SPEECH

JAMES R. DOOLITTLE. OF WISCONSIN,

ON THE LINCOLN-JOHNSON POLICY OF RESTORATION.

the Senate of the United St. January 17, 1980.

The Senate resumed the consideration of the joint resolution (S. R. No. 11) in relation to the organization of provisional governments within the States whose people were lately in rebellion against the United States, the pending question being on the motion of Mr. Howe to refer the resolution to the joint committee of the two Houses to inquire into the condition of the States which formed the so-called confederate States.

Mr. Boolivers, I als that the security of the states when the security in the security of the secu

called confederate States.
Mr. Doorstrax. I ask that the resolution read at the desk.
The Secretary read it, as follows:

The Secretary read it, as follows:

"Whereas the people of Virginia, of North Carolina, of Bouth Carolina, of Georgia, of Florida, Alabama, Mississippi, Louisiana, Texas, Arkaneas, and Tennessee have heretofere declared their independence of the Government of the United States, have neurped authority denied to every State by the eupreme law of the land, have shipsed daties imposed upon overy State by the same law, and have waged-war sgainst the United States, where the states imposed upon overy State by the same law, and have waged-war sgainst the United States where you have waged war spainst the United States where you have waged war spainst the United States where you have been suspended; and when see such functions cannot yet be restored to those people with a sfay to themselves or to those people with safety to themselves or to those people whereas military tribunals are to also mation; and whereast so that the services of the services of

the world calls the United States of America? The President and those who think with him say thirty-six. The Senator from Massachusetts [Mr. Sumner] and my colleague say twenty-five. Where are the eleven! Where is Virginia, North Carolina, South Carolina, Georgia, Alabama, Louisiana, Mississippi, Arkansas, Tennessee, Florida, and Texas? These eleven great States are larger, by thousands of square miles, than England, France, Spain, Portugal, and the Germanic Confederation, including Austria and Prussia, all put together, as the table I hold in my hand shows:

COMPARATI	VE TARLE.
Arret in square miles. Enginad	Area in equare miles. Virginia

These eleven great States, with ten million cople, which produced annually four mil-These eleven great States, with ten million people, which produced, annually, four million bales of cotton, and are capable of producing double that number, where are they, and what are they? That they once constituted a part of the States, of this Union is certain. Do they now? That is the question. Presiden' Lincoln, during his administration, and President Johnson, and those who austain', their policy say they do. The Senator from Massachusetts, [Mr. Sunner,] the hor orable member from Pennsylvania, [Mr. Levens,] who oppose that policy, and, to ny sincere regret, my colleague, say they do not.

in the hor orable member from Pennsylvania, [Mr. F. devens.] who oppose that policy, and to not.

Before giving my views, I will notice what is sometimes said, that this question, namely, whether they are States in the Union under the Constitution, or are Territories, is a mere abstraction—an idea of no practical importance. While I yield to none in the desire to secure practical good and avoid practical avil. I cannot forget that ideas rule the world. They are the spiritual forces which bring on wars, lead in revolutions, and underlie every great movement in the scientific, religious, and political world. I need go no further to find an instance than to this great rebellion against the United States.

Two radical ideas—radically false, however—brought on this civil war, which has cost this nation more than half a million lives and united millions of treasure.

First, that States had a right to seede: and, elecand, that slavery is a blessing.
The surrender of those two ideas by the South is now the basis of permanent peace.

Sir, this question, whether those States are still States in this Union under the Constitution, or not, is no vain abstraction, no idea without immediate, practical, and most grave consequences.

Is it of no practical consequence whether, to deal to the constitution of the surrender of the constitution and its assistance to make good that committal.

"Manufared of the plan which has shore been supposed of the blank with the action of Mr. Seward, Secretary of State, Mr. Chase, then Secretary of He Navy, Mr. Usher, Secretary of State, Mr. Chase, then Secretary of the Area, Mr. Bair, Mr. Welles, Secretary of State, Mr. Chase, then Secretary of the Navy, Mr. Usher, Secretary of State, Mr. Bair, Mr. B

The

National Republican.

