate perfectly understood that the treaty did not include British Honduras.'<sup>3</sup> Let us see how Seward uses these facts:

"The United States insist that Great Britain shall discontinue this new colony [of the Bay Islands]. Great Britain refuses, and alleges that the colony is within the Belize settlement, or British Honduras, and so is excepted from the treaty. On the contrary, the islands which are excepted are described in the exception as *small islands in the neighborhood of the Belize*. Not only are there such islands in that place, but they are expressly described and assigned to the Belize in the treaty of 1786; while the Bay

<sup>1</sup> Article I.

<sup>2</sup> *Globe*, 1852-53, 237.

<sup>3</sup> *Ibid.*



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Islands are neither small islands, nor are they situated in the neighborhood of the Belize, but, on the contrary, they are islands of considerable magnitude and of historic importance. . . . Whatever pretensions Great Britain may have ever before made to the Bay Islands, they were all solemnly and forever relinquished and abandoned by her in the treaty of 1850.”<sup>1</sup>

But Seward was already committed against himself. In his reply to Cass and Soulé, in 1853, he recognized the Bay Islands as being colonies of Great Britain.<sup>2</sup> They were of such importance that his reasoning about Belize and British Honduras applied to them with equal force, if, perchance, it did not actually include them. Then he said: “Now, who supposes that Great Britain intended to renounce that town, post, and colony, under the vague and equivocal term of ‘any part of Central America’? No one! Who supposes that the United States stipulated for such a renunciation in terms so vague and uncertain? No one! It is not so that Britain resigns or the United States take dominion.”<sup>3</sup>

With ground no firmer than this upon which to stand, Seward announced his belief that war was among the possible solutions of the existing embarrassment, and that the question had gone too far for the United States to propose arbitration.<sup>4</sup> “My counsel, therefore,” he said, “is a notice to Great Britain that we shall interfere to prevent her exercise of dominion in Central America, if it shall not be discontinued within one year; and also that authority be now given to the President to execute

<sup>1</sup> *Globe*, 1855-56, Apdx., 79.

<sup>2</sup> “The British settlement at Honduras and its dependencies consist of the town of Belize, on the coast of the Caribbean Sea, with a tract of almost barren and uninhabited country stretching inward, containing about fifty thousand square miles, and, as is alleged, of certain islands lying near by [sic] in that sea, named Ruatan, Bonnaco, Utila, Barbarat, Helena, and Morat, which territory and islands are marked, on all British maps, as colonies of Great Britain.”—*Works*, 377.

<sup>3</sup> *1 Works*, 383.

<sup>4</sup> *Globe*, 1855-56, Apdx., 80.

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that delayed purpose.”<sup>1</sup> In view of the words of the treaty, the common understanding of it at the time of ratification, and the defence of that understanding by Everett, Clayton, and Seward, in 1853, such a sudden and threatening change of policy was likely to be regarded by Great Britain as unbearable injustice and bullying. This was generally understood. Henry Wilson told the Senate that the adoption of Seward’s plan would make war inevitable;<sup>2</sup> and Fessenden and other Republicans looked upon the proposition with decided disfavor.

What, then, could have been the motives that prompted Seward to assume such a position? The day the President’s message was received and Seward made his first speech about it, he wrote to Weed: “I had some trouble to keep some of our Republican friends from falling, or rather jumping, into the pit that the President had dug for us so skilfully.”<sup>3</sup> The “pit” was the President’s argument for a vigorous policy toward Great Britain, which he expected the Republicans would attack, and thereby make it possible for the Democrats to monopolize that policy. By pretending to be more bent on war than the President, Seward destroyed the anticipated monopoly.<sup>4</sup> Moreover, it was just before this surprising *tour de force* that Seward came to realize that the combination forming between the Republicans of Democratic and those of Know-Nothing antecedents threatened to destroy his chances for nomination. Whether or not it influenced his actions is uncertain, but it is a fact that he was then in dire political straits.<sup>5</sup> He figured that in

<sup>1</sup> *Globe*, 1855-56, Apdx., 80.

<sup>2</sup> *Globe*, 1855-56, Apdx., 86.

<sup>3</sup> 2 Seward, 264.

<sup>4</sup> Sumner wrote, February 5, 1856: “Seward’s speech is felt to have killed all idea of war; by invoking war he has made it impossible for this administration to press it.”—3 Pierce, 431.

<sup>5</sup> See *ante*, p. 416. 2 Seward, 264.

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case of hostilities Canada would be seized and held by the United States.<sup>1</sup> This would be a great benefit to the Republicans. Fessenden ridiculed Seward's proposition of making a provisional declaration of war, to begin a year from that time, thereby giving an enemy that period for preparation.<sup>2</sup> He thought it folly for us to talk of war when we had no important interests involved. It is doubtful if any of the leaders expected an appeal to arms, for it was soon apparent that the game was one of politics merely.<sup>3</sup> Seward had taken the cards from Pierce's hands, stacked them, and returned them to be dealt. Sumner jocosely characterized the performance as helping the Democrats play Alcibiades's trick of cutting off a dog's tail so as to give the people of Athens something to talk about; and he added that Seward had furnished "a new argument to those who say that he leaps upon every hobby without regard to principle."<sup>4</sup> When the record was made up, the blustering speech of January 31, 1856, was left buried in the *Congressional Globe*, while the more sober but not so elaborate and less pretentious one of 1853 was gathered into his *Works*.

In February, 1856, it became known that several months previously Great Britain had suggested arbitration to the American Minister at London, but the latter had discouraged it. About the same time the British Minister at Washington had been instructed to make a definite offer of arbitration to our government, but as a result of an oversight he did not do so until the end of February, 1856.<sup>5</sup> This placed the Democrats in a dilemma. Seward quickly obtained the floor, and remarked that this put the controversy in a "somewhat different" light. As a reason for not stating what that

<sup>1</sup> *Globe*, 1855-56, Apx., 80, 305.      <sup>2</sup> *Globe*, 1855-56, Apx., 305.

<sup>3</sup> "There is no honesty in the way in which these questions have been pressed," wrote Sumner.—3 Pierce, 432.

<sup>4</sup> 3 Pierce, 432.

<sup>5</sup> *Globe*, 1855-56, 539.



light was, he said that he would not embarrass our government "by expressing any opinion in favor of the acceptance of the offer or adverse to it." This was discreet, for every one must have remembered that he had recently spoken disparagingly of arbitration.<sup>1</sup> The jingo is soon undone by a direct proposal of arbitration. Seward and the other valiant candidates sheathed their swords, and looked for a new opportunity to attract attention and make political capital. They alone had given life and a threatening aspect to the disagreement; so it was soon almost forgotten.

It is not more certain that the radical abolitionists intended to carry forward their crusade against slavery until it should be abolished in the states as well as in the territories, than that the southern leaders hoped to conquer Cuba, Central America, and the northern part of South America for the purpose of increasing their political power. Aside from the evidence furnished by our relations with Cuba and Mexico, and by the movements for reopening the slave-trade, the sympathy of the South with William Walker's expeditions against Nicaragua showed that the passion for foreign conquest in behalf of slavery had only been held in check by the exigencies of domestic politics, especially in relation to the Kansas question. The real significance of the plans of such men as Piercè, Buchanan, Cass, and Douglas, was not in what they themselves actually desired, but in what they were willing to do in slavery's interest. They never favored slavery for its own sake, but each of them desired slavery to favor him for his own sake.

In the annual message of 1858, Buchanan had also descanted upon our grievances against Mexico and nearly all the Central American states. The gist of his com-

<sup>1</sup> *Globe*, 1855-56, Apdx., 80.



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plaints, which, of course, were not groundless, was that the rights and property of American citizens in or near those countries were frequently subjected to injury owing to the political disorders often prevalent there. As to Mexico, he believed that the offences had been such as to warrant our beginning hostilities; that we should at least seize part of her territory as a guaranty for the redress of the injuries she had done us. Moreover, he advised that the United States should assume a temporary protectorate over the portions of the states of Chihuahua and Sonora lying nearest to us, and establish military posts in them. Lamenting that the Constitution forbade the President to go beyond the resources of diplomacy, he requested Congress to pass an act to enable him to use the land and naval forces of the United States in resistance to the offences of which he complained. This was asking that the power to declare war, which the Constitution lodged in Congress, should be given to him for use against several independent governments south of us. On February 18, 1859, he sent a special message to Congress repeating his recommendations and rearguing the whole case. He mentioned the Panama riot of 1856, in which many American citizens had lost their lives, "as a pointed illustration of the necessity which may arise."

Again Seward led the attack.<sup>1</sup> He rightly regarded the request as one to invest the President "with a power not to make war against one state, but several states, and practically against every state on this continent." "The very proposition itself," he said, "implies that they are incapable of making resistance, and that the government of the United States can, in regard to any one of them, strike the blow, chastise the offences, and withdraw, even with impunity, after the assault."

<sup>1</sup> *Globe*, 1858-59, 1119, 1120.

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He dealt the Panama "illustration" a severe blow by announcing that a treaty had been negotiated "for the adjustment of that difficulty, and for the payment of all damages which were incurred in consequence of it; a treaty which . . . is satisfactory to the President of the United States, because he himself has negotiated the treaty, and he is committed to it."

Why this special grant was needed in the case of injuries inflicted by weak and diminutive countries only was not explained. One had not far to seek, however, before finding the real reason: the swoop of a few ships of our navy or of a few regiments of the army upon a defenceless power would involve no great danger, would surely be successful, and, therefore, popular; it would first help the Democrats to free themselves from the unprofitable domestic contest about slavery, and then it would reunite and strengthen the party in its struggle with the Republicans.

Mexico was the most promising field for such diversions. If our troops could get possession of a part of Mexico, then annexation would follow very easily. Buchanan urged his ideas upon Congress in his annual messages of 1859 and 1860, but the case was hopeless as long as Congress retained the war-making power; for antislavery men controlled the House, and in the Senate such men as Seward and Fessenden met the President with a stubborn and skilful opposition. Peace, agitation against slavery, and the settlement of the territory of the Northwest were sure to bring Republican success.



## CHAPTER XXIII

### ILLUSTRATIONS OF THE "IRREPRESSIBLE CONFLICT" AND OF THE CONFLICT REPRESSIBLE, 1859-60

DURING the short session from December, 1858, to March, 1859, Congress was not able to do much more than vote the appropriations and get excited over the homestead bills and a few questions in foreign relations. Seward had easily retained the marked supremacy he won in the campaign of 1858. No other Republican was so well known or was so universally recognized as having unrivaled resources and positive claims. His nomination for the presidency was commonly supposed to be certain. The only serious opposition apparent came from the New York *Tribune* and from Pennsylvania.<sup>1</sup>

Seward believed that both these obstacles had been overcome. In the spring of 1859 he had visited Simon Cameron, in Harrisburg, who promised his support and brought the whole legislature to welcome his guest.<sup>2</sup> About the same time Greeley seemed to have become reconciled; he had dined with Seward at the Astor House, and had led both Weed and Seward to expect that he would make himself useful while in California that sum-

<sup>1</sup> Dana wrote, June 23, 1859: "My impression is that we had better concentrate our forces on Chase, and that he is the only man we can beat S. [Seward] with."—Pike, 441. Fessenden wrote to Pike several weeks later: "You and Pennsylvania may become reconciled to Seward yet, and then I shall expect to see him elected."—*Ibid.*, 445.

<sup>2</sup> *Weed*, 256.

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mer.<sup>1</sup> Seward had already planned to take a long vacation and to make a trip through Europe to the Holy Land.<sup>2</sup> In an affectionate farewell note to his wife, he wrote: "The sky is bright, and the waters are calm. The ship is strong and swift; the season of storms is past."<sup>3</sup> So, indeed, it appeared politically, also.

On May 7, 1859, two Republican committees escorted him to a steamer on which three hundred admirers were to accompany him down New York bay. Salutes were fired at Castle Garden, and music and cheers and ardent friends went with him. Off Fort Hamilton they awaited his ocean steamer, the *Ariel*. These sentences were in his model political *au revoir*:

"It will depend upon my own temper whether I am able or not to gain the material for which I go abroad—the knowledge derived from the sufferings and strivings of humanity in foreign countries—to teach me how to elevate and improve the condition of my own countrymen. . . . I know that, at last, the great questions of justice and humanity before the American people are destined to be decided, and that they may be safely left to your own hands, even if the instructor never returns."<sup>4</sup>

An eye-witness has described the enthusiastic good-bye of Seward's admirers:

"The vessels separated. The huge wheels of the *Ariel* slowly began to revolve, and she resumed her outward voyage. But the enthusiastic friends on the little steamboat were yet unwilling to part. Again and again they made their captain run up within hail of the *Ariel*, for 'one more parting cheer.' The passengers who crowded the decks of the other two ocean steamers, becoming infected with the spirit of the scene, joined in, and re-echoed the cheering. And so with shouts and music, bells and whistles, dipping ensigns, waving hats, hands, and handkerchiefs, he was escorted far out beyond Sandy Hook before the vessels would separate for their respective destinations."<sup>5</sup>

<sup>1</sup> 2 Seward, 360.

<sup>2</sup> See Vol. II., 75-77.

<sup>3</sup> 2 Seward, 360.

<sup>4</sup> 2 Seward, 361.

<sup>5</sup> 2 Seward, 361.



## “IRREPRESSIBLE CONFLICT” ILLUSTRATED

The scene has been repeated by others since those days, but it was thoroughly unique then. All understood, and impatiently peered into the future and counted the months until still greater demonstrations were expected to be made about the “instructor.” The remainder of spring, the summer, and early autumn dragged along like the dog-days, for a dead calm had set in after the continuous excitement of the past five years.

On October 17, 1859, the whole country was startled and alarmed by the report that a large number of abolitionists and negroes had begun a slave-insurrection and had seized the United States arsenal at Harper’s Ferry, and that many of the combatants had been killed. Surprise and terror increased when it became known that the leader was “Old Osawatomie” Brown.

