

EDWARD JOHN PHELPS

EDWARD JOHN PHELPS, LL.D., an American jurist and diplomat, was born at Middlebury, Vt., July 11, 1822, and died at New Haven, Conn., March 9, 1900. He graduated at Middlebury College in 1840, and three years later was admitted to the Vermont Bar. In 1845, he removed to Burlington, Vt., and in 1851 was appointed second comptroller of the United States Treasury. In 1880, he was elected president of the American Bar Association and was nominated as Democratic Governor of Vermont, but failed of election. The following year he became Kent professor of law at Yale University. In 1885, he was appointed, as successor to Lowell, Minister to England and remained at the Court of St. James for five years. In 1893, he was one of the counsel of the United States Government in the court of arbitration in the Bering Sea controversy, where he served with distinction. On his return, he resumed his professorship of law at Yale, where his lectures were largely attended and added greatly to his reputation as an authority on constitutional and international law.

FAREWELL ADDRESS

MY LORD MAYOR, MY LORDS, AND GENTLEMEN,—I am sure you will not be surprised to be told that the poor words at my command do not enable me to respond adequately to your most kind greeting, nor the too flattering words which have fallen from my friend, the Lord Mayor, and from my distinguished colleague, the Lord Chancellor. But you will do me the justice to believe that my feelings are not the less sincere and hearty if I cannot put them into language. I am under a very great obligation to your Lordship not merely for the honor of meeting this evening an assembly more distinguished I apprehend than it appears to me has often assembled under one roof, but especially for the opportunity of meeting under such pleasant circumstances so many of those to whom I have become so warmly attached, and from whom I am so sorry to part.

It is rather a pleasant coincidence to me that about the first
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hospitality that was offered me after my arrival in England came from my friend, the Lord Mayor, who was at the time one of the sheriffs of London. I hope it is no disparagement to my countrymen to say that under existing circumstances the first place that I felt it my duty to visit was the Old Bailey criminal court. I had there the pleasure of being entertained by my friend, the Lord Mayor. And it happens also that it was in this room almost four years ago at a dinner given to her Majesty's judges by my friend, Sir Robert Fowler, then Lord Mayor, whose genial face I see before me, that I appeared for the first time on any public occasion in England and addressed my first words to an English company. It seems to me a fortunate propriety that my last public words should be spoken under the same hospitable roof, the home of the chief magistrate of the city of London. Nor can I ever forget the cordial and generous reception that was then accorded, not to myself personally, for I was altogether a stranger, but to the representative of my country. It struck what has proved to be the keynote of my relations here. It indicated to me at the outset how warm and hearty was the feeling of Englishmen toward America.

And it gave me to understand, what I was not slow to accept and believe, that I was accredited not merely from one government to the other, but from the people of America to the people of England — that the American minister was not expected to be merely a diplomatic functionary shrouded in reticence and retirement, jealously watching over doubtful relations, and carefully guarding against anticipated dangers; but that he was to be the guest of his kinsmen — one of themselves — the messenger of the sympathy and good will, the mutual and warm regard and esteem that bind together the two great nations of the same race, and make them one in all the fair

humanities of life. The suggestion that met me at the threshold has not proved to be mistaken. The promise then held out has been generously fulfilled. Ever since and through all my intercourse here I have received, in all quarters, from all classes with whom I have come in contact, under all circumstances and in all vicissitudes, a uniform and widely varied kindness far beyond what I had personally the least claim to. And I am glad of this public opportunity to acknowledge it in the most emphatic manner.

My relations with the successive governments I have had to do with have been at all times most fortunate and agreeable, and quite beyond those I have been happy in feeling always that the English people had a claim upon the American minister for all kind and friendly offices in his power, and upon his presence and voice on all occasions when they could be thought to further any good work.

And so I have gone in and out among you these four years and have come to know you well. I have taken part in many gratifying public functions; I have been the guest at many homes; and my heart has gone out with yours in memorable jubilee of that sovereign lady whom all Englishmen love and all Americans honor. I have stood with you by some forgotten grave; I have shared in many joys; and I have tried as well as I could through it all, in my small way, to promote constantly a better understanding, a fuller and more accurate knowledge, a more genuine sympathy between the people of the two countries.