WASHINGTON CITY, D. C., TUESDAY MORNING, APRIL 24, 1866.

his Union as follows:

6 To Musicappi

8 To Missouri

8 To Missouri

10 To Missouri

11 To New Hampshire.

12 To New Hampshire.

13 To Oblo.

14 To Oragon

6 To Panneylyania.

1 To Riso Island.

1 To To Hood Island.

2 To To Worth Carolina.

5 To To Worth Carolina.

5 To Towns.

6 To Panneylyania.

1 To Thode Island.

5 To Texas.

5 To Texas.

6 To Vermont.

10 To Vermont.

Having shown those States to be in the

To Alabama. To Arkansas. To California

ent are Published in this Paper by Authority of THE PRESIDENT.

First, I call to mind the language of President Lincoln's proclamation of December 8, 1863. In that he said:

Parts, I coult to mind the language of Freshield Lincoln's proclamation of December 8, 1863. In that he said:

"I do further proclaim, declare, and make known, that whenever, in any of the States of Arkansas, Texas, Louisians, Mississippi, Tennessee, Alabams, Georgia, Florida, South Carolina, one tenth in number of the votes cast in such State at the presidential election of the year of oir Lord 1860, each having taken the oath sforesaid and not having since violated it, and being a qualified roter by the election law of the State satisfing immediately before the so-called act of secassion, and excluding and others, shall be rescaled; and the state greenment which chall be republican, and in nowise contravening said oath, such shall be recognised as the trie government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that 'the United States shall guaranty to every State in this Union a republican form of government, and shall proceed each of them against invasion."

The policy thus announced was entered upon at once in the States of Louisiana, Tonnessee, and Arkansan. It received the unanimous support of every metaper of this Cabinet. While that great Ean was always open to conviction, and ready to hear the suggestions of others, as became more and more settled and arm in his convictions as to the wisdom Ea that policy from the date of that proclamation down to the very day of his de Ah.

The President protempore. The morning hear having expired, it becomes the duty of the Chair to call up the unfinished business of yeaterday, being the bill (S. No. 60) to enlarge the powers of the Freedmen's Bureau. Mr. Johnson. I move that the bill be postponed until to-morrow, in order to allow the Senator from Wisconsin to proceed with his remarks.

The motion was agreed to.

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the Senator from Wisconsin to proceed with
his remarks.

The motion was agreed to.
Mr. Doulitile. Sir, on the 11th of April
last he spoke to the people of Washington.
It was on the occasion of the illumination,
but three days before his assassination. The
great army of the rebellion had surrendered.
He had himself visited Richmond, where,
from the very house occupied by Jefferson
Davis, he had, from time to time, telegraphed
the gladdening news of victory upon victory,
to a rejoicing people. He had ceturned from
the chief seat of the rebellion to the capital
of the Union, bringing with him, as the spoils
of the Union, bringing with him, as the spoils
of the Union, bringing with him, as the spoils
of the Union, bringing with him, as the spoils
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of the Union, bringing with him, as the spoils
of the Union, bringing with him, as the spoils
of the Union, bringing before the prople to add to the general joy. Among other
things he said:

"We meet this evening, not in sorrow, but is

ple to add to the general joy. Among other things he said:

"We meet this evening, not in sorrow, but in gladness of heart. The evacuation of Peteraburg and Richmend, and the surrender of the principal insurgent army gave hope of a rightsous and speedy peace, whose joyous expression cannot be rastrained. In the midst of this, however, He from whom all bleesings flow must not be firgotten. A call for a national thanksgiving is being prepared, and will be duly promugated. Nor must thuse whose harder part gives us the cause of rejoicing be overtooked. Their honors must not be parceled unt with others. I myself was near the front, and had the high pleasure of transmitting much of the good news to you; but no part of the honor, for plan or execution, is mine. To General Grant, his skillful officers, and bewee men, all belongs."

"In the annual message of December, 1863, and accompanying prodlamation, I presented a plan of reconstruction, as the phrase goes; which I primited, if adopted by any State, should be acceptable to and suntained by the Executive Uovernment of the nation."

"This plan was, in advance, submitted to the them Cabinet, and distinctly approved by very primanber of it."

"Every primanber of it."

"Every primanber of it."

the Presiducy. And, as if to make the endorsement of this part of Mr. Linceln's policy more emphatic, Mr. Johnson was made in the policy more emphatic, Mr. Johnson was made in the more interest who had for a long time been engaged in the great work of reions a sirructing civil government in the State of Temnessee thou the basis of that policy. It was objected by some in that convention, as it is here, that Tennessee had no right to representation, but on motion of the distinguished ex-Senator from New York, Preston King, how no more, her delegates were admitted. One of her sons, in spite of the objection of Mr. Thaddens Stevens, that he was from a foreign State at war with the United States, and therefore an alien enemy, was nominated for Vice. President. By those nominated for Vice. President By those nominated for Vice President, By those nominated for Policy was sustained by the convention.

