

CHAPTER XLIV.

POLITICAL DEVELOPMENTS OF 1863.

The Reaction against the Administration in the Autumn of 1862.—The Elections show a Loss in the Republican Vote.—The President ahead of the People in his Emancipation Proclamation.—The need of decisive Military Victories.—The Elections in the Spring of 1863 show no better Result.—Meeting of the Second Regular Session of the Thirty-seventh Congress, December 1, 1862.—The President's Message.—His proposed Plan for compensated Emancipation.—The Arguments in its Favor.—It is not adopted by Congress.—The Change produced in the popular Sentiment by two Years of Civil War.—Repudiation of Compromise.—The political Problem made subservient to the Military.—The Tactics of the Opposition.—The Action of Congress in regard to Military Arrests.—The Case of Vallandigham.—He is arrested under Order No. 38 by General Burnside, May 4, 1863.—His Trial by a Military Commission.—His Application for a Writ of *Habeas Corpus* refused by Judge Leavitt.—The Sentence of Imprisonment commuted by the President, who orders Vallandigham to be transported beyond the Federal Lines, not to return during the War.—Vallandigham is nominated the Democratic Candidate for Governor of Ohio.—Indignation of the Democratic Party at his Arrest and Punishment.—Correspondence with President Lincoln.—The Conscription Act adopted by Congress.—Necessity and Justice of the Measure.—Its Constitutionality.—Debate upon its Passage.—The Features of the Bill.—Debate in the House on the Relation of the Insurgent States to the General Government.—Thaddeus Stevens states his Position.—Lovejoy repudiates Stevens's Theory of Subjugation.—Passage of the Bill to provide a National Currency.—Admission of West Virginia.—The Members from Louisiana admitted to the House.—Resolutions against Foreign Mediation.—Correspondence between Secretary Seward and M. Mercier.—Dissolution of the Thirty-seventh Congress, March 4, 1863.—The Political Situation in the following Summer.—The Efforts of the Opposition.—Fourth of July Speeches by Seymour and Pierce.—The New York Draft Riots; their Cause and Meaning.—The Influence of the Victories of Gettysburg and Vicksburg upon the National Policies.—The Autumn Elections.—Overwhelming Triumph of the Administration.

THE policy of the Federal and Confederate governments has already been followed in this history down to the close of the year 1862.¹ We purpose in this and the following chapter to continue the political history of the war down to the close of President Lincoln's administration. The United States government, while contending against the armies arrayed for its destruction, was from an early period of the contest embarrassed by a peculiar form of treason in the loyal states at the same time that it was also menaced by hostile intentions on the part of European powers.

The conflict with armed rebels was in itself sufficiently difficult, from its gigantic proportions, to overwhelm any other government, and at times its final issue appeared doubtful. In the darkest hours of the struggle was tested the patient endurance of the patriotic, and the treacherous infidelity of the disloyal was exposed. The universal enthusiasm which had glorified the few months immediately following the capture of Fort Sumter by the insurgents could not be sustained through a long war. This was not to be expected. Thousands upon thousands of those who had, in the April of 1861, been carried along by the tide of popular emotion when the first check was given to the progress of the national arms, wavered, hesitated, and fell back to their old landmarks. The reaction was natural. Men do not from momentary impulse, however strong, abandon sentiments which have become habitual. A majority of the Democratic party in the North were undoubtedly faithful adherents to the cause of loyalty; but a considerable number of that party believed that the Southern revolution was justifiable, both on the basis of state sovereignty, and because the long-continued and ever-increasing agitation on the subject of slavery had so menaced the slaveholding states that instant revolution was the only means of redress. Naturally, therefore, this portion of the Democratic party sympathized with the revolutionists. It was overawed for a season; but when it became evident that the rebellion was not to be put down in a few months, and that the war would be long and burdensome, then this faction found room and opportunity for political manœuvre, and began to throw aside its disguise. Every disaster to the Union army, every doubt as to ultimate victory for the nation, furnished these rebel sympathizers with arguments against the war. The boldest among them maintained their position by an open and direct appeal in favor of peace, even at the price of disunion. The more cautious resorted to strategy. Instead of making a direct assault, they moved by the flank, and sought to reach and destroy the base of supplies. Their political batteries were masked by various pretenses. Under that of conservatism they opposed the emancipation of slaves; in the name of liberty they cried out against conscription, and against interference with their own licentious use of speech and of the press; and the pretext of economy served them in their opposition to the appropriation of such vast sums of money as were needed for the prosecution of the war. The defeat of this cunning political strategy was a glorious national triumph, deserving to rank with the decisive victories achieved on the field of battle.

In any war politics becomes subservient. Whenever men appeal to the arbitration of arms, logic is silent, and waits upon victory or defeat. The victories of Vicksburg and Gettysburg, as we shall see, materially altered the political situation. There had been Union victories early in 1862—principal among them the capture of New Orleans—but they were not of a decisive character; they were not so positive as to counterbalance political prejudice against the action of the President on the question of slavery. Thus we find that, in the autumn elections of 1862, the administration was by no means supported by the popular vote. Even where the opposition candidates were not elected there was a noticeable falling off of the administrative support, as compared with the presidential election of 1860. By these elections Horatio Seymour was made governor of New York in place of Morton; Joel Parker, of New Jersey, in place of Olden; and in Pennsylvania, Ohio, Indiana, and Illinois there were opposition majorities.²

Thus it is clear that the President, in his proclamation for emancipation, instead of following, was far ahead of the majority of the voters in the loyal states. Of course, the other elements involved had much to do with the re-

sult of these state elections, but the sentiment in regard to slavery was the paramount and determining motive.

The elections in the spring of 1863, in New Hampshire, Rhode Island, and Connecticut, though resulting in a triumph for the administration, were closely contested, and showed a falling off in the Republican party vote as compared with that of 1860. The election in New Hampshire took place on the 10th of March; a governor and members of Congress were to be chosen. For the first time in several years a Democratic representative was returned to Congress from that state. For the office of governor there were three candidates. Eastman, the Democratic, polled 32,823 votes; Gilmore, the Republican, 29,035; Harriman, War Democrat, 4372. Eastman lacking 574 of a majority, the election devolved upon the state Legislature, and only by this circumstance was a Republican victory secured.

On the first of April, in Rhode Island, the Republicans carried both the state and congressional ticket, electing Governor Smith over Cozzens by a majority of a little over 3000—a decided reduction from that of previous years.

In Connecticut the election was held on the 6th of April. Here the two candidates for governor were exactly opposed to each other on the war question. The Republicans nominated the then incumbent, William A. Buckingham, a strenuous advocate of "coercion." Colonel Thomas H. Seymour, the Democratic nominee, was as distinctly recognized as an opponent of the war. Buckingham was elected by a majority of less than three thousand votes.

The second regular session of the Thirty-seventh Congress opened on the 1st of December, 1862.¹ The political complexion of Congress remained essentially the same as in the previous session. The President's message, in so far as it related to foreign affairs, contained very little of special importance. He announced that the treaty with Great Britain for the suppression of the slave-trade had been put into operation, with a good prospect of complete success. He alluded to the subject of African colonization. The Spanish-American republics had protested against the sending of negro colonies to their territories; only in Liberia and Hayti would the negro be received and adopted as a citizen. The negroes, however, did not seem so willing to migrate to these countries as to some others—not so willing, the President thought, as their interest demanded.

Turning from foreign to domestic affairs, the President alluded to the prosperity of our Territories, which had, with unimportant exceptions, been exempt from the ravages of war. He recommended to Congress measures for the rapid development of the mineral resources of these Territories as a means of increasing the national revenues. While he justified as necessary and expedient the legalization of the paper currency during the last session, he advised Congress to keep ever in view the speediest return to specie payments which would be compatible with the public interest. To meet the demand for a circulating medium, and at the same time to secure the advan-

	1860—PRESIDENT.		1862—FOR GOVERNOR OR CONGRESS.	
	Lincoln.	All Others.	Administration.	Opposition.
New York.....	362,646	312,510	295,897	306,649
New Jersey.....	58,324	62,801	46,710	61,307
Pennsylvania.....	268,030	208,412	215,616	219,140
Ohio.....	231,610	210,831	178,755	184,332
Indiana.....	139,033	133,110	118,517	128,160
Illinois.....	172,161	160,215	120,116	136,662
Michigan.....	88,480	66,267	28,716	62,102
Wisconsin.....	86,110	66,070	66,801	67,985
Iowa.....	70,409	57,922	66,014	50,898
Minnesota.....	22,069	12,668	15,754	11,442
	1,498,872	1,290,806	1,192,896	1,228,677

1860—Lincoln's majority, 208,066. 1862—Opposition majority, 35,781.

The following table gives the comparison in regard to Representatives in Congress elected in 1860 and 1862:

	1860.		1862.	
	Republican.	Democratic.	Administration.	Opposition.
New York.....	23	10	14	17
New Jersey.....	2	3	1	4
Pennsylvania.....	18	7	12	12
Ohio.....	13	8	5	14
Indiana.....	7	4	4	7
Illinois.....	4	5	5	9
Michigan.....	4	0	5	1
Wisconsin.....	3	0	3	3
Iowa.....	2	0	6	0
Minnesota.....	2	0	2	0
	78	37	57	67

1860—Republican majority, 41. 1862—Opposition majority, 10.

¹ The following changes in the constitution of this session should be noticed. In the Senate, Samuel G. Arnold, of Rhode Island, succeeded James F. Simmons, resigned. Richard S. Field had been appointed for New Jersey, in place of John R. Thompson, deceased. On the 21st of January, 1863, Field was succeeded by James W. Wall, who had been elected to fill the vacancy. January 14th, 1863, Thomas H. Hicks, of Maryland, succeeded, first by appointment and then by election, James A. Pierce, deceased. Garret Davis, of Kentucky, succeeded John C. Breckinridge, expelled December 4th, 1862. Joseph A. Wright, of Indiana, succeeded Jesse D. Bright, expelled. Wright was, on the 22d of January, 1863, superseded by David Turpie. January 30th, 1863, William A. Richardson, of Illinois, superseded by election O. H. Brown. Waldo Johnson, of Missouri, expelled, had been succeeded by R. Wilson, and Truett Polk, of the same state, expelled, by John B. Henderson. Jacob M. Howard, of Michigan, had succeeded K. S. Bingham, deceased. Edward D. Baker, of Oregon, killed at Ball's Bluff, had been succeeded by Benjamin F. Harding. In the House, Thomas A. D. Fessenden, of Maine, had succeeded Charles A. Walton, resigned. Amasa Walker, of Massachusetts, succeeded Goldsmith F. Bailey, deceased. Samuel Hooper, of the same state, had (December 2d, 1861) succeeded William Appleton, resigned. John D. Stiles, of Pennsylvania, June 3d, 1862, had succeeded J. B. Cooper, deceased. George H. Yeaman, of Kentucky, succeeded James S. Jackson, deceased; Samuel L. Casey had, on March 10th, 1862, succeeded Henry C. Burnett, expelled. February 25th, 1863, George W. Bridges, of Tennessee, was qualified. A. L. Knapp, of Illinois, had (December 12th, 1861) been qualified in place of J. A. McClernand, resigned; June 2d, 1862, William J. Allen had been qualified in place of John A. Logan, resigned; and on January 30th, 1863, William A. Richardson withdrew to take a seat in the Senate. Thomas L. Price, of Missouri, had succeeded John W. Reid, expelled; William A. Hall had succeeded John B. Clark, expelled. James F. Wilson, of Iowa, had succeeded Samuel R. Curtis, resigned. On the 26th of January, 1863, Walter D. McIndoe, of Wisconsin, succeeded Luther Hanchett, deceased. In February, 1863, Michael Hahn and Benjamin F. Flanders, of Louisiana, were confirmed.

² See Chapters VII., VIII., and IX.

³ The following table shows the results of these elections, as compared with the presidential election of 1860:

tages of a safe and uniform currency, he recommended the organization of bank associations by the act and subject to the regulation of Congress. For the year ending June 30th, 1862, the receipts from all sources, including loans and the balance from the preceding year, had been \$583,885,247. The balance from the preceding year was \$2,257,065. The loans of all forms had amounted to \$529,692,460. From customs, direct tax, public lands, and miscellaneous sources, the receipts amounted to nearly \$52,000,000. The balance left in the treasury, July 1st, 1862, was \$13,053,546. Of the expenditures, \$437,042,977 had been for the army and navy.

Notwithstanding the burdens laid upon the nation by the war, the President had favored the project for connecting the United States with Europe by an Atlantic telegraph, and a similar project to extend the telegraph from San Francisco, to connect by a Pacific telegraph with the line then being laid across Russian Asia. A Department of Agriculture had been established, and the President pressed upon Congress the claims of the Pacific Railroad project.

A very prominent feature of the President's message was his recommendation of a constitutional amendment providing for the compensated emancipation of slaves. This provision was to the effect that every slave state which should abolish slavery before January 1, 1900, should receive compensation from the United States; that this compensation should be extended to all loyal owners of slaves freed by the chances of the war; and that Congress might appropriate money, and otherwise provide for colonizing free negroes, with their own consent, at any place outside of the United States.¹ The President's proposition, coming in this form, indicates that he was not at this time fully convinced as to the justice of abolishing slavery in the loyal states, even by a constitutional amendment, without compensation to the slave owners. In regard to those states which were in open war against the government, he had no hesitation either as to the powers of the government to abolish slavery, or as to the justice of the measure. He still adhered to his proclamation of September 22d, and on the 1st of January, 1863, consummated the act therein contemplated. He believed that "without slavery the rebellion could never have existed; without slavery it could not continue." In the loyal slave states he was disposed to compromise, and would respect the opinions of all classes.

"Among the friends of the Union," he says, "there is great diversity of sentiment and of policy in regard to slavery and the African race among us. Some would perpetuate slavery; some would abolish it suddenly and without compensation; some would abolish it gradually and with compensation; some would remove the freed people from us, and some would retain them with us; and there are yet other minor diversities. Because of these diversities we waste much strength in struggles among ourselves. By mutual concessions we should harmonize and act together. This would be compromise; but it would be compromise among the friends, and not with the enemies of the Union."

The length of time contemplated in the proposed amendment, and the compensation of the owners of slaves, would, thought the President, weaken the opposition of those who did not favor emancipation. They would yield something by conceding emancipation as a fact to be accomplished, while those already in favor of emancipation would sustain the disappointment occasioned by the delay, and bear their portion of the financial burden imposed upon the country by compensation. Besides, he argued, immediate emancipation would lead to vagrant destitution; therefore the system of gradual abolition would be best for the generation of slaves now passing away, while it promised freedom to their posterity. While, by offering compensation, the government presented to every state a strong motive for adopting emancipation before the close of the century, it left to each state within that limit freedom to choose its own time and mode of effecting the object in view. In answer to the objection that by this plan some must pay who would receive nothing in return, he replied that the measure was both just and economical.

In the first place, it was just. "In a certain sense, the liberation of slaves is the destruction of property; property acquired by descent or by purchase, the same as any other property. It is no less true for having been often said that people of the South are not more responsible for the original introduction of this property than are the people of the North; and when it is remembered how unhesitatingly we all use cotton and sugar, and share the profits of dealing in them, it may not be quite safe to say that the South has been more responsible than the North for its continuance. If, then, for a common object, this property is to be sacrificed, is it not just that it be done at a common charge?"

