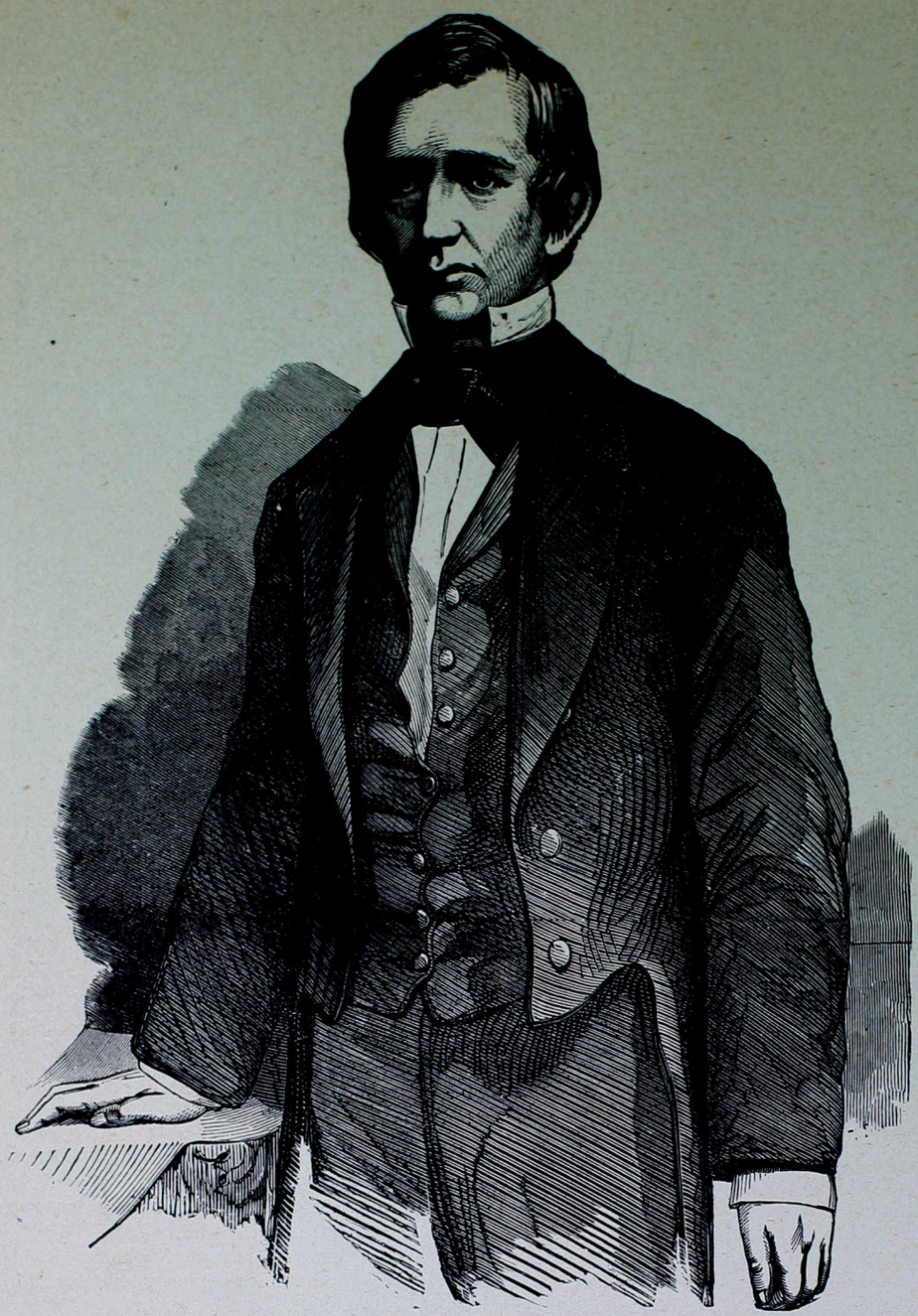


WILLIAM H. SEWARD.

CHAPTER VII.

THE POLICY OF THE FEDERAL GOVERNMENT.

Opening of the Extra Session.—The Fourth of July.—Changes in the House.—Election of Speaker.—Galusha A. Grow.—Changes in the Senate.—Former Preponderance of the South.—Want of a Leader.—William H. Seward.—Salmon P. Chase.—Stephen A. Douglas.—Henry Wilson.—John C. Breckinridge.—Jesse D. Bright.—Expulsion of Breckinridge, Bright, Polk, and Johnson.—The President's Message.—The Army and the Navy.—War Bills proposed in the Senate.—Resolution to approve the President's Acts.—The Debates.—Expulsion of Senators.—The Army Bill.—The Crittenden and Johnson Resolution.—McClernand's Resolution.—Military Laws of the Session.—Financial Measures.—The Confiscation Bill.—Receipts and Expenditures.—Foreign Relations.—Instructions to Ministers.—Privateering.—Confederate Commissioners.—British, French, and Spanish Decrees of Neutrality.—The Affair of the Trent.—Views of the British and American Governments.—First regular Session of Congress.—President's Message.—Number and Constitution of the Army.—Mr. Stanton appointed Secretary of War.—The Navy.—Receipts and Expenditures.—Plan of the Secretary of the Treasury.—Change of Views in Congress.—Peace Propositions laid aside.—War Measures.—Appropriations.—Financial Measures adopted.—Paper Money a Legal Tender.—The Argument for and against it.

IT is proposed in this and the following chapter to describe the domestic and foreign policy of the Federal government from the opening of the extra session of Congress, July 4, 1861, to the close of the first regular session, July 17, 1862.

Congress met in extra session at the call of the President on the 4th of July. That day is memorable in American history. On that day, eighty-five years before, the delegates of the thirteen United States had formally put forth the declaration claiming a place among the sovereign and independent nations of the earth. Now delegates from thirteen states (for Kentucky and Missouri were nominally represented in the Confederate Congress) were preparing to convene at Richmond to complete the destruction of the Union. Three of the five successive presidents who had borne a part in the struggle for national existence had died on the 4th of July. On that day, thirty-five years before, just half a century after the signing of the Declaration, Jefferson, its author, and Adams, its most eloquent advocate, had died. On that day, thirty years before, Monroe, the last of the Revolutionary presidents, had died. On that day, ten years before, just fifty-eight years after the corner-stone of the original capital had been laid by the hands of Washington, the corner-stone of the edifice in which Congress was now assembled had been laid by the President. Daniel Webster delivered an oration, in which he declared that the distinctive nature of American liberty, as distinguished from that of Greece, Rome, and modern Europe, was the capacity for self-government, giving to the will of the majority, fairly expressed through its representatives, the binding force of law, and the formation of a written constitution, founded upon the will of the people. Under that corner-stone he deposited a document, written by his own hand, setting forth, in his own massive diction, that on this day the Union of the United States stood firm; the Constitution was unimpaired, and growing every day stronger in the affections of the American people, and attracting more and more the admiration of the world.[1]

The Thirty-seventh Congress, thus convened in extra session five months before its regular time of meeting, would hardly have been recognized by one who had known the capital in former days. In the House of Representatives 159 members answered to their names at roll-call. When all the seats claimed were filled there were 178 members of the House. In the preceding Congress, whose term had closed four months before, there were 237 representatives. Of the 66 members to which the eleven seceding states were entitled, only six appeared. Five of these were from Virginia, chosen at an election of somewhat doubtful validity, and one from Tennessee. The nineteen free states sent 149 representatives; the four border states, which still adhered to the Union, sent 23. In no preceding Congress within the memory of living men had there been so large a proportion of new members. Barely one third of the representatives had been members of the preceding Congress. Some states changed their delegation entirely; some changed a majority. From Maine every representative was a new man; of the thirty-three members from New York, only eight had held seats in the last Congress; of the five representatives from New Jersey, three were new men. Two thirds of the entire delegation in the House consisted of men who had never before held seats in Congress. This great change of persons did not, however, involve a corresponding change in parties. The elections had been held before the plans of the Secessionists had been fully developed, and so before the great uprising of the North, which for a time swept away all the old party distinctions. In the previous Congress, out of 237 representatives, 109 were Republicans, 101 Democrats, while 27, mainly from the border states, who held the balance of power, maintained a position independent of either party. It had only been after a violent contest of two months that a Republican speaker was elected by a bare majority. In the present Congress the Republicans had 106 members, having actually lost three members; but the defection of the South gave the Republicans a majority of three to two, and there were, besides, about 30 members who, without belonging to the party, sustained the administration in its leading measures for the prosecution of the war.

Three members, Grow, of Pennsylvania, Blair, of Missouri, and Colfax, of Indiana, were prominently named as the Republican candidates for speaker. Colfax, whose chances of success stood high, and who was chosen speaker of the next Congress, peremptorily declined. He would not, by being a candidate, delay the organization of the House. The first ballot stood 71 for Grow and 40 for Blair; but, before the result was announced, Blair withdrew, asking his friends to change their votes. Most of them voted for Grow, giving him 99 votes out of 159. The remaining votes were scattered; of these, 12 were cast for Mr. Crittenden, who, having been superseded as senator from Kentucky by Mr. Breckinridge, had been chosen a member of the House. Several more were cast for other Union men, leaving the actual strength of the Opposition about 40.

Galusha A. Grow, the new speaker, though barely thirty-eight years of age, had been a member of the House for ten years. He had first taken his seat in 1850, being the youngest member. He soon gave evidence of decided ability, and was at successive sessions appointed chairman of several important committees. He ranked originally among the Democrats, but when the great disruption of parties began, he took his place in the new organization among the Republicans. In 1857 he was the candidate of that

[1] "If, therefore, it shall hereafter be the will of God that this structure shall fall from its base, that its foundations shall be upturned, and the deposit beneath this stone brought to the eyes of men, be it then known that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory, growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures, now to be erected over it, may endure forever. God save the United States of America!"

party for speaker, but was defeated by Mr. Orr, of South Carolina, the candidate of the Democratic party, who had then a majority of fully three to two.

Before the speaker had been chosen several members of the Opposition party gave significant indications of the course which they were to pursue. When the names of the members from Virginia were called, Cox, of Ohio, and Burnett, of Kentucky, objected to their reception. Some members had been sworn into the military service of the United States; Vallandigham, of Ohio, moved that they were thereby disqualified from holding seats in Congress. Of Cox and Vallandigham we shall have occasion to speak hereafter. Burnett, after strenuously opposing every measure of the government, went over to the Confederacy, was formally expelled from his seat in Congress, and was subsequently appointed, by the body claiming to be the Council of State of Kentucky, a representative in the Confederate Congress at Richmond.

The change in the Senate was as notable as that in the House. The South had long since abandoned the hope of maintaining an equality in the popular branch of Congress. The population of the North increased more rapidly than that of the South. Its majority in the House was augmented with each successive apportionment. A united North was consolidating to oppose a united South, already consolidated. In the House, also, the members from the South had long been, as a whole, inferior in character and ability to those from the North. The lawless voters of Arkansas and Mississippi, the ignorant denizens of the sand-hills of Georgia and North Carolina, had sent members of their own class. "Fire-eaters," bullies, and demagogues had found constituents in various districts of other states. That there were many men in the House of ability, culture, and education from the Southern states is true; but, as a body, they were types of a low class of Southern society.

With the Senate it was different. There the South was nearly equal in numbers to the North; and as it was united on all sectional questions, and was always in close affiliation with a large party in the North, it had always a practical majority in the Senate. The South had always sedulously cared for its representation in this body of the national Legislature. The selection of senators was not determined by mere local or personal influences. Any rude district might send an incapable representative to the House, but a whole state would rarely agree upon any one incapable man. In the choice of senators, therefore, the combined intellect and culture of each state had the predominance. Now and then, indeed, in the complication of partisan politics, an incompetent man found his way to the Senate from a Southern state. But these cases were exceptional; as a general rule, the South sent its strongest men to the Senate, and kept them there. This long service added to their prominence. Of late years, also, Southern senators had gained an influence beyond that growing out of their individual talents and services. They were a compact body. When one acted or spoke he spoke and acted as a representative of all, and practically as the representative of all the Northern men of Southern principles. So long as the South controlled the Senate it controlled the government. Without its consent no law could be passed; without its sanction no officer could be appointed to execute a law.

GALUSHA A. GROW.

The domination of the South in the Senate was never more absolute than during the session which closed with the termination of Buchanan's administration. The Democratic party, Southern and Northern, had a clear majority of three to two.[1] This gave them the control of all the standing committees; for, according to established usage, the dominant party in the Senate assembled in caucus and settled the constitution of all the committees. They apportioned among themselves the chairmanship and the majority of every important committee. The list was formally presented to the Senate for acceptance. It had been previously agreed upon by the majority in a private caucus from which the minority were excluded. The adoption of the list thus made out was certain. The minority had only to accept it, which they usually did without opposition, for opposition would have been unavailing.

The construction of the standing committees was a matter of great importance. Except in cases where a special committee was ordered—when the senator who proposed the committee was usually appointed its chairman by courtesy—these standing committees gave shape and form to the action of the Senate. Of the twenty-two regular committees, the control of sixteen was given to the slave states. These embraced every important committee. Mason, of Virginia, was chairman of the Committee on Foreign Relations; Hunter, of the same state, had that on Finance; Clay, of Alabama, had Commerce; Jefferson Davis had Military Affairs; Mallory, of Florida, had Naval Affairs; Bayard, of Delaware, had the Judiciary; Yulee, of Florida, the Post-office; Johnson, of Arkansas, had Public Lands; Benjamin, of Louisiana, had Public Land Claims; Brown, of Mississippi, had the District of Columbia; and to Green, of Missouri, was assigned the lead in the Committee on Territories, so long accorded to Douglas, whose recently promulgated doctrine of popular sovereignty had rendered him obnoxious to the oligarchy of the South. The six committees confided to senators from the free states had to do only with mere routine business. They were the Committees on Pensions, Patents, Public Buildings, Printing, Engrossed Bills, and Enrolled Bills. Even Bright, of Indiana, the facile tool of the South, and its mouthpiece when any communication was to be intrusted to a Northern man, was put off with the chairmanship of the Committee on Public Buildings.

The conspiracy against the Union was organized and directed in the Senate of the United States, if it did not originate there. Early in 1861, when South Carolina only had seceded, a meeting of Southern senators was convened, in which Georgia, Alabama, Louisiana, Arkansas, Mississippi, Florida, and Texas were represented. Resolutions were passed in favor of the simultaneous secession of all the Southern states, and the establishment of a Southern Confederacy. The conspiring senators, however, resolved still to retain their seats until the inauguration of the new administration; for, if they left, "force, loan, and volunteer bills might be passed, which would put Mr. Lincoln in immediate condition for hostility;" whereas, if they remained in their places until the 4th of March, they "could keep the hands of Mr. Buchanan tied, and disable the Republicans from effecting any legislation which would strengthen the hands of the incoming administration." A committee was appointed to carry out the objects of this meeting. Its members were Jefferson Davis, then United States senator from Mississippi, chairman of the Committee on Military Affairs, soon to be President of the

[1] The exact numbers given in the *Congressional Globe* were: Democrats, 37; Republicans, 24; Americans, 2; Vacancies, 3; in all, 66 members in a full Senate.

Southern Confederacy; Stephen R. Mallory, then United States senator from Florida, chairman of the Committee on Naval Affairs, soon to be Secretary of the Navy for the Confederacy; and John Slidell, a native of New York, then United States senator from Louisiana, soon to be the Confederate Envoy to the court of France.[1] Some of these conspirators abandoned their seats before the specified day, others retained them beyond that time; but enough remained to prevent the passage of any bills for strengthening the military or naval power of the government. Scarcely a regiment of soldiers, scarcely a vessel of war, scarcely a dollar in the treasury was at the disposal of the new administration when it came into office on the 4th of March.

The Senate which convened on the 4th of July consisted of but 47 members.[2] Andrew Johnson, of Tennessee, was the only one who appeared from the seceding states, and he had made his way to the national capital with a price upon his head. The seceding senators embodied their full proportion of the ability, and more than their proportion of the notability of the Senate. Half of them were in their second and third terms. Their average service had already been eight years; the remaining senators averaged but four. To gain position in the Senate is usually a work of time. The new members had yet to acquire a national reputation. Of the senators now assembled thirty-one were Republicans; five others, though not belonging to that party, now supported the administration; two held an indeterminate position, but generally acted with the Opposition; the remaining nine persistently opposed every military or financial measure which implied the exercise of force for the maintenance of the Union. Of these nine four were within a few months formally expelled from the Senate for open complicity with the insurgents, and another subsequently resigned because the Senate demanded of its members an oath of fealty to the Constitution and government.