The election came on That policy, and

nominated for Vice President. By those nominations that policy was sustained by the convention.

The election came on. That policy, and the Administration that proclaimed it, and the convention which endorsed it, were sustained by the people of the United States.

Next to the great work of crushing the military power of the rebellion, this policy of reconstruction was dearer to Mr. Lincoln, and more cherished by him, than any other. No aconer had the burden of his soul been lifted, no sconer had the burden of his soul been lifted, no sconer had the bed the strength of the great army of the rebellion, than in the fulness and gladness of his soul he made haste to give to the people his views upon the next great theme, reconstruction. I have just read them in your hearing.

The Senator from Massachusetts may denounce them as puerile and wanting in statesthanship. But there they are, and there they will remain forever, the farewell address of Abraham Lincoln to the people of the United States upon this subject of reconstruction.

That Mr. Johnson, upon whom the office

of the United States upon this subject of reconstruction.

That Mr. Johnson, upon whom the office
of President fell, by the death of Mr. Lincoln, should, substantially, pursue the policy
begun by his predecessor, was, therefore, not
only natural, but, by the logic of events, almost a necessity. How could he do otherwise? Studienly, in a moment, as in the
twinkling of an eye, the load is thrown from
Mr. Lincoln's shoulders upon him; his great
responsibility, and his duty, and why not his
cherished policy? He was surrounded by
the same Cabinet. Who would expect them
to advise any other policy?

That policy had been fully entered upon,
and in some States the work really done.
Mr. Johnson had himself long been engaged
in that work, in siding Mr. Lincoln to realize
it in Tennessee. Besides, the convention at
Baltimore had sustained it. The great Union

in that work, in adding Mr. Lincoin to realize it in Tennessee. Besides, the convention at Baltimore had sustained it. The great Union party, which re-elected Mr. Lincoln as Pres-ident, and made Mr. Johnson Vice President, had endorsed it and sustained it triumphantly at the election.

Mr. Johnson could not abandon it without

at the election.

Mr. Johnson could not abandon it without reversing the policy of Mr. Lincoln's administration. That policy was advised by every member of his Cabinet, including, as I have stated, among other names, the very distinguished names of Mr. Seward, Mr. Stanton, and Mr. Welles, still members of the Cabinet, and of Mr. Chase, the Chief Justice, who, just from the bedside of the dying Tresident, administered to Mr. Johnson the oath of his high office. How could be recall that last speech and look upon the dead body of his prodecessor; how could be look in the faces of the Chief Justice, as he swore him into office, and of those men in the Cabinet, all of whom had approved every part and parcel of that policy, and upon whom alone he could then rely for counsel and support in the most trying and difficult crisis through which any man was ever called to pass; how, I repeat, could he look upon all those surroundings, and then deliberately abandon the cherished policy of Mr. Lincoln's administration, trample upon the advice of the old members of his Cabinet as well as of the Chief Lustice. and then deliberately abandon the cherished policy of Mr. Lincoln's administration, trample upon the advice of the old members of his Cabinet, as well as of the Chief Justice himself; abandon his well-known convictions of duty; falsify his own record and betray the great Union party which nominated and elected him, in the contingency which had happened, to be the President of the United States? Had he done so the whole country would have cried out against him, and with reason. In and out of Congress men might then have denounced him for betraying the public confidence, and especially for betraying the party which elected him. His Cabinet would have plead against it. The last great speech of Mr. Lincoln, like a voice from His grave, "an angel trumpettongued," would have plead against it. And more than all; the President would, in my judgment, is ready to betray the Union cause or the great measures of the Union and result the grounds occupied by Mr. Lincoln, and that a new war power should be placed that Mr. Johnson is substantially pursuing this policy, I return to the main question, and that Mr. Johnson is substantially pursuing this policy, I return to the main question, and that Mr. Johnson is substantially pursuing this policy, I return to the main question, and that Mr. Johnson is substantially pursuing this policy, I return to the main question, and that Mr. Johnson is substantially pursuing this policy, I return to the main question, and that Mr. Johnson is substantially pursuing the party which are the constitution beaute the great the grounds occupied by Mr. Lincoln, and that Mr. Johnson is substa

the third way, which, for brevity, I will call, with no disrespect to my honorable friend from Massachusetts, the Sunne way for States to go out of the Usios, namely, by act of Congress.

