



ANDREW G. CURTIN.

fer with the authorities there, and to have this draft suspended and stopped." He gave over to these friends of his the charge over the property and persons of all other citizens, and the good order of the city, and then advised them to retire peaceably. This step on the part of the governor had little effect. The riot continued for four days, and this day was the worst of them all. All stores were closed, and no business was transacted. A small military force had been marshaled, and, wherever it encountered the mob, the latter was dispersed. But the police were far more efficient than the military, and in every conflict subdued the rioters. But neither the police nor the small military force could be omnipresent, and the most cruel atrocities were inflicted upon negroes wherever they were found. It was on Tuesday that Colonel O'Brien was killed. Commissioned to disperse a mob in Third Avenue, he had successfully accomplished his duty with the troops in his command. He had sprained his ankle in the excitement, and, stepping into a drug-store, had become separated from his troops. Here he was surrounded by the mob, and suffered a cruel death.

On the 16th several militia regiments returned from Pennsylvania, and after that there was no farther trouble. It is estimated that during the excitement over 1000 of the rioters had been killed, while of those opposed to them less than 50 lives were lost. The property destroyed by the mob was estimated at \$2,000,000. The municipal authorities had, in the mean time, passed a relief bill, to pay \$300 commutation, or substitute money, to every drafted man unable to pay that sum for himself.

Riots of a less serious nature occurred at the same time in Boston and other cities, but in all these foreigners were principally the disturbing element.

Governor Seymour strongly urged upon the President to postpone the draft until its constitutionality was determined upon by the courts. The President replied that he did not object to abide the decision of the courts, but he could not consent to lose the time while it was being obtained.

The subjects which had for the past few months agitated the loyal states—the emancipation proclamation, the enlistment of negro soldiers, arbitrary arrests, and the conscription—were submitted in the autumnal elections of 1863 for the decision of the people. The result was a decisive success for the administration. In Vermont, on the 1st of September, J. G. Smith, the Republican candidate for governor, was elected by a majority of nearly 18,000. In California, two days later, a Republican governor, F. F. Low, was elected by 20,000 majority. On the 14th of September Maine gave 18,000 majority to Governor Cony, Republican. In October Pennsylvania re-elected Governor Curtin by a majority of 15,000. His opponent was George W. Woodward, a peace man, whose election was regarded by General McClellan as "called for by the interests of the nation." In the same election Chief Justice Lowrie, who had declared the enrollment act unconstitutional, was defeated by over 12,000 votes. In the State of Ohio the success of the administration was most strongly marked. In 1862 the Democratic Secretary of State had received a majority of 5000 votes. But now a governor was to be elected, and the opposing candidates were the exiled "martyr" Vallandigham and Brough. Vallandigham was defeated by over 100,000 votes, of which 40,000 were polled by soldiers. The Legislature of this state, elected at the same time, stood 27 to 5 in the Senate, and 73 to 24 in



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the House. Iowa elected a Legislature almost entirely Republican, and a Republican governor and judge. Similar results followed in Wisconsin, Minnesota, and Michigan. In New York the Republican majority amounted to 30,000, against a Democratic majority in 1862 of over 10,000. In Massachusetts the Republican majority was over 40,000. Even Maryland supported the administration by a majority of 20,000. When we compare these results with those of the preceding year, it is clear that the people of the loyal states had not yet deserted the administration, and that their determination to sustain the war had increased rather than diminished.

## CHAPTER XLV.

## POLITICAL DEVELOPMENTS OF 1864.

The Spring Elections of 1864.—Meeting of the Thirty-eighth Congress, December 7, 1863.—Position of Parties.—Colfax elected Speaker.—The President's Message.—The Amnesty Proclamation.—Arbitrary Arrests.—The Test-Oath reaffirmed.—Repeal of the Fugitive Slave Law.—The Montana Bill and Negro Suffrage.—The Anti-Slavery Amendment; its Defeat in the House.—Reverdy Johnson's Argument in favor of the Amendment.—Negro Soldiers declared free.—Congress presents a Gold Medal to General Grant.—Views of the Thirty-eighth Congress in regard to Reconstruction.—The Theory of Lincoln's Amnesty Proclamation.—Stevens's Ideas as expressed in Debate on the Confiscation Act.—The Civil Code and the Laws of War.—Henry Winter Davis's Bill for the Appointment of Provisional Governors over rebel States; passed by the House May 4, 1864, by the Senate July 2d.—Lincoln refuses to Sign the Bill; his Proclamation.—The Wade and Davis Manifesto.—Debate on the Expulsion of Alexander Long.—Financial Measures.—Resolutions on the Mexican Imbroglia.—The Presidential Campaign of 1864.—Radical Convention at Cleveland; Fremont and Cochrane nominated for President and Vice-President.—The Republican Convention at Baltimore; President Lincoln renominated, and Andrew Johnson nominated for Vice-President.—The military Situation.—Peace Missions.—Meeting of the Democratic Convention at Chicago.—Character and Purposes of the Convention; its Platform and Resolutions; Nomination of McClellan and Pendleton.—McClellan's Letter of Acceptance.—Victory at Atlanta.—Other Victories in the Shenandoah Valley.—Brighter Prospects.—Democratic Defeat at the Polls.—The Vote for President.—Lincoln and Johnson elected.—Ratification of the new Constitution in Maryland.—The Peace Commission at Hampton Roads.

IN the spring elections of 1864 we can estimate the weight of General Grant's success in the battles around Chattanooga, won in November, 1863. In New Hampshire, Gilmore, the Republican candidate for governor, was elected by a majority of nearly 6000 votes over Harrington. In Connecticut, Buckingham (Republican) was elected over O. S. Seymour by a majority of 5658 votes. In Rhode Island, also, the Republican candidate for governor, J. Y. Smith, was elected over G. H. Browne by a majority of 1538.

The first session of the Thirty-ninth Congress assembled on the 7th of December, 1863.<sup>1</sup> The position of parties was not far different to that of the

<sup>1</sup> The following is a list of the members of the Thirty-eighth Congress, with their political designation. Those marked A. were adherents of the administration; its opponents are marked O. An asterisk precedes those who were members of the Thirty-seventh Congress.

SENATE.			
California.....	John Conness, A.	Delaware.....	*James A. Bayard, O.
	*James A. McDougall, O.		*Willard Saulsbury, O.
Connecticut.....	*James Dixon, A.	Illinois.....	William A. Richardson, O.
	*Lafayette S. Foster, A.		*Lyman Trumbull, A.

previous Congress. In the Senate there was a gain of two members for the administration. Of 40 senators, only 13 were in the ranks of the opposition. In the House of Representatives, of 183 members, 101 were adherents of the administration. There were 115 new members in the House and 12 in the Senate. Thus there were in the Thirty-eighth Congress

106, or nearly one half of the members which had composed the Thirty-seventh.

Colfax, of Indiana, and Cox, of Ohio, were the prominent candidates for speaker—the former representing the administration, and the latter the opposition. Colfax was elected on the first ballot, receiving 101 votes, every Republican member supporting him except Francis P. Blair, who was absent, and one Democrat, Brutus J. Clay, of Kentucky. Cox received 42 votes.

The President's Message was communicated to Congress on the second day of the session. After commenting upon the foreign relations of the government, which were undisturbed at this time, the President announced the successful conduct of the Treasury under the national banking law of the previous Congress. Every demand had been promptly met, and the people had cheerfully borne the burden of taxation. The receipts for the fiscal year had been \$901,125,674 86; the expenditures \$895,796,630 65. The naval force of the United States had been increased to 588 vessels, completed or in process of construction, of which 75 were iron-clad steamers. Since the blockade had been instituted over 1000 vessels had been captured, and the prizes already sent in for adjudication amounted to more than \$13,000,000. The number of seamen in the public service had since the spring of 1861 increased from 7500 men to about 34,000, notwithstanding the injurious effect of the high bounties paid to army recruits.

The President contrasted the present condition of the country with that which had confronted the previous session. "When Congress assembled a year ago," said he, "the war had already lasted twenty months, and there had been many conflicts on both land and sea, with varying results. The rebellion had been pressed back into reduced limits; yet the tone of public feeling and opinion, at home and abroad, was not satisfactory. With other signs, the popular election, just then past, indicated uneasiness among ourselves, while, amid much that was cold and menacing, the kindest words coming from Europe were uttered in accents of pity that we were too blind to surrender a hopeless cause. Our commerce was suffering greatly by a few armed vessels built upon and furnished from foreign shores, and we were threatened with such additions from the same quarter as would sweep our trade from the sea and raise our blockade. We had failed to elicit from European governments any thing hopeful upon this subject. The preliminary emancipation proclamation, issued in September, was running its assigned period to the beginning of the new year. A month later the final proclamation came, including the announcement that colored men of suitable condition would be received into the war service. The policy of emancipation and of employing black soldiers gave to the future a new aspect, about which hope, and fear, and doubt contended in uncertain conflict. According to our political system, as a matter of civil administration, the general government had no right to effect emancipation in any state, and for a long time it had been hoped that the rebellion could be suppressed without resorting to it as a military measure. It was all the while deemed possible that the necessity for it might come, and that, if it should, the crisis of the contest would then be presented. It came, and, as we anticipated, it was followed by dark and doubtful days.

"Eleven months having now passed, we are permitted to take another view. The rebel hordes are pressed still farther back, and, by the complete opening of the Mississippi, the country dominated by the rebellion is divided into distinct parts, with no practical communication between them. Tennessee and Arkansas have been substantially cleared of insurgent control, and influential citizens in each, owners of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in their respective states. Of those states not included in the emancipation proclamation, Maryland and Missouri, neither of which three years ago would tolerate any restraint upon the extension of slavery into new territories, only dispute now as to the best mode of removing it within their own limits. Of those who were slaves at the beginning of the rebellion, full one hundred thousand are in the United States military service, about one half of which number actually bear arms in the ranks, thus giving the double advantage of taking so much labor from the insurgent cause, and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say they are not as good soldiers as any. No servile insurrection, or tendency to violence or cruelty, has marked the measures of emancipation or arming the blacks. These measures have been much discussed in foreign countries, and contemporary with such discussion the tone of public sentiment there is much improved. At home the same measures have been fully discussed, supported, criticised, and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial. Thus we have the new reckoning. The crisis which threatened to divide the friends of the Union is past."

In this changed condition of public affairs the President had seen fit to put forth an amnesty proclamation. The Constitution authorized the President to grant or withhold pardon for offenses committed against the United States at his own absolute discretion, and this involved the power to grant pardon on terms. The constitutional obligation to guarantee to every state in the Union a republican form of government was explicit and full. But why tender the benefits of this provision to governments only in such states as could show a loyal tenth of their population ready to take the oath of allegiance to the government and of support to the enactments of Congress which had been occasioned by the war? "This section of the Constitution," said the President, "contemplates a case wherein the element within a state favorable to republican government in the Union may be too feeble for an opposite and hostile element external to or even within a state, and

Table listing members of the House of Representatives by state, including names like Thomas A. Hendricks, O. Henry S. Lane, A. James W. Grimes, A. James Harlan, A. Samuel C. Pomeroy, A. James H. Lane, A. Garrett Davis, O. Lazarus W. Powell, O. William P. Fessenden, A. Lot M. Morrill, A. Charles Sumner, A. Henry Wilson, A. Thomas H. Hicks, A. Reverdy Johnson, O. Zachariah Chandler, A. Jacob M. Howard, A. Morton S. Wilkinson, A. Alexander Ramsay, A. John B. Henderson, A. B. Gratz Brown, A. Daniel Clark, A. John P. Hale, A.

Lemuel J. Bowden, of Virginia, died January 2, 1864. His vacancy was not filled. J. A. Bayard, of Delaware, resigned January 29, 1864, and his place was filled by G. R. Riddle (A.).

HOUSE OF REPRESENTATIVES.

Table listing members of the House of Representatives by state, including names like Thomas B. Shannon, A. William Higby, A. Cornelius Cole, A. Henry C. Deming, A. James E. English, O. Augustus Brandegee, A. John H. Hubbard, A. Nathaniel B. Smithers, A. Isaac N. Arnold, A. John F. Farnsworth, A. Elihu B. Washburne, A. Charles M. Harris, O. Owen Lovejoy, A. Jesse O. Norton, A. John R. Eden, O. John T. Stewart, O. Lewis W. Ross, O. Anthony L. Knapp, O. James C. Robinson, O. William R. Morrison, O. William J. Allen, O. James C. Allen, O. John Law, O. James A. Cravens, O. Henry W. Harrington, O. William S. Holman, O. George W. Julian, A. Ebenezer Dumont, A. Daniel W. Voorhes, O. Godlove S. Orth, A. Schuyler Colfax, A. Joseph K. Edgerton, O. James F. McDowell, O. James F. Wilson, A. Hiram Price, A. William B. Allison, A. J. B. Grinnell, A. John A. Kasson, A. A. W. Hubbard, A. A. Carter Wilder, A. Lucien Anderson, A. George H. Yeaman, O. Henry Grider, O. Aaron Harding, O. Robert Mallory, O. Green Clay Smith, A. Brutus J. Clay, O. William H. Randall, A. William H. Wadsworth, O. Lorenzo D. M. Sweat, O. Sidney Perham, A. James G. Blaine, A. John H. Rice, A. Frederick A. Pike, A. John A. J. Creswell, A. Edwin H. Webster, A. Henry Winter Davis, A. Francis Thomas, A. Benjamin G. Harris, O. Thomas D. Eliot, A. Oakes Ames, A. Alexander H. Rice, A. Samuel Hooper, A. John B. Alley, A. Daniel W. Gooch, A. George S. Boutwell, A. John D. Baldwin, A. William B. Washburn, A. Henry L. Dawes, A. Fernando C. Beaman, A. Charles Upson, A. John W. Longyear, A. Francis W. Kellogg, A. Augustus C. Baldwin, O. John F. Driggs, A. William Windom, A. Ignatius Donnelly, A. Francis P. Blair, Jr., A. Henry T. Blow, A. John G. Scott, O. Joseph W. McClurg, A. Samuel H. Boyd, A. Anstin A. King, O. Benjamin F. Loan, A. William A. Hall, O. James S. Rollins, O. Daniel Marcy, O. Edward H. Rollins, A. James W. Patterson, A. John F. Starr, A. George Middleton, O. William G. Steele, O.

On the 11th of June, 1864, Francis P. Blair, Jr., of Missouri, was unseated, and four days afterward Samuel Knox was qualified in his place. On March 25th, 1864, Owen Lovejoy died, and when C. Ingersoll was qualified as his successor.

such are precisely the cases with which we are now dealing. . . . There must be a test by which to separate the opposing elements, so as to build only from the sound; and that test is a sufficiently liberal one which accepts as sound whoever will make a sworn recantation of his former unsoundness." "I shall not attempt," he added, "to retract or modify the emancipation proclamation, nor shall I return to slavery any person who is free by that proclamation, or by any of the acts of Congress. For these and other reasons, it is thought best that the support of these measures shall be included in the oath; and it is believed the executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has clear constitutional power to withhold altogether, or to grant upon the terms which he shall deem wisest for the public interest."

The message thus concluded:

"In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance. To that power alone can we look, yet for a time, to give confidence to the people in the contested regions, that the insurgent power will not again overrun them. Until that confidence shall be established, little can be done any where for what is called reconstruction. Hence our chiefest care must still be directed to the army and navy, who have thus far borne their harder part so nobly and well. And it may be esteemed fortunate that, in giving the greatest efficiency to these indispensable arms, we do also honorably recognize the gallant men, from commander to sentinel, who compose them, and to whom, more than to others, the world must stand indebted for the home of freedom disenthralled, regenerated, enlarged, and perpetuated."

It was a new Congress, and many of the contests already decided in favor of the administration had to be fought over again. The House had been in session scarcely a week when the subject of arbitrary arrests was introduced. By a vote of 90 to 67 the decision of the previous Congress was reaffirmed. This was purely a party vote, if we except the name of Brutus J. Clay, who, though nominally a Democrat, in all important matters supported the administration. On the 29th of February, Pendleton, of Ohio, offered a resolution denouncing the arrest of Vallandigham as an arbitrary act, and a violation of the Constitution, which the House rejected by 77 votes against 47. Here also Clay was the only Democrat in favor of rejection. Other resolutions of a similar character in regard to the general subject of arrests were introduced during the session, but were invariably tabled.

In the Senate, on the 17th of December, Sumner offered as a new rule for the Senate that the oath prescribed for senators by the act of July 2, 1862, should be taken and subscribed by every senator in open Senate before entering upon his duties. Thus the whole subject was again laid open to discussion, and the next day a substitute was moved by Saulsbury, of Delaware, instructing the Judiciary Committee to inquire whether members of Congress were included within the provisions of the act of July 2, 1862, and whether this act was constitutional. The substitute was rejected, and Sumner's resolution was adopted. Bayard, of Delaware, who had been re-elected for the term ending March 3, 1869, was the only senator who had not taken the oath. On the 26th of January he subscribed to the oath, and then resigned his seat.<sup>1</sup> His place was supplied by George R. Riddle, a supporter of the administration.