Although there were many able men in Congress, there was no one who could be considered a leader of the dominant party. That position had long been conceded to Mr. Seward. Even while in a meagre minority, he had for years exercised a personal influence greater than that of any other senator. He possessed many of the highest attributes of a statesman. He was ambitious, but in a noble way, for he was always ready to sacrifice present popularity to future renown. He never frittered away his influence or wasted his strength upon trifles. He took no part in mere Congressional skirmishing, and never condescended to reply to personal attacks. He spoke much, but only upon important subjects, and after full preparation. In every separate attribute of an orator he was excelled by some other senator. Hale could deliver a keener retort, Sumner pronounce a more scathing philippic; Douglas was a more skillful debater, Davis a more persuasive pleader. The two famous phrases, "the higher law" and "the irrepressible conflict," seem to have fallen from his lips by accident, without his imagining that they would be caught up and denounced on the one hand, and accepted on the other as symbols of a political faith.[3] He lacked that personal magnetism by which a leader sometimes binds the members of his party to himself. Strong men wept like children when the last chances of the election of Clay and Webster to the presidency were lost; the hold of Calhoun and Douglas upon their parties was quite as much personal as political. When Mr. Seward failed to receive the nomination, his supporters evinced no bitter regret. He was, in their view, the best exponent of the principles of the party; but if another man could secure a larger vote, they were content that he should be nominated. Mr. Seward was, however, conceded to be the foremost statesman of his time and country, the nearest representative of the great men of the last generation. That he was the representative man of his party was acknowledged, and it was a foregone conclusion with friends and foes that he would receive the nomination for the presidency. His vote on the first ballot, though not a majority, far exceeded that given for any other; but the second ballot showed that influences were at work which would prevent a majority from being concentrated upon him, and upon the third trial Mr. Lincoln was nominated. Mr. Seward then resolved to retire from public life; but, at the earnest request of his successful competitor, he consented to accept the position of Secretary of State. It was honorable to both men that such an offer should be made and accepted; but it would probably have been more for the interest of the country had he remained in his former position as leader of his party in the national Legislature.

Salmon P. Chase had risen rapidly into a leading position in the party. He had entered into public life as a Democrat, and as such had served for one term as senator. When the great disruption took place in that party, he joined the Republicans, was twice chosen Governor of Ohio, and was a prominent candidate for the presidential nomination. He was chosen as senator for the Congress which had now convened; and had he taken his place as such, the position of leader must have fallen to him. But he had previously resigned his seat and accepted the office of Secretary of the Treasury. In this position he was to undertake heavier responsibilities than had ever before fallen to the lot of a financial minister. It is worthy of note that the four leading competitors of Mr. Lincoln for the presidential nomination accepted seats in his cabinet.[1]

There was one senator to whom, until within a month, men's eyes had been turned as likely to be the Congressional leader of the great Union party. Stephen A. Douglas, of Illinois, had for fifteen years been a determined opponent of the Whig or Republican party. He early foresaw the danger which threatened the Union from the controversy growing out of the agitation of the question of slavery. He perceived that there was but one principle upon which a union between free and slave states could be maintained, and that was the denial of the right of the general government to act in any way upon the permission or prohibition of slavery. It was admitted on all hands that this was true so far as the states were concerned: that South Carolina might any day abolish slavery, or Vermont establish it, within their limits, without question from any other state or from the Federal government. This principle was affirmed by the Compromise Act of 1850. The question was thus narrowed down to the Territories. Mr. Douglas maintained that the same principle should apply there also. In his view this involved the repeal of the Missouri Compromise. The emigrants to Kansas and Nebraska he considered to have the same rights in this matter which had been conceded to inhabitants of Utah and New Mexico. His doctrine on this point was finally wrought out and elaborated in his famous paper on the "Dividing Line between State and Federal Authority." This he regarded as the crowning act of his political life. "I believe it to be my mission," he said to the writer of these pages, "to settle forever the question of slavery; and I believe that it will be settled on the principles which I have here laid down." The essential points of this elaborate paper may be stated in a few words: Every distinct political community, loyal to the Constitution and the Union, is entitled to all the rights, privileges, and immunities of self-government in respect to their local concerns and internal polity, subject only to the Constitution of the United States; every Territory of the United States, when duly organized under a legal Territorial government, is a distinct political community; and slavery is a matter of local concern and internal polity; therefore the Territories, each for itself, have the sole right, under the Constitution, to legislate upon the subject of slavery. The Southern leaders would not assent to this doctrine. The nominating Convention of the Democratic party met at Charleston, April 23, 1860. The dividing line between the Northern and Southern branches of the party was then sharply run. The South demanded that the party should affirm not only that Congress should have no power to abolish slavery in the Territories, but that the Territorial Legislatures had no power to abolish slavery, or to prohibit the introduction of slaves, or to exclude slavery, or in any way to impair the right of property in slaves; and that it was the duty of the Federal government to protect slave property in the Territories. The North was willing to submit the question to the decision of the Supreme Court. More than half of the votes for President were cast for Mr. Douglas, but he lacked 50 of the 202 votes which, under the two thirds rule, were required for a nomination. The Convention broke up without making any nomination, and reassembled at Baltimore on the 18th of June. Here a schism took place, resulting in two Conventions. Mr. Douglas was nominated by one, and Mr. Breckinridge by the other. Had Douglas been nominated unanimously either at Charleston or Baltimore, his election was certain; but the disruption of these Conventions, making it sure that the vote of the South would be against him, drove hundreds of thousands of Northern Democrats over to Mr. Lincoln. An attempt to stay this popular current was made by nominating Mr. Bell as a "Union" candidate; but the nomination came too late. Mr. Lincoln received 180 electoral votes, being all from the free states except three from New Jersey. Mr. Breckinridge received 72 votes, being the whole from the strictly Southern states, together with those of Maryland and Delaware. The votes of Virginia, Kentucky, and Tennessee, 39 in all, were cast for Mr. Bell; while Mr. Douglas received only 9 votes from Missouri and 3 from New Jersey. The popular vote, indeed, showed a very different result. For Lincoln were cast, in round numbers, 1,850,000 votes; for Douglas, 1,360,000; for Breckinridge, 840,000; and for Bell, 590,000. Douglas, therefore, retained his place in the Senate as the representative of nearly one third of the people of the United States, who, while opposed to the Republican party, were still more opposed to every scheme of secession. His first effort was to secure the passage of the Crittenden Proposition. It was not, indeed, in accordance with his own cherished views, but he was eager to accept it in order to save the Union. This last hope failing, and the line having been clearly drawn, he saw that there was no way remaining by which a loyal citizen could show his devotion to his country except by ignoring all party politics, and sustaining the flag, the Constitution, and the Union under any administration, against all assailants at home and abroad. It was noted that, when Mr. Lincoln pronounced his inaugural address on the 4th of March, Douglas was by the side of his old personal opponent, holding his hat while he spoke; and that during the festivities which followed in the evening he was assiduous in his courtesies to the wife of the President. These acts,

[1] For a fac-simile of the letter describing this conspiracy, written and franked by David L. Yulee, then United States senator from Florida, and chairman of the Committee on the Post-office, see this History, page 32.

[2] Shortly afterward two senators were admitted representing the State of Virginia, and subsequently two others representing the newly-formed state of West Virginia.

[3] The phrase "the higher law" occurs in a speech delivered in the Senate, March 11, 1850, upon the admission of California into the Union. The following is the context:

"It is true, indeed, that the national domain is ours. It is true it was acquired by the valor and with the wealth of the whole nation. But we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over any thing, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defense, 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, and 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."

The phrase "irrepressible conflict" is found in a speech delivered at Rochester, October 25, 1858, in the following connection:

"It is an irrepressible conflict between opposing and enduring forces. It means that the United States must and will, sooner or later, become entirely a slaveholding nation or entirely a free-labor nation. Either the cotton and rice fields of South Carolina and the sugar plantations of Louisiana will be ultimately 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."

[1] The votes in the Convention on the first ballot were: for Seward, 173; Lincoln, 102; Cameron, 50; Chase, 49; Bates, 48. The remaining 48 votes were scattered among seven candidates.

which under ordinary circumstances would have been mere personal courtesies shown to a distinguished citizen of his own state, were accepted on all sides as significant indications of his political course. During the brief executive session of the Senate which followed, he took decided ground in favor of the line of policy indicated in the inaugural, accepting it, as it was intended, as a pledge that the aim of the administration was a peaceful solution of our national difficulties. But when the hostile measures of the Confederates rendered such a solution impossible, he remained firm in his resolution to uphold the Union by supporting the administration. His last public act was to dictate a letter to the chairman of the Democratic Committee of his own state, explaining and defending the course upon which he had resolved. This letter was dictated from a bed of sickness from which he was never to rise. Shortly after it was written, just one month before the meeting of the extra session of Congress, he was a corpse. He died at the age of forty-eight years, in the prime of manhood, at a moment when a career was opening before him nobler than has been presented to any American since the Father of his Country. He was more or less delirious during the closing days of his life. But his own impending death gave him no concern. The salvation of the republic was foremost in his thoughts; his last coherent words, before his farewell to his wife and his parting message to his absent children, breathed an ardent wish that the honor and safety of his country might be secured by the overthrow of her enemies.[1]

In the Senate the most important committee was now that on Military Affairs. Mr. Wilson, of Massachusetts, was appointed chairman of this committee, and was thus recognized as the leader of the dominant party in the Senate. His early life was spent on a farm. At twenty-two he learned the trade of a shoemaker, and soon after commenced business as a manufacturer of shoes. He entered warmly into politics and military affairs. At the age of forty he had already served eight years in the Legislature of Massachusetts, having twice been chosen President of the state Senate, and risen to the rank of brigadier general in the militia. In 1855 he was elected to the Senate of the United States, where he soon assumed a leading place. Earnest, fearless, and fluent, thoroughly appreciating the magnitude of the crisis, he was undoubtedly the best man for the position assigned to him. As all financial bills must originate in the House, the Committee of Ways and Means is the most important in that body. Thaddeus Stevens, of Pennsylvania, was appointed chairman of that committee, involving the lead of the House.

The lead of the Opposition in the Senate was accorded to Mr. Breckinridge. He had served for four years as Vice-president of the United States, and consequently as President of the Senate. He had been nominated for the presidency, with a fair chance of success if the election could be thrown into the House of Representatives. When this scheme failed, he had been chosen senator from Kentucky in place of Mr. Crittenden, who had labored so earnestly to bring about a compromise. In presenting the credentials of his successor, Mr. Crittenden had said, "He succeeds to a place of great difficulty and high duties. I have no doubt that he will, and I hope that he may, occupy his seat more successfully than I have done for the good of our common country." Mr. Breckinridge had presided over the Senate with marked acceptance. His fine person, commanding address, courteous manners, and quick perception fitted him for that position. Just four months before the meeting of the extra session he had been thanked by the Senate for his conduct as its presiding officer. He had warmly supported the Crittenden Proposition. He had taken no part in the conspiracy against the Union. It cost him much to take the first steps against that Union over which he had hoped to preside. While the struggle was going on men marked his worn and haggard aspect; but, the steps once taken, he had neither the wish nor the power to retrace them. He took his seat as senator on the 4th of March in the executive session which followed the regular close of Congress. He then made a formal speech, urging the Senate to advise the President to withdraw all troops from the Confederate States, and to collect no large forces in any of the other Southern states. "The seven states which have gone out," he said, "are a protest against force in any form. From the eight Southern states which remain, making fifteen in all, there is also a protest against force." If force was used against any state which had seceded, or which might hereafter secede, he affirmed that his own state of Kentucky would "turn to her Southern sisters, with whom she was identified by geographical position, and by the ties of friendship, of intercourse, of commerce, and by common wrongs. She will unite with them to found a noble republic, and invite beneath its stainless banner such other states as know how to keep the faith of compacts, and to respect the constitutional obligations and the comity of the Confederacy." Thus, while under the sanction of his oath as senator of the United States, he avowed himself the advocate of those who had endeavored, or who should thereafter endeavor, to destroy the Union. Thus pledged to treason, he took his place as senator at the extra session. Henceforth his course was consistent. He

HENRY WILSON.

[1] The following are extracts from the last letter of Douglas:

"It seems that some of my friends are unable to comprehend the difference between arguments used in favor of an equitable compromise, with the hope of averting the horrors of war, and those urged in support of the government and flag of our country when war is being waged against the United States with the avowed purpose of producing a permanent disruption of the Union and a total destruction of its government. All hope of a compromise with the cotton states was abandoned when they assumed the position that the separation of the Union was complete and final, and that they would never consent to a reconstruction on any contingency, not even if we would present them with a blank sheet of paper, and permit them to inscribe their own terms. Still the hope was cherished that reasonable and satisfactory terms of adjustment could be agreed upon with Tennessee, North Carolina, and the border states, and that whatever terms would prove satisfactory to these loyal states would create a Union party in the cotton states which would be powerful enough at the ballot-box to destroy the revolutionary government, and bring those states back into the Union by the voice of their own people. This hope was cherished by Union men North and South, and was never abandoned until actual war was levied at Charleston, and the authoritative announcement made by the revolutionary government at Montgomery that the secession flag should be planted upon the walls of the Capitol at Washington, and a proclamation issued inviting the pirates of the world to prey upon the commerce of the United States. . . . . In view of this state of facts, there was but one path of duty left to patriotic men. It was not a party question, nor a question involving partisan policy; it was a question of government or no government, country or no country; and hence it became the imperative duty of every Union man, every friend of constitutional liberty, to rally to the support of our common country, its government and flag, as the only means of checking the progress of revolution, and of preserving the union of the states. . . . . I am neither the supporter of the partisan policy nor the apologist for the errors of the administration. My previous relations to them remain unchanged. But I trust the time will never come when I shall not be willing to make any needful sacrifice of personal feeling and party policy for the honor and integrity of my country. I know of no mode by which a loyal citizen may so well demonstrate his devotion to his country as by sustaining the flag, the Constitution, and the Union, under all circumstances, and under every administration, regardless of party politics, against all assailants at home and abroad. The course of Clay and Webster toward the administration of General Jackson in the days of nullification presents a noble and worthy example for all true patriots. . . . . The gulf which separated party leaders in those days was quite as broad and deep as that which now separates the Democracy from the Republicans. But the moment an enemy rose in our midst, plotting the destruction of the government, the voice of party strife was hushed in patriotic silence. One of the brightest chapters in the history of our country will record the fact that, during this eventful period, the great leaders of the Opposition, sinking the partisan in the patriot, rushed to the support of the government, and became its ablest and bravest defenders against all assailants, until the conspiracy was crushed and abandoned, when they resumed their former positions as party leaders upon political issues."

Southern Confederacy; Stephen R. Mallory, then United States senator from Florida, chairman of the Committee on Naval Affairs, soon to be Secretary of the Navy for the Confederacy; and John Slidell, a native of New York, then United States senator from Louisiana, soon to be the Confederate Envoy to the court of France.[1] Some of these conspirators abandoned their seats before the specified day, others retained them beyond that time; but enough remained to prevent the passage of any bills for strengthening the military or naval power of the government. Scarcely a regiment of soldiers, scarcely a vessel of war, scarcely a dollar in the treasury was at the disposal of the new administration when it came into office on the 4th of March.

The Senate which convened on the 4th of July consisted of but 47 members.[2] Andrew Johnson, of Tennessee, was the only one who appeared from the seceding states, and he had made his way to the national capital with a price upon his head. The seceding senators embodied their full proportion of the ability, and more than their proportion of the notability of the Senate. Half of them were in their second and third terms. Their average service had already been eight years; the remaining senators averaged but four. To gain position in the Senate is usually a work of time. The new members had yet to acquire a national reputation. Of the senators now assembled thirty-one were Republicans; five others, though not belonging to that party, now supported the administration; two held an indeterminate position, but generally acted with the Opposition; the remaining nine persistently opposed every military or financial measure which implied the exercise of force for the maintenance of the Union. Of these nine four were within a few months formally expelled from the Senate for open complicity with the insurgents, and another subsequently resigned because the Senate demanded of its members an oath of fealty to the Constitution and government.

Although there were many able men in Congress, there was no one who could be considered a leader of the dominant party. That position had long been conceded to Mr. Seward. Even while in a meagre minority, he had for years exercised a personal influence greater than that of any other senator. He possessed many of the highest attributes of a statesman. He was ambitious, but in a noble way, for he was always ready to sacrifice present popularity to future renown. He never frittered away his influence or wasted his strength upon trifles. He took no part in mere Congressional skirmishing, and never condescended to reply to personal attacks. He spoke much, but only upon important subjects, and after full preparation. In every separate attribute of an orator he was excelled by some other senator. Hale could deliver a keener retort, Sumner pronounce a more scathing philippic; Douglas was a more skillful debater, Davis a more persuasive pleader. The two famous phrases, "the higher law" and "the irrepressible conflict," seem to have fallen from his lips by accident, without his imagining that they would be caught up and denounced on the one hand, and accepted on the other as symbols of a political faith.[3] He lacked that personal magnetism by which a leader sometimes binds the members of his party to himself. Strong men wept like children when the last chances of the election of Clay and Webster to the presidency were lost; the hold of Calhoun and Douglas upon their parties was quite as much personal as political. When Mr. Seward failed to receive the nomination, his supporters evinced no bitter regret. He was, in their view, the best exponent of the principles of the party; but if another man could secure a larger vote, they were content that he should be nominated. Mr. Seward was, however, conceded to be the foremost statesman of his time and country, the nearest representative of the great men of the last generation. That he was the representative man of his party was acknowledged, and it was a foregone conclusion with friends and foes that he would receive the nomination for the presidency. His vote on the first ballot, though not a majority, far exceeded that given for any other; but the second ballot showed that influences were at work which would prevent a majority from being concentrated upon him, and upon the third trial Mr. Lincoln was nominated. Mr. Seward then resolved to retire from public life; but, at the earnest request of his successful competitor, he consented to accept the position of Secretary of State. It was honorable to both men that such an offer should be made and accepted; but it would probably have been more for the interest of the country had he remained in his former position as leader of his party in the national Legislature.

