

the condemnation of all unprejudiced and right-minded men. The punitive justice of this age, especially of this country, does not consist in stripping whole States of their liberties and reducing all their people, without distinction, to the condition of slavery. It deals separately with each individual, confines itself to the forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires, with regard to Southern rebels, let us console ourselves by reflecting that a free Constitution, triumphant in war and unbroken in peace, is worth far more to us and our children than the gratification of any present feeling.

I am aware it is assumed that this system of government for the Southern States is not to be perpetual. It is true this military government is to be only provisional; but it is through this temporary evil that a greater evil is to be made perpetual. If the guarantees of the Constitution can be broken provisionally, to serve a temporary purpose and in a part only of the country, we can destroy them everywhere and for all time. Arbitrary measures often change, but they generally change for the worse. It is the curse of despotism that it has no halting place, the intermitted exercise of its power brings no sense of security to its subjects, for they can never know what more they will be called to endure when its red right hand is armed to plague them again. Nor is it possible to conjecture how or where power unrestrained by law may seek its next victims. The States that are still free may be enslaved at any moment, for if the Constitution does not protect all it protects none.

It is manifestly and avowedly the object of these laws to confer upon negroes the privilege of voting, and to disfranchise such a number of white citizens as will give the former a clear majority at all elections in the Southern States. This, to the minds of some persons, is so important, that a violation of the Constitution is justified as a means of bringing it about. The morality is always false which excuses a wrong because it proposes to accomplish a desirable end. We are not permitted to do evil that good may come about. In this case, the end itself is evil as well as the means. The subjugation of the States to negro dominion would be worse than the military despotism under which they are now suffering. It was believed beforehand that the people would endure any amount of military oppression, for any length of time, rather than degrade themselves by subjection to the negro race. Therefore, they have been left without a choice.

Negro suffrage was established by Act of Congress, and the military officers were commanded to superintend the process of clothing the negro race with the political privileges torn from white men. The blacks in the South are entitled to be well and humanely governed, and to have the protection of just laws for all their rights of person and property. If it were practicable at this time to give them a government exclusively their own, under which they might manage their own affairs in their own way, it would become a grave question whether we ought to do so, or whether common humanity would not require us to save them from themselves. But under the circumstances, this is only a speculative point. It is not proposed that they should govern themselves, but that they shall rule the white race, and administer State laws, elect Presidents and Members of Congress, and shape to a greater or less extent the future destiny of the whole country.

Would such a trust and power be safe in such hands? The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs for a great state, have seldom been combined. It is the glory of white men to know that they have had these qualities in sufficient measure to build upon this continent a great political fabric, and to preserve its stability for more than ninety years, while in every other part of the world all similar experiments have failed. But if anything can be proved by known facts, if all reasoning upon evidence is not abandoned, it must be acknowledged that in the progress of nations negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism.

In the Southern States, however, Congress has undertaken to confer upon them the privilege of the ballot. Just re-

leased from slavery it may be doubted whether, as a class, they know more than their ancestors how to organize and regulate civil society. Indeed it is admitted that the blacks of the South are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying a ballot to the place where they are directed to deposit it. I need not remind you that the exercise of the elective franchise is the highest attribute of an American citizen; and that, when guided by virtue, intelligence, patriotism and free institutions, it constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. A trust artificially created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector. It ought, therefore, to be reposed in none except those who are fitted morally and mentally to administer it well; for if conferred upon persons who do not justly estimate its value, and who are indifferent as to its results, it will serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventually lead to the complete destruction of that liberty of which it should be the most powerful conservator.