It is curious and suggestive to trace the steady progress of negro emancipation in the congressional history of the war. Undoubtedly this progress was in a large degree due to a sense of moral justice on the part of the Northern people, which had been for many years repressed by the supposed necessity of sanctioning and actually upholding a system of gross injustice, in order to preserve the Constitution and the Union. But when it became evident that this system, thus nursed, was a serpent in the bosom of the people—a serpent whose fangs were now thrust into both the Union and the Constitution—this monstrous incubus was thrown off, and justice breathed unshackled. And it should also be remembered that in this case the dictates of freedom and justice were uttered in the very teeth of a prejudice against the negro race which was far stronger in the North than it was in the South. No greater tribute could be paid to the virtue of republican institutions than this victory of the moral sense over prejudice. But in this case the suppression of the prejudice against the negro was made easy by the aid of a stronger prejudice against treason. Then, again, the *military* necessity of striking at slavery in order to weaken treason, and the *political* necessity of emancipation in order to prevent a future reign of discord, were overmastering motives, helping on the great revolution in behalf of an oppressed race—a moral revolution, in comparison with which the war itself, and its immense sacrifices of blood and treasure, would become almost insignificant, were they not inseparably linked therewith in the sequences of Providence.

During this session a bill "to repeal the Fugitive Slave Law of 1850, and all acts and parts of acts for the rendition of fugitive slaves," was passed. It was reported in the Senate by Sumner on the 19th of April. An amendment offered by Sherman, of Ohio, excepting the act of 1793, was adopted 24 to 17. Among those voting in the affirmative were Senators Collamer,

<sup>1</sup> "With a firm conviction," said he, "that your decision inflicts a vital wound upon free representative government, I can not, by continuing to hold the seat I now occupy under it, give my personal assent and sanction to its propriety. To do so, I must forfeit my own self-respect, and sacrifice my clear conviction of duty, for the sake merely of retaining a high trust and station with its emoluments. That will I never do; but, retiring into private life, shall await, I trust, with calmness and firmness, though certainly with despondency, the farther progress of a war which it is apparent to my vision will, in its continuance, subvert republican institutions, and sever this Federal Union into many arbitrary governments."

"Among these, wars for dominion will arise and continue until, from exhaustion, the different divisions subside into separate nationalities, leaving not the vestige of a republic remaining. If the lessons of history be not deceptive and valueless, such will be the inevitable result of protracted war; for a single centralized government over so vast a territory, inhabited by so intelligent and energetic a people, could it be organized through military genius and power, and be successful for the hour, would not outlive the generation in which it was established."

Cowan, Dixon, and Doolittle. Fessenden voted in the negative. This bill was not again acted upon. But on the 13th of June the House passed a bill reported from the Judiciary Committee by Morris, of New York, repealing the acts of 1793 and 1850 by a vote of 90 to 62, Griswold, of New York, being the only opposition member voting in the affirmative. On the 22d of June the bill passed the Senate 27 to 12, and was approved by President Lincoln on the 28th.

On the 26th of February a bill was reported in the Senate proposing to repeal the law prohibiting negroes from being employed as carriers of the mail, with an amendment providing that in the courts of the United States there should be no exclusion of any witnesses on account of color. The amendment was not passed in this connection, but subsequently was attached as a provision to the Civil Appropriation Bill—a favorite device of Senator Sumner.<sup>1</sup> It was afterward approved in the House and became a law.

On the 31st of March the House bill, in the usual form, providing a temporary government for Montana, was considered in the Senate, and an amendment was passed ignoring any distinction based on color in the organization of the territorial government. The House refused to concur. A conference committee was appointed, and the bill was finally passed without the amendment. As there was not a negro in the territory, the subject was of no practical importance, but in any case probably the amendment would not have been adopted; for, in a joint resolution amending the charter of the District of Columbia, which passed both houses a few weeks later, Sumner's amendment providing that there should be no exclusion from the register on account of color was rejected. Congress at this time certainly was not in favor of negro suffrage even in the district over which it had legislative control. In the bill, however, incorporating the Metropolitan Railroad Company of the District of Columbia, which passed both houses, provision was incorporated that there should be no regulation excluding any person from any car on account of color. On the 24th of June Sumner succeeded in attaching to the Civil Appropriation Bill a section prohibiting the coastwise slave-trade, which passed both houses.

About the end of March a joint resolution was offered in the Senate, proposing to the Legislatures of the several states the following article as an amendment to the Constitution:

"ARTICLE XIII., Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or in any place subject to their jurisdiction.

"Section 2. Congress shall have power to enforce this article by appropriate legislation."

"When this amendment shall be consummated," said Senator Wilson, "the shackles will fall from the limbs of the hapless bondsman, and the lash drop from the weary hand of the task-master. . . . Then the slave-mart, pen, and auction block, with their clanking fetters for human limbs, will disappear from the land they have brutalized, and the school-house will rise to enlighten the darkened intellect of a race imbruted by long years of enforced ignorance. Then the sacred rights of human nature, the hallowed family relations of husband and wife, parent and child, will be protected by the guardian spirit of the law which makes sacred alike the proud homes and lowly cabins of freedom. Then the sacred earth, blighted by the sweat and tears of bondage, will bloom again under the quickening culture of rewarded toil. Then the wronged victim of the slave system, the poor white man, and sand-hiller, the clay-eater of the wasted fields of California, impoverished, debased, dishonored by the system that makes toil a badge of disgrace, and the instruction of the brain and soul of man a crime, will lift his abashed forehead to the skies, and begin to run the race of improvement, progress, and elevation. Then the nation, 'regenerated, and disenthralled by the genius of universal emancipation,' will run the career of development, power, and glory, animated and guided by the spirit of the Christian Democracy, that 'pulls not the highest down, but lifts the lowest up.'" The resolution was adopted by a vote of 38 to 6. In the House it failed of the necessary two thirds majority. Reverdy Johnson, of Maryland, on most subjects a member of the opposition, and himself a slaveholder, strongly advocated the passage of the amendment in the Senate. "There was a period," said he, "in our own time when there was but one opinion upon the question of right, or almost but one opinion upon that question. The men who fought through the Revolution, those who survived its peril and shared in its glory, and who were called to the Convention by which the Constitution of the United States was drafted and recommended to the adoption of the American people, almost without exception, thought that slavery was not only an evil to any people among whom it might exist, but that it was an evil of the highest character, which it was the duty of all Christian people, if possible, to remove, because it was a sin as well as an evil.

"I think the history of those times will bear me out in the statement, that if the men by whom that Constitution was framed, and the people by whom it was adopted, had anticipated the times in which we live, they would have provided by constitutional enactment that that evil and that sin should at some comparatively remote day be removed. Without recurring to authority, the writings, public or private, of the men of that day, it is sufficient for my purpose to state what the facts will justify me in saying, that every man of them who largely shared in the dangers of the revolutionary struggle, and who largely participated in the deliberations of the Convention by which the Constitution was adopted, earnestly desired, not only upon grounds of political economy, not only upon reasons material in their character, but

<sup>1</sup> The entire amendment reads thus:

Provided, That in the courts of the United States there shall be no exclusion of any witness on account of color, nor in civil actions because he is a party to or interested in the issue tried,



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upon grounds of morality and religion, that sooner or later the institution should terminate.

"The present incumbent of the presidential chair was elected—elected by a sectional vote—and the moment the news reached Charleston, where some of the leading conspirators were, and here in this chamber, where others were to be found, it was hailed, not with regret, but with delight. Why? Because, as they thought, it would enable them to drive the South to madness by appealing to the danger in which such an event involved this institution, which the people were made to believe was so essential to their power and to their happiness, and that will be repeated over and over again just as long as the institution is suffered to remain. Terminate it, and the wit of man will, as I think, be unable to devise any other topic upon which we can be involved in a fratricidal strife. God and nature, judging

by the history of the past, intend us to be one. Our unity is written in the mountains and rivers in which we all have an interest. The very difference of climate render each important to the other and alike important. That mighty horde which from time to time have gone from the Atlantic, imbued with all the principles of human freedom which animated their fathers in running the perils of the mighty deep and seeking liberty here, are now there, and as they have said, and will continue to say until time shall be no more: 'We mean that the government in the future shall be as in the past, one, an example of human freedom for the light and example of the world, and illustrating in the blessings and the happiness it confers the truth of the principles incorporated into the Declaration of Independence, that life and liberty are man's inalienable right.'

This able senator, on a former occasion during this session, when the sec-

tion providing for the freedom of negro soldiers, their wives and their children, was under discussion, had very plainly demonstrated the wickedness of slavery. "I doubt very much," he said, "if any member of the Senate is more anxious to have the country composed of free men and free women than I am. I understand the bill to provide that upon the enlistment as a soldier of any man of African descent, his wife and children are at once to be free. No provision is made to compensate the owner of the wife and children if they happen to be slaves, and it of course only applies to such wives and children as are slaves—those who are to be set free, and not those who are now free.

"The bill provides that a slave enlisted any where, no matter where he may be, whether he be within Maryland or out of Maryland, whether he be within any of the loyal states or out of the loyal states altogether, is at once to work the emancipation of his wife and his children. He may be in South Carolina; and many a slave in South Carolina, I am sorry to say it, *can well claim to have a wife, and perhaps wives and children, within the limits of Maryland.* It is one of the vices, and the horrible vices of the institution—one that has shocked me from infancy to the present hour—the whole marital relation is disregarded. They are made to be, practically and by education, forgetful or ignorant of that relation. When I say they are educated, I mean to say they are kept in absolute ignorance, and out of that *immorality of every description* arises, and among the other immoralities is that the conjugal relation does not exist.

"The men who were here preaching their treason from these desks, telegraphing from these desks—I saw it, though I was not a member, and my heart burned within me—for their minions, or the deluded masses at home, to seize upon the public property of the United States, its forts, its means, its treasure, its material of war, and who were seeking to seduce from their allegiance officers of the army and navy of the United States—they have done it; and they were told that such would be the result. They did not believe it. They believed that your representatives would not have the firmness to try the wager of battle. They believed—I have heard them say so—that a Southern regiment could march without resistance successfully from Washington to Boston, and challenge for themselves independence in Faneuil Hall. Sad delusion! Gross ignorance of the character of your people! You were free, and you knew its value. You are free, and you are brave because you are free; and as I have told them over and over again, let the day come when in their madness they should throw down the gage of battle to the free states of the Union, and the day of their domestic institution will have ended. They have done it. I have said it was, as against them, retributive justice. Hoping and believing that their effort will be fruitless, that their treason will fail in its object, that the authority of the government will be sustained, and the Union be preserved, I thank God that as a compensation for the blood, the treasure, and the agony which have been brought into our households, and into yours, it has stricken now and forever this institution from its place among our states."

Though the section providing for the freedom of the families of negroes engaged in the military service was not passed, yet the soldiers themselves were by another act declared free, and provision was made for their receiving the same payment as white soldiers.<sup>1</sup>

In legislating upon slavery, Congress did not forget the army. One of the first acts of the session was a joint resolution directing that the thanks of Congress be presented to General Grant, and to the officers and soldiers under him, and requesting the President to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to General Grant. A copy of the joint resolutions engrossed on parchment was directed to be transmitted with the medal, to be presented to the general in the name of the people of the United States.

No act of Congress relating to the war was of so much importance as that approved by the President on the 29th of February, reviving the grade of lieutenant general. The circumstances connected with General Grant's nomination to and confirmation in this office have already been narrated in a previous chapter.

Resolutions were offered in December by Johnson, of Pennsylvania, and by Eldridge, of Wisconsin, in opposition to the Conscription Act of the previous Congress, but these were promptly laid on the table. Toward the close of the session the commutation clause was repealed, and no exemption was allowed except for alienage, previous service of two years, or physical disability.

The President's Amnesty Proclamation naturally introduced the subject of reconstruction early in the session. On the 15th of December, Henry

<sup>1</sup> The *American Annual Cyclopaedia* for 1864 thus enumerates the several acts relating to slavery which were passed by the Thirty-seventh and during the first session of the Thirty-eighth Congress: "Slaves used for military purposes by the enemy were declared to be free; an additional article of war dismissed from service all officers who should surrender escaped fugitives coming within the lines of the armies; three thousand slaves in the District of Columbia were emancipated, and slaveholding forbidden; it was enacted that colored persons in the District should be tried for the same offenses, in the same manner, and be subject to the same punishment as white persons, and that such persons should not be excluded as witnesses on account of color; and that colored schools should be provided, and the same rate of appropriation made to them as to schools for white children; and that there should be no exclusion from any railway car in the District on account of color; slavery was forever prohibited in all territory of the United States; a joint resolution was passed pledging the faith of the nation to aid non-seceding states to emancipate their slaves; all slaves of persons aiding the enemy who should take refuge within the lines of the army were declared free; it was enacted that no slave should be surrendered to any claimant until such person had made oath that he had not given aid and comfort to the rebellion; the President was authorized to receive into the military service persons of African descent, and such person, his mother, wife, and children, owing service to any person giving aid to the rebellion, were declared free; the mutual right of search was arranged within certain limits with Great Britain in order to suppress the slave-trade; the independence of Hayti and Liberia were recognized, and diplomatic relations with them authorized; colored persons, free or slave, to be enrolled and drafted the same as whites, the former to have the same pay as the latter, and the slave to be free; all fugitive slave acts were repealed; the coastwise slave-trade was declared illegal; colored persons enabled to testify in all the courts of the United States; colored persons were authorized to carry the mails of the United States. Other measures were introduced, but failed to pass."

Winter Davis, of Maryland, moved the reference of that portion of the President's message which related to reconstruction to a select committee of nine, to be named by the speaker. He objected to the use of the term reconstruction as vague and inaccurate, as there had been "no destruction of the Union, no breaking up of the government." "The fact," said he, "as well as the constitutional view of affairs in the states enveloped by rebellion, is that a force has overthrown, or the people, in a moment of madness, have abrogated the governments which existed in those states under the Constitution, and were recognized by the United States prior to the breaking out of the rebellion. The government of the United States is engaged in two operations. One is the suppression of armed resistance to the supreme authority of the United States, and which is endeavoring to suppress that opposition by arms. Another—a very delicate and perhaps as high a duty—is to see, when armed resistance shall be removed, that governments shall be restored in those states republican in their form."

Lovejoy, of Illinois, expressed very similar views of the subject. "I do not believe," said he, "strictly speaking, that there are any rebel states. I know there are states which rebels have taken possession of and overthrown the legitimate governments for the time being; and I hold, with the gentleman from Maryland, as I understood him, that those governments still remain, and that as soon as we can get possession of them we will breathe into them the spirit of republican life—a free soul once again. I am for the Constitution as it is and the Union as it was. Yes, I am for the Constitution as it is, and not as it has been falsely interpreted, and for the Union as it was before it was taken possession of by slaveholding tyrants."

The House adopted Davis's proposition<sup>1</sup> by a vote of 91 to 80. Thus it will be seen that even at this time there was a great difference of opinion in regard to the restoration of the insurrectionary states to their normal relations in the Union. The dividing line was already being drawn between those who were willing to base restoration upon the returning allegiance to the Constitution of the people of the South, and upon their support of the action of the government in regard to slavery, and those who, insisting upon the right and expediency of treating the Southern people as a conquered nation of aliens, would impose additional conditions of a harsher and more humiliating character. The majority of the members of Congress belonged at this time to the former class, and adopted the views of Henry Winter Davis and Lovejoy. The President's Amnesty Proclamation was a practical expression of the same views. The proclamation consists of two parts—one declaring the executive pardon upon certain conditions and with certain exceptions; the other declaring the willingness of the government to recognize state governments, republican in form, whenever re-established by loyal voters, not less than one tenth in number of the votes cast in the respective states at the presidential election of 1860.

1. The subject of pardon was purely within executive control. The Constitution expressly declares that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." Of course, the power to grant pardon includes the power to grant it upon conditions and with exceptions. The condition required by the President was the taking of the following oath:

"I, ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the states thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by, and faithfully support all proclamations of the President made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The following persons were excepted: "All who are or shall have been civil or diplomatic officers of the so-called Confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called Confederate government above the rank of colonel in the army, or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States, and afterward aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity."