¹ The following is a copy of the resolution recommended by the President:

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled (two thirds of both houses concurring), That the following articles be proposed to the Legislatures (or Conventions) of the several states as amendments to the Constitution of the United States, all or any of which articles, when ratified by three fourths of the said Legislatures (or Conventions), to be valid as part or parts of the said Constitution, viz.:

"ARTICLE 1. Every state wherein slavery now exists, which shall abolish the same therein at any time or times before the first day of January, in the year of our Lord one thousand and nine hundred, shall receive compensation from the United States as follows, to wit:

"The President of the United States shall deliver to every such state bonds of the United States, bearing interest at the rate of — per cent. per annum, to an amount equal to the aggregate sum of \$ — for each slave shown to have been therein by the eighth census of the United States, said bonds to be delivered to such state by installments or in one parcel, at the completion of the abolishment, accordingly as the same shall have been gradual or at one time within such state; and interest shall begin to run upon any such bond only from the proper time of its delivery as aforesaid. Any state having received bonds as aforesaid, and afterward reintroducing or tolerating slavery therein, shall refund to the United States the bonds so received, or the value thereof, and all interest paid thereon.

"ARTICLE 2. All slaves who shall have enjoyed actual freedom by the chances of the war at any time before the end of the rebellion shall be forever free; but all owners of such who shall not have been disloyal shall be compensated for them at the same rates as is provided for states adopting abolishment of slavery, but in such way that no slave shall be twice accounted for.

"ARTICLE 3. Congress may appropriate money, and otherwise provide for colonizing free colored persons, with their own consent, at any place or places without the United States."

It was also economical. The adoption of this plan, by securing an earlier termination of the war, would save more than it would cost. Besides, the expense caused by the war was an immediate burden, and must be borne all at once, whether we would or no; while the cost of compensation would be gradually incurred, and the full burden would fall upon the people thirty-seven years hence, when it would be sustained by one hundred millions instead of thirty-one millions.¹

While the President was strongly in favor of the colonization, with their own consent, of the freed negroes, he thought the objection to their remaining in the country on the ground that they displaced white laborers was "largely imaginary, if not sometimes malicious."²

Even if this plan should not be adopted by the slave states, the President proclaimed his willingness that the national authority should be restored without it; also, that notwithstanding its recommendation, neither the war, nor proceedings under the proclamation of September 22d, would be stayed. It is evident, however, that in the event of the universal and immediate adoption of this plan, the President contemplated its substitution in place of sudden emancipation, except in the cases of those slaves who had been or might be freed by the chances of war, and even in these cases loyal owners would receive compensation.

"The plan is proposed," said the President, "as permanent constitutional law. It can not become such without the concurrence of, first, two thirds of Congress, and, afterward, three fourths of the states. The requisite three fourths of the states will necessarily include seven of the slave states. Their concurrence, if obtained, will give assurance of their severally adopting emancipation, at no very distant day, upon the new constitutional terms. This assurance would end the struggle now, and save the Union forever.

"I do not forget the gravity which should characterize a paper addressed to the Congress of the nation by the chief magistrate of the nation, nor do I forget that some of you are my seniors, nor that many of you have more experience than I in the conduct of public affairs; yet I trust that, in view of the great responsibility resting upon me, you will perceive no want of respect to yourselves in any undue earnestness I may seem to display.

"Is it doubted, then, that the plan I propose, if adopted, would shorten the war, and thus lessen its expenditure of money and of blood? Is it doubted that it would restore the national authority and national prosperity, and perpetuate both indefinitely? Is it doubted that we here—Congress and executive—can secure its adoption? Will not the good people respond to a united and earnest appeal from us? Can we, can they, by any other means, so certainly or so speedily assure these vital objects? We can succeed only by concert. It is not, 'Can any of us imagine better?' but, 'Can we all do better?' Object whatsoever is possible, still the question recurs, 'Can we do better?' The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

"Fellow-citizens, we can not escape history. We, of this Congress and

¹ "Taking the nation in the aggregate, and we find its population and ratio of increase, for the several decennial periods, to be as follows:

1790.....	3,929,827		
1800.....	5,305,937	35.02	per cent. ratio of increase.
1810.....	7,239,814	36.45	" " " "
1820.....	9,638,131	33.13	" " " "
1830.....	12,866,020	33.49	" " " "
1840.....	17,069,453	32.67	" " " "
1850.....	23,191,876	35.87	" " " "
1860.....	31,443,790	35.58	" " " "

"This shows an annual decennial increase of 34.69 per cent. in population through the 70 years from our first to our last census yet taken. It is seen that the ratio of increase at no one of these seven periods is either 2 per cent. below or 2 per cent. above the average, thus showing how inflexible, and, consequently, how reliable the law of increase in our case is. Assuming that it will continue gives the following results:

1870.....	42,323,341	1910.....	138,918,526
1880.....	56,967,216	1920.....	186,984,335
1890.....	76,677,872	1930.....	251,680,914
1900.....	103,208,415		

"These figures show that our country may be as populous as Europe now is at some point between 1920 and 1930—say about 1925—our territory, at 73½ persons to the square mile, being of capacity to contain 217,136,000.

"And we will reach this, too, if we do not ourselves relinquish the chance by the folly and evils of disunion, or by the long and exhausting war springing from the only great element of national discord among us. While it can not be foreseen exactly how much one huge example of secession, breeding lesser ones indefinitely, would retard population, no one can doubt that the extent of it would be very great and injurious. The proposed emancipation would shorten the war, perpetuate peace, insure this increase of population, and proportionately the wealth of the country. With these, we should pay all that emancipation would cost, together with our other debt, easier than we should pay our other debt without it. If we had allowed our old national debt to run at 6 per cent. per annum, simple interest, from the end of our revolutionary struggle until to-day, without paying any thing on either principal or interest, each man of us would owe less upon that debt now than each man owed upon it then; and this because our increase of men through the whole period has been greater than 6 per cent.—has run faster than the interest upon the debt. Thus time alone relieves a debtor nation so long as its population increases faster than unpaid interest accumulates on its debt. . . . A dollar will be much harder to pay for the war than will be a dollar for emancipation on the proposed plan. And, then, the latter will cost no blood, no precious life."—President's Message.

"It is insisted that their presence would injure and displace white labor and white laborers. . . . Is it true, then, that colored people can displace any more white labor by being free than by remaining slaves? If they stay in their old places, they jostle no white laborers; if they leave their old places, they leave them open to white laborers. Logically, there is neither more nor less of it. Emancipation, even without deportation, would probably enhance the wages of white labor, and very surely would not reduce them. . . . But it is dreaded that the freed people will swarm forth and cover the whole land. Are they not already in the land? Will liberation make them any more numerous? Equally distributed among the whites of the whole country, and there would be but one colored to seven whites. Could the one, in any way, greatly disturb the seven? There are many communities now having more than one free colored person to seven whites, and this without any apparent consciousness of evil from it. The District of Columbia, and the States of Maryland and Delaware, are all in this condition. . . . But why should emancipation South send the freed people North? People of any color seldom run unless there be something to run from. Heretofore colored people, to some extent, have fled North from bondage, and now, perhaps, from both bondage and destitution. But if gradual emancipation and deportation be adopted, they will have neither to flee from. . . . Again, as practice proves more than theory, has there been any irruption of colored people northward because of the abolishment of slavery in this district last spring?"—President's Message.

this administration, will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. We say we are for the Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We—even we here—hold the power, and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save, or meanly lose, the last best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless.”

It is clear from this proposed plan of the President, urged with such earnestness, that, notwithstanding his proclamation of September 22d, he preferred gradual and compensated to sudden and arbitrary emancipation. His reasons for this preference have already been given at some length. They may be briefly enumerated thus:

1. Gradual emancipation was better for the slave. While freedom was secured to all future generations, the present would be relieved of the destitution which it might be presumed would follow their sudden emancipation.
2. The measure proposed would reconcile differences of opinion, and therefore meet with less opposition. Undoubtedly the autumn elections of 1862 gave cogency to this argument.
3. The measure was dictated by justice, the North being no less responsible for slavery than the South.
4. By its tendency to restore peace, it would substitute for a war debt another, less in amount, and more easily borne.

The President, in a previous message to Congress (March 6, 1862), had recommended the passage of a joint resolution, declaring that the United States ought to co-operate with any state which should adopt the gradual abolition of slavery, by giving pecuniary aid to such state;¹ and this resolution had been passed by the House March 11th, 1862, and by the Senate on the 2d of April following. The President had urged the border states to embrace this opportunity, but no state had responded. It is not strange, therefore, that when the President, in the Message of December 1st, 1862, again brought the subject before Congress, it met with little consideration. On the 6th of January a bill passed the House, 83 to 50, offering compensation to Missouri in the event of that state adopting immediate emancipation. In the Senate the bill came up for consideration, and on the 14th of January Mr. Trumbull reported a substitute granting compensation to Missouri if, within twelve months, that state should adopt measures either for immediate or gradual emancipation. This substitute passed the Senate, 23 to 18, on the 12th of February; but, returning to the House, it was six days later re-committed, and never again considered. A similar bill in regard to Maryland was submitted in the House on the 19th of January, was on the 25th re-committed, and never heard of again; it did not even reach the Senate. No proposition was ever offered in Congress to incorporate into the Constitution the articles recommended by the President.

The President's proclamation of September 22d more completely met the views of Congress on the subject of slavery. This proclamation cut the Gordian knot with a single blow of the sword. By this, all the slaves within the limits of the Confederacy were henceforth and forever free. This act might be extreme; it might be arbitrary, and involve, in some measure, injustice to certain owners of slaves; it might even involve distress to the slaves thus suddenly released from bondage; but its advantage to the country was deemed so great as to outweigh such petty considerations. It was emphatically a war measure, and none but war measures, in the opinion of Congress, could hasten the termination of the war. It was bold, positive, and conclusive. It said plainly to Southern Revolutionists, “The decree of the nation has gone forth declaring absolute freedom in your fortified strongholds of slavery; only by the destruction of the nation can you nullify this decree.” Clearly nothing was to be gained, as against the Confederacy, by any measure less decisive; and among Loyalists what was to be gained by a weak compromise? The offer of compensation in return for gradual emancipation had already been held out to the border states, and had been refused. Congress must choose between renewing this offer, which would certainly be again rejected, or declaring that henceforth the preservation of the nation was identified with the destruction of slavery. The moral strength thus gathered up, to be hurled against the rebellion, was as a mountain to a mole-hill when compared to the injury which could come to the nation by the repulsion of those who would identify the safety of their country with the perpetration of a monstrous wrong.

On the 15th of December, 1862, a resolution, offered by Mr. S. C. Fessenden, was adopted in the House, 78 to 52, declaring that the President's proclamation of September 22d indicated a policy of emancipation well adapted to hasten the restoration of peace, was well chosen as a war measure, and was an exercise of power with proper regard for the rights of the states and the perpetuity of free government. Two Democrats voted in favor of the resolution, and six Republicans against it.

And here it is proper to remark the change which had been effected in Congressional sentiment by two years of civil war. The burden of the conflict now began to be palpable. Every day the public debt increased by hundreds of thousands of dollars. The credit of the nation was disturbed not so much by this daily augmentation of the debt as by a prevailing disquietude as to the final success of the war. Once it had been confidently predicted that three months would conclude the struggle. But the tremendous energies which had been enlisted in the rebellion were not then appreciated. It had been hoped that compromise might neutralize and disarm treason;

and in the special session of 1861, Congress had distinctly proclaimed its willingness to restore every rebellious state to its former position in the Union, with all its ancient rights and institutions undisturbed, upon the simple condition of returned allegiance. This attitude of Congress only provoked the scorn of the Revolutionists, and was interpreted by them as a sign of weakness in the national government. “We have,” said these rebels, “given our challenge. We have appealed to arms. Subdue us if you can. If you can not, grant us our independence. But by no political overtures which you can make will we be induced either to resume our allegiance, or to abate the violence of our attempted revolution.” After two years of fighting, with the exception of the capture of New Orleans, no great national victory had been won. The national reverses had been many, and were balanced only by temporary advantages and indecisive battles. One military leader and then another had been tried and set aside, but as yet no masterly generalship had been developed. The first outburst of martial enthusiasm had given place to partial discouragement. Still, the nation was not dismayed, nor did its armies shrink from the conflict because the latter had become doubtful and difficult. If the sentiment of patriotism had been in great measure exhausted, its place had been taken by patriotic good sense. As the strength and persistency of the rebellion became manifest, all attempts at political compromise were summarily set aside. The defiance of armed rebels could only be met by the confidence of the nation in its power to maintain itself by the strength of arms. In such a struggle the wisest political theories were useless, because such a struggle was, in the first instance, an appeal from the decision of statesmen to the decision of battles, in which physical and material conditions were the controlling elements—in which even moral forces could only be considered in their relations to a purely military problem. Legislation had not been able to prevent civil war, and the direct and primary authority of law was now equally powerless to procure peace. *Inter arma leges silent.* The very existence of the government was threatened, and so long as the menace endured, so long must the government stand behind its army, which was at once its representative, its shield against treason, and its uplifted arm for the punishment of traitors. The executive, the legislative, and the judicial functions of the government, in their bearing upon the war, had no significance or value except in so far as they subordinated all things else to the support of the army, and to measures which would secure its ultimate success. If this lesson had not been learned at once, two years of bitter experience had impressed it upon the popular mind. Thus the political problem which was presented for immediate solution became very simple by its subordination to military necessity. In this way there was also furnished a palpable line of separation between parties—between those who were willing to surrender every thing for national preservation, and those who preferred national dissolution to any surrender or any sacrifice whatsoever. Those who heartily supported the war did so because only by war could the nation be saved, and these were willing to legalize any method, not in itself dishonorable, which would help to secure military success, even if it involved a violation of the Constitution. In justification, no resort need be had to extraordinary statesmanship; the dictates of common sense were sufficient. The Constitution, and, *à fortiori*, all laws growing out of the Constitution, can never override the law of national existence itself. This principle needs no argument to support it, nor any amplification.

But, in fact, no great strain need be put on the Constitution, which, though not contemplating a violent civil war, yet in most respects adequately provided for the national safety in any event.

Those who opposed the war based their opposition on various grounds. Some held it to be unjust—an opinion very nearly allied to treason, and acts of opposition based upon it were treason. Others expected defeat, and this timidity was an insult to patriotism. Others counted the success of the war a poor recompense for its burdens; such were unworthy of their title to citizenship in the great republic. Still others, while disguising their direct opposition to the war, opposed all means proposed for its effective prosecution on the ground that they were unconstitutional. Their arguments in support of the unconstitutionality of measures thus adopted were generally baseless, and in any case were not worthy of respect.

The conflict between the two parties began early in this session of the Thirty-seventh Congress. On the first day of the session a resolution was offered by Cox, of Ohio, declaring that all arrests previously made by the United States authorities of citizens in states where there was no insurrection, were unwarranted by the Constitution, and a usurpation of power. This was laid upon the table, 80 to 40. A similar resolution offered the next day in the Senate met the same fate. A week later (December 8th), in the Senate, a resolution was offered by Saulsbury, of Delaware, calling upon the Secretary of War for information in regard to the arrest of two citizens of his state—Dr. John Laws and Whitely Meredith. In the debate which followed, Mr. Wilson, of Massachusetts, opposed the resolution on the ground that the government had been too lenient in this matter. “Instead,” said he, “of the few hundred arrests we have had, we ought to have had several thousand.” John Sherman, of Ohio, a leading Republican, took a different view. He thought that arrests should not be made except upon a reason which could be definitely stated to Congress. Congress ought to demand this. “The power to suspend the writ of *habeas corpus* should only be exercised with all the guards that can be thrown by wise legislation around it. Such a power, uncurbed, unregulated, and unchecked, would make this government a despotism worse than England ever saw, worse than France was in the time when *lettres de cachet* were used for the arrest of citizens, and they were confined for 40 years.” Powell, of Kentucky, claimed that the right to suspend the writ of *habeas corpus* did not involve the right to make

¹ See Chapter VIII. of this History, p. 204.