At the funeral ceremonies here, upon the death of Judge Collamer, he took occasion to announce his theory of disminon, awarding, in great measure, honor, if honor it be, to the deceased, of separating the rebel States from the Union.

I quote his words to the states of the collection of the

the Union.

I quote his words:

'The gines set of Jely 18, 1851, which gave to the war for the suppression of the rebellion its first of congressional snotion, and invested the President with new powers, was drawn by him. It was to that set is motion the great ban, not yet lifted, by which the rebellion its first of the words of the Union. This is a landmark in our history, and it might properly be known by the name of its author, as 'Collamer status.''

Upon such funeral occasions it belongs to each Senator to judge for himself what he shall say. It is a matter of taste. But one thing seems to me certain; whatever may be said at a funeral, it is no proper time to make a reply, and thus bring on debate. I, therefore, remained silent. I yield to no man in a profound regard for the memory and character of that really great and good man, Judge Collamer, and I intend now to do what my heart prompted me to do then, but which a sense of the drew, sid the Gongrets the status which he drew, sid the Gongrets which tinacted it, the President who approved it, as well as himself, from this charge, that this law has opened a way, or that he, or Congress, or the President intended to open a way by which any State could go out, or be thrust out, from this Union of States under the Constitution.

Sir, Congress, under the Constitution, has power to admit new States into this Union. Congress had no such power. He could not have intended to draw such an act without

man knew better than Judge Collamer that Congress had no such power. He could not have intended to draw such an act without violating his oath to support the Constitution. However lightly some may speak of the obligations of that oath, he was not one of those. He was a radical in the high and noble sense of the term, because he was radically right, radically firm, and radically true to his convictions toward God and toward

On the occasion he said:

"I do not know how other members of the Senate look upon the obligation of their oath to support the Constitution of the United States. To me it is an oath registered in heaven as well as upon earth, and there is no necessity that, in my estimation, will justify me in the breach of it. I think those mee who are now risking their lives upon the high places of the field to support the Constitution are not to be treated in this Hall by us with the concession that we are ready, if the necessity calls for it, to break it. All that our rebel encemies are engaged in is the overthrow of the Constitution, and all that we are contending for is its maintenance and preservation."

Now, I will not say that the Senator from Massachusetts in the form of seeming praise

and preservation."

Now, I will not say that the Senator from Massachusetts in the form of seeming praise intended to do any injustice to his name; it was rather to bring if possible, that great name to the support of his favorite theory. But the effect of what he said would, in my judgment, if accepted, be the greatest possible dishonor, that while Judge Collamer knew that the Constitution gave no right to the States to secede, and gave to Congress no power to expel them or to open a way for them to withdraw from the Union, he, in violation of his oath to support the Constitution, drew this act of July 13, 1861, for the purpose of shutting sleven great States and their ten million people out from this Union under the Constitution. And now, sir, let us look into that statute. It is the fifth section, if any, which clothes the President with this power to expel States from the Union.

How any such power can be found in the language of that section is to me beyond comprehension. The idea which inspired the pen that drew it, so far from being that those States were outside the Union or ought to be placed outside the Union owns alleriance States were in the Union, was directly the opposite, namely, that the people of those States were in the Union, was directly

remarks without interruption.

Mr. Sumner. I should like to remind the

Senator—
Mr. Doolittle. With all courtest to my honorable friend I must decline to give way, because I desire not to have the argument because I desire not to have the argument because I desire not to have the argument which I am making broken in upon. The Presiding Officer. The Senator from Wisconsin is entitled to the floor, and cannot

wisconsin is entitled to the floor, and cannot be interrupted without his consent.

Mr. Summer. I only want to say that my language was "shut out from the communion of the Union," not, "from the Union;" they could not be shut out from that.

The Presiding Officer. The Senator from Wisconsin is entitled to the floor, and will proceed.

proceed.

Mr. Doolittle. But, sir, I do not rest here.

proceed.

Mr. Doolittle. But, sir, I do not rest here. That statute was passed on the 13th of July, 1861, just about one week before the battle of Buil Run. We shall never forget that day! Our army, though successful in the morning, became panic-stricken in the after-noon, and came back upon Washington in disorder, utterly demoralized; and members of Congress, too, who went out exulting with "On to Richmond," upon their lips, to see a great victory, to witness "the races" of therebels, came fleeing home themselves from the field of disaster.

