

Epochs of American History

11 **Division and Reunion**

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WITH ADDITIONAL CHAPTERS
BRINGING THE NARRATIVE DOWN
TO THE END OF 1918

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WITH SIX MAPS

Thirty-third Impression

LONGMANS, GREEN AND CO.

FOURTH AVENUE & 30TH STREET, NEW YORK

LONDON, BOMBAY, CALCUTTA AND MADRAS

1921

(105)

US 2023.2.10



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First Edition, March, 1893.
Reprinted, May, 1893; February, April (Revised) and
August, 1894; July, 1895; April, 1896; January and
October, 1897; April, 1898; and July, 1898 (Revised);
January, 1899; April, 1900; March, 1901; March, 1902;
November, 1902; September, 1904; August, 1905; May,
1906; September, 1906; June, 1907; January, 1908;
May, 1908; January, 1909; Revised and enlarged,
August, 1909; October, 1910; March, 1912; August,
1912; June, 1914; May, 1916; April, 1918; September,
1920; Revised, with new chapters, October, 1921.

PRINTED IN THE UNITED STATES OF AMERICA

would not work at the current rates of wages were to be considered vagrants, and subjected to unusual penalties. A great number of the minor, but more annoying and demoralizing, offences likely to be committed by the freedmen were made punishable by fine; and if the fine could not be paid, the culprit was to be hired out to work, by judicial process. An apprentice system was in some instances adopted, by which all minor negroes were made subject to be bound out to labor until they should attain a certain age. Written contracts of labor, or else licenses to perform job work, issued by the mayors or police authorities of their places of residence, were in a great many cases required, which the negroes must show when challenged in that regard, to avoid charge of vagrancy; and if proved vagrants, they could be arrested, fined, and made to pay off the fine by compulsory labor.

128. *The Temper of Congress (1865).*

To the southern law-makers such restraint and compulsion seemed to be demanded by ordinary prudence for the control and at least temporary discipline of a race so recently slaves, and therefore so unfit to exercise their new liberty, even with advantage to themselves, without some checks put upon them. But to Congress they seemed plain and wilful violations of the freedom of the negro, evidences of an open and flagrant recalcitrancy against the results of the war. Opinions were beginning to prevail among the members which looked towards a radical policy of reconstruction which should subject the southern States completely to the will of Congress. The Constitution having, of course, failed to provide for such a situation as that which now existed, many theories had been held with regard to the status of the southern States after their defeat. Some

believed that, although the ordinances of secession had been legally null and void, the southern States had, by their resistance to the laws of the Union, dis-vested themselves of statehood, and had, when defeated, become, not States again, but mere conquered possessions of the federal government. "A Territory by coming into the Union becomes a State, and a State by going out of the Union becomes a Territory." Others held, with Thaddeus Stevens of Pennsylvania, that the resistance of the South to the Constitution and laws of the Union had suspended all federal law so far as they were concerned; and that that law did not revive with regard to them until once more declared in force, because of fully renewed conditions of obedience, by the law-making and war-making power of the general government, — that is, by Congress. Congress, therefore, could reconstruct the southern States as it pleased, and revive the federal Constitution with regard to them only when it had finished.

This was the theory which Congress practically adopted. It came together in December with a Republican majority obtained in 1864. A strong delegation of Republicans, chosen under military superintendence in the border States, raised that majority to more than two-thirds in both Houses, — a force strong enough, if united in opinion, to carry through any policy it chose, with the motto "Thorough." When organizing, the names of "Thorough." all of the States that had seceded were omitted in the roll-call; and immediately upon effecting an organization, a concurrent resolution was passed by the two houses, appointing a joint committee, of nine representatives and six senators, to inquire into the condition of the seceding States, and to advise Congress upon the question of their being entitled to representation under their existing organizations. By the opening

of March, 1866, a joint resolution had passed, to the effect that neither senators nor representatives should be received from the southern States until Congress should declare them entitled to representation by full re-admission to the Union. This was meant to checkmate the presidential scheme of reorganization. The House had already resolved that the troops should be kept at their stations in the South until their recall should be directed by Congressional action. The temper of Congress had been raised to this pitch of authoritativeness by the irritations to which it was subjected from two quarters. It was annoyed that the President should have hastened to be beforehand with it in reorganizing and practically reinstating the southern governments; and it was exasperated by the laws which the southern legislatures had passed in despite of the freedom of the blacks.