And this leads me to say a word on the nature of these relations. The moral intercourse between the governments is most important to be maintained, and its value is not to be overlooked or disregarded. But the real significance of the attitude of nations depends in these days upon the feelings

which the general intelligence of their inhabitants entertain toward each other. The time has long passed when kings or rulers can involve their nations in hostilities to gratify their own ambition or caprice. There can be no war nowadays between civilized nations, nor any peace that is not hollow and delusive unless sustained and backed up by the sentiment of the people who are parties to it. Before nations can quarrel their inhabitants must seek war. The men of our race are not likely to become hostile until they begin to misunderstand each other. There are no dragon's teeth so prolific as mutual misunderstandings. It is in the great and constantly increasing intercourse between England and America, in its reciprocities, and its amenities, that the security against misunderstanding must be found. While that continues, they cannot be otherwise than friendly. Unlucky incidents may sometimes happen; interests may conflict; mistakes may be made on one side or on the other, and sharp words may occasionally be spoken by unguarded or ignorant tongues. The man who makes no mistakes does not usually make anything. The nation that comes to be without fault will have reached the millenium, and will have little further concern with the storm-swept geography of this imperfect world. But these things are all ephemeral; they do not touch the great heart of either people; they float for a moment on the surface and in the wind, and then they disappear and are gone—"in the deep bosom of the ocean buried."

I do not know, sir, who may be my successor, but I venture to assure you that he will be an American gentleman, fit by character and capacity to be the medium of communication between our countries; and an American gentleman, when you come to know him, generally turns out to be a not

very distant kinsman of an English gentleman. I need not bespeak for him a kindly reception. I know he will receive it for his country's sake and his own.

"Farewell," sir, is a word often lightly uttered and readily forgotten. But when it marks the rounding-off and completion of a chapter in life, the severance of ties many and cherished, of the parting with many friends at once — especially when it is spoken among the lengthening shadows of the western light — it sticks somewhat in the throat. It becomes, indeed, "the word that makes us linger." But it does not prompt many other words. It is best expressed in few. Not much can be added to the old English word "Good-by." You are not sending me away empty-handed or alone. I go freighted with happy memories — inexhaustible and unalloyed — of England, its warm-hearted people, and their measureless kindness. Spirits more than twain will cross with me, messengers of your good will. Happy the nation that can thus speed its parting guest! Fortunate the guest who has found his welcome almost an adoption, and whose farewell leaves half his heart behind!

PRESIDENT HAYES



RUFUS BIRCHARD HAYES, nineteenth President of the United States, was born at Delaware, O., Oct. 4, 1822, and died at Fremont, O., Jan. 17, 1893. Educated at Kenyon College, he studied law at Harvard University and began the practice of his profession at Fremont, O., removing in 1849 to Cincinnati, where he was for three years city solicitor. In June, 1861, he entered the Federal army as major of an Ohio regiment and served in many engagements, being wounded at the battle of South Mountain. He resigned from the army four years afterwards with the rank of brevet major-general. He entered Congress towards the close of 1865, resigning his seat, however, in 1867 to become Governor of Ohio. He held this office for two terms, and after being defeated as a congressional candidate in 1872 was in 1875 elected Governor of Ohio for a third term. In 1876, he was nominated by the Republican party as their candidate for the Presidency, Samuel Tilden being the Democratic candidate. The campaign resulted in a disputed election, the entire electoral votes of South Carolina, Florida, and Louisiana, and one of those of Oregon, being claimed by both sides. To settle the dispute, an Electoral Commission was appointed, which on March 2, 1877, announced that Hayes had been elected. President Hayes's administration was not a notable, though a dignified one, and his choice of ministers to foreign courts was excellent. At the close of his four years of office, he retired to Fremont, O., where he died in his seventy-first year.

CAMPAIGN SPEECH

DELIVERED AT LEBANON, OHIO, AUGUST 5, 1867

THE military bill and amendments are peace-offerings. We should accept them as such, and place ourselves upon them as the starting point from which to meet future political issues as they arise.

"Like other southern men, I naturally sought alliance with the Democratic party, merely because it was opposed to the Republican party. But, as far as I can judge, there is nothing tangible about it, except the issues that were staked upon the war and lost. Finding nothing to take hold of except prejudice, which cannot be worked into good for any one,
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it is proper and right that I should seek some standpoint from which good may be done."