As soon after that battle as the members of Congress could conveniently assemble, in that hour of deep humiliation to us all, a resolution passed both Houses of Congress, by an almost unanimous vote, declaring our purpose in the prosecution of this war, and especially the determination of Congress in relation to the status and rights of the Southern States. In that hour of defeat, when humbled before the nations and before the Supreme Ruler of the world, Congress, almost unanimously in both Houses, declared. unanimously in both Houses, de-

"That this war is not presecuted upon our part in any spirit of oppression, nor for any purpose of conquest or sublogation, nor purpose of everthrowing or interfering with the rights or established institutions of those States, but to defend and mintain the suprement of the Constitution and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cases."

This, bear in mind, was after the passage of the Collamer statute, and within two weeks after. It is the later, the more some, and the more explicit declaration of the intention of Congress in carrying on the war. "That this war is not presecuted upon our part

rar. The Senator from Massachusetts says that war.

The Senator from Massachusetts says that statute intended to put eleven States out of this Union. Certainly the statute says no such thing. He must infer it. He rests upon inference only, while an resolution, twelve days afterward, in express terna declares the intention of Congress to keep them in the Union, "to preserve the Union with all the dignity, equality and rights of the several states unimpaired." By these words, and noise can be stronger, Congress in express terms excludes the probability of that inference. It does more: it rejects his whole theory of disunion. We expelled Bright, of Indiana, for writing a letter to Jefferson Davis, styling him "President of the Confederate States," thus, while a Senator, acknowledgin the escessionists in arms.

Had the Senator from Massachusetts, on the 26th of July, 1861, when we passed that resolution to which I have referred, as to the status of the southern States and the purpose of Congress in prosecuting the war to put does the instance in his place.

resolution to which I have referred, as to the status of the southern States and the purpose of Congress in prosecuting the war to put down the insurrection, risen in his place here and declared that the Union was dissolved; that Congress, by the Collamer statute, had put eleven of the States out of the Union; that the war was to be prosecuted for the purpose of conquering, holding, and governing those eleven States and ten million people, for an indefinite period of time, not as States under the Constitution, but as conquered provinces, and without representation; to be governed by the unlimited power of Congress, or by the sword, as Territories, I do not say that any action would have been taken against him personally, for his rights as a Senator would have been his protection; and, more than that, the sincerity of his motives and his unquestioned parriotism would have shelded him; but I do say that if he had then avowed that doctrine. say that if he had then avowed that doctrine, and been made amenable for the guilt of his theory, he would have been expelled from the Senate as a secossionist, at feast a dis-unionist; for certainly such a theory, an-nounced then, would have given aid and comfort to the robellion at home, and moral power to its friends abroad.

It will be remembered that resolution was

It will be remembered that resolution was offered in the Senate by Mr. Johnson, the present President of the United States, who was then, and for a long time afreeward remained, a Senator from the State of Tennessee, and that, too, long after the Collamer statute, according to the Senator's theory, bad placed Tennessee outside the Union. What! Tennessee represented in the Union what! Tennessee represented in the Union and at the same time outside the Union. and at the same time outside the Union !

But some may say that resolution passed Congress too soon after the battle of Bull Run to be taken as conclusive upon this

question.
I will refer to other acts of Congress if ossible still stronger. The Constitution says:

Representatives and direct taxes shall be ap-ortioned among the reveral States which may be reluded within this Union according to their re-

instalass within this Caim according to their repetitive numbers."

Under that authority, Congress, after the passage of the Collainer statute, did both—apportioned both direct taxes and Representatives among the several States, including the southern as well as the northern and western States of the Union. I read from the eighth section of the act of August, 1861: righth section of the act of August 100s.

"And be if further senseted, That a direct tax of \$20,000,000 be, and is hereby, annually laid upon the United States, and the same shall be, and is neerby, apportioned to the States expectively, and

124.	Provide the first to the first the provided the first transfer of
110	in manner following:
in	To the State of New Hampshire 213, 462 8654
	To the State of Vermont 211, 068 00
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via!	To the State of I hode Island 100, 863 00%
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	To the State of Pennsylvania J. 946, 719 3015
	To the State of Delaware, 74, 883 3315
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brought Charles I to the block. It proved to be a very sad mistake in those crowned heads thus to ignore this distinction between the State and its accidents, between the body politic itself and a mere form of government, when they, in their absolutism, assumed themselves to be the State.

