

Weekly National Intelligence

WASHINGTON: THURSDAY, DECEMBER 15, 1864.

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By GALE & SEATON.
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THE LINE OF THE CHIEF JUSTICES.

The reader will have observed that in the proceedings had in the Supreme Court of the United States on Wednesday last, in commemoration of the death of Chief Justice Taney, that magistrate was styled the fifth in the line of our Chief Justices. As in other places he has been styled the fourth, and in still others the sixth, it may be interesting to some readers to know the origin of this discrepancy. The variation results from the omission or inclusion of one or other of the names of John Rutledge and William Cushing, of whom the former was appointed Chief Justice by President Washington, and took his seat on the bench, but was rejected by the Senate, and of whom the latter was appointed by the President and confirmed by the Senate, but never acted in that capacity. The circumstances of their respective cases are as follows:

While John Jay was absent in England, engaged in the negotiation of the British treaty of 1794, he was chosen Governor of the State of New York. Anticipating his resignation of the office of Chief Justice, President Washington offered the vacant post to John Rutledge, of South Carolina. In fact, Mr. Jay's resignation was received on the 30th of June, 1795, and on the following day the President ordered the commission of Mr. Rutledge as Chief Justice to be made out as of that date.

The appointment of the President and the negotiation of the British treaty as negotiated by Jay and ratified by the Senate reached Charleston, the residence of Rutledge, about the same time. The indignation of the majority of the people of Charleston at the terms of the treaty knew no bounds, and Rutledge, sharing in this popular sentiment, addressed an excited assemblage on the subject in language of reprobation and reproach, which symbolized with the most violent diatribe of President Washington's political opinions.

As Judge Rutledge had been a no less trusted than able member of the Federal party, his "imprudent ally," as Alexander Hamilton styled it, was read with "pain, surprise, and mortification." Hamilton took up his pen in reply to Rutledge's onslaught on the treaty, and the entire Federal party, not knowing that he had received the appointment of Chief Justice before he had taken his stand against the convention of July, 1795, were indignant at his defection, or at the false compliance of the President, as some supposed, when the intelligence of his appointment was made public without its being known that the honor had been tendered to him before his opposition to the treaty was indicated.

Chief Justice Rutledge took his seat on the bench at the August term of the Supreme Court, which opened at Philadelphia on the 21st of that month, in the year 1795. On the adjournment of the Court, after a session of but a few days, he returned to Charleston. In November of the same year he proceeded to Augusta to hold a term of the Circuit Court, and soon afterwards set out to hold the circuit in North Carolina, but was overtaken by sickness on the way. His long and incessant labors had impaired the vigor of his constitution, and under the access of disease, his mind gave way. The rumor of his failing health coincided with the political rancor of the Federal majority in the Senate to procure his rejection by that body. "The Senate's refusal to confirm his appointment," says the biographer from whom we glean these memoranda, "extinguished the last spark of his sanity." A burning and shining light in our Revolutionary period, his sun went down in a cloud. He died on the 18th of July, in the year 1800.

After the rejection of Rutledge by the Senate, President Washington nominated William Cushing, of Massachusetts, who was one of the Associate Justices of the Supreme Court, to fill the vacancy. He was unanimously confirmed by the Senate, and held his commission about a week, when, on the ground of failing health, he returned it, declining the appointment. He never actually presided as Chief Justice, and hence his name has sometimes been omitted from the line of the Chief Justices of the United States, as it was by us a few days ago, when, in chronicling the appointment of Chief Justice Chase, we styled him the fifth in that exalted station. If we include both Judge Cushing and Judge Rutledge in the category, he is the seventh. The order of the successors is as follows: John Jay, John Rutledge, William Cushing, Oliver Ellsworth, John Marshall, Roger B. Taney, and Salmon P. Chase.

THE BLOCKADE AND BRITISH OFFICERS.