2. The second part of the proclamation also rested upon a constitutional basis. The Constitution provides that "the United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature or the executive (when the Legislature can not be convened), against domestic violence." It was only in cases like this—where loyal governments had been subverted—that such a guaranty could become necessary. It was a guaranty to loyal men as against rebels—a guaranty backed by the whole military power of the government. It was granted in good faith, and sustained by every pledge which it was in the power of the executive to give. So far as it went, it was authoritative, without the sanction of any legislative or judicial body. It was a proclamation by the executive declaring a mode by which loyal men in the disturbed states might restore the latter to their

<sup>1</sup> "That so much of the President's message as relates to the duty of the United States to guarantee a republican form of government to the states in which the governments recognized by the United States have been abrogated or overthrown, be referred to a select committee of nine, to be named by the speaker, which shall report the bills necessary and proper for carrying into execution the foregoing guarantee."

normal relations with the executive. The direct participation of these states in the Federal government by means of representation was left entirely to Congress. "Whether members sent to Congress from any state shall be admitted to seats constitutionally, rests exclusively with the respective houses, and not, to any extent, with the executive." We have said that the provisions of this proclamation were made for loyal men; yet the proclamation was by its very terms addressed to rebels, to induce them to return to their allegiance to the government, and time was given for its operation upon the minds of the people. The amnesty had no reference to the *past*, but only to *prospective* allegiance. Only those were excluded from participation in the work of restoration who refused to take this oath, and who were not qualified voters by the election laws of their respective states. This work might proceed in any of the eleven so-called Confederate States "*whenever*" (not *if now*, or *if immediately*) one tenth of the voters in the state should have taken the amnesty oath in good faith.

Thus the real burden of restoration, according to President Lincoln's method, was thrown upon the people of the disturbed states. The only conditions imposed were the modification of the new governments to suit the altered situation of the negro, and that the governments should be republican in form. That otherwise than in regard to slavery Lincoln's method did not contemplate any radical revolution in the revived state governments is evident from the fact that he saw no impropriety in maintaining "the name of the state, the boundary, the subdivisions, the Constitution, and the general code of laws, as before the rebellion." Negro suffrage was not even alluded to either as necessary or desirable. It was simply declared that any provision which might be adopted in relation to the freed people, recognizing and declaring their permanent freedom, providing for their education, or meeting their present condition as a laboring, landless, and homeless class, would "not be objected to by the executive."

It must be remembered that this plan, so liberal in its provisions, was offered while the war was yet in progress, though no longer doubtful as to its result. Perhaps there is no stronger evidence of the blindness and persistency of the rebellion, or of the want of foresight among its leaders, than the fact that this generous plan was not immediately and universally adopted. The nation would have been thus delivered not only from sixteen months of useless strife, but also from the dissensions which, after the close of the war, arose in regard to the methods of restoration. Whether, on the whole, so sudden a deliverance would have been better for the interests of freedom on this continent, there is room for doubt. If treason had thus suddenly and of its own motion been transformed into loyalty, in order to save itself from impending woes, it would not then have been utterly slain; if it had thus willingly put off its own armor, and resigned the conflict while yet in its full might of resistance, might it not then again have proudly stepped into the political arena, changed only in respect of *prudence*? The nation would have lost that complete sense of the victory of right over wrong which followed the forced surrender of the Confederate armies; and who can estimate the moral power lodged in that sublime exaltation which thrilled the whole loyal people in the spring of 1865? But in that way also lay fearful temptation and possible madness, arising out of the very completeness of a victory by which the people of an entire section were laid prostrate at the feet of that of another. But even this test, if it could be borne, it were a pity to have lost—losing, as we should have done, at the same time, so much of moral force; escaping at once inestimable good and the possibility of inestimable harm. If the war had thus concluded, slavery would have been abolished indeed; but whatever of positive liberty the negro might gain he must owe to the magnanimity or the fears of his former masters, or else to his own utility as a political dummy.

By the amnesty proclamation, property forfeited under the Confiscation Act of Congress, and not already sold, was restored to all persons taking the oath of allegiance.

In Congress the general subject of reconstruction came up in the course of a discussion relating to the Confiscation Act of 1862, and its application to the perpetual forfeiture of property. During the debate in the House on the 22d of January, Thaddeus Stevens reiterated the views upon which he had so strongly insisted in the previous session. It had been argued by some members that the Constitution permitted no forfeiture of real estate beyond the natural life of the offender, and by others that no such meaning was intended by the framers, whose design was merely to prevent the act of forfeiture from original application after the offender's decease. Stevens claimed that the Confiscation Act was not affected, either directly or indirectly, by the provisions of the Constitution; that its operation was not under the Constitution, but in accordance with the laws of war. The seizure of property operated not as against traitors, but as against alien enemies. "It is, however," said he, "essential to ascertain what relation the seceded states bear to the United States, that we may know how to deal with them in re-establishing the national government. There seems to be great confusion of ideas and diversity of opinion on that subject. Some think that those states are still in the Union, and entitled to the protection of the Constitution and laws of the United States, and that, notwithstanding all they have done, they may at any time, without any legislation, come back, send senators and representatives to Congress, and enjoy all the privileges and immunities of loyal members of the United States; that whenever those 'wayward sisters' choose to abandon their frivolities and present themselves at the door of the Union and demand admission, we must receive them with open arms, and throw over them the protecting shield of the Union, of which it is said they had never ceased to be members. Others hold that, having committed treason, renounced their allegiance to the Union, discarded its Constitution and laws, organized a distinct and hostile government, and by force of arms

having risen from the condition of insurgents to the position of an independent power *de facto*, and having been acknowledged as a belligerent both by foreign nations and our own government, the Constitution and laws of the Union are abrogated so far as they are concerned, and that, as between the two belligerents, they are under the laws of war and the laws of nations alone, and that whichever power conquers may treat the vanquished as conquered provinces, and may impose upon them such conditions and laws as it may deem best.

"It is obvious that this question is of vast importance. If the first position should be established, then the rebel states, after having been conquered and reduced to helplessness through the expenditure of many billions of money and the shedding of oceans of loyal blood, may lay down their arms, which they can no longer wield, claim to be legitimate members of the Union, send senators and representatives to Congress, retain all their lands and possessions, and leave the loyal states burdened with an immense debt, with no indemnity for their sufferings and damages, and with no security for the future.

"If the latter proposition prevails, then Congress will readjust the government on the firm basis of individual and public justice; will protect the innocent and pardon the least guilty; will punish the leading traitors, seize their lands and estates, sell them in fee-simple, pay the proceeds into the national treasury to discharge the expenses and damages of the war, and provide a permanent fund for pensions to the widows and orphans, and the maimed and mangled survivors of this infamous war; and, above all, will forever exclude the infernal cause of this rebellion—human bondage—from the continent of North America."

Stevens then proceeded to argue—from the corporate capacity in which the war was waged by the Confederate States, and from the concession to them of belligerent rights, both by ourselves and foreign powers—that the operation of the war was exactly the same as if it were being waged between two hostile nations, and that all treaties or compacts previously existing between the same were therefore annulled.<sup>1</sup> The concession of belligerent rights to the seceding states, he claimed, was an admission that they were out of the Union. These states, as minor corporations, and also as confederated together in a major corporation, styled the "Confederate States," were waging war against the United States. It was idle to claim "that townships, and counties, and parishes within such states are at peace, while the states, by acknowledged majorities, have declared war;" and still more idle was the claim that the loyal individuals, who were a small minority, in each of the belligerent states, constituted the state, and that hence the states were not at war. "This," said he, "is ignoring the fundamental principle of democratic republics, which is, that majorities must rule; that the voice of the majority, however wicked and abandoned, is the law of the state. If the minority choose to stay within the misgoverned territory, they are its citizens, and subject to its conditions. The innocence of individuals forms no protection (except in a personal point of view) to those residing in a hostile territory. Even the innocence of women and children does not screen them from the fate of their nation." There could be no neutrals in a hostile state. "From all this," said he, "the legitimate conclusion is, that all the people and all the territory within the limits of the organized states which, by a legitimate majority of their citizens, renounced the Constitution, took their states out of the Union, and made war upon the government, are, so far as they are concerned, subject to the laws of the state, and, so far as the United States government is concerned, subject to the laws of war and of nations, *both while the war continues and when it shall be ended.* If the United States succeed, how may she treat the vanquished belligerent? Must she treat her precisely as if she had always been at peace? If so, then this war on the part of the United States has been not only a foolish, but a very wicked one. But there is no such absurd principle to restrain the hands of the injured victor. By the laws of war, the conqueror may seize and convert to his own use every thing that belongs to the enemy. This may be done when the war is raging, to weaken the enemy, and when it is ended the things seized may be retained to pay the expenses of the war and the damages caused by it. Towns, cities, and provinces may be held as a punishment for an unjust war, and as security against future aggressions. The property thus taken is not confiscated under the Constitution after conviction for treason, but is held by virtue of the laws of war. No individual crime need be proved against the owners. The fact of being a belligerent enemy carries the forfeiture with it. To my mind there can be no doubt as to *what we have a right to do* if, as I will not permit myself to doubt, we should finally conquer the Confederate States. *What it will be policy to do* may be more difficult to determine. My mind is fixed. The rebels have waged the most unjust, cruel, and causeless war that was ever prosecuted by ruthless murderers and pirates. They have compelled the government in self-defense to expend billions of money. Every inch of the soil of the guilty portion of this usurping power should be held responsible to reimburse all the costs of the war, to pay all the damages to private property of loyal men, and to create an ample fund to pay pensions to wounded soldiers and to the bereaved friends of the slain. Who will object to this? Who

<sup>1</sup> He quoted from Vattel, p. 424, 425:

"When, in a republic, the nation is divided into two opposite factions, and both sides take up arms, this is called a civil war. The sovereign, indeed, never fails to bestow the appellation of *rebels* on all such of his subjects as openly resist him; but when the latter have acquired sufficient strength to give him effectual opposition, and oblige him to carry on the war against them according to the established rules, he must necessarily submit to the use of the term 'civil war.'

"On earth they have no common superior. They stand precisely in the same predicament as two nations who engage in a contest, and, being unable to come to an agreement, have recourse to arms."

Also from the same, book iii., chap. x., sec. 125:

"The conventions, the treaties made with a nation, are broken or annulled by a war arising between the contending parties."

will consent that his constituents and their posterity shall be burdened with an immense load caused by these bloody traitors? Their lands, if sold in fee, would produce enough for all these purposes, and leave a large surplus."

Broomall, of Pennsylvania, thought that the government should be confined absolutely neither to the position of those who would for all purposes treat those engaged in the rebellion as public enemies, nor to that of those who would for all purposes treat them as "our fellow-citizens, and entitled to the benefits of the Constitution and laws of the United States." The rebels were wrong by their own voluntary act, and, while not entitled to any of the advantages of their position, were subject to all its disadvantages. They could not claim to be treated either as subjects or as public enemies, but the government might at its own election treat them in either capacity. Sometimes, as in the case of prisoners, the more humane laws of war ought to step in in the place of civil law. But the power to enforce civil law still remained. In regard to the property of rebels either code might be applied. This property might be confiscated absolutely under the laws of war, and in this case the confiscation would not be penal in its nature, would have nothing to do with attainder for treason, and would therefore fall outside of the scope of constitutional provisions; or, under the civil code this property could be fined or forfeited as a penalty of treason, and in the latter case the effects of the attainder could not extend beyond the life of the offender.

But both Stevens and Broomall were wrong in assuming that because the general laws of war are applicable to civil wars, therefore under and by virtue of those laws private property on land belonging to the enemy might be confiscated. By modern usage, the private property of a public enemy on land is exempt from capture except when taken as a penalty for military offenses, as a forced contribution for the support of invading armies, or to pay the expenses of maintaining order and affording protection to the conquered. It was necessary, therefore, to resort to the civil code in order to reach the private property of rebels. The inhabitants of the states engaged in rebellion must, in this respect at least, be regarded as subjects, or escape the penalty of confiscation.

The House was disposed, therefore, to consider the provision of the Constitution in regard to attainder for treason as applicable to the Confiscation Act. By a vote of 83 to 74, a joint resolution was passed amending the joint resolution explanatory of the Confiscation Act, and adopted at the President's suggestion, so that no punishment or proceeding under the act might be construed to work the forfeiture of the offender's estate contrary to the Constitution. In the Senate, the clause of the joint resolution of 1862, limiting forfeiture to the life of the offender, was repealed, 23 to 15. Returning to the House, the subject was postponed to the next session, and the act of 1862 remained as it was.

The President's amnesty proclamation had only spoken for the executive. It was also deemed necessary that Congress should speak for itself in terms equally explicit, either adopting the President's plan or proposing some other. Accordingly, in the House, on the 15th of February, Henry Winter Davis, from the Select Committee, reported a bill to guarantee to certain states a republican form of government.<sup>1</sup> The plan thus offered differed from that proposed by the President in several important particulars. It provided for the supervision, by a provisional governor, of the work of restoration. It postponed this work in any state until the rebellion in that state should have been suppressed, and until a majority had taken the oath of allegiance. No person was allowed to vote for, or act as a delegate in the Convention who had held any civil, military, state, or Confederate office under the rebel occupation, or who had voluntarily borne arms against the United States. Three distinct articles were dictated to the Convention for insertion in the state Constitution: the first disfranchising, in elections for governor and Legislature, all citizens who had held any military or civil office (except offices merely ministerial and military offices below that of colonel) under the usurping power; the second abolished slavery, and guar-

<sup>1</sup> The bill authorized the President to appoint in each of the states declared in rebellion a provisional governor, with the pay and emoluments of a brigadier, to be charged with the civil administration until a state government therein shall be recognized. As soon as the military resistance to the United States shall have been suppressed, and the people sufficiently returned to their obedience to the Constitution and the laws, the governor shall direct the Marshal of the United States to enroll all the white male citizens of the United States resident in the state, in their respective counties; and wherever a majority of them take the oath of allegiance, the loyal people of the state shall be entitled to elect delegates to a Convention to act upon the re-establishment of a state government—the proclamation to contain details prescribed. Qualified voters in the army may vote in their camps. No person who has held or exercised any civil, military, state, or Confederate office under the rebel occupation, and who has voluntarily borne arms against the United States, shall vote or be eligible as a delegate. The Convention is required to insert in the Constitution provisions—

"1. No person who has held or exercised any civil or military office (except offices merely ministerial and military offices below a colonel), state or Confederate, under the usurping power, shall vote for, or be a member of the Legislature or governor.

"2. Involuntary servitude is forever prohibited, and the freedom of all persons guaranteed in said state.

"3. No debt, state or Confederate, created by or under the sanction of the usurping power, shall be recognized or paid by the state."

Upon the adoption of the Constitution by the Convention, and its ratification by the electors of the state, the provisional government shall so certify to the President, who, after obtaining the assent of Congress, shall, by proclamation, recognize the government as established, and none other, as the constitutional government of the state; and from the date of such recognition, and not before, senators and representatives, and electors for President and Vice-President may be elected in such state. Until reorganization, the provisional governor shall enforce the laws of the Union and of the state before rebellion.

The remaining sections are as follows:

"Sec. 12. That all persons held to involuntary servitude or labor in the states aforesaid are hereby emancipated and discharged therefrom, and they and their posterity shall be forever free. And if any such person or their posterity shall be restrained of their liberty, under pretense of any claim to such service or labor, the courts of the United States shall on habeas corpus discharge them.

"Sec. 13. That if any person declared free by this act, or any law of the United States, or any proclamation of the President, be restrained of liberty, with intent to be held in or restored to involuntary labor, the person convicted before a court of competent jurisdiction of such act shall be punished by fine of not less than \$1500, and be imprisoned not less than five nor more than twenty years.

"Sec. 14. That every person who shall hereafter hold or exercise any office, civil or military, except offices merely ministerial and military offices below the grade of colonel, in the rebel service, state or Confederate, is hereby declared not to be a citizen of the United States."

anteed the freedom of all persons; and the third prohibited the recognition or payment of the Confederate debt. The assent of Congress was made a necessary condition precedent to the President's proclamation recognizing the government thus established. From the date of such recognition, and not before, could senators, representatives, and presidential electors be elected in any of the states included within the provisions of the bill. The bill also emancipated all slaves in these states, and affixed a distinct penalty to any attempt to re-enslave those who had been thus declared free. It disfranchised all those whom it required the several state Conventions to disfranchise. It agreed with the President's proclamation in ignoring negro suffrage.