Salmon P. Chase had risen rapidly into a leading position in the party. He had entered into public life as a Democrat, and as such had served for one term as senator. When the great disruption took place in that party, he joined the Republicans, was twice chosen Governor of Ohio, and was a prominent candidate for the presidential nomination. He was chosen as senator for the Congress which had now convened; and had he taken his place as such, the position of leader must have fallen to him. But he had previously resigned his seat and accepted the office of Secretary of the Treasury. In this position he was to undertake heavier responsibilities than had ever before fallen to the lot of a financial minister. It is worthy of note that the four leading competitors of Mr. Lincoln for the presidential nomination accepted seats in his cabinet.[1]

There was one senator to whom, until within a month, men's eyes had been turned as likely to be the Congressional leader of the great Union party. Stephen A. Douglas, of Illinois, had for fifteen years been a determined opponent of the Whig or Republican party. He early foresaw the danger which threatened the Union from the controversy growing out of the agitation of the question of slavery. He perceived that there was but one principle upon which a union between free and slave states could be maintained, and that was the denial of the right of the general government to act in any way upon the permission or prohibition of slavery. It was admitted on all hands that this was true so far as the states were concerned: that South Carolina might any day abolish slavery, or Vermont establish it, within their limits, without question from any other state or from the Federal government. This principle was affirmed by the Compromise Act of 1850. The question was thus narrowed down to the Territories. Mr. Douglas maintained that the same principle should apply there also. In his view this involved the repeal of the Missouri Compromise. The emigrants to Kansas and Nebraska he considered to have the same rights in this matter which had been conceded to inhabitants of Utah and New Mexico. His doctrine on this point was finally wrought out and elaborated in his famous paper on the "Dividing Line between State and Federal Authority." This he regarded as the crowning act of his political life. "I believe it to be my mission," he said to the writer of these pages, "to settle forever the question of slavery; and I believe that it will be settled on the principles which I have here laid down." The essential points of this elaborate paper may be stated in a few words: Every distinct political community, loyal to the Constitution and the Union, is entitled to all the rights, privileges, and immunities of self-government in respect to their local concerns and internal polity, subject only to the Constitution of the United States; every Territory of the United States, when duly organized under a legal Territorial government, is a distinct political community; and slavery is a matter of local concern and internal polity; therefore the Territories, each for itself, have the sole right, under the Constitution, to legislate upon the subject of slavery. The Southern leaders would not assent to this doctrine. The nominating Convention of the Democratic party met at Charleston, April 23, 1860. The dividing line between the Northern and Southern branches of the party was then sharply run. The South demanded that the party should affirm not only that Congress should have no power to abolish slavery in the Territories, but that the Territorial Legislatures had no power to abolish slavery, or to prohibit the introduction of slaves, or to exclude slavery, or in any way to impair the right of property in slaves; and that it was the duty of the Federal government to protect slave property in the Territories. The North was willing to submit the question to the decision of the Supreme Court. More than half of the votes for President were cast for Mr. Douglas, but he lacked 50 of the 202 votes which, under the two thirds rule, were required for a nomination. The Convention broke up without making any nomination, and reassembled at Baltimore on the 18th of June. Here a schism took place, resulting in two Conventions. Mr. Douglas was nominated by one, and Mr. Breckinridge by the other. Had Douglas been nominated unanimously either at Charleston or Baltimore, his election was certain; but the disruption of these Conventions, making it sure that the vote of the South would be against him, drove hundreds of thousands of Northern Democrats over to Mr. Lincoln. An attempt to stay this popular current was made by nominating Mr. Bell as a "Union" candidate; but the nomination came too late. Mr. Lincoln received 180 electoral votes, being all from the free states except three from New Jersey. Mr. Breckinridge received 72 votes, being the whole from the strictly Southern states, together with those of Maryland and Delaware. The votes of Virginia, Kentucky, and Tennessee, 39 in all, were cast for Mr. Bell; while Mr. Douglas received only 9 votes from Missouri and 3 from New Jersey. The popular vote, indeed, showed a very different result. For Lincoln were cast, in round numbers, 1,850,000 votes; for Douglas, 1,360,000; for Breckinridge, 840,000; and for Bell, 590,000. Douglas, therefore, retained his place in the Senate as the representative of nearly one third of the people of the United States, who, while opposed to the Republican party, were still more opposed to every scheme of secession. His first effort was to secure the passage of the Crittenden Proposition. It was not, indeed, in accordance with his own cherished views, but he was eager to accept it in order to save the Union. This last hope failing, and the line having been clearly drawn, he saw that there was no way remaining by which a loyal citizen could show his devotion to his country except by ignoring all party politics, and sustaining the flag, the Constitution, and the Union under any administration, against all assailants at home and abroad. It was noted that, when Mr. Lincoln pronounced his inaugural address on the 4th of March, Douglas was by the side of his old personal opponent, holding his hat while he spoke; and that during the festivities which followed in the evening he was assiduous in his courtesies to the wife of the President. These acts,

[1] For a fac-simile of the letter describing this conspiracy, written and franked by David L. Yulee, then United States senator from Florida, and chairman of the Committee on the Post-office, see this History, page 32.

[2] Shortly afterward two senators were admitted representing the State of Virginia, and subsequently two others representing the newly-formed state of West Virginia.

[3] The phrase "the higher law" occurs in a speech delivered in the Senate, March 11, 1850, upon the admission of California into the Union. The following is the context:

"It is true, indeed, that the national domain is ours. It is true it was acquired by the valor and with the wealth of the whole nation. But we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over any thing, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defense, 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, and 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."

The phrase "irrepressible conflict" is found in a speech delivered at Rochester, October 25, 1858, in the following connection:

"It is an irrepressible conflict between opposing and enduring forces. It means that the United States must and will, sooner or later, become entirely a slaveholding nation or entirely a free-labor nation. Either the cotton and rice fields of South Carolina and the sugar plantations of Louisiana will be ultimately 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."

[1] The votes in the Convention on the first ballot were: for Seward, 173; Lincoln, 102; Cameron, 50; Chase, 49; Bates, 48. The remaining 48 votes were scattered among seven candidates.

which under ordinary circumstances would have been mere personal courtesies shown to a distinguished citizen of his own state, were accepted on all sides as significant indications of his political course. During the brief executive session of the Senate which followed, he took decided ground in favor of the line of policy indicated in the inaugural, accepting it, as it was intended, as a pledge that the aim of the administration was a peaceful solution of our national difficulties. But when the hostile measures of the Confederates rendered such a solution impossible, he remained firm in his resolution to uphold the Union by supporting the administration. His last public act was to dictate a letter to the chairman of the Democratic Committee of his own state, explaining and defending the course upon which he had resolved. This letter was dictated from a bed of sickness from which he was never to rise. Shortly after it was written, just one month before the meeting of the extra session of Congress, he was a corpse. He died at the age of forty-eight years, in the prime of manhood, at a moment when a career was opening before him nobler than has been presented to any American since the Father of his Country. He was more or less delirious during the closing days of his life. But his own impending death gave him no concern. The salvation of the republic was foremost in his thoughts; his last coherent words, before his farewell to his wife and his parting message to his absent children, breathed an ardent wish that the honor and safety of his country might be secured by the overthrow of her enemies.[1]

In the Senate the most important committee was now that on Military Affairs. Mr. Wilson, of Massachusetts, was appointed chairman of this committee, and was thus recognized as the leader of the dominant party in the Senate. His early life was spent on a farm. At twenty-two he learned the trade of a shoemaker, and soon after commenced business as a manufacturer of shoes. He entered warmly into politics and military affairs. At the age of forty he had already served eight years in the Legislature of Massachusetts, having twice been chosen President of the state Senate, and risen to the rank of brigadier general in the militia. In 1855 he was elected to the Senate of the United States, where he soon assumed a leading place. Earnest, fearless, and fluent, thoroughly appreciating the magnitude of the crisis, he was undoubtedly the best man for the position assigned to him. As all financial bills must originate in the House, the Committee of Ways and Means is the most important in that body. Thaddeus Stevens, of Pennsylvania, was appointed chairman of that committee, involving the lead of the House.

The lead of the Opposition in the Senate was accorded to Mr. Breckinridge. He had served for four years as Vice-president of the United States, and consequently as President of the Senate. He had been nominated for the presidency, with a fair chance of success if the election could be thrown into the House of Representatives. When this scheme failed, he had been chosen senator from Kentucky in place of Mr. Crittenden, who had labored so earnestly to bring about a compromise. In presenting the credentials of his successor, Mr. Crittenden had said, "He succeeds to a place of great difficulty and high duties. I have no doubt that he will, and I hope that he may, occupy his seat more successfully than I have done for the good of our common country." Mr. Breckinridge had presided over the Senate with marked acceptance. His fine person, commanding address, courteous manners, and quick perception fitted him for that position. Just four months before the meeting of the extra session he had been thanked by the Senate for his conduct as its presiding officer. He had warmly supported the Crittenden Proposition. He had taken no part in the conspiracy against the Union. It cost him much to take the first steps against that Union over which he had hoped to preside. While the struggle was going on men marked his worn and haggard aspect; but, the steps once taken, he had neither the wish nor the power to retrace them. He took his seat as senator on the 4th of March in the executive session which followed the regular close of Congress. He then made a formal speech, urging the Senate to advise the President to withdraw all troops from the Confederate States, and to collect no large forces in any of the other Southern states. "The seven states which have gone out," he said, "are a protest against force in any form. From the eight Southern states which remain, making fifteen in all, there is also a protest against force." If force was used against any state which had seceded, or which might hereafter secede, he affirmed that his own state of Kentucky would "turn to her Southern sisters, with whom she was identified by geographical position, and by the ties of friendship, of intercourse, of commerce, and by common wrongs. She will unite with them to found a noble republic, and invite beneath its stainless banner such other states as know how to keep the faith of compacts, and to respect the constitutional obligations and the comity of the Confederacy." Thus, while under the sanction of his oath as senator of the United States, he avowed himself the advocate of those who had endeavored, or who should thereafter endeavor, to destroy the Union. Thus pledged to treason, he took his place as senator at the extra session. Henceforth his course was consistent. He

HENRY WILSON.

[1] The following are extracts from the last letter of Douglas:

"It seems that some of my friends are unable to comprehend the difference between arguments used in favor of an equitable compromise, with the hope of averting the horrors of war, and those urged in support of the government and flag of our country when war is being waged against the United States with the avowed purpose of producing a permanent disruption of the Union and a total destruction of its government. All hope of a compromise with the cotton states was abandoned when they assumed the position that the separation of the Union was complete and final, and that they would never consent to a reconstruction on any contingency, not even if we would present them with a blank sheet of paper, and permit them to inscribe their own terms. Still the hope was cherished that reasonable and satisfactory terms of adjustment could be agreed upon with Tennessee, North Carolina, and the border states, and that whatever terms would prove satisfactory to these loyal states would create a Union party in the cotton states which would be powerful enough at the ballot-box to destroy the revolutionary government, and bring those states back into the Union by the voice of their own people. This hope was cherished by Union men North and South, and was never abandoned until actual war was levied at Charleston, and the authoritative announcement made by the revolutionary government at Montgomery that the secession flag should be planted upon the walls of the Capitol at Washington, and a proclamation issued inviting the pirates of the world to prey upon the commerce of the United States. . . . . In view of this state of facts, there was but one path of duty left to patriotic men. It was not a party question, nor a question involving partisan policy; it was a question of government or no government, country or no country; and hence it became the imperative duty of every Union man, every friend of constitutional liberty, to rally to the support of our common country, its government and flag, as the only means of checking the progress of revolution, and of preserving the union of the states. . . . . I am neither the supporter of the partisan policy nor the apologist for the errors of the administration. My previous relations to them remain unchanged. But I trust the time will never come when I shall not be willing to make any needful sacrifice of personal feeling and party policy for the honor and integrity of my country. I know of no mode by which a loyal citizen may so well demonstrate his devotion to his country as by sustaining the flag, the Constitution, and the Union, under all circumstances, and under every administration, regardless of party politics, against all assailants at home and abroad. The course of Clay and Webster toward the administration of General Jackson in the days of nullification presents a noble and worthy example for all true patriots. . . . . The gulf which separated party leaders in those days was quite as broad and deep as that which now separates the Democracy from the Republicans. But the moment an enemy rose in our midst, plotting the destruction of the government, the voice of party strife was hushed in patriotic silence. One of the brightest chapters in the history of our country will record the fact that, during this eventful period, the great leaders of the Opposition, sinking the partisan in the patriot, rushed to the support of the government, and became its ablest and bravest defenders against all assailants, until the conspiracy was crushed and abandoned, when they resumed their former positions as party leaders upon political issues."

opposed every measure looking to the strengthening of the Union or the weakening of the Confederacy. At the close of the session he returned to his home, threw up his office as senator, and joined the Confederates who were then invading Kentucky. They received him with open arms, and gave him a commission as brigadier general in their service. On the 4th of December, just nine months from the day when he had received the thanks of the Senate, he was formally expelled from that body without a single opposing vote.

Jesse D. Bright, of Indiana, was the only senator from a free state who took his place among the thorough opponents of the administration. He had been elected for three successive terms, and had now held his seat longer than any other member. He had always been a strict partisan. Though born in one free state and elected from another, there was no Southern man more entirely Southron than he. Other Northern members of his party sometimes hesitated to yield to the demands of their Southern colleagues—Bright never. He could be counted upon as surely as Davis or Mason. Though an indifferent speaker, he was a shrewd and dexterous party manager. He was placed on important committees, and had frequently been chosen temporary president of the Senate. He had taken no part in the great conspiracy. Facile tool as he was, that secret was not to be trusted to him. He urged his Southern colleagues to retain their places after the election of Lincoln. They did so as long as it suited their plan of preventing the passage of any bills which might strengthen the hands of the new administration. In these efforts they found a ready coadjutor in Mr. Bright. When the war finally broke out, he deliberately took the position of hostility to "the entire coercive policy of the administration." He was willing to furnish means to defend the capital then threatened by the Confederates, but would not give men or money to carry on the war against the states which had declared themselves out of the Union. During the extra session he spoke but little, for oratory was not his forte; but in his votes he followed Breckinridge like his shadow. In every division, important or unimportant, the name of Bright was sure to follow that of Breckinridge. That he misrepresented his constituents, opposed his country, and gave practical aid and comfort to the enemy was true; yet in his official capacity he only exercised his constitutional right of opposition, and furnished no grounds for parliamentary censure. But in a careless moment he had forged a weapon that could fairly be used against him.

A quarter of a century before he had a client, named Thomas Lincoln, who at length failed in business and emigrated to Texas. The connection had been a profitable one for Bright. After the annexation of Texas, Lincoln made his appearance at Washington in the character of schemer and speculator. Now he had a railroad scheme to urge upon Congress; then it was a machine for raising heavy weights which he wished to have employed in the erection of the public buildings at Washington. His last project was an alleged improvement in fire-arms. Bright was always ready to serve his old friend and client. He gave him letters of recommendation wherever they could be of use. He commended his fire-arms to Mr. Floyd, then Secretary of War, who seems to have been too busy in his treasonable projects to take any notice of it. At length, on the first of March, three weeks after the organization of the Confederate government, three weeks after Texas had formally seceded, and while the Confederate States were individually and collectively waging war against the Union, Mr. Bright wrote a letter introducing this Texan, with his improvement in fire-arms, to the President of the Confederacy.[1] What became of Lincoln for the next few months is unknown; but in August he was arrested in Ohio on charge of treason, and this letter was found upon him. Shortly after the meeting of Congress in December, a resolution was offered for the expulsion of Mr. Bright. He did not deny the genuineness of the letter; he had no recollection of having written it, but if Lincoln said that he wrote it he undoubtedly did so. The resolution was referred to the Committee on the Judiciary, who reported that the facts were not sufficient to warrant the expulsion of Mr. Bright from the Senate. This report was not accepted, and a long debate ensued. It was contended by Mr. Bright and his friends that it was a mere note of introduction; that in addressing Jefferson Davis as "His Excellency, the President of the Confederacy of States," the writer used only the usual form of courtesy, designating the person addressed by the title which he claimed; that at the time when the letter was written there was no war, and no probability of one until after the fall of Sumter. On the other side it was urged that the letter recommending an inventor of improved fire-arms to the notice of the leader in the insurrection was an evidence of the thorough disloyalty of the writer, for such a weapon could be wanted only for hostilities against the United States; and, moreover, some months later, while the country was actually engaged in a gigantic war, he had written another letter avowing that he "had opposed, and should continue to oppose, the entire coercive policy of the government." The resolution of expulsion passed by a vote of 32 to 14. Among those who voted against it were, besides the whole remaining body of Opposition senators, several Democrats who supported the administration, and two Republicans. These last took the ground that, however objectionable might be the general course of Mr. Bright, this letter, considering the circumstances in which it was written, did not necessarily imply a treasonable intent, which was necessary to warrant his expulsion. If treason, in its strict sense, were the only ground for expulsion, they were correct in their view, for upon this letter no jury could ever have convicted the writer of that crime. But there may be disloyalty which, falling short of actual treason, still disqualifies a man from acting as a legislator. In this sense the senator from Indiana was disloyal; but, to warrant expulsion, this disloyalty must be evinced by overt act. He had a right to the protection of law; but if there was any act of his which brought him fairly in opposition to the strictest law, that law should have been brought to bear with all its force against him. This letter would clearly have warranted his arrest and detention in a military prison; and surely no man who might rightly have been consigned to Fort Lafayette should have been allowed to retain a seat in the Senate of the United States.

