CHESTERTON CECIL

A HISTORY OF THE UNITED STATES

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Содержание

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" … O more than my brother, how shall I thank thee for all?
Each of the heroes around us has fought for his house and his line,
But thou hast fought for a stranger in hate of a wrong not thine.
Happy are all free peoples too strong to be dispossessed,
But happiest those among nations that dare to be strong for the rest."

– Elizabeth Barrett Browning.

INTRODUCTION

The author of this book, my brother, died in a French military hospital of the effects of exposure in the last fierce fighting that broke the Prussian power over Christendom; fighting for which he had volunteered after being invalided home. Any notes I can jot down about him must necessarily seem jerky and incongruous; for in such a relation memory is a medley of generalisation and detail, not to be uttered in words. One thing at least may fitly be said here. Before he died he did at least two things that he desired. One may seem much greater than

the other; but he would not have shrunk from naming them together. He saw the end of an empire that was the nightmare of the nations; but I believe it pleased him almost as much that he had been able, often in the intervals of bitter warfare and by the aid of a brilliant memory, to put together these pages on the history, so necessary and so strangely neglected, of the great democracy which he never patronised, which he not only loved but honoured.

Cecil Edward Chesterton was born on November 12, 1879; and there is a special if a secondary sense in which we may use the phrase that he was born a fighter. It may seem in some sad fashion a flippancy to say that he argued from his very cradle. It is certainly, in the same sad fashion, a comfort, to remember one truth about our relations: that we perpetually argued and that we never quarrelled. In a sense it was the psychological truth, I fancy, that we never quarrelled because we always argued. His lucidity and love of truth kept things so much on the level of logic, that the rest of our relations remained, thank God, in solid sympathy; long before that later time when, in substance, our argument had become an agreement. Nor, I think, was the process valueless; for at least we learnt how to argue in defence of our agreement. But the retrospect is only worth a thought now, because it illustrates a duality which seemed to him, and is, very simple; but to many is baffling in its very simplicity. When I say his weapon was logic, it will be currently confused with formality or even frigidity: a silly superstition always pictures

the logician as a pale-faced prig. He was a living proof, a very living proof, that the precise contrary is the case. In fact it is generally the warmer and more sanguine sort of man who has an appetite for abstract definitions and even abstract distinctions. He had all the debating dexterity of a genial and generous man like Charles Fox. He could command that more than legal clarity and closeness which really marked the legal arguments of a genial and generous man like Danton. In his wonderfully courageous public speaking, he rather preferred being a debator to being an orator; in a sense he maintained that no man had a right to be an orator without first being a debater. Eloquence, he said, had its proper place when reason had proved a thing to be right, and it was necessary to give men the courage to do what was right. I think he never needed any man's eloquence to give him that. But the substitution of sentiment for reason, in the proper place for reason, affected him "as musicians are affected by a false note." It was the combination of this intellectual integrity with extraordinary warmth and simplicity in the affections that made the point of his personality. The snobs and servile apologists of the *régime* he resisted seem to think they can atone for being hard-hearted by being soft-headed. He reversed, if ever a man did, that relation in the organs. The opposite condition really covers all that can be said of him in this brief study; it is the clue not only to his character but to his career.

If rationalism meant being rational (which it hardly ever does) he might at every stage of his life be called a red-hot rationalist.

Thus, for instance, he very early became a Socialist and joined the Fabian Society, on the executive of which he played a prominent part for some years. But he afterwards gave the explanation, very characteristic for those who could understand it, that what he liked about the Fabian sort of Socialism was its hardness. He meant intellectual hardness; the fact that the society avoided sentimentalism, and dealt in affirmations and not mere associations. He meant that upon the Fabian basis a Socialist was bound to believe in Socialism, but not in sandals, free love, bookbinding, and immediate disarmament. But he also added that, while he liked their hardness, he disliked their moderation. In other words, when he discovered, or believed that he discovered, that their intellectual hardness was combined with moral hardness, or rather moral deadness, he felt all the intellectual ice melted by a moral flame. He had, so to speak, a reaction of emotional realism, in which he saw, as suddenly as simple men can see simple truths, the potterers of Social Reform as the plotters of the Servile State. He was himself, above all things, a democrat as well as a Socialist; and in that intellectual sect he began to feel as if he were the only Socialist who was also a democrat. His dogmatic, democratic conviction would alone illustrate the falsity of the contrast between logic and life. The idea of human equality existed with extraordinary clarity in his brain, precisely because it existed with extraordinary simplicity in his character. His popular sympathies, unlike so many popular sentiments, could really survive any intimacy with the populace;

they followed the poor not only at public meetings but to public houses. He was literally the only man I ever knew who was not only never a snob, but apparently never tempted to be a snob. The fact is almost more important than his wonderful lack of fear; for such good causes, when they cannot be lost by fear, are often lost by favour.

Thus he came to suspect that Socialism was merely social reform, and that social reform was merely slavery. But the point still is that though his attitude to it was now one of revolt, it was anything but a mere revulsion of feeling. He did, indeed, fall back on fundamental things, on a fury at the oppression of the poor, on a pity for slaves, and especially for contented slaves. But it is the mark of his type of mind that he did not abandon Socialism without a rational case against it, and a rational system to oppose to it. The theory he substituted for Socialism is that which may for convenience be called Distributivism; the theory that private property is proper to every private citizen. This is no place for its exposition; but it will be evident that such a conversion brings the convert into touch with much older traditions of human freedom, as expressed in the family or the guild. And it was about the same time that, having for some time held an Anglo-Catholic position, he joined the Roman Catholic Church. It is notable, in connection with the general argument, that while the deeper reasons for such a change do not concern such a sketch as this, he was again characteristically amused and annoyed with the sentimentalists, sympathetic or hostile, who supposed he was

attracted by ritual, music, and emotional mysticism. He told such people, somewhat to their bewilderment, that he had been converted because Rome alone could satisfy the reason. In his case, of course, as in Newman's and numberless others, well-meaning people conceived a thousand crooked or complicated explanations, rather than suppose that an obviously honest man believed a thing because he thought it was true. He was soon to give a more dramatic manifestation of his strange taste for the truth.

The attack on political corruption, the next and perhaps the most important passage in his life, still illustrates the same point, touching reason and enthusiasm. Precisely because he did know what Socialism is and what it is not, precisely because he had at least learned that from the intellectual hardness of the Fabians, he saw the spot where Fabian Socialism is not hard but soft. Socialism means the assumption by the State of all the means of production, distribution, and exchange. To quote (as he often quoted with a rational relish) the words of Mr. Balfour, that is Socialism and nothing else is Socialism. To such clear thinking, it is at once apparent that trusting a thing to the State must always mean trusting it to the statesmen. He could defend Socialism because he could define Socialism; and he was not helped or hindered by the hazy associations of the sort of Socialists who perpetually defended what they never defined. Such men might have a vague vision of red flags and red ties waving in an everlasting riot above the fall of top-hats and Union Jacks; but

he knew that Socialism established meant Socialism official, and conducted by some sort of officials. All the primary forms of private property were to be given to the government; and it occurred to him, as a natural precaution, to give a glance at the government. He gave some attention to the actual types and methods of that governing and official class, into whose power trams and trades and shops and houses were already passing, amid loud Fabian cheers for the progress of Socialism. He looked at modern parliamentary government; he looked at it rationally and steadily and not without reflection. And the consequence was that he was put in the dock, and very nearly put in the lock-up, for calling it what it is.

In collaboration with Mr. Belloc he had written "The Party System," in which the plutocratic and corrupt nature of our present polity is set forth. And when Mr. Belloc founded the *Eye-Witness*, as a bold and independent organ of the same sort of criticism, he served as the energetic second in command. He subsequently became editor of the *Eye-Witness*, which was renamed as the *New Witness*. It was during the latter period that the great test case of political corruption occurred; pretty well known in England, and unfortunately much better known in Europe, as the Marconi scandal. To narrate its alternate secrecies and sensations would be impossible here; but one fashionable fallacy about it may be exploded with advantage. An extraordinary notion still exists that the *New Witness* denounced Ministers for gambling on the Stock Exchange. It might be

improper for Ministers to gamble; but gambling was certainly not a misdemeanor that would have hardened with any special horror so hearty an Anti-Puritan as the man of whom I write. The Marconi case did not raise the difficult ethics of gambling, but the perfectly plain ethics of secret commissions. The charge against the Ministers was that, while a government contract was being considered, they tried to make money out of a secret tip, given them by the very government contractor with whom their government was supposed to be bargaining. This was what their accuser asserted; but this was not what they attempted to answer by a prosecution. He was prosecuted, not for what he had said of the government, but for some secondary things he had said of the government contractor. The latter, Mr. Godfrey Isaacs, gained a verdict for criminal libel; and the judge inflicted a fine of £100. Readers may have chanced to note the subsequent incidents in the life of Mr. Isaacs, but I am here only concerned with incidents in the life of a more interesting person.

In any suggestion of his personality, indeed, the point does not lie in what was done to him, but rather in what was not done. He was positively assured, upon the very strongest and most converging legal authority, that unless he offered certain excuses he would certainly go to prison for several years. He did not offer those excuses; and I believe it never occurred to him to do so. His freedom from fear of all kinds had about it a sort of solid unconsciousness and even innocence. This homogeneous quality in it has been admirably seized and summed up by

Mr. Belloc in a tribute of great truth and power. "His courage was heroic, native, positive and equal: always at the highest potentiality of courage. He never in his life checked an action or a word from a consideration of personal caution, and that is more than can be said of any other man of his time." After the more or less nominal fine, however, his moral victory was proved in the one way in which a military victory can ever be proved. It is the successful general who continues his own plan of campaign. Whether a battle be ticketed in the history books as lost or won, the test is which side can continue to strike. He continued to strike, and to strike harder than ever, up to the very moment of that yet greater experience which changed all such military symbols into military facts. A man with instincts unspoiled and in that sense almost untouched, he would have always answered quite naturally to the autochthonous appeal of patriotism; but it is again characteristic of him that he desired, in his own phrase, to "rationalize patriotism," which he did upon the principles of Rousseau, that contractual theory which, in these pages, he connects with the great name of Jefferson. But things even deeper than patriotism impelled him against Prussianism. His enemy was the barbarian when he enslaves, as something more hellish even than the barbarian when he slays. His was the spiritual instinct by which Prussian order was worse than Prussian anarchy; and nothing was so inhuman as an inhuman humanitarianism. If you had asked him for what he fought and died amid the wasted fields of France and Flanders, he might

very probably have answered that it was to save the world from German social reforms.