This bill was passed by the House on the 4th of May, 74 to 66. Every affirmative vote was Republican, and only six Republicans voted in opposition. On the 27th, B. F. Wade, of Ohio, reported the bill in the Senate. In the course of the discussion which followed, Wade, in the most emphatic terms, repudiated as "most hazardous" the theory that the states could lose their organization, their rights as states, or their corporate capacity by rebellion.<sup>1</sup> The Senate passed the bill July 2d, yeas 18, and nays 14. Among those voting nay were Senators Doolittle, Lane (of Indiana), and Trumbull. The President refused to sign the bill, but on the 9th of July he issued a proclamation concerning it. It had, he said, been presented to him less than one hour previous to the close of the session, and he had not signed it. He declared that he was "unprepared, by the formal approval of this bill, to be inflexibly committed to any single plan of restoration;" to set aside the free state constitutions and governments already adopted and installed in Arkansas and Louisiana, thus discouraging loyal citizens from farther effort; or to declare the constitutional competency of Congress to abolish slavery in the states. Yet he was "fully satisfied with the system for restoration contained in the bill as one very proper for the loyal people of any state choosing to adopt it," and was prepared to give executive aid and assistance in carrying out such a method, and he would appoint military governors for this purpose so soon as military resistance to the government should have been suppressed in any state, and the people thereof sufficiently returned to their obedience to the Constitution and laws of the United States. This proclamation called forth a political manifesto from Davis and Wade, which was published in the *New York Tribune* for August 5, 1864, censuring the President, and charging him with usurpation and unworthy motives.<sup>2</sup>

<sup>1</sup> The following is an extract from Mr. Wade's speech:

"It has been contended in the House of Representatives, it has been contended upon this floor, that the states may lose their organization, may lose their rights as states, may lose their corporate capacity by rebellion. I utterly deny that doctrine. I hold that once a state of this Union, always a state; that you can not by wrong and violence displace the rights of any body or disorganize the state. It would be a most hazardous principle to assert that. No, sir; the framers of your Constitution intended no such thing. They did not leave this great question untouched; and when we study that great instrument, I can hardly help but stop and contemplate the all-embracing wisdom that seemed to actuate them, for you can find hardly an exigency that may arise in the complicated affairs of government that they did not anticipate and provide for. They did foresee that in the progress of the government some of the states might go into rebellion; that they might undertake themselves to absolve their connection with the general government and set up some hostile government of their own; and they expressly provided for just such a case; and how gentlemen with this principle of the Constitution staring them in the face can fancy that states can lose their rights because more or less of the people have gone off into rebellion, is marvelous to me. The principle of law every where is that no honest man shall lose a right by wrong or usurpation. The act of rebellion is void. It may have physical force for the moment to displace rights; but the law never yields to any such power as that. The law never anywhere acknowledges that right can be overthrown by wrongful action. They, then, who contend that the state governments are lost, obliterated, blotted out, are contending against the face and eyes of the Constitution. Has that said any such thing? No, sir. It has said that the Federal government shall guarantee to every state a republican form of government; and if a portion of the people undertake to overthrow their government and set up another, it is the manifest duty of the general government immediately to interfere, and, if necessary, to interpose the strong arm of its power to prevent such a state of things. Precisely that state of things is upon us, and this bill proceeds upon that idea, and discards absolutely the notion that states may lose their rights, and that they may be abrogated and may be reduced to the condition of Territories. It denies any such thing as that. No sound principle can be adopted that warrants any such thing."

<sup>2</sup> *Protest of Senator Wade and H. Winter Davis, M. C., to the supporters of the Government.*

"We have read without surprise, but not without indignation, the proclamation of the President of the 8th of July, 1864.

"The supporters of the administration are responsible to the country for its conduct; and it is their right and duty to check the encroachments of the executive on the authority of Congress, and to require it to confine itself to its proper sphere.

"It is impossible to pass in silence this proclamation without neglecting that duty; and, having taken as much responsibility as any others in supporting the administration, we are not disposed to fail in the other duty of asserting the rights of Congress.

"The President did not sign the bill to guarantee to certain states whose government have been usurped, a republican form of government—passed by the supporters of his administration in both houses of Congress after mature deliberation.

"The bill did not, therefore, become a law, and it is, therefore, nothing.

"The proclamation is neither an approval nor a veto of the bill; it is, therefore, a document unknown to the laws and Constitution of the United States.

"So far as it contains an apology for not signing the bill, it is a political manifesto against the friends of the government.

"So far as it proposes to execute the bill which is not a law, it is a grave executive usurpation.

"It is fitting that the facts necessary to enable the friends of the administration to appreciate the apology and the usurpation be spread before them.

"The proclamation says:

"And whereas the said bill was presented to the President of the United States for his approval less than one hour before the *sine die* adjournment of said session, and was not signed by him—

"It that be accurate, still this bill was presented with other bills which were signed.

"Within that hour the time for the *sine die* adjournment was three times postponed by the votes of both houses; and the least intimation of a desire for more time by the President to consider this bill would have secured a farther postponement.

"Yet the committee sent to ascertain if the President had any further communication for the House of Representatives reported that he had none; and the friends of the bill, who had anxiously waited on him to ascertain its fate, had already been informed that the President had resolved not to sign it.

"The time of presentation, therefore, had nothing to do with his failure to approve it.

"The bill has been discussed and considered for more than a month in the House of Representatives, which it passed on the 4th of May. It was reported to the Senate on the 27th of May, without material amendment, and passed the Senate absolutely as it came from the House on the 2d of July.

"Ignorance of its contents is out of the question.

"Indeed, at his request, a draft of a bill substantially the same in material points, and identical in the points objected to by the proclamation, had been laid before him for his consideration in the winter of 1862-3.

"There is, therefore, no reason to suppose the provisions of the bill took the President by surprise.

"On the contrary, we have reason to believe them to have been so well known that this method of preventing the bill from becoming a law without the constitutional responsibility of a veto had been resolved on long before the bill passed the Senate.





were not entitled to them. This was as emphatic a rejection of the President's plan of restoration as was possible. In the House, A. C. Rogers, J. M. Johnson, and T. M. Jacks, claiming seats from Arkansas, were not admitted. In the same body the claims of A. P. Fields and Thomas Cotton, from Louisiana, were rejected by a vote of 100 to 71.

During this session several resolutions were offered concerning the object and conduct of the war. A number of these reiterated the resolutions adopted by the Thirty-seventh Congress to the effect that the war was not waged for the purpose of conquest or subjugation, or of overthrowing or interfering with the rights or established institutions of the insurgent states, "but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several states unimpaired." Such resolutions were invariably tabled, laid over, or referred to the Select Committee, never to be heard of again.

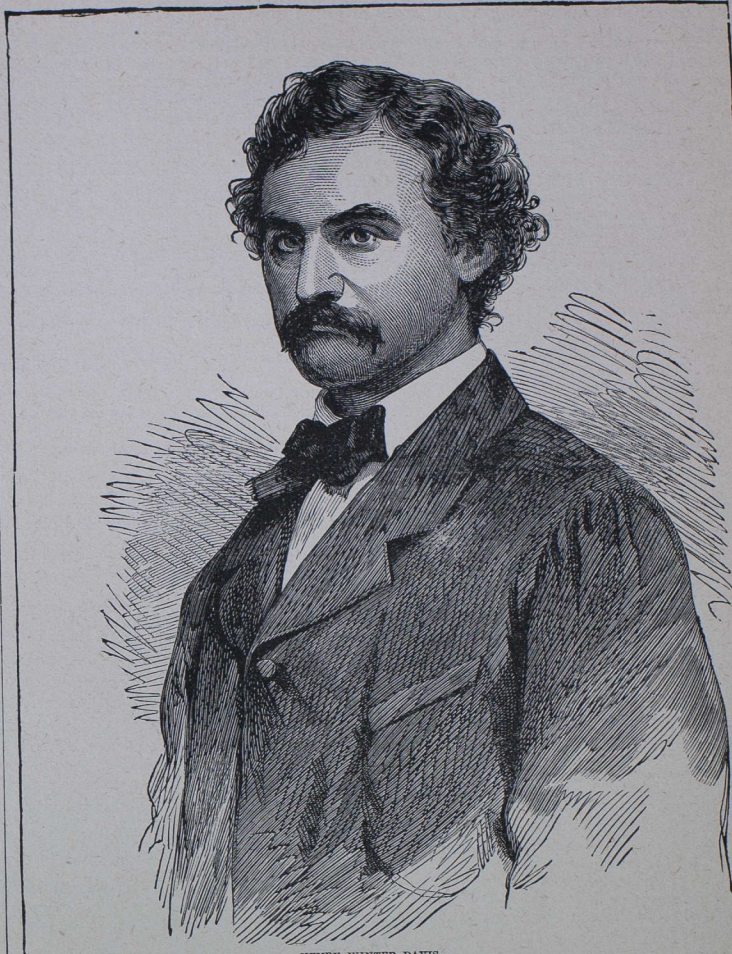
On the 8th of April, the House sitting in Committee of the Whole on the State of the Union, Alexander Long, of Ohio, rose, and in a long speech prophesied the ultimate failure of the war, and declared himself in favor of the recognition of the Confederacy. General Garfield, his patriotic colleague, as soon as Long took his seat, rose and asked that a white flag might be placed between his colleague and himself. "I recollect," said he, "that on one occasion, when two great armies stood face to face, that under a white flag just planted I approached a company of men dressed in the uniform of the rebel Confederacy, and reached out my hand to one of the number, and told him I respected him as a brave man. Though he wore the emblems of disloyalty and treason, still underneath his vestments I beheld a brave and honest soul. I would reproduce that scene here this afternoon. I say were there such a flag of truce—but God forgive me if I should do it under other circumstances!—I would reach out this right hand and ask that gentleman to take it, because I honor his bravery and honesty. . . . He has done a brave thing. It is braver than to face cannon and musketry." Then, in a speech—the most thrilling of that session—General Garfield analyzed and developed the significance of Long's proposition. "Now," said he, "when hundreds of thousands of brave souls have gone up to God under the shadow of the flag, and when thousands more, maimed and shattered in the contest, are sadly awaiting the deliverance of death; now, when three years of terrific warfare have raged over us, when our armies have pushed the rebellion back over mountains and rivers, and crowded it into narrow limits, until a wall of fire girds it; now, when the uplifted hand of a majestic people is about to let fall the lightning of its conquering power upon the rebellion; now, in the quiet of this hall, hatched in the lowest depths of a similar dark treason, there rises a Benedict Arnold and proposes to surrender us all up, body and spirit, the nation and the flag, its genius and its honor, now and forever, to the accursed traitors to our country! And that proposition comes—God forgive and pity my beloved state!—it comes from a citizen of the honored and loyal commonwealth of Ohio. . . ."

"For the first time in the history of this contest, it is proposed in this hall to give up the struggle, to abandon the war, and let treason run riot through the land! \* \* \*"

"Suppose the policy of the gentleman were adopted to-day. Let the order go forth; sound the 'recall' on your bugles, and let it ring from Texas to the far Atlantic, and tell the armies to come back. Call the victorious legions back over the battle-fields of blood, forever now disgraced. Call them back over the territory they have conquered and redeemed. Call them back, and let the minions of secession chase them with derision and jeers as they come. And then tell them that that man across the aisle, from the free state of Ohio, gave birth to the monstrous proposition."

The next day Speaker Colfax took the floor, and offered a resolution for the expulsion of Long. He did this, he said, in the performance of a high public duty—a duty to his constituents and to the soldiers in the field. He believed in the freedom of speech, and had during this Congress heard nothing, save this single speech, which could have prompted him to offer such a resolution. The flag of the Confederacy had been boldly unfurled by a gentleman who had taken an oath at the opening of the session that up to that time he had not given aid, countenance, or encouragement to the enemies of the United States. If such an oath was necessary to membership, then he who could thus publicly give the encouragement which he had sworn not to have given in the past was an unworthy member, and ought not to remain. The soldiers who deserted did not more surely turn their backs upon the obligation they had assumed than had the member from Ohio. If the House allowed such sentiments to go unquestioned, they should stop shooting deserters. Could the United States go to war with a foreign nation recognizing the Confederacy, while from the halls of Congress an opinion was permitted to go forth in favor of such recognition, and unaccompanied by the highest expression of Congressional censure?

Cox, of Ohio, while opposing the resolution, and pleading for the utmost freedom of discussion, emphatically disavowed for himself and his Democratic colleagues the sentiments expressed by Long. On the other hand, Harris, of Maryland, as emphatically indorsed those sentiments, and in terms far more distinct than Long had adopted. "I am," said he, "a peace man, a radical peace man, and I am for peace by the recognition of the Confederacy. I am for acquiescence in the doctrine of secession. I thought I was alone; but now, thank God! there is another soul saved. . . . The South asked you to let them go in peace. But no, you said you would bring them into subjection. That is not done yet, and God Almighty grant that it may never be. I hope that you may never subjugate the South." Washburne, of Illinois, called him to order, and then moved his expulsion. The vote upon this motion was 81 ayes to 58 nays, and thus lacked the necessary two thirds majority. But a motion of censure was voted 93 to 18.



HENRY WINTER DAVIS.

Probably there was no man who more completely commanded the attention of the House, whenever he spoke, than Henry Winter Davis. His eloquence and impressiveness were only matched by his profound culture and his elegance of expression. On this occasion he addressed a silent and crowded house in support of the resolution for Long's expulsion. In the course of his speech, he said:

"Mr. Speaker, if it be said that a time may come when the question of recognizing the Southern Confederacy will have to be answered, I admit it, and it is answering the strongest and the extreme case that gentlemen of the other side can present. I admit it. When a Democrat shall darken the White House and the land; when a Democratic majority here shall proclaim that freedom of speech secures impunity to treason, and declare recognition better than extermination of traitors; when McClellan and Fitz John Porter shall have again brought the rebel armies within sight of Washington City, and the successor of James Buchanan shall withdraw our armies from the unconstitutional invasion of Virginia to the north of the Potomac; when exultant rebels shall sweep over the fortifications and their bomb-shells shall crash against the dome of the Capitol; when thousands throughout Pennsylvania shall seek refuge on the shores of Lake Erie from the rebel invasion, cheered and welcomed by the opponents of extermination; when Vandigham shall be Governor of Ohio, and Bright Governor of Indiana, and Woodward Governor of Pennsylvania, and Seymour Governor of Connecticut, and Wall be Governor of New Jersey, and the gentleman from New York city sit in Seymour's seat, and thus, possessed of power over the great centre of the country, they shall do what they attempted in vain before the midst of rebel triumphs—to array the authorities of the states against those of the United States; to oppose the militia to the army of the United States; to invoke the *habeas corpus* to discharge confined traitors; to deny to the government the benefit of the laws of war, lest it exterminate its enemies; when the Democrats, as in the fall of 1862, shall again, with no permanent success, persuade the people of the country that the war should not be waged till the integrity of the territory of the Union is restored, or what it might, but that such a war violates the spirit of free institutions, which those who advocate it wish to overthrow, and should stop, for the benefit of the Democratic party, somewhere this side of absolute triumph, lest there be no room for a compromise; when gentlemen of that party in New York shall again, as in November, 1862, hold illegal and criminal negotiations with Lord Lyons, and avow their purposes to him, the representative of a foreign and unfriendly power, and urge him to arrange the terms of proffering mediation with a view to their possession of power and the preparation of the minds of the public to receive suggestions from abroad, and when mediation shall appear by the event to be the first step toward foreign intervention, swiftly and surely followed by foreign armed enemies upon our shores to join the domestic enemies; when the war in the east shall begin, which was menaced at the outbreak of the rebellion, and the friends of Seymour shall make the streets of New York run with blood the eve of another Gettysburg less damaging to their hopes; when the people, exhausted by taxation, weary of sacrifices, drained of blood, betrayed by their rulers, deluded by demagogues into believing that peace is the way to union, and submission the path to victory, shall throw down their arms

fore the advancing foe; when vast chasms across every state shall make apparent to every eye, when too late to remedy it, that division from the South is inauguration of anarchy at the North, and that peace without union is the end of the republic—THEN the independence of the South will be an accomplished fact, and gentlemen may, without treason to the dead republic, rise in this migratory house, wherever it may then be in America, and declare themselves for recognizing their masters at the South rather than exterminating them! Until that day, in the name of the American nation—in the name of every house in the land where there is one dead for the holy cause—in the name of those who stand before us in the ranks of battle—in the name of the liberty our ancestors have confided to us, I devote to eternal execration the name of him who shall propose to destroy this blessed land rather than its enemies."<sup>1</sup>

On the side of the opposition, Pendleton, of Ohio, one of the most popular leaders of his party, closed the debate with an able argument in favor of free discussion. It was in reply to Davis's speech of the night before. "The gentleman from Maryland," said he, "told us last night, in terms of eloquence which I can not emulate, that when Lord Chatham, aged, feeble, wrapped in flannel and suffering from disease, came, resting upon the arm of his still greater son, to address for the last time the British House of Lords, and to die upon the floor, he came to speak against the dismemberment of the British empire. It is true; and what did he say? 'I told you this war would be disastrous; I predicted its consequences; I told you you could not conquer America; I begged you to conciliate America; you would not heed my advice. You have exhausted the country; you have sacrificed its men; you have wasted its treasures; you have driven these colonies to declare their independence; you have driven them into the arms of our ancient and hated enemy, and now, without striking a blow, without firing a shot, cowardly under difficulties as you were truculent in success, you propose to yield through fear to France what you have refused as justice to America.' Did it not occur to the gentleman from Maryland that possibly at a future day, when the history of that civil strife shall have been reproduced in this land, another Chatham may come to this House, and hurl against those who are now in power these bitter denunciations because they have shown themselves unable to make an honorable peace even as they have been unable to make a victorious war? . . . ."