Two other senators, Polk and Johnson, from Missouri, who sat in this extra session, were likewise expelled at the subsequent one. Both had gone to their homes and taken open ground in favor of the secession of their state; both had failed to claim their seats; and both were credibly reported to have made their way to the Confederate States. The case was so clear against them that there was no voice against the resolution for their expulsion. Even Bright, Powell, and Bayard voted for it.

The organization of Congress was completed on the first day of the session. The President's Message was transmitted on the following day. It opened with a summary of the events of the four months of his administration, and a statement and defense of the policy which he had adopted. In six states the functions of the government were suspended; forts and arsenals had been seized; the Confederacy had been organized, and was invoking recognition and aid from foreign powers. The administration had to prevent, if possible, the dissolution of the Federal Union. The policy decided upon was announced in the inaugural address. It looked to the exhaustion of all peaceful measures before proceeding to stronger ones. It sought only to hold the public places not already wrested from the government, and to collect the revenue. Every thing was forborne without which it was possible to keep the government on foot. Fort Sumter was to be provisioned, in order that the authority of the nation might be visibly maintained. It was assailed and reduced in order to destroy the visible authority of the Union. The assailants began the conflict while no force, immediate or in expectancy, menaced them, and thus forced upon the country the distinct issue of immediate dissolution or blood. No choice was then left but to call out the war power of the government, and so to resist the force employed for its destruction by force for its preservation. The Message closed with an argument against the constitutional right of any state or number of states to secede. This argument, though conclusive, was useless; the time for argument had passed; the question must be decided by arms.

But the essential points of the Message were contained in four brief paragraphs.[1] The first touched upon the position of "armed neutrality" which a

---

[1] *Jesse D. Bright to Jefferson Davis.*

"Washington, March 1, 1861.

"MY DEAR SIR,—Allow me to introduce to your acquaintance my friend Thomas B. Lincoln, of Texas. He visits your capital mainly to dispose of what he regards as a great improvement in fire-arms. I recommend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

"Very truly yours, JESSE D. BRIGHT.

"To His Excellency JEFFERSON DAVIS, *President of the Confederacy of States.*"

[1] The following is the text of the most important portions of the Message:

THE ISSUE.

"The assault upon and reduction of Fort Sumter was in no sense a matter of self-defense upon the part of the assailants. They well knew that the garrison in the fort could by no possibility commit aggression upon them. They knew—they were expressly notified—that the giving of bread to the few brave and hungry men of the garrison was all which would on that occasion be attempted, unless themselves, by resisting so much, should provoke more. They knew that this government desired to keep the garrison in the fort, not to assail them, but to maintain visible possession, and thus to preserve the Union from actual and immediate dissolution; and they assailed and reduced the fort for precisely the reverse object—to drive out the visible authority of the Federal Union, and thus force it to immediate dissolution. . . . . Then and thereby the assailants of the government began the conflict of arms, without a gun in sight or in expectancy to return their fire, save only the few in the fort, sent to that harbor years before for their own protection, and still ready to give that protection in whatever was lawful. In this act, discarding all else, they have forced upon the country the distinct issue, 'immediate dissolution or blood.' And this issue embraces more than the fate of these United States. It presents to the whole family of man the question whether a constitutional republic or democracy—a government of the people by the same people—can or can not maintain its territorial integrity against its own domestic foes. It presents the question whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily, without any pretense, break up their government, and thus practically put an end to free government upon the earth. It forces us to ask, 'Is there, in all republics, this inherent and fatal weakness?' 'Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?'"

THE BORDER STATES.

"In the border states, so-called—in fact, the Middle States—there are those who favor a policy which they call 'armed neutrality'—that is, an arming of those states to prevent the Union forces passing one way, or the Disunion the other, over their soil. This would be disunion completed. Figuratively speaking, it would be the building of an impassable wall along the line of separation; and yet not quite an impassable one, for, under the guise of neutrality, it would tie the hands of Union men, and freely pass supplies from among them to the insurrectionists, which it could not do as an open enemy. At a stroke it would take all the trouble off the hands of secession, except only what proceeds from the external blockade. It would do for the Disunionists that which of all things they most desire—feed them well, and give them disunion without a struggle of their own. It recognizes no fidelity to the Constitution, no obligation to maintain the Union; and while very many who have favored it are doubtless loyal citizens, it is, nevertheless, very injurious in effect."

CALLING OUT TROOPS.

"Recurring to the action of the government, it may be stated that at first a call was made for 75,000 militia; and, rapidly following this, a proclamation was issued for closing the ports of the insurrectionary districts by proceedings in the nature of a blockade. So far all was believed to be strictly legal. At this point the insurrectionists announced their purpose to enter upon the practice of privateering. Other calls were made for volunteers to serve for three years, unless sooner discharged, and also for large additions to the regular army and navy. These measures, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity, trusting then, as now, that Congress would ratify them. It is believed that nothing has been done beyond the constitutional competency of Congress."

SUSPENSION OF THE WRIT OF HABEAS CORPUS.

"Soon after the first call for militia, it was considered a duty to authorize the commanding general, in proper cases, according to his discretion, to suspend the privilege of the writ of habeas corpus, or, in other words, to arrest and detain, without resort to the ordinary processes and forms of law, such individuals as he might deem dangerous to the public safety. This authority has purposely been exercised but very sparingly. Nevertheless, the legality and propriety of what has been done under it are questioned, and the attention of the country has been called to the proposition that one who has sworn to 'take care that the laws be faithfully executed' should not himself violate them. Of course, some consideration was given to the question of power and propriety before this matter was acted upon. The whole of the laws which were required to be faithfully executed were being resisted, and failing of execution in nearly one third of the states. Must they be allowed to finally fail of execution, even had it been perfectly clear that by the use of the

considerable part of the people of Kentucky and Missouri wished to assume. They wished their states to arm in order to prevent the Union troops from passing one way, or the Disunion troops the other way, over their soil. This project was condemned in a few brief and emphatic words.

The second important paragraph recited briefly the war measures adopted by the administration. A call had been made for 75,000 militia; the ports in the insurrectionary districts had been blockaded; farther calls had been made for volunteers for three years; and large additions had been made to the regular army and navy. It was assumed that in some or all of these measures the executive had exceeded the strict legal bounds of its authority; but they had been ventured upon under what appeared to be a popular demand and a public necessity, believing that they would be ratified by Congress.

The third paragraph related to the suspension of the writ of habeas corpus in certain cases. The facts were succinctly stated, and the opinion was expressed that in this case the executive had not gone beyond the power conferred upon it by the Constitution. But it was maintained by some that the authority to suspend this writ was vested in Congress; and to the judgment of the national Legislature the President submitted the question whether there should be any legislation upon this subject.

The fourth paragraph recommended that, in order to make the contest a short and decisive one, Congress should place at the disposal of government 400,000 men and $400,000,000, affirming that the country could sustain the burden; that the people were ready to bear it; and that the end to be attained was worth the sacrifice.

---

means necessary to their execution some single law, made in such extreme tenderness of the citizen's liberty that practically it relieves more of the guilty than of the innocent, should to a very limited extent be violated? To state the question more directly: Are all the laws but one to go unexecuted, and the government itself to go to pieces, lest that one be violated? Even in such a case, would not the official oath be broken if the government should be overthrown, when it was believed that disregarding the single law would tend to preserve it? But it was not believed that this question was presented. It was not believed that any law was violated. The provision of the Constitution that 'the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it,' is equivalent to a provision—is a provision—that such privilege may be suspended when, in case of rebellion or invasion, the public safety does require it. It was decided that we have a case of rebellion, and that the public safety does require the qualified suspension of the privilege of the writ which was authorized to be made. Now it is insisted that Congress, and not the executive, is vested with this power. But the Constitution itself is silent as to which or who is to exercise the power; and as the provision was plainly made for a dangerous emergency, it can not be believed the framers of the instrument intended that in every case the danger should run its course until Congress could be called together, the very assembling of which might be prevented, as was intended in this case, by the rebellion. No more extended argument is now offered, as an opinion, at some length, will probably be presented by the attorney general. Whether there shall be any legislation on the subject, and, if any, what, is submitted entirely to the better judgment of Congress."

MEASURES RECOMMENDED.

"It is now recommended that you give the legal means for making this contest a short and decisive one; that you place at the control of the government, for the work, at least 400,000 men and $400,000,000. That number of men is about one tenth of those of proper ages within the regions where, apparently, all are willing to engage; and the sum is less than a twenty-third part of the money value owned by the men who seem ready to devote the whole. A debt of $600,000,000 now is a less sum per head than was the debt of our Revolution when we came out of that struggle, and the money value in the country now bears even a greater proportion to what it was then than does the population. Surely each man has as strong a motive now to preserve our liberties as each had then to establish them. A right result, at this time, will be worth more to the world than ten times the men and ten times the money. The evidence reaching us from the country leaves no doubt that the material for the work is abundant, and that it needs only the hand of legislation to give it legal sanction, and the hand of the executive to give it practical shape and efficiency. One of the greatest perplexities of the government is to avoid receiving troops faster than it can provide for them. In a word, the people will save their government, if the government itself will do its part only indifferently well."

THE RIGHT OF SECESSION.

"This sophism derives much, perhaps the whole, of its currency from the assumption that there is some omnipotent and sacred supremacy pertaining to a state—to each state of our Federal Union. Our states have neither more nor less power than that reserved to them in the Union by the Constitution—no one of them ever having been a state out of the Union. The original ones passed into the Union even before they cast off their British colonial dependence; and the new ones each came into the Union directly from a condition of dependence, excepting Texas. And even Texas, in its temporary independence, was never designated a state. The new ones only took the designation of states on coming into the Union, while that name was first adopted by the old ones in and by the Declaration of Independence. Therein the 'United colonies' were declared to be 'free and independent states;' but even then, the object plainly was not to declare their independence of one another or of the Union, but directly the contrary, as their mutual pledge and their mutual action before, at the time, and afterward, abundantly show. . . . . No one of our states, except Texas, ever was a sovereignty; and even Texas gave up the character on coming into the Union, by which act she acknowledged the Constitution of the United States, and the laws and treaties of the United States made in pursuance of the Constitution, to be for her the supreme law of the land. The states have their *status* in the Union, and they have no other legal *status*. If they break from this, they can only do so against law and by revolution. The Union, and not themselves separately, procured their independence and their liberty. By conquest or purchase the Union gave each of them whatever of independence or liberty it has. The Union is older than any of the states, and, in fact, it created them as states."

"Again: if one state may secede, so may another; and when all shall have seceded, none is left to pay the debts. Is this quite just to creditors? Did we notify them of this sage view of ours when we borrowed their money? If we now recognize this doctrine by allowing the seceders to go in peace, it is difficult to see what we can do if others choose to go, or to extort terms upon which they will promise to remain."

"If all the states save one should assert the power to drive that one out of the Union, it is presumed the whole class of seceder politicians would at once deny the power, and denounce the act as the greatest outrage upon state rights. But suppose that precisely the same act, instead of being called 'driving the one out,' should be called 'the seceding of the others from that one,' it would be exactly what the seceders claim to do; unless, indeed, they make the point that the one, because it is a minority, may rightfully do what the others, because they are a majority, may not rightfully do."

FUTURE POLICY.

"Lest there be some uneasiness in the minds of candid men as to what is to be the course of the government toward the Southern states after the rebellion shall have been suppressed, the executive deems it proper to say it will be his purpose then, as ever, to be guided by the Constitution and the laws; and that he probably will have no different understanding of the powers and duties of the Federal Government relatively to the rights of the states and the people under the Constitution than that expressed in the inaugural address. He desires to preserve the government, that it may be administered for all as it was administered by the men who made it. Loyal citizens every where have the right to claim this of their government, and the government has no right to withhold or neglect it. It is not perceived that in giving it there is any coercion, any conquest, or any subjugation, in any just sense of those terms."

"As a private citizen the executive could not have consented that these institutions shall perish; much less could he, in betrayal of so vast and so sacred a trust as these free people have confided to him. He felt that he had no moral right to shrink, or even to count the chances of his own life, in what might follow. In full view of his great responsibility he has so far done what he has deemed his duty. You will now, according to your own judgment, perform yours. He sincerely hopes that your views and your action may so accord with his as to assure all faithful citizens who have been disturbed in their rights of a certain and speedy restoration to them, under the Constitution and the laws. And having thus chosen our course, without guile and with pure purpose, let us renew our trust in God, and go forward without fear and with manly hearts."

HANNIBAL HAMLIN.

The report of the Secretary of War presented only a general abstract of the operations of that department. The President's call of April 15 for 75,000 volunteers for three months had been responded to by more than 80,000 men. The proclamation of May 3 called for 42,000 volunteers for three years. Under this call 208 regiments had been accepted, of whom 153 were in actual service, and the remainder would be in the field within twenty days. These regiments, including the three months volunteers, numbered 285,000 men; besides these, the new regiments of the regular army numbered 25,000 men, making 310,000 in all. Deducting from these the 80,000 three months volunteers whose term of service was about to expire, there would remain an available force of 230,000 men, volunteers and regulars. The secretary submitted to Congress the question whether this force should be farther increased.

The report of the Secretary of the Navy showed that under the administration of Mr. Buchanan this department had not only been neglected, but such disposition had been made of the vessels as to render the navy powerless for immediate operations against the Confederacy. Nominally our navy, on the 4th of March, consisted of 90 vessels, carrying 2415 guns. But 21 vessels, with 1069 guns, were unfinished or unseaworthy, leaving 69 vessels, with 1346 guns, at all available. Of these, 21 vessels, with 791 guns, were dismantled or laid up in ordinary, so that we had actually in commission only 42 vessels, with 555 guns. Two of these vessels were 50-gun frigates, the remainder were sloops and steamers. The steam navy comprised only 26 vessels of all classes, with 216 guns. The fleet seems to have been posted with the express design of rendering it useless in the present emergency. Nearly all of the vessels were on foreign stations. The home squadron consisted of but 12 vessels, with 187 guns, and about 2000 men; and of these only 4 small vessels, carrying 25 guns and 280 men, were in Northern ports. Of the 69 serviceable vessels, which on the 4th of March were supposed to be available, one was lost in the Pacific, another was soon seized at Pensacola, and four were burned at Norfolk; there were four more which could not be put into commission for a considerable time. Thus, when all the vessels should be recalled from foreign service, there would remain 58 vessels of the former navy, with 1021 guns. Treachery was rife among the officers of the navy. Many of those occupying the most responsible positions were faithless. Among these was Matthew F. Maury, to whom had been for years intrusted the charge of the National Observatory. Only a few months before he had protested vehemently against the action of the examining board, which had retired him from the line of promotion, continuing him in his honorable and responsible scientific position. Without note or warning, he abandoned his post and went over to the enemy. In all, between the 4th of March and the 1st of July, 259 naval officers had resigned their commissions or been dismissed. Hardly a seaman followed their example of treachery. Thus, while the United States claimed to be and was considered one of the great maritime powers, their actual naval

force was less than that of any second-rate power. So patent was the insufficiency of the navy that the late administration had recommended the building of seven steam sloops-of-war, of light draught and heavy armament. The last Congress had authorized the construction of these vessels in spite of the vehement opposition of the Southern members who still retained their seats. "If these steamers are built," said Mr. Mason, "they will be part of the naval armament of the Confederation, to be used for any military purposes that the public exigencies may require. Until we know whether the arm of the government is to be raised against the states which have seceded, by no vote of mine shall there be any addition to the naval or military service of the country." These vessels were now in course of construction at the public navy yards, and the present administration had also contracted for twenty-three gun-boats, and had made preliminary arrangements for several larger and fleeter vessels. But the building of these was a work of time, and the demands of the service were pressing. A number of steamers had been purchased or chartered, so that on the 1st of July the government had in commission 82 vessels of war, carrying 1100 guns, with 13,000 men, besides officers and marines.

Congress determined from the outset to devote itself to the work for which it had been called together. The House voted to consider only bills and resolutions concerning military and naval operations, and financial and judicial matters therewith connected. In the Senate Mr. Wilson gave notice of a series of bills: First, To confirm certain acts of the President for the suppression of insurrection and rebellion. Second, To authorize the employment of volunteers to aid in enforcing the laws and protecting public property. Third, To increase the present military establishment of the United States. Fourth, For the better organization of the military establishment. Fifth, For the organization of a volunteer militia force to be called the National Guard of the United States. Sixth, To promote the efficiency of the army. Mr. Chandler gave notice of a bill to confiscate the property of civil and military officers who should be guilty of treason or of aiding and abetting it, and disqualifying them from holding any office of trust and emolument. These bills, more or less modified, together with the financial measures originating in the House, gave shape to the proceedings of the session.