John Brown had never expected his antislavery efforts to end in Kansas. His experiences in aiding runaway slaves had suggested to him that what was known as the “underground railroad” ought to have a well-known station in the South, so as to operate directly and rapidly upon large numbers of negroes. Harper’s Ferry was finally selected as the place to strike the first blow. Its site in the mountains and its proximity to a free state were favorable; and by seizing the United States arsenal Brown and his men expected that they could obtain the needed weapons and create a great uprising. None of Brown’s prominent eastern friends and financial supporters<sup>1</sup> thought his plan a good one, although they gave generous aid and counsel. But the old man had dreamed and prayed for so many years that he might be the means of destroying slavery that he

<sup>1</sup> Gerrit Smith, Thomas Wentworth Higginson, Theodore Parker, George L. Stearns, Dr. S. G. Howe, Frank B. Sanborn, and Frederick Douglass were the ones best known.

had at last come to believe he could fail only by his not making the attempt.

During the summer and early autumn of 1859 he collected at a farm-house on the Maryland side of the Potomac, a few miles above Harper's Ferry, twenty-one followers and a supply of firearms and ammunition for two hundred men. On Sunday evening, October 16th, Brown and eighteen comrades started out to execute the plot; the others remained behind. Telegraph wires were cut, and the watchmen at the bridge over the Potomac and at the armory were taken prisoners. Brown and two of his confederates stood guard at the armory gate while squads were sent on different errands. Prominent residents of the neighborhood were soon brought in as hostages; their negroes were pronounced liberated and called upon to take arms. But the slaves showed no disposition to join in the movement. However, up to Monday noon Brown was master of the situation, and might have retreated across the Potomac. Early in the afternoon Virginia militia companies began to arrive; they soon made escape difficult and organized an attack. The invaders at the armory were driven to seek safety in a brick engine-house. Tuesday morning United States marines battered in the door of the engine-house and made prisoners of those still living. Brown had received severe cuts and blows which were supposed to be fatal.

The result of the raid was that of the whole force of twenty-two men ten were killed, five escaped, and the leader and six of his followers were finally hanged.<sup>1</sup> The invaders killed or wounded fourteen persons<sup>2</sup> without effecting the escape of a single slave. Brown's resources would have been ample for a speedy incursion for the purpose of carrying off perhaps a score or two

<sup>1</sup> Webb's *Brown*, 347, 348.

<sup>2</sup> Colonel R. E. Lee's official report, Senate Report *Invasion of Harper's Ferry*, 44, 45.

## “IRREPRESSIBLE CONFLICT” ILLUSTRATED

of slaves, but his wild dreams contemplated a government on slave soil for three years.<sup>1</sup> On the morning of December 2d, when his life paid the penalty for treason and murder, he handed one of the guards a paper on which were written these sentences: “I, John Brown, am now quite *certain* that the crimes of this *guilty land* will never be purged away but with *blood*. I had, as I now think vainly, flattered myself that without very much bloodshed it might be done.”<sup>2</sup>

This sanguinary and hapless adventure had a wonderful influence in hurrying forward a genuine irrepressible conflict between the sections. Brown’s bearing at the armory gate while wielding the sword that Frederick the Great had given to Washington;<sup>3</sup> his manly answers to Governor Wise and Senator Mason, when he lay bleeding and in pain; the unquestionable evidence of absolute unselfishness, of deep philanthropical feelings, and of utter fearlessness, whether fighting or in court or on the scaffold—these caused hundreds of thousands in the North to forget the folly of the exploit and to respect the passion that had driven him forward. “He died like a man, and Virginia fretted like an old woman,” wrote Francis Lieber; and, before the year expired, John Brown had become a hero in the opinion of a large proportion of the best persons in the free states, not on account of any wisdom in his acts, but because of his bold assault upon slavery. The fear shown by the South was not feigned; it was deep and almost hysterical. Warlike preparations were going on in every county of Virginia. Some districts were still under martial law, and the legislature was considering “the full and complete arming of the whole state.”<sup>4</sup>

<sup>1</sup> *Harper’s Ferry Report*, 48–60.

<sup>2</sup> Sanborn’s *Brown*, 620.

<sup>3</sup> This had been seized when some of Brown’s men made a prisoner of Lewis W. Washington, who was the first of those taken as hostages.

<sup>4</sup> Mason, *Globe*, 1859–60, 149.



## THE LIFE OF WILLIAM H. SEWARD

Elsewhere the alarm was not so intense, but throughout the South men believed that the country was on the brink of a terrible crisis. The slave-holders would not have been so much frightened if they had not made the mistake of believing that the slaves would fight for their liberty—a belief that had also been the greatest factor in leading Brown into the wild delusion that he could smite the rock of slavery and call forth from it a continuous fountain of freedom. Fear soon gave place to anger, and the conviction became common in the South that John Brown differed from a majority of Northerners merely in the boldness and desperation of his methods.

The greatest condemnation of John Brown—whose character was heroic in spite of his semi-barbarous and unjustifiable deeds—is the fact that his exploits, more than those of any other man, convinced almost the whole country not only that there was an irrepressible conflict between slavery and freedom, but also that that conflict must be settled in blood or by disunion.<sup>1</sup>

The excitement had not subsided when the last antebellum Congress convened, December 5, 1859. This was also the first Congress to begin its session in the halls occupied at the present time.<sup>2</sup> The chaplain's "Amen" had hardly been said in the Senate when Mason offered a resolution calling for a thorough investigation of the late affair at Harper's Ferry and of its relations with men and organizations elsewhere. His aim was to create a closely woven dragnet, in which he hoped to catch prominent Republicans and Kansas aid societies, if not the Republican party itself. In a few minutes an angry debate was begun,

<sup>1</sup> For Garrison's estimate, see Appendix to Vol. II.

<sup>2</sup> The Senate had moved the preceding January from the room now occupied by the Supreme Court.



and it did not come to an end until more than a week later.

Northern Senators might condemn John Brown, but their southern colleagues still believed that the Republicans were at least indirectly responsible for the invasion. Why had northern bells tolled on December 2d? Why had prayers, and speeches full of fervor and condolence, been made in many northern churches and town-halls, if all Republicans believed that Brown deserved what that day brought him? Did Democrats take part in those meetings? Was not the sorrow chiefly because the exploit had failed? Would there have been such demonstrations if slavery had not been the object of attack? Had any Republicans sympathized with Virginia? Had not all but one or two prominent Republican newspapers expressed deep feeling for Brown and sharply criticised Wise and other Southerners? The explanation of it all was, said Senator Brown, of Mississippi, that the invaders came to levy war upon a slave state, and to murder slave-holders because they were slave-holders.<sup>1</sup> It was not surprising, Southerners insisted, that prominent Republicans deprecated all responsibility, but none of them had dared to reprove their party journals and fellow-citizens for their tender dirges over one whom they considered a hero.

In vain did the Republicans protest that no member of their party had ever favored interference with slavery within the states. “The root of the evil,” said Senator Chestnut, “is the miserable intermeddling, nefarious spirit of many of the people of our associate states with [a] matter which concerns them not.” “They throw firebrands among us; they constantly and without remission taunt, abuse, irritate, disturb the people of the Southern states.”<sup>2</sup> Acts of violence, he

<sup>1</sup> *Globe*, 1859-60, 33.

<sup>2</sup> *Ibid.*, 37.

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held, naturally resulted from such language as Seward used in the Senate only the previous year, and he read passages from the speech of March 3, 1858, against the Lecompton constitution containing these sentences :

“It [free labor] has driven you back in California and in Kansas ; it will invade you soon in Delaware, Maryland, Virginia, Missouri, and Texas. . . . The interest of the white races demands the ultimate emancipation of all men. Whether that consummation shall be allowed to take effect, with needful and wise precautions against sudden change and disaster, or be hurried on by violence, is all that remains for you to decide.”

Seward's warnings and recent events led the South Carolinian to exclaim, “The thing must stop.” Otherwise the South would “sunder the Union, pull it to pieces, column, base, and tower.” The “irrepressible conflict” must be repressed, or the Union could not be saved.

The House, too, had its full share of excitement, for a new Speaker had to be chosen.<sup>1</sup> On the first ballot most of the Democrats voted for Thomas S. Bocoek, of Virginia. John Sherman and Galusha A. Grow divided the Republican strength. Clark, of Missouri, a slaveholder and a Democrat, soon obtained the floor and offered a resolution declaring that no member that had endorsed Helper's *The Impending Crisis*, the doctrines of which were “insurrectionary and hostile to the domestic peace and tranquillity of the country,” was “fit to be Speaker of this House.”<sup>2</sup> He had special reference to Sherman and Grow. The occupants of the galleries burst into applause and hisses. This was the beginning of the most angry and dangerous speaker-ship contest in our history.

<sup>1</sup> Of the two hundred and thirty-seven members, there were one hundred and nine Republicans, one hundred and one Democrats, twenty-six “Americans,” and one Whig. This is the classification made at the time in the *Globe*, p. 1.

<sup>2</sup> *Globe*, p. 3.

## "IRREPRESSIBLE CONFLICT" ILLUSTRATED

The author of *The Impending Crisis*, which had appeared in 1857, was a young North Carolinian of the middle class. The principal idea of the book, that the great inferiority of the South in wealth, education, population, and production was due to slavery, was supported by statistics. Unfortunately the author was not content with proving so important a thesis, or even with showing that the non-slave-holders, who were the great majority of the population, were ground between the planters and the slaves, and ought to unite to overthrow the former and deport the latter. His unbalanced mind and too ready pen led him into extravagant propositions and insane speculations. The language in many places was so passionate and revengeful as to invite ignorant men to begin a class war.<sup>1</sup>

<sup>1</sup> As most historians have neglected to treat this feature of Helper's book, a few quotations may well be given to show how careless the Republican leaders were in selecting an ally, and why the Democrats became victims of such a towering rage. After demonstrating that slavery had caused land in the South to be less valuable than in the North, Helper assumed that the entire difference was due to slavery, and that the slave-holders owed the balance to the non-slave-holders. "Of you, the introducers, aiders, and abettors of slavery, we demand indemnification for the damage our lands have sustained on account thereof. The amount of that damage [as he figured it out] is \$7,544,148,825; and now, Sirs, we are ready to receive the money, and, if it is perfectly convenient to you, we would be glad to have you pay it in specie! It will not avail you, Sirs, to parley or prevaricate. We must have a settlement."—*The Impending Crisis*, 126.

"Do you aspire to become the victims of white non-slave-holding vengeance by day and of barbarous massacre by the negroes at night?"—*Ibid.*, 128.

"Out of our effects you have long since overpaid yourselves for your negroes; and now, Sirs, you *must* emancipate them—speedily emancipate them, or we will emancipate them for you!"—*Ibid.*, 129.

"Small-pox is a nuisance; strychnine is a nuisance; mad dogs are a nuisance; slavery is a nuisance; slave-holders are a nuisance, and so are slave-breeders. It is our business—nay, it is our imperative duty—to abate nuisances. We purpose, therefore, with the exception



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The appearance of an impassioned and somewhat forceful abolition book from a Southerner was most welcome to the Republicans. They expected that it would greatly help such efforts as Cassius M. Clay (in Kentucky), B. Gratz Brown, and F. P. Blair, Jr. (in Missouri) were making to create an antislavery party on slave soil. This, they thought, would soon relieve the Republicans of the charge of sectionalism, while it would lessen the dangers of disunion. What was best in *The Impending Crisis* was not new, but had long been argued theoretically by Clay and many others; yet there was logic in Helper's statistics that would have had a great effect if it had not been vitiated by his frenzy for a sudden and sweeping change. Nothing better illustrated the tendencies toward an "irrepressible conflict" or more clearly showed how poorly sincere men understood the meaning of their own acts and declarations, than that such leaders as Greeley, John Jay, William Cullen Bryant, and Weed should be eager to use a portion of this book for party purposes without in any way condemning countless passages that were as irrational and foolhardy as any of John Brown's dreams. Early in 1859 they devised a plan for the

of strychnine, which is the least of all these nuisances, to exterminate this catalogue from beginning to end."—*The Impending Crisis*, 139.

"Against this army for the defence and propagation of slavery [*i. e.*, the three hundred and forty-seven thousand slave-holders] we think it will be an easy matter—independent of the negroes, who, in nine cases out of ten, would be delighted with an opportunity to cut their masters' throats, and without accepting of a single recruit from either of the free states, England, France, or Germany—to muster one at least three times as large, and far more respectable, for its utter extinction."—*Ibid.*, 149.

"Indeed, it is our honest conviction that all the pro-slavery slave-holders, who are alone responsible for the continuance of the baneful institution among us, deserve to be at once reduced to a parallel with the basest criminals that lie fettered within the cells of our public prisons."—*Ibid.*, 158.



## "IRREPRESSIBLE CONFLICT" ILLUSTRATED

gratuitous circulation in the states of New Jersey, Pennsylvania, Indiana, and Illinois, of one hundred thousand copies of a compendium of *The Impending Crisis*, in the hope of converting many of the voters in those states to Republicanism before the election of 1860. More than half the Republican Representatives, and nearly every prominent one, formally approved the enterprise.<sup>1</sup>

Southern Representatives interpreted this to mean that the Republican leaders were ready to make an ally of a reckless man. They considered the actions of the numerous Republicans to be as positive evidence that slavery would before long be attacked within the states as if Greeley and Weed had given support to John Brown,—and they were not far from right. Crawford, of Georgia, was only a little bolder than some others from his section when he announced: "I tell you now that the South is once more aroused. She understands that this question cannot be settled; she knows it cannot be." Every Georgia Democrat, he said, had decided not to submit to the inauguration of a black Republican President.<sup>2</sup>

Some of the southern conservatives, such as Gilmer, of North Carolina, and Nelson, of Tennessee, tried to repress the excited declarations of members from their section, but they were unsuccessful. Every Representative on each side was understood to be armed, and some had both a revolver and a bowie-knife.<sup>3</sup> Again

<sup>1</sup> *Globe*, 1859-60, 16, 17, gives the documents and signatures.

<sup>2</sup> *Globe*, 164.