"Sir, if there be depths of public opinion where eternal stillness reigns, there gather, even as festering death lies in those ocean depths, the decaying forms of truth, and right, and freedom. Eternal motion is the condition of their purity. Did he think this resolution would for one instant retard its progress? Did he not know that the surging waves would wash away every trace of its existence? Did he suppose this puny effort would avail him? The rocks of the eternal hills alone can stay the waves of the ever-rolling sea. Nothing but the principles of truth and right can stay the onward progress of public opinion in this our country as it swells, and sways, and surges in this mad tempest of passion, and seeks to find a secure resting-place."

The resolution was finally changed to one of censure in place of expulsion, and in that shape passed 80 to 70. If any evidence were needed of the jealous regard for freedom of debate in the American Congress, it is furnished by the fact that Harris and Long were only censured and not expelled.

During the session enabling acts were passed for the formation of state governments in Colorado, Nevada, and Nebraska. The people of Colorado voted against a Convention, preferring to remain for the present under the territorial organization. The pay of soldiers was increased to \$16 per month,<sup>2</sup> and a Bureau of Military Justice was established. The government was authorized to borrow \$400,000,000 on coupon bonds running from 5 to 30 years, at not less than 6 per cent. interest, payable in coin. These and the 5.20 bonds might be disposed of in Europe at the discretion of the Secretary of the Treasury. All United States bonds were declared exempt from taxation.<sup>3</sup> Provision was also made for the issue of \$50,000,000 in fractional or postage currency. A separate bureau was established, to be charged with the execution of all laws respecting a national currency, secured by United States bonds.<sup>4</sup> At the head of this bureau the President placed

<sup>1</sup> Mr. Davis thus illustrated the freedom of opinion and its limitations:

"Surely, sir, opinion is the life of our nation. It is the measure of every right, the guarantee of every privilege, the protection of every blessing. It is opinion which creates our rulers. It is opinion that nerves or palsies their arms. It is opinion which casts down the proud and elevates the humble. Its fluctuations are the rise and fall of parties; its currents bear the nation on to prosperity or ruin. Its free play is the condition of its purity. It is like the ocean, whose tides rise and fall day by day at the fickle bidding of the moon; yet it is the great scientific level from which every height is measured—the horizon to which astronomers refer the motion of the stars. But, like the ocean, it has depths whose eternal stillness is the condition of its stability. Those depths of opinion are not free, and it is they that are touched by the words which have so moved the House. Men must not commit treason and say its guilt is a matter of opinion, and its punishment a violation of its freedom. Men can not swear to maintain the integrity of the nation, and avow their intention to destroy it, and cover that double crime by the freedom of speech. That is to break up the fountains of the great deep on which all government is borne, and to pour its flood in revolutionary ruin over the land. To punish that is not a violation of the freedom of opinion or its expression. It is to protect its normal ebb and flow, its free and healthy fluctuations, that we desire to relieve it from the opprobrium of being confounded with the declarations of treasonable purposes here, in the high and solemn assemblage of the Union." Chapter cxlv.

<sup>2</sup> Chapter cxlii. This act also provided that in lieu of so much of this loan, the secretary might issue \$200,000,000 of treasury notes redeemable within three years, bearing interest of seven and three tenths per cent., convertible into bonds. The secretary might also cancel all treasury notes heretofore issued, and issue these in their stead. These notes were not to be a legal tender. Bonds might be exchanged for seven and three tenths notes. The secretary might receive temporary loans, and issue certificates of deposit therefor, at six per cent., the certificates to be payable on ten days' notice—such deposits not to exceed \$150,000,000.

<sup>3</sup> Chapter cvii.—National Currency—establishes a separate bureau, to be charged with the execution of this and all laws respecting a national currency, secured by United States bonds, and names the officers of said bureau, together with the securities conditioned by their assumption of office. Every certificate, assignment, and conveyance shall be as valid as when the comptroller's seal is stamped on the paper. Associations for carrying on the business of banking may be formed by any number of persons not less than five, who shall enter into articles of association, signed by the members of the association, a copy of which shall be forwarded to the Comptroller of the Currency. The requisite capital for the organization of associations of this kind shall be not less than two hundred thousand dollars in a city exceeding fifty thousand inhabitants, and not less than one hundred

Hugh McCulloch, afterward Secretary of the Treasury. A special income tax was levied at the rate of five per cent. on all sums exceeding \$600 clear income, to be collected under the rules of the Internal Revenue Department.

At this time the relations between this government and that of France were exceedingly critical, and it required all the skill and prudence of Secretary Seward to avert war.

Maximilian, the oldest brother of the reigning Emperor of Austria, had been proclaimed Emperor of Mexico, July 10th, 1863, by an assembly of "Notables" summoned by a government established under the auspices of the French army. The choice of Maximilian was of course made by Louis Napoleon. But the French emperor had commanded that the question as between an empire and a republic should be submitted to the Mexican people. Accordingly, at the same time that the Mexican deputation was proceeding to Europe with the vote of the Notables engrossed on parchment and inclosed in a golden sceptre, instructions were on their way from Paris to the French commander in Mexico to carry out the emperor's instructions to the letter. Thus Maximilian's acceptance was delayed. An election was held under the impressive authority of French bayonets, and on the 10th of April, 1864, the Mexican deputation was again at Miramar, and Maximilian was informed that the vote of the "Notables" had been ratified by an immense majority. Maximilian accepted the sceptre, which, at first the badge of empire, became in the end, to him, the wand of martyrdom. He visited the Pope, and, having received the blessing of the latter, embarked with his consort, the Empress Carlotta, for Mexico, where he arrived on the 28th of May, and entered upon his imperial career.

The French occupation of Mexico, resulting in the subversion of its republican government, was construed as an act of hostility both by the people and the government of the United States. The full expression of this feeling on the part of the executive was held in check by the civil war. No pledge was given to France that this question—now held in abeyance—would not arise for settlement, and in the mean while every honorable effort was made by the government to prevent a foreign war. That this was the wisest policy is too evident to require argument. It was the policy adopted both by the President and the Senate. In the latter body, McDougall, of California, on January 11th, introduced a series of resolutions, declaring that the French attempt to subvert the Mexican republic was an act hostile to the United States, and that it was the duty of our government to require France to withdraw her armed forces from Mexico. These resolutions were referred to the Committee on Foreign Relations, and not heard of again. On the 14th of June McDougall sought in vain to introduce a resolution, which was in form a general expression of the Monroe doctrine.

The House took an entirely different view as to the question of an immediate protest. On the 4th of April, Henry Winter Davis reported from the Committee on Foreign Affairs the following joint resolution, which passed without a single dissentient voice: "That the Congress of the United States are unwilling, by silence, to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the republic of Mexico, and they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge a monarchical government erected on the ruins of any republican government in America, under the auspices of any European power." The resolution

red thousand dollars in a city whose population is less than fifty thousand; provided, however, that banks may be organized, with a capital of not less than fifty thousand dollars, in any place not exceeding six thousand inhabitants, with the approval of the Secretary of the Treasury. Such association shall transact no business, except such as may be incidental to its own organization, until authorized by the Comptroller of the Currency. The number of directors must be not less than five, one of whom shall be president. The capital stock of any association shall be in shares of one hundred dollars each, deemed personal property, and transferable on the books of the association. The shareholders shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of their association, according to the par value of their amount of stock therein, in addition to the amount invested in such shares; except in the case of shareholders in present existing state banking institutions, of not less than five millions of dollars of capital, and a surplus of twenty per centum on hand, who shall be liable only to the amount invested in their shares. It shall be lawful for an association, formed under this act, to provide for an increase of its capital from time to time, subject to the limitations of this act; provided that the maximum of such increase shall be determined by the comptroller; and that no increase of capital shall be valid until the whole amount of such increase shall be paid in. And every association shall have power, by a vote of shareholders owning two thirds of its stock, to reduce the capital of such association to any amount not below the amount required by this act for its outstanding circulation. Every association, preliminary to commencing business, shall deliver to the Treasurer of the United States registered bonds to an amount equal to one third of the capital stock; the deposit to be increased as the capital is paid up or increased; while an association, desiring to diminish its capital or to close up its business, may take up its bonds, upon returning to the comptroller its circulating notes. The comptroller shall examine and determine if any association can commence business. All transfers of United States bonds shall be made to the Treasurer of the United States, in trust for the association, the comptroller to keep the transfer-book. Associations, after the transfer and delivery of bonds to the treasurer, may receive from the comptroller circulating notes, in blank, equal in amount to ninety per centum of the current market value of the United States bonds so transferred; but at no time shall the total amount of such notes exceed the amount of its capital stock actually paid in. The entire amount of circulating notes to be issued under this act shall not exceed three hundred millions of dollars. Such notes shall be received at par in payment of all indebtedness to the United States except for duties on imports; and also for all indebtedness of the United States except interest on the public debt, and in redemption of the national currency. Associations shall, annually or oftener, examine its bonds deposited, and execute to the treasurer a certificate, setting forth the different kinds, and the amounts thereof; such examination to be made by a duly appointed officer or agent of the association, whose certificate shall be of full force and validity. The deposited bonds shall be held exclusively for the security of the association's circulating notes, the association having the benefit of the interest on the bonds which it may have deposited so long as it may redeem its circulating notes. The total liabilities to any association, of any person, company, corporation, or firm, shall at no time exceed one tenth part of the capital stock of such association actually paid in; provided that the discount of commercial paper actually owned by the person, company, etc., negotiating the same, shall not be considered as money borrowed. The established interest of the state or territory wherein the banking association is located shall govern its charge of interest on loans, notes, bills, etc., and, when there is no established interest in such state or territory, the association may take interest not exceeding seven per centum. The penalty for taking greater interest than herein prescribed shall be a forfeiture of the entire interest which has been agreed to be paid; and the person or persons who may have paid a greater interest may recover back from the association receiving the same twice the amount of the interest thus paid, provided that such action for recovery is commenced within two years after the occurrence of the usurious transaction. The circulating notes of the different associations shall be redeemed in New York at par by associations selected for that purpose.



WILLIAM L. DAYTON.

was introduced into the Senate and referred, but not again reported during the session.

This torch, which the House had thrown into a magazine already almost on the point of explosion from other causes, was snatched away by the Secretary of State before it had done its destructive work. A letter of instructions was immediately forwarded to Mr. Dayton, our minister at the French court. A copy of the resolution was inclosed. It was admitted by the secretary that this resolution truly interpreted the unanimous sentiment of the people of the United States. But it had not passed the Senate, and, even if it had, the form of expression which the government might choose to adopt toward that of France on this subject depended, not upon Congress, but upon the executive. "While the President," he added, "receives the declaration of the House of Representatives with the profound respect to which it is entitled as an exposition of its sentiments on a grave and important subject, he directs that you inform the government of France that he does not at present contemplate any departure from the policy which this government has hitherto pursued in regard to the war which exists between France and Mexico."

The passage of the resolution produced a great degree of excitement in France. When Mr. Dayton visited M. Drouyn de l'Huys on the 21st of April, the first words addressed to him by the latter were, "Do you bring us peace or bring us war?" Mr. Dayton had not then received his instructions from the secretary. When these were made known to the French government the excitement subsided, and the *Moniteur*, the official organ of the emperor, announced that satisfactory explanations had been received from the United States government.

On the 27th Mr. Davis made a long report, closing with a recommendation that a resolution be passed declaring the constitutional right of Congress to an authoritative voice in determining the foreign policy of the United States, and that a proposition in regard to such policy while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power. This report was ordered to be printed, but did not again come up for action during the session.

The people of Kentucky—so strongly opposed to secession and to sympathizers with rebellion that they had (August 3, 1863) elected Bramlette, the Union candidate, over Wickliffe, the Democratic, by a majority of over 50,000—were still so bitterly opposed to emancipation and to the enrollment of negroes for military service, that their governor was compelled, when these measures were adopted, to issue a proclamation, counseling them against unlawful resistance. But the President remained firm. He had 130,000 soldiers to show as the result of a policy which had been tried for one year, and this, to him, was a sufficient argument why that policy should be maintained. The fact that the Union delegates from Kentucky would be sent to the Democratic Convention to be assembled at Chicago for the nomination of a presidential ticket was not deemed a compensatory argument to the contrary.

In the autumn of 1864 a presidential election was to be decided in the midst of war, as the one four years previous had been decided under its projected shadow. Many of the more radical members of the Republican party were dissatisfied with Abraham Lincoln for various reasons, but

chiefly because he was considered too slow to adopt their own revolutionary theories on the subject of emancipation and reconstruction. This faction of the party held its National Convention at Cleveland, Ohio, on the 31st of May, pursuant to a call addressed "to the Radical Men of the Nation." Of the 350 persons who answered this call, few, if any, were properly delegates representing constituencies. These men, representing their own principles rather than the people, nominated General John C. Fremont for President, and for Vice-President General John Cochrane. The distinctive articles of the platform adopted by this Convention were those declaring that the President ought to be elected for a single term and by a direct vote of the people, that the question of reconstruction belonged to Congress and not to the executive; and that justice required the confiscation of rebel property and its distribution among "the soldiers and actual settlers." This policy of general confiscation was repudiated by General Fremont in his letter accepting the nomination.

Just a week later—June 7th—the Republican Convention proper assembled at Baltimore, in response to a call issued by the Executive Committee, which had been created by the Chicago Convention of 1860. Senator Morgan, of New York, chairman of that committee, called the Convention to order, and proposed Dr. Robert J. Breckinridge, of Kentucky, as temporary president. Breckinridge and the ten other delegates from Kentucky did not claim to fairly represent that party in their state which would cast the majority of votes. Hon. William Dennison, of Ohio, was elected president in the permanent organization of the Convention.<sup>1</sup> The work of the Convention was soon accomplished. The platform of resolutions, as reported by H. J. Raymond, of New York, and unanimously adopted, maintained the integrity of the Union; the paramount authority of the Constitution and laws of the United States; the suppression of the rebellion and the punishment of rebels; the repudiation of compromise, and of any terms of peace except those based on the unconditional surrender of hostility on the part of the enemies arrayed against the government; the abolition of slavery by constitutional amendment; the policy and measures of the administration, especially the Emancipation Proclamation and the employment of negro soldiers; the recognition of the valor and patriotism of the soldiers and sailors, and provision—ample and permanent—for those disabled by wounds; prompt and full redress for the violation of the laws of war in the treatment by the enemy of our soldiers, without distinction of color; the encouragement of immigration; the inviolability of the public debt; and the Monroe doctrine.<sup>2</sup>

<sup>1</sup> There were 520 delegates admitted, from the following States and Territories:

From Maine, 14.	From Maryland, 14.	From Wisconsin, 16.
New Hampshire, 10.	Louisiana, 14.	Iowa, 16.
Vermont, 10.	Arkansas, 10.	Minnesota, 8.
Massachusetts, 24.	Missouri, 22.	California, 10.
Rhode Island, 8.	Tennessee, 15.	Oregon, 6.
Connecticut, 12.	Kentucky, 21.	West Virginia, 10.
New York, 66.	Ohio, 42.	Kansas, 6.
New Jersey, 14.	Indiana, 26.	Nebraska, 6.
Pennsylvania, 49.	Illinois, 32.	Colorado, 6.
Delaware, 6.	Michigan, 16.	Nevada, 6.

<sup>2</sup> The following is a copy of these resolutions:

*Resolved*, That it is the highest duty of every American citizen to maintain against all their enemies the integrity of the Union, and the paramount authority of the Constitution and laws of the United States; and that, laying aside all differences of political opinion, we pledge ourselves as Union men, animated by a common sentiment, and aiming at a common object, to do every thing in our power to aid the government in quelling by force of arms the rebellion now raging against its authority, and in bringing to the punishment due to their crimes the rebels and traitors arrayed against it.

*Resolved*, That we approve the determination of the government of the United States not to compromise with rebels, nor to offer any terms of peace except such as may be based upon an "unconditional surrender" of their hostility and a return to their just allegiance to the Constitution and laws of the United States, and that we call upon the government to maintain this position and to prosecute the war with the utmost possible vigor to the complete suppression of the rebellion, in full reliance upon the self-sacrifice, the patriotism, the heroic valor, and the undying devotion of the American people to their country and its free institutions.

*Resolved*, That, as slavery was the cause, and now constitutes the strength of this rebellion, and as it must be always and every where hostile to the principles of republican government, justice and the national safety demand its utter and complete extirpation from the soil of the republic; and that we uphold and maintain the acts and proclamations by which the government, in its own defense, has aimed a death-blow at this gigantic evil. We are in favor, furthermore, of such an amendment to the Constitution, to be made by the people in conformity with its provisions, as shall terminate and forever prohibit the existence of slavery within the limits of the jurisdiction of the United States.