The proposition to confirm the acts of the President was presented as a joint resolution. It recited that under extraordinary exigencies the President had exercised certain powers and adopted certain measures for the preservation of the government. He had (1.) called for 75,000 volunteers. He had (2.) set on foot a blockade of the ports of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas. He had (3.) blockaded the ports of Virginia and North Carolina. He had (4.) authorized the commanding general to suspend the writ of habeas corpus on the military line between Philadelphia and Washington. He had (5.) issued a proclamation calling into the service of the United States 42,000 volunteers, increasing the regular army by 22,700 men, and the navy by 18,000 seamen. He had (6.) authorized the commander of the forces in Florida to suspend the writ of habeas corpus if necessary. The resolution provided that all of these extraordinary acts should be approved, and declared as legal and valid as if they had been performed under the express authority and sanction of Congress.

After some preliminary discussion, which showed that there was among the Republicans a strong disinclination to sanction any permanent increase of the regular army, the debate was opened by Mr. Polk in opposition to the resolution. He said that Congress only has the right to make war, yet the President had, of his own motion and by his own wrong, brought on war. Secession was an accomplished fact before the close of the last Congress, yet that body had refused to pass any bills for the purpose of coercion. Provision was made by the Constitution for the enforcement of the laws when resisted by an individual or any number of individuals; but when a state or a number of states withdrew from the Union and denied the binding force of its laws, there was no provision for compelling their obedience. So the calling out of the militia was unconstitutional. Then, after seven states had seceded, the President, assuming them to be still in the Union, had ordered a blockade of their ports; and subsequently, when North Carolina and Virginia had resolved not to submit to the coercion of their sister states, he had ordered a blockade of their ports, in defiance of the provision of the Constitution that no preference should be given to the ports of one state over those of another. The Constitution provides that Congress shall have the power of regulating commerce with foreign nations and between the states. The President had undertaken to regulate commerce with the seceding states. The fact of their secession does not affect the case. If this secession was legal, they are foreign states; if illegal, they are still members of the Union. In either case the Constitution had been violated. The President had also, in acknowledged violation of the law, increased the force of the army and of the navy. He had also, in suspending the writ of habeas corpus, assumed a power which the sovereign of Great Britain dared not arrogate, and, in consequence, John Merryman had, in Maryland, been seized by the mere warrant of a military officer, and been shut up in Fort McHenry.[1] Thus the President had usurped the military power of the government by making war and raising armies; he had usurped the commercial power by regulating trade and commerce; he had usurped the judicial power by setting aside the writ of habeas corpus. From these general charges Mr. Polk proceeded to specific allegations of abuses committed in his own state, the general purport of which was to justify all the acts of Governor Jackson, and to condemn all those of the Federal government. He closed by declaring that no measure which had for its object the prosecution of the war should ever command his vote.

Mr. Powell, of Kentucky, followed upon the same side, recapitulating in substance the points made by Mr. Polk. "If," he added, "the people justly appreciated the liberties given them by their fathers, and intended to be secured to them by the Constitution, the officer who had committed these usurpations would be arraigned at the bar of the Senate, and be upon trial under impeachment." In reply to a definite question, he declared that he approved of the action of the governor of his state in refusing to send volunteers for the defense of the national capital.

Mr. Breckinridge followed. His speech was made on the 16th of July, at the moment when the army was setting out on its disastrous expedition to Bull Run. He recapitulated in better form the arguments of Polk and Powell; denied that one branch of the government could indemnify another for a violation of the Constitution or laws, and declared that, so far from his acts being approved, the President should be rebuked by a vote of both houses of Congress.

Mr. Bayard, of Delaware, continued the discussion. His speech was delivered on the 19th of July, while the two armies were confronting each other at Bull Run. He thought the only alternative was an assent to secession or civil war. The secession of a state was indeed a revolutionary act. If a single state should secede, restriction and coercion, not to the extent of arms, might be employed, and this, coupled with conciliation, might bring the state back. But the power to coerce a state by arms had not been given to the general government. We could only make war upon the seceding states for a breach of compact, or make peace with them, and recognize the government which they had founded. He preferred peaceful separation to civil war. Congress had indeed the power to make war; but revolutions must be treated according to their magnitude, and a revolution by eleven states could not be met by war if its object was the restoration of the Union, and its preservation as a representative republic. He was therefore in favor of an armistice and negotiations. If compromise could restore these states to the Union, he would compromise; if not, he would part with them in peace on a just and equitable settlement. If their terms were unjust they should be rejected. Passing over the war measures of the President, which he conceded had been substantially endorsed by the subsequent action of Congress in passing war bills, Mr. Bayard went on to argue at length against sanctioning the suspension of the writ of habeas corpus. If that was done, the liberties of the country would be prostrated, and the rights of free citizens destroyed.

Among the supporters of the administration there was at first a wide difference of opinion in respect to this resolution. Some approved of every one of the specified acts; others objected to a part, and approved of the remainder. Mr. Trumbull would sustain or excuse all that had been done, but would not pronounce all the acts to have been legal. Mr. Sherman approved of all the acts as a matter of necessity, but would not as a senator vote that, in increasing the army and navy, and in suspending the writ of habeas corpus, the President had acted according to law. Mr. Howe would approve and sanction all these acts for the very reason that they had been done without direct sanction of law. Had there been law for them, the President would simply have done his duty and nothing more. As it was, he had taken upon himself the responsibility of saving the country without the sanction of express law, and in so doing he had acted more than well; he had acted bravely.

The debates on this resolution commenced near the beginning of the session, and were continued at intervals till the close. At first the opposition to the increase of the regular army and of the navy had been general, and amendments had been proposed providing that this increase should be only temporary. But the result of the battle of Bull Run, and the position of the Confederate forces almost in sight of the capital, convinced all Union men that a permanent addition to the army was a matter of necessity, and laws were accordingly passed sanctioning it. The theoretical objection to the suspension of the writ of habeas corpus still existed in many minds, but just now this was of no practical importance, and was tacitly dropped. The proposition to approve all the other specified acts of the President was at the last moment appended as an additional section to the act which passed both houses increasing the pay of privates in the army.[1]

The measures proposed from time to time furnished occasion for debating every aspect of the insurrection and of the policy of the government. A resolution was offered to expel the senators from the seceding states who had not withdrawn at the last session, and whose names still appeared on

[1] This case, which was most frequently dwelt upon in the debates, derives its special importance from the action of Chief Justice Taney in relation to it. Merryman, who resided near Baltimore, was arrested on the 25th of May, by order of the military commander, on charge of holding a commission as lieutenant in a company having in their possession arms belonging to the United States, and avowing his purpose of armed hostility against the government. He was taken to Fort McHenry, then commanded by General Cadwalader. He applied to Mr. Taney, Chief Justice of the United States, for a writ of habeas corpus. This was duly issued. General Cadwalader, through one of his officers, declined to produce Mr. Merryman, and asked the court to postpone farther action until instructions could be received from the President. Judge Taney issued an order of attachment against General Cadwalader for contempt of court. The marshal to whom this order was given reported that he was not permitted to enter the fort, and so could not serve the order. The judge said that if the general could be brought before him he should punish him by fine and imprisonment; but as it was beyond the power of the posse comitatus to enforce the order, all that he could do was to place upon record a formal report of his proceedings, and to call upon the President to perform his constitutional duty by enforcing the process of the court.

[1] Public Acts of the 37th Congress, chap. lxiii.—"An Act to increase the pay of the privates in the regular army and of the volunteers in the service of the United States, and for other purposes:" Section 1 fixes the pay at $13 a month. Section 2 provides that the pay shall commence from the day when they were organized and accepted by the governors of their respective states. Section 3, "All the acts, proclamations, and orders of the President of the United States, after the 4th of March, respecting the army and navy of the United States, and calling out or relating to the militia or volunteers from the states, are in all respects legalized and made valid to the same intent, and with the same effect, as if they had been issued and done under the previous express authority and direction of the Congress of the United States."

the roll of the Senate, on the ground that they had engaged in a conspiracy against the Union. Mr. Bayard opposed this. He knew of no conspiracy on the part of these senators. They claimed that states had a right to secede, and acted openly with their states. Supposing them to be wrong in their view, should senators be expelled for an error in point of law? Should they be condemned individually for the action of their states? It was sufficient to declare their seats vacant. Mr. Latham would vote for striking their names from the roll, but not for expulsion, for that implied a stain upon the personal character of the individual. He knew that at least two of these senators did not endorse the right of secession, but they did not think they should remain in the Senate of the United States after their state had seceded. The senators, ten in number, were expelled by a vote of 32 to 10. Mr. Bayard also opposed the admission of Willey and Carlisle, who claimed the seats from Virginia vacated by Mason and Hunter. By admitting them, he said, a government would be recognized for that state which was not the regular government. The term of Mr. Letcher as governor had not expired. If he was in rebellion, that did not authorize a portion of the people of Virginia to form a Legislature and to elect senators. There was no authority to create a new state out of a part of an existing one. To do so would be to abandon the whole form of our government, and recognize insurrection in a state for the purpose of overthrowing the government of that state by a very small minority of its people. The members were admitted, only five senators voting in the negative.

In advocating the approval of the acts of the President, the impetuous Baker, who was soon to seal his faith with his blood, had said, "I propose to lend the whole power of the country, arms, men, money, and place them in the hands of the President. He has asked for $400,000,000; we propose to give him $500,000,000. He has asked for 400,000 men; we propose to give him 500,000. If the emergency be still greater, I will cheerfully add a cipher to either of these figures. I do that as a measure of war; but I look forward to returning peace. Bayonets are sharp remedies, but they are very powerful. I believe that the Union sentiment will yet prevail in the Southern states. But it may be that, instead of finding within a year loyal states sending members to Congress and replacing their senators on this floor, we may have to reduce them to the condition of Territories, and send from Massachusetts or Illinois governors to control them. If need come, I would be willing to do it. I would risk even the stigma of being despotic and oppressive rather than risk the perpetuity of the union of these states. Fight the war through; accomplish a peace; make it so permanent that a boy may preserve it; and when you have done that, you have no more need of a standing army."

Senator Powell moved as an amendment to the Army Bill that no part of the army or navy should be used to subject or hold as a conquered province any state now or lately one of the United States, or in abolishing or interfering with slavery in any of the states. Sherman opposed the amendment as out of place, but he declared that there was no purpose in conducting the war to subjugate a state or to free a slave. Its purpose was to preserve the Union, to maintain the Constitution in all its clauses and guarantees, without change or limitation. Dixon said that if, in the progress of the war, it should turn out that either the government or slavery should be destroyed, then let slavery perish. Lane, of Kansas, affirmed that we would have stood by the compromises of the Constitution, and permitted slavery to exist where it was planted; but the struggle has been forced upon us, and he was willing that it should be followed to its logical conclusion, believing that the institution of slavery would not in any state survive the march of the Union armies. Browning, the successor of Douglas, avowed that the war was one of subjugation. Where all the authorities of a state were disloyal, and banded in treasonable confederation against the government, he was for subjugation, it mattered not whether it was called subjugation of a state or of its people. If the issue was forced upon us, he was for the government against slavery, and would vote for sweeping that last vestige of barbarism from the face of the earth.

In the House, on the 22d of July, the day after the battle of Bull Run, Mr. Crittenden offered a resolution declaring that the war had been forced upon the country by Southern Disunionists; that it was not waged by the Union for the purpose of conquest or subjugation, or for interfering with the institutions of the states, but to maintain the supremacy of the Constitution and to preserve the Union, without impairing the equality and rights of the states; and that when these objects were attained, the war ought to cease. It passed with scarcely a show of opposition, only two votes being cast against it.[1] This resolution, in precisely the same words, was presented to the Senate by Andrew Johnson, of Tennessee. Mr. Polk proposed to amend it so as to read that "the war had been forced upon the country by the Disunionists of the Southern and Northern states." This was rejected by a vote of 33 to 4. This again brought up the question of subjugation. Mr. Trumbull disliked the use of that word in this connection. It had never been the purpose of the United States to subjugate or coerce states, but it was proposed to subjugate citizens who are standing out in defiance of the laws of the Union, and to coerce them into obedience to the laws of the Union. If the resolution meant that the war was not for this purpose, he was opposed to it. Mr. Fessenden said that the war was not carried on for

[1] "*Resolved*, That the present deplorable civil war has been forced upon the country by the Disunionists of the Southern states, now in revolt against the constitutional government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for the purpose of overthrowing or interfering with the rights or established institutions of those states, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several states unimpaired; and that as soon as these objects are accomplished the war ought to cease."

JOHN J. CRITTENDEN.

the purpose of subjugating the people of any state; but we had the definite purpose of defending the Constitution and the laws, and of putting down the revolt at any hazard, and it was for the South to say whether it was necessary to subjugate them in order to do it. If it were done, he would keep them subjugated no longer than was necessary for that purpose. Thus far it must go, and no farther.

Mr. Willey, of Virginia, said that there was a fear in his state that the design of the war was subjugation, to reduce the Old Dominion into a province. He did not believe that such was the object, and he was instructed and prepared to vote for every necessary measure and for every necessary man to carry on the war until the Constitution was vindicated and restored to its legitimate supremacy, and the Union re-established on a basis never to be overthrown. But if it was avowed that this was to be a war upon the domestic institutions of the South, and upon the rights of private property, every loyal arm on the soil of the Old Dominion would be instantly paralyzed. Pass the resolution, and vigor would be given to every loyal arm in the Old Dominion, and the friends of the Union would be multiplied by thousands.

Mr. Breckinridge would not vote for the resolution because he did not agree with the statement of facts contained in it. He believed there were errors on both sides. The present condition of affairs was owing to the refusal of the Senate to agree to any proposition of adjustment. The war was now prosecuted for objects of subjugation; and unless those states which had seceded would lay down their arms and surrender at discretion, the majority in Congress would listen to no terms of settlement.

The resolution was adopted by a vote of 30 to 5, Mr. Trumbull being the only Republican voting against it. On this question he found himself for once, though from very different reasons, voting with Breckinridge and Waldo Johnson; with Polk and Powell. This joint resolution, passing both houses of Congress almost unanimously, was accepted as an authoritative definition of the objects and limits of the war. Members on both sides had, in the heat of debate, loosely used the word subjugation; but, when it was fairly explained, it was found that by it those who supported the government meant merely bringing the revolted states under subjection to the recognized laws of the land. A small band in the Senate, most of whom were soon to take their proper place among the Confederates, refused to assent to this. In the popular branch of Congress, the Opposition members either voted for the proposition, or declined to vote at all. The two votes cast against it were from the Republican side.

In the House the debates took the same general turn as in the Senate. The same positions were taken, and enforced by similar arguments usually less elaborately presented. The attention of the House was mainly devoted to bills and resolutions pertaining to military and naval appropriations. The key-note to the predominant feeling in that body was struck by Mr. McClernand, a Democrat from Illinois, who offered a resolution that "this House hereby pledges itself to vote for any amount of money and any number of men which may be necessary to insure a speedy and effectual suppression of the rebellion, and the permanent restoration of the Federal authority every where within the limits and jurisdiction of the United States." This was adopted by a vote of 121 to 5. Taken in connection with the Crittenden resolution and the declarations embodied in the President's Message, it clearly defined the policy which all branches of the government, with rare unanimity, had at this time marked out in respect to the conduct of the war.