That legislation proved of comparatively little effect; for the last Congress had, by an Act of March 3, 1865, established in the War Department a "Bureau of Freedmen's Refugees, Freedmen, and Abandoned Lands," to which it had given very wide authority to assist the somewhat bewildered and quite helpless hosts of liberated slaves in finding means of subsistence and in establishing their new privileges and immunities; and the officers of this bureau had been even officiously active in securing for the negroes the protection of federal authority against all unfriendly discriminations of local law. But that the southern legislation was of slight practical importance did not render it the less offensive to the Republican majority in Congress.

129. *The President vs. Congress (1866).*

The law which established the "Freedmen's Bureau" had limited its existence to one year. On February 6

1866, therefore, another bill was passed, continuing it indefinitely. But, besides continuing it, the bill proposed very greatly to increase its powers, and made any attempt to obstruct, interfere with, or abridge the civil rights and immunities of the freedmen a penal offence, to be adjudged and punished by federal military tribunals. The President vetoed the measure, alleging, among other reasons for his action, the fact that the bill had been passed by a Congress in which the southern States were not represented. An attempt to pass the measure over the President's veto failed of the necessary majorities; there were some members among the Republicans who were not yet prepared for an open breach with the Executive. But the President was rash and intemperate enough to force a consolidation of the majority against him. Having occasion to make a public speech on February 22, he spoke of Congress in the most bitter terms of contempt and condemnation, ascribing to its leaders disloyal and even criminal motives. In March Congress showed how it meant to respond by taking the government into its own hands and making law over his veto. It sent to the President a "Civil Rights" bill, declaring "all persons born in the United States, and not subject to any foreign power," citizens of the United States, denouncing penalties against all interferences with the civil rights of any class of citizens, and giving to officers of the United States the right to prosecute, and to the federal courts alone the right to try, all such offences. The President vetoed the bill as both unwise and in excess of the constitutional powers of Congress. It was promptly passed over his veto, and Congress moved on to complete its policy without his assistance.

Second Bureau Act.

Civil Rights legislation.

130. The Congressional Programme (1868).

Not wholly undisturbed, it would seem, by the President's constitutional objections to the Civil Rights bill, Congress proposed to the States in June, 1866, the Fourteenth Amendment to the Constitution, to incorporate the principles of the bill in the fundamental law. It made "all persons born or naturalized in the United States, and subject to the jurisdiction thereof," citizens both of the United States and of the several States of their residence; provided for a reduction of the congressional representation of any State that should withhold the franchise from any male citizens of the voting age; excluded from federal office the most prominent servants of the Confederacy until Congress should pardon them; and invalidated all debts or obligations "incurred in aid of insurrection or rebellion against the United States." The acceptance of this Amendment by the southern States was to be regarded as a condition precedent to their recognition by Congress. In July a bill continuing the Freedmen's Bureau for two years, directing the sale of public lands to the negroes on easy terms, appropriating the property of the confederate government to their education, and providing military protection for their rights, was passed over the President's veto. By an Act of July 24, 1866, Tennessee, which had already accepted the Fourteenth as well as the Thirteenth Amendment, was admitted to representation in Congress. Four days later Congress adjourned.

Before the adjournment the joint committee of fifteen which had charge of the Congressional policy of reconstruction presented a report, June 18, admirably adapted to serve as a manifesto and campaign document; for a new House of Representatives was to be elected before Congress should

Report on
reconstruction.

convene again. It declared that the governments of the States recently in secession were practically suspended, by reason both of the irregular character of the new governments which had been set up, and of the reluctant acquiescence of the southern people in the results of the war; and that it was essential to the preservation of the Union that they should not be reinstated in their former privileges by Congress until they should have given substantial pledges of loyalty and submission. The President's friends, on their part, both Republicans and Democrats, got together in convention and made a demonstration of adherence to the President and his policy of reconstruction which did not fail of producing a considerable impression. But the President hastened to utter violent speeches, which swelled the number of his radical opponents as rapidly as the leaders of the Congressional majority could have desired. On a midsummer trip to Chicago he made coarse and intemperate attacks upon Congress at almost every stopping-place. In October the southern States began to reject, one after another, the Fourteenth Amendment. In December Congress came together triumphant and ready to push its triumph. The next House had been elected, and was to contain as huge a Republican majority as the present House. It now only remained to formulate the means by which the southern States were to be forced to accept the Amendment.

The President accepts the issue.