The London Army and Navy Gazette says: "In consequence of the recent capture by a Federal cruiser of a distinguished officer of her Majesty's navy, while in command of a blockade-runner, Mr. Seaward resigned representations through Lord Lyons to her Majesty's Government which have led to a stringent order on the subject. The Admiralty have caused it to be notified to the officers engaged in the exciting and frequently profitable pursuit of commerce by blockade-running, that they cannot countenance such an employment of their vessel hours. Although all the officers referred to were on half-pay, it was plainly most unbecoming for them, as long as they drew their half-pay, to engage in acts which subjected them to pains and penalties at the hands of the authorities of a friendly State, while they were at the same time treating with contempt the Queen's proclamation of neutrality, which, binding on all good subjects, had special claims to obedience from officers in her Majesty's pay."

LAW OF MORAL PROGRESS.

The New York Observer, one among the very few religious newspapers of the country which preserves the integrity of its distinctive character free from the intrusion of partisan politics, and which did so even during the late political canvass, when the great majority of the so-called "religious press" threw off even the reserve prescribed to themselves by the better class of secular journals, refers in its number of last week to the current phases of the slavery question, and, after bringing into relief the views taken of this topic by ourselves and others among our political contemporaries, remarks as follows:

"So long ago as October 4, 1855, the New York Observer closed an extended discussion of the slavery question in these words: 'The doctrine of the Bible, in every case, secures in the end universal liberty, not by asserting, with the Abolitionists, the immediate right of every man to liberty, but by requiring those in power to give liberty as the reward of intelligence and virtue, and to train all to the intelligence and virtue which will entitle them to receive, or it need be to demand the gift.'"

"We have since enforced the duty which was clearly defined by the action of the O. S. Presbyterian General Assembly of 1845, which was reaffirmed by the Assembly of 1864, and which struck at those features of the system which no good man's conscience or judgment approves, and the abolition of which works such a complete change in the existing system as to render its extinction a necessary result. The conscience and the judgment of every sensible Christian pronounce it a more excellent way than a national convulsion, with the sacrifice of thousands of lives, and the suffering of incalculable misery. Love may make men free, but it is a terrible process. One of the agents for the care of the freedmen tells us that one-half of all the slaves set free have perished or will perish from want of the necessities of life. This is awful."

"But in the mysterious providence of God we are brought into a state of civil war. Whether we choose it or not it is on us, and the result of it is that the system of slavery has been substantially overturned in some of the States and is shaken in all."

"We have already concurred with the view which the Observer takes of the problem presented by slavery, as being a view no less true in practical politics than in the field of morals. Indeed, we should expect 'the doctrine of the Bible' on this subject to coincide with the dictates of the highest human wisdom as approved by the judgment and experience of men in all ages. That doctrine points to the universal enfranchisement of the race, not by asserting, with the doctrinaires of the extreme school of abolitionists, the unqualified right of every human being to partake in all the forms and privileges of civil liberty recognized by the State, but, as the Observer defines the question, 'by requiring those in power to give liberty as the reward of intelligence and virtue, and to train all to the intelligence and virtue which shall entitle them to receive, or, if need be, demand the gift.' This is the order of moral progress as prescribed no less by reason than revelation. It is of the nature and essence of moral ideas that they should win their way to a concrete realization in the figure of society simply and solely by the force of their own worthiness to be received and adopted by men. When moral progress depends for its impulse on the power of the sword there is implied in that very fact a departure from the law of true moral progress."

"And it is not difficult to say where this departure on the subject of slavery began as well as the North as the South. It began at the North in the assertion of unqualified political and civil rights, without regard to the fitness of persons for their enjoyment. It began at the South in that perverted view which sought to see in slavery the normal condition of the black race, and which set its face against the very idea of meliorating the mental and material condition of the slave until he should be fit for the boon of freedom. It is the conflict of these antagonisms—equally standing in the way of a true moral progress—which has produced our civil war so far as its issues are determined by the moral aspects of slavery. It may be that the shock of war could alone wake the people to a sense of 'right reason' on this question, but none will deny the peril of enlisting war in the cause of moral reform. The general lesson of history on this topic is correctly expounded by Dr. Arnold, when, in his sometimes profound and always judicious annotations on the Peloponnesian civil war as recited by Thucydides, he says:

"The great enemy of society in its present stage is war. If this calamity be avoided, the progress of improvement is sure; but attempts to advance the cause of freedom by the sword are ineffectually perilous. War is a state of such fatal intention that it makes men enemies of institutions and thus the course of national happiness may be cut short, not only by foreign conquest, but by a state of war poisoning the blood, destroying the healthy tone of the system, and setting up a feverish excitement, till the disorder terminates in despotism." (Vol. 1, Appendix T, p. 522, 4th ed.)