*Resolved*, That the thanks of the American people are due to the soldiers and sailors of the army and navy, who have periled their lives in defense of their country and in vindication of the honor of the flag; that the nation owes to them some permanent recognition of their patriotism and valor, and ample and permanent provision for those of their survivors who have received disabling and honorable wounds in the service of the country; and that the memories of those who have fallen in its defense shall be held in grateful and everlasting remembrance.

*Resolved*, That we approve and applaud the practical wisdom, the unselfish patriotism, and unswerving fidelity to the Constitution and the principles of American liberty with which Abraham Lincoln has discharged, under circumstances of unparalleled difficulty, the great duties and responsibilities of the presidential office; that we approve and indorse, as demanded by the emergency and essential to the preservation of the nation, and as within the Constitution, the measures and acts which he has adopted to defend the nation against its open and secret foes; that we approve especially the Proclamation of Emancipation, and the employment as Union soldiers of men heretofore held in slavery; and that we have full confidence in his determination to carry these and all other constitutional measures essential to the salvation of the country into full and complete effect.

*Resolved*, That we deem it essential to the general welfare that harmony should prevail in the national councils, and we regard as worthy of public confidence and official trust those only who cordially indorse the principles proclaimed in these resolutions, and which should characterize the administration of the government.

*Resolved*, That the government owes to all men employed in its armies, without regard to distinction of color, the full protection of the laws of war; and that any violation of these laws or of the usages of civilized nations in the time of war by the rebels now in arms, should be made the subject of full and prompt redress.

*Resolved*, That the foreign immigration, which in the past has added so much to the wealth and development of resources and increase of power to this nation, the asylum of the oppressed of all nations, should be fostered and encouraged by a liberal and just policy.

*Resolved*, That we are in favor of the speedy construction of a railroad to the Pacific.

*Resolved*, That the national faith, pledged for the redemption of the public debt, must be kept inviolate; and that for this purpose we recommend economy and rigid responsibility in the public expenditures, and a vigorous and just system of taxation; that it is the duty of every loyal state to sustain the credit and promote the use of the national currency.

*Resolved*, That we approve the position taken by the government that the people of the United States never regarded with indifference the attempt of any European power to overthrow by force, or to supplant by fraud, the institutions of any republican government on the Western continent, and that they view with extreme jealousy, as menacing the peace and independence of this our country, the efforts of any such power to obtain new footholds for monarchical governments, sustained by a foreign military force, in near proximity to the United States.

The nomination of Mr. Lincoln for President was already a foregone conclusion when the Convention met. On the first ballot he received the vote of every delegation except that from Missouri, which had been instructed to vote for General Grant. This delegation changing its vote, the nomination was made unanimous.

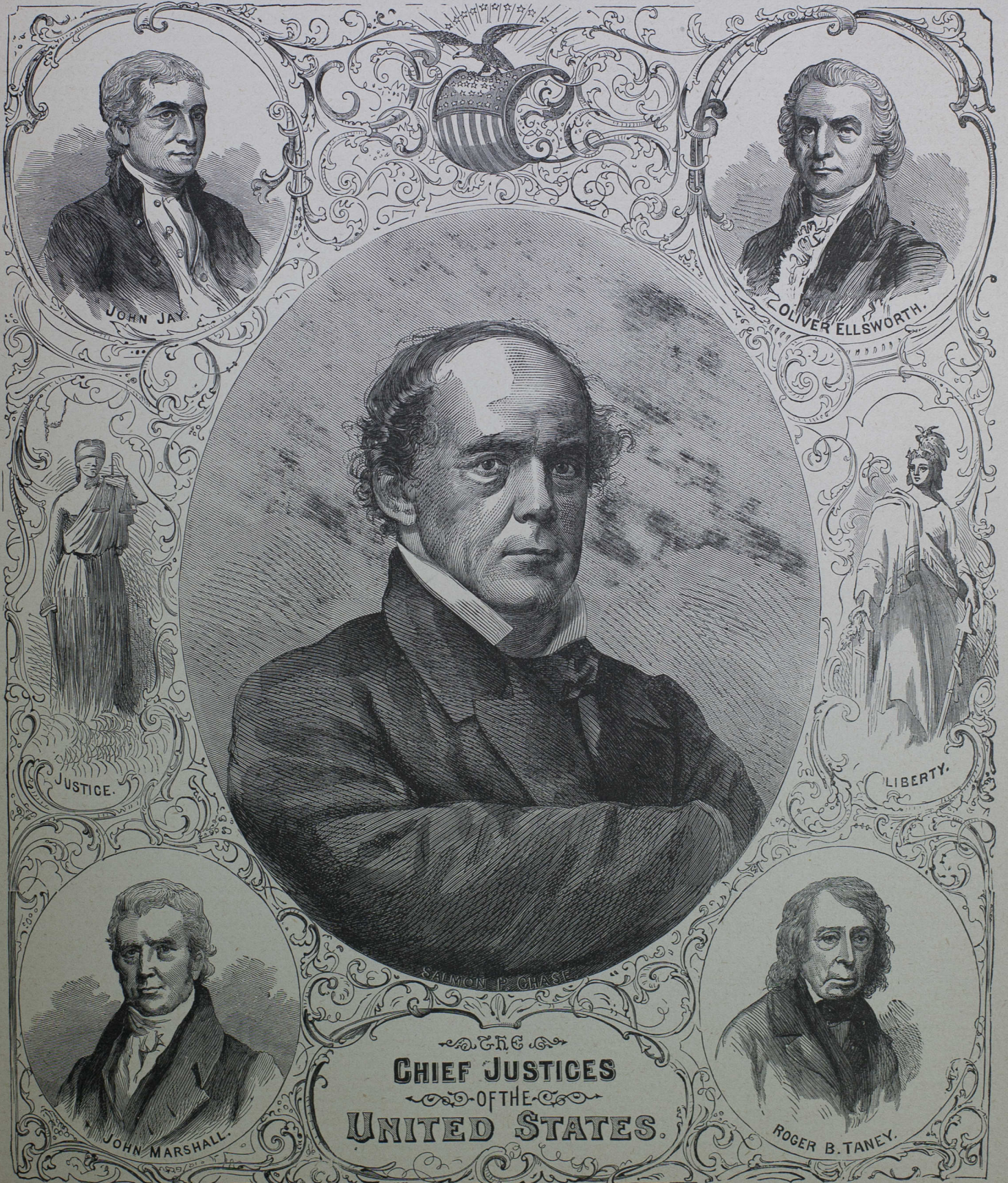
For Vice-President there were three candidates—Andrew Johnson, Military Governor of Tennessee, Hannibal Hamlin, the then incumbent, and Daniel S. Dickinson. On the first ballot the vote stood, Johnson, 200; Dickinson, 108; Hamlin, 150; scattering, 59. Several delegations changed their vote in favor of Johnson, who, on the second ballot, received 494 votes, and was then declared unanimously nominated.

In his letter accepting the nomination, President Lincoln announced, to avoid misunderstanding, that the position of the government in relation to the action of France in Mexico, as assumed through the State Department, and indorsed by the Convention, would be maintained so long as it was pertinent and applicable.

When the Republican Convention met it was confidently expected that the war would soon close by the downfall of Atlanta and Richmond. But in the interval that elapsed before the meeting of the Democratic Conven-

tion, which was postponed from July 4th to August 29th, the situation was materially changed. Grant, in his march from the Rapidan to the James, inflicted great losses upon the Confederate army, but he suffered far greater losses himself, and had not captured Richmond. The progress of the Atlanta campaign seemed slow to the people who, a few weeks before, were confident of speedy victory. Since the defeat of Bragg at Chattanooga, no important and decisive triumph had been won by the Union armies. Numerous failures there had been, and, though none of them were of great magnitude or decisive in character, yet they added a sting to the disappointment of looking over a nine months' calendar barren of any palpable success. There was no doubt as to final results—it was simply a period of gloomy disappointment. There was no flinching either on the part of the army or the people. The army pushed grimly on, and met partial discomfiture with soldierly fortitude; the people afforded it a grim but determined support, though their efforts had been unrewarded by immediate success.

If there was much in the military situation which gave encouragement to the opposition party, the financial aspect of the country afforded them a still more palpable fulcrum upon which to swing their lever for the overthrow of the administration. The amount of the public debt was rapidly climbing



up to two billions.<sup>1</sup> In July, 1864, gold was quoted at 290, having reached that point from 195 since Grant and Sherman began their campaigns in May.

Just at this crisis, Salmon P. Chase, the Secretary of the Treasury, resigned, and there were not a few who attributed his resignation to the financial difficulties of the nation. It is probable, however, that he was influenced chiefly by political reasons, arising out of the relations which, during the presidential canvass, had grown up between himself and Mr. Lincoln. That there was no hostility toward the secretary on the part of the President is evident from the fact that, upon the death of Roger B. Taney, October 12, 1864, he appointed Mr. Chase chief justice of the United States Supreme Court.<sup>2</sup>

<sup>1</sup> The public debt was thus estimated at the close of each fiscal year since 1860:

1860—June 30th.....	\$ 64,769,703	1863—June 30th.....	\$1,097,274,360
1861— " .....	90,867,828	1864— " .....	1,740,036,689
1862— " .....	214,211,371		

<sup>2</sup> JOHN JAY, the first chief justice of the United States, was born in New York, December 12, 1745. He graduated at King's (now Columbia) College in 1764, and was admitted to the bar four years later. When the Revolutionary troubles came on he took a prominent part in the contest. He was the youngest member of the first Congress which convened in 1774. In 1777 he prepared the draft of the Constitution of the State of New York, and was appointed the first chief justice of the state. In 1779 he was sent on a mission to Spain. That government demanded as a condition of recognizing the independence of the United States that the possession of Florida and the exclusive right to navigate the Mississippi should be guaranteed to Spain. Jay refused to consent that the mouth of our great river should be shut up by a foreign power. In conjunction with Adams, Franklin, and Laurens, Mr. Jay negotiated the treaty by which Great Britain recognized the independence of the United States. In 1784 he returned to his country, and was appointed Secretary for Foreign Affairs. When the Union took the place of the old Confederation, Washington requested him to select any office which he might prefer. He chose that of Chief Justice of the United States, to which he was appointed in 1789. In 1794 he was sent to Great Britain as envoy extraordinary to negotiate an important treaty. This treaty, which settled the questions in dispute between the two nations, was violently opposed by the Democratic party, especially at the South. He was absent a year, during which time he was elected Governor of New York. He then resigned the chief justiceship, was twice re-elected governor, and then, in 1801, at the age of fifty-six, resolved to retire from public life. President Adams, wishing to retain his services for the public, nominated him for his former place as chief justice, then vacant by the resignation of Oliver Ellsworth. Jay declined, on the ground that he had deliberately made up his mind to retire from public life, and duty to his country did not then require him to accept office. He retired to his farm in Bedford, New York, where he died May 17, 1829, in the eighty-fourth year of his age. Mr. Jay was one of the noblest and purest characters in our history. No man, except a few violent partisans in South Carolina, however much he might oppose his public policy, dared to asperse the perfect integrity of John Jay.

Upon the resignation of Mr. Jay, JOHN RUTLEDGE was nominated by the President as chief justice of the United States, but was not confirmed.

The President then nominated as chief justice Judge WILLIAM CUSHING, of Massachusetts; the nomination was confirmed; but Mr. Cushing, after holding the commission a few days, resigned on account of ill health. As he never acted in that capacity, his name does not properly belong to the list of chief justices.

OLIVER ELLSWORTH was then nominated and confirmed as chief justice. He was born at Windsor, Connecticut, April 29, 1745. His studies commenced at Yale, were completed at Princeton, where he graduated at the age of twenty-three. For a time he was a teacher, then commenced the study of theology, but subsequently decided on the profession of law. He had then married, and his father gave him a farm of wild land and an axe. While slowly working his way at the bar he cleared his wild farm with his own hands. His early career gave no promise of future eminence; but the first upward steps once taken, his progress was sure. He was appointed state's attorney, and yearly elected to the General Assembly. In 1777 he was chosen delegate to Congress, 1784 Judge of the Superior Court of Connecticut, and in 1789 senator in Congress. In 1796 he was appointed chief justice of the United States. His unquestioned probity and the soundness of his judicial decisions gained him the highest respect. In 1799 he was sent, against his wishes, as minister to France, though still retaining for two years his seat on the bench. His health failing, he resigned his office in 1801. He died November 26, 1807, at the age of sixty-two.

JOHN MARSHALL, the most eminent of our chief justices, was born in Fauquier County, Virginia, September 24, 1755. His father was a farmer in narrow circumstances, but of decided ability. By his own unaided exertions he subsequently became a fair classical scholar, and was intimately acquainted with English literature. He had just begun the study of law when the war of the Revolution broke out. In 1775 he was appointed lieutenant in a company of minute-men. He afterward became captain in a Virginia regiment of the Continental army, and was present at the battles of Brandywine, Germantown, and Monmouth. He pursued his legal studies at intervals during the war, and at its close commenced practice. He soon rose to eminence at the bar and in politics. He was one of the small but distinguished body of men through whose influence Virginia was induced to accept the Federal Constitution. In 1794 Washington offered him the post of attorney general, and subsequently the mission to France. Both offers were declined. The French government having refused to receive Mr. Pinckney as minister, Mr. Adams, who was then President, appointed Mr. Marshall as one of three envoys to that country. Shortly after his return he yielded to the personal solicitations of Washington, and consented to become a candidate for Congress. President Adams at the same time offered him a seat on the bench of the Supreme Court, which was declined. He was elected to Congress after a sharp contest, taking his seat in December, 1799. During the excited session which followed he was one of the ablest supporters of the administration of Mr. Adams. In May, 1800, he was nominated and confirmed as Secretary of War, but he declined to accept the appointment. Shortly after he accepted the post of Secretary of State. On the 31st of January, 1801, he was appointed chief justice of the United States, a position which he held for thirty-five years, until his death in July, 1835, at the age of eighty years. His unquestioned character, sound judgment, and felicitous diction, added to the long period during which he held his seat, and the magnitude of the questions which came before him for decision, entitle Mr. Marshall beyond all question to the first place in the noble list of our chief justices. Besides his judicial labors, he was the author of a History of the American Colonies and of a Life of Washington.

ROGER BROOKE TANEY was born in Calvert County, Maryland, March 17, 1777. In 1831 President Jackson appointed him attorney general of the United States. Two years later, Mr. Duane, then Secretary of the Treasury, refused to remove the government deposits from the United States Bank; he was removed, and Mr. Taney was appointed in his place. The Senate refused to confirm the nomination; but in the mean while Mr. Taney had obeyed the orders of the President and removed the deposits. Jackson then nominated him as associate justice of the Supreme Court, to fill a vacancy occasioned by the resignation of Judge Duval. The Senate refused to confirm the nomination. Chief Justice Marshall died in 1835, and Jackson at once nominated Mr. Taney for the place. The Democrats, having now a majority in the Senate, confirmed the nomination, and Mr. Taney became chief justice—a position he retained until his death, October 12, 1864, a period of twenty-seven years. Chief Justice Taney is best known by his famous "decision," or rather "opinion," in the Dred Scott case, in which, going beyond the question before the court, he endeavored to settle the general question of the status of persons of African descent in the United States. Undeserved obloquy has been attached to him on account of a sentence in this opinion which apparently affirmed that blacks had no rights which whites were bound to respect. The context shows that this was the very reverse of the meaning intended to be conveyed by Judge Taney. He says that it is now difficult to realize the state of opinion on this subject held at the formation of our government. Blacks were then regarded as beings of an inferior order, "and so far inferior that they had no rights which the white man was bound to respect." This outrageous sentiment is mentioned only to be impliedly condemned. The "opinion" of the chief justice, harsh enough as he gave it, being to the effect that no person whose ancestors were imported to this country and sold as slaves had any right to sue in a court of the United States, or could become citizens of the United States. It is due to the honor of our highest judicial tribunal to state that the opinion of the chief justice did not affirm, but did by plain implication condemn, the doctrine that such persons "had no rights which whites were bound to respect." Mr. Taney's last notable public act was in May, 1861, when the case of John Merryman came before him. This man was arrested near Baltimore, on charge of being an officer in a company raised to aid the rebellion. He was imprisoned by the military authorities in Fort M'Henry. He prayed for a writ of habeas corpus, which was granted by Judge Taney. General Cadwalader, the commander, refused to obey, on the ground that the execution of the writ of habeas corpus had been suspended by the President in the State of Maryland. The judge issued an order for the arrest of General Cadwalader. The marshal was not allowed to serve the writ. Judge Taney thereupon prepared an opinion, denying the right of the President to suspend the writ, and affirming that it was the duty of all military officers to obey it. He added that if the officer had been brought before him he should have punished him by fine and imprisonment; but as he had no force capable of carrying his order into effect, he should report the whole case to the President, and call upon him to en-

force the process of the court. No farther action was had on the case. Mr. Taney died October 12, 1864, at the age of eighty-seven, having filled the chief judicial chair of the nation for twenty-seven years. He owed his appointment to the purely partisan services which he rendered to President Jackson. As a jurist he can not be ranked with the great men who had occupied his seat before him. His judicial integrity has never been impeached, even in the case of his unfortunate opinion in the Dred Scott case, or the later and equally unfortunate course in the Merryman case, by which he will be chiefly remembered in after years.