131. Reconstruction by Congress (1867-1870).

A caucus of Republican members framed a programme, and Congress carried it out with a high hand over what ever vetoes Mr. Johnson ventured to interpose. It was provided that Congress should convene on the 4th of March, instead of in December, in order to deprive the President of the opportunity for

Acts to curb the President.

the exercise of authority afforded by the long Congressional recess; the rules were strengthened which were to prevent southern members from getting their names upon the roll at the organization of the new Congress; an Act was passed, — known as the Tenure of Office Act, — making the President's power of removal from office, as well as his power of appointment, subject to the approval of the Senate; and a rider to the Appropriation Bill made General Grant, already in charge of the whole military force of the government, practically independent of the President in his command. Universal suffrage was established in the District of Columbia and in the Territories. Nebraska was admitted to the Union, March 1, 1867. Nevada had been added to the list of States, October 31, 1864. These measures were but to establish the authority and prestige of the majority. They simply cleared the way for the great Reconstruction Act which became law March 2, 1867. On March 4 the new Congress convened: before the end of the month it had passed a supplementary Act which completed this extraordinary legislation; and the process of disciplinary and compulsory reconstruction went forward at once.

The southern States, with the exception of Tennessee, which had already been admitted to representation, were to be grouped in five military districts, which were to be put under the command of generals of the army appointed by the President. These military commanders were themselves to conduct the process of reconstruction. They were to enroll in each State, upon oath, all the male citizens of one year's residence not disqualified to vote by reason of felony or excluded under the terms of the proposed Fourteenth Amendment; and they were then to hold an election in each State for delegates to a state convention, in which only registered voters should be permitted to vote or to stand as candi-

dates, the number of delegates to be chosen being apportioned according to the registered vote in each voting district. These conventions were to be directed to frame constitutions extending the franchise to all classes of citizens who had been permitted to vote for delegates; the constitutions so framed were to be submitted to the same body of voters for ratification, and, if adopted, were to be sent to Congress, through the President, for its approval. When its constitution should have been approved by Congress, each of the reconstructed States was to be readmitted to representation so soon as its new legislature had ratified the Fourteenth Amendment. Meanwhile its government was to be deemed "provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, control, or supersede the same." Such was the policy of "Thorough" to which Congress had made up its mind.

Its practical operation was of course revolutionary in its effects upon the southern governments. The most influential white men were excluded from voting for the delegates who were to compose the constitutional conventions, while the negroes were all admitted to enrolment. Unscrupulous adventurers appeared, to act as the leaders of the inexperienced blacks in taking possession, first of the conventions, and afterwards of the state governments; and in the States where the negroes were most numerous, or their leaders most shrewd and unprincipled, an extraordinary carnival of public crime set in under the forms of law. Negro majorities gained complete control of the state governments, or, rather, negroes constituted the legislative majorities and submitted to the unrestrained authority of small and masterful groups of white men whom the instinct of plunder had drawn from the North. Taxes were multiplied, whose proceeds went for the most

"Carpet-bag" governments.

part into the pockets of these fellows and their confederates among the negroes. Enormous masses of debt were piled up, by processes both legal and fraudulent, and most of the money borrowed reached the same destination. In several of the States it is true that after the conventions had acted, the white vote was strong enough to control, when united; and in these reconstruction, when completed, reinstated the whites in power almost at once. But it was in these States in several cases that the process of reconstruction was longest delayed, just because the white voters could resist the more obnoxious measures of the conventions; and in the mean time there was military rule. By the end of June, 1868, provision had been made for the readmission of Arkansas, the two Carolinas, Florida, Georgia, Alabama, and Louisiana to representation in Congress. Reconstruction was delayed in Virginia, Mississippi, and Texas because of the impossibility of securing popular majorities for the constitutions framed by the reconstructing conventions, and Georgia was again held off from representation for a time because her laws had declared negroes ineligible to hold office. It was not until January 30, 1871, therefore, that all of the States were once more represented in Congress.

Meantime, however, a sufficient number of ratifications had been obtained for the Fourteenth Amendment; and on the 28th of July, 1868, it was finally proclaimed part of the fundamental law. A Fifteenth Amendment, moreover, had been added. February 26, 1869, Congress had proposed an amendment specifically forbidding either the United States or any State to deny or abridge the right of citizens of the United States to vote "on account of race, color, or previous condition of servitude;" and it was agreed to make it a further condition precedent to the admission of Virginia, Georgia, Missis

Reconstruction completed.

Fifteenth Amendment.

issippi, and Texas, belated in their reconstruction, that their legislatures should ratify this, as well as the Fourteenth Amendment. It was adopted by the necessary number of States, and finally declared in force March 30, 1870.