"THE A B C'S OF FINANCE."

The bill introduced in the House of Representatives by Mr. STEVENS, of Pennsylvania, the distinguished chairman of the Committee of Ways and Means, for the purpose of declaring by act of Congress that a dollar note issued by the Government is of equal value for all purposes as gold and silver coins of like denomination, and that a contract made payable in coin may be payable in legal-tender United States notes, and that no difference in sale or value shall be allowed between them, has found still less favor with the public press than in Congress. The speedy tabling of the bill has no where excited either surprise or regret, the only surprise or regret being that fifty members of a body supposed to represent the average intelligence of the American people could be found to vote against such a disposition of the commercial project.

The New York Tribune, in commenting on the bill of the chairman of the Committee of Ways and Means in the House, indulges in the following sensible reflections, which serve to show that in the estimation of that journal the United States are not exempted from the scope of the financial laws which apply to all other nations under the sun. It says:

"The fundamental error of Mr. Stevens's, as of all kindred financial nostrums, implies that the value of gold and silver is created by law—that an ounce of silver buys a bushel of wheat, more or less, because Governments have agreed to make gold and silver a legal tender for the payment of debts. The opposite school, whereto we ad-

here, along with most thinkers and writers on the subject, insists that the value of gold and silver is not created by law, but is the result of the labor required to produce or to duplicate them, and that all substitute or alternative media of exchange are more or less valuable according to the feasibility and certainty of their conversion into actual specified values."

"The laws of the universe utterly refuse to be subordinated to the acts of Congress; a product which has cost a thousand days' labor will not be exchanged for or held of equal value with something that may be picked up in two hours by the mere right of every man to liberty. Legislation cannot impair the value of gold, by restricting its exchange for other products or values; it cannot make a cart-load of paving-stones the actual, enduring equivalent of a cart-load of wheat or of wool in any region where paving-stones are superfluous."

"We are polishing over the B C's of Finance? Certainly; but how avoid it when our statesmen and financial authorities have not yet mastered even these? With great respect for the abilities of Mr. Stevens we say that an act of Congress declaring a paper dollar the equivalent of a gold dollar is a transparent and mischievous absurdity. It may be such equivalent; if it is not a statute to bolster it, but will take simple care of itself. A bank dollar surely redeemable in coin at every bank counter or broker's office is a dollar practically and beneficially. Any paper dollar is worth more or less according to the facility or readiness wherewith it may be converted, and its cash value of that into which it is convertible. Any legislation which declares nothing to be something, or forbids water to run down hill, may be potent for incidental mischief; but can never achieve its declared end."

"Let us consider the case of a miner who has spent the year 1864 prospecting and delving among the glens of the Rocky Mountains, and has thereby accumulated twenty pounds Troy of virgin gold, equal to some four thousand dollars in coin. By what right, to what purpose shall Congress take from him the product of his labor for so many greenbacks, or their equivalent in land, or food and clothing, implements, and farm stock as these greenbacks will buy in open market?"

THE NATIONAL FINANCES.

THE ANNUAL REPORT OF THE SECRETARY OF THE TREASURY.

In presenting to Congress his Annual Report on the state of the finances, in obedience to the requirements of law, the Secretary of the Treasury feels that, while there is no occasion to distrust the ability of the people of the United States to bear the great and increasing burdens imposed upon them by the arduous and prolonged struggle for national existence in which they are engaged, there is, nevertheless, much in the financial condition of the Government which requires careful and anxious consideration. Among the serious duties devolved upon him, the Secretary recognizes a full and complete disclosure of the actual condition of the Treasury, in order that the Congress may provide a remedy for existing evils, and guard against the recurrence of similar evils in the future.