This note, necessarily so broken and bemused, must reach its useless end. I have said nothing of numberless things that should be remembered at the mention of his name; of his books, which were great pamphlets and may yet be permanent pamphlets; of his journalistic exposures of other evils besides the Marconi, exposures that have made a new political atmosphere in the very election that is stirring around us; of his visit to America, which initiated him into an international friendship which is the foundation of this book. Least of all can I write of him apart from his work; of that loss nothing can be said by those who do not suffer it, and less still by those who do. And his experiences in life and death were so much greater even than my experiences of him, that a double incapacity makes me dumb. A portrait is impossible; as a friend he is too near me, and as a hero too far away.

G. K. CHESTERTON.

AUTHOR'S PREFACE

I have taken advantage of a very brief respite from other, and in my judgment more valuable, employment, to produce this short sketch of the story of a great people, now our Ally. My motive has been mainly that I do not think that any such sketch, concentrated enough to be readable by the average layman who

has other things to do (especially in these days) than to study more elaborate and authoritative histories, at present exists, and I have thought that in writing it I might perhaps be discharging some little part of the heavy debt of gratitude which I owe to America for the hospitality I received from her when I visited her shores during the early months of the War.

This book is in another sense the product of that visit. What I then saw and heard of contemporary America so fascinated me that – believing as I do that the key to every people is in its past – I could not rest until I had mastered all that I could of the history of my delightful hosts. This I sought as much as possible from the original sources, reading voraciously, and at the time merely for my pleasure, such records as I could get of old debates and of the speech and correspondence of the dead. The two existing histories, which I also read, and upon which I have drawn most freely, are that of the present President of the United States and that of Professor Rhodes, dealing with the period from 1850 to 1876. With the conclusions of the latter authority it will be obvious that I am in many respects by no means at one; but I think it the more necessary to say that without a careful study of his book I could neither have formed my own conclusions nor ventured to challenge his. The reading that I did at the time of which I speak is the foundation of what I have now written. It will be well understood that a Private in the British Army, even when invalided home for a season, has not very great opportunities for research. I think it very likely that errors of

detail may be discovered in these pages; I am quite sure that I could have made the book a better one if I had been able to give more time to revising my studies. Yet I believe that the story told here is substantially true; and I am very sure that it is worth the telling.

If I am asked why I think it desirable at this moment to attempt, however inadequately, a history of our latest Ally, I answer that at this moment the whole future of our civilization may depend upon a thoroughly good understanding between those nations which are now joined in battle for its defence, and that ignorance of each other's history is perhaps the greatest menace to such an understanding. To take one instance at random – how many English writers have censured, sometimes in terms of friendly sorrow, sometimes in a manner somewhat pharisaical, the treatment of Negroes in Southern States in all its phases, varying from the provision of separate waiting-rooms to sporadic outbreaks of lynching! How few ever mention, or seem to have even heard the word "Reconstruction" – a word which, in its historical connotation, explains all!

I should, perhaps, add a word to those Americans who may chance to read this book. To them, of course, I must offer a somewhat different apology. I believe that, with all my limitations, I can tell my fellow-countrymen things about the history of America which they do not know. It would be absurd effrontery to pretend that I can tell Americans what they do not know. For them, whatever interest this book may possess

must depend upon the value of a foreigner's interpretation of the facts. I know that I should be extraordinarily interested in an American's view of the story of England since the Separation; and I can only hope that some degree of such interest may attach to these pages in American eyes.

It will be obvious to Americans that in some respects my view of their history is individual. For instance, I give Andrew Jackson both a greater place in the development of American democracy and a higher meed of personal praise than do most modern American historians and writers whom I have read. I give my judgment for what it is worth. In my view, the victory of Jackson over the Whigs was the turning-point of American history and finally decided that the United States should be a democracy and not a parliamentary oligarchy. And I am further of opinion that, both as soldier and ruler, "Old Hickory" was a hero of whom any nation might well be proud.

I am afraid that some offence may be given by my portrait of Charles Sumner. I cannot help it. I do not think that between his admirers and myself there is any real difference as to the kind of man he was. It is a kind that some people revere. It is a kind that I detest – absolutely leprous scoundrels excepted – more than I can bring myself to detest any other of God's creatures.

CECIL CHESTERTON.

Somewhere in France,

May 1st, 1918.

CHAPTER I
THE ENGLISH COLONIES

In the year of Our Lord 1492, thirty-nine years after the taking of Constantinople by the Turks and eighteen years after the establishment of Caxton's printing press, one Christopher Columbus, an Italian sailor, set sail from Spain with the laudable object of converting the Khan of Tartary to the Christian Faith, and on his way discovered the continent of America. The islands on which Columbus first landed and the adjacent stretch of mainland from Mexico to Patagonia which the Spaniards who followed him colonized lay outside the territory which is now known as the United States. Nevertheless the instinct of the American democracy has always looked back to him as a sort of ancestor, and popular American tradition conceives of him as in some shadowy fashion a founder. And that instinct and tradition, like most such national instincts and traditions, is sound.

In the epoch which most of us can remember pretty vividly – for it came to an abrupt end less than five years ago – when people were anxious to prove that everything important in human history had been done by "Teutons," there was a great effort to show that Columbus was not really the first European discoverer of America; that that honour belonged properly to certain Scandinavian sea-captains who at some time in the tenth

or eleventh centuries paid a presumably piratical visit to the coast of Greenland. It may be so, but the incident is quite irrelevant. That one set of barbarians from the fjords of Norway came in their wanderings in contact with another set of barbarians living in the frozen lands north of Labrador is a fact, if it be a fact, of little or no historical import. The Vikings had no more to teach the Esquimaux than had the Esquimaux to teach the Vikings. Both were at that time outside the real civilization of Europe.

Columbus, on the other hand, came from the very centre of European civilization and that at a time when that civilization was approaching the summit of one of its constantly recurrent periods of youth and renewal. In the North, indeed, what strikes the eye in the fifteenth century is rather the ugliness of a decaying order – the tortures, the panic of persecution, the morbid obsession of the *danse macabre*– things which many think of as Mediæval, but which belong really only to the Middle Ages when old and near to death. But all the South was already full of the new youth of the Renaissance. Boccaccio had lived, Leonardo was at the height of his glory. In the fields of Touraine was already playing with his fellows the boy that was to be Rabelais.

Such adventures as that of Columbus, despite his pious intentions with regard to the Khan of Tartary, were a living part of the Renaissance and were full of its spirit, and it is from the Renaissance that American civilization dates. It is an important point to remember about America, and especially about the English colonies which were to become the United States, that

they have had no memory of the Middle Ages. They had and have, on the other hand, a real, formative memory of Pagan antiquity, for the age in which the oldest of them were born was full of enthusiasm for that memory, while it thought, as most Americans still think, of the Middle Ages as a mere feudal barbarism.

Youth and adventurousness were not the only notes of the Renaissance, nor the only ones which we shall see affecting the history of America. Another note was pride, and with that pride in its reaction against the old Christian civilization went a certain un-Christian scorn of poverty and still more of the ugliness and ignorance which go with poverty; and there reappeared – to an extent at least, and naturally most of all where the old religion had been completely lost – that naked Pagan repugnance which almost refused to recognize a human soul in the barbarian. It is notable that in these new lands which the Renaissance had thrown open to European men there at once reappears that institution which had once been fundamental to Europe and which the Faith had slowly and with difficulty undermined and dissolved – Slavery.

The English colonies in America owe their first origin partly to the English instinct for wandering and especially for wandering on the sea, which naturally seized on the adventurous element in the Renaissance as that most congenial to the national temper, and partly to the secular antagonism between England and Spain. Spain, whose sovereign then ruled Portugal and therefore the

Portuguese as well as Spanish colonies, claimed the whole of the New World as part of her dominions, and her practical authority extended unchallenged from Florida to Cape Horn. It would have been hopeless for England to have attempted seriously to challenge that authority where it existed in view of the relative strength at that time of the two kingdoms; and in general the English seamen confined themselves to hampering and annoying the Spanish commerce by acts of privateering which the Spaniards naturally designated as piracy. But to the bold and inventive mind of the great Raleigh there occurred another conception. Spain, though she claimed the whole American continent, had not in fact made herself mistress of all its habitable parts. North of the rich lands which supplied gold and silver to the Spanish exchequer, but still well within the temperate zone of climate, lay great tracts bordering the Atlantic where no Spanish soldier or ruler had ever set his foot. To found an English colony in the region would not be an impossible task like the attempt to seize any part of the Spanish empire, yet it would be a practical challenge to the Spanish claim. Raleigh accordingly projected, and others, entering into his plans, successfully planted, an English settlement on the Atlantic seaboard to the south of Chesapeake Bay which, in honour of the Queen, was named "Virginia."

In the subsequent history of the English colonies which became American States we often find a curious and recurrent reflection of their origin. Virginia was the first of those colonies

to come into existence, and we shall see her both as a colony and as a State long retaining a sort of primacy amongst them. She also retained, in the incidents of her history and in the characters of many of her great men, a colour which seems partly Elizabethan. Her Jefferson, with his omnivorous culture, his love of music and the arts, his proficiency at the same time in sports and bodily exercises, suggests something of the graceful versatility of men like Essex and Raleigh, and we shall see her in her last agony produce a soldier about whose high chivalry and heroic and adventurous failure there clings a light of romance that does not seem to belong to the modern world.