CLEMENT L. VALLANDIGHAM.

arrests. The object of the writ was to relieve a man once arrested from illegal imprisonment. Neither the President nor his ministers had a right to arrest any man who was not in the military service of the United States. The claim made by Powell was not disputed by any senator. The right of the executive to make arrests in time of war, and when the public safety demanded, was too well established to admit of debate. Davis, Powell's colleague, claimed that the suspension of the writ was not within the scope of executive power. After a prolonged debate, Saulsbury's resolution was laid upon the table, 29 to 13. At the same time, a bill was passed in the House by a vote of 90 to 45, indemnifying the President and his subordinate officers for his action in making arrests, and in the suspension of *habeas corpus*.¹

This bill went to the Senate, where it was amended. In its final shape it authorized the President to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States; it directed that the Secretary of War and the Secretary of State should furnish to the judges of the Circuit and District Courts of the United States the names of all state prisoners then confined, or who should thereafter be confined, with the date of each arrest, and that those prisoners against whom the grand jury should find no indictment during the session sitting when the list was furnished should be released upon taking the oath of allegiance, either with or without recognizance or bond, as the judges of the respective courts might determine; it provided that any order of the President should be a sufficient defense in any case of prosecution for arrests made under such order, and that in any such prosecution the defendant might, by filing a petition, have it removed from the State Court to the Circuit Court of the United States. By a writ of error any case might even be transferred to the United States Supreme Court.

Not long after the close of this session Mr. Vallandigham was arrested in Ohio. The busy and persistent efforts made by domestic enemies to thwart the plans of the national government, and to prevent the enlistment of

¹ A fortnight after the passage of this bill, a resolution in the nature of a protest was submitted to the House, signed by 37 representatives. These protested for the following reasons:

"1. Because it purports to deprive the citizen of all existing, peaceful, legal modes of redress for admitted wrongs, and thus constrains him tamely to submit to the injury inflicted, or to seek illegal and forcible remedies.

"2. Because it purports to indemnify the President and all acting under his authority for acts admitted to be wrongful, at the expense of the citizen upon whom the wrongful acts have been perpetrated, in violation of the plainest principles of justice, and the most familiar precepts of constitutional law.

"3. Because it purports to confirm and make valid, by act of Congress, arrests and imprisonments which were not only not warranted by the Constitution of the United States, but were in palpable violation of its express prohibitions.

"4. Because it purports to authorize the President, during this rebellion, at any time, as to any person, and every where throughout the limits of the United States, to suspend the privilege of the writ of *habeas corpus*, whereas, by the Constitution, the power to suspend the privilege of that writ is confided to the discretion of Congress alone, and is limited to the places threatened by the dangers of invasion or insurrection.

"5. Because, for these and other reasons, it is unjust and unwise, an invasion of private rights, an encouragement to lawless violence, and a precedent full of hope to all who would usurp despotic power and perpetuate it by the arbitrary arrest and imprisonment of those who oppose them.

"6. And, finally, because in both its sections it is 'a deliberate, palpable, and dangerous' violation of the Constitution, 'according to the plain sense and intention of that instrument,' and is therefore utterly null and void."

It was signed by the following members: Geo. H. Pendleton, W. A. Richardson, J. C. Robinson, P. B. Pouke, Jas. R. Morris, A. L. Knapp, C. L. Vallandigham, C. A. White, Warren P. Noble, W. Allen, William J. Allen, S. S. Cox, E. H. Norton, Geo. K. Shiel, S. J. Ancona, J. Lazear, Nehemiah Perry, C. Vibbard, John Law, C. A. Wickliffe, Chas. J. Biddle, J. A. Cravens, Elijah Ward, Philip Johnson, John D. Stiles, D. W. Voorhees, G. W. Dunlap, Hendrick B. Wright, H. Grider, W. H. Wadsworth, A. Harding, Chas. B. Calvert, Jas. E. Kerrigan, Henry May, R. H. Nugent, Geo. H. Yeaman, B. F. Granger.

troops, led to the famous Order No. 38, issued by General Burnside from his headquarters at Cincinnati on the 13th of April. By this order, all persons found within his lines affording aid or comfort to the enemy were to be tried as spies or traitors, and upon conviction to suffer death.

Within the scope and meaning of this order were included "carriers of secret mails; writers of letters sent by secret mails; secret recruiting officers within the lines; persons who have entered into an agreement to pass our lines for the purpose of joining the enemy; persons found concealed within our lines belonging to the service of the enemy, and, in fact, all persons found improperly within our lines who could give private information to the enemy; all persons within our lines who harbor, protect, conceal, feed, clothe, or in any way aid the enemies of our country." All those who declared their sympathy with the enemy were to be arrested, either to be tried as spies or to be sent beyond the lines. This order had a very beneficial influence in Kentucky. In the states north of the Ohio it was construed by the disaffected as an extraordinary instance of military despotism.

Foremost among those who bade defiance to this order was Clement L. Vallandigham, of Ohio, lately a member of the Thirty-seventh Congress, and the leader in his state of what was known as the "Copperhead" wing of the Democratic party. He had been defeated as a candidate for the Thirty-eighth Congress by General Robert C. Schenck, but was the prospective Democratic candidate for Governor of Ohio. He was opposed to the war, and bitterly reviled the administration of President Lincoln. He was not, strictly speaking, an advocate for the rebellion; but, for the sake of peace, he was in favor of surrendering to the rebels all for which they were fighting. He preferred the re-establishment of the Union to its dissolution, if such a result could be reached by a compromise reinstating the slave oligarchy with its former prestige and power; failing in that, he would have acquiesced in secession, yielding the Confederacy its independence without farther struggle. That there should have been a war for the Union at all he denied; that this war should continue he held to be a national misfortune and manifest injustice. His voice, from first to last, was against the war; and in his opposition he was the most unscrupulous of demagogues. His convictions were strong—and to these he had a right. But at this critical period his open and violent opposition could not be without injury to the national cause, if maintained with impunity. No distinction could practically be made between a traitor in arms against the government and Vallandigham hurling against it his violent philippics, whatever distinction in favor of the latter might have existed in theory. For the government to have winked at his opposition while it was on the battle-field crushing those with whom he sympathized, and for whom his energetic co-operation was worth more than an additional army corps, would have been to convict itself of the most palpable folly and inconsistency.

It was in this light that Burnside looked upon Vallandigham's conduct, and accordingly, after an address made by the latter at Mount Vernon, about the 18th of May, he dispatched Captain Charles G. Hutton, his aid-de-camp, to Dayton, where Vallandigham resided, with orders for the arrest of the offender and his conveyance to Cincinnati for trial. The arrest took place on the night of May 4th, Hutton bringing his prisoner to Cincinnati without disturbance. The next day a charge was preferred against him for "publicly expressing, in violation of General Orders No. 38, from Headquarters Department of the Ohio, sympathy for those in arms against the government of the United States, and declaring disloyal sentiments and opinions with the object and purpose of weakening the power of the government in its efforts to suppress an unlawful rebellion." The specific charge was that he had declared the war to be "wicked, cruel, and unnecessary," "for the purpose of crushing out liberty and erecting a despotism," "for the freedom of the blacks and the enslavement of the whites;" had stated that "if the administration had so wished, the war could have been honorably terminated months ago;" had characterized the order No. 38 as a "base usurpation of arbitrary authority;" had invited resistance to this order by saying "the sooner the people inform the minions of usurped power that they will not submit to such restrictions upon their liberties, the better;" and had declared himself resolved at all times and upon all occasions "to do what he could to defeat the attempts now being made to build up a monarchy upon the ruins of our free government."

Vallandigham was tried by a military commission, of which General R. B. Potter was President, and which consisted of Colonel J. F. De Courey, Lieutenant Colonel E. R. Goodrich, Major J. M. Brown, Major J. L. Van Buren, Major C. H. Fitch, Captain P. M. Lydig, with Captain J. M. Cutts, of the Eleventh United States Infantry, as judge advocate. The trial continued for two days. Vallandigham protested against the jurisdiction of the commission, declaring that no such charge could apply to him, as he belonged to neither the naval or military service of the United States, and that he was subject to arrest only by due process of law.¹ He demanded to be tried by

¹ The President had issued the proclamation of martial law on the 24th of September, 1862. The following are the important clauses of the proclamation:

1. "During the existing insurrection, and as a necessary means for suppressing the same, all rebels and insurgents, their aiders and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to the rebels, against the authority of the United States, shall be subject to martial law, and liable to trial by courts-martial or military commission.

2. "That the writ of *habeas corpus* is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement, by any military authority, or by the sentence of any court-martial or military commission."

This proclamation received the sanction both of Congress and of the judiciary. It violated neither the letter nor the spirit of the Constitution; and if the Constitution did not explicitly provide for martial law in case of war, it must be remembered that war proceeds not according to rules laid down by constitutions, but according to established usages. And under no government is any use more established than that of the proclamation and enforcement of martial law in time of rebellion. When the illustrious Lord Brougham addressed the House of Peers in support of a bill which empowered the Lord Lieutenant of Ireland to apprehend all persons suspected of con-

a civil court, and in accordance with the ordinary usages adopted in his state. Witnesses were examined on both sides. But the case was submitted without argument. The validity of the prisoner's protest was not admitted, and Mr. Vallandigham was found guilty and sentenced to close confinement in some fortress of the United States, to be designated by General Burnside, there to be kept until the close of the war. Burnside, approving the finding of the court, ordered the prisoner to be confined in Fort Warren, in Boston Harbor.

In the mean time, Vallandigham, through the Hon. George H. Pugh, had applied to the Circuit Court of the United States for the Southern District of Ohio for a writ of *habeas corpus*. The case was argued before Judge H. H. Leavitt, who refused the writ. "It is clearly not a time," said the judge, "when any one connected with the judicial department of the government should allow himself, except from the most stringent obligations of duty, to embarrass or thwart the executive in his efforts to deliver the country from the dangers which press so heavily upon it." He argued that the legality of the arrest depended upon the necessity of making it, and that must be determined by the military commander. "Men should know," he said, "and lay the truth to heart, that there is a course of conduct not involving overt treason, and not, therefore, subject to punishment as such, which nevertheless implies moral guilt and a gross offense against the country. Those who live under the protection and enjoy the blessings of our benignant government must learn that they can not stab its vitals with impunity. If they cherish hatred and hostility to it, and desire its subversion, let them withdraw from its jurisdiction, and seek the fellowship and protection of those with whom they are in sympathy. If they remain with us while they are not of us, they must be subject to such a course of dealing as the great law of self-preservation prescribes and will enforce. And let them not complain if the stringent doctrine of military necessity should find them to be the legitimate subjects of its action. I have no fear that the recognition of this doctrine will lead to an arbitrary invasion of the personal security or personal liberty of the citizen. It is rare indeed that a charge of disloyalty will be made on insufficient grounds. But if there should be an occasional mistake, such an occurrence is not to be put into competition with the preservation of the nation; and I confess I am but little moved by the eloquent appeals of those who, while they indignantly denounce violation of personal liberty, look with no horror upon a despotism as unmitigated as the world has ever witnessed."

Burnside only awaited the President's confirmation of the sentence before carrying it out. But Mr. Lincoln decided to commute the punishment awarded by the military commission, and ordered the prisoner to be sent, "under a secure guard, to the headquarters of General Rosecrans, to be put by him beyond our military lines, and that, in case of his return within our lines, he be arrested and kept in close custody for the term specified in his sentence." This order was executed. General Bragg transferred the involuntary exile to Richmond, where he was very coldly received. He left the Confederacy as speedily as possible, and found an asylum in Canada, where he remained during the following autumn and winter. In the mean time he was made the Democratic candidate for Governor of Ohio, and sustained at the polls the most overwhelming defeat recorded in the political annals of this country. He returned home toward the close of the war, but it was not then considered worth while to molest him.¹

spiry against the British government, he said: "A friend of liberty I have lived, and such will I die; nor care I how soon the latter event may happen if I can not be a friend of liberty without being a friend of traitors at the same time—a protector of criminals of the deepest dye—an accomplice of foul rebellion and of its concomitant, civil war, with all its atrocities and all its fearful consequences."²

The Constitution provides that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger." But this provision only applies in time of peace. It has no bearing upon martial law. Says Chancellor Kent: "Military law is a system of regulations for the government of the armies in the service of the United States, authorized by the act of Congress of April 10, 1806, known as the Articles of War; and naval law is a similar system for the government of the navy, under the act of Congress of April 23, 1800. But martial law is quite a distinct thing, and is founded upon paramount necessity, and proclaimed by a military chief."

The arrest of Vallandigham created considerable excitement in the Democratic party, and a vain attempt was made at his canonization as a martyr to liberty. A mass meeting was held at Albany, May 16, and strong resolutions were adopted denouncing Burnside's action. The following is a record of the meeting, as transmitted by Honorable Erastus Corning, its chairman, to President Lincoln, to which we append the President's reply:

Albany, May 19, 1863.

"To his Excellency the President of the United States:

"The undersigned, officers of a public meeting held at the city of Albany on the 16th day of May, instant, herewith transmit to your excellency a copy of the resolutions adopted at the said meeting, and respectfully request your earnest consideration of them. They deem it proper, on their personal responsibility, to state that the meeting was one of the most respectable as to numbers and character, and one of the most earnest in the support of the Union, ever held in this city.

"Yours, with great regard,

ERASTUS CORNING, President.
ELI PERRY, Vice-President.
PETER GANSEVOORT, Vice-President.
PETER MONTEITH, Vice-President.
SAMUEL W. GIBBS, Vice-President.
JOHN NIBLACK, Vice-President.
H. W. McCLELLAN, Vice-President.
LEMUEL W. RODGERS, Vice-President.
WILLIAM SEYMOUR, Vice-President.
JEREMIAH OSBORN, Vice-President.

WM. S. PADDOCK, Vice-President.
J. B. SANDERS, Vice-President.
EDWARD MULCAHY, Vice-President.
D. V. N. RONDOLIFFE, Vice-President.
WILLIAM A. RICE, Secretary.
EDWARD NEWCOMB, Secretary.
R. W. PECKHAM, Jr., Secretary.
M. A. NOLAN, Secretary.
JOHN R. NESSEL, Secretary.
C. W. WEEKS, Secretary.

"Resolutions adopted at the Meeting held in Albany, N. Y., on the 16th day of May, 1863.

"Resolved, That the Democrats of New York point to their uniform course of action during the two years of civil war through which we have passed, to the alacrity which they have evinced in filling the ranks of the army, to their contributions and sacrifices, as the evidence of their patriotism and devotion to the cause of our imperiled country. Never, in the history of civil wars, has a government been sustained with such ample resources of means and men as the people have voluntarily placed in the hands of this administration.

"Resolved, That as Democrats we are determined to maintain this patriotic attitude, and, despite adverse and disheartening circumstances, to devote all our energies to sustain the cause of the Union; to secure peace through victory, and to bring back the restoration of all the states under the safeguard of the Constitution.

"Resolved, That while we will not consent to be misapprehended upon these points, we are determined not to be misunderstood in regard to others not less essential. We demand that the administration shall be true to the Constitution; shall recognize and maintain the rights of the

¹ *Hansard's Debates*, 3d Series, vol. 100, p. 635.

Burnside did not content himself with banishing Vallandigham, but laid his hand upon such organs of the press as maintained the exile's cause.

states and the liberties of the citizen; shall every where, outside of the lines of necessary military occupation and the scenes of insurrection, exert all its powers to maintain the supremacy of the civil over military law.

"Resolved, That, in view of these principles, we denounce the recent assumption of a military commander to seize and try a citizen of Ohio, Clement L. Vallandigham, for no other reason than words addressed to a public meeting, in criticism of the course of the administration and in condemnation of the military orders of that general.

"Resolved, That this assumption of power by a military tribunal, if successfully asserted, not only abrogates the right of the people to assemble and discuss the affairs of government, the liberty of speech and of the press, the right of trial by jury, the law of evidence, and the privilege of *habeas corpus*, but it strikes a fatal blow at the supremacy of law and the authority of the state and federal Constitutions.

