

prevailed in Montreal and westward before and at the election of 1857; I felt that someone must condone the past, and I determined, so far as I could be supposed to represent your principles, to lead the way. I tried to allay irritated feeling, and I hope not altogether without success.

We have a country, which, being the land of our choice, should also have our first consideration. I know, and you know, that I can never cease to regard with an affection which amounts almost to idolatry the land where I spent my best, my first years, where I obtained the partner of my life, and where my first-born saw the light. I cannot but regard that land even with increased love because she has not been prosperous.

Yet I hold we have no right to intrude our Irish patriotism on this soil; for our first duty is to the land where we live and have fixed our homes, and where, while we live, we must find the true sphere of our duties. While always ready therefore to say the right word, and to do the right act for the land of my forefathers, I am bound above all to the land where I reside; and especially am I bound to put down, so far as one humble layman can, the insensate spread of a strife which can only tend to prolong our period of provincialism and make the country an undesirable home for those who would otherwise willingly cast in their lot among us. We have acres enough; powers mechanical and powers natural; and sources of credit enough to make out of this Province a great nation, and though I wish to commit no one to my opinion, I trust that it will not only be so in itself, but will one day form part of a greater British North American State, existing under the sanction and in perpetual alliance with the empire, under which it has its rise and growth.

## GEORGE H. PENDLETON



GEORGE HUNT PENDLETON, an American politician and diplomat, was born at Cincinnati, O., July 25, 1825, and died at Brussels, Belgium, Nov. 24, 1889. He was educated at the University of Heidelberg, and on his return to the United States studied law and was admitted to the Cincinnati Bar. In 1854, he began his public life as State senator, and in 1856 became Democratic representative to Congress. While in Congress he served on a number of important committees, and in 1864 was candidate for Vice-president on the Democratic ticket with George B. McClellan. In 1866, he was a member of the Philadelphia Loyalist Convention, and three years later an unsuccessful candidate for the governorship of Ohio. About this time he took part in advocating a scheme for the payment of bonds in greenbacks. He was elected United States Senator in 1878, and while in the Senate procured the passage of the Civil Service Law, but his warm support of this reform prevented his reelection to Congress. In 1885, he was appointed minister to Belgium, and died at Brussels while serving in this capacity. Senator Pendleton married a daughter of Francis Scott Key.

### ON RECONSTRUCTION; THE DEMOCRATIC THEORY

HOUSE OF REPRESENTATIVES, MAY 4, 1864

THE gentleman [Mr. Davis of Maryland] maintains two propositions, which lie at the very basis of his views on this subject. He has explained them to the House, and enforced them on other occasions. He maintains that, by reason of their secession, the seceded States and their citizens "have not ceased to be citizens and States of the United States, though incapable of exercising political privileges under the constitution, but that Congress is charged with a high political power by the constitution to guarantee republican government in the States, and that this is the proper time and the proper mode of exercising it." This act of revolution on the part of the seceding States has evoked the most extraordinary theories upon the relations of the

States to the Federal government. This theory of the gentleman is one of them.

The ratification of the constitution by Virginia established the relations between herself and the Federal government; it created the link between her and all the States; it announced her assumption of the duties, her title to the rights, of the confederating States; it proclaimed her interest in, her power over, her obedience to, the common agent of all the States. If Virginia had never ordained that ratification, she would have been an independent State; the constitution would have been as perfect and the union between the ratifying States would have been as complete as they now are.

Virginia repeals that ordinance, annuls that bond of union, breaks that link of confederation. She repeals but a single law, repeals it by the action of a sovereign convention, leaves her constitution, her laws, her political and social polity untouched. And the gentleman from Maryland tells us that the effect of this repeal is not to destroy the vigor of that law, but to subvert the State government, and to render the citizens "incapable of exercising political privileges;" that the Union remains, but that one party to it has thereby lost its corporate existence, and the other has advanced to the control and government of it.

Sir, this cannot be. Gentlemen must not palter in a double sense.

These acts of secession are either valid or invalid. If they are valid, they separated the State from the Union. If they are invalid, they are void; they have no effect; the State officers who act upon them are rebels to the Federal government; the States are not destroyed; their constitutions are not abrogated; their officers are committing illegal acts, for which they are liable to punishment; the States have never

left the Union, but, as soon as their officers shall perform their duties or other officers shall assume their places, will again perform the duties imposed and enjoy the privileges conferred by the Federal compact, and this not by virtue of a new ratification of the constitution, nor a new admission by the Federal government, but by virtue of the original ratification, and the constant, uninterrupted maintenance of position in the Federal Union since that date.

Acts of secession are not invalid to destroy the Union, and valid to destroy the State governments and the political privileges of their citizens. We have heard much of the twofold relations which citizens of the seceded States may hold to the Federal government — that they may be at once belligerents and rebellious citizens. I believe there are some judicial decisions to that effect. Sir, it is impossible. The Federal government may possibly have the right to elect in which relation it will deal with them; it cannot deal at one and the same time in inconsistent relations.

Belligerents, being captured, are entitled to be treated as prisoners of war; rebellious citizens are liable to be hanged. The private property of belligerents, according to the rules of modern war, shall not be taken without compensation; the property of rebellious citizens is liable to confiscation. Belligerents are not amenable to the local criminal law, nor to the jurisdiction of the courts which administer it; rebellious citizens are, and the officers are bound to enforce the law and exact the penalty of its infraction. The seceded States are either in the Union or out of it. If in the Union, their constitutions are untouched, their State governments are maintained, their citizens are entitled to all political rights, except so far as they may be deprived of them by the criminal law which they have infringed.