If the external quarrels of England were the immediate cause of the foundation of Virginia, the two colonies which next make their appearance owe their origin to her internal divisions. James I. and his son Charles I., though by conviction much more genuine Protestants than Elizabeth, were politically more disposed to treat the Catholics with leniency. The paradox is not, perhaps, difficult to explain. Being more genuinely Protestant they were more interested in the internecine quarrels of Protestants, and their enemies in those internecine quarrels, the Puritans, now become a formidable party, were naturally the fiercest enemies of the old religion. This fact probably led the two first Stuarts to look upon that religion with more indulgence. They dared not openly tolerate the Catholics, but they were not unwilling to show them such favour as they could afford to give. Therefore when a Catholic noble, Lord Baltimore,

proposed to found a new plantation in America where his co-religionists could practise their faith in peace and security, the Stuart kings were willing enough to grant his request. James approved the project, his son confirmed it, and, under a Royal Charter from King Charles I., Lord Baltimore established his Catholic colony, which he called "Maryland." The early history of this colony is interesting because it affords probably the first example of full religious liberty. It would doubtless have been suicidal for the Catholics, situated as they were, to attempt anything like persecution, but Baltimore and the Catholics of Maryland for many generations deserve none the less honour for the consistency with which they pursued their tolerant policy. So long as the Catholics remained in control all sects were not only tolerated but placed on a footing of complete equality before the law, and as a fact both the Nonconformist persecuted in Virginia and the Episcopalian persecuted in New England frequently found refuge and peace in Catholic Maryland. The English Revolution of 1689 produced a change. The new English Government was pledged against the toleration of a Catholicism anywhere. The representative of the Baltimore family was deposed from the Governorship and the control transferred to the Protestants, who at once repealed the edicts of toleration and forbade the practice of the Catholic religion. They did not, however, succeed in extirpating it, and to this day many of the old Maryland families are Catholic, as are also a considerable proportion of the Negroes. It may further be noted that, though

the experiment in religious equality was suppressed by violence, the idea seems never to have been effaced, and Maryland was one of the first colonies to accompany its demand for freedom with a declaration in favour of universal toleration.

At about the same time that the persecuted Catholics found a refuge in Maryland, a similar refuge was sought by the persecuted Puritans. A number of these, who had found a temporary home in Holland, sailed thence for America in the celebrated *Mayflower* and colonized New England on the Atlantic coast far to the north of the plantations of Raleigh and Baltimore. From this root sprang the colonies of Massachusetts, Connecticut, Vermont and Rhode Island, and later the States of New Hampshire and Maine. It would be putting it with ironical mildness to say that the Pilgrim Fathers did not imitate the tolerant example of the Catholic refugees. Religious persecution had indeed been practised by all parties in the quarrels of the sixteenth and seventeenth centuries; but for much of the early legislation of the Puritan colonies one can find no parallel in the history of European men. Calvinism, that strange fierce creed which Wesley so correctly described as one that gave God the exact functions and attributes of the devil, produced even in Europe a sufficiency of madness and horror; but here was Calvinism cut off from its European roots and from the reaction and influence of Christian civilization. Its records read like those of a madhouse where religious maniacs have broken loose and locked up their keepers. We hear of men stoned to death for

kissing their wives on the Sabbath, of lovers pilloried or flogged at the cart's tail for kissing each other at all without licence from the deacons, the whole culminating in a mad panic of wholesale demonism and witchburning so vividly described in one of the most brilliant of Mrs. Gaskell's stories, "Lois the Witch." Of course, in time the fanaticism of the first New England settlers cooled into something like sanity. But a strong Puritan tradition remained and played a great part in American history. Indeed, if Lee, the Virginian, has about him something of the Cavalier, it is still more curious to note that nineteenth-century New England, with its atmosphere of quiet scholars and cultured tea parties, suddenly flung forth in John Brown a figure whose combination of soldierly skill with maniac fanaticism, of a martyr's fortitude with a murderer's cruelty, seems to have walked straight out of the seventeenth century and finds its nearest parallel in some of the warriors of the Covenant.

The colonies so far enumerated owe their foundation solely to English enterprise and energy; but in the latter half of the seventeenth century foreign war brought to England a batch of colonies ready made. At the mouth of the Hudson River, between Maryland and the New England colonies, lay the Dutch settlement of New Amsterdam. The first colonists who had established themselves there had been Swedes, but from Sweden its sovereignty had passed to Holland, and the issue of the Dutch wars gave it to the English, by whom it was re-christened New York in honour of the King's brother, afterwards James II. It

would perhaps be straining the suggestion already made of the persistent influences of origins to see in the varied racial and national beginnings of New York a presage of that cosmopolitan quality which still marks the greatest of American cities, making much of it a patchwork of races and languages, and giving to the electric stir of Broadway an air which suggests a Continental rather than an English city, but it is more plausible to note that New York had no original link with the Puritanism of New England and of the North generally, and that in fact we shall find the premier city continually isolated from the North, following a tradition and a policy of its own.

With New Amsterdam was also ceded the small Dutch plantation of Delaware, which lay between Maryland and the Atlantic, while England at the same time established her claim to the disputed territory between the two which became the colony of New Jersey.

Shortly after the cession of New Amsterdam William Penn obtained from Charles II. a charter for the establishment of a colony to the north of Maryland, between that settlement and the newly acquired territories of New Jersey and New York. This plantation was designed especially as a refuge for the religious sect to which Penn belonged, the Quakers, who had been persecuted by all religious parties and especially savagely by the Puritan colonists of New England. Penn, the most remarkable man that ever professed the strange doctrines of that sect, was a favourite with the King, who had a keen eye for character, and

as the son of a distinguished admiral he had a sort of hereditary claim upon the gratitude of the Crown. He easily carried his point with Charles, and himself supervised the foundations of the new commonwealth of Pennsylvania. Two surveyors were sent out by royal authority to fix the boundary between Penn's concession and the existing colony of Maryland – Mr. Mason and Mr. Dixon by name. However elated these two gentlemen may have been by their appointment to so responsible an office, they probably little thought that their names would be immortalized. Yet so it was to be. For the line they drew became the famous "Mason-Dixon" line, and was to be in after years the frontier between the Slave States and the Free.

In all that he did in the New World Penn showed himself not only a great but a most just and wise man. He imitated, with happier issue, the liberality of Baltimore in the matter of religious freedom, and to this day the Catholics of Philadelphia boast of possessing the only Church in the United States in which Mass has been said continuously since the seventeenth century. But it is in his dealings with the natives that Penn's humanity and honour stand out most conspicuously. None of the other founders of English colonies had ever treated the Indians except as vermin to be exterminated as quickly as possible. Penn treated them as free contracting parties with full human rights. He bought of them fairly the land he needed, and strictly observed every article of the pact that he made with them. Anyone visiting to-day the city which he founded will find in its centre a little strip of green,

still unbuilt upon, where, in theory, any passing Indians are at liberty to pitch their camp – a monument and one of the clauses of Penn's celebrated treaty.

In the same reign the settlement of the lands lying to the south of Virginia had begun, under the charter granted by Charles II. to the Hyde family, and the new plantations were called after the sovereign "Carolina." But their importance dates from the next century, when they received the main stream of a new tide of immigration due to political and economic causes. England, having planted a Protestant Anglo-Scottish colony in North-East Ireland, proceeded to ruin its own creation by a long series of commercial laws directed to the protection of English manufacturers against the competition of the colonists. Under the pressure of this tyranny a great number of these colonists, largely Scotch by original nationality and Presbyterian by religion, left Ulster for America. They poured into the Carolinas, North and South, as well as into Pennsylvania and Virginia, and overflowed into a new colony which was established further west and named Georgia. It is important to note this element in the colonization of the Southern States, because it is too often loosely suggested that the later division of North and South corresponded to the division of Cavalier and Puritan. It is not so. Virginia and Maryland may be called Cavalier in their origin, but in the Carolinas and Georgia there appears a Puritan tradition, not indeed as fanatical as that of New England, but almost as persistent. Moreover this Scotch-Irish stock, whose fathers, it may be supposed, left

Ireland in no very good temper with the rulers of Great Britain, afterwards supplied the most military and the most determined element in Washington's armies, and gave to the Republic some of its most striking historical personalities: Patrick Henry and John Caldwell Calhoun, Jackson, the great President, and his namesake the brilliant soldier of the Confederacy.

The English colonies now formed a solid block extending from the coasts of Maine – into which northernmost region the New England colonies had overflown – to the borders of Florida. Florida was still a Spanish possession, but Spain had ceased to be formidable as a rival or enemy of England. By the persistence of a century in arms and diplomacy, the French had worn down the Spanish power, and France was now easily the strongest nation in Europe. France also had a foothold, or rather two footholds, in North America. One of her colonies, Louisiana, lay beyond Florida at the mouth of the Mississippi; the other, Canada, to the north of the Maine, at the mouth of the St. Lawrence. It was the aim of French colonial ambition to extend both colonies inland into the unmapped heart of the American continent until they should meet. This would necessarily have had the effect of hemming in the English settlements on the Atlantic seaboard and preventing their Western expansion. Throughout the first half of the eighteenth century, therefore, the rivalry grew more and more acute, and even when France and England were at peace the French and English in America were almost constantly at war. Their conflict was largely carried on under cover of alliances

with the warring Indian tribes, whose feuds kept the region of the Great Lakes in a continual turmoil. The outbreak of the Seven Years' War and the intervention of England as an ally of Prussia put an end to the necessity for such pretexts, and a regular military campaign opened upon which was staked the destiny of North America.

It is not necessary for the purposes of this book to follow that campaign in detail. The issue was necessarily fought out in Canada, for Louisiana lay remote from the English colonies and was separated from them by the neutral territory of the Spanish Empire. England had throughout the war the advantage of superiority at sea, which enabled her to supply and reinforce her armies, while the French forces were practically cut off from Europe. The French, on the other hand, had at the beginning the advantage of superior numbers, at least so far as regular troops were concerned, while for defensive purposes they possessed an excellent chain of very strong fortresses carefully prepared before the war. After the earlier operations, which cleared the French invaders out of the English colonies, the gradual reduction of these strongholds practically forms the essence of the campaign undertaken by a succession of English generals under the political direction of the elder Pitt. That campaign was virtually brought to a close by the brilliant exploit of James Wolfe in 1759 – the taking of Quebec. By the Treaty of Paris in 1763 Canada was ceded to England. Meanwhile Louisiana had been transferred to Spain in 1762 as part of the price of a Spanish alliance,

and France ceased to be a rival to England on the American continent.