The Secretary's assumption of office was so nearly coincident with the commencement of the present fiscal year that he would be unable to give a full and complete statement of the exact condition of the Treasury upon that day. Before proceeding to do so, however, a brief review of the financial measures adopted since the outbreak of the rebellion, and of their operation and effect, may not be without value in endeavoring to arrive at just conclusions with regard to the future.

On the 4th day of March, A. D. 1861, the national debt was comparatively so inconsiderable as hardly to deserve the name. Accustomed to a degree of prosperity heretofore unexampled in the history of nations, the people of the United States had grown rich and powerful without being cognizant of the national debt, and equally unconscious of their own vast and increasing liability to sustain a weight which, until it had been anticipated, might have seemed altogether beyond their strength. Unaccustomed for a long period to the exercise of their own powers of self-protection, and their powers of endurance should be tested only by degrees, as the struggle which Providence had prepared for them developed its vast proportions, and the necessity of great and long continued effort became apparent. Had it been possible to have continued for years, and that hundreds of millions of public debt would be swollen into thousands of millions before the close of that contest, it may well be doubted whether, ignorant as they were of their own immense resources, the people might not have yielded to the temptation of borrowing money, and thus have placed a sacrifice so far exceeding all former experience.

In his first report to Congress, made on the 4th day of July, 1861, my predecessor estimated the whole amount required for the service of the fiscal year ending June 30, 1862, at \$150,000,000. By an act approved July 17, 1861, Congress further authorized a loan of \$20,000,000, and authorized a loan of \$270,000,000, which, with the ordinary revenues, was considered an ample provision for the exigencies of the year. By an act approved August 5, 1861, Congress further authorized a loan of \$20,000,000, and authorized a loan of \$270,000,000, which, with the ordinary revenues, was considered an ample provision for the exigencies of the year. By an act approved August 5, 1861, Congress further authorized a loan of \$20,000,000, and authorized a loan of \$270,000,000, which, with the ordinary revenues, was considered an ample provision for the exigencies of the year.

In view of the condition of affairs, and of the large appropriations called for to meet the public wants, Congress passed various laws, which need only be alluded to, it had become manifest that while much the largest portion of the amount required must be provided by loans in some form, resort must be had to a wider and more stringent taxation in order to preserve the credit of the Government. Accordingly the act of July 1, 1862, called the Internal Revenue Law was passed, providing for a levy of duties on various domestic manufactures, on trade and occupations, and also providing a system of stamp, income, and other duties. This important measure, it was hoped, would, in connection with the duties on imports and the sums derived from other sources, furnish such a proportion of the amount required as would place the country on a stable foundation, leaving the present a reasonable share of public burdens, leaving to the future no more than in justice it ought to bear. If these hopes were not realized, by the time of the year 1864, the country would be in a great degree to the fact that the systems adopted were one to which the people had not been accustomed; that the machinery was complicated, the officers who were to execute inexperienced, and that sufficient allowance was not made for the many and various contingencies which would arise in any such system the requisite efficiency. With a like view to increase the revenue, and to sustain our own industry under the burden imposed by the Internal Revenue Law, Congress, by an act approved July 14, 1862, largely increased the duties on imports.

It was at this time that the Secretary had authority to issue the act of March 3, 1863, which authorized the issue of bonds to the amount of five hundred millions, redeemable after five years and payable in twenty years from date.