"Resolved, That the Constitution of the United States—the supreme law of the land—has defined the crime of treason against the United States to consist 'only in levying war against them, or adhering to their enemies, giving them aid and comfort,' and has provided that 'no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.' And it farther provides that 'no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger;' and farther, that 'in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the state and district wherein the crime was committed.'

"Resolved, That these safeguards of the rights of the citizen against the pretensions of arbitrary power were intended more especially for his protection in times of civil commotion. They were secured substantially to the English people after years of protracted civil war, and were adopted into our Constitution at the close of the Revolution. They have stood the test of seventy-six years of trial under our republican system, under circumstances which show that, while they constitute the foundation of all free government, they are the elements of the enduring stability of the republic.

"Resolved, That, in adopting the language of Daniel Webster, we declare 'it is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men.' It is a 'homebred right,' a fireside privilege. It had been enjoyed in every house, cottage, and cabin in the nation. It is as undoubted as the right of breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty, and it is the last duty which those whose representatives we are shall find us to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself is questioned, we shall place ourselves on the extreme boundary of our own right, and bid defiance to any arm that would move us from our ground. 'This high constitutional privilege we shall defend and exercise in all places—in time of peace, in time of war, and at all times. Living, we shall assert it; and should we leave no other inheritance to our children, by the blessing of God we will leave them the inheritance of free principles, and the example of a manly, independent, and constitutional defense of them.'

"Resolved, That in the election of Governor Seymour, the people of this state, by an emphatic majority, declared their condemnation of the system of arbitrary arrests and their determination to stand by the Constitution. That the revival of this lawless system can have but one result—to divide and distract the North, and destroy its confidence in the purposes of the administration. That we deprecate it as an element of confusion at home, of weakness to our armies in the field, and as calculated to lower the estimate of American character, and magnify the apparent peril of our cause abroad. And that, regarding the blow struck at a citizen of Ohio as aimed at the rights of every citizen of the North, we denounce it as against the spirit of our laws and Constitution, and most earnestly call upon the President of the United States to reverse the action of the military tribunal which has passed 'a cruel and unusual punishment' upon the party arrested, prohibited in terms by the Constitution, and to restore him to the liberty of which he has been deprived.

"Resolved, That the president, vice-presidents, and secretary of this meeting be requested to transmit a copy of these resolutions to his excellency the President of the United States, with the assurance of their hearty and earnest desire to support the government in every constitutional and lawful measure to suppress the existing rebellion."

President Lincoln's Reply.

Executive Mansion, Washington, June 12, 1863.

"Hon. Erastus Corning, and others:

"GENTLEMEN,—Your letter of May 19, inclosing the resolutions of a public meeting held at Albany, New York, on the 16th of the same month, was received several days ago.

"The resolutions, as I understand them, are resolvable into two propositions—first, the expression of a purpose to sustain the cause of the Union, to secure peace through victory, and to support the administration in every constitutional and lawful measure to suppress the rebellion; and, secondly, a declaration of censure upon the administration for supposed unconstitutional action, such as the making of military arrests. And, from the two propositions, a third is deduced, which is, that the gentlemen composing the meeting are resolved on doing their part to maintain our common government and country, despite the folly or wickedness, as they may conceive, of any administration. This position is eminently patriotic, and, as such, I thank the meeting and congratulate the nation for it. My own purpose is the same; so that the meeting and myself have a common object, and can have no difference, except in the choice of means or measures for effecting that object.

"And here I ought to close this paper, and would close it if there were no apprehension that more injurious consequences than any merely personal to myself might follow the censures systematically cast upon me for doing what, in my view of duty, I could not forbear. The resolutions promise to support me in every constitutional and lawful measure to suppress the rebellion, and I have not knowingly employed, nor shall knowingly employ, any other. But the meeting, by their resolutions, assert and argue that certain military arrests, and proceedings following them, for which I am ultimately responsible, are unconstitutional. I think they are not. The resolutions quote from the Constitution the definition of treason, and also the limiting safeguards and guarantees therein provided for the citizen on trials of treason, and on his being held to answer for capital or otherwise infamous crimes, and, in criminal prosecutions, his right to a speedy and public trial by an impartial jury. They proceed to resolve 'that these safeguards of the rights of the citizen against the pretensions of arbitrary power were intended more especially for his protection in times of civil commotion.' And, apparently to demonstrate the proposition, the resolutions proceed: 'They were secured substantially to the English people after years of protracted civil war, and were adopted into our Constitution at the close of the Revolution.' Would not the demonstration have been better if it could have been truly said that these safeguards had been adopted and applied during the civil wars and during our Revolution, instead of after the one and at the close of the other? I, too, am devotedly for them after civil war, and before civil war, and at all times 'except when, in cases of rebellion or invasion, the public safety may require' their suspension. The resolutions proceed to tell us that these safeguards 'have stood the test of seventy-six years of trial under our republican system, under circumstances which show that, while they constitute the foundation of all free government, they are elements of the enduring stability of the republic.' No one denies that they have stood the test up to the beginning of the present rebellion, if we except a certain occurrence at New Orleans, nor does any one question that they will stand the same test much longer after the rebellion closes. But these provisions of the Constitution have no application to the case we have in hand, because the arrests complained of were not made for treason—that is, not for the treason defined in the Constitution, and upon conviction of which the punishment is death; nor yet were they made to hold persons to answer for any capital or otherwise infamous crimes; nor were the proceedings following, in any constitutional or legal sense, 'criminal prosecutions.' The arrests were made on totally different grounds, and the proceedings following accorded with the grounds of the arrests. Let us consider the real case with which we are dealing, and apply to it the parts of the Constitution plainly made for such cases.

"Prior to my installation here it had been intimated that any state had a lawful right to secede from the national Union, and that it would be expedient to exercise the right whenever the devotees of the doctrine should fail to elect a President to their own liking. I was elected contrary to their liking; and, accordingly, so far as it was legally possible, they had taken seven states out of the Union, had seized many of the United States forts, and had fired upon the United States flag, all before I was inaugurated, and, of course, before I had done any official act whatever. The rebellion thus began soon ran into the present civil war; and, in certain respects, it began on very unequal terms between the parties. The insurgents had been preparing for it more than thirty years, while the government had taken no steps to resist them. The former had carefully considered all the means which could be turned to their account. It undoubtedly was a well-pondered reliance with them that, in their own unrestricted efforts to destroy Union, Constitution, and law all together, the government would, in great degree, be restrained by the same Constitution and law from arresting their progress. Their sympathizers pervaded all departments of the government, and nearly all communities of the people. From this material, under cover of 'liberty of speech,' 'liberty of the press,' and 'habeas corpus,' they hoped to keep on foot among us a most efficient corps of spies, informers, suppliers, and aiders and abettors of their cause in a thousand ways. They knew that in times such as we were now inaugurating, by the Constitution itself the 'habeas corpus' might be suspended; but they also knew they had friends who would make a question as to who was to suspend it; meanwhile their spies and others might remain at large to help on their cause. Or if, as has happened, the executive should suspend the writ, without ruinous

The Chicago *Times* was suppressed, and a military guard placed over the office; and the circulation of the New York *World* was prohibited within the

waste of time, instances of arresting innocent persons might occur, as are always likely to occur in such cases, and then a clamor could be raised in regard to this which might be, at least, of some service to the insurgent cause. It needed no very keen perception to discover this part of the enemy's programme so soon as by open hostilities their machinery was fairly put in motion. Yet, thoroughly imbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures which, by degrees, I have been forced to regard as being within the exceptions of the Constitution, and as indispensable to the public safety. Nothing is better known to history than that courts of justice are utterly incompetent to such cases. Civil courts are organized chiefly for trials of individuals, or, at most, a few individuals acting in concert, and this in quiet times, and on charges of crimes well defined in the law. Even in times of peace bands of horse-thieves and robbers frequently grow too numerous and powerful for ordinary courts of justice. But what comparison, in numbers, have such bands ever borne to the insurgent sympathizers even in many of the loyal states? Again, a jury too frequently has at least one member more ready to hang the panel than to hang the traitor. And yet, again, he who dissuades one man from volunteering, or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance.

"Ours is a case of rebellion—so called by the resolutions before me—in fact, a clear, flagrant, and gigantic case of rebellion; and 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 the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the Constitution that ordinary courts of justice are inadequate to 'cases of rebellion'—attests their purpose that, in such cases, men may be held in custody whom the courts, acting on ordinary rules, would discharge. *Habeas corpus* does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the Constitution on purpose that men may be arrested and held who can not be proved to be guilty of defined crime, 'when, in cases of rebellion or invasion, the public safety may require it.'

"This is precisely our present case—a case of rebellion, wherein the public safety does require the suspension. Indeed, arrests by process of courts, and arrests in cases of rebellion, do not proceed altogether upon the same basis. The former is directed at the small percentage of ordinary and continuous perpetration of crime, while the latter is directed at sudden and extensive uprisings against the government, which, at most, will succeed or fail in no great length of time. In the latter case, arrests are made not so much for what has been done as for what probably would be done. The latter is more for the preventive and less for the vindictive than the former. In such cases the purposes of men are much more easily understood than in cases of ordinary crime. The man who stands by and says nothing when the peril of his government is discussed can not be misunderstood. If not hindered, he is sure to help the enemy; much more if he talks ambiguously—talks for his country with 'buts,' and 'ifs,' and 'ands.' Of how little value the constitutional provisions I have quoted will be rendered if arrests shall never be made until defined crimes shall have been committed may be illustrated by a few notable examples. General John C. Breckinridge, General Robert E. Lee, General Joseph E. Johnston, General John B. Magruder, General William B. Preston, General Simon B. Buckner, and Commodore Franklin Buchanan, now occupying the very highest places in the rebel war service, were all within the power of the government since the war began, and were nearly as well known to be traitors then as now. Unquestionably, if we had seized and held them, the insurgent cause would be much weaker. But no one of them had then committed any crime defined in the law. Every one of them, if arrested, would have been discharged on *habeas corpus*, were the writ allowed to operate. In view of these and similar cases, I think the time not unlikely to come when I shall be blamed for having made too few arrests rather than too many.

"By the third resolution the meeting indicate their opinion that military arrests may be constitutional in localities where rebellion actually exists, but that such arrests are unconstitutional in localities where rebellion or insurrection does not actually exist. They insist that such arrests shall not be made 'outside of the lines of necessary military occupation and the scenes of insurrection.' Inasmuch, however, as the Constitution itself makes no such distinction, I am unable to believe that there is any such constitutional distinction. I concede that the class of arrests complained of can be constitutional only when, in cases of rebellion or invasion, the public safety may require them, and I insist that in such cases they are constitutional wherever the public safety does require them, as well in places to which they may prevent the rebellion extending as in those where they may be already prevailing; as well where they may restrain mischievous interference with the raising and supplying of armies to suppress the rebellion, as where the rebellion may actually be; as well where they may restrain the enticing men out of the army, as where they would prevent mutiny in the army; equally constitutional at all places where they will conduce to the public safety, as against the dangers of rebellion or invasion. Take the peculiar case mentioned by the meeting. It is asserted, in substance, that Mr. Vallandigham was, by a military commander, seized and tried 'for no other reason than words addressed to a public meeting, in criticism of the course of the administration, and in condemnation of the military orders of the general.' Now, if there be no mistake about this; if this assertion is the truth and the whole truth; if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest, as I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the administration or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. He was warring upon the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then his arrest was made on mistake of fact, which I would be glad to correct on reasonably satisfactory evidence.

"I understand the meeting, whose resolutions I am considering, to be in favor of suppressing the rebellion by military force—by armies. Long experience has shown that armies can not be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier-boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend into a public meeting, and there working upon his feelings till he is persuaded to write the soldier-boy that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest and punish him if he shall desert. I think that, in such a case, to silence the agitator and save the boy is not only constitutional, but, withal, a great mercy.

"If I be wrong on this question of constitutional power, my error lies in believing that certain proceedings are constitutional when, in cases of rebellion or invasion, the public safety requires them, which would not be constitutional when, in absence of rebellion or invasion, the public safety does not require them; in other words, that the Constitution is not, in its application, in all respects the same in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security. The Constitution itself makes the distinction; and I can no more be persuaded that the government can constitutionally take no strong measures in time of rebellion, because it can be shown that the same could not be lawfully taken in time of peace, than I can be persuaded that a particular drug is not good medicine for a sick man because it can be shown not to be good food for a well one. Nor am I able to appreciate the danger apprehended by the meeting, that the American people will, by means of military arrests during the rebellion, lose the right of public discussion, the liberty of speech and the press, the law of evidence, trial by jury, and *habeas corpus*, throughout the indefinite peaceful future which I trust lies before them, any more than I am able to believe that a man could contract so strong an appetite for emetics during temporary illness as to persist in feeding upon them during the remainder of his healthful life.

"In giving the resolutions that earnest consideration which you request of me, I can not overlook the fact that the meeting speak as 'Democrats.' Nor can I, with full respect for their known intelligence, and the fairly presumed deliberation with which they prepared their resolutions, be permitted to suppose that this occurred by accident, or in any way other than that they preferred to designate themselves 'Democrats' rather than 'American citizens.' In this time of national peril I would have preferred to meet you on a level one step higher than any party platform, because I am sure that, from such more elevated position, we could do better battle for the country we all love than we possibly can from those lower ones where, from the force of habit, the prejudices of the past, and selfish hopes of the future, we are sure to expend much of our ingenuity and strength in finding fault with, and aiming blows at, each other. But, since you have denied me this, I will yet be thankful, for the country's sake, that not all Democrats have done so. He on whose discretionary judgment Mr. Vallandigham was arrested and tried is a Democrat, having no old party affinity with me; and the judge who rejected the constitutional view expressed in these resolutions, by refusing to discharge Mr. Vallandigham on *habeas corpus*, is a Democrat of better days than these, having received his judicial mantle at the hands of President Jackson. And still more, of all those Democrats who are nobly exposing their lives and shedding their blood on the battle-field, I have learned that many approve the course taken with Mr. Vallandigham, while I have not heard of a single one condemning it. I can not assert that there are none such. And the name of President Jackson recalls an instance of pertinent history. After the battle of New Orleans, and while the fact that the treaty of peace had been concluded was well known in the

lines of the department. These latter acts were soon afterward annulled by the President.

The most important measure adopted in the last session of the Thirty-seventh Congress was the act of conscription. It was one of the latest acts passed by this Congress. Almost a year had passed since the Confederate government had resorted to conscription as a means of recruiting its armies. Hitherto no such measure had been adopted by the national government. But the time had now come when both necessity and justice demanded its adoption.

The necessity of such a measure was obvious. Over a million of men had volunteered for periods varying from three months to three years.¹ Of these there remained in the service between 600,000 and 700,000. About 160,000 of those who had disappeared from the field had been enlisted for three or nine months. Over one fourth, therefore, of those who had volunteered had been killed or wounded in battle, had become the victims of disease, had been discharged for physical disability, or had deserted. The large number of men drawn from industrial pursuits had increased the demand for labor, and the price thereof. The depreciation of the national currency had still farther increased the price of labor. These circumstances, taken in connection with the diminution of martial enthusiasm, made it impossible any longer to depend upon volunteers.