<sup>3</sup> Mr. Grow told the writer, in 1895, that, during the period just before the war, every member intended as much to take his revolver as his hat when he went to the Capitol. For some time a New-Englander, who had formerly been a clergyman, was the only exception. There was much quiet jesting in the House when it became known that he, too, had purchased a pistol. See also *Life and Letters of Francis Lieber*, 310.

and again personal altercations came to the verge of blows, and there was great danger of a general resort to weapons both on the floor and in the galleries. Merely on account of remarks made in debate, Branch, of North Carolina, challenged Grow to a duel. But for the general belief that the beginning of personal violence in Congress would result in several deaths, the conflict would not have been confined to one of words.<sup>1</sup>

Many had declared that the election of Sherman would not be tolerated; but the great terror was the anticipated election of Seward to the presidency. Sherman and other Republicans in Congress were hated at the South chiefly for some special acts, but Seward was to them the incarnation of northern power and abolition menaces.<sup>2</sup> Again and again passages from Seward's speeches were quoted, and it was argued that whatever might be the result of the present contest, his election to the presidency would bring the Union to an end; for he had approved Helper and

<sup>1</sup> This was Mr. Grow's explanation many years afterward.

<sup>2</sup> "You need not make disclaimers," shouted L. Q. C. Lamar to an opponent. "I was upon the floor of the Senate when your great leader, William H. Seward, announced that startling programme of antislavery sentiment and action against the South . . . ; when he declared that as soon as this administration passed away this anti-slavery sentiment would get possession of the machinery of the government; that it would wield this enginery to the overthrow and extinction of southern institutions; that it would remodel the Supreme Court in order that its decisions should no longer confirm to us what we believe to be the constitutional rights of the South; and, Sir, in his exultation, he exclaimed—for I heard him myself—that he hoped to see the day when there would not be the footprint of a single slave upon this continent. And when he uttered this atrocious sentiment, his form seemed to dilate, his pale, thin face, furrowed by the lines of thought and evil passions, kindled with malignant triumph, and his eye glowed and glared upon southern Senators as though the fires of hell were burning in his heart."—*Globe*, 1859-60, 228.

## "IRREPRESSIBLE CONFLICT" ILLUSTRATED

had foretold deeds that John Brown had tried to perform.<sup>1</sup>

There was a daily ballot for Speaker throughout December and January. John Sherman rarely lacked more than six or seven of a majority. The Democrats and the southern Know-Nothings were unable to agree upon a candidate. Finally, near the end of January, Sherman withdrew, and his partisans agreed upon Pennington, a new member from New Jersey. Pennington had been elected Representative on an independent ticket, but his affiliations were with the Republicans. After a few more ballots, enough Know-Nothings came to his support to elect him, on February 1, 1860. Thaddeus Stevens had announced that he would vote for Sherman until the crack of doom. When reminded of this, later, he replied that he thought he heard it cracking.<sup>2</sup>

Another very important sign of the time was the threatened disruption of the Democratic party. The Kansas experiment had shown that slavery could not thrive in any northern territory without Federal aid and protection. Douglas's Freeport doctrine—which declared that slavery could not exist in a territory, whatever the Supreme Court might hold, if the territorial legislature should be unfriendly to the institution—made it peremptory to introduce a new "constitutional principle" into the Democratic creed. Douglas's sin was unpardonable, and not even his subsequent southern tour and ardent championship of the schemes to acquire Cuba and other territory for slavery could save him from southern vengeance or from losing the chairmanship of the committee on territories. The day following the conclusion of the speakership contest, Jefferson

<sup>1</sup> Speeches of Reuben Davis, *Globe*, 1859-60, pp. 67-69, and of Crawford, *ibid.*, 163-65.

<sup>2</sup> 1 John Sherman's *Recollections*, 177.



Davis introduced in the Senate a series of resolutions designed to force a party repudiation of Douglas's doctrine and to secure a declaration that it would be the duty of the Federal government to afford protection to slavery in the territories in case of unfriendly territorial legislation or of inadequate power on the part of the Federal courts.<sup>1</sup> These resolutions were much debated in the spring of 1860, and were finally passed in a slightly modified form.

The Republicans had been on the defensive in the debates about the speakership and the meaning of the events at Harper's Ferry; but before long some of their extremists insisted on being heard. Early in April, 1860, Lovejoy threw the House into a turmoil by a violent speech, one sentence of which declared: "Sir, than robbery, than piracy, than polygamy, slave-holding is worse—more criminal, more injurious to man, and consequently more offensive to God."<sup>2</sup> Soon thirty or forty members had crowded into the area in front of the Speaker's desk, and shaking fists were emphasizing angry words. As Lovejoy continued, Barksdale, of Mississippi, called him a "perjured negro-thief," inferior to the meanest slave; Singleton, of the same state, shouted that he was "a mean, despicable wretch"; and Martin, of Virginia, promised the Illinois zealot the fate of John Brown if he would visit the Old Dominion. From the passions of that hour grew the challenge between Pryor, of Virginia, and Potter, of Wisconsin, made especially famous by the latter's choice of bowie-knives. But the fight was avoided. A few weeks later Sumner delivered, in the Senate, a speech on "The Barbarism of Slavery,"<sup>3</sup> a theme suited to his uncompromising purpose and his literary devices. Hardly a Republican on the floor fully approved it;<sup>4</sup> but New England welcomed

<sup>1</sup> Text in *Globe*, 1859-60, 658.

<sup>2</sup> *Globe*, 1859-60, Apdx., 203.

<sup>3</sup> 3 Pierce, 611.

<sup>4</sup> 3 Pierce, 611; Salter's *Grimes*, 127.



it, and it was a sign of the future rather than of the present.

During this period the “irrepressible conflict” outside of Congress was developing. Northern aid to fugitive slaves had become so common and fearless that only the most daring slave-holders considered it either safe or profitable to pursue their fleeing chattels more than a few miles beyond Mason and Dixon’s line. While northern sentiment was rapidly making it more difficult to treat as a slave any negro that had come within a free state, southern sentiment called for the prohibition of manumission and for the exile or the enslavement of free blacks in the South. The surreptitious slave-trade had grown to an alarming extent; the South was rapidly becoming converted to the idea that the laws restraining it should be repealed; and it was so difficult to convict those engaged in it that even Buchanan had lamented the fact in his message. Social intercourse between the leading men of the two sections had almost entirely ceased. Northern travellers shunned the sunny South, and southern students became less numerous in northern universities. The mails were once more searched for antislavery matter as they had not been for twenty years.<sup>1</sup> Southern antislavery men were treated with unusual harshness, and some of them were driven from home. Nearly all the southern states busied themselves with military preparations, and merchants declined to trade with antislavery Northerners. Many Union meetings at the North tried to check the haste and passion of the radicals; but it was too late. The abolitionists and zealous Republicans had taught

<sup>1</sup> Stephens wrote about this time: “The Post Office is beginning to be a nuisance. It is now the field for almost as much espionage and villany, from the prying into a private note to the stealing of a package of bank-bills, as ever the same institution was in Spain, or is now in Cuba.”—Johnston and Browne, 365.

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the people, and the politicians could not prevent the consequences.

What wonderful changes this "irrepressible conflict" had brought about since Douglas had presented his panacea—the repeal of the Missouri compromise! It had annihilated the Whig party; it had weakened the Democracy of the North, while it had strengthened that of the South; it had called into existence the strong and aggressive Republican party; it had scattered and exterminated the conquering hosts of Native-Americans; and, at last, it was opening a dangerous and impassable chasm between northern and southern Democrats. In religion, too, as well as in politics, the sections had broken asunder, for there could be no permanent alliance between men of such antagonistic aims and prejudices. Senator Hammond was not indulging a wild fancy when, in April, 1860, he said that "this government is not worth two years', perhaps not two months', purchase."<sup>1</sup>

Doubtless Seward considered himself fortunate in being abroad during the excitement over the John Brown raid and also during part of the speakership contest. The bitter attacks that had been made upon him in Congress and in the press did not prevent his admirers from giving him a very demonstrative welcome when he returned from Europe, late in December, 1859. The thundering salute of a hundred guns in city-hall park told New York that Seward was once more at the Astor House. Politicians and friends hurried to greet him. The mayor and common council invited him to the city-hall, and there gave him a public reception. Always ready and felicitous with his remarks, Seward said that every country in Europe was balancing between a desire for beneficial changes and the fear of innovation. He

<sup>1</sup> *Life and Letters of Francis Lieber*, 310.

suggested that the United States might commend their better method of government by conducting foreign affairs with truth, candor, justice, and moderation, and by showing that our system was founded upon public virtue; "that as a people we are at unity among ourselves, and that we are seeking, only by lawful means, to promote the welfare of mankind."<sup>1</sup> He gave two hours to handshaking—which was not sufficient time to permit him to greet all of the great throng that came—and then he hurried off toward Auburn.

"Bleak and cheerless as was the wintry landscape, the whole journey was one of warmth and enthusiasm. Salutes and welcomes greeted him at every city. Crowds awaited him at the stations. Old friends and political followers boarded the train, to grasp him by the hand."<sup>2</sup> When he reached Auburn he found it prepared as if for a fête. "The streets were decorated, banners waved 'Welcome Home,' the citizen-soldiers, the local authorities, societies, and even the children of the public schools, were waiting to escort him in procession to his home. There, at the gateway, he was greeted by a group composed of the clergymen of every church in town." In thanking his friends, he said: "I prefer this place, because it is the only one where I am free to act as an individual, and not as a representative and public character. Whatever I may be elsewhere, *here* I am never either a magistrate or a legislator, but simply a citizen—a man—your equal and your like—nothing more, nor less, nor different."<sup>3</sup>

Early in January he went to Washington. All the Republican members of Congress from New York came in a body to express their pleasure at his return. His fellow-Republicans gave him a hearty welcome when he entered the Senate, but of the Democratic Senators

<sup>1</sup> 2 Seward, 437.

<sup>2</sup> 2 Seward, 438.

<sup>3</sup> *Ibid.*

## THE LIFE OF WILLIAM H. SEWARD

only a few with whom he had been especially friendly stepped across to his side to extend even a perfunctory greeting. His hospitable house was soon crowded with callers, and the Representatives from several states came by delegations to pay respect to their party leader.<sup>1</sup>

These different demonstrations were equivalent to a public announcement that Seward openly sought the Republican nomination for the presidency. From this time every word and act needed to be considered carefully. As has been noticed, the speakership contest continued during the month of January, the Senate investigation of the Harper's Ferry invasion was in progress, and Seward was almost daily denounced for alleged revolutionary utterances in the past. Unexpected events had raised him to a "bad eminence" that was undesirable and dangerous for a candidate. Therefore, his chief task was to lessen southern fear of Republican success, and to persuade Republicans that southern threats of secession were not serious. He had long endeavored to deserve confidence, but now it was more urgent than ever that he should win it.

Excepting a short speech on Broderick, who had been killed in a duel by a political opponent, Seward remained silent for nearly two months. Broderick had been a mechanic by trade; later, he was a New York fireman, a saloon-keeper, and a Tammany leader. He went to California in 1849; he rose rapidly in politics, and was chosen United States Senator. His humble origin naturally made him an opponent of slave-holders. Although a Democrat, he had won great popularity in the North by his bold opposition to the Lecompton con-

<sup>1</sup> 2 Seward, 440, 441. This narrative of the demonstrations made on Seward's departure and return closely follows the excellent account by his son and biographer, who was evidently a witness of much that he describes.



## THE CONFLICT REPRESSIBLE

stitution and to Buchanan's pro-slavery policy. His last words were: "They have killed me because I was opposed to the extension of slavery and a corrupt administration."<sup>1</sup> Seward made a glowing eulogy on Broderick, ranking him with Winthrop, Raleigh, Penn, and other great "organizers of our states"; but did not mention that he had ever opposed slavery.<sup>2</sup>

During the year and a half since Kansas had voted against admission into the Union under the law English had championed, her affairs had rarely been mentioned in Congress. The free-state men controlled the territorial legislature; they had blotted out the slave-code of 1855, and had made a thorough revision of the subsequent pro-slavery laws. A constitutional convention met at Wyandotte in the summer of 1859 and formed a new constitution. A few weeks later the voters ratified it by a large majority, and chose state officers and a Representative. On February 21, 1860, Seward offered a resolution for the admission of Kansas under the Wyandotte constitution, and gave notice that, on the 29th, he would address the Senate on his proposition. But the Kansas question was merely the peg upon which he was to hang a general political discourse.

At the appointed time, a large and curious audience was in the Senate-chamber, for expectation ran high. "In coming forward among the political astrologers," he said it would be an error of judgment and not of disposition if his interpretation of the political status should not tend to allay the national excitement.<sup>3</sup>

Senator Mason had undertaken to fasten upon the northern states the name of "servile states," because menial labor was there performed by a servile class. In order, doubtless, to avoid shocking tender ears by the use of the precise and usual terms of "slave states" and

<sup>1</sup> 4 *Works*, 70.

<sup>2</sup> *Globe*, 1859-60, 748, 749.

<sup>3</sup> 4 *Works*, 619.

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“free states,” Seward eliminated them by referring to the southern portion of the country as “capital states” and the northern as “labor states.” He explained this nomenclature by saying that in the South the slave was not protected as a man but as the capital of his owner; while in the North the laborer was elevated and enfranchised, and became a dominant and political force. Advancing with these euphemisms, he reviewed once more the chief points in the history of the contest about slavery, but in language more subdued than he had ever before used.<sup>1</sup> There was no mention of a “higher law” or of an “irrepressible conflict”; no repetition of his command of two years before—“The Supreme Court, also, can reverse its spurious judgment more easily than we could reconcile the people to its usurpation. . . . Let the Court recede”; no declaration that slavery “can be and must be abolished, and you and I can and must do it.” He told, indeed, the story of our political degeneration, and in measured terms showed how our energy had been devoted chiefly to the interests of “capital,” *i. e.* slavery. The world, he said, asked what our demoralization meant. We had an excuse—“a virtuous excuse”—better than the world could imagine. “We have loved not freedom so much less, but the Union of our country so much more.” “But,” he added, “we are without excuse when we fail to apprehend the logic of current events.”<sup>2</sup> Whatever parties or the govern-

<sup>1</sup> Who could understand the meaning of these sentences without keeping Seward's key constantly in mind? “Presses, which undertook the defence of the labor system in the capital states, were suppressed by violence, and even in the labor states public assemblages, convened to consider slavery questions, were dispersed by mobs sympathizing with the capital states.