132. Impeachment of the President (1868).

The Congressional policy of "Thorough" had not been carried through without forcing to an issue of direct hostility the differences between Congress and President Johnson. The President's repeated vetoes of its most important measures, his open utterance of the most bitter contempt for it, his belligerent condemnation upon every ground of its policy of reconstruction, had rendered Congress as intemperate and aggressive as Mr. Johnson himself; and at last the unedifying contest was pushed to the utmost limit. The Tenure of Office Act of March, 1867, had sought to deprive the President of the power of removing even cabinet officers without the approval of the Senate. In August, during the Congressional recess, Mr. Johnson demanded the resignation of Edwin M. Stanton, the Secretary of War, whom he had retained in office along with the other members of Mr. Lincoln's cabinet. Mr. Stanton refused to resign, and the President suspended him from office, as the terms of the Act permitted him to do. But when Congress re-assembled, the Senate refused to sanction the removal. Mr. Johnson thereupon resolved to ignore the Tenure of Office Act, which seemed to him a palpable invasion of his constitutional privileges, and force Congress to an issue. Again he removed Stanton; again Stanton refused to quit his office, appealing to the House for protection. On February 24, 1868, the House resolved to impeach the President for high crimes and misdemeanors. The trial was begun in the Senate on the 5th of March. A vote

Collision
with the
President.

Stanton
episode.

was reached on several of the articles of impeachment on May 16, and the vote stood, thirty-five for conviction, nineteen for acquittal. Seven Republican senators had voted with the twelve Democrats, and the two-thirds majority necessary for conviction could not be secured. A verdict of acquittal was entered. The Secretary of War resigned his office. The President had won the fight against the obnoxious Act. But he had hardly won it with dignity; for while the trial was actually in progress he had gone about the country, as before, pouring out passionate speeches against Congress.

133. Presidential Campaign of 1868.

Mr. Johnson was a Democrat, and the views which he had so passionately striven for in the matter of the reconstruction of the southern States were the views of the Democratic party. He had not won the confidence of the Democrats, however, by earning the hostility of the Republicans. So far as the presidency was concerned, he was, it turned out, as impossible a candidate for either party as Mr. Tyler had been. The Republican nominating convention, which met in Chicago on the 20th of May, 1868, just four days after the failure of the impeachment trial, unanimously and with genuine enthusiasm named General Grant for the presidency, trusting him as a faithful officer and no politician. The Democrats, who met in New York on the 4th of July, nominated Horatio Seymour of New York. Issue was squarely joined in the platforms upon the policy of reconstruction. But the result was not doubtful. Three of the southern States were shut out from taking part in the election because not yet reconstructed, and most of the rest were in possession of negro majorities; while most of the northern States were of a mind to support Congress in its policy of "Thorough"

towards the South. Two hundred and fourteen electoral votes were cast for the Republican candidates, eighty for the Democratic; though the aggregate popular majority of the Republicans was but little more than three hundred thousand in a total vote of nearly six millions.

The four months which remained to Mr. Johnson as President passed quickly away, and on the 4th of March, 1869, General Grant assumed the responsibilities of successor to the stormy Tennessean. Mr. Johnson's four years of office had certainly been among the most tempestuous and extraordinary in the history of the country, their legislative record crowded with perplexities for the constitutional lawyer and the judicious historian alike. One event of no little significance had marked the foreign relations of the government. In 1862 France The French in Mexico. had undertaken to interfere in the affairs of the distracted Mexican Republic by setting up a throne there for the Archduke Maximilian of Austria, — an amiable and enlightened prince who deserved a function worthier of his powers. French troops established and sought to maintain the monarchy in the interest of the clerical and landed classes of Mexico. But the United States viewed the movement with hostility from the first; and so soon as the civil war was over, added to protests a significant concentration of troops upon the Mexican border. The French thereupon withdrew. But Maximilian thought it his duty to remain, — only to fall into the hands of ruthless opponents, and meet his death, by condemnation of a military commission, June 19, 1867. The Monroe doctrine had been successfully asserted, with truly tragical consequences.

The year 1867 saw a still further addition of territory to the United States by the purchase of Alaska Alaska. from the Russian government for a little more than seven million dollars.

CHAPTER XII.

RETURN TO NORMAL CONDITIONS (1870-1876).134. *Restoration of Normal Conditions.*

THE year 1876 marked not only a point of national sentiment, in the completion of one hundred years of independence, but also a real turning-point in the history of the country. Normal conditions of government and of economic and intellectual life were at length restored. The period of reconstruction was past; Congress had ceased to exercise extra-constitutional powers; natural legal conditions once more prevailed. Negro rule under unscrupulous adventurers had been finally put an end to in the South, and the natural, inevitable ascendancy of the whites, the responsible class, established. Something like the normal balance of national parties also had been restored; votes were beginning to lose their reminiscence of the war, and to become regardful first of all of questions of peace. Economic forces, too, recovering from the past, were gathering head for the future. The nation was made to realize this when it took stock of its resources at the great Centennial Exposition in Philadelphia. At last the country was homogeneous, and had subordinated every other sentiment to that of hope.