But, apart from this consideration, it was not fitting that the entire burden of the battle should be borne by those alone whose patriotism was sufficient for the sacrifice. Especially in a struggle which involved national honor, and even national existence, was it the duty of the government to insist upon its claim to the military service of every able-bodied citizen. By enrolling the entire militia of the states, which would thus become the grand reserve of the army, and by drafting from the whole number as many men, and at such periods, as the exigencies of the service might demand, seemed both the most efficient and the most impartial method of obtaining recruits. There could be no question either as to the constitutional power of Congress to enroll the militia, or as to the power of the executive, with the consent of Congress, to make requisition by draft. The Constitution authorizes Congress—

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

city, but before official knowledge of it had arrived, General Jackson still maintained martial or military law. Now, that it could be said the war was over, the clamor against martial law, which had existed from the first, grew more furious. Among other things, a Mr. Louaillier published a denunciatory newspaper article. General Jackson arrested him. A lawyer by the name of Morel procured the U. S. Judge Hall to order a writ of *habeas corpus* to relieve Mr. Louaillier. General Jackson arrested both the lawyer and the judge. A Mr. Hollander ventured to say of some part of the matter that 'it was a dirty trick.' General Jackson arrested him. When the officer undertook to serve the writ of *habeas corpus*, General Jackson took it from him, and sent him away with a copy. Holding the judge in custody a few days, the general sent him beyond the limits of his encampment, and set him at liberty, with an order to remain till the ratification of peace should be regularly announced, or until the British should have left the southern coast. A day or two more elapsed, the ratification of the treaty of peace was regularly announced, and the judge and others were fully liberated. A few days more, and the judge called General Jackson into court and fined him \$1000 for having arrested him and the others named. The general paid the fine, and there the matter rested for nearly thirty years, when Congress refunded principal and interest. The late Senator Douglas, then in the House of Representatives, took a leading part in the debates, in which the constitutional question was much discussed. I am not prepared to say whom the journals would show to have voted for the measure.

"It may be remarked, first, that we had the same Constitution then as now; secondly, that we then had a case of invasion, and now we have a case of rebellion; and, thirdly, that the permanent right of the people to public discussion, the liberty of speech and the press, the trial by jury, the law of evidence, and the *habeas corpus*, suffered no detriment whatever by that conduct of General Jackson, or its subsequent approval by the American Congress.

"And yet let me say that, in my own discretion, I do not know whether I should have ordered the arrest of Mr. Vallandigham. While I can not shift the responsibility from myself, I hold that, as a general rule, the commander in the field is the better judge of the necessity in any particular case. Of course, I must practice a general directory and revisory power in the matter.

"One of the resolutions expresses the opinion of the meeting that arbitrary arrests will have the effect to divide and distract those who should be united in suppressing the rebellion, and I am specifically called on to discharge Mr. Vallandigham. I regard this as, at least, a fair appeal to me on the expediency of exercising a constitutional power which I think exists. In response to such appeal, I have to say, it gave me pain when I learned that Mr. Vallandigham had been arrested—that is, I was pained that there should have seemed to be a necessity for arresting him—and that it will afford me great pleasure to discharge him so soon as I can, by any means, believe the public safety will not suffer by it.

"I farther say, that as the war progresses, it appears to me opinion and action, which were in great confusion at first, take shape and fall into more regular channels, so that the necessity for strong dealing with them gradually decreases. I have every reason to desire that it should cease altogether, and far from the least in my regard for the opinion and wishes of those who, like the meeting at Albany, declare their purpose to sustain the government in every constitutional and lawful measure to suppress the rebellion. Still, I must continue to do so much as may seem to be required for the public safety.

A. LINCOLN."

¹ It is impossible to calculate exactly the number of volunteers in 1861 and 1862, but the following table gives an approximate estimate:

STATES.	3 Months.	9 Months.	3 Years.	Total.
Maine	779	7,493	24,771	33,043
New Hampshire.....	800	2,023	14,915	17,738
Vermont.....	782	4,777	13,457	19,006
Massachusetts.....	3,736	16,896	50,406	71,038
Rhode Island.....	3,147	2,069	9,410	14,626
Connecticut.....	2,340	5,697	20,182	28,219
New York.....	15,922	176,788	176,788	192,705
New Jersey.....	3,105	10,714	16,395	30,214
Pennsylvania.....	20,979	15,100	164,257	194,558
Ohio.....	26,893		143,228	170,121
Indiana.....	4,698		93,840	104,316
Illinois.....	4,901		130,539	135,440
Michigan.....	780		44,890	45,670
Wisconsin.....	810	491	39,345	40,646
Minnesota.....	930	1,200	10,136	12,266
Iowa.....	959		47,855	48,814
Missouri.....			27,407	27,407
Kentucky.....		878	41,163	42,041
Delaware.....				
Maryland.....				
Virginia.....				
Tennessee.....				
California.....				
No Returns.	91,561	67,385	1,068,769	1,227,758

This estimate does not include 30,131 men enlisted in New York for two years, 2589 twelve-months' men enlisted in Pennsylvania, nor 15,853 men raised for the defense of Maine, Pennsylvania, Missouri, and Kentucky. Including these, the grand total reaches 1,276,331.

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

With the exception of official appointments and the authority of training the militia, the state governments, under the Constitution, have nothing whatsoever to do with the raising of armies for the United States service.

On the 5th of February a bill for enrolling and drafting the militia was reported to the Senate by Mr. Wilson, of Massachusetts, chairman of the Committee on Military Affairs. The batteries of the opposition were immediately opened against it. As there was no valid constitutional objection to the bill, it is fair to consider the attempt on the part of certain members in the two houses to defeat it as an indication of their opposition to the war itself. Apart from this, they were also influenced by a political motive of the most contemptible sort. They knew that so long as the nation depended upon volunteers its armies would be filled from the ranks of those who heartily supported the administration, while those who were politically opposed to the war would remain at home, and support by their votes the opposition party. If, however, the government called upon all its citizens alike, in the method proposed by this bill, then the soldiers would be drawn in just proportion from among the supporters and opponents of the administration. The bill would also, if successful, defeat the purposes of the opposition leaders, who hoped to see the army dwindle away under the volunteer system, which, they knew, must prove inadequate. It is easy to understand, therefore, how these men in Congress pronounced the bill one "of doubtful propriety and doubtful constitutionality," "despotic," "conferring upon the President of the United States more power than belongs to any despot in Europe or any where else."¹ This bill passed the Senate, the yeas and nays not being called. The vote on Mr. Bayard's motion, that the measure be indefinitely postponed, shows the exact strength of the opposition. Eleven Democrats voted in favor of postponement; 35 voted against it, including every Republican present, with Messrs. McDougall, of California, and Harding and Nesmith, of Oregon.

The bill came up for consideration in the House on the 23d of February. The same objections were urged which had been offered in the Senate. Mr. Thomas, of Maryland, who was strongly opposed to emancipation, to the use of negro soldiers, and to confiscation, but who yet had no sympathy with rebellion, supported the measure as necessary.² Mr. Crittenden, of Kentucky,

¹ In the Senate Mr. Wilson strongly urged the passage of the bill. "We are now," he said, "engaged in a gigantic struggle for the preservation of the life of the nation, menaced by the foulest and most wicked rebellion recorded in the annals of mankind. The young men of the republic for more than twenty months have been thronging to the field to uphold the cause of their periled country. They left their homes in the pride and bloom, and filled with the high hopes of young manhood. Those noble regiments of volunteers that left their homes full of lusty life, and in all the pride and strength of assured manhood, are now thinned and wasted by the diseases of the camp and the storms of battle.

"The old regiments hardly average now more than four hundred men in the field fit for the stern duties of war. Many who rallied at the call of their country, and who followed its flag with unswerving devotion, now sleep in bloody graves, or linger in hospitals, or, bending beneath disease and wounds, can no longer fill the ranks of our legions in camp or on the battle-field. If we mean to maintain the supremacy of the Constitution and the laws, if we mean to preserve the unity of the republic, if we mean that America shall live and have a position and name among the nations, we must fill the broken and thinned ranks of our wasted battalions.

"The issue is now clearly presented to the country for the acceptance or rejection of the American people—an inglorious peace, with a dismembered Union and a broken nation on the one hand, or war, fought until the rebellion is crushed beneath its iron heel. Patriotism, as well as freedom, humanity, and religion, accepts the bloody issues of war, rather than peace purchased with the dismemberment of the republic and the death of the nation.

"If we accept peace, disunion, death, then we may speedily summon home again our armies; if we accept war until the flag of the republic waves over every foot of our united country, then we must see to it that the ranks of our armies, broken by toil, disease, and death, are filled again with the health and vigor of life. To fill the thinned ranks of our battalions we must again call upon the people. The immense numbers already summoned to the field, the scarcity and high rewards of labor, press upon all of us the conviction that the ranks of our wasted regiments can not be filled again by the old system of volunteering. If volunteers will not respond to the call of the country, then we must resort to the involuntary system."

² "The policy," said he, "inaugurated on the 1st of December, 1861, has been fruitless of good. It has changed the ostensible, if not the real issue of the war. That policy, and the want of persistent vigor in our military councils, render any farther reliance upon voluntary enlistments futile. The nostrums have all failed. Confiscation, emancipation by Congress, emancipation by the proclamation of the President, compensated emancipation, arbitrary arrests, paper made legal tender, negro armies, will not do the mighty work. Nothing will save us now but victories in the field and on the sea, and then the proffer of the olive-branch, with the most liberal terms of reconciliation and reunion. We can get armies in no other way but by measures substantially those in the bill before us, unless the administration will retrace its steps, and return to the way of the Constitution—for us the strait and narrow way which leads unto life. At any rate, the war on paper is at an end. The people have, for a time, been deluded by it. That delusion exists no longer. If you are to suppress this rebellion, all instrumentalities will fail you but the power of your own right arm. Mr. Speaker, the measures and policy heretofore pursued have not been merely fruitless of good, they have been fruitful of evil. They have made, or largely contributed to make, a united South; they have made for you a divided North; they have alienated from the administration the confidence and affection of large portions of the people; they have paralyzed your arm, and divided your counsels. Gentlemen flatter themselves this alienation and disaffection are the work of Democrats; that the people have been misled and deceived by their wiles. Sir, the people of this country read, and keep their eyes open, and comprehend, and the plain fact is, you can not unite them upon the policy you now pursue. They do not believe in destroying the Union and the Constitution in the hope of building up better by force of arms. You may unite them on the issue of maintaining the Union and the government at every price and cost, but upon no other.

"Having distracted the public mind, having alienated to a great degree the affection and confidence of the country, what is left to you? To resort to those constitutional powers vested in you for the preservation of the government which you have in trust, and which you must use or be false to that trust. Gentlemen say the people will not bear this measure. I will not believe it. I believe the people of this country are ready to do and to endure every thing for the preservation of their unity, their national life, and, through that unity and that national life, all that makes life precious to men. They will submit to it. In view of the infinite interests at stake in this great controversy; in the solemn conviction that there is to-day no hope of peace except in disintegration; that as a nation we must conquer in arms or perish, they will meet and respond to this imperative call of duty. Such is my hope and trust.

"But, Mr. Speaker, suppose they hesitate; suppose they do not submit; you can but try; you have no other hope; the negro will not save you, paper money will not save you, your infractions of personal liberty will not save you. If persisted in in the peaceful and loyal states, they will ruin you. Go firmly to the people, and present to them the issue. They will understand the terrible exigency in which the country is placed, and they will be true to that country if you show clearly to their comprehension the length, and breadth, and height, and depth of that exigency. Mr. Speaker, the issue must be met at all hazards. If the people will not support you, if they will not do this highest act of duty, the days of this republic are numbered, and the end is nigh. Satisfy them that you mean to be true to the Constitution and the Union, and they will be true to you.

"The issue, I repeat, must be met. You die without this measure; you can do no more with it, except you die, as cowards die, many times. I go, therefore, for appealing from these panaceas,

while agreeing with Mr. Thomas as to the causes of the difficulty experienced by the government in sustaining its military strength by the volunteer system, still opposed the measure.¹ The bill was finally passed, on the 3d of March, by a vote of 115 to 49.

and makeshifts, and paper bullets, to this highest, most solemn, and imperative duty of the citizen to protect the life of the state, and I believe that appeal will be answered."

¹ "The measure, it seems to me," said he, "is but the natural result of the course of policy which this Congress has pursued from the commencement, or very near the commencement of this war.

"When this war first broke out, it was a national war, with a single national object; and upon that one purpose and object all hearts were united. That object was the re-establishment of this great republic—our republic. Upon that great object, I repeat, we were all united. There was no division; and in order to satisfy the country more effectually of the fact of our unity, but little more than eighteen months ago a resolution offered by me was passed, almost unanimously, declaring that this was our sole object. We then declared that this was our only object. We pledged ourselves that no interference should be made in any of the institutions of the states having a special reference to the institution of slavery.

"Mr. Speaker, had the pledges then solemnly made by this Congress been adhered to, how different would be the condition of the country to-day! There was then but one sentiment pervading the whole people of the country. The people then flocked to your standard by hundreds of thousands, filling the ranks of such an army as the world never saw. There was then but one sentiment in the people of the country. No coercion was then talked of. What has produced the change that now presents itself? What, as my friend from Massachusetts says, has united the South in one solid iron phalanx? What has crushed out, and destroyed to a great extent, if not wholly, the confidence and enthusiasm that swelled up in the heart of the people of the nation? What has done all this? It is our departing from our faith. It is our departing from that object which we declared to be the only just and patriotic one. What else has done it? Have you not departed from the policy of that faith? Have you not, in a manner considered perfidious, violated pledges which you gave the country more than eighteen months ago? Was there any discontent expressed at that time? I heard of none. The hearts of the loyal people North and South were fired with a common purpose to preserve the integrity and honor of the republic. Every man felt himself under every honorable obligation to step forward, and abandon his private affairs, and look after the welfare of the Union. That was the undivided, pervading, patriotic sentiment of the whole body of the people. Nowhere in the North or Northwest was heard a murmur of discontent; and the same confidence and patriotic feeling was as strong among the Union men of the border states as it was any where in the North and West. It was every where the same. We were willing to suffer to the last extremity to preserve the government. That was the feeling of the people then; we all know it.

"What has brought this mighty change? What has done it, Mr. Speaker? Do not we all know? Can there be any doubt on the subject? It has been our infidelity to the pledges made to the people. It has been because of the reckless course of the dominant power. It is because of the impolicy of which Congress has been guilty. Is it not time to learn that the course we have pursued and are pursuing has produced a state of division and dissension even in the remaining states? Yes, sir, the policy that has been recently pursued has been the fruitful source of these disastrous dissensions. It has been our departure from our policy of not attacking the institution of slavery, and fighting only for the government, for the Union, and the Constitution.

"What have we seen at this session? We have passed bills changing the rules and articles of war in order that slavery might be encroached upon. We deprive the loyal people of the South of all protection by the army for their property. You have passed a law taking the slaves from any of the citizens of the country. You have passed a law for organizing an army of three hundred thousand negroes. This, you know, is against the deep-rooted prejudices of at least one half our people. Such a bill would have been rejected with one common voice eighteen months ago. Even the mention of the subject created profound indignation. You have done this and more. You have passed laws, in the opinion of the people, which violate the Constitution. You have scorned the friends of the government. You have turned away from us the hearts of the people by these measures. We have sown deep the seeds of future disasters to the government. I implore the House to pause before it sanctions any more measures of that kind.

"Mr. Speaker, can we carry on the war more successfully by transcending the Constitution than we can by obeying it? I have always said that the Constitution was our bulwark; that it was the best defense; that our strongest defense was to keep within the clearly-defined powers of that instrument. But what have we done? We have assumed powers not delegated by the Constitution. We have acted, not according to the provisions of the Constitution, but according to the sentiment which actuated us at the moment. We seem to have been controlled by the petty spirit of party rather than by the spirit of patriotism and a determination to obey the Constitution and the laws. You have lost the heart of the people, and you have lost it by the dogmas you have inaugurated and established rather than follow the Constitution.