“The Whig party, being generally an opposition party, practised some forbearance toward the interest of labor. The Democratic party, not without demonstrations of dissent, was generally found sustaining the party of capital.”—4 *Works*, 625.

<sup>2</sup> 4 *Works*, 630.

ment might do, the people of the United States, he thought, did not prefer "the wealth of the few to the liberty of the many, capital to labor. African slaves to white freemen, in the national territories and in future states." The choice of the nation was to be between the Democratic party and the Republican party. Of the principles and policy of the latter he said :

"I know of only one policy which it has adopted or avowed, namely, the saving of the territories of the United States, if possible, by constitutional and lawful means, from being homes for slavery and polygamy. . . .

"I may, perhaps, infer from the necessity of the case that it will, in all courts and places, stand by the freedom of speech and of the press, and will maintain the constitutional rights of freemen everywhere ; that it will favor the speedy improvement of the public domain by homestead laws, and will encourage mining, manufacture, and internal commerce, with needful connections between the Atlantic and Pacific states—for all these are important interests of freedom. For all the rest, the national emergencies, not individual influences, must determine, as society goes on, the policy and character of the Republican party. Already bearing its part in legislation and in treaties, it feels the necessity of being practical in its care of the national health and life, while it leaves metaphysical speculation to those whose duty it is to cultivate the ennobling science of political philosophy."<sup>1</sup>

This plainly indicated what he desired the platform should be on which he expected to be the Republican candidate. It contained no alarming suggestions, and was almost conservative.

The party heard "menaces of disunion," he said.

"What are the excuses for these menaces? They resolve themselves into this, that the Republican party of the North is hostile to the South. But it already is proved to be a majority in the North; . . . will it not still be the same North that has forborne with you so long and con-

<sup>1</sup> 4 Works, 630.

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ceded to you so much? Can you justly assume that affection which has been so complying, can all at once change to hatred intense and inexorable?"

But it was the Democratic and Whig North that had forborne, and because it did so the Whig part of it had been annihilated, and the Republican party had risen in its place as a fighting agent against forbearance. The two organizations were hardly more "the same North," in the sense Seward meant, than were the northern compromisers of 1850 and the Union soldiers of 1861.

As to the charge that the Republican party was sectional, he said :

"But is the Republican party sectional? Not unless the Democratic party is. The Republican party prevails in the House of Representatives sometimes; the Democratic party in the Senate always. Which of the two is the most proscriptive? Come, come, come, if you will, into the free states—into the state of New York, anywhere from Lake Erie to Sag Harbor, among my neighbors in the Owasco valley; hold your conventions, nominate your candidates, address the people, submit to them fully, earnestly, eloquently, all your complaints and grievances of Northern disloyalty, oppression, perfidy; keep nothing back; speak just as freely and loudly as you do here. You will have hospitable welcomes and appreciating audiences, with ballot-boxes open for all the votes you can win. Are you less sectional than this? Extend to us the same privileges, and I will engage that you will very soon have in the South as many Republicans as we have Democrats in the North."

It was an effective use of the *tu quoque* argument. As a rule, Seward appeared to be indifferent to the effect of his remarks upon his hearers, and the audience in turn rarely showed any enthusiasm about what he said. Now, however, there was such an outburst of applause that the presiding officer stopped the speaker and threatened to have the galleries cleared.<sup>1</sup>

<sup>1</sup> *Globe*, 1859-60, 912.



## THE CONFLICT REPRESSIBLE

At Rochester, in 1858, there had been a terrible "irrepressible conflict." At Washington, in 1860, it was very different :

"But we do not seek to force, or even to intrude, our system on you. . . . The whole sovereignty upon domestic concerns within the Union is divided between us by unmistakable boundaries. You have your fifteen distinct parts ; we eighteen parts equally distinct. Each must be maintained in order that the whole may be preserved. . . . We must, indeed, mutually discuss both systems. All the world discusses all systems. Especially must we discuss them since we have to decide as a nation which of the two we ought to engraft on the new and future states growing up in the great public domain."

To demonstrate that disunion would be impossible under any conditions would practically do away with the most serious question. Vice-President Breckinridge had declared that he had noticed among the members of Congress from the cotton states the development of a determination to resist the Republican party, and a loss of fraternal feeling and love for a common country ; so that a stranger might think that the President was the head of two hostile republics. Seward answered by saying :

"Differences of opinion, even on the subject of slavery, with us are political, not social or personal, differences. There is not one disunionist or disloyalist among us all. We are altogether unconscious of any process of dissolution going on among us or around us. We have never been more patient, and never loved the representatives of other sections more than now. We bear the same testimony for the people around us here, who, though in the very centre where the bolt of disunion must fall first and with most fearful effect, seem less disturbed now than ever before. We bear the same testimony for all the districts and states we represent."

As a climax to his defence of the Republican party, he reversed and expanded Webster's famous phrase :

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“The Republican party knows, as the whole country will ultimately come to understand, that the noblest objects of national life must perish, if that life itself shall be lost, and, therefore, it will accept the issue tendered. It will take up the word Union, which others are so willing to renounce, and, combining it with that other glorious thought, Liberty, which has been its inspiration so long, it will move firmly onward, with the motto inscribed on its banner, UNION and LIBERTY, come what may, in victory as in defeat, in power as out of power, now and forever.”

His theories were the outcome of his great optimism and his political aims. One of his false premises was that there could be no secession without adequate cause. So now he reasoned that the anticipated tyranny of the Republican party “must not only be practised, but must be intolerable, and there must be no remaining hope for constitutional relief, before forcible resistance can find ground to stand on anywhere.” He believed, regardless of the signs of the times, that “these hasty threats of disunion are so unnatural that they will find no hand to execute them.”

“No; go where you will, and to what class you may, with commissions for your fatal service [of disunion] in one hand, and your bounty counted by the hundred or the thousand pieces of silver in the other, a thousand resisters will rise up for every recruit you can engage.”

Seward had shown that there was no ground for fear; he had answered criticisms and demonstrated that disunion would be impossible. It only remained for him to explain that the excitement and apprehensions were merely the effect of temporary and unusual phenomena upon our senses:

“When, as now, a great policy, fastened upon the country through its doubts and fears, confirmed by its habits, and strengthened by personal interests and ambitions, is to be relaxed and changed, in order that the nation may have its just and natural and free developments, then, indeed,

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all the winds of controversy are let loose upon us from all points of the political compass—we see objects and men only through mazes, mists, and doubtful and lurid lights. The earth seems to be heaving under our feet, and the pillars of the noble fabric that protects us to be trembling before our eyes. But the appointed end of all this agitation comes at last, and always seasonably; the tumults of the people subside; the country becomes calm once more; and then we find that only our senses have been disturbed, and that they have betrayed us. The earth is firm as always before, and the wonderful structure, for whose safety we have feared so anxiously, now more firmly fixed than ever, still stands unmoved, enduring and immovable.”<sup>1</sup>

The most surprising feature of this speech was that it was almost wholly negative. Seward's past opinions and the general aims of the Republican party were so similar that they were popularly considered almost identical. His purpose was to make both appear mildly and patiently defensive. The *New York Times*, ever his journalistic ally, rejoiced over the character of the speech and said that its tone indicated “a desire to allay and remove unfounded prejudice from the public mind, rather than to stimulate the zeal or arouse the enthusiasm of partisan followers”; and it pronounced “the whole tenor of the speech . . . in direct contradiction to the sentiments which have been imputed to him on the strength of declarations which he has hitherto made.”<sup>2</sup>

Every paragraph bears evidence of being prepared to suit his candidacy; and in advance of its delivery the speech was read to friends for criticism.<sup>3</sup> Seward even helped the Washington correspondent of the *Tribune* to write, in advance, a description of such a scene as they desired the public to believe took place in the Senate at the time of its delivery.<sup>4</sup>

<sup>1</sup> 4 *Works*, 643.

<sup>2</sup> *Times*, March 1, 1860.

<sup>3</sup> 1 Cassius M. Clay's *Memoirs*, 241, 242.

<sup>4</sup> Stanton's *Random Recollections*, 212, 213.

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On the whole, the effort was very successful. Douglas and Davis ridiculed Seward's invention of "capital states" and "labor states,"<sup>1</sup> and Douglas remarked that for the first time in ten years he had heard nothing about a higher law;<sup>2</sup> but they were unable to find anything that they could attack to advantage. The *Tribune* believed that the speech would be of the greatest importance to the party if it should be widely read. It praised it insidiously, however, when it said that thousands had voted against Scott in 1852 because of their detestation and horror of Seward, and that the only way for the Republicans to triumph in 1860 would be to overcome the "terror of 'Sewardism and the higher law'" by putting this speech in every house in the free states.<sup>3</sup> It called for the immediate distribution of one hundred thousand copies in New Jersey, of half a million in Pennsylvania, and of as many more in Indiana and Illinois—all of which states were supposed to be doubtful on account of popular fears of Republican radicalism.<sup>4</sup> Like several of Seward's previous speeches, it was printed separately and was scattered broadcast as a campaign document. Probably more than a million copies were circulated.<sup>5</sup>

If any of Seward's special friends had suspected that there was danger of his not receiving the nomination, the popular approval of this speech would have restored their confidence. Samuel Bowles, who had desired to see Banks taken as the standard-bearer,<sup>6</sup> wrote to Weed

<sup>1</sup> Greeley wrote to Pike: "'Capital states' and 'labor states' is foolish. Slave states and free states tell the story, and no one can misunderstand it."—Pike, 501.

<sup>2</sup> *Globe*, 1859-60, 915, 917.

<sup>3</sup> *Tribune*, March 1, 1860.

<sup>4</sup> *Tribune*, March 3, 1860.

<sup>5</sup> 2 Seward, 446. On March 3d the *Tribune* announced that its own columns, in different editions, had contained two hundred and eighty thousand copies of the speech, and that it had printed a pamphlet edition which it sold at ten dollars per thousand.

<sup>6</sup> 1 Merriam's *Bowles*, 263, 301.



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on March 5th, that the reaction in Massachusetts in favor of Seward was "very marked"; that the state delegation would "be so strong for Seward as to be against anybody else"; that "all the New England delegates, save Connecticut's, will be equally satisfactory"; that he had heard of "ultra old Whigs in Boston who say they are ready to take up Mr. Seward upon his recent speech."<sup>1</sup> From Washington Seward himself reported: "All New England advices justify what Mr. Bowles wrote you."<sup>2</sup> About the same time Charles A. Dana, then managing editor of the *Tribune*, informed a colleague, "The Seward stock is rising"; and Chase also wrote, "There seems to be at present a considerable set toward Seward."<sup>3</sup>

So the "irrepressible conflict" between slavery and freedom had graciously given way to the somewhat repressible conflict of the political aspirants. The dangers of disunion were works of the imagination, and the fears of Republican rule were as groundless, and were to prove almost as fleeting, as those that come into dreams. Unfortunately, however, parties and candidates for presidential nominations still remained, and a great majority of the people persisted in the belief that the nation was on the eve of a struggle more serious and perilous than any yet experienced.

<sup>1</sup> 2 *Weed*, 260.

<sup>2</sup> 2 *Weed*, 261.

<sup>3</sup> Pike, 501, 503. Similar opinions were expressed by Colfax.—Hollister's *Colfax*, 144.

## CHAPTER XXIV

### THE NATIONAL CONVENTIONS AND CAMPAIGN OF 1860

AT the beginning of 1860 it was foreseen that the result of the presidential election would depend upon the schism in the Democratic party. The national Democratic convention met at Charleston, April 23, 1860. Douglas's nomination or defeat was the chief aim of every delegate. The members of the committee on resolutions agreed in recommending the reapproval of the Cincinnati platform of 1856, the speedy acquisition of Cuba, the protection of the rights of American citizens abroad, and the building of a railroad to the Pacific. But there was disagreement on the vital point: a majority report denied the doctrine of popular sovereignty, and promised to protect slavery in the territories; while a minority of the committee would do no more for slavery in the territories than promise to abide by the decision of the Supreme Court.<sup>1</sup> The report of the minority was approved by a vote of one hundred and sixty-five to one hundred and thirty-eight<sup>2</sup>—which represented Douglas's strength against the opposition inspired by the pro-slavery zealots. The eloquent Yancey was there "to fire the southern heart" with his marvellous magic of disunion. The delegates from Alabama promptly protested against the platform and withdrew from the convention; many other southern dele-

<sup>1</sup> M. Halstead's *National Conventions of 1860*, 43, 44, 54, 55.

<sup>2</sup> *Ibid.*, 63.

gates followed their example. The demand for more protection for slavery had at last split the Democratic party. All felt the significance of what had occurred. Men from the cotton states indulged in great rejoicing, for they saw that the long-wished-for day of secession was dawning. Those from the other states were sad, for they feared that the country was rapidly approaching Republican supremacy,—and disunion. Many who had been devoted political comrades parted here to meet next as enemies on the field of battle. The regular convention, unable to nominate by a two-thirds vote, adjourned to reconvene in Baltimore, June 18th. The bolters assembled in a separate hall in Charleston, and finally adjourned to Richmond. There they decided to await the action of the Baltimore convention.

When the regular Democratic convention reconvened at Baltimore, a dispute about rival delegations from some of the southern states led to a second bolt of pro-slavery radicals. All but a few of the members remaining favored Douglas; so the two-thirds rule was disregarded, and he was declared to be nominated. Herschel V. Johnson was chosen as the candidate for the vice-presidency.

Delegates that had been denied admission to this convention, or that had bolted from it, met in another hall and selected John C. Breckenridge, of Kentucky, and Joseph Lane, of Oregon, as their candidates, and adopted a pro-slavery platform. The original seceders, who had adjourned to Richmond, adopted the candidates and platform of this convention.

Conservatives on the slavery question, most of whom had been Whigs in earlier days and then Know-Nothings, and who were unwilling to fraternize with the Republicans or with either democratic faction, had met in national convention in Baltimore on May 9th. They called themselves Constitutional Unionists, and the gist

of their brief platform was expressed in their motto: "THE CONSTITUTION OF THE COUNTRY, THE UNION OF THE STATES, AND THE ENFORCEMENT OF THE LAWS." They nominated John Bell, of Tennessee, and Edward Everett, of Massachusetts—able and conscientious men, who had earnestly opposed making issues on sectional questions.