During the French war the excellent professional army which England was able to maintain in the field was supported by levies raised from the English colonies, which did good service in many engagements. Among the officers commanding these levies one especially had attracted, by his courage and skill, and notably by the part he bore in the clearing of Pennsylvania, the notice of his superiors – George Washington of Virginia.

England was now in a position to develop in peace the empire which her sword had defended with such splendid success and glory. Before we consider the causes which so suddenly shattered that empire, it is necessary to take a brief survey of its geography and of its economic conditions.

The colonies, as we have seen, were spread along the Atlantic seaboard to an extent of well over a thousand miles, covering nearly twenty degrees of latitude. The variations of climate were naturally great, and involved marked differentiations in the character and products of labour. The prosperity of the Southern colonies depended mainly upon two great staple industries. Raleigh, in the course of his voyages, had learned from the Indians the use of the tobacco plant and had introduced that admirable discovery into Europe. As Europe learned (in spite of the protests of James I.) to prize the glorious indulgence now offered to it, the demand for tobacco grew, and its supply became the principal business of the colonies of Virginia and Maryland.

Further to the south a yet more important and profitable industry was established. The climate of the Carolinas and of Georgia and of the undeveloped country west of these colonies, a climate at once warm and humid, was found to be exactly suited to the cultivation of the cotton plant. This proved the more important when the discoveries of Watt and Arkwright gave Lancashire the start of all the world in the manipulation of the cotton fabric. From that moment begins the triumphant progress of "King Cotton," which was long to outlast the political connection between the Carolinas and Lancashire, and was to give in the political balance of America peculiar importance to the "Cotton States."

But at the time now under consideration these cotton-growing territories were still under the British Crown, and were subject to the Navigation Laws upon which England then mainly relied for the purpose of making her colonies a source of profit to her. The main effect of these was to forbid the colonies to trade with any neighbour save the mother country. This condition, to which the colonists seem to have offered no opposition, gave to the British manufacturers the immense advantage of an unrestricted supply of raw material to which no foreigner had access. It is among the curious ironies of history that the prosperity of Lancashire, which was afterwards to be identified with Free Trade, was originally founded upon this very drastic and successful form of Protection.

The more northerly colonies had no such natural advantages.

The bulk of the population lived by ordinary farming, grew wheat and the hard cereals and raised cattle. But during the eighteenth century England herself was still an exporting country as regards these commodities, and with other nations the colonists were forbidden to trade. The Northern colonies had, therefore, no considerable export commerce, but on the seaboard they gradually built up a considerable trade as carriers, and Boston and New York merchant captains began to have a name on the Atlantic for skill and enterprise. Much of the transoceanic trade passed into their hands, and especially one most profitable if not very honourable trade of which, by the Treaty of Utrecht, England had obtained a virtual monopoly – the trade in Negro slaves.

The pioneer of this traffic had been Sir John Hawkins, one of the boldest of the great Elizabethan sailors. He seems to have been the first of the merchant adventurers to realize that it might prove profitable to kidnap Negroes from the West Coast of Africa and sell them into slavery in the American colonies. The cultivation of cotton and tobacco in the Southern plantations, as of sugar in the West Indies, offered a considerable demand for labour of a type suitable to the Negro. The attempt to compel the native Indians to such labour had failed; the Negro proved more tractable. By the time with which we are dealing the whole industry of the Southern colonies already rested upon servile coloured labour.

In the Northern colonies – that is, those north of Maryland

– the Negro slave existed, but only casually, and, as it were, as a sort of accident. Slavery was legal in all the colonies – even in Pennsylvania, whose great founder had been almost alone in that age in disapproving of it. As for the New England Puritans, they had from the first been quite enthusiastic about the traffic, in which indeed they were deeply interested as middle-men; and Calvinist ministers of the purest orthodoxy held services of thanksgiving to God for cargoes of poor barbarians rescued from the darkness of heathendom and brought (though forcibly) into the gospel light. But though the Northerners had no more scruple about Slavery than the Southerners, they had far less practical use for it. The Negro was of no value for the sort of labour in which the New Englanders engaged; he died of it in the cold climate. Negro slaves there were in all the Northern States, but mostly employed as domestic servants or in casual occupations. They were a luxury, not a necessity.

A final word must be said about the form of government under which the colonists lived. In all the colonies, though there were, of course, variations of detail, it was substantially the same. It was founded in every case upon Royal Charters granted at some time or other to the planters by the English king. In every case there was a Governor, who was assisted by some sort of elective assembly. The Governor was the representative of the King and was nominated by him. The legislature was in some form or other elected by the free citizens. The mode of election and the franchise varied from colony to colony – Massachusetts

at one time based hers upon pew rents – but it was generally in harmony with the feeling and traditions of the colonists. It was seldom that any friction occurred between the King's representative and the burgesses, as they were generally called. While the relations between the colonies and the mother country remained tranquil the Governor had every motive for pursuing a conciliatory policy. His personal comfort depended upon his being popular in the only society which he could frequent. His repute with the Home Government, if he valued it, was equally served by the tranquillity and contentment of the dominion he ruled.

In fact, the American colonists, during the eighteenth century, enjoyed what a simple society left to itself almost always enjoys, under whatever forms – the substance of democracy. That fact must be emphasized, because without a recognition of it the flaming response which met the first proclamation of theoretic democracy would be unintelligible. It is explicable only when we remember that to the unspoiled conscience of man as man democracy will ever be the most self-evident of truths. It is the complexity of our civilization that blinds us to its self-evidence, teaching us to acquiesce in irrational privilege as inevitable, and at last to see nothing strange in being ruled by a class, whether of nobles or of mere parliamentarians. But the man who looks at the world with the terrible eyes of his first innocence can never see an unequal law as anything but an iniquity, or government divorced from the general will as anything but usurpation.

CHAPTER II
ARMS AND THE RIGHTS OF MAN

Such was roughly the position of the thirteen English colonies in North America when in the year 1764, shortly after the conclusion of the Seven Years' War, George Grenville, who had become the chief Minister of George III. after the failure of Lord Bute, proposed to raise a revenue from these colonies by the imposition of a Stamp Act.

The Stamp Act and the resistance it met mark so obviously the beginning of the business which ended in the separation of the United States from Great Britain that Grenville and the British Parliament have been frequently blamed for the lightness of heart with which they entered upon so momentous a course. But in fact it did not seem to them momentous, nor is it easy to say why they should have thought it momentous. It is certain that Grenville's political opponents, many of whom were afterwards to figure as the champions of the colonists, at first saw its momentousness as little as he. They offered to his proposal only the most perfunctory sort of opposition, less than they habitually offered to all his measures, good or bad.

And, in point of fact, there was little reason why a Whig of the type and class that then governed England should be startled or shocked by a proposal to extend the English system of stamping

documents to the English colonies. That Parliament had the legal right to tax the colonies was not seriously questionable. Under the British Constitution the power of King, Lords and Commons over the King's subjects was and is absolute, and none denied that the colonists were the King's subjects. They pleaded indeed that their charters did not expressly authorize such taxation; but neither did they expressly exclude it, and on a strict construction it would certainly seem that a power which would have existed if there had been no charter remained when the charter was silent.

It might further be urged that equity as well as law justified the taxation of the colonies, for the expenditure which these taxes were raised to meet was largely incurred in defending the colonies first against the French and then against the Indians. The method of taxation chosen was not new, neither had it been felt to be specially grievous. Much revenue is raised in Great Britain and all European countries to-day by that method, and there is probably no form of taxation at which men grumble less. Its introduction into America had actually been recommended on its merits by eminent Americans. It had been proposed by the Governor of Pennsylvania as early as 1739. It had been approved at one time by Benjamin Franklin himself. To-day it must seem to most of us both less unjust and less oppressive than the Navigation Laws, which the colonists bore without complaint.

As for the suggestion sometimes made that there was something unprecedentedly outrageous about an English Parliament taxing people who were unrepresented there, it is, in

view of the constitution of that Parliament, somewhat comic. If the Parliament of 1764 could only tax those whom it represented, its field of taxation would be somewhat narrow. Indeed, the talk about taxation without representation being tyranny, however honestly it might be uttered by an American, could only be conscious or unconscious hypocrisy in men like Burke, who were not only passing their lives in governing and taxing people who were unrepresented, but who were quite impenitently determined to resist any attempt to get them represented even in the most imperfect fashion.

All this is true; and yet it is equally true that the proposed tax at once excited across the Atlantic the most formidable discontent. Of this discontent we may perhaps summarize the immediate causes as follows. Firstly, no English minister or Parliament had, as a fact, ever before attempted to tax the colonies. That important feature of the case distinguished it from that of the Navigation Laws, which had prescription on their side. Then, if the right to tax were once admitted, no one could say how far it would be pushed. Under the Navigation Laws the colonists knew just how far they were restricted, and they knew that within the limits of such restrictions they could still prosper. But if once the claim of the British Parliament to tax were quietly accepted, it seemed likely enough that every British Minister who had nowhere else to turn for a revenue would turn to the unrepresented colonies, which would furnish supply after supply until they were "bled white." That was a perfectly sound,

practical consideration, and it naturally appealed with especial force to mercantile communities like that of Boston.

But if we assume that it was the only consideration involved, we shall misunderstand all that followed, and be quite unprepared for the sweeping victory of a purely doctrinal political creed which brought about the huge domestic revolution of which the breaking of the ties with England was but an aspect. The colonists did feel it unjust that they should be taxed by an authority which was in no way responsible to them; and they so felt it because, as has already been pointed out, they enjoyed in the management of their everyday affairs a large measure of practical democracy. Therein they differed from the English, who, being habitually governed by an oligarchy, did not feel it extraordinary that the same oligarchy should tax them. The Americans for the most part governed themselves, and the oligarchy came in only as an alien and unnatural thing levying taxes. Therefore it was resisted.

The resistance was at first largely instinctive. The formulation of the democratic creed which should justify it was still to come. Yet already there were voices, especially in Virginia, which adumbrated the incomparable phrases of the greatest of Virginians. Already Richard Bland had appealed to "the law of Nature and those rights of mankind that flow from it." Already Patrick Henry had said, "Give me liberty or give me death!"