General Grant remained President for two terms, and the eight years of his incumbency were years at once of consummation and of recuperation, during which the Republican party completed its policy of reconstruction

and the country pulled itself together for the new and better career that was before it. Congress hastened, after the passage of the Fourteenth and Fifteenth Amendments, to support them by penal legislation. May 31, 1870, and April 20, 1871, laws were enacted, popularly known as the "Force Bills," which denounced fine and imprisonment against all hindrances or interferences, either attempted or accomplished, in restraint of the exercise of the franchise by the negroes, or the counting of the votes cast by them; and the courts of the United States were given exclusive cognizance of all offences under these Acts. There was unquestionably a deliberate **Ku-Klux^κ movement.** and more or less concerted effort made by the whites of the South to shut the negro out by some means from an effectual use of his vote, and sometimes this effort took the most flagrant forms of violence. Presently, however, its more overt and violent features disappeared, and in the spring of 1872 Congress suffered some of the harsher portions of the force legislation of the previous year to lapse. May 22, 1872, it even passed a **Amnesty Act.** General Amnesty Act, which relieved of their political disabilities most of those persons in the South who had been excluded from political privileges by previous legislation, excepting only those who had served the Confederacy after having been officers in the judicial, military, or naval service of the United States, or officials in the higher grades of administrative and political function.

The Supreme Court, moreover, began to throw its weight of authority decisively on the side of a conservative construction of the legal changes wrought by war, reconstruction, and constitutional amendment. While it sustained the political authority of Congress, in the matter even of its extreme policy of reconstruction, in *Texas vs. White*.

Influence of the Supreme Court.

holding that the law-making power could mend as it chose the broken relations of the southern States to the Union, it maintained, even in that case, that the States retained their statehood intact; and when it came, in the so-called "Slaughter-House Cases" (1873), to interpret the Fourteenth and Fifteenth Amendments to the Constitution, it pronounced the powers of the southern States unimpaired, declaring that their control over the privileges of their citizens was in no wise changed by the constitutional provisions which had placed the special privileges of citizens of the United States under the protection of the federal government. In subsequent cases it went even farther in recalling Congress to the field of the Constitution.

135. Election Troubles in the South (1872-1876).

Election troubles were of constant recurrence in those southern States in which the negroes were most numerous or most thoroughly organized under their white leaders, and the federal government ^{Federal} _{intervention.} was repeatedly called upon to exercise the extraordinary powers which recent legislation had put into its hands. It would be very difficult to say with which party to these contests full legal right rested. On the one hand, the negro managers were in possession of the electoral machinery, were backed by the federal supervisors, marshals, and deputy-marshals whom Congress had authorized to superintend the voting, for the protection of the negroes, and were naturally bold to use such a situation for their own advantage. Their opponents, on the other hand, were able oftentimes, when they could not control the polls, to keep the negroes away from them by persuasion, reward, intimidation, or actual violence. In several of the States "Returning Boards" had been created by law to make final canvass

of the results of all state or federal elections, and even judicial determination of their validity. The control of "Returning Boards." these boards became, of course, an advantage of the greatest strategic importance to the contending parties. In Louisiana, in the autumn of 1872, rival Returning Boards, both irregularly constituted, but both claiming full official authority, certified, the one a Democratic, the other a Republican, majority in the choice of presidential electors and state officers. Two rival governments were set up. Federal troops intervened in support of the Republican governor; and although a subsequent compromise, effected under Congressional direction, gave a majority of the House of Representatives of the state legislature to the Governor's opponents, he was himself left in office and authority. In 1874 and 1875 similar electoral difficulties led to calls for federal troops from Republican officials about to be ousted in Arkansas and Mississippi; but no troops were sent. The climax of the trouble was to come in connection with the presidential election of 1876.

General Grant was careful to justify his course in directing the interference of federal troops in the contested election troubles in Louisiana by an appeal to the "guarantee clause" of the Constitution, under which the United States guarantees to every State a republican form of government, and protection against domestic violence. But he declared that while he felt bound to intervene, he found it an "exceedingly unpalatable" duty; and when calls for troops came later from other States, he replied, with evident impatience, that the whole public was "tired out with these annual autumnal outbreaks in the South," and that the great majority were "ready now to condemn any interference on the part of the government." He had never shown

Intervention
of federal
troops.

The Presi-
dent's excuse.

any vindictive feeling towards the South, and there can be no doubt that in directing federal troops to interfere to cut the puzzling knots of southern election snarls, he acted with the same simple sense of duty towards the laws that had characterized his soldier predecessors, Jackson and Taylor.