It was apparent in advance that Seward's prospects for nomination would be affected by the action at Charleston. Weed, who had no doubt of the nomination of his friend, believed that, if Douglas should be put aside for a southern man, Seward's election would be certain,<sup>1</sup> for it would cause the campaign to be fought on the question of extending and protecting slavery. No Republican could rival Seward in such a contest. In a letter to his wife, Seward wrote: "The Charleston struggle will probably close to-day, and then the Chicago troubles will revive more earnestly than ever. I see true friends, and hear of so many fickle and timid ones as almost to make one sorry that I have ever attempted to organize a party to save the country."<sup>2</sup> Nevertheless, he felt so confident of receiving the great honor that, just before the convention met, he bade farewell to his Washington friends and withdrew to Auburn, expecting never to return to the Senate.<sup>3</sup> He did not undertake to manage his personal campaign. His peculiar forte was to watch public questions in Washington and the tendencies of popular thought, and to keep party interests slightly in the foreground. He cultivated allies and won many

<sup>1</sup> 1 Merriam's *Bowles*, 302.

<sup>2</sup> 2 Seward, 448.

<sup>3</sup> Pike, 516; 2 Wilson, 694, 695. To Mrs. Seward he wrote, May 5th: "Next week this time I trust I shall be with you, mayhap to remain."—2 Seward, 449. A new edition of Baker's popular biography, with additional comment and selections from Seward's speeches, including the one of February 29, 1860, went to press in the spring of this year.



supporters by his generous hospitality and his fascinating intellectual qualities. It was usual for the leading politicians to call on him and let their good-will be known, but he left the decision of questions relating to practical politics to his great manager at Albany—Thurlow Weed.

In 1855, Greeley, who certainly was not prejudiced in Weed's favor, called him a giant in ability and ranked him as "the greatest man we have left, Seward *not* excepted."<sup>1</sup> Since then Weed's political supremacy in New York had in no way weakened, while his influence in national politics had greatly increased. His power was as extraordinary as Seward's popularity. He frequently made visits to Washington when his advice was needed to help the party out of some difficulty. When it became necessary to enter into special plans about the convention, many of the leading Republican politicians went to Albany to see him. Samuel Bowles, who was in that city in February, 1860, gave this description of him:

"He is a great man—one of the most remarkable men of our time—one whom I had rather have had such an interview with than with any President of our day and generation. He is cool, calculating, a man of expedients, who boasts that for thirty years he has not in political affairs let his heart outweigh his judgment—and yet a man with as big a heart, as quick to feel and as prompt to act, as the best of the men you and I have seen."<sup>2</sup>

During the winter and spring of 1860 anti-Seward influences showed themselves in the press and in political circles. Perhaps all the other forces together had not, before April or May of that year, damaged Seward's prospects as much as had Greeley and the *Tribune*. Greeley was honest and sincere, but at one time he con-

<sup>1</sup> 2 *Weed*, 232.

<sup>2</sup> 1 *Merriam*, 302.

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sidered the moral idea everything, while at another time he was determined to have it put aside for a political advantage. Perhaps he was not conscious of venting his spleen upon Seward for what happened in 1854.<sup>1</sup> He still believed, as in 1856, that there were not Republicans enough to elect a leader like Seward or Chase.<sup>2</sup> Finding that his reasoning brought him in opposition to Seward, it seems likely, as Von Holst has suggested,<sup>3</sup> that he resolved to show how much his opposition meant. The public knew nothing of Greeley's personal grudges. Therefore, when the *Tribune* argued that Seward was unavailable, it was taken with great seriousness, whereas it would have been ridiculed or ignored had not the letters of 1854 been kept secret.

In every eastern state there were Republicans of Democratic or Free-Soil antecedents who had never been able to forget their old prejudice against the Whig leaders, especially Weed and Seward. Some regarded Seward as unavailable on account of his radical phrases; others thought him too much of a politician. Probably personal jealousy of the superior power and numbers of the ex-Whig Republicans had much to do with causing opposition; but unfortunately Weed's methods—of which Seward was always deemed the chief beneficiary—furnished a ground for serious moral objections, especially in the state of New York. In the winter of 1859–60, Weed was at the head of a scheme to furnish, through the New York legislature, charters for city railroads, whose grantees were in turn to supply several hundred thousand dollars for the Republican campaign of 1860, in which Seward was expected to be the party candidate. Although Seward's honesty was above suspicion, his associations and his tendency to favor

<sup>1</sup> See *ante*, pp. 367, 371 ff.

<sup>2</sup> 2 *Weed*, 255.

<sup>3</sup> Vol. VII., 154.

large appropriations and ambitious enterprises caused many to fear lest, in case of his election, "the New York politicians"—which meant the worst kind—might control affairs at the White House.<sup>1</sup>

Many Republicans of Know-Nothing antecedents disliked Seward for his opposition to them in former years, and said that almost any other candidate would be more acceptable. Conservative Republicans also objected that the scattered remnants of the Whig party, especially in the border states of both sections, still regarded him as the exponent of the "higher law" and the "irrepressible conflict," for they did not consider his latest speech altogether conclusive, and were inclined to believe, as Thaddeus Stevens had said in the House, "Those candidates for the presidency will go for any bill."

The fact that Seward had been prominent so long; that for a decade he had had no rival in the opinion of the progressive people of the North; that he had been in perfect harmony with the changing tendencies, first of the best Whigs and then of the best Republicans—these furnished opportunities for dangerous attacks upon him.<sup>2</sup> Notwithstanding the numerous objections—some sincere but many specious—Seward was still the favorite of a very large majority of the Republican voters and politicians. If he had excited northern enthusiasm by his explosive sentences, and then, in time of political danger, had explained away so much as to make himself appear a safe conservative—this was regarded with favor by most of his friends; for it was believed to be the best evidence of practical antislavery

<sup>1</sup> William Cullen Bryant's statement, <sup>2</sup> Godwin's *Bryant*, 127, 142; 7 Von Holst, 160-62; Welles's *Lincoln and Seward*, 26 ff. A prominent member of one of the New England delegations has also explained to the writer his feelings at that time, which were similar to Bryant's.

<sup>2</sup> Hollister's *Colfax*, 144.

statesmanship. But men that carefully weighed the chances of Republican success were afraid of the inconsistencies of Seward's record as affecting his availability.<sup>1</sup> Nevertheless, Seward was a true exponent of the Republican party, except that he had never coquetted with the Know-Nothings. Since the days of the leaders of the Revolution no man had more fully earned the presidency, and none would have graced the office more. But in the view of politicians these were matters of only slight importance.

Chase, more nearly than any other candidate, approached Seward in ability and service as an antislavery man. Several months before the convention Chase frankly acknowledged his ambition to Carl Schurz, and then asked for an opinion about the prospects of success. "Governor, if the Republicans at Chicago have the courage to nominate an advanced antislavery man, they will nominate Seward; if not, they will not nominate you."<sup>2</sup> The reply was disappointing, but it exactly expressed Chase's difficulty. He was as radical as his New York competitor, without possessing his resources as a politician. Most of the quondam Free-Soilers would have preferred Chase if he had commanded a stronger following; but Judge McLean and Senator Wade drew from his strength in Ohio—greatly damaging his prospects without much improving their own.

Lincoln had a national reputation without being a national character, for everybody knew him as the most popular of the Illinois Republicans. Early in 1860 he won considerable favor by a few thoughtful political lectures in New York and New England. By being perfectly frank and defending the position he had taken in 1858, he attracted the attention of many that

<sup>1</sup> Colfax's opinion, Hollister's *Colfax*, 144.

<sup>2</sup> Mr. Schurz's statement to the author.



opposed Seward on different grounds. Yet not until a short time before the meeting of the Chicago convention did it become certain that he would receive even all the Illinois votes. The original plan was to use his candidacy for nomination for the presidency so as to help him secure the vice-presidency, or to be elected Senator later.<sup>1</sup> The similarity of Lincoln's "half slave and half free" doctrine and Seward's "irrepressible conflict" made the Illinoisan the second choice of many of Seward's friends. It was still more important that Lincoln had no enemies and came from a state that had never been carried by the Republicans.

The candidacy of Edward Bates, of Missouri, was the result of the calculations of several shrewd antislavery politicians, among whom the Blairs, Colfax, and Greeley were most conspicuous.<sup>2</sup> Bates had never acted with the Republicans; but as he had liberated his own slaves and had helped forward the cause of gradual emancipation in his state, he had shown the sincerity of his convictions. There were two very important considerations in his favor: as a popular Fillmore Whig and "American" his nomination would attract his friends to the Republican party; and his selection would tend to make that party both less sectional and less radical. But there was danger that the progressive Republicans might consider it an objectionable compromise to abandon their leaders for a southern man that was too conservative to satisfy northern antislavery enthusiasm.<sup>3</sup>

<sup>1</sup> 2 Nicolay and Hay, 258.

<sup>2</sup> Hollister's *Colfax*, 144-47.

<sup>3</sup> Cary's *Curtis*, 130-32; Joseph Medill's opinion, Hollister's *Colfax*, 147. The following letters, one from a New York and the other from a Chicago journalist, well represent the different views taken of Seward and some of his rivals early in 1860:

JOHN BIGELOW to WILLIAM CULLEN BRYANT, *March 20, 1860.*

... "What I apprehended, I see, threatens the Republicans. In throwing or trying to throw Seward overboard for the sake of getting

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Cameron, Dayton, and Collamer were the "favorite sons" of Pennsylvania, New Jersey, and Vermont, respectively, but it was likely that their strength would not develop much beyond that pleasing yet unsubstantial compliment. The availabilities of Frémont, Cassius M. Clay, Fessenden, and others as candidates were discussed at different times, but their names aroused no popular enthusiasm.

The Republican convention met in Chicago, June 16, 1860. It was the first of the great party assemblages as they have been known for over a generation. It woke the vast, conquering West to the fact that its political power might be made almost as great as its material re-

a better man, you will have an old Clay Whig from Missouri put upon you who has been two years or more the candidate of Erastus Brooks and Governor Hunt, who is not only not a Republican but who is put forward because he is not a Republican, and whom the *Tribune* recommends because he can get some votes that a straight-out Republican cannot get. There is no possibility of nominating Fessenden or Chase or Banks or any such man within the range of my vision. Circumstances, his enemies, the Devil, if you please, have made Seward the representative man of the Republican party. The triumph of no other man in the country — not even Preston King, who, however, would not permit his name to be used under any circumstances while Seward was within the reach of a candidacy—would be so emphatic a declaration in favor of free labor. True, he might be feeble or corrupt in his administration. But in his election the victory is accomplished. That can never be undone. It would decide finally and conclusively on which side of the Potomac the power of the nation is, and from that moment the demagogues, the time-servers, the office-seekers throughout the land—and they are the most active politicians—will be on the side of freedom. The sensible and patriotic men of the South, who are now speechless, will have their tongues loosed, and in two or three years they will rather be called Garrisonian abolitionists than Virginia Democrats. You apprehend that with Seward for President, the democratic Republicans will all be forced into opposition within a twelvemonth. Not so soon as that, I think, but I anticipate nothing different, except a worse fate from Bates or any other old Whig. . . . Should Mr. Seward or any other President fail to meet the expectations of the country, and he will fail without he adopts a substantial demo-

sources. The Republicans that met in Philadelphia in 1856 were not a compact, vigorous party, but a convention called to adjust certain antislavery ideas to peculiar circumstances. The people were not there, and they did not feel, in the fullest sense, that it was their cause. To Chicago they came by thousands, shouting and as full of pride and self-confidence as if going to their own county fair. The reform element did not predominate. The party had made itself the exponent of the impulses of the northern man for an open field and a fair chance to work out his future. The vast majority cared little more for the fine

cratic policy, the fact that he will be readily turned out is rather in his favor. All I ask of him, or of any candidate now, is to give us an issue in the canvass which, if we are successful, will be conclusive. Resolutions are not so good as an incarnation of the anti-propagandist policy, and I know of no person whose name if successful would so effectually symbolize the triumph of our cause. Besides, if you get Bates you will not even get resolutions. That is sufficiently manifest from the course of the *Tribune*. If the majority cannot be made up for the straight-out Republican, it certainly cannot for straight-out Republican doctrines. Hence you see that the Bates men have put his nomination expressly upon the ground which is as fatal to Chase and any other genuine Republican as to Mr. Seward, and our only alternative I am persuaded is Bates or Seward. I confess I prefer Mr. Seward a thousand times. . . . I do not believe in placing at the head of our army an officer who refuses to inscribe his name on the muster-roll. I do not believe in disranking men who have fought in every field since the campaign commenced for the sake of advancing one who has never left the baggage-wagons, and who in no way represents any question or principle at present in controversy, and who would be as like to choose Erastus Brooks for his Postmaster-General as any man in the nation out of Missouri.

“ But the main objection to Bates is that if successful, and he would not be, he would settle nothing. The slavery interest would rally immediately and the fight would be renewed; northern merchants and journalists would be menaced. Bates would find the associations both in respect to men and doctrine into which he would be thrown in the Republican ranks, when the fight was renewed, uncongenial, and the end would be that the old Whig party, of which in his person you would have effected the resurrection, would sink back into its grave



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moralities of the abolitionists than for the profound conceits of the slave-holders. Nothing better illustrated the spirit of Republicanism in the West than the approving curiosity that was shown in regard to a bowie-knife seven feet long and bearing the inscriptions, "Presented to John F. Potter by the Republicans of Missouri," "Will always meet a 'Pryor' engagement." The party had not lost all its higher aims, but it had become a popular mass, organized for victory and spoils as well as for greater freedom; it was a revolt from old ideas and leaders; it demanded power and an opportunity to adjust political affairs to the circumstances of the ex-

after a second time betraying the cause of freedom and strengthening the conviction, already so formidable, that the South only can furnish the statesmanship and slavery furnish the policy which can govern the country.

"Now if you see any way to prevent such a catastrophe except by the nomination of Seward, you see a great deal farther than I can. My own conviction is that Seward will be nominated. I do not see how any other person can be; and if not nominated, I do not see how any other person who can be can be elected, for he has a very strong party of followers who would resent the nomination of a Clay Whig, the worst kind of Whig known, and one of a class with which for years Seward has had a relentless enmity." . . . —MS. kindly lent by Mr. Bigelow.