This seems incomprehensible to the gentleman from Maryland. In his view, the whole State government centres in the men who administer it, so that, when they administer it unwisely, or put it in antagonism to the Federal government, the State government is dissolved, the State constitution is abrogated, and the State is left, in fact and in form, *de jure* and *de facto*, in anarchy, except so far as the Federal government may rightfully intervene. This seems to be substantially the view of the gentleman from Massachusetts [Mr. Boutwell]. He enforces the same position, but he does not use the same language. I submit that these gentlemen do not see with their usual clearness of vision. If, by a plague or other visitation of God, every officer of a State government should at the same moment die, so that not a single person clothed with official power should remain, would the State government be destroyed? Not at all. For the moment it would not be administered; but as soon as officers were elected and assumed their respective duties it would be instantly in full force and vigor.

If these States are out of the Union, their State governments are still in force, unless otherwise changed; their citizens are to the Federal government as foreigners, and it has in relation to them the same rights, and none other, as it had in relation to British subjects in the war of 1812, or to the Mexicans in 1846. Whatever may be the true relation of the seceding States, the Federal government derives no power in relation to them or their citizens from the provision of the constitution now under consideration, but, in the one case, derives all its power from the duty of enforcing the "supreme law of the land," and in the other, from the power "to declare war."

The second proposition of the gentleman from Maryland

is this — I use his language: "That clause vests in the Congress of the United States a plenary, supreme, unlimited political jurisdiction, paramount over courts, subject only to the judgment of the people of the United States, embracing within its scope every legislative measure necessary and proper to make it effectual; and what is necessary and proper the constitution refers in the first place to our judgment, subject to no revision but that of the people."

The gentleman states his case too strongly. The duty imposed on Congress is doubtless important, but Congress has no right to use a means of performing it forbidden by the constitution, no matter how necessary or proper it might be thought to be. But, sir, this doctrine is monstrous. It has no foundation in the constitution. It subjects all the States to the will of Congress; it places their institutions at the feet of Congress. It creates in Congress an absolute, unqualified despotism. It asserts the power of Congress in changing the State governments to be "plenary, supreme, unlimited," "subject only to revision by the people of the United States." The rights of the people of the State are nothing; their will is nothing. Congress first decides; the people of the whole Union revise. My own State of Ohio is liable at any moment to be called in question for her constitution. She does not permit negroes to vote. If this doctrine be true, Congress may decide that this exclusion is anti-republican, and by force of arms abrogate that constitution and set up another, permitting negroes to vote. From that decision of Congress there is no appeal to the people of Ohio, but only to the people of New York and Massachusetts and Wisconsin, at the election of representatives, and, if a majority cannot be elected to reverse the decision, the people of Ohio must submit. Woe be to the day when that doctrine shall be established,

for from its centralized despotism we will appeal to the sword!

Sir, the rights of the States were the foundation corners of the confederation. The constitution recognized them, maintained them, provided for their perpetuation. Our fathers thought them the safeguard of our liberties. They have proved so. They have reconciled liberty with empire; they have reconciled the freedom of the individual with the increase of our magnificent domain. They are the test, the touchstone, the security of our liberties. This bill, and the avowed doctrine of its supporters, sweeps them all instantly away. It substitutes despotism for self-government—despotism the more severe because vested in a numerous Congress elected by a people who may not feel the exercise of its power. It subverts the government, destroys the confederation, and erects a tyranny on the ruins of republican governments. It creates unity—it destroys liberty; it maintains integrity of territory, but destroys the rights of the citizen.

Sir, if this be the alternative of secession I prefer that secession should succeed. I should prefer to have the Union dissolved, the Confederate States recognized; nay, more, I should prefer that secession should go on, if need be, until each State resumes its complete independence. I should prefer thirty-four republics to one despotism. From such republics, while I might fear discord and wars, I would enjoy individual liberty, and hope for a reunion on the true principles of confederation.

## LUCIUS Q. C. LAMAR



LUCIUS QUINTUS CINCINNATUS LAMAR, an American jurist, son of a Georgia jurist, was born in Jasper Co., Ga., Sept. 1, 1825, and died at Macon, Ga., Jan. 23, 1893. He was educated at Emory College in his native State, studied law, and in 1847 was admitted to the Bar. For a short time he taught mathematics in the University of Mississippi, and then settling in Covington, Ga., practiced his profession there for a few years. He sat in the Georgia legislature in 1853 and then returned to Mississippi and in 1857 entered Congress as representative from that State. Resigning his seat after the ordinance of secession was passed by Mississippi, he entered the Confederate army as colonel of a Mississippi regiment. After the close of the war, he became a professor of political economy in the State University, but at length resigned this post, and in 1872 was elected to Congress, serving as representative till 1877, when he entered the Senate. Though not a frequent speaker in Congress, he was always eloquent and effective. In March, 1885, he was appointed secretary of the interior in President Cleveland's cabinet, resigning in 1888 in order to become an associate-justice of the Supreme Court of the United States. Lamar was a man of much independence politically. On one occasion his uncompromising stand against inflation of the national currency gave great offence in his State, the legislature of which instructed him to use his influence and vote against the principles he had hitherto held or resign his seat. Lamar refused to do either, and, justifying his position in an eloquent speech before the Senate, received the approbation of men of both parties. Among other noted oratorical efforts of his may be cited his eulogy of Charles Sumner, here appended.

### EULOGY OF CHARLES SUMNER

DELIVERED IN THE UNITED STATES HOUSE OF REPRESENTATIVES,  
APRIL 27, 1874

**M**R. SPEAKER,—In rising to second the resolutions just offered, I desire to add a few remarks which have occurred to me as appropriate to the occasion.

I believe that they express a sentiment which pervades the hearts of all the people whose representatives are here assembled. Strange as in looking back upon the past the assertion may seem, impossible as it would have been ten