Quotations like these from prominent Democratic politicians, from rebel soldiers, and from influential rebel newspapers, might be multiplied indefinitely. Enough have been given to show how completely and how exactly the Reconstruction Acts have met the evil to be remedied in the South. My friend, Mr. Hassaurek, in his admirable speech at Columbus, did not estimate too highly the fruits of these measures. Said he:

"And, sir, this remedy at once effected the desired cure. The poor contraband is no longer the persecuted outlaw whom incurable rebels might kick and kill with impunity; but he at once became 'our colored fellow citizen,' in whose well-being his former master takes the liveliest interest. Thus, by bringing the negro under the American system, we have completed his emancipation. He has ceased to be a pariah. From an outcast he has been transformed into a human being, invested with the great national attribute of self-protection, and the re-establishment of peace, and order, and security, the revival of business and trade, and the restoration of the southern States on the basis of loyalty and equal justice to all, will be the happy results of this astonishing metamorphosis, provided the party which has inaugurated this policy remains in power to carry it out."

The Peace Democracy generally throughout the North oppose this measure. In Ohio they oppose it especially because it commits the people of the nation in favor of manhood suffrage. They tell us that if it is wise and just to entrust the ballot to colored men in the District of Columbia, in the Territories, and in the rebel States, it is also just and wise that they should have it in Ohio and in the other States of the North.

Union men do not question this reasoning, but if it is

urged as an objection to the plan of Congress, we reply: There are now within the limits of the United States about five millions of colored people. They are not aliens or strangers. They are here not by the choice of themselves or of their ancestors. They are here by the misfortune of their fathers and the crime of ours. Their labor, privations, and sufferings, unpaid and unrequited, have cleared and redeemed one third of the inhabited territory of the Union. Their toil has added to the resources and wealth of the nation untold millions. Whether we prefer it or not, they are our countrymen, and will remain so forever.

They are more than countrymen — they are citizens. Free colored people were citizens of the colonies. The constitution of the United States, formed by our fathers, created no disabilities on account of color. By the acts of our fathers and of ourselves, they bear equally the burdens and are required to discharge the highest duties of citizens. They are compelled to pay taxes and to bear arms. They fought side by side with their white countrymen in the great struggle for independence, and in the recent war for the Union. In the revolutionary contest, colored men bore an honorable part, from the Boston massacre, in 1770, to the surrender of Cornwallis, in 1781. Bancroft says: "Their names may be read on the pension rolls of the country side by side with those of other soldiers of the revolution."

In the war of 1812, General Jackson issued an order complimenting the colored men of his army engaged in the defence of New Orleans. I need not speak of their number enrolled and accepted them among her defenders to the or of their services in the war of the rebellion. The nation number of about two hundred thousand, and in the new regular army act, passed at the close of the rebellion, by the

votes of Democrats and Union men alike, in the Senate and in the House, and by the assent of the President, regiments of colored men, cavalry and infantry, form part of the standing army of the Republic.

In the navy, colored American sailors have fought side by side with white men from the days of Paul Jones to the victory of the "Kearsarge" over the rebel pirate "Alabama." Colored men will, in the future as in the past, in all times of national peril, be our fellow soldiers. Taxpayers, countrymen, fellow citizens, and fellow soldiers, the colored men of America have been and will be. It is now too late for the adversaries of nationality and human rights to undertake to deprive these taxpayers, freemen, citizens, and soldiers of the right to vote.

Slaves were never voters. It was bad enough that our fathers, for the sake of union, were compelled to allow masters to reckon three fifths of their slaves for representation, without adding slave suffrage to the other privileges of the slaveholder. But free colored men were always voters in many of the colonies, and in several of the States, North and South, after independence was achieved. They voted for members of the Congress which declared independence, and for members of every Congress prior to the adoption of the federal constitution; for the members of the convention which framed the constitution; for the members of many of the State conventions which ratified it, and for every president from Washington to Lincoln.

Our government has been called the white man's government. Not so. It is not the government of any class, or sect, or nationality, or race. It is a government founded on the consent of the governed, and Mr. Broomall, of Pennsylvania, therefore properly calls it "the government of the

governed." It is not the government of the native born, or of the foreign born, of the rich man, or of the poor man, of the white man, or of the colored man — it is the government of the freeman. And when colored men were made citizens, soldiers, and freemen, by our consent and votes, we were estopped from denying to them the right of suffrage.