136. Executive Demoralization (1869-1877).

During the first term of his presidency, this soldierly simplicity and directness served the purposes of government sufficiently well, for the tasks of the moment were not those of ordinary civil administration, in which he had had no experience. The President, too, showed a sincere desire to keep the public service pure and efficient. March 3, 1871, Congress, in tardy response to a healthful movement of public opinion out of doors, passed an Act which authorized the President to frame and administer through a commission such rules as he thought best for the regulation of admissions to the civil service; and the measure met with General Grant's prompt and hearty approval. He appointed leading friends of the reform upon the commission, and for three years, after January 1, 1872, notwithstanding the opposition of the politicians, a system of competitive examinations for appointments to office was maintained by the President. In December, 1874, Congress refused any longer to vote money to sustain the work of the commission.

Despite his honorable intentions, however, General Grant did not prove fortunate in his selection of counsellors and subordinates. He found that choosing political advisers on the nomination of politicians was quite different from promoting tested officers in the army; and when his work was over, he confessed, with characteristic simplicity and frankness,

The civil service.

Official malfeasance.

that he had been deceived and had failed. In 1875 it was found that there was concerted action in the West between distillers and federal officials to defraud the government of large amounts in respect of the internal revenue tax on distilled spirits. The Secretary of War, W. W. Belknap, was impeached for accepting bribes in dispensing the patronage of his department, and resigned his office to escape condemnation. During the whole of General Grant's second term of office a profound demoralization pervaded the administration. Inefficiency and fraud were suspected even where they did not exist.

The soldier President showed no great wisdom, either, in such features of foreign policy as he sought to originate. It was his favorite idea that San Domingo (the "Africanized" republic of the Ostend Manifesto) ought to be annexed to the United States, because it might, in case of war, be used by a hostile power as a military rendezvous at our very doors; and he yielded very reluctantly, though gracefully enough, to the opposition which made the realization of the plan impossible. Several serviceable treaties, however, marked the period of his incumbency. Of these the most worthy of mention was the Treaty of Washington, concluded with Great Britain, May 8, 1871. This treaty provided for a clearer definition of the northwestern boundary, a portion of which had been too vaguely determined by the treaty of 1847; for the settlement of certain questions touching alleged interferences with American fishermen in Canadian waters; and for the arbitration of claims made by the United States against Great Britain on account of the fitting out in British ports of certain confederate vessels of war which had wrought havoc among the northern shipping. These last were called the "Alabama" Claims," because they chiefly concerned the equipment in England of the con-

federate cruiser "Alabama." An amicable settlement of all the questions covered by the treaty was effected. In September, 1872, arbitrators appointed, under the terms of the treaty, by Brazil, Italy, Switzerland, Great Britain, and the United States, awarded to the United States fifteen million dollars in damages on account of the "Alabama" Claims."

137. Legislative Scandals (1872-1873).

Congress, too, as well as the administration, had suffered a certain serious degree of demoralization, in consequence, no doubt, of the prolonged and unobstructed domination of a triumphant party majority. In 1869 both the Central Pacific and Union Pacific railways had been completed across the continent, by aid of enormous government grants. A corporation, known as "The Crédit Mobilier. Crédit Mobilier," chartered by the legislature of Pennsylvania, had taken charge of the construction of the Union Pacific and of its interests in the money market; and in 1872 grave scandals began to come to light concerning its operations. It was publicly alleged that the Vice-President (Mr. Colfax), the Vice-President elect (Mr. Henry Wilson), the Secretary of the Treasury, the Speaker of the House of Representatives, and a number of senators and representatives had been bribed to further the interests of the company in Congress. Upon the convening of Congress in December, 1872, a committee of investigation was appointed in the House, upon the motion of the Speaker. Its report, made February 18, 1873, showed clear proof of guilt against two members of the House, exonerated others on the ground that they had had no knowledge of the illegitimate purposes of the operations in which they had confessedly taken part, and left resting upon a number of others a painful suspicion of disgraceful motives,

even in the absence of conclusive proof of their guilt. The impression made upon the country was that a corrupt congressional "ring" had been partially unearthed. And this unfavorable impression concerning congressional motives was only heightened by an Act, passed the same session, which the public press very bluntly dubbed "the **Salary Grab.**" salary grab." By this Act the compensation of senators and representatives was increased, and the increase was made to apply retrospectively to the salaries of the members of the existing Congress. The next session saw this scandalous measure repealed.