It was but a foreshadowing of the struggle to come. In 1766 the Rockingham Whigs, having come into power upon the fall of Grenville, after some hesitation repealed the Stamp Act,

reaffirming at the same time the abstract right of Parliament to tax the colonies. America was for the time quieted. There followed in England a succession of weak Ministries, all, of course, drawn from the same oligarchical class, and all of much the same political temper, but all at issue with each other, and all more or less permanently at issue with the King. As a mere by-product of one of the multitudinous intrigues to which this situation gave rise, Charles Townshend, a brilliant young Whig orator who had become Chancellor of the Exchequer, revived in 1768 the project of taxing the American colonies. This was now proposed in the form of a series of duties levied on goods exported to those colonies – the one most obnoxious to the colonists and most jealously maintained by the Ministers being a duty on tea. The Opposition had now learnt from the result of the Stamp Act debate that American taxation was an excellent issue on which to challenge the Ministry, and the Tea Tax became at once a "Party Question" – that is, a question upon which the rival oligarchs divided themselves into opposing groups.

Meanwhile in America the new taxes were causing even more exasperation than the Stamp Act had caused – probably because they were more menacing in their form, if not much more severe in their effect. At any rate, it is significant that in the new struggle we find the commercial colony of Massachusetts very decidedly taking the lead. The taxed tea, on its arrival in Boston harbour, was seized and flung into the sea. A wise Government would have withdrawn when it was obvious that

the enforcement of the taxes would cost far more than the taxes themselves were worth, the more so as they had already been so whittled down by concessions as to be worth practically nothing, and it is likely enough that the generally prudent and politic aristocrats who then directed the action of England would have reverted to the Rockingham policy had not the King made up his unfortunate German mind to the coercion and humiliation of the discontented colonists. It is true that the British Crown had long lost its power of independent action, and that George III. had failed in his youthful attempts to recapture it. Against the oligarchy combined he was helpless; but his preference for one group of oligarchs over another was still an asset, and he let it clearly be understood that such influence as he possessed would be exercised unreservedly in favour of any group that would undertake to punish the American rebels. He found in Lord North a Minister willing, though not without considerable misgivings, to forward his policy and able to secure for it a majority in Parliament. And from that moment the battle between the Home Government and the colonists was joined.

The character and progress of that battle will best be grasped if we mark down certain decisive incidents which determine its course. The first of these was the celebrated "Boston Tea Party" referred to above. It was the first act of overt resistance, and it was followed on the English side by the first dispatch of an armed force – grossly inadequate for its purpose – to America, and on the American by the rapid arming and drilling of the local

militias not yet avowedly against the Crown, but obviously with the ultimate intention of resisting the royal authority should it be pushed too far.

The next turning-point is the decision of the British Government early in 1774 to revoke the Charter of Massachusetts. It is the chief event of the period during which war is preparing, and it leads directly to all that follows. For it raised a new controversy which could not be resolved by the old legal arguments, good or bad. Hitherto the colonists had relied upon their interpretation of existing charters, while the Government contented itself with putting forward a different interpretation. But the new action of that Government shifted the ground of debate from the question of the interpretation of the charters to that of the ultimate source of their authority. The Ministers said in effect, "You pretend that this document concedes to you the right of immunity from taxation. We deny it: but at any rate, it was a free gift from the British Crown, and whatever rights you enjoy under it you enjoy during His Majesty's pleasure. Since you insist on misinterpreting it, we will withdraw it, as we are perfectly entitled to do, and we will grant you a new charter about the terms of which no such doubts can arise."

It was a very direct and very fundamental challenge, and it inevitably produced two effects – the one immediate, the other somewhat deferred. Its practical first-fruit was the Continental Congress. Its ultimate but unmistakably logical consequence was the Declaration of Independence.

America was unified on the instant, for every colony felt the knife at its throat. In September a Congress met, attended by the representatives of eleven colonies. Peyton Randolph, presiding, struck the note of the moment with a phrase: "I am not a Virginian, but an American." Under Virginian leadership the Congress vigorously backed Massachusetts, and in October a "Declaration of Colonial Right" had been issued by the authority of all the colonies represented there.

The British Ministers seem to have been incomprehensibly blind to the seriousness of the situation. Since they were pledged not to concede what the colonists demanded, it was essential that they should at once summon all the forces at their command to crush what was already an incipient and most menacing rebellion. They did nothing of the sort. They slightly strengthened the totally inadequate garrison which would soon have to face a whole people in arms, and they issued a foolish proclamation merely provocative and backed by no power that could enforce it, forbidding the meeting of Continental Congresses in the future. That was in January. In April the skirmishes of Lexington and Concord had shown how hopelessly insufficient was their military force to meet even local sporadic and unorganized revolts. In May the second Continental Congress met, and in July appeared by its authority a general call to arms addressed to the whole population of America.

Up to this point the colonists, if rebellious in their practical attitude, had been strictly constitutional in their avowed aims.

In the "Declaration of Colonial Right" of 1774, and even in the appeal to arms of 1775, all suggestion of breaking away from the Empire was repudiated. But now that the sword was virtually drawn there were practical considerations which made the most prudent of the rebels consider whether it would not be wiser to take the final step, and frankly repudiate the British Sovereignty altogether. For one thing, by the laws of England, and indeed of all civilized nations, the man who took part in an armed insurrection against the head of the State committed treason, and the punishment for treason was death. Men who levied war on the King's forces while still acknowledging him as their lawful ruler were really inviting the Government to hang them as soon as it could catch them. It might be more difficult for the British Government to treat as criminals soldiers who were fighting under the orders of an organized *de facto* government, which at any rate declared itself to be that of an independent nation. Again, foreign aid, which would not be given for the purpose of reforming the internal administration of British dominions, might well be forthcoming if it were a question of dismembering those dominions. These considerations were just and carried no little weight; yet it is doubtful if they would have been strong enough to prevail against the sentiments and traditions which still bound the colonies to the mother country had not the attack on the charters forced the controversy back to first principles, and so opened the door of history to the man who was to provide America with a creed and to convert the controversy from a legal

to something like a religious quarrel.

Old Peyton Randolph, who had so largely guided the deliberations of the first Continental Congress, was at the last moment prevented by ill-health from attending the second. His place in the Virginian Delegation was taken by Thomas Jefferson.

Jefferson was not yet thirty when he took his seat in the Continental Congress, but he was already a notable figure in his native State. He belonged by birth to the slave-holding gentry of the South, though not to the richest and most exclusive section of that class. Physically he was long limbed and loose jointed, but muscular, with a strong ugly face and red hair. He was adept at the physical exercises which the Southerners cultivated most assiduously, a bold and tireless rider who could spend days in the saddle without fatigue, and a crack shot even among Virginians. In pursuit of the arts and especially of music he was equally eager, and his restless intelligence was keenly intrigued by the new wonders that physical science was beginning to reveal to men; mocking allusions to his interest in the habits of horned frogs will be found in American pasquinades of two generations. He had sat in the Virginian House of Burgesses and had taken a prominent part in the resistance of that body to the royal demands. As a speaker, however, he was never highly successful, and a just knowledge of his own limitations, combined perhaps with a temperamental dislike, generally led him to rely on his pen rather than his tongue in public debate. For as a writer he had a

command of a pure, lucid and noble English unequalled in his generation and equalled by Corbett alone.

But for history the most important thing about the man is his creed. It was the creed of a man in the forefront of his age, an age when French thinkers were busy drawing from the heritage of Latin civilizations those fundamental principles of old Rome which custom and the corruptions of time had overgrown. The gospel of the new age had already been written: it had brought to the just mind of Jefferson a conviction which he was to communicate to all his countrymen, and through them to the new nation which the sword was creating. The Declaration of Independence is the foundation stone of the American Republic, and the Declaration of Independence in its essential part is but an incomparable translation and compression of the *Contrat Social*. The aid which France brought to America did not begin when a French fleet sailed into Chesapeake Bay. It began when, perhaps years before the first whisper of discontent, Thomas Jefferson sat down in his Virginian study to read the latest work of the ingenious M. Rousseau.

For now the time was rife for such intellectual leadership as Jefferson, armed by Rousseau, could supply. The challenge flung down by the British Government in the matter of the Charter of Massachusetts was to be taken up. The argument that whatever rights Americans might have they derived from Royal Charters was to be answered by one who held that their "inalienable rights" were derived from a primordial charter granted not by King

George but by his Maker.

The second Continental Congress, after many hesitations, determined at length upon a complete severance with the mother country. A resolution to that effect was carried on the motion of Lee, the great Virginian gentleman, an ancestor of the noblest of Southern warriors. After much adroit negotiations a unanimous vote was secured for it. A committee was appointed to draft a formal announcement and defence of the step which had been taken. Jefferson was chosen a member of the committee, and to him was most wisely entrusted the drafting of the famous "Declaration."

The introductory paragraphs of the Declaration of Independence contain the whole substance of the faith upon which the new Commonwealth was to be built. Without a full comprehension of their contents the subsequent history of America would be unintelligible. It will therefore be well to quote them here verbatim, and I do so the more readily because, apart from their historic importance, it is a pity that more Englishmen are not acquainted with this masterpiece of English prose.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth the separate and equal station to which the laws of Nature and of Nature's God entitle them, a decent respect for the opinion of Mankind requires that they shall declare the cause that impels the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of those ends it is the right of the people to alter or to abolish it, and to reinstate a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

The Declaration goes on to specify the causes of grievances which the colonists conceive themselves to have against the royal government, and concludes as follows: —

We, therefore, the representatives of the United States of America in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are and of right ought to be Free and Independent States.

The first principles set out in the Declaration must be rightly grasped if American history is understood, for indeed the story of America is merely the story of the working out of those principles. Briefly the theses are two: first, that men are of right equal, and secondly, that the moral basis of the relations between governors and governed is contractual. Both doctrines have in this age had to stand the fire of criticisms almost too puerile to

be noticed. It is gravely pointed out that men are of different heights and weights, that they vary in muscular power and mental cultivation – as if either Rousseau or Jefferson was likely to have failed to notice this occult fact! Similarly the doctrine of the contractual basis of society is met by a demand for the production of a signed, sealed, and delivered contract, or at least for evidence that such a contract was ever made. But Rousseau says – with a good sense and modesty which dealers in "prehistoric" history would do well to copy – that he does not know how government in fact arose. Nor does anyone else. What he maintains is that the moral sanction of government is contractual, or, as Jefferson puts it, that government "derives its just powers from the consent of the governed."