General Sherman was right when he said, in his Atlanta letter, of 1864: "If you admit the negro to this struggle for any purpose, he has a right to stay in for all; and, when the fight is over, the hand that drops the musket cannot be denied the ballot."

Even our adversaries are compelled to admit the Jeffersonian rule, that "the man who pays taxes and who fights for the country is entitled to vote."

Mr. Pendleton, in his speech against the enlistment of colored soldiers, gave up the whole controversy. He said: "Gentlemen tell us that these colored men are ready, with their strong arms and their brave hearts, to maintain the supremacy of the constitution, and to defend the integrity of the Union, which in our hands to-day is in peril. What is that constitution? It provides that every child of the Republic, every citizen of the land is before the law the equal of every other. It provides for all of them trial by jury, free speech, free press, entire protection for life and liberty and property. It goes further. It secures to every citizen the right of suffrage, the right to hold office, the right to aspire to every office or agency by which the government is carried on. Every man called upon to do military duty, every man required to take up arms in its defence, is by its provisions entitled to vote, and a competent aspirant for every office in the government."

The truth is, impartial manhood suffrage is already prac-

tically decided. It is now merely a question of time. In the eleven rebel States, in five of the New England States, and in a number of the northwestern States, there is no organized party able to successfully oppose impartial suffrage. The Democratic party of more than half of the States are ready to concede its justice and expediency. The "Boston Post," the able organ of the New England Democracy, says:

"Color ought to have no more to do with the matter (voting) than size. Only establish a right standard, and then apply it impartially. A rule of that sort is too firmly fixed in justice and equality to be shaken. It commends itself too clearly to the good sentiment of the entire body of our countrymen to be successfully traversed by objections. Once let this principle be fairly presented to the people of the several States, with the knowledge on their part that they alone are to have the disposal and settlement of it, and we sincerely believe it would not be long before it would be adopted by every State in the Union."

The New York "World," the ablest Democratic newspaper in the Union, says:

"Democrats in the North, as well as the South, should be fully alive to the importance of the new element thrust into the politics of the country. We suppose it to be morally certain that the new constitution of the State of New York, to be framed this year, will confer the elective franchise upon all adult male negroes. We have no faith in the success of any efforts to shut the negro element out of politics. It is the part of wisdom frankly to accept the situation, and get beforehand with the Radicals in gaining an ascendancy over the negro mind."

The Chicago "Times," the influential organ of the northwestern Democracy, says:

"The word 'white' is not found in any of the original constitutions, save only that of South Carolina. In every

other State negroes, who possessed the qualifications that were required impartially of all men, were admitted to vote, and many of that race did vote, in the southern as well as in the northern States. And, moreover, they voted the Democratic ticket, for it was the Democratic party of that day which affirmed their right in that respect upon an impartial basis with white men. All Democrats cannot, even at this day, have forgotten the statement of General Jackson, that he was supported for the presidency by negro voters in the State of Tennessee.

"The doctrine of impartial suffrage is one of the earliest and most essential doctrines of Democracy. It is the affirmation of the right of every man who is made a partaker of the burdens of the State to be represented by his own consent or vote in its government. It is the first principle upon which all true republican government rests. It is the basis upon which the liberties of America will be preserved, if they are preserved at all. The Democratic party must return from its driftings, and stand again upon the immutable rock of principles."

In Ohio the leaders of the Peace Democracy intend to carry on one more campaign on the old and rotten platform of prejudice against colored people. They seek in this way to divert attention from the record they made during the war of the rebellion. But the great facts of our recent history are against them. The principles of the fathers, reason, religion, and the spirit of the age are against them.

The plain and monstrous inconsistency and injustice of excluding one seventh of our population from all participation in a government founded on the consent of the governed in this land of free discussion is simply impossible. No such absurdity and wrong can be permanent. Impartial suffrage will carry the day. No low prejudice will long be able to induce American citizens to deny to a weak people their best means of self-protection for the unmanly reason that they are weak. Chief Justice Chase expressed the true sentiment

when he said "the American nation cannot afford to do the smallest injustice to the humblest and feeblest of her children."