"The gentleman from Pennsylvania (Mr. Stevens) said the other day that we have every man in the field that we can get voluntarily. Why is that? Because the object is clearly proclaimed of abolishing slavery throughout the United States. You have done this while you have had an accidental majority here. Hence it is that the people have changed. This is the only time when that party ever had a majority in the House—I mean a majority of Abolitionists. With this accidental power, what has it done? It has declared emancipation by law. It has declared by law for the raising of negro armies. It has declared emancipation and confiscation by law. By these means, I say, you have lost the hearts of the people. Why do not the people have the same enthusiasm in the war that they had at first? Then they put a million of men into the field. The country is still in peril, in more peril than at first, and why is not an army of two million men now put into the field? It is only because of the bad policy by which you have established the dogmas of the Abolitionists, of emancipation of slavery throughout the country. It is that which has induced them to lose confidence in you. It is not for the country, it is not for the white man, it is for the negro this war is to be waged; and for that war I am not. The logical conclusion from the impolitic course we have pursued is, that we have lost the hearts of the people.

"You say that this bill is framed on the idea that the people will no longer volunteer—that the people will no longer stand a draft. Why not? Because the people will not do one thing or another; they will neither volunteer nor stand a draft, and you are obliged by law to coerce them. That is the condition in which we are placed, and this bill is nothing more than the logical conclusion of what we have previously done. We have created a necessity for it. The people are no longer with us, and therefore we must force the people, by coercive and penal laws, by new jurisdictions, provost-marshal scattered through the land, and by a new sort of military judicature to which the people have not been accustomed. And knowing that you have an unwilling people to deal with, you make that law as coercive as possible, and accompany it with every sort of inquisitorial and compulsory power, judicial and executive, in order to insure obedience, willing or unwilling, to that law. Is not that our condition fairly considered?

"There is but one sort of consistency which deserves the respect of honest men, and that is to let your acts be consistent with your convictions at the time you are called upon to vote. It is not what we did yesterday that we are to consider alone. We have lived through a time of trial and of trouble. Have we learned nothing? Up to this time I fear we have learned very little. Our lessons have been very severe, and the fear of more dangerous lessons hereafter ought to instruct us. The life of the country is attacked, and that life is upon your hands, and its preservation depends in a great measure upon your wisdom, upon your solemn deliberations, and your solemn consideration of all the mighty questions upon us.

"If we want to get back the Union, how must we do it? We must change our policy. This will not answer your purpose. You must get back what you have lost. You have lost the heart of the people, and the confidence of the people. The people's affections are turned away from us, and will they bear more exactions and burdens laid upon them? No, sir; you are mistaken in the remedy. Your only remedy is to regain the confidence and heart of the people, to substitute for the distrust which now exists confidence that your object is a national one, and not a mere public one; not the abolition of slavery, but the salvation of the country. Get that back, and you do not want this bill; fail to get it back, and this bill will be just as inoperative as if there was not a word written upon it.

"You say a draft will not do; that a draft will not be submitted to. I know nothing about that. Will, then, this more exacting provision be submitted to? In a country like ours, laws which do not carry along with them the assent of the people are but blank paper. Have you not cause to fear that unless you win back the hearts of the people, and their confidence, this bill will do no good? You are mistaking the disease altogether. The disease of the public heart is loss of confidence in us, members of Congress. It is the Abolition element here which has destroyed every thing; that has clouded the great ideas of nationality—the pride of the American heart.

"That is the disease of the public heart, and you should endeavor to administer measures which will reclaim it, and that will heal discontent. And yet in the last moments of our existence you are endeavoring to consummate a policy which the people have condemned, and to put the people beyond the means of redress. The remedy, and the sole remedy, is by reversion, by retracing our steps, and making this again a national war. Then you will not want this bill, nor will you want a draft. You will have volunteers enough. I do not speak rashly, because you had volunteers enough, and more than you knew what to do with, when you stood upon that ground. But you chose to change that ground. Political abolitionists thought the time had come for them to introduce the sword and the spear into the public arena, and to make use of this war to carry out the ends which they have long cherished—the abolition of slavery."



OWEN LOVEJOY.

This act, as passed by Congress, included, as a part of the national forces, all able-bodied male citizens of the United States between the ages of twenty-one and forty-five years, except such as should be rejected as physically or mentally unfit for the service. The militia thus enrolled were to be divided into two classes—the first to contain those under thirty-five and all unmarried persons under forty-five; the second, all others liable to military duty. The country was to be divided into districts, in each of which an enrollment board was to be established. Those enrolled were subject to be called into service for two years from July 1st, 1863, and to continue in service for three years. Any person drafted might furnish an acceptable substitute, or pay \$300, and be discharged from farther liability under that draft. Those who, after being drafted, failed to report, were to be treated as deserters. No choice was given to those drafted as to the corps or regiment, or as to the branch of the service in which they should serve.¹

In the House a bill had already been passed, 83 to 54, authorizing the President "to enroll, arm, and equip, and receive into the land or naval service of the United States, such numbers of volunteers of African descent as he may deem useful to suppress the present rebellion, for such term as he may prescribe, not exceeding five years." This bill was not passed by the Senate, on the ground that the authority thereby granted had already been given in the act of July 17, 1862.

Early in the session a discussion was opened in the House which brought out an expression of views as to the position of the insurgent states in their relation to the general government. On the 8th of January, the appropriation bill being under consideration, an amendment was offered to add to the clause for the compensation of thirty-three revenue commissioners and twelve clerks (with salaries amounting to \$112,000) a proviso that their compensation should be collected in the insurgent states. Thaddeus Stevens, of Pennsylvania, insisted that the Constitution did not embrace a state in arms against the government. "The establishment of a blockade," he said, "admitted the Southern States, the Confederates, to be a belligerent power. Foreign nations have all admitted them as a belligerent power. Whenever that came to be admitted by us and by foreign nations, it placed the rebellious states precisely in the position of an alien enemy with regard to duties and obligations." He held, therefore, that all obligations or contracts previously existing between these states and the general government were abrogated, and that the former were to be treated simply in accordance with the laws of war. "With regard to all the Southern states in rebellion the Constitution has no binding influence and no application." In his opinion these states were not members of the Union, nor under the laws of the government. He proposed to levy the tax and collect it as a war measure.

In this expression of opinion Mr. Stevens was not sustained by his party. Abram Olin, of New York, held this doctrine in utter abhorrence—equally unsound and mischievous as that of the so-called right of secession. Mr. Thomas, of Massachusetts, favored the amendment, but would collect the tax under the provisions of the Constitution, "because to-day, as always heretofore, the authority of the national government covers every inch of the territory of the national domain; because that law which we call the

Constitution is to-day the supreme law of the land." Mr. Lovejoy, of Illinois, emphatically repudiated Mr. Stevens's theory.²

On the 18th of February the bill to provide a national currency came up for consideration in the Senate. The President, in his message, had urged the passage of this bill. It passed the Senate by a majority of two votes—23 to 21—and the House by a vote of 78 to 64.³

¹ Mr. Stevens did not claim to speak for his party. "I desire," he said, "to say that I know perfectly well . . . I do not speak the sentiments of this side of the house as a party. I know more than that: that, for the last fifteen years, I have always been a step ahead of the party I have acted with in these matters; but I have never been so far ahead, with the exception of the principles I now enunciate, but that the members of the party have overtaken me and gone ahead; and they, together with the gentleman from New York (Mr. Olin), will again overtake me, and go with me, before this infamous and bloody rebellion is ended. They will find that they can not execute the Constitution in the seceding states; that it is a total nullity there, and that this war must be carried on upon principles wholly independent of it. They will come to the conclusion that the adoption of the measures I advocated at the outset of the war—the arming of the negroes, the slaves of the rebels—is the only way left on earth by which these rebels can be exterminated. They will find that they must treat those states now outside of the Union as conquered provinces, and settle them with new men, and drive the present rebels as exiles from this country; for I tell you they have the pluck and endurance for which I gave them credit a year and a half ago, in a speech which I made, but which was not relished on this side of the house, nor by the people in the free states. They have such determination, energy, and endurance, that nothing but actual extermination, or exile, or starvation will ever induce them to surrender to this government. I do not now ask gentlemen to indorse my views, nor do I speak for any body but myself; but, in order that I may have some credit for sagacity, I ask that gentlemen will write this down in their memories. It will not be two years before they will call it up, or before they will adopt my views, or adopt the other alternative of a disgraceful submission by this side of the country."

² "I repudiate," said he, "the theory which, if I understand the gentleman from Pennsylvania, is his theory, that, if I own a vessel, the mere fact that pirates come and take possession of it destroys the validity of my title to it. I may not be in possession; I may go and demand the possession to which I am legally and constitutionally entitled, and force may prevent my taking possession; but that does not invalidate my rightful claim."

"I hold that if one third of the citizens of Kentucky are loyal, the state belongs to that third; that if one fourth of the citizens of Tennessee are loyal, the state belongs to that fourth; and that just as soon as the government can enforce their rights, it is bound to enforce them; and the whole machinery of state government can be set going by those who remain, who are loyal, whether one half, one fourth, one tenth, or one hundredth. The right of the federal government never was invalidated, and never ceased for a moment."

³ The provisions of the bill, the objections to it, and the arguments in its favor, will be best shown by the following speeches of Senators Collamer, of Vermont, and Sherman, of Ohio:

Mr. Collamer opposed the bill. "What," asked he, "are its great purposes and objects as stated by those who framed, recommended, and support it? It is said to be to institute a great national paper currency through the medium of banks, to be organized under this act, who are to take United States stocks and deposit them in the Treasury, and take ninety per cent. of them in notes to circulate as money, with which to do banking business, and that they shall have twenty-five per cent. more than this circulating part as a permanent capital to work upon. They are to pay two per cent. on their circulation to the United States government annually, or one per cent. every six months, and the United States are to pay them six per cent. per annum on the bonds in gold. The United States further agree that they will take all this money in circulation, receive it for and pay it out on all public dues, and declare it to be in the act a national currency. Besides that, the United States agree that they will guarantee to the bill-holders the payment of these bills at the Treasury. If the banks do not redeem them in currency when asked for their redemption, they may be protested and presented at the Treasury, and the Treasury is to pay them, and to pay them in full, whether the stocks left upon deposit are able to meet them or not. Besides this investment, the property put into these associations is itself to be clear of taxation."

"Now, Mr. President, it is to be further understood, and is an integral part of the very system, without which it is good for nothing, that the circulation of the existing banks of the country is to be withdrawn. Measures are to be taken with those banks that shall induce or compel them to take home their circulation and put it out no more, so that this shall be a national currency. Unless this latter part of the scheme is secured, its great professed object of making a uniform national currency throughout the United States is not and can not be effected. It therefore implies all this, and we must understand that if we enter upon this proposition and entertain this plan, we are to take measures in order to perfect it to do the other thing; that is, to destroy, put out of existence, the circulation of the present state banks."

"The Supreme Court, in the case of *McCullough vs. Maryland*, decided that the United States had the right to make a United States Bank, with branches in different states, and they said the states could not tax that United States Bank. Why? Because the exercise of that power in the extreme would destroy it, and therefore you would make it out that the Congress had a power to establish a bank; but, after all, it was subject to the power of the states to put it down. In the case of *Kentucky*, the Supreme Court decided that the long-continued usage in this country in states to make banks was constitutional, and that a state had a right to make a bank of issue. There were other questions in that case which it is not necessary now to bring in here. It was decided that a state had a right, not to make a bank to issue the state paper, but a bank to issue paper currency."

"Now, sir, if a state has that right, it has that right certainly independent of the consent of Congress. Does it hold it at the will of Congress? Certainly not. The United States, in making a United States Bank, held it independent of state action, and it was so decided. If the state has this right, and has it independent of the consent of Congress, it can not have that right if the United States can tax it out of existence. Hence I say the United States has no more power to tax a state institution out of existence than a state has to tax a United States institution out of existence. I should like to see that answered. I have sometimes proposed that question, but I have never received any answer to it. In most of the states, the State of New York, for instance, almost all their banks are founded upon their own state stocks. It is a part of their financial system to make their stocks valuable, and to enable them to make internal improvements. All these state banks are more or less connected with and ramified in with the business of their several states. Can they be taxed out of existence by the United States? Why, sir, you might just as well tell me that the United States, under the power of taxation, could go on and extinguish all the schools in New England by taxing its schools, its colleges, and its academies, and their books, and their buildings, and the salaries of the professors, and in that way destroy them under the very general principle of the power of universal taxation. I shall not dwell any longer upon that point. I have stated my view upon it."

"But, Mr. President, there is another principle involved in this measure, and I am looking at it now in its great national aspects, as a national principle, without regard to the time. I say it is to establish corporations in all the states and Territories, entirely independent of any power of visitation by those states or Territories. This, to say the least of it, is an extremely questionable power. What may be the number of these institutions? As the capital is to be \$300,000,000, that will make three thousand banks of \$100,000 each; and the bill provides that they may be made \$50,000 banks, which will make six thousand \$50,000 banks. I believe we have now, in what are called the loyal states, between thirteen and fourteen hundred banks altogether; and this bill proposes to make at least three thousand, or perhaps six thousand of these bank corporations, established all over the states."

"That is not all. It is proposed that there shall be no other banks but these; the whole banking capital is to be put into these banks, and the whole of that property is removed from all state taxation. I ask gentlemen to reflect on what will be the effect in their different states of closing up the present banks, and taking the capital belonging to the stockholders, putting it into the banks under this bill, and removing the whole of it from all the forms of state taxation—state, county, city, and town. Many of our states derive their school-fund from what they obtain from these state banks. I believe it is so in New Hampshire. They have their school-fund in that way."

"The next point to which I desire to call attention is the propriety of our undertaking as a nation to say that we will be responsible for the ultimate redemption of these bills by the securities that are deposited. I am aware that the honorable senator who is the parent of the bill here thinks he has got in it something very valuable, in the provision about the liability of individual stockholders, and requiring twenty-five per cent. of the amount of their circulation to be kept on hand. All these things, to my mind, are hardly worth the paper on which they are written; they are good for nothing at all. How can you follow the responsibility of stockholders? The very stocks are assignable; they are personal property. They are bought and sold in the market every day for more or less, according to their worth. Although one of these banks may start with some very responsible men when it first sets up, the moment it becomes at all doubtful or troublesome it quickly passes off into the hands of men who have no responsibility. You can never pursue it in that way. As to the provision that they shall retain twenty-five per cent. on their circulation on hand, that is their own money; it is not United States money. The fact is just this: whenever your bonds that you hold for your security to redeem these bills depreciate essentially, the bank will wind up, and they will do it without any sort of disparagement or any dishonesty. The stockholders will say at once to themselves, 'We have noticed the fall of these stocks; we know

¹ The following persons were exempted: The Vice-President, the judges of United States courts, the heads of executive departments, and the governors of the several states; the only son, liable to military service, of a widow dependent upon his labor for support; the only son of aged or infirm parent or parents dependent upon his labor for support; also, where there are two or more sons of aged or infirm parents subject to draft, the father, or, if he be dead, the mother, may elect which son should be exempt; also the father of motherless children under twelve years of age, dependent upon his labor for support; also, where there were a father and sons in the same family and household, and two of them were in the military service as non-commissioned officers, musicians, or privates, the residue of such family should be exempt; and all were exempt who had been convicted of any felony.

The bill for the admission of West Virginia passed both houses during this session. It first came up before the House of Representatives on the

that they are very much down; we will not redeem any more of these bills; we will leave them to be redeemed by the government; we gave them \$100,000 and deposited it with them in bonds; they only allowed us \$90,000; that is all we have had of them; we leave these notes in their hands to redeem; we will let them redeem them; we gave them a great deal more than they ever gave us, and let them redeem them. When would that occur? Why, sir, in great national calamities such as those under which we already suffer by the unfortunate proceedings of this war, we know that public stocks rise and fall with the prosperity or decline of the nation.