JOSEPH MEDILL to the AUTHOR, *February* 18, 1896.

. . . "Senator Seward was very anxious to be nominated for President in 1860, and had set his friends actively at work to promote the object of his ambition. I became acquainted with him when I lived in Ohio, as early as 1848, and corresponded frequently with him. In some respects he was my political mentor and *beau idéal* of a statesman.

"I spent the winter of 1859-60 in Washington, and saw him there several times, but never promised or told him that I would urge or favor his nomination for President in 1860. My firm belief was that he could not carry either Illinois, Indiana, or Pennsylvania, and without their electoral votes he could come no nearer being elected than was Frémont four years previously. He was regarded as too radical on the slavery question, with his 'irrepressible' doctrine, for the conservative Whigs of those three states; but I believed that Lincoln—a Kentuckian by birth—could carry all of them in addition to the states



panding and thrifty North. In former national conventions almost any city had a hall large enough to hold the members and the visitors. Now a special building called the "Wigwam," which accommodated about ten thousand persons, afforded room for only one-fourth or one-fifth of the throng that desired to gain admission.

The actions of the visitors corroborated Weed's declaration that the people had set their hearts on having Seward as their standard-bearer.<sup>1</sup> Excepting the applause that Lincoln received from the residents of Chicago, all the other candidates together had not

which cast their electoral votes for Frémont, and that would suffice to elect him. Feeling in this way about it, I wrote to the *Chicago Tribune*, in the latter part of February, 1860, as strong an editorial letter as I was capable of, showing that Lincoln could be elected President that year and that Seward could not.

"The article irritated Seward when he read it, and he took occasion to see me immediately thereafter, and 'blew me up' tremendously for having disappointed him—'gone back on him'—and preferring that 'prairie statesman,' as he called Lincoln. He then proceeded to declare, with much heat of temper and expression, that if he was not nominated as the Republican candidate for President at the ensuing convention, he would shake the dust off his shoes, and retire from the service of an ungrateful party for the remainder of his days. He gave me to understand that he was the chief teacher of the principles of the Republican party before Lincoln was known other than as a country lawyer of Illinois. He considered himself as the logical candidate of the party for the presidency, and, if rejected for that position, he would give no more of his time and mind to its service, but would devote the residue of his life to his private affairs, which he had too long neglected in order to propagate the principles of freedom and the rights of man.

"He dismissed me from his presence, saying that thereafter he and I would no longer be friends, but each would go his own way in the future. What I replied is of no consequence, but it had none of the tendency of oil poured on stormy water.

"I do not claim to have repeated his exact words at this long lapse of time—thirty-six years—but I have condensed into as few words as possible the substance of his lecture and threat to retire from public life if not made the party's standard-bearer." . . .—MS.

<sup>1</sup> 2 *Weed*, 268.

popular support enough to equal the enthusiasm of the confident "irrepressibles," as the Seward men were called. They had the solid delegations from New York, Michigan, Wisconsin, Minnesota, California, Kansas, Texas,<sup>1</sup> and the District of Columbia, while the votes of several other states were expected to be given him after the first ballot. Bates was the first choice of all the delegates from Missouri, Delaware, and Oregon, but all of them together barely equaled half of Seward's support from New York alone. Lincoln was sure of the entire strength of Illinois only, and even of her delegates several personally preferred Seward.<sup>2</sup> Indiana as a whole was favorable to Lincoln, but had not yet decided to vote solidly for him. The pledged delegates seemed to be scarcely more than a fraction of Seward's allies. Weed was there as manager-in-chief, with the perfect New York "machine." Governor Morgan and Henry J. Raymond were his lieutenants, and William M. Evarts was the official spokesman. The Seward men took possession of the Richmond House as their headquarters. They alone had the impressive organization—inspiring bands of music, and many hundreds of well-drilled men, marching with banners and badges, and ample resources for keeping up their spirits—which has become so marked a feature of the conventions of recent years.

The early appearance of Horace Greeley at Chicago was an evil omen to the followers of Seward. It startled the "irrepressibles" when they learned that he was staying at the Tremont House, where the Bates and the Lincoln men had their respective headquarters, and that

<sup>1</sup> Greeley said, and the voting indicated, that the Texas delegation divided on the first ballot, so that by the balance coming to Seward's support on the second ballot he should appear to be growing in favor.—*Tribune*, May 22d; Halstead, 146, 147.

<sup>2</sup> 2 Rhodes, 460; A. K. McClure's *Lincoln, and Men of War-Times*, 23.

he was making it his first aim to defeat Seward. His peculiar head, manners, and dress attracted attention wherever he went. The curious, hoping to learn something of his plans, swarmed about him as he passed along the streets and through the hotel corridors. To western farmers and backwoods politicians he was an oracle. They were impressed when they heard him insist that Seward could not carry New York or the doubtful states, but that Bates could do so, and, in addition, win over Missouri, where there was to be an election in the summer. With ceaseless activity and self-assurance, he hurried from delegation to delegation to coax or warn the undecided.

The sessions of the 16th and 17th of May were consumed in the work of organizing the convention and in adopting a platform. The Republican doctrines of 1860 were not less strong and were more numerous than those of 1856. At first the convention was unwilling to hear that "all men are created free and equal," when Joshua R. Giddings advocated repeating this passage of the Declaration of Independence; but, later, the eloquence of George William Curtis compelled a reconsideration and caused these words to become a part of the platform. It was further announced that "the Federal Constitution, the rights of the states, and the union of the states must and shall be preserved." Disunion was denounced in no uncertain terms; the right of the states to control their own domestic institutions was affirmed, and the armed invasion of any state or territory was characterized "as among the gravest of crimes." The dogma that the Constitution of its own force carried slavery into any or all of the territories was characterized as "a dangerous political heresy," and it was denied that Congress, a territorial legislature, or any individuals had the power to give legal existence to slavery there. The recent reopening of the African slave-



trade was branded as "a crime against humanity, and a burning shame to our country and age." Among other less important opinions the platform mildly called for the adjustment of imposts so as "to encourage the development of the industrial interests of the whole country"; it favored a liberal homestead law, and opposed any change in the naturalization laws to the disadvantage of immigrants; it approved appropriations for river and harbor improvements, and repeated its declaration of 1856 that the government ought to aid in the construction of a railroad to the Pacific. As the party was a composite one, it invited the co-operation of all citizens, however differing on other questions, who approved the principles announced. It was silent in regard to the fugitive-slave law, slavery in the District of Columbia, personal-liberty bills, and the Dred Scott decision.

The first day's session had not ended when the convention divided into Seward and anti-Seward parties, into "irrepressibles" and "conservatives," as they were then called. This practically eliminated, before the balloting began, all of Seward's rivals except Lincoln and Bates. It gave Lincoln much the greater benefit, because his career harmonized with northern aims. Moreover, his managers had made the most of the superior numbers of the Illinoisans in the convention and on the streets. "Honest Old Abe" and his humble rail-splitting were their possession and pride; and, lest their shouts might not be loud enough, a special *claque* in Lincoln's interest was organized for their inspiration.

But for the original anti-Seward influences, which Greeley's actions at Chicago greatly emphasized, there seems to be no room to doubt that the popular call for the New York Senator's nomination would have been obeyed, in the expectation that the money and enthusiasm that this would call forth would carry a sufficient



number of the doubtful states to assure his election.<sup>1</sup> But now that so much had been said about Seward's lack of popularity in New Jersey, Pennsylvania, Indiana, and Illinois, many resolved to be guided by the opinions of the delegations from those states. As Indiana and Pennsylvania were to hold their state elections in October, the success or defeat of the Republicans at that time would have a very great, and probably decisive, effect upon the contest in November. Henry S. Lane had already been nominated for the governorship of Indiana, and Andrew G. Curtin for that of Pennsylvania. Both were at Chicago, and were rightly regarded as the most impartial judges of availability. Both insisted that Seward's nomination would make their defeat certain. Lane was earnestly and persistently for Lincoln, and did most to influence the Indiana delegates to vote unanimously for him. The Pennsylvania delegation was divided in opinion: a few favored Seward as second choice, but the others strenuously opposed his nomination. Know-Nothingism was still a strong influence in Pennsylvania politics. In no state had the hostility to foreigners been more bitter or of longer duration. Thaddeus Stevens, who nearly a generation before had saved the state public-school system from destruction, was a member of the convention and was one of the most resolute of Seward's opponents.<sup>2</sup> Moreover, in Pennsylvania and New Jersey the Republican party was a timid minority, dependent for success upon the support of conservatives, who were inclined to

<sup>1</sup> The *Times* of May 17th even went so far as to say that if it were not for the apprehensions of Pennsylvania, Seward would be nominated by acclamation.

<sup>2</sup> Mr. Grow told the writer that Stevens repeatedly declared with his peculiar force: "Pennsylvania will never vote for the man who favored the destruction of the common-school system in New York to gain the favor of Catholics and foreigners." See also McClure's *Lincoln, and Men of War-Times*, 24 ff.

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take the Democratic interpretation of Seward's "higher law" and "irrepressible conflict." The result of the deliberations of the representatives from the doubtful states was to strengthen the combination against Seward.<sup>1</sup> When the Massachusetts delegation, of whom all but a few favored Seward, was appealed to, a special committee was appointed to request the delegates from these four states to suggest three candidates for whom these states could be carried. Illinois and Indiana would mention only one name—Lincoln. New Jersey, with similar diplomacy, merely suggested Dayton. Pennsylvania frankly answered that Cameron, McLean, or Lincoln could command victory.<sup>2</sup> This result was highly favorable to Lincoln and very damaging to Seward; for the "irrepressibles" had counted upon most of the Pennsylvania vote after a complimentary demonstration for Cameron. It enabled the advocates of Lincoln to announce, with approximate truthfulness and great effect, that three of the doubtful states were for "Honest Abe," and that all of them were opposed to Seward.

The natural tendency of Seward's prominence was to cause the delegates in favor of other candidates to cooperate in opposition to him. Because for two days the constant attempts to agree on some rival had been fruitless, the Seward men were still confident, and their tactics were pronounced admirable. On the second day after the adoption of the platform, they were eager to have the balloting begin; but because the clerks reported that they were unprovided with tally-sheets, the convention adjourned until the following day.<sup>3</sup> The cheering for Seward was such that only a few had any confidence of preventing his nomination.<sup>4</sup> At midnight Greeley

<sup>1</sup> The delegations from Pennsylvania, New Jersey, Indiana, and Illinois met several times.—N. Y. *Times*, May 17th.

<sup>2</sup> 2 Wilson, 692, 693.

<sup>3</sup> Halstead, 140.

<sup>4</sup> Halstead, whose narrative is picturesque, full, and less partial

telegraphed to the *Tribune* that the opposition had not been able to concentrate upon any other candidate, and that he believed Seward would be successful.<sup>1</sup> The "irrepressibles" were reported to have expressed their confidence of victory in three hundred bottles of champagne.<sup>2</sup>

While this festivity was going on, the "conservatives" continued their scheming and coaxing. The gubernatorial candidates in Pennsylvania, Indiana, and Illinois were reported as announcing that they would withdraw if Seward should be selected. Several delegations that had privately been pledged to support Seward after the first ballot or two were won over to Lincoln,<sup>3</sup> and his managers secured the support of Pennsylvania and Indiana by promising that Simon Cameron and Caleb B. Smith should have seats in Lincoln's cabinet.<sup>4</sup> At an early hour the Lincoln managers caused great crowds of shouters for their candidate to enter the Wigwam and take the best places, for the purpose of creating enthusiasm.

More self-satisfied than ever, the "irrepressibles," a thousand strong, on the third day, marched again from their hotel to the Wigwam. That morning the Seward managers felt so confident that they asked the opposition to suggest some one for the second place.<sup>5</sup> The names

than most of the other contemporary accounts, said, near the close of his comments on the second day's proceedings: "The cheering of the thousands of spectators during the day indicated that a very large share of the outside pressure was for Seward. There is something almost irresistible here in the prestige of his fame. . . ."

"In the face of such 'irrepressibles' [the New York delegation], the conservative expediency men—Greeley, the Blairs, the Republican candidates for governor in Pennsylvania, Indiana, and Illinois—are hard pressed, sorely perplexed, and despondent."—Halstead, 140, 141.

<sup>1</sup> *Tribune*, May 18th.    <sup>2</sup> Halstead, 141.    <sup>3</sup> Halstead, 142, 143.

<sup>4</sup> 2 Herndon and Weik's *Lincoln*, 181; 1 Morse's *Lincoln*, 169, 170; 2 Rhodes, 466; Julian's *Recollections*, 182.    <sup>5</sup> *Tribune*, May 22d.



of the different candidates were presented to the convention in unpretentious sentences. William M. Evarts led in Seward's interest, and Carl Schurz, then of Wisconsin, and Austin Blair, of Michigan, soon spoke for Seward in behalf of their respective delegations. Although the applause for Seward was "frantic, shrill, and wild," the same witness pronounced that for Lincoln to have been more loud and terrible.<sup>1</sup> On the first ballot Seward received one hundred and seventy-three and one-half votes; Lincoln, one hundred and two; Cameron, fifty and one-half; Chase, forty-nine; Bates, forty-eight, and McLean, Wade, Dayton, and a few others, smaller votes. The second ballot increased Seward's strength to one hundred and eighty-four and one-half votes, Lincoln's to one hundred and eighty-one, while that of the other prominent candidates decreased. The third ballot gave Seward but one hundred and eighty to Lincoln's two hundred and thirty-one and one-half votes.<sup>2</sup> As soon as this became known more than enough votes were soon changed to make up a majority for Lincoln. The shouts of the audience and the yelling outside, when the cannon from the roof announced the result, can hardly be imagined except by persons that have attended a great national political convention. Seward's spokesmen promptly accepted the situation, and gracefully favored making Lincoln's nomination unanimous.