SALMON PORTLAND CHASE, now chief justice of the United States, was born in Cornish, New Hampshire, January 13, 1808. His father having died, he was sent at the age of twelve to Ohio, and placed under the care of his uncle, Bishop Chase. After studying for a year at Cincinnati College, he entered Dartmouth College in New Hampshire, from which he graduated in 1829. He went to Washington, where he opened a school, at the same time studying law under the direction of William Wirt. Having been admitted to the bar, he went to Cincinnati, and entered upon the practice of his profession. To this for some years he applied himself exclusively, taking no prominent part in politics, although he belonged to the Democratic party. In 1841 he first took a decided part in politics. He was then a member of the Convention of those opposed to the farther extension of slavery, and was the author of the address unanimously adopted by that body. He took a prominent part in all the subsequent movements having this end in view, and was president of the Free Soil Democratic Convention at Buffalo in 1848. The Democratic party in Ohio had at this time assumed the position of hostility to slavery in the Territories. Mr. Chase was chosen United States Senator in February, 1849, receiving the votes of all the Democratic members of the Legislature, together with those of others who were in favor of free soil. Though elected as a Democrat, he declared that if the party withdrew from its position in regard to slavery he should withdraw from it. This he did formally, in consequence of the action of the Democratic Convention held at Baltimore in 1852. When the Republican party was organized, Mr. Chase took the position of one of its acknowledged leaders. Soon after the close of his senatorial term in 1855 he was elected Governor of Ohio. He was re-elected, his second term closing in 1860. In the Republican Convention at Chicago in that year, he was, next after Mr. Lincoln and Mr. Seward, the leading candidate for the presidency. He had in the mean time been again elected to the Senate of the United States, and had he taken his place would undoubtedly have been the leader in that body. But he resigned his seat in order to accept the position of Secretary of the Treasury—a position for which he was especially pointed out by the success of his financial policy while Governor of Ohio. As the presidential canvass of 1864 approached, a strong effort was made to bring forward Mr. Chase as the Union candidate; but the current of popular feeling was so unmistakably in favor of the re-election of Mr. Lincoln that Mr. Chase refused to become a candidate, and gave his cordial support to Mr. Lincoln. Meanwhile, finding that Congress hesitated to carry out the financial system which he proposed, Mr. Chase had, on the 30th of June, 1864, resigned the post of Secretary of the Treasury. Almost the first important public act of Mr. Lincoln after his re-election has been to appoint Mr. Chase to the most important position within the executive nomination. Mr. Chase enters upon the duties of his high office at the age of fifty-six, with a sound legal reputation, and with a physical vigor which gives reason to hope that he may be able to perform its duties for a period as long as that of his predecessor.

During the summer of 1864, two attempts were made by irresponsible parties, apparently having for their object the conclusion of the war through mutual accommodation, but in reality influenced solely by political motives. It is a curious fact that, at the same time, President Lincoln was sounded on the subject of peace by Confederate agents in Canada, for the express purpose of drawing out of him a distinct refusal to afford accommodation—a refusal which might be used both to incite the South to renewed efforts to gain Confederate independence, and to strengthen the cause of the opposition in the North; and President Davis was sounded upon the same subject for the purpose of drawing out from him a like refusal, to be used for a similar purpose in behalf of the supporters of the administration.

On the 5th of July, George N. Sanders, from the Clifton House, Niagara Falls, addressed a letter to Horace Greeley, stating that he himself, and Clement C. Clay, of Alabama, and James P. Holcombe, of Virginia, were willing to go to Washington if full protection were accorded them. Nothing was said in the letter as to the object of the proposed visit to Washington. But from other sources Greeley understood that Clay and Holcombe had full powers from Richmond to treat on the subject of peace. He therefore forwarded the application to President Lincoln, urging a response, and suggesting terms of accommodation. The "plan of adjustment" suggested by him proposed the restoration of the Union; the abolition of slavery, the Union paying \$400,000,000 in 5 per cent. bonds as compensation to the owners of slaves, whether loyal or rebel; the representation in Congress of the slave states on the basis of their total population; and a National Convention, to be convened as soon as possible, for the ratification of these terms. He added: "I do not say that a just peace is now attainable, though I believe it to be so. But I do say that a frank offer by you to the insurgents of terms which the impartial must say ought to be accepted, will, at the worst, prove an immense and sorely needed advantage to the national cause. It may save us from a Northern insurrection."

The President forthwith deputed Greeley to Niagara to communicate with the Confederate agents. Greeley went to Niagara, and on the 17th informed Messrs. Clay and Holcombe that, if they were duly accredited agents from Richmond, the President would grant them a safe-conduct to Washington. These gentlemen replied that they were not accredited agents, but thoroughly understood the views of the Confederate government on the subject of peace. Upon learning this the President sent a message, addressed "to whom it may concern," in the following terms:

"Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which comes by and with an authority that can control the armies now at war with the United States, will be received and considered by the executive government of the United States, and will be met by liberal terms on other substantial and collateral points, and the bearer or bearers thereof shall have safe-conduct both ways."

This, of course, was final, being all the Confederate gentlemen had waited for. They had now their text, and they issued their manifesto against the tyranny which could thus rudely spurn the offer of peace. But President Lincoln had simply been honest with them, and certainly had not been discourteous. Nor had he rejected their overtures. His design in addressing his mission "to all whom it may concern" is evident. These gentlemen had admitted that they were not accredited agents of the Confederate government, but had expressed their confidence that they could obtain the requisite power. But they might be, and probably were, indulging false hopes as to the accommodation which the government would be willing to grant. It was only fair, therefore, that both they and the Confederate government—all whom it might concern—should be made to understand the ultimatum of the government which must be met before the door could be open to ne-

gotiation. This ultimatum was simply the integrity of the Union and the abandonment of slavery.

Undoubtedly the people of the South longed for peace. The whole people longed for peace, except a few to whom war was money. But peace was impossible until either the government or the rebels were defeated, except by the abandonment on one side or the other of the very object for which it was fighting. No proposition indicating the willingness of the Confederate government to surrender its independence upon any conditions had ever been made. That no such disposition existed in the summer of 1864 is shown by the result of a visit made to Richmond by Colonel Jacques and J. R. Gilmore while Greeley was in communication with Clay and Holcombe at Niagara. These gentlemen went to Richmond with no credentials. They were not sent by the government. They did not expect to accomplish any thing in the way of peace. Yet in a certain sense they were commissioners, not of the government, but of a party, sent to receive a distinct expression of the unwillingness of Mr. Davis to negotiate for peace except on the basis of Confederate independence. This they obtained in the most explicit terms. Davis told them that the "war must go on till the last of this generation falls in his tracks, and his children seize his musket and fight our battle, unless you acknowledge our right to self-government. We are not fighting for slavery; we are fighting for independence, and that or extermination we will have." Certainly his declaration did not improve the prospects of the opposition party in the North in the approaching elections.

On the 29th of August the National Democratic Convention assembled at Chicago. The next day it was permanently organized, with Governor Seymour, of New York, as president. Upward of 250 delegates were present. Among these, and master spirits of the Convention, were Vallandigham—recently returned from exile—Price, and Long. A large portion of the audience consisted of the most disaffected men of the Northwestern states, among whom were mingled Confederate spies from Canada, who, with their friends, were at this very moment meditating a scheme for the liberation of the 8000 Confederate prisoners at Camp Douglas, near the city, the execution of which scheme was to be followed by a general uprising of the disloyal in all the Northwestern states. This movement was only prevented by the preparations which had been made to thwart it through the vigilance of Colonel B. J. Sweet, the commander at Camp Douglas.

Governor Seymour, upon assuming the chair, addressed the delegates and the audience. Seymour, while he was thoroughly identified with the peace party, was the most astute and prudent member of that party. Not turbulent himself, he rejoiced in the turbulence of others. His style of eloquence was modeled upon that which Mark Antony (as rendered by Shakspeare) adopted over the corpse of Cæsar. His thunderbolts, like those of Wendell Phillips, always fell out of a clear sky. There was no measure of the opposition, however extreme, which he did not heartily indorse; and yet the problem to be solved in this Convention, as it seemed to him, was to at the same time apparently ignore all such measures, and adopt such as would secure their execution. The task was not an easy one. There was a great diversity of opinion among the members of the Convention. Only the utmost tact could prevent such a division as had occurred at the Charleston Convention four years ago. Seymour counseled them to select such men for their candidates as enjoyed the popular confidence. He reminded them of the Republican Convention held in that city in 1860, and that while the party which it represented had there declared that it would not interfere with the rights of states, the sentiment by which it was animated—its sectional prejudices and fanaticism—had overruled this declaration. Even now, under the shadow of impending ruin, this party would not let the shedding of blood cease even for a little, "to see if Christian charity or the wisdom of statesmanship" might not save the Union. But, even if it would, the administration could not save the country. It had, by its proclamations and vindictive legislation, placed obstacles in its own way which it could not overcome; its freedom of action was hampered by its own unconstitutional acts. Seymour then proceeded to pay a tribute to our soldiers, which falls upon our ears like mockery when we remember that he did all he could to weaken the armies in the field by his opposition to conscription. But his compliment to the soldiers was of a very doubtful sort when he intimated that they were more lenient toward traitors than was the administration.

"But if the administration can not save the Union," said he, "we can. . . There are no hinderances to our pathways to union and to peace." He forgot under what administrations disunion had blossomed and matured to ripeness. And when he added, "we have no hates, no prejudices, no passions," did he remember the fiendish, negro-hunting mob, whom a little more than a year ago he had addressed in New York city as "my friends?" Yes, this astute statesman could look down into the face of Long, who had a few weeks before, in the halls of Congress, advocated the recognition of the Confederacy, and into the faces of others who had applauded his words to the echo, and say, "the administration can not save the Union, but we can do it." He had complained of the lack of wise statesmanship in the Republican party to secure the fruit of victories won in the field. Was wise statesmanship in this trying hour of the nation's life confined to such men as Price, Vallandigham, and the Seymours? With remarkable coolness he alluded to the military edict which three days before had gone forth, forbidding the transportation of arms or ammunition into Ohio, Indiana, Illinois, and Michigan. Did he know of the existence of secret organizations in those states, the members of which were the sworn enemies of the national government, waiting only their opportunity to aid the Confederate armies by domestic insurrection in the North? Did he know that he was addressing men who directly controlled and sustained these organizations? So well did he understand the character of his audience, that he especially guarded those who

were not delegates against an unbecoming expression of their opinion by applause or condemnation. He had noticed with chagrin that the loudest cheers followed the expression of disloyal sentiments, and feared the result of the impression which would thus be made upon the people at large. Indeed, he had scarcely given this prudent bit of advice when he was interrupted by loud calls for Vallandigham.

Seymour to a great degree succeeded in impressing his own temper upon the Convention, but he could not control the members in their conduct outside of the wigwam. From the balconies of hotels and on street-corners sentiments were uttered which more fully represented the temper of the crowd which had naturally gathered about this Democratic Convention. Here C. Chauncey Burr, Vallandigham, and Henry C. Dean could speak out clearly their sympathy with rebels without disguise or circumlocution. Here they could charge Lincoln with spoon-stealing and negro-stealing; could declare that the South, fighting for her honor, could not honorably lay down her arms, and that Lincoln's army, already the slaughter-pen of two millions of men, could not again be filled either by enlistment or conscription; and could utter their prayers for the failure of the national arms. Here they could call Lincoln a usurper, traitor, tyrant, blood-thirsty old monster, or any other odious name which the Democratic vocabulary of that day readily furnished. And yet these men belonged to a party which, Seymour said, had "no hates, no prejudices, no passions." War-Democrats received their share of this wholesale vituperation and execration. Between a War-Democrat and an Abolitionist, said Judge Miller, of Ohio, there is no real difference; "they are links of one sausage, made out of the same dog," and the crowd yelled its applause. Judge Miller was a fair representative of that "insulted judiciary" which Seymour in his speech had declared "would again administer the laws of the land" when the Democratic administration should have displaced that of Mr. Lincoln.

The platform of resolutions was constructed by a committee, of which Vallandigham was a member. In the contest for the chairmanship of this committee, Vallandigham received 8 votes and Guthrie 12. This man was the master-spirit of the Convention, so far as its objects were concerned, while Seymour furnished the model for its style of utterance. In the Committee on Resolutions, James Guthrie, of Kentucky, its chairman, acted the same part which Seymour played in the conduct of the entire Convention. Vallandigham was the irrepressible soul of the resolutions, and it was the business of Guthrie to hide this wretched soul within a becoming body, to disguise sympathy with treason by sandwiching it in between a declaration of fidelity to the Union and one of pity toward unnecessarily slaughtered soldiers.<sup>1</sup> The resolutions as adopted pretended to speak for a party, a large and the most respectable and patriotic portion of which repudiated them; they declared as a sentiment of the Convention "unswerving fidelity to the Union under the Constitution." But how many members of this Convention had publicly declared that under the Constitution the right of secession was justifiable? They declared in behalf of the Convention and as the sense of the American people that the experiment of war, tried for four years, had proved a failure, and that "justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate Convention of the states, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the states."<sup>2</sup> It is in vain that one inquires after the reasons for this demand by either "justice," "humanity," "liberty," or the "public welfare." It was known—it had been the undeviating declaration of the Confederate government, one from which it had not swerved even in order to assist this peace party of the North—that no peace was practicable (except a conquered peace) on any other basis than that of Confederate independence. And this Convention knew that the peace for which they declared must result in the recognition of the Confederacy. How justice, or humanity, or liberty, or the public welfare were to be advanced by that inglorious consummation it is not easy to discover. Let us suppose for an instant that this peace party should succeed, and that the leaders who controlled its action should come into possession of the executive and legislative

<sup>1</sup> The following is the platform adopted by the Convention:

*Resolved*, That in the future, as in the past, we will adhere with unswerving fidelity to the Union under the Constitution, as the only solid foundation of our strength, security, and happiness as a people, and as a framework of government equally conducive to the welfare and prosperity of all the states, both Northern and Southern.

*Resolved*, That this Convention does explicitly declare, as the sense of the American people, that, after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity of a war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate Convention of all the states, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the states.

*Resolved*, That the direct interference of the military authority of the United States in the recent elections held in Kentucky, Maryland, Missouri, and Delaware, was a shameful violation of the Constitution, and the repetition of such acts in the approaching election will be held as revolutionary, and resisted with all the means and power under our control.

*Resolved*, That the aim and object of the Democratic party is to preserve the Federal Union and the rights of states unimpaired; and they hereby declare that they consider the administrative usurpation of extraordinary and dangerous powers not granted by the Constitution, the subversion of the civil by military law in states not in insurrection, the arbitrary military arrest, imprisonment, trial, and sentence of American citizens in states where civil law exists in full force, the suppression of freedom of speech and of the press, the denial of the right of asylum, the open and avowed disregard of state rights, the employment of unusual test-oaths, and the interference with and denial of the right of the people to bear arms, as calculated to prevent a restoration of the Union and the perpetuation of a government deriving its just powers from the consent of the governed.

*Resolved*, That the shameful disregard of the administration to its duty in respect to our fellow-citizens who now and long have been prisoners of war in a suffering condition, deserves the severest reprobation, on the score alike of public interest and common humanity.

*Resolved*, That the sympathy of the Democratic party is heartily and earnestly extended to the soldiery of our army, who are and have been in the field under the flag of our country; and, in the event of our attaining power, they will receive all the care and protection, regard and kindness, that the brave soldiers of the republic have so nobly earned.

<sup>2</sup> This resolution, the second and most important one of the platform, was written by Vallandigham. So Vallandigham himself states in a letter written to the New York *Daily News* from Chicago, October 22d.