The doctrine of human equality is in a sense mystical. It is not apparent to the senses, nor can it be logically demonstrated as an inference from anything of which the senses can take cognizance. It can only be stated accurately, and left to make its appeal to men's minds. It may be stated theologically by saying, as the Christian theology says, that all men are equal before God. Or it may be stated in the form which Jefferson uses – that all men are equal in their "inalienable rights." But it must be accepted as a first principle or not at all. The nearest approach to a method of proving it is to take the alternative proposition and deduce its logical conclusion. Would those who would maintain that the "wisest and best" have rights superior to those of their neighbours, welcome a law which would enable

any person demonstrably wiser or more virtuous than themselves to put them to death? I think that most of them have enough modesty (and humour) to shrink, as Huxley did, from such a proposition. But the alternative is the acceptance of Jefferson's doctrine that the fundamental rights of men are independent of adventitious differences, whether material or moral, and depend simply upon their manhood.

The other proposition, the contractual basis of human society and its logical consequences, the supremacy of the general will, can be argued in the same fashion. It is best defended by asking, like the Jesuit Suarez, the simple question: "If sovereignty is not in the People, where is it?" It is useless to answer that it is in the "wisest and best." Who are the wisest and best? For practical purposes the phrases must mean either those whom their neighbours think wisest and best – in which case the ultimate test of democracy is conceded – or those who think themselves wisest and best: which latter is what in the mouths of such advocates it usually does mean. Thus those to whom the Divine Right of the conceited makes no appeal are forced back on the Jeffersonian formula. Let it be noted that that formula does not mean that the people are always right or that a people cannot collectively do deliberate injustice or commit sins – indeed, inferentially it implies that possibility – but it means that there is on earth no temporal authority superior to the general will of a community.

It is, however, no part of the function of this book to

argue upon the propositions contained in the Declaration of Independence. It is merely necessary to chronicle the historical fact that Jefferson, as mouthpiece of the Continental Congress, put forward these propositions as self-evident, and that all America, looking at them, accepted them as such. On that acceptance, the intensity and ardent conviction of which showed itself, as will presently be seen, in a hundred ways, the American Commonwealth is built. In the modern haze of doubt and amid the denial of all necessary things, there have been found plenty of sophists, even in America, to dispute these great truisms. But if the American nation as a whole ever ceases to believe in them, it will not merely decay, as all nations decay when they lose touch with eternal truths; it will drop suddenly dead.

We must now turn back a little in time in order to make clear the military situation as it stood when Jefferson's "Declaration" turned the war into a war of doctrines.

The summer of 1775 saw the first engagement which could well be dignified with the name of a battle. A small English force had been sent to Boston with the object of coercing the recalcitrant colony of Massachusetts. It was absolutely insufficient, as the event showed, even for that purpose, and before it had landed it was apparent that its real task would be nothing less than the conquest of America. The Massachusetts rebels wisely determined to avoid a combat with the guns of the British fleet; they abandoned the city and entrenched themselves in a strong position in the neighbourhood known as Bunker's

Hill. The British troops marched out of Boston to dislodge them. This they eventually succeeded in doing; and those who regard war as a game like billiards to be settled by scoring points may claim Bunker's Hill as a British victory. But it produced all the consequences of a defeat. The rebel army was not destroyed; it was even less weakened than the force opposed to it. It retired in good order to a position somewhat further back, and the British force had no option but to return to Boston with its essential work undone. For some time England continued to hold Boston, but the State of Massachusetts remained in American hands. At last, in the absence of any hope of any effective action, the small English garrison withdrew, leaving the original prize of war to the rebels.

On the eve of this indecisive contest the American Congress met to consider the selection of a commander-in-chief for the revolutionary armies. Their choice fell on General George Washington, a Virginian soldier who, as has been remarked, had served with some distinction in the French wars.

The choice was a most fortunate one. America and England have agreed to praise Washington's character so highly that at the hands of the young and irreverent he is in some danger of the fate of Aristides. For the benefit of those who tend to weary of the Cherry Tree and the Little Hatchet, it may be well to say that Washington was a very typical Southern gentleman in his foibles as well as in his virtues. Though his temper was in large matters under strict control, it was occasionally formidable

and vented itself in a free and cheerful profanity. He loved good wine, and like most eighteenth-century gentlemen, was not sparing in its use. He had a Southerner's admiration for the other sex – an admiration which, if gossip may be credited, was not always strictly confined within monogamic limits. He had also, in large measure, the high dignity and courtesy of his class, and an enlarged liberality of temper which usually goes with such good breeding. There is no story of him more really characteristic than that of his ceremoniously returning the salute of an aged Negro and saying to a friend who was disposed to deride his actions: "Would you have me let a poor ignorant coloured man say that he had better manners than I?" For the rest the traditional eulogy of his public character is not undeserved. It may justly be said of him, as it can be said of few of the great men who have moulded the destinies of nations, that history can put its fingers on no act of his and say: "Here this man was preferring his own interest to his country's."

As a military commander Washington ranks high. He had not, indeed, the genius of a Marlborough or a Napoleon. Rather he owed his success to a thorough grasp of his profession combined with just that remarkably level and unbiassed judgment which distinguished his conduct of civil affairs. He understood very clearly the conditions of the war in which he was to engage. He knew that Great Britain, as soon as she really woke up to the seriousness of her peril, would send out a formidable force of well-disciplined professional soldiers, and that at the hands of

such a force no mere levy of enthusiastic volunteers could expect anything but defeat. The breathing space which the incredible supineness of the British Government allowed him enabled him to form something like a real army. Throughout the campaigns that followed his primary object was not to win victories, but to keep that army in being. So long as it existed, he knew that it could be continually reinforced by the enthusiasm of the colonials, and that the recruits so obtained could be consolidated into and imbued with the spirit of a disciplined body. The moment it ceased to exist Great Britain would have to deal simply with rebellious populations, and Washington was soldier enough to know that an army can always in time break up and keep down a mere population, however eager and courageous.

And now England at last did what, if she were determined to enforce her will upon the colonists, she ought to have done at least five years before. She sent out an army on a scale at least reasonably adequate to the business for which it was designed. It consisted partly of excellent British troops and partly of those mercenaries whom the smaller German princes let out for hire to those who chose to employ them. It was commanded by Lord Howe. The objective of the new invasion – for the procrastination of the British Government had allowed the war to assume that character – was the city of New York.

New York harbour possesses, as anyone who enters it can see, excellent natural defences. Manhattan Island, upon which the city is built, lies at the mouth of the Hudson between two arms of

that river. At the estuary are a number of small islets well suited for the emplacement of powerful guns. The southern bank runs northward into a sharp promontory, at the end of which now stands the most formidable of American fortresses. The northern approach is covered by Long Island. The British command decided on the reduction of Long Island as a preliminary to an assault upon the city. The island is long and narrow, and a ridge of high ground runs down it like a backbone. This ridge Washington's army sought to hold against the attack of the British forces. It was the first real battle of the war, and it resulted in a defeat so overwhelming that it might well have decided the fate of America had not Washington, as soon as he saw how the day was going, bent all his energies to the tough task of saving his army. It narrowly escaped complete destruction, but ultimately a great part succeeded, though with great loss and not a little demoralization, in reaching Brooklyn in safety.

The Americans still held New York, the right bank of the Hudson; but their flank was dangerously threatened, and Washington, true to his policy, preferred the damaging loss of New York to the risk of his army. He retired inland, again offered battle, was again defeated and forced back into Pennsylvania. So decided did the superiority of the British army prove to be that eventually Philadelphia itself, then the capital of the Confederacy, had to be abandoned.

Meanwhile another British army under the command of General Burgoyne held Canada. That province had shown no

disposition to join in the revolt; an early attempt on the part of the rebels to invade it had been successfully repelled. Besides English and German troops, Burgoyne had the aid of several tribes of Indian auxiliaries, whose aid the British Government had been at some pains to secure – a policy denounced by Chatham in a powerful and much-quoted speech. Burgoyne was a clever and imaginative though not a successful soldier. He conceived and suggested to his Government a plan of campaign which was sound in strategic principle, which might well have succeeded, and which, if it had succeeded, would have dealt a heavy and perhaps a decisive blow to American hopes. How far its failure is to be attributed to his own faulty execution, how far to the blunders of the Home Government, and how far to accidents which the best general cannot always avoid, is still disputed. But that failure was certainly the turning-point of the war.

Burgoyne's project was this: He proposed to advance from Canada and push across the belt of high land which forms the northern portion of what is now New York State, until he struck the upper Hudson. Howe was at the same time to advance northward up the Hudson, join hands with him and cut the rebellion in two.

It was a good plan. The cutting off and crushing of one isolated district after another is just the fashion in which widespread insurrectionary movements have most generally been suppressed by military force. The Government accepted it, but, owing as it would seem to the laziness or levity of the English Minister

involved, instructions never reached Howe until it was too late for him to give effective support to his colleague. All, however, might have prospered had Burgoyne been able to move more rapidly. His first stroke promised well. The important fort of Ticonderoga was surprised and easily captured, and the road was open for his soldiers into the highlands. But that advance proved disastrously slow. Weeks passed before he approached the Hudson. His supplies were running short, and when he reached Saratoga, instead of joining hands with Howe he found himself confronted by strongly posted American forces, greatly outnumbering his own ill-sustained and exhausted army. Seeing no sign of the relief which he had expected to the south – though as a fact Howe had by this time learnt of the expedition and was hastening to his assistance – on October 6, 1777, he and his army surrendered to the American commander, General Gates.

The effect of Burgoyne's surrender was great in America; to those whose hopes had been dashed by the disaster of Long Island, the surrender of New York and Washington's enforced retreat it brought not only a revival of hope but a definite confidence in ultimate success. But that effect was even greater in Europe. Its immediate fruit was Lord North's famous "olive branch" of 1778; the decision of the British Government to accept defeat on the original issue of the war, and to agree to a surrender of the claim to tax the colonists on condition of their return to their allegiance. Such a proposition made three years earlier would certainly have produced immediate peace.