Much has been said of the antagonism which exists between the different races of men. But difference of religion, difference of nationality, difference of language, and difference of rank and privileges are quite as fruitful causes of antagonism and war as difference of race. The bitter strifes between Christians and Jews, between Catholics and Protestants, between Englishmen and Irishmen, between aristocracy and the masses, are only too familiar. What causes increase and aggravate these antagonisms, and what are the measures which diminish and prevent them ought to be equally familiar. Under the partial and unjust laws of the nations of the Old World men of one nationality were allowed to oppress those of another; men of one faith had rights which were denied to men of a different faith; men of one rank or caste enjoyed special privileges which were not granted to men of another. Under these systems peace was impossible and strife perpetual. But under just and equal laws in the United States, Jews, Protestants, and Catholics, Englishmen and Irishmen, the former aristocrat and the masses of the people, dwell and mingle harmoniously together. The uniform lesson of history is that unjust and partial laws increase and create antagonism, while justice and equality are the sure foundation of prosperity and peace.

Impartial suffrage secures also popular education. Nothing has given the careful observer of events in the South more gratification than the progress which is there going on in the establishment of schools. The colored people, who as slaves were debarred from education, regard the right to learn as one of the highest privileges of freemen. The ballot gives

them the power to secure that privilege. All parties and all public men in the South agree that, if colored men vote, ample provision must be made in the reorganization of every State for free schools. The ignorance of the masses, whites as well as blacks, is one of the most discouraging features of southern society. If congressional reconstruction succeeds, there will be free schools for all. The colored people will see that their children attend them. We need indulge in no fears that the white people will be left behind. Impartial suffrage, then, means popular intelligence; it means progress; it means loyalty; it means harmony between the North and the South, and between the whites and the colored people.

The Union party believes that the general welfare requires that measures should be adopted which will work great change in the South. Our adversaries are accustomed to talk of the rebellion as an affair which began when the rebels attacked Fort Sumter in 1861, and which ended when Lee surrendered to Grant in 1865. It is true that the attempt by force of arms to destroy the United States began and ended during the administration of Mr. Lincoln. But the causes, the principles, and the motives which produced the rebellion are of an older date than the generation which suffered from the fruit they bore, and their influence and power are likely to last long after that generation passes away. Ever since armed rebellion failed, a large party in the South have struggled to make participation in the rebellion honorable and loyalty to the Union dishonorable. The lost cause with them is the honored cause. In society, in business, and in politics, devotion to treason is the test of merit, the passport to preferment. They wish to return to the old state of things — an oligarchy of race and the sovereignty of States.

To defeat this purpose, to secure the rights of man, and to perpetuate the national Union, are the objects of the congressional plan of reconstruction. That plan has the hearty support of the great generals (so far as their opinions are known) — of Grant, of Thomas, of Sheridan, of Howard — who led the armies of the Union which conquered the rebellion. The statesmen most trusted by Mr. Lincoln and by the loyal people of the country during the war also support it. The supreme court of the United States, upon formal application and after solemn argument, refuse to interfere with its execution. The loyal press of the country, which did so much in the time of need to uphold the patriot cause, without exception, are in favor of the plan.

In the South, as we have seen, the lessons of the war and the events occurring since the war have made converts of thousands of the bravest and of the ablest of those who opposed the national cause. General Longstreet, a soldier second to no living corps commander of the rebel army, calls it "a peace-offering," and advises the South in good faith to organize under it. Unrepentant rebels and unconverted Peace Democrats oppose it, just as they opposed the measures which destroyed slavery and saved the nation.

Opposition to whatever the nation approves seems to be the policy of the representative men of the Peace Democracy. Defeat and failure comprise their whole political history. In laboring to overthrow reconstruction they are probably destined to further defeat and further failure. I know not how it may be in other States, but if I am not greatly mistaken as to the mind of the loyal people of Ohio, they mean to trust power in the hands of no man who, during the awful struggle for the nation's life, proved unfaithful to the cause of liberty and of Union. They will continue to exclude from

the administration of the government those who prominently opposed the war, until every question arising out of the rebellion relating to the integrity of the nation and to human rights shall have been firmly settled on the basis of impartial justice.

They mean that the State of Ohio, in this great progress, "whose leading object is to elevate the condition of men, to lift artificial weights from all shoulders, to clear the paths of laudable pursuits for all, to afford all an unfettered start and a fair chance in the race of life," shall tread no step backward.

Penetrated and sustained by a conviction that in this contest the Union party of Ohio is doing battle for the right, I enter upon my part of the labors of the canvass with undoubting confidence that the goodness of the cause will supply the weakness of its advocates, and command in the result that triumphant success which I believe it deserves.