"Again, I will take the very reverse of this state of things. Suppose we should close this unfortunate controversy and return to peace. The moment you are at peace every man wants all the money he has got to go into business. He has lent it to the United States, taken this, that, or the other sort of stock, in order to have it earn something while this public controversy and difficulty was going on. The moment that is ended he wants his money to go into business again in our cities and towns—importing and the like. He immediately cashes these bonds, and a very large portion of these bonds will at once be thrown on the market at a discount the moment you are at peace. In either of these cases, whether from public calamity or from peace, there comes a deterioration upon the value of these bonds; these banks are wound up, the bills are protested and presented to the Treasury here in bundles for payment. What will you do? It is said in the bill that they are to be paid here. You may take the stocks the bank left as security and go and sell them in the market, and thus get money to pay them. If they have deteriorated so much that the banks do not want to pay their bills, it will be a pretty hard bargain for us to pay them with those bonds. We should have to sell at as much discount as they. Besides, we do not get rid of any thing in that way. We have to anticipate our bonds. They run twenty years. We have got to pay these notes when they are presented; and if we sell our bonds at a discount in the market to get some money to redeem them with, we have got to meet that bond in the end, have we not? We do not get rid of it at all; but we are compelled to get the money about twenty years before it is due. I do not see the policy, the expediency, or the profit of such a bargain.

"The next aspect to which I will call attention is this: we once had, or twice had, a United States Bank. The history of the last one is within the recollection of most of those who hear me. That bank had a capital of \$35,000,000. The proposition now is to make United States banks with a capital of \$300,000,000. The United States took \$7,000,000 of that stock. They paid nothing in, but put in their stock for it on time. They had directors of their own appointed to keep watch of that bank. They had the right to borrow money at that bank. The bank was bound to loan it to them at a certain rate and limitation. They went on with that bank during the whole period of its existence. They took their dividends from year to year by extinguishing the payment of interest on their bonds; and at the close of the whole they received back their stock and ten per cent. upon it of accumulated profits that had not been divided. Every body concerned in it was paid, the stock was paid back; and the United States made that money.

"Now, sir, why did that institution go down; or, rather, why was it not renewed, and enlarged, and adapted to the condition of the country? It was because it was said to be a dangerous political engine in the hands of whatever political party existed at the time; that it would be used as a great machine in the different states by the favor which the government would give it, or the control which they would exercise over it; and it was dangerous, as it was said then, and I think it was demonstrable.

"Mr. President, look at the proposition now before us in this aspect. It provides that the Secretary of the Treasury shall nominate the Comptroller of the Currency. He can be appointed by the President only on the nomination of the Secretary of the Treasury; and he is given any number (not limited at all) of clerks and agents. There are established, if you please, three thousand of these banks under this bill, of \$100,000 each, scattered through all the country. They can be visited by agents appointed here under this bill, and inspected from time to time, and reported upon. The Secretary is authorized to make such of them as he thinks proper depositories of the public revenue, and he is to distribute this stock, one half of the \$300,000,000 to the different states according to their representative population, and the other half according to the banking resources of the country; there is no limitation upon him whatever. If the old United States Bank furnished well-grounded apprehensions of its dangerous political tendency as a political agency, permit me to ask gentlemen to reflect for a moment on what you have got here, with \$300,000,000 of capital, with three thousand banks subject to inspection, and to be troubled just as much as the head of the Treasury Department pleases, if they do not support his views; or to receive favors by way of being made depositories for the public dues; and the Secretary having the power to appoint agents and clerks *ad libitum*. I do not wish to enlarge upon this point at all, but I say this: if a Secretary of the Treasury can be furnished with these powers and chooses to use them, he must be a very bungling politician if he can not make himself President any day.

"Then, putting it in plain English, you propose to hire these people to go into these associations, take these bonds, and deposit them. They are to pay two per cent. on their circulation, and you pay them six on their bonds. I will call it four per cent.; though it is more, as the gentleman knows, because the two per cent. they pay in currency, and the six per cent. we pay in gold. The amount of it is this: we say to them, 'If you will do this to the amount of \$300,000,000, and put out notes to the extent of ninety per cent. of the bonds, we will pay you \$12,000,000 in gold every year for doing it.' You may talk about its being in the form of bonds, but that does not alter it at all. We are to enter into that arrangement with them. If they take their money, buy these bonds, put them on deposit, issue paper to the extent of ninety per cent. of those bonds and circulate it, and pay two per cent. on that circulation, we pay them six on the bonds; that is, we pay them four per cent. on the bonds, if they will do us this great service! There is all there is about it. You may discuss it as you please, and use a great many financial expressions and schemes; but that is the English of it; that is the simple common sense of it. Instead of circulating that amount of our own currency upon our own responsibility and paying nothing, we are to hire them to circulate that amount of our currency, and pay them \$12,000,000 a year in gold for doing it; and we are to be responsible after all. That is all there is of it. Yankee as I am, I am unable to perceive how it is possible that that can be a good trade for us, or how any shrewd man would ever think of entering into an agreement of that kind.

"It is said, however, that it is a fair tax in proportion to our other war taxes. Let us look at this for a moment. My neighbor here has \$100,000 saved, we will say, and having retired from business, he lives by loaning out that money, and he realizes six per cent. a year on it. How much do we tax him? One hundred and eighty dollars, three per cent. on what he gets. I am going now upon the ground that he has got \$6000 income in some other way. We tax him three per cent. on his gain; and that is \$180, although he has used \$100,000. Here are three other neighbors of mine—I will not include myself, because that would make the supposition too improbable—who have \$100,000, and they bank with it according to the law of their state. What do they make? Perhaps they make eight per cent. If they do make \$8000 on the \$100,000, they have to pay a tax of three per cent. on that now, and it goes into the Treasury. But what is the proposition here? The government says to them, 'You have got \$100,000 invested in banking; you will therefore probably have about \$150,000 of circulation; we will tax you on the \$150,000 one per cent. every six months, or two per cent. a year.' How much will that be? Three thousand dollars. 'For the use of your \$100,000 in banking you shall pay \$3000 a year.' The other man, for the use of his \$100,000, pays but \$180 a year. Do you call that fair and equal taxation? The one pays \$180, while the other, on the same amount of capital, pays \$3000. It is perfectly monstrous.

"But, in the next place, I think it a mere matter of figures, and capable of mathematical certainty about this problem of whether banks will be set up in my part of the country under this bill, even if the existing banks are all destroyed. To illustrate it, I will take the plain case of a \$100,000 bank, because that is the ordinary size of a country bank in my part of the country, and it is, in round numbers, easy of calculation. You are to take \$100,000, go and buy bonds with it, leave them there, and take out \$90,000 of circulating notes. As to exchange, that is to be the same all over the country, and that is to be no item in the profit of a bank hereafter.

"Now let us see how it will work. In the first place, I believe I am borne out by examination of experienced men in saying that you can not operate a country bank, or any bank of the amount of \$100,000, with less than \$2500 per year. Pay your cashier, open your office, warm it, light it, take care of it, pay your expenses, and do all your business, and it can not be done for less than \$2500, and that is putting it very low. Now a \$100,000 bank, under this bill, will, in the first place, get from the government of the United States \$4000 a year interest, after paying the tax. We understand that. They lend the \$90,000 which they receive, and they get six per cent. interest on that. That interest would amount to \$5400. There is all they can make without stealing. It is all that can be made. What does it cost? It costs \$2500 to operate the bank, the ordinary expenses, and they lose the use of \$22,500 for that year, because they are to keep on hand twenty-five per cent. on their circulation. They have kept that on hand, and of course the use of it is lost. That is over \$1300. That expense and loss makes \$3800. The interest from the government and the interest on the \$90,000 amounts to \$9400. Deducting the one from the other, it leaves \$5600. Now what did it make that on? On the \$100,000 put in, and the \$22,500 which was kept on hand. The investment was \$122,500, and the profit is \$5600; that is, about four per cent. That is all that can be made under it. They are to run the risk in their loans of all the loanings of \$90,000, and getting it out and in, and can not make five per cent., if all works smoothly and there are no losses at all. I say that is not a matter of speculation; that is a matter of certainty. Those figures which I have given in this instance can not lie."

Mr. Sherman, of Ohio, followed in defense of the bill. "That bankers can make a reasonable profit under this bill I have no doubt. They have the benefit of four per cent. on the bonds deposited by them. They have the benefit of interest on the notes given them for circulation. They

9th of December, 1862. The senators elected by West Virginia had already been admitted into the Senate. The question as to the admission of West Virginia as a separate state was involved in great difficulty. While it was consistent to recognize the Legislature of this portion of Virginia as the Legislature of the state, to the exclusion of that assembled at Richmond, it was still a violation of the Constitution to admit West Virginia as a separate state. To do this was to take the ground which Mr. Stevens held—that the Constitution had no longer any application to the states engaged in rebellion. Probably not more than one third of the proposed new state were in favor of its separation from Virginia. But the bill passed the House 96 to 55, and the Senate without debate.

On the 9th of February, 1863, resolutions were adopted by the House admitting to seats in that body Benjamin F. Flanders and Michael Hahn, elected from the first and second Congressional districts of Louisiana. The adoption of these resolutions was a protest on the part of the House against the political theories of Thaddeus Stevens.

Resolutions were adopted in both houses toward the close of the session repudiating foreign mediation in our civil war. These were passed in the Senate 31 to 5, and in the House 103 to 28.¹ The occasion for this action

have the benefit of exchange; not the rates of exchange formerly paid, but that incidental exchange which every bank charges in drawing a draft, probably a quarter or a half of one per cent. They have the profits they can make from deposits. They have other profits from the ordinary incidents of banking. I have no doubt, from all these various profits, they will make what banks in ordinary times under specie payments could make, that is, seven or eight per cent. a year.

"But, sir, the principal point made by the honorable senator, and one most likely to influence the judgment of senators, is this: he asks what benefit the United States derives from this arrangement, and he endeavors by argument to show that the United States derives no benefit. I would put to him this simple proposition: there are now \$167,000,000 of local bank circulation in the country. Suppose we can induce through their interests—I do not propose to do it by any arbitrary mode—the retirement of \$100,000,000 of this circulation, taking the smallest sum that will probably be used in the course of a year; suppose we can induce the banks to withdraw \$100,000,000 of their circulation, is it no benefit to the United States? Now the United States gets no benefit whatever from their circulation. The United States can not receive it in their ordinary business transactions. It fills the channels of circulation to the exclusion of the greenbacks. Suppose we can induce the banks to withdraw \$100,000,000 of their circulation, and invest that much money in our bonds, and receive United States circulation, does not the honorable senator see that we should derive a great advantage from it? That is the object of this bill. The object is, by appealing to the patriotism and the interest of the people and the banks, to induce the banks to withdraw their local circulation and convert it into a national circulation. If it fails, as a matter of course it does no harm. But suppose it succeeds, does not the United States derive a benefit from it? Certainly; because at once a demand is created for the purchase of \$100,000,000 of United States bonds. We are anxious to sell these bonds. They are now below the par of gold. The creation of a demand for \$100,000,000 will, as I showed yesterday, by the well-known and recognized laws of trade, probably create a demand for \$500,000,000. There is the benefit, there is the advantage we seek to derive. We shall make a market at once for the sale of \$100,000,000 worth of our bonds, and the additional market which is always created by making a demand for a particular commodity, which is equivalent at least to five times the amount of the real demand. The government of the United States is willing to borrow money from the honorable senator at six per cent. and pay the interest in gold coin. Any person who desires to loan money to the United States may receive six per cent. interest on it, and we are very glad to sell our bonds at that rate in this time of war; but to those who avail themselves of the privileges of this law we only pay four per cent., so that we save one third of the interest on the amount of our bonds used for banking; and more than that, we get a circulation which by the laws of the United States may be used in the collection of our dues; and in the ordinary operations of our government these banking agencies may be made useful and beneficial as depositories. There is the answer. The benefit derived to the government is by making a market for its bonds, by having fiscal agencies throughout the United States, so that it may the more readily collect its debts, and by saving one third of the interest on the payment of its bonds, and by securing to the people of the country a uniform national currency which can be passed from hand to hand in all parts of the country without loss by exchange, or deterioration, or alteration.

"But the honorable senator says that the power granted by this bill would render the Secretary of the Treasury a very dangerous person, or a very powerful person; probably that is the meaning. He says that this bill would create a dangerous political power. According to all experience, if you invest in any particular person the power to appoint men to office, or the power to manage banks or control a scheme of this kind, it rather weakens him. Sir, it will be a dangerous power in one sense; not to the American people, but it will be dangerous to the individual who exercises the power. Any man in this country who is clothed with the power of appointing men to office, or selecting certain persons to have certain privileges, loses more than he makes, by the well-known law that he disappoints more than he benefits. And if you confer upon the Secretary of War or the Secretary of the Treasury the power to appoint twenty clerks, as we did the other day, there are five hundred applicants at once; and you disappoint four hundred and eighty, and make them enemies, for the sake of gaining twenty friends. No, sir, the administration of patronage, the power to select depositories, all the power conferred by this bill, the power of visitation, all these are powers which tend rather to decrease the influence of the Secretary of the Treasury, because they are more likely to make him enemies than friends."

¹ The following is the text of the resolutions as offered in the Senate, March 8d, by Mr. Sumner: "Whereas, it appears from the diplomatic correspondence submitted to Congress that a proposition, friendly in form, looking to pacification through foreign mediation, has been made to the United States by the Emperor of the French, and promptly declined by the President; and whereas the idea of mediation or intervention in some shape may be regarded by foreign governments as practicable, and such governments, through this misunderstanding, may be led to proceedings tending to embarrass the friendly relations which now exist between them and the United States; and whereas, in order to remove for the future all chance of misunderstanding on this subject, and to secure for the United States the full enjoyment of that freedom from foreign interference which is one of the highest rights of independent states, it seems fit that Congress should declare its convictions thereon: Therefore,

"Resolved (the House of Representatives concurring), That while, in times past, the United States have sought and accepted the friendly mediation or arbitration of foreign powers for the pacific adjustment of international questions, where the United States were the party of the one part and some other sovereign power the party of the other part; and while they are not disposed to misconstrue the natural and humane desire of foreign powers to aid in arresting domestic troubles, which, widening in their influence, have afflicted other countries; especially in view of the circumstance, deeply regretted by the American people, that the blow aimed by the rebellion at the national life has fallen heavily upon the laboring population of Europe; yet, notwithstanding these things, Congress can not hesitate to regard every proposition of foreign interference in the present contest as so far unreasonable and inadmissible, that its only explanation will be found in a misunderstanding of the true state of the question, and of the real character of the war in which the republic is engaged.

"Resolved, That the United States are now grappling with an unprovoked and wicked rebellion, which is seeking the destruction of the republic that it may build a new power, whose corner-stone, according to the confession of its chiefs, shall be slavery; that for the suppression of this rebellion, and thus to save the republic and prevent the establishment of such a power, the national government is now employing armies and fleets, in full faith that through these efforts all the purposes of conspirators and rebels will be crushed; that while engaged in this struggle, on which so much depends, any proposition from a foreign power, whatever form it may take, having for its object the arrest of these efforts, is, just in proportion to its influence, an encouragement to the rebellion and to its declared pretensions, and, on this account, is calculated to prolong and embitter the conflict, to cause increased expenditure of blood and treasure, and to postpone the much-desired day of peace; that, with these convictions, and not doubting that every such proposition, although made with good intent, is injurious to the national interests, Congress will be obliged to look upon any further attempt in the same direction as an unfriendly act, which it earnestly deprecates, to the end that nothing may occur abroad to strengthen the rebellion or to weaken those relations of good-will with foreign powers which the United States are happy to cultivate.