Perhaps it might have produced peace even as it was – though it is unlikely, for the declaration had filled men's souls with a new hunger for pure democracy – if the Americans had occupied the same isolated position which was theirs when the war began. But it was not in London alone that Saratoga had produced its effect. While it decided the wavering councils of the British Ministry in favour of concessions, it also decided the wavering councils of the French Crown in favour of intervention.

As early as 1776 a mission had been sent to Versailles to solicit on behalf of the colonists the aid of France. Its principal member was Benjamin Franklin, the one revolutionary leader of the first rank who came from the Northern colonies. He had all the shrewdness and humour of the Yankee with an enlarged intelligence and a wide knowledge of men which made him an almost ideal negotiator in such a cause. Yet for some time his mission hung fire. France had not forgotten her expulsion from the North American continent twenty years before. She could not but desire the success of the colonists and the weakening or dismemberment of the British Empire. Moreover, French public opinion – and its power under the Monarchy, though insufficient, was far greater than is now generally understood – full of the new ideals which were to produce the Revolution, was warmly in sympathy with the rebellion. But, on the other hand, an open breach with England involved serious risks. France was only just recovering from the effects of a great war in which she had on the whole been worsted, and very decidedly worsted, in the

colonial field. The revolt of the English colonies might seem a tempting opportunity for revenge; but suppose that the colonial resistance collapsed before effective aid could arrive? Suppose the colonists merely used the threat of French intervention to extort terms from England and then made common cause against the foreigner? These obvious considerations made the French statesmen hesitate. Aid was indeed given to the colonial rebels, especially in the very valuable form of arms and munitions, but it was given secretly and unofficially, with the satirist Beaumarchais, clever, daring, unscrupulous and ready to push his damaged fortunes in any fashion, as unaccredited go-between. But in the matter of open alliance with the rebels against the British Government France temporized, nor could the utmost efforts of Franklin and his colleagues extort a decision.

Saratoga extorted it. On the one hand it removed a principal cause of hesitation. After such a success it was unlikely that the colonists would tamely surrender. On the other it made it necessary to take immediate action. Lord North's attitude showed clearly that the British Government was ready to make terms with the colonists. It was clearly in the interests of France that those terms should be refused. She must venture something to make sure of such a refusal. With little hesitation the advisers of the French Crown determined to take the plunge. They acknowledged the revolted colonies as independent States, and entered into a defensive alliance with these States against Great Britain. That recognition and alliance immediately determined

the issue of the war. What would have happened if it had been withheld cannot be certainly determined. It seems not unlikely that the war would have ended as the South African War ended, in large surrenders of the substance of Imperial power in return for a theoretic acknowledgment of its authority. But all this is speculative. The practical fact is that England found herself, in the middle of a laborious, and so far on the whole unsuccessful, effort to crush the rebellion of her colonies, confronted by a war with France, which, through the close alliance then existing between the two Bourbon monarchies, soon became a war with both France and Spain. This change converted the task of subjugation from a difficult but practicable one, given sufficient time and determination, to one fundamentally impossible.

Yet, so far as the actual military situation was concerned, there were no darker days for the Americans than those which intervened between the promise of French help and its fulfilment. Lord Cornwallis had appeared in the South and had taken possession of Charleston, the chief port of South Carolina. In that State the inhabitants were less unanimous than elsewhere. The "Tories," as the local adherents of the English Crown were called, had already attempted a rebellion against the rebellion, but had been forced to yield to the Republican majority backed by the army of Washington. The presence of Cornwallis revived their courage. They boasted in Tarleton, able, enterprising and imperious, an excellent commander for the direction of irregular warfare, whose name and that of the squadron of horse which

he raised and organized became to the rebels what the names of Claverhouse and his dragoons were to the Covenanters. Cornwallis and Tarleton between them completely reduced the Carolinas, save for the strip of mountainous country to the north, wherein many of those families that Tarleton had "burnt out" found refuge, and proceeded to overrun Georgia. Only two successes encouraged the rebels. At the Battle of the Cowpens Tarleton having, with the recklessness which was the defeat of his qualities as a leader, advanced too far into the hostile country, was met and completely defeated by Washington. The defeat produced little immediate result, but it was the one definite military success which the American general achieved before the advent of the French, and it helped to keep up the spirit of the insurgents. Perhaps even greater in its moral effect was the other victory, which from the military point of view was even more insignificant. In Sumter and Davie the rebels found two cavalry leaders fully as daring and capable as Tarleton himself. They formed from among the refugees who had sought the shelter of the Carolinian hills a troop of horse with which they made a sudden raid upon the conquered province and broke the local Tories at the Battle of the Hanging Rock. It was a small affair so far as numbers went, and Davie's troopers were a handful of irregulars drawn as best might be from the hard-riding, sharp-shooting population of the South. Many of them were mere striplings; indeed, among them was a boy of thirteen, an incorrigible young rebel who had run away from school to

take part in the fighting. In the course of this narration it will be necessary to refer to that boy again more than once. His name was Andrew Jackson.

While there was so little in the events of the Southern campaign to bring comfort to the rebels, in the North their cause suffered a moral blow which was felt at the moment to be almost as grave as any military disaster. Here the principal American force was commanded by one of the ablest soldiers the Rebellion had produced, a man who might well have disputed the pre-eminent fame of Washington if he had not chosen rather to challenge – and with no contemptible measures of success – that of Iscariot. Benedict Arnold was, like Washington, a professional soldier whose talent had been recognized before the war. He had early embraced the revolutionary cause, and had borne a brilliant part in the campaign which ended in the surrender of Burgoyne. There seemed before him every prospect of a glorious career. The motives which led him to the most inexpiable of human crimes were perhaps mixed, though all of them were poisonous. He was in savage need of money to support the extravagance of his private tastes: the Confederacy had none to give, while the Crown had plenty. But it seems also that his ravenous vanity had been wounded, first by the fact that the glory of Burgoyne's defeat had gone to Gates and not to him, and afterwards by a censure, temperate and tactful enough and accompanied by a liberal eulogy of his general conduct, which Washington had felt obliged to pass on certain of his later military proceedings.

At any rate, the "ingratitude" of his country was the reason he publicly alleged for his treason; and those interested in the psychology of infamy may give it such weight as it may seem to deserve. For history the important fact is that Arnold at this point in the campaign secretly offered his services to the English, and the offer was accepted.

Arnold escaped to the British camp and was safe. The unfortunate gentleman on whom patriotic duty laid the unhappy task of trafficking with the traitor was less fortunate. Major André had been imprudent enough to pay a visit to a spot behind the American lines, and, at Arnold's suggestion, to do so in plain clothes. He was taken, tried, and hanged as a spy. Though espionage was not his intention, the Americans cannot fairly be blamed for deciding that he should die. He had undoubtedly committed an act which was the act of a spy in the eyes of military law. It is pretty certain that a hint was given that the authorities would gladly exchange him for Arnold, and it is very probable that the unslaked thirst for just vengeance against Arnold was partly responsible for the refusal of the American commanders to show mercy. André's courage and dignity made a profound impression on them, and there was a strong disposition to comply with his request that he should at least be shot instead of hanged. But to that concession a valid and indeed irresistible objection was urged. Whatever the Americans did was certain to be scanned with critical and suspicious eyes. Little could be said in the face of the facts if they treated André as a spy and inflicted

on him the normal fate of a spy. But if they showed that they scrupled to hang him as a spy, it would be easy to say that they had shot a prisoner of war.

Arnold was given a command in the South, and the rage of the population of that region was intensified into something like torment when they saw their lands occupied and their fields devastated no longer by a stranger from overseas who was but fulfilling his military duty, but by a cynical and triumphant traitor. Virginia was invaded and a bold stroke almost resulted in the capture of the author of the Declaration of Independence himself, who had been elected Governor of that State. In the course of these raids many abominable things were done which it is unnecessary to chronicle here. The regular English troops, on the whole, behaved reasonably well, but Tarleton's native "Tories" were inflamed by a fanaticism far fiercer than theirs, while atrocity was of course normal to the warfare of the barbarous mercenaries of England, whether Indian or German. It is equally a matter of course that such excesses provoked frequent reprisals from the irregular colonial levies.

But aid was at last at hand. Already Lafayette, a young French noble of liberal leanings, had appeared in Washington's camp at the head of a band of volunteers, and the accession, small as it was, led to a distinct revival of the fortunes of the revolution in the South. It was, however, but a beginning. England, under pressure of the war with France and Spain, lost that absolute supremacy at sea which has ever been and ever will

be necessary to her conduct of a successful war. A formidable French armament was able to cross the Atlantic. A French fleet threatened the coasts. Cornwallis, not knowing at which point the blow would fall, was compelled to withdraw his forces from the country they had overrun, and to concentrate them in a strong position in the peninsula of Yorktown. Here he was threatened on both sides by Washington and Rochambeau, while the armada of De Grasse menaced him from the sea. The war took on the character of a siege. His resources were speedily exhausted, and on September 19, 1781, he surrendered.

It was really the end of the war so far as America was concerned, though the struggle between England and France continued for a time with varying fortunes in other theatres, and the Americans, though approached with tempting offers, wisely as well as righteously refused to make a separate peace at the expense of their Allies. But the end could no longer be in doubt. The surrender of Burgoyne had forced North to make concessions; the surrender of Cornwallis made his resignation inevitable. A new Ministry was formed under Rockingham pledged to make peace. Franklin again went to Paris as representative of the Confederation and showed himself a diplomatist of the first rank. To the firmness with which he maintained the Alliance against the most skilful attempts to dissolve it must largely be attributed the successful conclusion of a general peace on terms favourable to the Allies and especially favourable to America. Britain recognized the independence of

her thirteen revolted colonies, and peace was restored.