The selection of Hannibal Hamlin for the vice-presidency was the result of several considerations. The first ballot showed that he was the favorite of the New York and Ohio delegations, the disappointment of whose members it was desirable to soothe.<sup>3</sup>

One of the striking features of this convention was the fact that Seward was sincerely regarded by the

<sup>1</sup> Halstead, 145

<sup>2</sup> Halstead, 146-48.

<sup>3</sup> Hamlin's *Hamlin*, 345; Halstead, 151, 152; McClure's *Lincoln*, etc., 34; Raymond's statement, 2 *Weed*, 276; N. Y. *Times*, May 19th.



scheming politicians, the general public, a very large portion of the truest antislavery men, and the most cultured Republicans, as their best representative. George William Curtis, the orator and idealist, and Tom Hyer, the prize-fighter and ward-politician, represented the extremes, and were about equally interesting to the crowd. Seward's sudden and unexpected overthrow—which nearly every one believed would be the end of his chances for the presidency—filled his intimate friends with a profound sorrow. They felt that he had been sacrificed on account of his brilliant qualities and because his services had been so great and well known. As Evarts was leaving the Wigwam, he is said to have remarked, with characteristic humor: "Well, Curtis, at least we have saved the Declaration of Independence!" Lincoln's nomination was the triumph of availability and local enthusiasm, assisted by unexpected circumstances, over great merit and still greater popularity.<sup>1</sup>

<sup>1</sup> "Certainly two-thirds of the delegates chosen to the convention preferred him [Seward] for President, and a decided majority went to Chicago expecting to vote for his nomination. Had the convention been held in any other place than Chicago, it is quite probable that Seward would have been successful; but every circumstance seemed to converge to his defeat when the delegates came face to face in Chicago to solve the problem of a Republican national victory. Of the two hundred and thirty-one men who voted for Lincoln on the third and last ballot, not less than one hundred of them voted reluctantly against the candidate of their choice."—McClure's *Lincoln, etc.*, 22. McClure was a member of the convention, and was one of the ablest anti-Seward men. Halstead wrote at the time: "It was the triumph of a presumption of availability over pre-eminence in intellect and unrivaled fame—a success of the ruder qualities of manhood and the more homely attributes of popularity over the arts of a consummate politician and the splendor of accomplished statesmanship."—*Conventions of 1860*, 153.

James Russell Lowell wrote of Seward during the campaign: "He, more than any other man, combined in himself the moralist's oppugnancy to slavery as a fact, the thinker's resentment of it as a theory, and the statist's distrust of it as a policy—thus summing up the three

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It was on Weed that the blow fell with greatest effect. He was so completely overcome that he lost his habitual prudence and stoical self-possession, and gave way, at first, to angry words and tears.<sup>1</sup> No wonder, for his ambition, his affections, and his reputation as a party manager were involved. He had fondly hoped to crown with the presidency a political devotion that had begun more than thirty years before, when Seward was a young and shy anti-Mason. Raymond had much less at stake politically; but, as Seward's spokesman in metropolitan journalism, he and his newspaper were put at a great disadvantage by a result that would give much prestige to Greeley and the *Tribune*. As Weed and Raymond could see no mistake in their management, they naturally blamed Greeley for their misfortunes. And they were especially angered by these exultant sentences: "The past is dead. Let the dead past bury it, and let the mourners, if they will, go about the streets."<sup>2</sup>

To understand the magnitude of the sensation that the three great Republican editors now created, the reader must remember that the general public had never heard anything definite about Greeley's angry complaints of 1854. Doubtless to cover up his own lack of precaution, and to give Greeley's offence as heinous a color as possible, Weed said that he had "remained for six years in blissful ignorance of its [the letter's] contents,"<sup>3</sup> and he implied that Greeley's hostility had been insidious and revengeful.<sup>4</sup> In an

efficient causes that have chiefly aroused and concentrated the antagonism of the free states."—*Political Essays*, 34.

<sup>1</sup> *2 Weed*, 271; McClure, 35.

<sup>2</sup> *2 Weed*, 271, 272; *Tribune*, May 22d, article entitled "Last Week at Chicago."

<sup>3</sup> *2 Seward*, 457.

<sup>4</sup> *2 Weed*, 272; Pike, 519. Weed's biographer even declares that Weed supposed, as late as a few days before the meeting of the convention, that Greeley was going to support Seward.—*2 Weed*, 268.

open letter, dated in Auburn, and doubtless written with Seward's full knowledge, Raymond charged Greeley with being the chief cause of Seward's defeat, and with having plotted it in a way that was both deceitful and dishonorable. Announcing what had taken place six years before, he declared that Greeley in his recent acts was "deliberately wreaking the long-hoarded revenge of a disappointed office-seeker."<sup>1</sup> Raymond's letter was full of the thorns of sarcasm, and was almost as resentful and imprudent as Greeley's of 1854.<sup>2</sup> Greeley made a retort, in which he cleverly mixed candid explanation and the arrogance of victory; then he charged straight at Seward by reproaching him for thus making public a confidential communication, and demanded that the original should be returned to its author, promising that it should be printed verbatim in every edition of the *Tribune*.<sup>3</sup> At first Seward refused to comply with the request;<sup>4</sup> but finally Greeley's letter of November 11, 1854, appeared in the *Tribune* of June 14, 1860. The public was amazed, and took sides with great feeling for a time; for many persons believed that but for Greeley's persistent hostility Seward would have obtained the great ambition of his life.

Meantime Seward's acts and reflections were interesting. He thought that Auburn rather than Washington was the proper place for him during the convention. In his most amiable spirit he had received his

It is incredible that Weed had not known all about Greeley's letter from the first, for Seward had informed him of its receipt in 1854.—<sup>2</sup> Seward, 239. Greeley's actions since that time had often been such as to indicate that the old wound had not healed, and some of Seward's friends had for several months known all about the letter, and it had even been referred to in a Boston paper.—Greeley's reply to Raymond, *Tribune*, May 25, 1860.

<sup>1</sup> *2 Weed*, 275.

<sup>2</sup> Raymond's letter appeared in the *Times* of May 24th. The greater part of it is in *2 Weed*, 273-76.

<sup>3</sup> *Tribune*, May 25th.

<sup>4</sup> *2 Seward*, 455.

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buoyant friends and neighbors who called to chat about the prospects. His fellow-citizens were in high spirits, and only waited for a certain telegram before expressing joy and pride by their loudest shouts and the firing of cannon. The announcement of the first ballot confirmed their confidence. The report of the second only made them feel more certain that the third or fourth would give Seward a majority. The final result cast over the little city a deep sorrow like that that envelops a community after many of its sons have fallen in battle. To Seward the calamity must have seemed the product of ingratitude, injustice, and personal jealousy. If he could not honestly declare,

“Here’s a heart for every fate,”

he at least quickly nerved himself for his unexpected trials. Within a few hours after Lincoln’s success became known, several of Seward’s closest Republican friends were gathered as guests at his house. He told them that he would not attempt to conceal his disappointment; that the nomination of Lincoln would be the best thing for the country, for Lincoln could command the strength of the Northwest for use against any danger. He concluded by requesting those present to suppress all expressions of personal grief and to give Lincoln their hearty support.<sup>1</sup> He expressed similar sentiments three days later in a letter to the Republican central committee of New York city, and in addition disclaimed all responsibility for his late candidacy.<sup>2</sup> When he heard, on the day of his defeat, that the editor

<sup>1</sup> Memorandum of a conversation with James R. Cox, Esq., of Auburn, who was one of the guests.

<sup>2</sup> “My friends know very well that, while they have always generously made my promotion to public trusts their own exclusive care, mine has only been to execute them faithfully, so as to be able, at the close of their assigned terms, to resign them into the hands of the



of the evening paper could find no one willing to comment upon the nomination, he himself dashed off a paragraph praising the platform and Lincoln, and concluding with the injunction: "Let the watchword of the Republican party be 'Union and Liberty,' and onward to victory."<sup>1</sup> It was the phrase that he had coined to be used as the rallying-cry of his own campaign.

The one who had so sincerely hoped to be saved from "the sin of ingratitude" did not forget to pay an early tribute of thanks to his great political manager. On the same day Seward wrote these manly sentences:

"MY DEAR WEED,—You have my unbounded gratitude for this last as for a whole life of efforts in my behalf.

"I wish I were as sure that your sense of disappointment is as light as my own. It ought to be equally so, if we have been equally thoughtful and zealous for friends, party, and country. I know not what has been left undone that could have been done, or done that ought to be regretted." . . .<sup>2</sup>

Truly it has been said, "Gratitude is the fairest flower that sheds its perfume in the heart."

In his most private letters he did not conceal that he was almost heart-broken.<sup>3</sup> Again he seemed to regard

people without forfeiture of the public confidence. The presentation of my name at Chicago was their act, not mine."—4 *Works*, 79.

<sup>1</sup> 2 Seward, 452.

<sup>2</sup> 2 Seward, 453; 2 *Weed*, 270.

<sup>3</sup> "AUBURN, *May 23*, 1860.

"MY DEAR SUMNER,—True! what would have been for me that which I am supposed to have lost! The gratification of the pride and sympathy of friends. What for me is the disappointment? The sorrow of friends not all at once to be consoled. I should have been unworthy of them and they unworthy of me had it been otherwise.

"The road is new to all of us. When it seems to divide we swerve for the moment in choosing the path. But it is clear enough now. So onward with cheer.

"I shall be with you [in Washington] all next week. Faithfully,

"Yours ever, WILLIAM H. SEWARD.

"The Honorable CHARLES SUMNER."

—Sumner MSS.

his advancement as the main reason for his being in politics: he would return to private life after serving out the remainder of his term as Senator.<sup>1</sup> He considered Greeley the instrument of his defeat, and believed that for a time the editor of the *Tribune* would be the leader of the party. Seward was greatly concerned about the welfare of the "friends, troops of friends" that had labored in his own interest. The only ray of light was the expectation that in six months Greeley would "bring everything to a dead stand," and that Weed might "then be able to save all."<sup>2</sup> On returning to Washington at the end of May, he wrote home about his "humiliation" "in the character of a leader deposed by his own party, in the hour of organization for decisive battle";<sup>3</sup> he gave a sorrowful account of his journey; his Washington home seemed "sad and mournful," and the pictures on its walls haunted him and suggested death and desolation. With deep feeling he noticed the contrast between his reception by Senators now and what it had been on his return from Europe a few months before. Some of his dearest friends shed tears, became speechless, or could talk of only "ingratitude" or "vindication." However, he concluded his long letter by saying: "But they awaken no response in my heart. I have not shrunk from any fiery trial prepared for me by the enemies of my cause. But I shall not hold myself bound to try, a second time, the magnanimity of its friends."<sup>4</sup> The Republicans at the capital seemed to him to have no council, no command, no funds, no organization.<sup>5</sup> He called the Senate a "tread-mill," but pronounced himself cheerful "in the thought that responsibility has passed away from me, and that the shadow of it grows shorter every day."<sup>6</sup> But while he was

<sup>1</sup> 2 *Weed*, 270.

<sup>2</sup> *Ibid.*

<sup>3</sup> 2 *Seward*, 454.

<sup>4</sup> 2 *Seward*, 455, 456.

<sup>5</sup> 2 *Seward*, 457.

<sup>6</sup> 2 *Seward*, 458.

thus trying by all sorts of self-delusions to soothe his own pains his public demeanor was brave and manly, and he brought his full influence to bear upon legislation.<sup>1</sup>

The disruption of the Democratic party gave confidence to the Republicans, and distressed their opponents. The success of the Republicans depended upon their ability to convince the people of the North that slavery had become an aggressive force and that neither the Douglas Democracy nor the Constitutional Unionists had the courage to resist and restrain it, and that the Republicans themselves were not dangerous radicals. Lincoln remained at Springfield, taking no public part in the campaign. But Douglas was active and daring. He spoke in many states with even more than his usual impetuosity and boldness. When asked if the South would be justified in seceding in case of Republican success, he bravely replied that the President of the United States, whoever he might be, ought to put down all attempts to break up the Union, as Jackson did in 1832.

Aside from the torchlight processions of "Wide-Awakes" in every northern city and village, Seward was the great feature of the Republican campaign. At first there was considerable anxiety lest he and Weed might not take an active part in the canvass, and Seward himself indicated a preference to "remain at rest."<sup>2</sup> He

<sup>1</sup> Senator Grimes wrote, June 4, 1860: "Mr. Seward is now here, and made a speech in executive session the other day on the Mexican treaty. . . . [It] was short, extemporaneous, and very able, converting almost the whole Senate to his views."—Salter's *Grimes*, 127.

<sup>2</sup> On June 26th he wrote to Weed: "If I can rightly, and to the satisfaction of my friends, remain at rest, I want to do so. I am content to quit with the political world, when it proposes to quit with me. But I am not insensible to the claims of a million of friends, nor indifferent to the opinion of mankind. All that seems to me clear just now, is that it would not be wise to rush in at the beginning of the canvass,

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made a midsummer trip to Vermont, New Hampshire, Maine, and Massachusetts, chiefly for the purpose of recreation and to visit intimate friends. Wherever his coming was known, large crowds gathered to see him. In many places the local or state officers gave him a formal welcome. In Boston he was greeted with special enthusiasm, and from the steps of the Revere House he spoke to many thousands. There he declared that he had derived from John Quincy Adams "every resolution, every sentiment," that had animated and inspired him in the performance of his duty as a citizen during the past twenty-two years; and that with the approaching Republican victory would come the end of the power of slavery in the United States.<sup>1</sup>

On the last day of August, 1860, Seward set out from Auburn on a speech-making tour of five weeks in the states of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois and Ohio. Since he had become famous he had not been farther west than Cleveland and Detroit. Everywhere in the Northwest he was regarded as the greatest American statesman. In many places, even where his train or boat was to stop for merely a few minutes, thousands awaited his arrival and insisted upon his speaking to them. In some cities the political clubs of the different parties united with the local and state officials to welcome him with music, cheers, and formal receptions. It was estimated that there were two hundred thousand visitors in Chicago the day he spoke there.<sup>2</sup> He was now free from the restraints of candidacy and of party leadership. There was no occasion

and so seem, most falsely, to fear that I shall be forgotten. Later in the canvass, it may be seen that I am wanted for the public interest."  
—<sup>2</sup> Seward, 459.