138. Serviceable Legislation (1870-1875).

For the rest, Congress showed itself capable, during these eight years, of some very serviceable legislation, though it was not always steadfast in maintaining the good it did. It authorized a thorough reform of the civil service, as we have seen, in 1871, only to abandon it again for the spoils system in 1874. An Act of July 14, 1870, amended the naturalization laws. It admitted to citizenship, besides "free white persons," "aliens of African nativity and persons of African descent." This was a completion of the policy of the Fourteenth Amendment to the Constitution. It also made stringent provision against the fraudulent naturalization and registration of aliens, appointing federal supervisors to enforce its regulations in that regard in cities of over twenty thousand inhabitants. January 14, 1875, an Act became law which provided for the resumption of specie payments by the government on the 1st of January, 1879. Congress had very narrowly escaped being deprived by the Supreme Court of the power of making its irredeemable paper issues legal tender for all debts, as it had done in 1862. A decision of that court, rendered in December, 1869, pro-

nounced such legislation unconstitutional. But the decision was agreed to by only a small majority of the justices; by the following spring the *personnel* of the court had been materially altered by the appointment of two new justices; and in March, 1870, the court, thus re-organized, reversed the decision of December, 1862. The resumption of specie payments, however, was none the less imperatively demanded by the business sense of the country.

139. Reaction against the Republicans (1870-1876).

General Grant had been elected to his second term of office in 1872 without formidable opposition. But there had been signs even then of reaction against the Republican policy, and before the end of his second term that reaction had gathered very formidable head indeed, having swept away the Republican majority in the House of Representatives and brought on a contested presidential election. There had been an influential element in the Republican party from the first which, although it had supported the party cordially for the sake of the Union, had given its support only provisionally, with a potential, if not an actual, independence of judgment. There was another element, too, of "War Democrats," whose allegiance was still looser, still more openly conditional. These elements, as well as a great many earnest, conservative men who accounted themselves without qualification staunch Republicans, were very soon seriously alienated from the party by its extreme measures of coercion in the South in support of the constitutional amendments, its constant military interference there, in despite of the principle of local self-government, the arrogant temper of mastery with which it insisted upon its aggressive policy, and the apparent

indifference with which it viewed the administrative demoralization which so soon became manifest under General Grant.

So early as 1870 these forces of reaction had produced a "Liberal Republican" party in Missouri, which, by "Liberal combining with the Democrats, presently Republicans" gained complete control of the government of that State. By 1872 this "liberal republican" movement had greatly spread, assuming even national importance. In May, 1872, a general mass meeting of the adherents of the new party gathered in Cincinnati, and, after adopting a thoroughly Democratic platform, was led by a singular combination of influences to nominate for the presidency Mr. Horace Greeley, the able, erratic, stridently Republican editor of the New York "Tribune;" and for the vice-presidency Mr. B. Gratz Brown, the Liberal Republican leader of Missouri. The Democratic nominating convention accepted both the platform and the candidates of this meeting. But no Democrat could vote with real heartiness for the ticket. While the Republicans gained 600,000 votes over 1868, the Democratic vote increased only 130,000; and General Grant, who had been renominated by the unanimous choice of his party, was made President again. The most substantial result of the reaction was a perceptible increase in the opposition vote in Congress.

It was significant of the clearing away of the war influences that parties now began to form which manifested no great interest in reconstruction questions. 1872 saw conventions of a "Labor" party and of a "Prohibitionist" party, which framed platforms and nominated candidates for the presidency and the vice-presidency. In 1873 and 1874 there emerged in the West an association of "Patrons of Husbandry," more generally known as "Grangers," which imperatively

thrust forward the interests of the farmer in the politics of several of the western States, and induced there considerable legislative interference with railway transportation.

Although it miscarried in its attempts against the Republican strength in 1872, the opposition movement steadily gathered head. The corruption of the administration was brought more and more painfully to light; the financial distress of 1873 seemed to many who suffered from it to be connected in some way with the financial policy of the dominant party; influences large and small set against the Republicans; and in the ^{Elections of} 1874 and 1875 elections of 1874 and 1875 the Democrats, as it were suddenly and by surprise, carried their state tickets in many northern States, and even elected their candidate for governor in Massachusetts. In the Congressional elections, moreover, they were overwhelmingly successful, supplanting a Republican majority of almost one hundred in the House of Representatives by a Democratic majority almost as large. In the slowly changing Senate, however, the Democratic vote was still less than one-third. Before the presidential election of 1876 this "tidal wave" of success was running much less strongly, but it had by no means subsided.