SALMON P. CHASE

The extra session of Congress closed on the 6th of August, having lasted only thirty-three days. In it were passed many laws of the highest importance. All the military acts and orders of the President were approved and legalized.[1] The President was authorized to accept the services of 500,000 volunteers for a term of not less than six months or more than three years, but to be disbanded at the close of the war.[2] A farther increase of eleven regiments was made to the regular army during the rebellion; the whole army to be reduced at its close to 25,000 men, unless otherwise ordered.[3] The pay of private soldiers, regulars and volunteers, was raised to thirteen dollars a month.[4] Provision was made for the increase of the navy. The secretary was authorized to hire, purchase, or contract for, and to furnish and arm, as many vessels as were necessary.[5] The construction of iron-clad ships and floating batteries was directed, and a committee appointed to investigate plans for such structures. From the report of this committee in favor of the "Monitor" grew up the whole class of turreted vessels which constitute the distinctive feature of our iron-clad navy.[6] The duties were remitted upon all arms imported by states.[7] Ten millions of dollars were appropriated for the purchase of arms;[8] and two millions for transporting arms and munitions to loyal citizens in insurgent states.[9] The states were indemnified for all expenses incurred by them in raising, transporting, paying, and subsisting troops.[10]

The entire appropriations made amounted to $313,260,000, of which $227,938,000 were for the army, and $42,938,000 for the navy. To meet these expenditures recourse was had to an increase of the tariff, to direct taxes, to loans, and to the issue of treasury notes and bonds. An impost of 15 cents a pound was levied upon tea, and 4 cents upon coffee; these had hitherto been free. The duty on sugar was raised from three fourths of a cent to 2 cents; that on silks, wines, and liquors was increased from 10 to 25 per cent.; upon most other articles the increase was about 10 per cent. A direct tax of $20,000,000 was levied upon the states, besides a tax of 3 per cent. upon all incomes in excess of $800 a year.[1] The Secretary of the Treasury was authorized to borrow $250,000,000, issuing therefor, at discretion, bonds at 7 per cent. interest, payable in twenty years; or treasury notes of not less than $50, at $7\frac{3}{10}$ per cent., payable in three years; or treasury notes of $5 and upward, payable on demand without interest; or similar notes at $3\frac{65}{100}$ per cent., payable in one year.[2]

The President was also authorized, in cases where the revenue laws could not be executed at a port of entry, to remove the custom-house to any secure place in the district, on land or on shipboard; or, if necessary, to close the ports of entry in any district. He might also, by proclamation, declare any state or part of a state in insurrection, and prohibit commercial intercourse with it, or license it upon such terms as might be prescribed by the Secretary of the Treasury.[3] A confiscation act was passed, providing that during the present or any future insurrection, after due proclamation by the President, all property used or intended to be used by the owner for aiding the insurrection should be lawful subject of capture and prize, and that it should be seized, confiscated, and condemned. This law specially provided that any owner of a slave, or any person having a legal claim to his services, who should require or permit such slave to take up arms against, or be in any way employed in military or naval service against the United States, should thereby forfeit all claim to him, any law of a state or of the United States to the contrary notwithstanding.[4]

This last provision, which met with strenuous opposition, and finally passed in the House only by a vote of 60 to 48, embodied the only direct action taken by Congress during the extra session upon the subject of slavery. The question, indeed, frequently came up incidentally in the course of debate, and members of both houses expressed their individual opinions upon it; but there was a manifest determination on the part of the administration and its supporters to take at this time no definite ground in relation to it. It will be the object of the next chapter to show how the government was subsequently forced from this position, and to set forth its whole course of action upon the question of slavery, which finally resulted in the proclamation for universal emancipation throughout the revolting states.

Congress thus placed the whole power of the nation at the disposal of the President for the suppression of the rebellion. The events of the last few months had proved that men would not be wanting, but the financial prospect gave occasion for the gravest apprehensions. The administration of Buchanan had left the treasury almost empty, and the credit of the government dubious. In December $5,000,000 of government notes were put into market at the lowest rates of interest offered. There were offers at 24 and 36 per cent.; only half a million was bid for it as low as 12 per cent.; all above that were rejected. But the money was needed to pay the interest on public stocks, and banks and bankers took a million and a half more at that rate on condition that it should be used only for this purpose. In January $5,000,000 more was borrowed at a little less than 11 per cent. In February $8,000,000 of six per cent. stock was sold, averaging 90 per cent. The tariff bill of March, and the hopes of peace inspired by the President's inaugural, raised the credit of government somewhat, and Mr. Chase, now Secretary of the Treasury, was able to dispose of $3,000,000 at 94 per cent. The attack upon Sumter brought down stocks again, and United States sixes sold at 83, while money could with difficulty be placed at 4 per cent.; $5,000,000 in treasury notes, made receivable for customs, was at length, by great exertions, sold to banks and bankers at par, which enabled the administration to go on a few weeks. Then, at the close of May, a new loan was offered, and $9,000,000 was secured at from 85 to 93 per cent. Just before the meeting of Congress $5,000,000 more was borrowed for 60 days on pledge of government notes. When Congress met, Mr. Chase estimated the probable expenditures of the year at about $320,000,000. To meet this he proposed to raise $80,000,000 by imposts and direct taxation, and the remaining $240,000,000 by loan. Congress passed the necessary bills, and the loan was thrown into the market. The banks of the three great commercial cities agreed to take, between August and December, $150,000,000. This would enable the treasury to meet the demands upon it until Congress should again assemble.

Our foreign relations meanwhile were a subject of uneasiness. The Con-

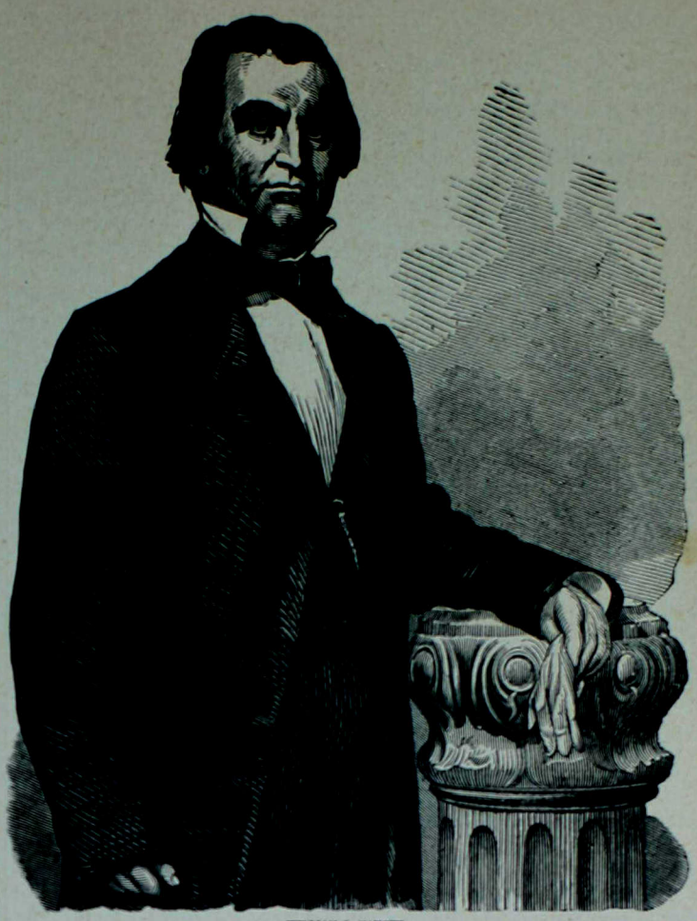
[1] Laws of the 37th Congress, Extra Session, chap. lxiii. [2] Ibid., chap. viii.
[3] Ibid., chap. xxiv. [4] Ibid., chap. lxiii. [5] Ibid., chaps. xiii., liii. [6] Ibid., chap. xxxviii.
[7] Ibid., chap. i. [8] Ibid., chap. xl. [9] Ibid., chap. xxviii. [10] Ibid., chap. xxi.

[1] Laws of the 37th Congress, Extra Session, chap. xlv. [2] Ibid., chaps. v., xlvi.
[3] Ibid., chaps. iii., xxxi. [4] Ibid., chap. lx.

federates had confidently relied upon a prompt recognition of their independence by the great powers of Europe, and upon their armed intervention, if necessary, to put an end to the blockade. They believed that in their monopoly of the production of cotton they possessed the means compelling this action. The Federal government, on the other hand, directed its ministers to urge upon the governments to which they were accredited that the present disturbances had their origin only in popular passions excited under novel circumstances, and of a transient character; that it was for the interest of the world that our political system should remain unaltered; that any advantage which any foreign nation might derive from a connection with any discontented portion of our people would be ephemeral, overbalanced by the evils which it would suffer from a disseverance of the Union, whose policy had always been, and must hereafter be, to maintain peace, liberal commerce, and cordial amity with all other nations, and to favor the establishment of well-ordered government over the whole American continent; and that any thing which should induce discord or anarchy among us would tend to disturb the existing systems of government in other parts of the world, and arrest the progress of improvement and civilization. Our ministers were especially instructed to assure the governments to which they were sent that no foreign interference would be admitted in this or in any other controversy in which the government of the United States might be engaged with any portion of the American people; that foreign intervention would oblige us to treat as enemies those who should undertake it as allies of the insurrectionary party, and all the more so if such intervention should be undertaken by a combination of several European states; that the people of the United States deemed the Union, which would then be at stake, worth all the sacrifices of a contest with the world in arms, should such a contest prove inevitable.

Our ministers were also instructed to agree to the declaration of the Paris Conference of 1856, and enter into treaties in accordance with it. This declaration set forth, on the part of all the powers entering into it, that "Privateering is and remains abolished. The neutral flag covers enemy's goods, with the exception of contraband of war. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy." The non-maritime powers deferred their action to that of Great Britain and France. The preliminary negotiations opened in May. On the 18th of July Lord John Russell wrote to our minister, Mr. Adams, that her majesty's ministers would advise the queen to conclude such a treaty with the United States as soon as a similar one had been agreed upon by them with the Emperor of the French, so that the two might be signed simultaneously. Ten days later, upon learning that negotiations with the French government were completed, Russell renewed his declaration, adding parenthetically that the agreement must be wholly prospective. This proviso was subsequently explained to mean that the British government would undertake nothing which "should have any bearing, direct or indirect, upon the internal differences prevailing in the United States." The reasons given for this reservation were that the Confederates had been recognized as belligerents, and so that, by the general law of nations, they might arm privateers; the Federal government had designated such privateers as pirates, and any nation which had signed a convention with the United States declaring that privateering was abolished, might be called upon to treat Confederate privateers as pirates. To accept this condition would be to sacrifice the very object for which we had consented to recede from our former refusal to agree to the declaration of the Paris Congress. We had refused to accede to the abolition of privateering on the ground that it was not our policy to maintain large armies and navies. When we went to war, it was urged, we depended on our people for defense on land, and on our shipowners for defense on the water. England and France maintained vast fleets of public vessels to destroy the property of their enemies, which was precisely the work done by the vessels which we licensed as privateers. Why ask us to abandon our system of offense and defense while they maintained theirs? If they would make private property exempt from capture at sea by national vessels, we would consent to give up privateering. France, Russia, and the other powers of Europe were in favor of this modification of maritime law, but Great Britain would not accede to it, and the United States refused to become a party in the convention abolishing privateering. Now, in order to protect our commerce from Confederate privateers, we were disposed to accede to the treaty; but the British government insisted upon a proviso which expressly legalized Confederate privateers. To assent to this would also be to permit a foreign power to take cognizance of and adjust its relations upon internal and domestic differences assumed to exist among us. The proviso would, moreover, be unequal in its operation. Great Britain could modify her obligations to us on account of our internal difficulties, while our obligations to her would not be affected by any internal difficulties which might arise in any part of the British empire. Ireland might rise, India revolt, Canada or Australia secede from England, and our obligations to Britain would remain unchanged. The proviso was clearly inadmissible, and the negotiations were abandoned.

The Confederates had sent to Europe three commissioners, Yancey, Mann, and Rost, to endeavor to effect the recognition of their government. P. A. Rost was a judge in Louisiana, and had taken no prominent part in general politics. Dudley Mann had formerly been employed as diplomatic agent in Europe of the Federal government, and had of late years been engaged in unsuccessful efforts to open a direct trade between Virginia and Europe. William L. Yancey, of Alabama, was one of the earliest advocates of disunion. Earnest and eloquent, thoroughly sincere in his attachment to



WILLIAM L. YANCEY.

what he conceived the interests and rights of his section, and with a private character beyond reproach, no man out of the Senate of the United States had done so much to prepare the Southern mind for secession. In the presidential election of 1860 he took the lead in his state of the supporters of Mr. Breckinridge, who carried Alabama by a majority of 8000 over both Bell and Douglas. When a portion of the delegates in the Convention which passed the Ordinance of Secession declared that their constituents would not yield to it unless it was submitted to the popular vote, he denounced them as traitors and rebels who should be coerced into submission. On the 4th of May these commissioners waited upon Lord John Russell, the British Minister for Foreign Affairs, to lay before him a statement of the causes which had led to secession, and to urge the recognition of the Confederacy by Great Britain. The minister refused to communicate with them in his official capacity, but received them unofficially. Mr. Dallas, at that time our minister to Great Britain, was instructed, in case this unofficial intercourse was continued, to desist from any intercourse, official or unofficial, with the British government. The commissioners, at intervals, sent letters to the British government, but received only the briefest replies, and a final notice that no official communications would be entered into with them.

The British and French governments agreed to act together in regard to our affairs, with the expectation that all the other nations of Europe would concur in whatever measures they should adopt on the subject of recognition. They decided to recognize the Confederate States as a belligerent entitled to all the rights of war, and to maintain a strict neutrality between the contending parties. The queen's proclamation of neutrality was issued on the 13th of May. It commenced by reciting that, "Whereas hostilities have unhappily commenced between the government of the United States of America and certain states styling themselves 'the Confederate States of America;' and whereas we, being at peace with the government of the United States, have declared our royal determination to maintain a strict and impartial neutrality in the contest between the said contending parties," therefore all British subjects are warned "to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the laws of nations in relation thereto, as they will answer to the contrary at their peril." The laws of the realm in this respect are embodied in the Foreign Enlistment Act of 1819. This was quoted at length. In verbose and clumsy legal phraseology,[1] it provides, in substance, that any British subject who,

[1] As an illustration of the verbosity of this act, take the following sentence, which is repeated in substance seven times: "If any natural born subject of his majesty, his heirs and successors, without the leave or license of his majesty, his heirs or successors, for that purpose first had and obtained under the sign manual of his majesty, his heirs or successors, or signified by Order in Council or by proclamation of his majesty, his heirs or successors, shall take or accept, or shall agree to take or accept any military commission, or shall otherwise enter into the military service as a commissioned or non-commissioned officer, or shall enlist or enter himself to enlist, or shall agree to enlist or to enter himself to serve as a soldier, or to be employed, or shall serve in any warlike or military operation in the service of, or for, or under, or in aid of any foreign prince, state, potentate, colony, province or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people, either as an officer or soldier or in any other military capacity," etc., "he shall be deemed guilty of a misdemeanor, and upon being convicted thereof, upon any information or indictment, shall be punishable by fine and imprisonment, or either of them, at the discretion of the court before which such offender shall be convicted."

without royal license, shall enter or engage to enter the military service of any foreign ruler or nation, shall be guilty of a misdemeanor, and shall be punished by fine and imprisonment. That no person within the British dominions shall, without royal license, equip, fit out, or arm any vessel to be employed for hostile purposes by any foreign ruler or nation; the offender to be punishable by fine and imprisonment, and the vessel, with all its appurtenances, to be seized and forfeited. That no person within the British dominions shall, without royal license, in any way augment the warlike force of any vessel of war belonging to any foreign ruler or people, under like penalty. Any person committing any of these offenses, or endeavoring to break any lawful blockade, or conveying articles contraband of war to either belligerent, is liable to the penalties prescribed in this statute, and also to those imposed by the law of nations. Any persons who commit these offenses are warned that they "do so at their peril and of their own wrong, and that they will in no wise obtain any protection from us against any liability or penal consequences, but will, on the contrary, incur our high displeasure by such misconduct." How this enactment and the proclamation based upon it was evaded will appear hereafter. This proclamation was followed by a circular to the governors of the different colonies, stating that, in order to give full effect to this principle of neutrality, her majesty had been pleased to interdict the armed ships, and also the privateers of both parties, from carrying prizes made by them into the ports or waters of the kingdom or its colonies.

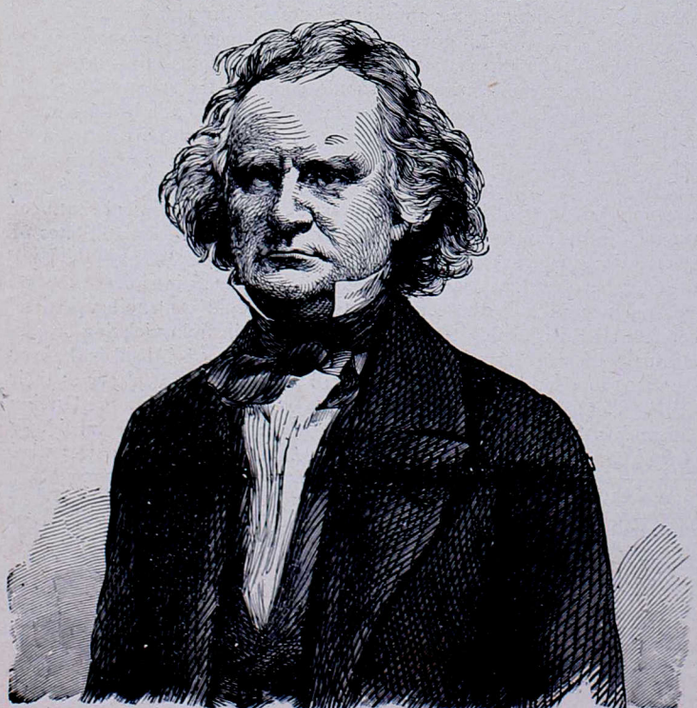
The French proclamation was sharp and decisive. The Emperor, it said, "taking into consideration the state of peace which exists between France and the United States, has resolved to observe a strict neutrality in the struggle between the government of the Union and the states which propose to form a separate confederation." No vessel of war or privateer of either belligerent would be permitted to enter or stay with prizes in any French port for more than twenty-four hours, except in case of absolute necessity; no sale of prize goods would be allowed in French ports or roadsteads; every Frenchman was prohibited from accepting a commission from either party to arm vessels of war, to accept letters of marque, or to assist in any way in equipping or arming any vessel of war or privateer for either party; every Frenchman, whether residing at home or abroad, was prohibited from entering into the naval or military service of either belligerent; every Frenchman must abstain from any act in violation of French or international law which might be considered hostile to either party, and contrary to the neutrality which the Emperor had resolved to maintain. No Frenchman contravening the present enactment would have any claim to protection from his government against any acts or measures, whatever they might be, which the belligerents might exercise or decree.