I have, therefore, heretofore urged upon your attention the great danger to be apprehended from an untimely extension of the elective franchise to any new class in our country; especially when the large majority of that class, in wielding the power thus placed in their hands, cannot be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, 4,000,000 of persons were held in a condition of slavery that had existed for generations; to-day they are free men, and are assumed by law to be citizens. It cannot be presumed from their previous condition of servitude that, as a class, they are as well informed as to the nature of our government as the intelligent foreigner who makes our land the home of his choice. In the case of the latter, neither a residence of five years and the knowledge of our institutions which it gives, nor attachment to the principles of the Constitution, are the only conditions upon which he can be admitted to citizenship; he must prove, in addition, a good moral character, and thus give reasonable ground for the belief that he will be faithful to the obligations which he assumes, as a citizen of the Republic. Where a people, the source of all political power, speak by their suffrages through the instrumentality of the ballot box, it must be carefully guarded against the control of those who are corrupt in principle and the enemies of free institutions, for it can only become to our political and social system a safe conductor of healthy, popular sentiment, when kept free from demoralizing influences. Controlled through fraud and usurpation by the designing, anarchy and despotism must inevitably follow. In the hands of the patriotic and worthy, our Government will be preserved upon the principles of the Constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot box a new class of voters, not qualified for the exercise of the elective franchise, we weaken our system of Government instead of adding to its strength and durability.

I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a nation; but there is a limit, observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation. To give it indiscriminately to a new class, who may not comprehend by previous habits and opportunities to perform the trust which it demands, is to degrade it and finally to destroy its power, for it may be safely assumed that no political truth is better established, than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its overthrow and destruction.

I repeat the exhortation of my willingness to join in any plan within the scope of our constitutional authority, which promises to better the condition of the negroes in the South by encouraging them in industry, enlightening their morals, and giving protection to all their just rights, as freedmen; but the transfer of our political inheritance to them would, in my opinion, be an abandonment of a duty which we owe alike to the memory of our fathers and the rights of our children. The plan of putting the Southern States wholly,

and the General Government partially, into the hands of negroes, is proposed at a time peculiarly unpropitious. The foundations of society have been broken up by civil war. Industry must be re-organized, justice re-established, public credit maintained, and order brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who formed our institutions originally. I believe that their descendants will be equal to the arduous task before them; but it is more than reasonable to expect that negroes will perform it for us. Certainly we ought not to ask their assistance until we despair of our own competency. The great difference between the two races in physical, mental and moral characteristics will prevent an amalgamation of them together in one mass. If the inferior obtains the ascendancy over the other, it will go ever with reference only to its own interests, for it will recognize no common interest, and create such a tyranny as this continent has never yet witnessed.

Already the negroes, are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues it must become worse and worse, until all order will be subverted, and all industry, and the fertile fields of the South grow up into a wilderness. Of all the dangers which our nation has yet encountered, none are equal to those which must result from the success of the effort now to Africanise the half of our country. I would not put confederations of money in competition with justice and right; but the expenses incident to reconstruction, under the system adopted by Congress, aggravate what I regard as the intrinsic wrong of the measure itself. It has cost uncouth millions already, and if persisted in will add largely to the list of taxation, already too oppressive to be borne without just complaint, and may finally reduce the Treasury of the nation to a condition of bankruptcy.

We must not delude ourselves. It will require a strong standing army and probably more than two hundred million dollars per annum, to maintain the supremacy of negro Governments. After they are established, the sum thus thrown away would, if properly used, form a sinking fund large enough to pay the whole national debt, in less than fifteen years. It is vain to hope that negroes will maintain their ascendancy themselves, without military power. They are wholly incapable of holding in subjection the white people of the South. I submit to the judgment of Congress whether the public credit may not be injuriously affected by a system of measures like this, with our debt and the vast private interests which are complicated with it.

We cannot be too cautious of a policy which might by possibility impair the confidence of the world in our Government. That confidence can only be retained by carefully inculcating the principles of justice and honor on the popular mind, and by the most scrupulous fidelity to all our engagements of every sort. Any serious breach of the organic law, persisted in for a considerable time, cannot but create fears for the stability of free institutions. Habitual violation of prescribed rules, which we bind ourselves to observe, must demoralize the people. Our only standard of civil duty being set at naught, the sheet anchor of our political morality is lost, the public conscience swings from its moorings, and yields to every impulse of passion and interest.