140. Contested Election of 1876-1877.

The national Democratic convention of 1876 nominated for the presidency Samuel J. Tilden of New York, a man who had proved both his ability and his integrity in the highest administrative offices of his State. The Republican convention named Rutherford B. Hayes of Ohio. Once more Democratic majorities seemed to sweep the country; but the existence of three dual state governments in the South threw the whole result into grave doubt, and produced one of the most extraordi

Popular
election.

nary situations in the history of the country. In Louisiana the official Returning Board, through whose hands the votes of every voting precinct in the State had to pass, was under the absolute control of W. P. Kellogg, the Republican governor who had been recognized by the federal government in 1872 and allowed to use federal troops in 1874. The Returning Board, in 1876, after refusing to comply with the law in several respects, declared the Republican presidential electors chosen, and the governor signed their certificates. Mr. Nichols, however, the Democratic candidate, claimed to have been elected governor, and gave certificates to the Democratic electors. Two sets of votes, therefore, were sent to Congress from Louisiana. There had been similar double returns from Louisiana in 1872, and the houses had then refused to count the electoral vote of that State at all. In Florida the Returning Board contained but one Democrat, the Attorney-General, and its majority, exercising judicial prerogatives which the supreme court of the State had forbidden them to assume, declared the Republican electors chosen. The Attorney-General, the Democratic member of the board, gave certificates to the Democratic electors. As in Louisiana, so here, the governor of the State was a Republican, and signed the certificates of the Republican electors. In South Carolina, too, as in Louisiana, there were two governors and two legislatures, each claiming to have been elected and to constitute the only legitimate government of the State. The Republican government was protected and supported in effecting its organization by federal troops, who had also in many places guarded the polls at the elections, where, the Democrats claimed, they had made a free election impossible. Just as in Louisiana, therefore, each set of electors received their certificates of elec-

tion, the one from the Republican governor, in possession of office, the other from the Democratic governor, demanding possession of office. There was a complication, besides, in Oregon. There the Republican electors had secured a majority; but one of them was thought to be disqualified under the law from serving in the capacity of presidential elector, and the governor gave a certificate to the Democratic elector who had received the highest number of votes. The Secretary of State, however, the official canvassing officer of the State, gave certificates to all three of the Republican electors. If these disputed votes should all be given to the Republican electors, the Republican candidates for the presidency and vice-presidency would be chosen by an electoral majority of one; but if any one of them should be lost to the Republicans, they would lose the election also.

The House of Representatives was Democratic, the Senate Republican; and it was impossible that the two Houses should agree with reference to the nice questions which would arise in counting the votes from the States from which there were known to be double returns. In January, 1877, therefore, an Electoral Commission was created by Congress, to consist of five members chosen by the Senate, five members chosen by the House of Representatives, and five Justices of the Supreme Court, in the hope that the puzzling and intricate questions involved might be decided with judicial impartiality. Unhappily, however, every vote of the Commission was a vote upon partisan lines. It contained eight Republican and seven Democratic members, and in each case all disputed questions were decided in favor of the Republicans by a vote of eight to seven. The process of decision was very slow, and, of course, generated the most profound excitement. Not

until the second day of March, — two days before the date set by the Constitution for the inauguration of the new President, — was the counting finished, and the result officially determined in the joint session of the houses. The feeling was universal that, leaving aside all questions of fraud in the elections, — which affected both parties almost equally, — the whole affair threw profound discredit upon those concerned. A perilous conflict had no doubt been avoided; but it had proved impossible to get a commission from Senate, House, and Judiciary in which either the majority or the minority would vote upon the legal merits of the cases presented. Even members of the Supreme Court had voted as partisans.

141. The Centennial Year.

Soon after his inauguration, President Hayes very wisely ordered the withdrawal of the federal troops from the South; and the Republican governments of South Carolina and Louisiana, — upon whose *de facto* authority his election had turned, — were quietly superseded by the Democratic governments which had all along claimed the right to occupy their places. In Florida, too, decisions of the courts effected the same result. The supremacy of the white people was henceforth assured in the administration of the southern States.

May 10, 1876, had witnessed the opening of an International Industrial Exhibition at Philadelphia, which had been arranged in celebration of the centennial anniversary of the adoption of the Declaration of Independence. It was a fit symbol and assurance of the settled peace and prosperity which were in store for the country in the future. All the great commercial and industrial nations were represented in its exhibits, among the rest, of course, England, whose defeat the Exhibition

was planned to celebrate. Her presence made it also a festival of reconciliation. It spoke of peace and goodwill with all the world. It surely is not fanciful to regard it, besides, as a type and figure of the reconstruction and regeneration of the nation. The Union was now restored, not only to strength, but also to normal conditions of government. National parties once more showed a salutary balance of forces which promised to make sober debate the arbiter of future policies. It showed the economic resources of the South freed, like those of the North, for a rapid and unembarrassed development. The national spirit was aroused, and conscious now at last of its strength. The stage was cleared for the creation of a new nation.