The decree of the Spanish government was to the same effect, with the additional provisos that "transportation under the Spanish flag of all articles of commerce is guaranteed, except when they are directed to blockaded ports," and "the transportation of effects of war is forbidden, as well as the carrying of papers or communications for belligerents." The Portuguese decree was of the same tenor.

With the exception of the recognition of the Confederates as belligerents, the position of the European powers toward the United States during the first months of the war was not unfriendly. Some minor questions sprung up with Great Britain growing out of the blockade, but they were adjusted without much difficulty. But in November an affair occurred which threatened to involve us in actual war with Great Britain. The defeat at Bull Run, the inactivity of the Federal forces which ensued, and the increasing stringency of the blockade, which began to cause great uneasiness in Europe in relation to the supply of cotton, led the Confederate government to hope that there was a prospect of securing its recognition by Great Britain and France, and thereby, in the end, to obtain foreign interposition in their favor. For this purpose it was determined to send commissioners of higher rank and wider reputation than those already on the ground. The choice fell upon James M. Mason, of Virginia, who was accredited to Great Britain, and John Slidell, of Louisiana, to France. Mason had been a member of the Senate of the United States since 1847, and had been for some years chairman of the Committee on Foreign Relations. This position gave him a kind of superintendence over the proceedings of the State Department. In 1857 he visited the East, where he was received with high honor. Upon occasion of the inauguration of the statue of Warren upon Bunker Hill, he was introduced by Mr. Winthrop as "a senator from the Old Dominion whose name is associated in more than one generation with eminent service in his native state and in the national councils." In reply he said, "I shall tell it in Old Virginia, when I return to her hallowed land, that I found the spirit of Massachusetts as buoyant, as patriotic, as completely filled with the emotions that should govern patriotism, when I visited Bunker Hill, as it was when that battle was fought." Thoroughly devoted to the dogma of state supremacy, he was yet among the last finally to resolve to abandon the Union. He retained his seat in the Senate to the close of Buchanan's administration, and during the executive session which followed Lincoln's accession; but during these months he strenuously opposed every measure looking toward strengthening the national government for the impending struggle. When his state at last seceded he went with her, and, failing to appear at the extra session, he was among the senators who were formally expelled. Slidell, though born in New York, had early taken up his residence in Louisiana. He represented that state in Congress in 1843, and was subsequently appointed minister to Mexico. He was elected to the Senate in 1853, and was a member when Louisiana seceded. His long residence in New Orleans, and the acquaintance thereby gained with the French language and character, fitted him for the position to which he was now appointed as commissioner to France.

Mason and Slidell, with their secretaries McFarland and Eustis, with several women of their families, embarked at Charleston late in October. Eluding the blockade, they reached Cardenas, in Cuba, and thence proceeded to Havana, where they were received with great consideration. Here they awaited the arrival of the British merchant-steamer Trent, plying between Southampton and the West India Islands, and carrying the British mails. They embarked on the morning of the 7th of November. The next day the Trent was intercepted by the American steamer San Jacinto, commanded by Captain Wilkes, and brought to by a shot across her bow. Boats were sent from the San Jacinto to the Trent, demanding the surrender of the commissioners and their secretaries. The commander of the Trent and the British mail agent protested against this. Mason and Slidell declared that they would not leave the Trent unless compelled to do so by force. A scene of confusion ensued. A daughter of Slidell struck one of the American officers in the face. They persisted in carrying out their orders. The commander of the Trent would not give up the men, nor would they give themselves up except to force. The force required was merely technical. It consisted in the display of strength, and the determination to use it, which would render resistance unavailing. This was at hand, and after a stormy scene of two hours' duration, the commissioners and secretaries, with their baggage, were transferred to the San Jacinto. Their families, declining to accompany them, were left on board the Trent, which pursued her voyage to England. The San Jacinto proceeded to the United States with the prisoners, who were placed in Fort Warren, near Boston.

The intelligence of the capture of these men was received with great rejoicing in the United States. The Secretary of the Navy wrote to the captain of the San Jacinto approving of his course, and in his report reiterated



JAMES M. MASON.

JOHN SLIDELL.

CHARLES WILKES.

the approval, saying that "the prompt and decisive action of Captain Wilkes on this occasion merited and received the emphatic approval of the Department," and that if he exhibited a too generous forbearance in not also capturing the Trent, it might be excused, but must not constitute a precedent for similar cases in the future. In the House of Representatives a resolution was adopted at the opening of the session, tendering the thanks of Congress to Captain Wilkes "for his brave, adroit, and patriotic conduct," and resolutions were adopted requesting the President of the United States to order Mason and Slidell to be confined in cells as convicted felons, in return for the similar treatment inflicted on Colonels Corcoran and Wood, captured at Bull Run, who had been so confined by the Confederate government as hostages for the crew of a privateer who had been thus shut up on charge of piracy. In the Senate the vote of thanks was referred to the Naval Committee, and received no farther action. A fortnight afterward, in the House, Mr. Vallandigham, who before and after was among the foremost opponents of the administration, offered a resolution declaring that it was the duty of the President to maintain the stand taken by the House; but circumstances had in the mean while arisen which changed the aspect of the case, and this resolution was referred to a committee, by whom it was never called up.

In Europe the seizure of these men was looked upon in a very different light. It was considered as alike an affront to the British flag and a violation of the law of nations. Our government foresaw from the beginning that the British government would not acquiesce in this proceeding. On the 30th of November the Secretary of State wrote to Mr. Adams, our minister at London, instructing him that Captain Wilkes had acted without instructions from the government, and that therefore the subject was free from the embarrassment which would have resulted had the act been specially directed. On the same day the British foreign minister, now become Earl Russell, forwarded a dispatch to Lord Lyons, minister at Washington, expressing the belief that the officer who committed the aggression had either misconceived his instructions or had acted wholly upon his own responsibility; but, in either case, the British government could not allow such an affront to pass without full reparation, and that the only satisfactory redress would be the liberation of the four prisoners, their delivery into the hands of Lord Lyons, that they might again be placed under British protection, and a suitable apology for the aggression which had been committed. This dispatch was to be communicated to the American government; but accompanying it was a private note to Lord Lyons, instructing him, in case a delay should be asked by the American government in order that the matter might be deliberately considered, to consent to wait ten days; but if, at the end of that time, the demands of the British government were not complied with, the minister was directed to leave Washington and repair to London with all the members and archives of the legation. This private instruction was not probably communicated to our government; but the official demand, though cautiously worded, was clearly an ultimatum of the British government, who meanwhile, by dispatching troops to Canada, and strengthening its naval force in the West Indies, made preparations looking to war. The French government agreed with the British, and M. Mercier, the French minister at Washington, was instructed to lay its opinion before the government of the United States, as one in which all neutrals were deeply concerned. The President and Secretary of State saw clearly that the demand must be complied with, or we must become involved in a war with Great Britain, and probably also with France; for, in case of war, the Confederate government would be recognized at once by Great Britain, and the two powers had agreed to act in concert.

Fortunately, the government of the United States had not committed itself in the matter, and was thus free to act in any manner without derogation from its honor and dignity. The question turned upon the provision of international law that vessels of neutrals conveying any thing contraband of war belonging to a belligerent forfeit their character of neutrality and render themselves liable to seizure and condemnation. It has never been definitely settled what things are contraband of war. Arms, munitions of war, and soldiers are acknowledged to be so in all cases; provisions and articles which are used both in war and peace, such as materials for shipbuilding and coal, are considered contraband only when directly designed for the naval or military service of a belligerent. The question as to persons other than soldiers, and dispatches of the belligerent governments, has never been authoritatively settled. The decree of the Spanish government expressly forbade the carrying of papers or communications from belligerents. The orders of the Confederate government to the privateers which it authorized say that "neutral vessels conveying enemies' dispatches forfeit their neutral character, and are liable to capture and condemnation; but this rule does not apply to neutral vessels bearing dispatches from the public ministers of the enemy residing in neutral countries." The decision of our government was given in a long and elaborate dispatch from Mr. Seward, in which he maintained that ministers and their dispatches, as well as soldiers, were contraband; that Captain Wilkes had a right to search the Trent and capture these persons and their dispatches; but that all these proceedings must be conducted in a manner allowed and recognized by the law of nations. This law does not permit the captor to judge of the rights of the case; he must send the vessel which he charges to have forfeited its neutrality before a prize court for judicial examination. Captain Wilkes failed to do this, and permitted the Trent to proceed on her voyage, and by so doing effectually prevented the judicial examination which might have resulted in her release, including that of his prisoners. By this omission he vitiated the whole transaction, and for this error the British government had a right to expect the same reparation which we should have expected in a similar case. In coming to this conclusion, Mr. Seward said that he was really maintaining, not an exclusively British interest, but an old, honored, and cherished American cause. The principles were laid down in 1804 by James Madison, then Secretary of State, in instructions given to James Monroe, our minister to England. If he decided this case in favor of the American government, he must reverse its essential policy; if he maintained the principles and adhered to the policy, he must surrender the case itself. The American government could not deny the justice of the claim presented to it. The four persons held in custody would be cheerfully liberated, and Lord Lyons was requested to indicate a place and time for receiving them. It had previously been stated that Captain Wilkes had acted without the orders or knowledge of the government, which had neither meditated, nor practiced, nor approved any deliberate wrong.

The British minister accordingly dispatched a steamer to the neighborhood of Boston; Mason and Slidell, with their secretaries, were placed on board and formally delivered to the British government, and the steamer conveyed them to England.

But, while accepting the unconditional liberation of the prisoners and the accompanying explanation of the American government as the reparation which the British government had a right to demand, Earl Russell differed from Mr. Seward in his exposition of many points of international law, and in a paper equally elaborate with that of Mr. Seward proceeded to state

CHARLES FRANCIS ADAMS.

LORD LYONS. M. MERCIER.

wherein those differences consisted. It must be admitted that in view of positive law, so far as it is definitely settled, of the deductions fairly to be drawn in respect to other cases not specifically provided for, and of the general welfare of nations, to subserve which is the aim of international law, the general interpretation of Earl Russell must be accepted in preference to that of Mr. Seward.[1]

The affair of the Trent having been thus adjusted, the relations between the United States and Great Britain continued on a friendly footing. The British government, having occasion shortly after to send troops to Canada, asked permission to land them at Portland, and thence transport them by railway across the State of Maine. This was granted, and the British troops were saved from the risk and suffering of a wintry voyage up the St. Lawrence. Some few minor questions arose, but none of sufficient importance to interrupt the harmony between the two nations. The American government tacitly withdrew its demand that the British minister should hold no intercourse, even unofficial, with the Confederate commissioners; and the British government endeavored in good faith to maintain its position of neutrality between those whom it had recognized as belligerents. It, however, declined to pass any new laws bearing upon the case, and the existing laws were so clumsily framed that the Confederates were subsequently able, by evading them, to fit out several cruisers in British ports to prey upon American commerce.

Congress convened in regular session on the 2d of December. The President's Message was devoted to a review of the condition of the country and the progress of the war. Our foreign relations had occasioned deep solici-

[1] The following, in a greatly abridged form, gives the essential points of these two elaborate papers:

Mr. Seward argues: Persons as well as property may become contraband, since the word means "contrary to proclamation, illegal, unlawful." It is agreed on all hands that persons in the naval or military service of the enemy are contrabands. Vattel says, "War allows us to cut off from the enemy all his resources, and to hinder him from sending ministers to solicit assistance;" and Sir William Scott says, "You may stop the embassador of your enemy on his passage;" and, "Dispatches are not less clearly contraband, and the bearers or couriers who undertake to carry them fall under the same condemnation."

Earl Russell rejoins: The neutral country has a right to preserve its relations with the enemy, and you are not at liberty to conclude that any communication between them can partake in any degree of the nature of hostility against you. The interests of the neutral state may require that the intercourse of correspondence should not be altogether interdicted. That might amount to a declaration that an embassador from an enemy shall not reside in a neutral state; for to what useful purpose could he reside there if he had no opportunities of communicating with his own government? Hence the practice of nations has allowed neutral states to receive ministers from belligerents and the means of immediate negotiations with them. Thus Sir William Scott, when England and France were at war, decided in the case of an American vessel—the Caroline—that the carrying of dispatches from the French minister in America to the French government was not a violation of neutrality, and that such dispatches were not contraband of war; and these principles must extend to embassadors and agents as well as to dispatches. Mr. Seward, he says, misapprehends the quotations which he makes from Sir William Scott, whose sole object was to explain the extent and limits of the doctrine of the inviolability of embassadors in virtue of that character. You may stop the embassador of the enemy when on his passage, but when he has reached his destination and taken upon him the functions of his office he is entitled to peculiar privileges. He indeed says that civil functionaries, if sent for a purpose intimately connected with hostile operations, may fall under the same rule with persons whose employment is directly military. The dictum of Vattel is in these words: "You may, moreover, attack and arrest the people of the enemy wherever you have the right to exercise acts of hostility. Not merely may you lawfully refuse passage to the ministers whom the enemy sends to other sovereigns, but you may even arrest them if they undertake to pass secretly and without permission into the places of which you are master," citing, by way of example, the seizure of the French embassador to Prussia when, France being at war with England, he attempted to pass through Hanover, which was then ruled by the King of England. The rule, as laid down by Earl Russell, is that "you may stop an enemy's embassador in any place of which you yourself are the master, or in any other place where you have a right to exercise acts of hostility. Your own territory or ships of your country are places of which you are yourself the master. The enemy's territory or the enemy's ships are places in which you have a right to exercise acts of hostility. Neutral vessels guilty of no violation of the laws of neutrality are places where you have no right to exercise acts of hostility." The doctrine that embassadors are contraband being denied, the conclusion is "that an embassador sent to a neutral power is inviolable on the high seas and in neutral waters while under the protection of the neutral flag."

Mr. Seward, proceeding from the point that dispatches and embassadors are contraband, assumes that "the circumstance that the Trent was proceeding from one neutral port to another neutral port does not modify the right of the belligerent captor," and that consequently Captain Wilkes had the right, by the law of nations, to detain and search the Trent.

Earl Russell controverts this absolutely. He says, "It is of the very essence of the definition of contraband that the goods [or persons] should have a hostile and not a neutral destination. The articles must be taken in the actual prosecution of the voyage to an enemy's port." If indeed the real destination of the vessel be to an enemy's port, the pretense that it is to a neutral one will not protect her in conveying contraband articles; but in this case the Trent was *bonâ fide* on a voyage from one neutral port to another, and, therefore, had she on board articles in themselves contraband of war, she was not liable to capture. He points out at some length the injurious consequences which would result from the doctrines advocated by Mr. Seward. Thus: If, during the late war with Russia, a Russian minister to America was in an American ship bound from Hamburg to New York, the vessel might have been captured, taken to Portsmouth, and condemned; or a neutral packet, plying between Dover and Calais, with a Confederate agent on board, might be captured by a Federal cruiser and sent to New York; or a Cunard steamer, on its way from Halifax to Liverpool, with dispatches on board from Mr. Seward to Mr. Adams, might be arrested by a Confederate privateer.[a]

The essential point of Mr. Seward's dispatch is that the seizure of Mason and Slidell was vitiated only by the failure of Captain Wilkes to seize the vessel also and send her before a prize court, and that if this had been done the transaction would have been strictly legal.

Earl Russell replies to this, that, "in view of the erroneous principles asserted by Mr. Seward, and the consequences they involve, her majesty's government think it necessary to declare that they would not acquiesce in the capture of any British merchant-ship under circumstances similar to those of the Trent; and that the fact of its being brought before a prize court, though it would alter the character, would not diminish the gravity of the offense against the law of nations which would thereby be committed."

Mr. Seward closed his argument by adding: "In coming to my conclusion [to liberate the four prisoners], I have not forgotten that if the safety of this Union required the detention of the captured persons, it would be the right and duty of this government to detain them; but the effectual check and waning proportions of the existing insurrection, as well as the comparative unimportance of the captured persons themselves, when dispassionately weighed, happily forbid me from resorting to that defense."

Earl Russell replies to this: "Mr. Seward does not here assert any right founded on international law, however inconvenient or irritating to neutral nations; he entirely loses sight of the vast difference which exists between the exercise of an extreme right and the commission of an unquestionable wrong. His frankness compels me to be equally open, and to inform him that Great Britain could not have submitted to the perpetration of that wrong, however flourishing might have been the insurrection at the South, and however important the persons captured might have been. Happily, all danger of hostile collision on this subject has been avoided. It is the earnest hope of her majesty's government that similar dangers, if they should arise, may be averted by peaceful negotiations conducted in the spirit which befits the organs of two great nations."