If we repudiate the Constitution, we will not be expected to care much for mere pecuniary obligations. The violation of such a pledge as we made on the 22d day of July, 1861, will assuredly diminish the market value of our other promises. Besides, if we now acknowledge that the National Debt was created not to hold the States in the Union, as the tax-payers were led to suppose, but to expel them from it and hand them over to be governed by negroes, the duty to pay it may seem much less clear. I say it may seem so, for I do not admit that this or any other argument in favor of repudiation can be entertained assound; but its influence on some classes of minds may well be apprehended. The financial honor of a great commercial nation, largely indebted, and with a republican form of government administered by agents of the popular voice, is a thing of such delicate texture, and the destruction of it would be followed by such unspeakable calamity, that every true patriot must desire to avoid whatever might expose it to the slightest danger. The great interests of the country require immediate relief. From

these enactments, business in the South is paralyzed by a sense of general insecurity, by the terror of confiscation, and the dread of negro supremacy. The Southern trade, from which the North would have derived so great a profit, under a government of law, still languishes, and can never be revived until it ceases to be shattered by the arbitrary power which makes all its operations unsafe. That rich country, the richest the world ever saw, is worse than lost, if it be not soon placed under the protection of a free constitution. Instead of being, as it ought to be, a source of wealth and honor, it will become an intolerable burden upon the weal of the nation.

Another reason for retracing our steps will doubtless be seen by Congress, in the late manifestations of public opinion upon this subject. We live in a country where the popular will always enforces obedience to itself sooner or later. It is vain to think of opposing it with anything short of legal authority backed by overwhelming force. It cannot have escaped your attention that from the day on which Congress fairly and formally presented the proposition to govern the Southern States by military force, with a view to the establishment of negro supremacy, every expression of the general sentiment has been more or less adverse to it. The affections of this generation cannot be detached from the institutions of their ancestors. Their determination to preserve the inheritance of free government in their own hands, and transmit it undecided and unimpaired to their own posterity, is too strong to be successfully overpowered. Every weaker passion will disappear before that love of liberty and law for which the American people are distinguished above all others in the world. How far the duty of the President to preserve, protect and defend the Constitution, requires him to go in opposing unconstitutional acts of Congress, is a very serious and important question, on which I have deliberated much, and felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of the Constitution, by the Supreme Legislative authority, and is regularly enrolled among the public statutes of the country, Executive resistance to it, especially in times of high party excitement, would be likely to produce violent collision between the respective adherents of the two branches of the Government. This would be simply civil war; and civil war must be resorted to only as the last remedy for the worst of evils. Whatever might tend to provoke it, should be most carefully avoided. A faithful and conscientious magistrate will concede very much to honest error, and something even to perverse malice, before he will endanger the public peace; and he will not adopt forcible measures, or such as might lead to force, as long as those which are peaceable remain open to him, or to his constituents. It is true that cases may occur in which the Executive would be compelled to stand on its rights, and maintain them, regardless of all consequences.

If Congress should pass an act which is not only in palpable conflict with the Constitution, but will certainly, if carried out, produce immediate and irreparable injury to the organic structure of the Government; and if there be no judicial remedy for the wrongs it inflicts, nor power in the people to protect themselves without the official aid of their elected defender,—if, for instance, the Legislative Department should pass an act, even through all the forms of law, to abolish a co-ordinate Department of the Government, in such a case the President must take the high responsibilities of his office, and save the life of the nation at all hazards. The so-called reconstruction acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. The people were not wholly disarmed of the power of self-defense. In all the Northern States they still held in their hands the sacred right of the ballot box; and it was safe to believe that in due time they would come to the rescue of their own institutions. It gives me pleasure to add, that the appeal to our common constituents was not taken in vain, and that my confidence in their wisdom and virtue seems not to have been misplaced.

It is well and publicly known, that enormous frauds have been perpetrated on the Treasury, and that colossal fortunes have been made at the public expense. This species of corruption has increased, is increasing, and if not diminished will soon bring us into total ruin and disgrace. The public creditors