This distinction, as it seems to me, is sometimes lost sight of among us, and is the occasion of differences of views on the subject of reconstruction. I may be pardoned, therefore, if I dwell still longer on this important point.

I have shown that in view of public law

fore, if I dwell still longer on this important point.

I have shown that in view of public law nothing can be more clear than that a State does not consist of the form of its government. That is one of its accidents. That may be democratic, aristocratic, or theocratic; it may be military, it may be republican, despotic, or monarchical. It may have any one of these forms, or a mixed one, and yet it is a State. It may change it government every year, as a tree casts off its foliage. The State no more consists of its form of government than a man consists of the garment with which he is clothed. He may change that every day, he may be stripped of any garment whatever; but still the man remains; and for a State to change its form, or, for the time being, to be stripped of all form of government, no more destroys its existence than is a man destroyed when he takes off one coat to put on another, or is stripped entirely of his garments.

Nor is a State destroyed by the declaration of martial law in it, nor by war, unless conquered by a foreign Power, or dismembered by revolution, and made into two or more States. To be invaded does not destroy it, if it expel the invader. To be torn by civil war, "and even drenched in fraternal blood," does not destroy it either, unless the final issue of arms shall be against it.

Take the case of Mexico: once a part of the Spanish empire; then a republic; then an ampire; again a republic; and then a military

Take the case of Mexico; once a part of the Spaniah empire; then a republic; then an empire; again a republic; and then a military dictatorship; once more a republic; in dan-ger now of being usurped by an Austrian monarch, under the protectorate of Napo-leon. But, under all these different forms of gov-

ernment, despotic, republican, military or imperial, it is the same State. Times with-out number it has been in civil war, in revoout number it has been in civil war, in revo-lution, almost in anarchy. Its existence as a State, however, still remains; and its rights as a State, among the nations, and especially to choose its own rulers and form of govern-ment, remain unimpaired. Let us now inquire what constitutes a State in this Union, under the Constitution? I an-

as States included within this Union is de-clared and acted upon.

[Once more, by the act of the 7th of June, 1862, amended as Inte as February, 1863. Congress, in the ninth section, provided that the tax commissioners in insurrectionary dis-tricts, after bidding in for the United States lands sold for unpaid taxes, should, in the name of the United States, enter upon and take possession of the same, and lease the same "until the said rebellion and insurrec-tion in said State shall be put down and the In this Union, under the Constitution? I answer, the same things which constitute a State not in this Union, except so far as its rights, powers, and sovereignty are limited by the Constitution of the United States. Under that, the United States has entire and absolute sovereignty over all external affairs; over all relations with foreign Powers. The United States has also paramount and absolute sovereignty over all internal affairs committed to it by the Constitution. The State has a limited sovereignty over its domestic affairs and interests. I say limited sovereignty, because an amendment to the Constitution of the United States, which three fourths of all the States can adopt at any time, will still further abridge the rights and powers reserved to the States, and thus give additional powers to the United States. Subject to these limitations, however, States in this Union have all the exemptial extribution attribution have all the exemptial extribution attribution attribu same "until the said rebellion and insurrec-tion in said State shall be put down, and the civil anthority of the United States estab-lished, and until the people of said State shall elect a Legislature and State officers, who shall take an oath to support the Con-stitution of the United States, to be an-nounced by the proclamation of the Presi-dent." And the twelfth section provides nounced by the proclamation of the President." And the twelfth section provides—
"That the proceeds of the said leases and sales shall be paid into the Treasury of the United States, one-fourth of which shall be paid over to the Guern of said State," * * * "when such insurrection shall be put down, and the people shall elect a Legislature and State officers who shall take an eath to support the Constitution of the United States, and such fact shall be proclaimed by the President, for the purpose of reimbursing the brates at said State may direct."

Congress here declares in these sections, not that the States are outside the Union, not that they have lest their rights in the Union, but recognizing the insurrection in these States, declares four things:

1. The intention of Congress to put down the insurrection and re-establish the civil authority in these States.

2. When the insurrection is put down the people of these States have the right to elect their Legislature, Governor, and State officers.