[a] Such a capture would have been in accordance with the rule quoted above in the text, laid down by the Confederate government for its privateers. According to this, a neutral vessel renders herself liable to capture and condemnation if she carries dispatches from an enemy, except in the case of those *from* a minister residing in a neutral state—those sent *to* him by his government being contraband.

tude. A nation divided at home is exposed to disrespect from abroad; one party or the other was sure to invoke foreign intervention, and other nations were likely to accept the invitation. But the disloyal citizens of the United States had met with less encouragement than they expected. Even had foreign nations been disposed to act solely for the restoration of commerce, and especially for the acquisition of cotton, they had not been convinced that this end would be attained by the destruction of the Union; they perceived that a strong nation promised more durable peace and more reliable commerce than it would when broken into fragments. But as the integrity of our country depends upon ourselves and not upon foreign nations, we should make ample provision for the maintenance of our national defenses, especially those of our sea-coast, lakes, and great rivers. A military railroad should be constructed, connecting the loyal portions of Tennessee, North Carolina, and Kentucky with the other faithful parts of the Union. To protect our commerce, the commanders of sailing vessels, especially in the Eastern seas, should be authorized to recapture prizes which had been taken by pirates, and consular courts should be empowered to adjudicate respecting such prizes. There was no reason why the independence of Hayti and Liberia should not be acknowledged. Civil justice had been suppressed in the seceding states, in which there were two hundred millions of dollars due from insurgent to loyal citizens; but there were no courts to enforce these claims. He had been urged to establish military courts to administer summary justice in such cases, wherever our armies took possession of revolted districts; but he had declined to do so because he was unwilling to go beyond the most evident necessity in the unusual exercise of his power. He urged Congress to establish temporary tribunals for this purpose. The message embodied a brief dissertation upon the subject of capital and labor. It had been assumed on one side that labor is available only in connection with capital; that nobody would work unless some capitalist induced him do so; and the question had been mooted whether it was better that capital should hire laborers, inducing them to work of their own consent, or should buy them, forcing them to work without their consent, it being assumed in either case that the position of the laborer was one fixed for life. The President combated this whole theory. Labor, he said, was prior to and the source of capital, and there was no fixed position of laborer and capitalist. A large majority neither work for others nor have others working for them; many both work themselves and hire others to work for them, and the laborer of to-day is often the employer of to-morrow. The message contained two pregnant paragraphs bearing upon the question of slavery. These will be considered in the following chapter, in which the course of the government upon this subject will be narrated.

The army, according to the report of the Secretary of War, consisted, exclusive of 77,875 volunteers for three months, of 660,971 men. Of these, 640,637 were volunteers for three years or for the war, and 20,334 regulars.[1] The several arms of the service, volunteers and regulars, were distributed as follows: Infantry, 568,383; Cavalry, 59,398; Artillery, 24,688; Rifles and Sharpshooters, 8395; Engineers, 107. For the ensuing year appropriations were asked for a force of 500,000 men. The cavalry force was said to be larger than was necessary, and measures would be taken for its reduction. The secretary believed that "the army now assembled on the banks of the Potomac would, under its able leader, soon make such a demonstration as would soon re-establish the authority of the government throughout all the rebellious states."

A few weeks after the meeting of Congress Mr. Cameron resigned his post as Secretary of War, and was succeeded by Edwin M. Stanton, who had been for a short time attorney general under Mr. Buchanan. Much dissatisfaction had been expressed with the administration of Mr. Cameron. It was evident, from a report of a committee of Congress, that gross frauds had been perpetrated, but it should be borne in mind that the whole department had to be created almost anew, and that its operations had to be intrusted in a great measure to untried men. The retiring secretary retained the personal confidence of the President, who nominated him minister to Russia. Subsequently the House of Representatives passed a vote censuring the late secretary for having intrusted to a Mr. Cummings the control of large sums of money, and authority to purchase military supplies without restriction, and requiring from him no guarantee for the faithful performance of his duties, and for having involved the government in a vast number of contracts with persons not legitimately engaged in business pertaining to the subject-matter of such contracts. The President at once assumed the entire responsibility of the transaction for himself and for his cabinet.

The Secretary of the Navy furnished a comprehensive statement of the strength of the navy and of its operations since July. It had blockaded the insurgent ports along a coast of nearly 3000 miles, had captured 153 vessels which had attempted to run the blockade, and had achieved signal success at Hatteras and Port Royal. The number of seamen in the service had been raised since March from 7600 to 22,000. When all the vessels purchased and building were armed and equipped, we should have 264 vessels of all classes, mounting 2557 guns. Of these, 76 vessels, with 1783 guns, belonged to the old navy; 136 vessels, with 518 guns, had been purchased, and 52 vessels, with 256 guns, had been constructed. There were in all 163 steamers of all classes, with something more than 1000 guns.

EDWIN M. STANTON.

The report of the Secretary of the Treasury was anxiously looked for, as indicating the financial condition of the government and the policy to be adopted. The estimated receipts for the fiscal year ending June 30, 1862, were in round numbers $329,000,000, of which only $37,000,000 were from customs and other usual sources, $20,000,000 from direct taxes, and the remaining $272,000,000 from loans already authorized. The entire expenditures of the year were estimated at $543,000,000, leaving $214,000,000 to be provided for by new loans. The secretary hoped the war would be brought to a close before midsummer, in which case the amount asked for would be amply sufficient; but if it should be protracted another year on the present scale, the expenditures would be $475,000,000, and the receipts $96,000,000. To raise this sum it would be necessary to increase the duty on tea, sugar, and coffee; to impose a direct tax of $20,000,000 on the loyal states, besides an income tax of $10,000,000, and a tax of $20,000,000 on liquors, tobacco, carriages, bank-notes, and other evidences of debt, making a direct tax in all of $50,000,000. There would then remain $379,000,000 to be procured by loans in some shape. The loans for the two years would then be $655,000,000. The whole amount of the public debt on the 1st of July, 1863, would, upon this estimate, be $900,000,000, a sum which the country could pay in twenty years as easily as it did the debt of $127,000,000 which existed in 1816, at the close of the war with Great Britain. It was proposed to raise a part of this loan indirectly by means of a national currency. There are, said the secretary, in circulation in the loyal states $150,000,000 of bank-notes, which is actually a loan without interest from the people to the banks. This may be transferred to the government in either of two ways. The notes may, by means of taxation upon them, be gradually withdrawn from circulation, and their place supplied by United States notes, payable on demand. This was partially attained by the Demand Notes of the treasury; but this mode was, in his opinion, liable to some grave objections. That which he suggested was to issue to individuals and associations notes redeemable by the proposed institutions themselves, secured by a deposit of United States stocks and an adequate provision of specie, the notes to be receivable for all government dues except customs. These notes, he thought, would form the safest currency which the nation had ever enjoyed, for they would be of equal and uniform value in every part of the Union. In a short time the whole circulating medium of the country, whether notes or coin, would bear the national impress, and its amount, being easily ascertainable, would not be likely to be increased beyond the wants of business. As the wants of the government increased with the protraction of the war, both these measures and several others were substantially adopted. The Demand Notes of the treasury, or "Greenbacks," as they were usually denominated, were first issued in large quantities, and became at first the common circulating medium. The establishment of national banks, based upon deposits of United States stocks, followed later.

[1] The volunteers for the war were furnished from the several states and territories in the following proportions:

California	4,688	New Jersey	9,342
Connecticut	12,400	New York	100,200
Delaware	2,000	Ohio	81,205
Illinois	80,000	Pennsylvania	94,760
Indiana	57,332	Rhode Island	5,898
Iowa	19,800	Vermont	8,000
Kentucky	15,000	Virginia	12,000
Maine	14,239	Wisconsin	14,153
Maryland	7,000	Kansas	5,000
Massachusetts	26,760	Colorado	1,000
Michigan	28,550	Nebraska	2,500
Minnesota	4,160	Nevada	1,000
Missouri	22,130	New Mexico	1,000
New Hampshire	9,600	District of Columbia	1,000

It was evident from the opening of the session that a great change had taken place in the views of Congress during the four months since the close of the extra session. The strength of the insurrection had proved far greater than had been anticipated, and it was perceived that the nation was engaged in a struggle for existence which would call for its utmost energies, and demand the use of every means within its power. Hitherto the government had proceeded on the assumption that the institution of slavery, and the sovereignty of the states as recognized in the written text of the Constitution, were not to be interfered with, though individual members of Congress had declared that in case of necessity either or both of these must yield to the paramount object of maintaining the Union. This change was clearly indicated when a resolution was offered in the House reaffirming the Crittenden resolution of the previous session, which declared that the war was not waged for the purpose of overthrowing or interfering with the established institutions of the states, and ought to cease as soon as the supremacy of the Constitution had been vindicated. This resolution had passed by an almost unanimous vote four months previously. It was now laid on the table by a vote of 71 to 65. Fifty-three of the members who had then voted for it now voted to lay it on the table, thus in effect saying that it might, and probably would, be necessary to interfere with the civil and domestic institutions of the insurgent states. In the Senate, Mr. Saulsbury, of Delaware, one of the few "peace" members who remained, offered a resolution appointing ex-Presidents Fillmore and Pierce, Chief Justice Taney, Edward Everett, John J. Crittenden, and six others, commissioners to meet a like number of commissioners to be appointed by the Confederacy, to confer together for the preservation of the Union and the maintenance of the Constitution; and that upon the meeting of this joint commission active hostilities should cease, and not be renewed unless the joint commission should be unable to agree, or their agreement be rejected either by Congress or the Confederacy. This resolution was laid upon the table and never called up.

The general character of the debates, and the arguments adduced, were similar to those of the last session, except that the supporters of the administration expressed themselves more firmly and decidedly upon every point. The opposition in the Senate, weakened by the expulsion of Breckinridge, Bright, Polk, and Johnson, made up in pertinacity what they lacked in numbers. In the House they were strengthened by the support of some members who had hitherto maintained a neutral position; still the administration had a large majority in both houses, and the most ample powers were conferred upon it for carrying on the war.

Until near the close of the session it was supposed that the army in service, numbering fully 700,000 men, was as large and even larger than was required. "There are," said Senator Fessenden, of Maine, at the end of March, "regiments in my own state to-day, raised and staying there, waiting to be called into the field, doing nothing, not armed, yet anxious to be in service. There are more men here on the Potomac than government knows what to do with. Half a million of men are all that we can possibly use." This opinion was general, and the enlistment of volunteers was virtually suspended. The estimates were based on an army of 500,000 volunteers for the war. Toward the close of the session, after the disastrous result of the campaign before Richmond, a law was passed authorizing the President to call out the militia of the states for not more than nine months; to cause an enrollment to be made of all citizens from eighteen to forty-five years of age; to accept the services of 100,000 volunteers to fill up existing regiments; and to receive into service, naval or military, persons of African descent; and in case such persons should be slaves of rebels, they, their wives, children, and mothers should be free.[1] Previous to this, the control of the army and navy was really vested in the President. He could select any naval officer of the grades of captain and commander, and appoint him to the command of a squadron, with the rank and title of "flag officer."[2] He was authorized and requested to dismiss from service any naval or military officer for any cause which he deemed advisable.[3] He might, when he deemed the public service to require it, take possession of any railroad or telegraph line, with all its appurtenances, and place all the agents and employés under military control, so that they should be considered a part of the military establishment of the United States.[4] It was made his duty to cause the seizure of all property of persons who should hold civil or military office under the Confederate government, and also of all other persons engaged in aiding the rebellion who should not within sixty days after public proclamation having been made return to their allegiance; personal property to be absolutely forfeited, and real estate during the lifetime of the offender. This proclamation was issued on the 25th of July, 1862. The penalty for treason was made death or imprisonment for not less than five years, with a fine of not less than $10,000, with disqualification to hold any office under the United States. The President was also authorized to grant pardon and amnesty upon such conditions as he deemed expedient.[5]

Appropriations were made on what then seemed to be the most liberal scale. To meet deficiencies in the army estimates for the year ending June 30, 1862, $209,000,000 were appropriated, besides $30,000,000 for the deficiency of pay to volunteers in the Western Department. For the ensuing year $538,000,000 were given.[6] The naval appropriation was $43,000,000, besides special sums amounting to $30,000,000 for building iron-clad steamers and gun-boats.[7] These are only the prominent items. There were, besides, large amounts appropriated for other objects directly connected with the war.

Vigorous financial measures were required to meet this great expenditure. Early in the session a joint resolution was passed declaring that, in order to pay the ordinary expenses of government, including the interest on the national loans, and to provide a sinking fund, taxes should be imposed which, together with the tariff, should yield an annual revenue of not less than $150,000,000.[1] In accordance with the demands of the treasury, duties of from 2 to 5 cents a pound were levied upon sugar, 5 cents on coffee, and 20 cents on tea, and an increase upon most other importations; a heavy excise was imposed upon the manufacture of distilled and fermented liquors; a tax of about three per cent. upon most articles of manufacture; licenses varying from $5 to $200 upon trades and professions, stamps were required upon legal and commercial documents; and a tax of three per cent. levied upon the excess over $600 of all incomes up to $10,000, and five per cent. upon all greater.[2] These, it was hoped, would produce sufficient to pay the ordinary expenses of government, including the interest on the public debt incurred and to be incurred. To meet the war expenses, recourse was had to the issue of paper money in the form of United States notes payable on demand, without interest. These were of various amounts, from one dollar upward. They were made receivable for all debts due to the United States except duties on imports, and payable for all debts due from the United States except the interest on the public debt, both of which must be paid in specie; for all other purposes they were made a legal tender. The entire amount of "greenbacks" authorized by different acts during this session and the last was $250,000,000. These notes might, at the option of the holder, be exchanged for treasury bonds, bearing interest at the rate of six per cent., redeemable at the pleasure of the government after five years, and to be paid in twenty years. Of these the Secretary of the Treasury was authorized at his discretion to issue $500,000.000 at par, in exchange for coin or demand notes.[3]

The provision making these notes payable for all government dues except interest of the public debt was, in effect, to make them payable at the pleasure of government. The proposition to make them a legal tender occasioned protracted debates, and met with strong opposition from some friends of the administration. It was urged in opposition that it was without precedent in our history; that it was unconstitutional by impairing the validity of contracts, since every contract for the payment of money was legally a contract for the payment of gold and silver coin, and that was the measure of the right of the one party and the obligation of the other. This provision divested one party of his right and released the other from his obligation. It said to one party, "Although you agreed to pay gold and silver, you shall be discharged by the payment of these notes;" and to the other, "Although you are entitled to demand gold and silver, you must be content to receive instead this paper." This would, moreover, be only the precursor of a brood of promises to pay, not one of which would be redeemed in the constitutional currency of the country. In support of the proposition it was urged that, while the states were by the Constitution prohibited from making any thing but gold and silver a legal tender, there was no such prohibition as to Congress. Congress had the power to coin money and to fix the value of it. Gold and silver had indeed been accepted as the usual measure of value, and governments, by affixing their stamps to them, gave them an extrinsic value; any other thing which governments might choose to thus stamp would answer equally as well for currency. If all governments agreed upon one thing, it would be equally valuable every where. If one fixed upon a thing, it would be valuable within the jurisdiction of that government. Congress had at different times, without question, changed the weight and alloy of gold and silver coin; that is, it had said that the man who had agreed to pay a certain number of dollars could now discharge the debt by the payment of a less quantity of gold or silver. And if it should happen that gold should become as plentiful as iron, no one doubted that government would have the power of substituting for it some other metal. If, when the public good so required, Congress had power to change the weight or alloy of gold or silver coin, or to substitute some other metal, and declare it legal tender, it had equally the power to issue paper money, and make that a legal tender. The prevailing argument for the measure, however, was the necessity of the case. Government had contracted large debts, and must contract still larger. The army must be paid and maintained. Gold and silver could not be had for this purpose, and something must be substituted. The abstract question of constitutionality must yield to the paramount law of necessity. Whether such necessity existed Congress must judge, and its judgment would be conclusive.

The first bill for this purpose, which authorized the issue of $150,000,000 of these notes, making them a legal tender, became a law on the 25th of February. It passed in the House by a vote of 93 to 59. In the Senate a motion to strike out the legal-tender clause was rejected by a vote of 22 to 17; and the bill, with the clause, passed by 30 to 7. Of the seventeen senators who wished to strike out the provision, five voted for the bill with the provision. This bill, in effect, decided the financial policy of the government. It sanctioned the view of the Secretary of the Treasury that "government can resort to borrowing only when the issue of notes has become sufficiently large to warrant a just expectation that loans of the notes can be had from those who hold or can obtain them at rates not less advantageous than those of coin loans before the suspension of specie payments." In other words, before government could hope to borrow the large amounts which it needed, it must supply the people with the money to lend.

Of deeper interest, and of more enduring consequence than even the military and financial measures of the Federal government, was its action in respect to slavery. To set this forth will be the purpose of the following chapter.

[1] Laws of the 37th Congress, First Session, chap. cci. [2] Ibid., chap. i. [3] Ibid., chap. cc.
[4] Ibid., chap. xv. [5] Ibid., chap. cxcv., and Joint Resolution, No. 63.
[6] Ibid., chaps. xxxii., lxix., cxxxiii. [7] Ibid., chaps. xxiii., lvii., clxiv.

[1] Laws of the 37th Congress, First Session, Joint Resolution, No. 6.
[2] Ibid., chaps. ii., cxix. [3] Ibid., chaps. xxiii., cxlii.