<sup>1</sup> 4 *Works*, 83.

<sup>2</sup> 4 *Works*, 110. George E. Baker, who was one of those who accompanied Seward on this interesting campaign, made a rather full record of it in the fourth volume of Seward's *Works*, p. 84 ff.



for evasion or concealment; he could luxuriate in his favorite speculations and give rein to imagination.

His first formal political speech was made at Detroit, September 4, 1860, and had for its theme "The National Divergence and Return."<sup>1</sup> It avoided personalities and prejudices and was a philosophical review of the country's history since the divergence from the early policy of excluding slavery from the Northwest territory. The points were not new, but every sentence was fresh, attractive, and appealed to one's moral sense and patriotism. It was published the following morning in the leading newspapers of his party from Chicago to Boston, and gave a high tone to the Republican campaign just opening.<sup>2</sup>

The leading ideas of the five other important speeches, which he made at Madison, St. Paul, Dubuque, Lawrence, and Chicago, are those with which the reader is familiar; but Seward had such an ingenious faculty of expression that every one was a new and distinct creation, especially appropriate to the occasion, and abounded in original eloquence and statesmanlike comments. In substance they resembled one another, yet there was an almost kaleidoscopic variety in their wording and arrangement.

There were two special features that gave Seward's addresses in the Northwest a powerful effect: his full appreciation of the stupendous growth and resources of that part of the country, and his ability to convince the inhabitants that they owed the possibility of that growth and the development of those resources to the exclusion of slave labor. It was the former that had greatly helped to make Seward the logical and actual leader of the Republican party, and it was the latter that brought so much new blood into that party. At Madison he said:

<sup>1</sup> 4 *Works*, 303-18.

<sup>2</sup> 4 *Works*, 85.

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“It seems almost as if it was providential that these new states of the Northwest, . . . founded on this reservation for freedom that had been made in the year 1787, matured just in the critical moment to interpose, to rally the free states of the Atlantic coast, to call them back to their ancient principles, . . . which had been abandoned by the government to slavery, from the intrusion of that, the greatest evil that has ever befallen our land. You matured in the right time. And how came you to mature? . . . The reason is a simple one, perfectly plain. Your soil had never been polluted by the footprints of a slave. . . .

“We resign to you the banner of human rights and human liberty on this continent, and we bid you be firm, bold, and onward, and then you may hope that we will be able to follow you.”<sup>1</sup>

The “higher law” had not been referred to lately, and for many months there had been no such term in his vocabulary as the “irrepressible conflict.” Now both were mentioned frequently.<sup>2</sup> The former never had any positive meaning in Seward’s declarations, so far as human action was concerned. The “irrepressible conflict” was hardly more than a happy and sententious reference to the rivalry between freedom and slavery. Whatever the significance of these words and his theories in the past, he now made their meaning very plain and harmless:

“But the explanation of the whole matter is, that there is a time when the nation needs and will require and demand the settlement of subjects of contention. That time has come at last, [of] which the parties in this country, both of the slave-holding states and of the free states, both the slave-holder and the free laboring man, will require an end—a settlement of the conflict. It must be repressed. The time has come to repress it. The people will have it repressed. They are not to be forever disputing upon old issues and controversies. New subjects for national action will come up. This controversy must be settled and ended. The Republican party is the agent, and its success will ter-

<sup>1</sup> 4 *Works*, 325–27.

<sup>2</sup> 4 *Works*, 83, 85, 90, 102; 319, 336, 341, 344, 349, 366, 375, 423.

minate the contest about slavery in the new states. Let this battle be decided in favor of freedom in the territories, and not one slave will ever be carried into the territories of the United States, and that will end the irrepressible conflict."<sup>1</sup>

Thus the "irrepressible conflict" had become merely the conflict over the exclusion of slavery from the territories. At Dubuque he said: "Our policy . . . is to *circumscribe slavery, and to fortify and extend free labor or freedom.*"<sup>2</sup> And again:

"They say we interfere in the slave states. Not at all. We do not vote against slavery in Virginia. We do not authorize Abraham Lincoln or the Congress of the United States to pass any laws about slavery in Virginia. We merely authorize them to intervene in the territories, and to pass laws securing freedom there."<sup>3</sup>

Looking back upon this campaign in the light of events that followed it so closely, not one of Seward's opinions is more interesting than that about the dangers of secession. Many men in the three other parties had declared their belief that the South would attempt to secede in case of Lincoln's election. Seward mentioned the subject frequently, but did not discuss it fully at any time. Speaking at La Crosse, Wisconsin, and seeing "abundant evidences that we are, after all, not separate and distinct peoples—not distinct peoples of Iowa, Wisconsin, New York, and Massachusetts, but that we are one people—from Plymouth rock, at least, to the banks of the Mississippi and to the foot of the Rocky mountains," he believed that that was "an assurance that enables us to trample under our feet every menace, every threat of disunion, every alarm and apprehension of the dismemberment of this great empire."<sup>4</sup> At St. Joseph,

<sup>1</sup> 4 *Works*, 366.

<sup>2</sup> 4 *Works*, 368.

<sup>3</sup> 4 *Works*, 382.

<sup>4</sup> 4 *Works*, 94.

## THE LIFE OF WILLIAM H. SEWARD

Missouri, he told his audience that although they lived in a land of slavery there was not one of them that did not love slavery less than the Union; and he believed the occasion taught that there was "no difference whatever in the nature, constitution, or character of the people of the several states of this Union, or of the several sections of this Union."<sup>1</sup> Formerly the power of slavery had been supreme. At St. Paul he announced that its strength had vanished:

"With a feeble and muttering voice they cry out that they will tear the Union to pieces. They complain that if we will not surrender our principles, and our system, and our right, being a majority, to rule, and if we will not accept their system and such rulers as they will give us, they will go out of the Union. 'Who's afraid?' ['Nobody!'] responded a hundred voices.] Nobody's afraid. Nobody can be bought. . . . I do not believe there has been one day from 1787 until now when slavery had any power in the government, except what it derived from buying up men of weak virtue, little principle, and great cupidity, and terrifying men of weak nerves in the free states."<sup>2</sup>

He told a New York city audience that the threats were for political purposes, as in former years, and he added:

"I do not doubt but that these southern statesmen and politicians think they are going to dissolve the Union, but I think they are going to do no such thing; and I will tell you in a few words why. He who in this country thinks that this government and this Constitution can be torn down, and that this Union of states can be dissolved, has no faith—first, in the Constitution; he has no faith in the Union, no faith in the people of the States, no faith in the people of the Union, no faith in their loyalty, no faith in reason, no faith in justice, no faith in truth, no faith in virtue."<sup>3</sup>

After returning from the West, he took an active part in the canvass of his own state, speaking in half a dozen

<sup>1</sup> 4 *Works*, 99.

<sup>2</sup> 4 *Works*, 344, 345.

<sup>3</sup> 4 *Works*, 420.



cities, and ended, as usual, by addressing his fellow-townsmen the evening before the election.

There was no public word or sign on Seward's part indicating that he did not bear with perfect equanimity the disappointment of not being the candidate. His praise of Lincoln was generous and in perfect taste. His manner toward other candidates was above criticism, and one wonders, from the superior quality of his speeches, how they could have been delivered in an exciting public campaign. His admirers often pointed to his bearing at this time as the best vindication of their efforts to nominate him. But none of them paid him so just and happy a compliment as James Russell Lowell, who said that he had ceased to regret Seward's defeat, for his magnanimity, shown "since the result of the convention was known, has been a greater ornament to him and a greater honor to his party than his election to the presidency would have been."<sup>1</sup>

If many other Republicans had not belittled the alleged dangers of secession, Seward's sincerity might be doubted. But party interests as well as manly impulses had led the Republicans to cultivate a positive contempt for southern alarms and to consider southern threats as braggadocio. W. T. Sherman, who was a shrewd observer and, in 1860, a resident of Louisiana, advised his distinguished brother to "bear the buffets of a sinking dynasty, and even smile at their impotent threats."<sup>2</sup> During the campaign Lowell called the talk of secession a "Mumbo-Jumbo" that might frighten old women but that did not disturb the stock-market.<sup>3</sup> Greeley declared that the South could no more unite upon a scheme of secession than a company of lunatics could conspire to break out of bedlam.<sup>4</sup> Northern

<sup>1</sup> *Political Essays*, 34.

<sup>2</sup> *Political Essays*, 41.

<sup>3</sup> *The Sherman Letters*, 83.

<sup>4</sup> 7 Von Holst, 234.

leaders had reached two important conclusions: they believed Southerners themselves saw that the end of the Union would be the beginning of the end of slavery; and that the greatest danger to the country was the fear of the majority to exercise its rights. Seward expressed what every brave and thoughtful Republican must have felt, when he said at Auburn, "Fellow-citizens, it is time, high time, that we know whether this is a constitutional government under which we live."<sup>1</sup>

It was for the political advantage of the Douglas men and of the Constitutional Unionists to exaggerate the perils of electing Lincoln. The likelihood of Republican success early suggested to the managers of the two parties the desirability of a fusion.<sup>2</sup> Perhaps a majority of the best Southerners expected that secession would follow a Republican triumph; therefore many of them favored fusion in the North, where Lincoln electors might otherwise be chosen. Even Yancey, who had done more than any other man toward disrupting the Democratic party, now advocated fusion.<sup>3</sup> Douglas himself was as bitter against the Breckinridge Democrats as against the Republicans. In New York, New Jersey, and Rhode Island fusion electoral tickets were agreed upon. No principle was involved; and it was hoped that the Republicans might be prevented from securing a majority of electoral votes, so as to leave the choice of President and Vice-President to the House and Senate, respectively.

The election of November 6th gave the Republicans a greater victory than they expected. Of the one hundred and eighty-three electoral votes of the free states, Lincoln secured all but three—the three (out of seven) that Douglas won in New Jersey by means of fusion.

<sup>1</sup> 4 *Works*, 429. Bowles expressed the idea with great force in the *Springfield Republican*, August 25, 1860.—1 Merriam's *Bowles*, 265.

<sup>2</sup> Waddell's *Linton Stephens*, 227.

<sup>3</sup> Du Bose's *Yancey*, 536.

## THE CAMPAIGN OF 1860

Except the nine votes of Missouri, Douglas received no others; but the popular vote in his favor amounted to nearly two-thirds as much as Lincoln's. Virginia, Kentucky, and Tennessee gave Bell a total of thirty-nine electoral votes; whereas Breckinridge obtained seventy-two. Lincoln had a majority of fifty-seven in the electoral college, but only twenty-six thousand persons in all the slave states voted for him. While Breckinridge had carried all but four of the southern states, he had one hundred and thirty-five thousand less than a majority of their popular vote.<sup>1</sup>

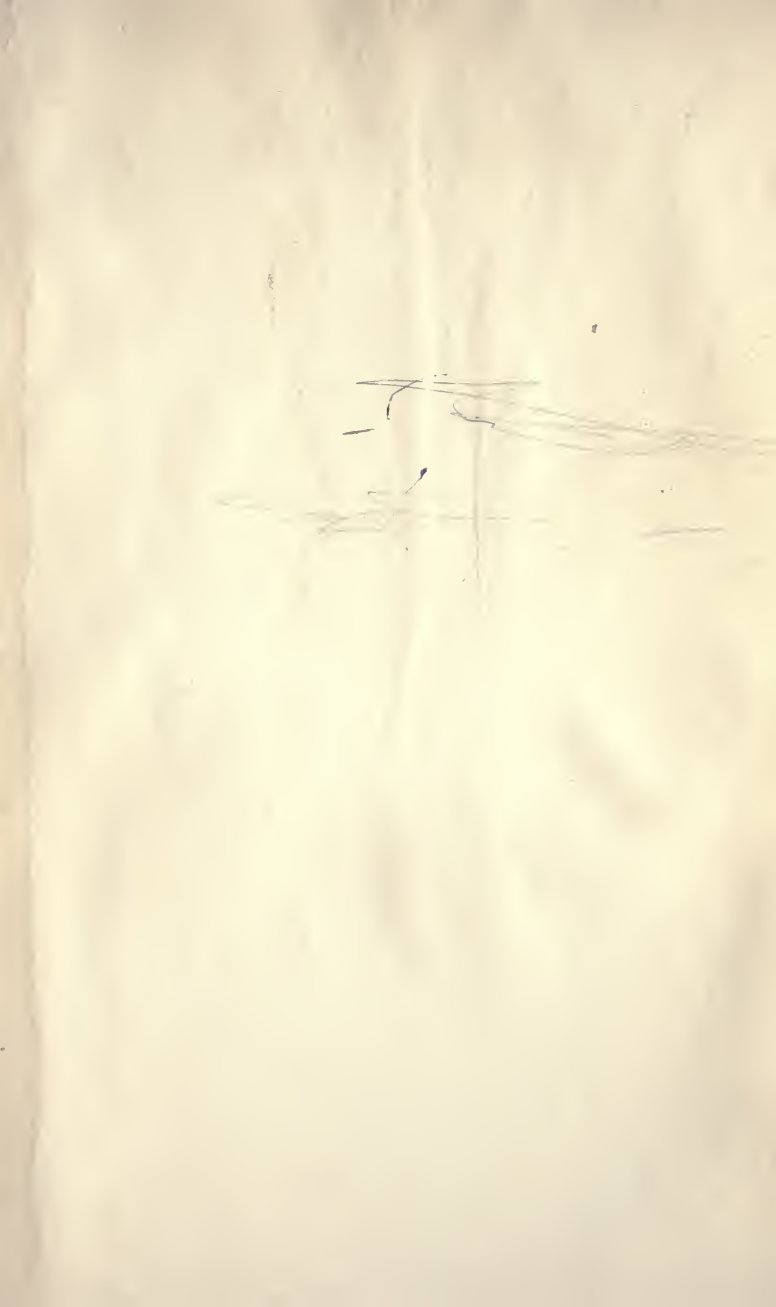
The North had condemned southern politics and seemed to defy southern threats. A "black Republican" President had been elected. All waited anxiously to see whether the "irrepressible conflict" had come to the end Seward lately foretold, or whether it had been driven into a new and more dangerous field. #

<sup>1</sup> Greeley's *American Conflict*, 328.



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