3. When the insurrection is put down the y take their each to support the Constitution of the United States, the President is, by law, required to issue his proclamation to that effect. And

4. After the issue of such proclamation, the Seoretry of the Tressury is required to pay over certain moneys to the Governon of the State, to be disposed of as the State and the summer.

That law is in force now; is still the superme law of the land. Its language demonstrates with complete certainty—a certainty which excludes all doubt—that, in the judgment of Congress, those eleven States are satill States in this Union under the Constitution.

Having shown those States to be in the additional powers to the United States. Sub-ject to these limitations, however, States in this Union have all the essential attributes, rights, and powers of States not in this Union. One of the limitations upon those rights is that it shall have no power to organize any State government not republican in form, while it may adopt any form of republican government. And the same distinction be-tween a State and its reovernment is clearly while it may adopt any form of republican government. And the same distinction between a State and its government is clearly recognized in the clause of the Constitution which provides that "the United Statesshall quaranty to every State in this Union a republican form of government." We see by this language a "State in this Union" is one thing; the form of its government another and different thing. Recognizing the right of a State, under the law of nations, to put on or put off its form of government, it was thought essential to the more perfect union of these States under the Constitution to restrict this power of the State over its form of government so far as to deny its right to put on any other than a republican one. And, therefore, when conspiracy and rebellion attempts it, or when usurpation succeeds in doing so, in any State in this Union, the Universe against such usurpation, and re-

of intervene against such usurpation, and restore to the State a republican form of State government.

And now, what are the facts? Two radical ideas in the cotton States—radically false, however—namely, that the States had a right to secede, and that slavery was a blessing, had been so long advocated by the statesmen, press, schools, and clergy of those States, that a large portion of their people, so them. These ideas became a part of their political and religious faith. That alone explains the desperate valor and obstinacy displayed by them in this struggle.

Those ideas, like a contagion, pervaded the cotton States, and took deep root in the States of North Carolina, Virginia, Tennesses. Arkansas, Missouri and Kentucky—not to the same extent, however—From conviction, by persuation, through sympathy, or fear, or force, many of the people—not a majority, however—of the Gulf States followed the lead of their chief conspirators, and were allunged by them headlong into rebellion. Most of the persons exercising the functionaries—from choice, force or interest, joined it also, and thereby the State governments, as organized, were dominated by the rebellion and Having shown those States to be in the Union under the Constitution, I now inquire, what is their true situation? What rights have they, and what duties devolve on them? To answer these important questions let us inquire what constitutes a State?

"A State, in the meaning of public law, is a complete or self-sufficient body of parsons united to gether in one community for the defence of their rights. It has affairs and interests, it deliberates, and becomes a moral person, having understanding and will, and is susceptible of obligations and laws."

All the great writers on public law agree in this.

"In a more limited sense the word State soms times expresses merely the positive or actual organization of the legislative, executive, or judicial powers, thus the actual Government is designated sometimes by the name of State."

This distinction between what constitutes This distinction between what constitutes

i powers; thus the actual Government is designated sometimes by the same of State.

This distinction between what constitutes a State in the meaning of public law, and the word State as sometimes used to designate the form of its government, is just as clear as the distinction between a man and the garment he wears. In the Declaration of Independence this great distinction between the State, the body political, which constitutes the State, and the form of its government, sand meating the word states are selected in the state of the people whose right is the state, and the form of government, sand matitute a new government, sand endeavored to establish a confederation of States, the beday politic, which constitutes the State, and maintained a new government, sand endeavored to establish a confederation of States, the people, the body politic, winstitute. The sportism semetimes treats the body-politic, the State, the people, as if the people will be proposed and the constitution. The rebellion appealed to the sword. Had state with its ruling organization. Not so make the Declaration of Independence, under our republican system. Here the form of government is but an agency to serve the state. Legislatures, judges, and executive officers are servants and not masters. I repeat, under the old despotism the form of government was organized to put all power in the monarch, who sometimes claimed to be the State itself. It was Louis XIV who said, "I Etat, c'est moil". I am the State. But the people of France, rus Syarz, despote the lead of their chief constitutions of State government—the functions of state government—the functions of the persons exercising the functions of the government, and endeavored to dist work. It was a usurpassed to the the state swell make the same time of the carth. As all these proceed-state, the constitution. The rebellion appealed to the sword. Had the rebellion been successful, it would have become an accomplished fact. State with its ruling organization. The shole of the carth, and maintai