SOLDIERS VOTING FOR PRESIDENT.

powers of the nation. Suppose an armistice declared under such auspices. The armies, with ultimate victory already in sight, rest upon their arms, while these men try their boasted "statesmanship" in the interests of peace. Soldiers levied by conscription, and on their way to the field, are halted, released from obligation, and returned to their homes. Recruiting and conscription cease. Military ardor is already dead, or this peace party could not else have come into power. What would be the action of Davis and his associates, and of the Southern people? They seceded under the auspices of Buchanan's administration; but now an administration is in power which is pledged to desist from war in any event. The storming of cannon, the musketry attack, the strong hands of soldiers already about to clutch this demon of treason and strangle it to death, silently vanish from the scene, and are replaced by this nest of cooing doves, who from the national capital seek to woo traitors back to their spurned allegiance. Can there be any doubt as to the result of this innocent, amicable sport? Would the Confederacy dance to the piping of these men of peace? No, it would claim the right of secession, which these men would instantly yield; it would become a nation which these doters would forthwith recognize. The armies in the field would then slink back to their homes, cursing the people who had betrayed them. Grant, and Sherman, and Thomas, and Farragut, would hide their faces for shame, and quietly receive their reward—the brand of murder placed upon their foreheads by Peace Democrats and an unworthy people. The uncoffined, living corpse of Lincoln—more than murdered by these political assassins—would proceed from Washington to Springfield amid the jeers of faithless multitudes. And this was to be the Democratic apotheosis of justice, humanity, and liberty!

We do not wonder, after this declaration, that the Convention tendered its sympathy to the Union soldiers, who would need so much sympathy in the event of its political success.

The members of the Convention, after the adoption of this platform, named various candidates for President, and spent the remainder of the day in discussing their comparative merits. General McClellan was the only nominee who stood any fair chance of success, but there was certainly room for discussion as to the propriety of asking a major general of the United States army to stand upon the platform adopted by the Convention. On the 31st the voting commenced. On the first ballot it stood: McClellan, 174; Thomas H. Seymour, 38; Horatio Seymour, 12. This was revised so that McClellan stood 202½, and Thomas H. Seymour 28½. On the motion of Vallandigham, the nomination of McClellan was made unanimous. No less than eight candidates were offered on the first ballot for Vice-President. James Guthrie received the largest number of votes—65; George H. Pendleton stood next, receiving 55; and the third on the list was Lazarus W. Powell, who received 36. But the New York delegation, commanding 33 votes, went over to Pendleton, who was finally declared the nominee of the Convention.

McClellan's letter accepting the nomination expressed sentiments at vari-

ance with those of the Convention. "If a frank, earnest, and persistent effort," said he, "to obtain these objects [peace and union] should fail, the responsibility for ulterior consequences will fall upon those who remain in arms against the Union. But the Union must be preserved at all hazards." This idea—that of resuming the war in the event of the failure to obtain peace on the basis of the Union—came up before the Committee on Resolutions in the Convention, and was *unanimously* rejected.<sup>1</sup> "I could not," adds McClellan, in allusion to one of the resolutions adopted at Chicago, "look in the face of my gallant comrades of the army and navy, who have survived so many bloody battles, and tell them that their labors and the sacrifice of so many of our slain and wounded brethren had been in vain; that we had abandoned that Union for which we have so often periled our lives. A vast majority of our people, whether in the army and navy or at home, would, as I would, hail with unbounded joy the permanent restoration of peace on the basis of the Union under the Constitution, without the effusion of another drop of blood. But no peace can be permanent without the Union." He differed with the Convention also in postponing the effort to procure peace by the exhaustion of "all the resources of statesmanship" until it should become clear or probable "that our present adversaries are ready for peace upon the basis of the Union." A similar proposition coming before the Convention Committee on Resolutions in exactly the same terms used in this letter, received only three votes out of twenty-four.<sup>2</sup>

Pendleton very cautiously refused to commit himself except in so far as to state that he deprecated and would persistently oppose the establishment of another government over any portion of the territory within the limits of the Union. With one hand he clung to Vallandigham, and with the other to McClellan, while the latter shouldered Pendleton, Vallandigham, and the Chicago platform—protesting against the burden, but still bearing it—and with this incubus ran the race with Lincoln for the presidential chair. Even without these entanglements his prospects of success were doubtful, as his success involved the abandonment of the emancipation policy, which had already grown as dear to the American people as to President Lincoln.

Scarcely had the members of the Convention returned home, and begun to mingle with the people again, when they discovered too late that they had made a great mistake. As Gettysburg and Vicksburg had followed the harangues of Seymour, Pierce, and others on the 4th of July, 1863, so now the people got up from reading the Chicago platform to celebrate the capture of Atlanta, which was the sternest rebuke and most striking refutation of that document. Men who were disposed to split hairs with the Chicago statesmen were knocked down by Sherman's more palpable arguments. As Seward truly said at the time, "Sherman and Farragut had knocked the bottom out of the Chicago nominations."

<sup>1</sup> Vallandigham, in a public speech at Sidney, Ohio, September 24th, makes this statement in the most positive terms, and it has never been denied.

<sup>2</sup> See Vallandigham's speech alluded to in the previous note.



GEORGE H. PENDLETON.

Fremont now withdrew from the contest, and while still pronouncing Lincoln's administration "politically, militarily, and financially a failure," he abandoned the field, "not to aid the triumph of Lincoln," but to do his part to prevent the election of McClellan. The latter would establish the Union *with* slavery, while the former was pledged to re-establish it *without* slavery, and thus the great issues of the day were fairly joined, and there ought to enter into the contest no disturbing element to diminish the full strength of the victory of emancipation. Sheridan's victories over Early in the Valley of the Shenandoah, though not necessary to a Republican triumph, doubtless increased the popular majority for Lincoln.

The state elections in October and November, preceding that for presidential electors, betokened a certain victory for the administration. In Vermont the Republican candidate for governor was elected by a majority larger than that of 1863. In Maine there was a slight loss as compared with the election of 1863. In Indiana, O. P. Morton, the Republican candidate for governor, was elected by a majority of over 20,000. In Pennsylvania there was no general election for state officers, but the delegation from that state to Congress was changed from 12 against 12 to 15 against 9—a gain of three Republican Congressmen. In New York, Reuben E. Fenton was elected by 8000 majority over Seymour.

The presidential election, November 8th, resulted in an overwhelming victory for the administration. McClellan received the electoral votes of three states—Delaware, New Jersey, and Kentucky—21 in all; the remainder—212—were cast for Lincoln and Johnson. Lincoln's popular majority was 411,428.<sup>1</sup> In the twelve states whose vote by soldiers was counted so as to be distinguished, the success of the administration was even more signal, its majority being over 3 to 1. Such was the decision of the soldiers on the questions of peace and emancipation.<sup>2</sup>

An important issue in this election had been to secure a House of Representatives which would adopt the constitutional amendment abolishing slavery. The returns indicated that in the Thirty-ninth Congress the Republi-

<sup>1</sup> The vote in the twenty-five loyal states stood as follows:

	LINCOLN.	McCLELLAN.		LINCOLN.	McCLELLAN.
Maine	72,278	47,790	Indiana	150,422	130,233
New Hampshire	36,505	33,054	Illinois	189,487	188,349
Vermont	42,422	13,325	Missouri	72,991	31,026
Massachusetts	126,742	48,745	Michigan	88,352	67,370
Rhode Island	14,343	8,718	Iowa	87,331	49,260
Connecticut	44,693	42,288	Wisconsin	79,564	63,875
New York	368,728	361,986	Minnesota	25,000	17,375
New Jersey	60,728	68,014	California	62,134	43,841
Pennsylvania	296,889	276,308	Oregon	9,888	8,457
Delaware	8,115	8,767	Kansas	14,228	3,871
Maryland	40,153	32,739	West Virginia	23,223	10,457
Kentucky	27,786	64,301	Nevada	9,826	6,594
Ohio	268,154	208,568	Total	2,213,665	1,802,237

<sup>2</sup> The army vote is shown in the following table. The soldiers of New York sent their ballots home to be deposited there, and so can not be distinguished. The vote of Minnesota soldiers, and a large portion of the Vermont soldiers' votes reached the canvassers too late to be counted:

	LINCOLN.	McCLELLAN.		LINCOLN.	McCLELLAN.
Maine	4,174	741	Michigan	9,402	2,957
New Hampshire	2,066	690	Iowa	15,178	1,364
Vermont	243	49	Wisconsin	11,372	2,453
Pennsylvania	36,712	12,349	Kansas	2,367	543
Maryland	2,800	831	California	2,600	237
Kentucky	1,194	2,823	Total	119,764	34,291
Ohio	41,146	9,767			

can majority would be so great that the members of that party, as compared with the Democrats, would number over 4 to 1. But it was not necessary to wait for another Congress.

The Thirty-eighth Congress reassembled for its second session December 5th, 1864.<sup>1</sup> The important act of this short session was the passage by the House of the joint resolution to amend the Constitution so as to abolish slavery. The President had in his message strongly urged this action. On the 31st of January the question was brought to a final issue. The form of the amendment remained the same as when it came from the Senate. The resolution passed by the requisite majority, receiving 119 ayes to 56 nays. In this connection it is proper to mention the death of Owen Lovejoy, of Illinois, which occurred on the 25th of March, 1864. This old advocate of emancipation did not live to see the anti-slavery amendment passed, but he died in the faith that both Congress and the President would maintain justice.

In Maryland, on the 24th of June, in Constitutional Convention, the abolition of slavery in that state was declared as the twenty-third article of the Bill of Rights. In the following October this article was ratified by the people of the state. The vote stood 30,174 for, to 29,699 against the ratification. The majority was very small, and the measure would have failed but for the preponderance of the soldiers' vote in its favor. The soldiers' vote stood 2633 to 163.

Early in February, 1865, an attempt was made to open negotiations for peace. Alexander H. Stephens, the Confederate Vice-President, R. M. T. Hunter, and John A. Campbell, were permitted to pass through Grant's lines to Hampton Roads, where they were met by President Lincoln and Secretary Seward. The conference was soon concluded, President Lincoln refusing to treat on the basis of Confederate independence. Upon the return of the Confederate commissioners a great meeting was held to revive the drooping spirits of the Confederacy, and it was unanimously resolved that the conditions of peace offered by President Lincoln were a gross and premeditated insult to the Southern people. Three days later a war meeting was held, R. M. T. Hunter presiding, and it was there resolved that the Confederates would never lay down their arms until they should have achieved their independence.

The events—political and military—which from this point followed fast upon each other—the reinauguration of President Lincoln; the surrender of the Confederate armies; the attempt of a conspiracy to overthrow the government by the assassination of its principal officers; the succession of President Johnson; and the detailed history of reconstruction, belong properly to other chapters.

<sup>1</sup> The following changes occurred from the last session: In the Senate, Wm. Pitt Fessenden, of Maine, resigned to become Secretary of the Treasury, was succeeded by Nathan A. Farwell. On the 1st of February, 1865, William W. Stewart and James W. Nye took their seats as senators from Nevada—the former for the term expiring March 3, 1867, the latter for the term expiring March 3, 1869. On the 13th of February, Thomas H. Hicks, of Maryland. His successor, John A. Cresswell, was not qualified until March 10th, during the special executive session of the Senate.

In the House, Dwight Townsend, of New York, succeeded Henry G. Stebbins, resigned. December 21, Henry G. Worthington, of Nevada, was qualified.

<sup>2</sup> The vote in detail was as follows:

YEAS.			
Alley	.....Mass.	Dixon	.....R. I.
Allison	.....Iowa.	Donnelly	.....Minn.
Ames	.....Mass.	Driggs	.....Mich.
Anderson	.....Ky.	Dumont	.....Ind.
Arnold	.....Ill.	Eckley	.....Ohio.
Ashley	.....Ohio.	Elliot	.....Mass.
Bailey	.....Pa.	English	.....Conn.
Baldwin, A. C.	.....Mich.	Farnsworth	.....Ill.
Baldwin, J. D.	.....Mass.	Frank	.....N. Y.
Baxter	.....Vt.	Ganson	.....N. Y.
Beaman	.....Mich.	Garfield	.....Ohio.
Blaine	.....Me.	Gooch	.....Mass.
Blair	.....W. Va.	Grinnell	.....Iowa.
Blow	.....Mo.	Griswold	.....N. Y.
Bontwell	.....Mass.	Hale	.....Pa.
Boyd	.....Mo.	Herrick	.....N. Y.
Brandagee	.....Conn.	Highby	.....Cal.
Broomall	.....Pa.	Hooper	.....Mass.
Brown	.....W. Va.	Hotchkiss	.....N. Y.
Clarke, A. W.	.....N. Y.	Hubbard, A. W.	.....Iowa.
Clarke, Freeman	.....N. Y.	Hubbard, J. H.	.....Conn.
Cobb	.....Wis.	Hurlburd	.....N. Y.
Coffroth	.....Pa.	Hutchins	.....Ohio.
Cole	.....Cal.	Ingersoll	.....Ill.
Colfax	.....Ind.	Jenckes	.....R. I.
Creswell	.....Md.	Julian	.....Ind.
Davis, H. W.	.....Md.	Kasson	.....Iowa.
Davis, T. T.	.....N. Y.	Kelley	.....Pa.
Dawes	.....Mass.	Kellogg, F. W.	.....Mich.
Deming	.....Conn.	Kellogg, O.	.....N. Y.
King	.....Mo.	Rollins, E. H.	.....N. H.
Knox	.....Mo.	Rollins, J. S.	.....Mo.
Littlejohn	.....N. Y.	Schenck	.....Ohio.
Loan	.....Mo.	Schofield	.....Pa.
Longyear	.....Mich.	Shannon	.....Cal.
Marvin	.....N. Y.	Sloan	.....Wis.
McAllister	.....Pa.	Smith	.....Ky.
McBride	.....Oregon.	Smithers	.....Del.
McChurg	.....Mo.	Spaulding	.....Ohio.
McIndoe	.....Wis.	Starr	.....N. J.
Miller	.....N. Y.	Steele	.....N. Y.
Morrill	.....Pa.	Stevens	.....Pa.
Moorhead	.....Pa.	Thayer	.....Pa.
Morris	.....N. Y.	Thomas	.....Md.
Myers, A.	.....Pa.	Tracy	.....Pa.
Myers, L.	.....Pa.	Upson	.....Mich.
Nelson	.....N. Y.	Van Valkenburg	.....N. Y.
Norton	.....Ill.	Washburne	.....Ill.
Odell	.....N. Y.	Washburne	.....Mass.
O'Neill, C.	.....Ind.	Webster	.....Md.
Orth	.....Ind.	Whaley	.....W. Va.
Patterson	.....N. H.	Wheeler	.....Wis.
Perham	.....Me.	Wilder	.....Kansas.
Pike	.....Me.	Williams	.....Pa.
Pomeroy	.....N. Y.	Wilson	.....Iowa.
Price	.....Iowa.	Windom	.....Minn.
Radford	.....N. Y.	Woodbridge	.....Vt.
Randall	.....Ky.	Worthington	.....Nev.
Rice, A. H.	.....Mass.	Yeaman	.....Ky.
Rice, J. H.	.....Me.		

NAYS.			
Allen, J. C.	.....Ill.	Eldridge	.....Wis.
Allen, W. H.	.....Ill.	Finck	.....Ohio.
Ancona	.....Pa.	Grider	.....Ky.
Bliss	.....Ohio.	Hall	.....Mo.
Brooks	.....N. Y.	Harding	.....Ky.
Brown, J. S.	.....Wis.	Harrington	.....Ind.
Chanler	.....N. Y.	Harris, B. G.	.....Md.
Clay	.....Ky.	Harris, C. M.	.....Ill.
Cox	.....Ohio.	Holman	.....Ind.
Cravens	.....Ind.	Johnson, P.	.....Pa.
Dawson	.....Pa.	Johnson, W.	.....Ohio.
Denison	.....Pa.	Kalbfeisch	.....N. Y.
Eden	.....Ill.	Kernan	.....N. Y.
Edgerton	.....Ind.	Knapp	.....Ill.
Law	.....Ind.	Scott	.....Mo.
Long	.....Ohio.	Steele	.....N. J.
Mallory	.....Ky.	Stiles	.....Pa.
Miller, W. H.	.....Pa.	Strouse	.....Pa.
Morris, J. R.	.....Ohio.	Stuart	.....Ill.
Morrison	.....Ill.	Sweat	.....Me.
Noble	.....Ohio.	Townsend	.....N. Y.
O'Neill, J.	.....Ohio.	Wadsworth	.....Ky.
Pendleton	.....Ohio.	Ward	.....N. Y.
Perry	.....N. J.	White, C. A.	.....Ohio.
Pruiyn	.....N. Y.	White, J. W.	.....Ohio.
Randall, S. J.	.....Pa.	Winfield	.....N. Y.
Robinson	.....Ill.	Wood, B.	.....N. Y.
Ross	.....Ill.	Wood, F.	.....N. Y.

NOT VOTING.			
Lazear	.....Pa.	Marcy	.....N. H.
Le Blond	.....Ohio.	McDowell	.....Ind.
McKinney	.....Ohio.	Middleton	.....N. J.
Rogers	.....N. J.	Voorhees	.....Ind.