Notwithstanding the ample provision supposed to be made by Congress for the expenditures of the fiscal year ending on the 30th of June, 1863, the report of the Secretary submitted on the 4th of December, 1862, showed a deficiency for the current year of \$276,912,547, while the estimated amount of expenditures over receipts from ordinary sources for the succeeding year was \$122,338,186. To provide for the aggregate of these amounts, Congress, by an act approved March 3, 1863, authorized a loan of \$300,000,000 for the current and of \$600,000,000 for the then next fiscal year. By the second section of the same act the Secretary was authorized to issue, as a part of said loan, \$400,000,000 in amount of Treasury notes, bearing interest at a rate not exceeding six per centum per annum, payable at last money, which notes, payable at periods expressed on their face, might be taken a legal tender at their face value. By the third section \$150,000,000 of United States notes, of a like character with those previously issued under the provisions of former acts, were authorized as a part of said loan, and which, if they were not taken a legal tender, they were to be taken a legal tender only for their face value without interest.

It will be seen that, by the several acts of Congress referred to, Government paper, as a substitute for coin, under the respective designations of United States notes and Treasury notes, might be issued to the amount of \$900,000,000, viz: United States Treasury notes, not bearing interest, to the amount of \$450,000,000, but of which \$50,000,000 were to be held in reserve for the redemption of temporary deposits, and to be replaced as soon as possible, thus leaving the whole amount intended for circulation, but \$850,000,000; and \$400,000,000 of Treasury notes, bearing interest, and which, if they were not taken a legal tender only for their face value without interest, would not remain in circulation, as they could be made a legal tender only for their face value without interest.

In the preceding enumeration of the several acts passed by Congress with a view to provide the large means required to meet the annual expenditures to be incurred during the fiscal year of 1864, no reference has been made to the several auxiliary measures designed to meet the exigencies of the hour, but neither enlarging nor diminishing the amount required, and serving no other purpose than a mere temporary expedient, to be paid at ten days' notice. Of a somewhat similar character, from its necessarily limited amount, is the fractional currency authorized by the fourth section of the act of March 3, 1863.

THE DIFFICULTY OF MAKING CORRECT ESTIMATES.

The object of the Secretary in calling attention to these various acts of Congress, in connection with the estimates of his predecessor, is to show that, in the present emergency, it is not only difficult, but impossible to apply fixed rules to a condition of affairs constantly changing, or to meet contingencies which no human wisdom can foresee, by a steady application of general laws, especially in the case of a war, which is a state of things in which the controlling element, and that which is not under the direction of those who may happen to administer public affairs, is the issue of paper money.

Accordingly it has been seen that the attempt to conduct financial operations on so immense a scale upon a large and long continued basis, and to do so in the face of other species of currency of a national character became unavoidable, as was unwisely demonstrated by my predecessor in his report of December, 1862. Freight with danger, as Government paper has almost invariably been sold at a discount, and the result has been a depreciation of the currency, and a consequent rise of prices occasioned by an increase of taxation on articles of consumption, the withdrawal of labor from the productive arts, and the consequent rise of prices for products and material incident to the war of the rebellion. The problem to be solved is, how to mitigate the evil, if it cannot be fully avoided. If loans can be negotiated at reasonable rates, and the Treasury can thus be supplied with the means to meet the demands of the war, the Secretary's judgment, not only difficult, but impossible to apply fixed rules to a condition of affairs constantly changing, or to meet contingencies which no human wisdom can foresee, by a steady application of general laws, especially in the case of a war, which is a state of things in which the controlling element, and that which is not under the direction of those who may happen to administer public affairs, is the issue of paper money.

The Secretary is of the opinion that not over \$25,000,000 can be safely relied upon as likely to accrue from similar sources during the current year.

The issue of premium on gold shipped from San Francisco to London, and the issue of premium on gold shipped from London to San Francisco, in March, 1863, it became necessary to transmit a considerable amount of funds to London for a special purpose, for which an appropriation had been made by Congress; and it was thought advisable to issue a certain amount of our securities with an eminent London banker, against which bills might be drawn. Five hundred bonds to the amount of two millions were accordingly placed in the hands of two distinguished citizens, to whom care of the negotiation was committed. The negotiation failed, and the amount of the loan was not raised. It was thought advisable to issue a certain amount of our securities with an eminent London banker, against which bills might be drawn. Five hundred bonds to the amount of two millions were accordingly placed in the hands of two distinguished citizens, to whom care of the negotiation was committed. 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