"Resolved, That the rebellion from its beginning, and far back even in the conspiracy which preceded its outbreak, was encouraged by the hope of support from foreign powers; that its chiefs frequently boasted that the people of Europe were so far dependent upon regular supplies of the great Southern staple, that sooner or later their governments would be constrained to take side with the rebellion in some effective form, even to the extent of forcible intervention, if the milder form did not prevail; that the rebellion is now sustained by this hope, which every proposition of foreign

on the part of Congress was the offer of mediation made by the French government early in the year. During the year 1862 the Emperor Napoleon had proposed to the Russian and British governments to join him in trying to bring about an armistice of six months between "the federal government and the Confederates of the South." The proposition was in both cases declined. On the 9th of January, 1863, M. Drouyn de l'Huys, the French Minister of Foreign Affairs, addressed M. Mercier, the French minister at Washington, on this subject. The government, he said, in proffering its good offices, had been guided by its friendship toward the United States. "We can not," he added, "regard without profound regret this war, worse than civil, comparable to the most terrible distractions of the ancient republics, and whose disasters multiply in proportion to the resources and valor which each of the belligerent parties develop." It was urged, also, that recourse to the good offices of one or several neutral powers contained nothing incompatible with the pride of a great nation, and that mediation might be as useful in civil as in international wars. Plainly the French emperor ill understood the real temper of the government to which he made this offer. Undoubtedly he would have been joined by the British government in his offer had not the latter been recently (November, 1862) advised by Lord Lyons that such an offer at the present crisis would be injurious to the peace party in the North. Perhaps, also, Napoleon was deceived as to the real import of the autumn elections of 1862, mistaking them for an indication of a popular desire for peace even at the price of disunion.

Secretary Seward's reply was at once courteous and firm. It was acknowledged that the people of France were "faultless sharers with the American nation" in the misfortunes of the war. The traditional friendship between France and the United States had not been forgotten. The land and naval forces of the United States had steadily advanced, until now the Confederates retained "only the states of Georgia, Alabama, and Texas, with half of Virginia, half of North Carolina, two thirds of South Carolina, half of Mississippi, and one third respectively of Arkansas and Louisiana." The determination to preserve the integrity of the country had not relaxed. "This government," said the secretary, "if required, does not hesitate to submit its achievements to the test of comparison; and it maintains that, in no part of the world, and in no times, ancient or modern, has a nation, when rendered all unready for combat by the enjoyment of eighty years of almost unbroken peace, so quickly awakened at the alarm of sedition, put forth energies so vigorous, and achieved successes so signal and effective as those which have marked the progress of this contest on the part of the Union. M. Drouyn de l'Huys, I fear, has taken other light than the correspondence of this government for his guidance in ascertaining its temper and firmness. He has probably read of divisions of sentiment among those who hold themselves forth as organs of public opinion here, and has given to them an undue importance. . . . While there has been much difference of popular opinion and favor concerning the agents who shall carry on the war, the principles on which it shall be waged, and the means with which it shall be prosecuted, M. Drouyn de l'Huys has only to refer to the statute-book of Congress, and the executive ordinances, to learn that the national activity has hitherto been, and yet is, as efficient as that of any other nation—whatever its form of government—ever was under circumstances of equally grave import to its peace, safety, and welfare. Not one voice has been raised any where, out of the immediate field of the insurrection, in favor of foreign intervention, mediation, or arbitration, or of compromise, with the relinquishment of one acre of the national domain, or the surrender of even one constitutional franchise. At the same time, it is manifest to the world that our resources are yet abundant, and our credit adequate to the existing emergency." To surrender the subject to neutral arbitration amounted to nothing less than for the government, while engaged in the suppression of insurrection, to enter into diplomatic discussion with the insurgents. Either the government or the insurgents must yield the whole question in dispute, which neither was prepared to do; therefore the end of arbitration would only be a recommittal of the question to the decision of battle. "It is a great mistake," continued the secretary, "that European statesmen make if they suppose this people are demoralized. Whatever, in the case of an insurrection, the people of France, or of Great Britain, or of Switzerland, or the Netherlands would do to save their national existence, no matter how the strife might be regarded by or affect foreign nations, just so much, and certainly no less, the people of the United States will do, if necessary, to save for the common benefit the region which is bounded by the Pacific and Atlantic coasts, and by the shores of the Gulfs of St. Lawrence and Mexico, together with the free and common navigation of the Rio Grande, Missouri, Arkansas, Mississippi, Ohio, St. Lawrence, Hudson, Delaware, Potomac, and other national highways by which this land—which to them is at once the

interference quickens anew, and that without this life-giving support it must soon yield to the just and paternal authority of the national government; that, considering these things, which are aggravated by the motive of the resistance thus encouraged, the United States regret that foreign powers have not frankly told the chiefs of the rebellion that the work in which they are engaged is hateful, and that a new government, such as they seek to found, with slavery as its acknowledged corner-stone, and with no other declared object of separate existence, is so far shocking to civilization and the moral sense of mankind, that it must not expect welcome or recognition in the commonwealth of nations.

"Resolved, That the United States, confident in the justice of their cause, which is the cause also of good government and of human rights every where among men; and anxious for the speedy restoration of peace, which shall secure tranquillity at home, and remove all occasion of complaint abroad; and awaiting with well-assured trust the final suppression of the rebellion, through which all these things, rescued from present danger, will be secured forever, and the republic, one and indivisible, triumphant over its enemies, will continue to stand an example to mankind, hereby announce, as their unalterable purpose, that the war will be vigorously prosecuted, according to the humane principles of Christian states, until the rebellion shall be overcome; and they reverently invoke upon their cause the blessing of Almighty God.

"Resolved, That the President be requested to transmit a copy of these resolutions, through the Secretary of State, to the ministers of the United States in foreign countries, that the declaration and protest herein set forth may be communicated by them to the governments to which they are accredited."

land of inheritance and a land of promise—is opened and watered. Even if the agents of the American people now exercising their power should, through fear or faction, fall below this height of the national virtue, they would be speedily, yet constitutionally replaced by others of sterner character and patriotism." The time for peace would finally come, and then there would be conference, but it would be between states and in the congressional forum, and not between the United States and foreign powers.

The Thirty-seventh Congress was dissolved on the 4th of March, 1863, at a time of great national despondency. This Congress had first been convened at the special call of the President, on the 4th of July, 1861, to meet the emergencies of a rebellion already inaugurated. It had witnessed the conclusion of the first period of the war—that in which the enthusiasm of the nation at first aroused had proved sufficient for its safety. It had also anticipated the second period—in which the government must put forth its utmost power, setting aside compromise, striking at the very heart of treason, compelling the services of every citizen, and at the same time sealing the mouths and binding the hands of such opponents as, in the midst of the loyal, sought to perfect the work begun by traitors.

The spring and early summer of 1863 was the most doubtful period of the war. The Confederate armies were at their maximum of strength. At Vicksburg they held Grant at bay; in middle Tennessee they defied Rosecrans, and in Virginia they were preparing for an invasion of the Northern states. These were the days of sunshine in which the opposition leaders made hay which they never could garner. Vallandigham, indeed, rushed into the clutches of martial law, was arrested, sentenced, and banished, as has been already related; but the others thundered at their will against the administration. As the national anniversary approached, it seemed as if it were to be a repetition of its gloomy predecessor of 1862. The "Copperheads"—as the peace-at-any-price party in the North was styled—looked forward to the Fourth of July as the grand harvest-day of the rebellion, and, when it came, their leaders were prepared for its celebration. On that day Franklin Pierce, a former President of the United States, in an oration delivered to the citizens of his own state, at Concord, New Hampshire, while he had not one word to say against the sectionalism which had raised its arm against the nation, denounced the war for the Union as sectional and parricidal. "Nor is that all," said he; "for in those states which are exempt from the actual ravages of war, in which the roar of the cannon, and the rattle of the musketry, and the groans of the dying are heard but as a faint echo from other lands, even here in the loyal states the mailed hand of military usurpation strikes down the liberties of the people, and its foot tramples on a desecrated Constitution." Not a word had he to say about the desecration of the Constitution by traitors. The chief grievance of which he complained was that it was "made criminal for that noble martyr of free speech, Mr. Vallandigham, to discuss public affairs in Ohio." And for this speech Franklin Pierce, of New Hampshire, will go down to history hand in hand with Vallandigham, who could enlist a larger share of his sympathy than his own nation in peril.

On the same day Governor Seymour addressed a large audience assembled at the Academy of Music in New York City. The prelude of his elaborate oration was an amplification of the calamities of the nation. These calamities, he said, had been predicted years ago by Democrats as the consequence of the refusal of the people to be ruled by a Southern policy. But the fears of Democrats had been laughed at. When the war commenced they had implored for compromise. Their prayers had been unheeded. On this account the country had been brought "to the very verge of destruction." He therefore had come before them to repeat the warning and the prayer which had hitherto been scorned. There was not only a bloody civil war, but the hostile attitude of the two parties at the North threatened a second revolution. "Remember," he warned Republicans, "that the bloody, and treasonable, and revolutionary doctrine of public necessity can be proclaimed by a mob as well as by a government."

But Governor Seymour and ex-President Pierce were moderate in expression when compared to others throughout the North, who threatened to revolutionize the government if a Democratic success could be gained in no other way. Among the motives used to excite to violence, the principal was that furnished by the impending conscription. These harangues produced their natural effect upon the ignorant and the evil-disposed. Undoubtedly there would have been an immediate explosion of this inflamed sedition but for the fact that even while these demagogues were throwing their torches into the magazine, their malicious work was spoiled by the two greatest and most decisive national victories of the war. It is scarcely too much to declare that Gettysburg and Vicksburg prevented a Democratic revolution in the North. It is true they did not prevent an attempt at revolution, but they deprived the opposition of popular support. Our Seymours, Vallandighams, and Pierces suffered pangs as keen, on account of these great national victories, as did their confederates in the South. With lowering faces they witnessed the revival of martial enthusiasm, which, during months of disaster and discouragement, they had seen diminish and fail. They had been ready to ring its knell when it rose from the dead and overcame them with its fury. Henceforth they could number among their friends and supporters only the most ignorant and debased—the offscouring of our great cities. But they did not therefore desist from their base efforts. Willingly they accepted the only alliance left them, and bravely defied the sure verdict of history.

Thus it was that, during the month of July, New York city became the scene of the most disgraceful drama ever enacted in America. Three journals which had surrendered themselves to the enemies of the government sounded the prelude and announced the argument. The draft which had



HORATIO SEYMOUR.

been ordered to begin in the city on Saturday, July 11th, these journals pronounced the work of evil-minded men, intended to accomplish their own selfish ends. Those who had determined to strike at slavery, the chief support of the rebellion, were styled "neither more nor less than murderers." The administrators of the government were styled "weak and reckless men." The draft was declared to be "a measure which could not have been ventured upon in England, even in those dark days when the press-gang filled the English ships-of-war with slaves, and dimmed the glory of England's noblest naval heroes—a measure wholly repugnant to the habits and prejudices of our people." It was asserted that the aim of the government, in conscription, was "to lessen the number of Democratic votes at the next election." "The miscreants at the head of the government," said the *Daily News*, "are bending all their powers, as was revealed in the late speech of Wendell Phillips at Framingham, to securing a perpetuation of their ascendancy for another four years; and their triple method of accomplishing this purpose is to kill off Democrats, stuff the ballot-boxes with bogus soldiers' votes, and deluge recusant districts with negro suffrage." The operation of the draft was declared to have been unfair. One out of about two

and a half of our citizens was to be brought off into Lincoln's charnel-house. Governor Seymour was quoted as having openly expressed "his belief that neither the President nor Congress, without the consent of the state authorities, has any right to enforce such an act as is now being carried out under the auspices of the War Department." Every possible argument was adduced to excite violence on the part of the people against the government.

On Saturday, the 11th, after several postponements, Colonel Nugent, the provost-marshal of New York city, was directed to proceed with the draft, and the several deputies were instructed accordingly. In compliance with these instructions, Provost-marshal Jenkins, of the Ninth Congressional district, commenced operations at a building on the corner of Forty-sixth Street and Third Avenue. There was a large crowd assembled at the place of drawing, and it seemed to be in good humor, saluting well-known names with cheers. No disturbance was apprehended, and the draft was to be continued on the following Monday. But in the vicinity there were residing a large number of foreigners of Irish birth, and some of these had been drafted on Saturday. Here the turbulent element, encouraged by the utterances of a disloyal press, began to exhibit itself. Secret meetings were held, and



FIGHT WITH THE MILITARY.

it was determined to resort to force. On Monday morning organized parties proceeded from place to place, compelling workmen to desist from their accustomed labors, and join the processions already wending their way to the corner of Third Avenue and Forty-sixth Street.

Scarcely had the drawing recommenced when it was interrupted by the turbulent crowd assembled outside. Paving-stones were hurled through the windows. The crowd was in an instant transformed into a mob. The doors were broken down, and the crowd rushed in, demolishing every thing connected with the office, and taking complete possession. Only the drafting-wheel escaped destruction. Provost-marshal Jenkins escaped, and the reporters; but one of the deputies, Lieutenant Vanderpoel, was badly beaten, and taken home for dead. Having possession of the office, the rioters, regardless of the women and children residing in the stories above, poured camphene over the floor and set the place ablaze. In two hours the entire block was a smoking ruin. Officers of the Fire Department, under Chief Engineer Decker, arrived, but the hydrants were in possession of the mob, and it was only after the most persistent persuasion on the part of Decker that the firemen were allowed to prevent the farther progress of the conflagration. In the mean time, Police Superintendent Kennedy had been attacked by the mob and nearly killed.

There were no troops in the city, the militia being absent on duty in Pennsylvania. A small force of the Invalid Corps appeared on the ground soon after the disturbance commenced, armed with muskets loaded with blank cartridges. Of course these were promptly overpowered by the mob, which had now swollen to thousands. A detachment of the police was in like manner beaten and forced to retreat. The mob was composed almost entirely of Irishmen. Now it is a curious circumstance that, while no class of our foreign population is more jealous of its own liberties than the Irish, there is also none which more strongly resents every liberty accorded to the negro race. The rioters took possession of hotels and restaurants whose servants were negroes, destroyed the furniture, maltreated the guests, and



NEW YORK RIOTERS HANGING A NEGRO.

sought the lives of the poor servants. These things were done deliberately, and not in the heat of passion. The writer of this chapter passed through the mob on the afternoon of the 14th, as they were burning down the Colored Orphan Asylum at the corner of Fifth Avenue and Forty-sixth Street. He saw no tumult, no exhibition of rage, but only a cruel, fiendish, and deliberate purpose to persecute to the death an innocent race, against whom they were only moved by a political prejudice. The asylum was burned to ashes, while the female friends of the rioters lugged off to their shanties the plundered furniture. At about the same hour the armory on Twenty-ninth Street and Second Avenue was burned. Another portion of the mob had made its way to the City Hall Park, and made an attack upon the *Tribune* office, but were severely handled and dispersed by the police.

It is supposed that about a dozen negroes were, on Monday, brutally murdered by the rioters. A colored man residing in Carmine Street was seized by the mob, and, after his life had been nearly beaten out, his body was suspended from a tree, a fire was kindled under him, and, in the midst of excruciating torments, he expired.

On Tuesday the spirit of the rioters was even more malignant. Governor Seymour, who had been absent in New Jersey, arrived in the city, and issued proclamations commanding the rioters to disperse, and declaring the city and county of New York to be in a state of insurrection. In the afternoon he addressed the mob from the steps of the City Hall. After their courteous acknowledgment of his leadership, he could not well address them otherwise than as his "friends." He assured them of his friendship, and informed them that he had sent his adjutant general to Washington "to con-



CHARGE OF THE POLICE AT THE TRIBUNE OFFICE.

THE RIOTERS BURNING THE COLORED ORPHAN ASYLUM, CORNER OF FIFTH AVENUE AND FORTY-SIXTH STREET, NEW YORK CITY.