I have said that England recognized her thirteen revolted colonies. She did not recognize the American Republic, for as yet there was none to recognize. The war had been conducted on the American side nominally by the Continental Congress, an admittedly *ad hoc* authority not pretending to permanency; really by Washington and his army which, with the new flag symbolically emblazoned with thirteen stars and thirteen stripes, was the one rallying point of unity. That also was now to be dissolved. The States had willed to be free, and they were free. Would they, in their freedom, will effectively to be a nation? That was a question which not the wisest observer could answer at the time, and which was not perhaps fully answered until well within the memory of men still living. Its solution will necessarily form the main subject of this book.

CHAPTER III
"WE, THE PEOPLE"

An account of the American Revolution which took cognizance only of the armed conflict with England would tell much less than half the truth, and even that half would be misleading. If anyone doubts that the real inspiration which made America a nation was drawn, not from Whiggish quarrels about taxes, but from the great dogmas promulgated by Jefferson, it is sufficient to point out that the States did not even wait till their victory over England was assured before effecting a complete internal revolution on the basis of those dogmas. Before the last shot had been fired almost the last privilege had disappeared.

The process was a spontaneous one, and its fruits appear almost simultaneously in every State. They can be followed best in Virginia, where Jefferson himself took the lead in the work of revolutionary reform.

Hereditary titles and privileges went first. On this point public feeling became so strong that the proposal to form after the war a society to be called "the Cincinnati," which was to consist of those who had taken a prominent part in the war and afterwards of their descendants, was met, in spite of the respect in which Washington and the other military heroes were held, with so marked an expression of public disapproval that the hereditary

part of the scheme had to be dropped.

Franchises were simplified, equalized, broadened, so that in practically every State the whole adult male population of European race received the suffrage. Social and economic reforms having the excellent aim of securing and maintaining a wide distribution of property, especially of land, were equally prominent among the achievements of that time. Jefferson himself carried in Virginia a drastic code of Land Laws, which anticipated many of the essential provisions which through the *Code Napoleon* revolutionized the system of land-owning in Europe. As to the practical effect of such reforms we have the testimony of a man whose instinct for referring all things to practice was, if anything, an excess, and whose love for England was the master passion of his life. "Every object almost that strikes my view," wrote William Cobbett many years later, "sends my mind and heart back to England. In viewing the ease and happiness of this people the contrast fills my soul with indignation, and makes it more and more the object of my life to assist in the destruction of the diabolical usurpation which has trampled on king as well as people."

Another principle, not connected by any direct logic with democracy and not set forth in the Declaration of Independence, was closely associated with the democratic thesis by the great French thinkers by whom that thesis was revived, and had a strong hold upon the mind of Jefferson – the principle of religious equality, or, as it might be more exactly defined, of the

Secular State.

So many loose and absurd interpretations of this principle have been and are daily being propounded, that it may be well to state succinctly what it does and does not mean.

It does not mean that anyone may commit any anti-social act that appeals to him, and claim immunity from the law on the ground that he is impelled to that act by his religion; can rob as a conscientious communist, murder as a conscientious Thug, or refuse military service as a conscientious objector. None understood better than Jefferson – it was the first principle of his whole political system – that there must be *some* basis of agreement amongst citizens as to what is right and what is wrong, and that what the consensus of citizens regards as wrong must be punished by the law. All that the doctrine of the Secular State asserted was that such general agreement among citizens need not include, as in most modern States it obviously does not include, an agreement on the subject of religion. Religion is, so to speak, left out of the Social Contract, and consequently each individual retains his natural liberty to entertain and promulgate what views he likes concerning it, so long as such views do not bring him into conflict with those general principles of morality, patriotism and social order upon which the citizens of the State *are* agreed, and which form the basis of its laws.

The public mind of America was for the most part well prepared for the application of this principle. We have already noted how the first experiment in the purely secular organization

of society had been made in the Catholic colony of Maryland and the Quaker colony of Pennsylvania. The principle was now applied in its completeness to one State after another. The Episcopalian establishment of Jefferson's own State was the first to fall; the other States soon followed the example of Virginia.

At the same time penalties or disabilities imposed as a consequence of religious opinions were everywhere abrogated. Only in New England was there any hesitation. The Puritan States did not take kindly to the idea of tolerating Popery. In the early days of the revolution their leaders had actually made it one of the counts of their indictment against the British Government that that Government had made peace with Anti-Christ in French Canada – a fact remembered to the permanent hurt of the Confederacy when the French Canadians were afterwards invited to make common cause with the American rebels. But the tide was too strong even for Calvinists to resist; the equality of all religions before the law was recognized in every State, and became, as it remains to-day, a fundamental part of the American Constitution.

It may be added that America affords the one conspicuous example of the Secular State completely succeeding. In France, where the same principles were applied under the same inspiration, the ultimate result was something wholly different: an organized Atheism persecuting the Christian Faith. In England the principle has never been avowedly applied at all. In theory the English State still professes the form

of Protestant Christianity defined in the Prayer-book, and "tolerates" dissenters from it as the Christian States of the middle ages tolerated the Jews, and as in France, during the interval between the promulgation of the Edict of Nantes and its revocation, a State definitely and even pronouncedly Catholic tolerated the Huguenots. Each dissentient religious body claims its right to exist in virtue of some specific Act of Parliament. Theoretically it is still an exception, though the exceptions have swallowed the rule.

Moreover, even under this rather hazy toleration, those who believe either more or less than the bulk of their fellow-countrymen and who boldly proclaim their belief usually find themselves at a political disadvantage. In America it never seems to have been so. Jefferson himself, a Deist (the claim sometimes made that he was a "Christian" seems to rest on nothing more solid than the fact that, like nearly all the eighteenth-century Deists, he expressed admiration for the character and teaching of Jesus Christ), never for a moment forfeited the confidence of his countrymen on that account, though attempts were made, notably by John Adams, to exploit it against him. Taney, a Catholic, was raised without objection on that score to the first judicial post in America, at a date when such an appointment would have raised a serious tumult in England. At a later date Ingersoll was able to vary the pastime of "Bible-smashing" with the profession of an active Republican wire-puller, without any of the embarrassments which that much

better and honester man, Charles Bradlaugh, had to encounter. The American Republic has not escaped the difficulties and problems which are inevitable to the Secular State, when some of its citizens profess a religion which brings them into conflict with the common system of morals which the nation takes for granted; the case of the Mormons is a typical example of such a problem. But there is some evidence that, as the Americans have applied the doctrine far more logically than we, they have also a keener perception of the logic of its limitations. At any rate, it is notable that Congress has refused, in its Conscription Act, to follow our amazing example and make the conscience of the criminal the judge of the validity of legal proceedings against him.

Changes so momentous, made in so drastic and sweeping a fashion in the middle of a life and death struggle for national existence, show how vigorous and compelling was the popular impulse towards reform. Yet all the great things that were done seem dwarfed by one enormous thing left undone; the heroic tasks which the Americans accomplished are forgotten in the thought of the task which stared them in the face, but from which they, perhaps justifiably, shrank. All the injustices which were abolished in that superb crusade against privilege only made plainer the shape of the one huge privilege, the one typical injustice which still stood – the blacker against such a dawn – Negro Slavery.

It has already been mentioned that Slavery was at one time universal in the English colonies and was generally approved by

American opinion, North and South. Before the end of the War of Independence it was almost as generally disapproved, and in all States north of the borders of Maryland it soon ceased to exist.

This was not because democratic ideals were more devotedly cherished in the North than in the South; on the whole the contrary was the case. But the institution of Slavery was in no way necessary to the normal life and industry of the North; its abrogation made little difference, and the rising tide of the new ideas to which it was necessarily odious easily swept it away. In their method of dealing with it the Northerners, it must be owned, were kinder to themselves than to the Negroes. They declared Slavery illegal within their own borders, but they generally gave the slave-holder time to dispose of his human property by selling it in the States where Slavery still existed. This fact is worth noting, because it became a prime cause of resentment and bitterness when, at a later date, the North began to reproach the South with the guilt of slave-owning. For the South was faced with no such easy and manageable problem. Its coloured population was almost equal in number to its white colonists; in some districts it was even greatly preponderant. Its staple industries were based on slave labour. To abolish Slavery would mean an industrial revolution of staggering magnitude of which the issue could not be foreseen. And even if that were faced, there remained the sinister and apparently insoluble problem of what to do with the emancipated Negroes. Jefferson, who felt the reproach of Slavery keenly, proposed to

the legislature of Virginia a scheme so radical and comprehensive in its character that it is not surprising if men less intrepid than he refused to adopt it. He proposed nothing less than the wholesale repatriation of the blacks, who were to set up in Africa a Negro Republic of their own under American protection. Jefferson fully understood the principles and implications of democracy, and he was also thoroughly conversant with Southern conditions, and the fact that he thought (and events have certainly gone far to justify him) that so drastic a solution was the only one that offered hope of a permanent and satisfactory settlement is sufficient evidence that the problem was no easy one. For the first time Jefferson failed to carry Virginia with him; and Slavery remained an institution sanctioned by law in every State south of the Mason-Dixon Line.

While the States were thus dealing with the problems raised by the application to their internal administration of the principles of the new democratic creed, the force of mere external fact was compelling them to attempt some sort of permanent unity. Those who had from the first a specific enthusiasm for such unity were few, though Washington was among them, and his influence counted for much. But what counted for much more was the pressure of necessity. It was soon obvious to all clear-sighted men that unless some authoritative centre of union were created the revolutionary experiment would have been saved from suppression by arms only to collapse in mere anarchic confusion. The Continental Congress, the only existing authority,

was moribund, and even had it been still in its full vigour, it had not the powers which the situation demanded. It could not, for instance, levy taxes on the State; its revenues were completely exhausted and it had no power to replenish them. The British Government complained that the conditions of peace were not observed on the American side, and accordingly held on to the positions which it had occupied at the conclusion of the war. The complaint was perfectly just, but it did not arise from deliberate bad faith on the part of those who directed (as far as anyone was directing) American policy, but from the simple fact that there was no authority in America capable of enforcing obedience and carrying the provisions of the treaty into effect. The same moral was enforced by a dozen other symptoms of disorder. The Congress had disbanded the soldiers, as had been promised, on the conclusion of peace, but, having no money, could not keep its at least equally important promise to pay them. This led to much casual looting by men with arms in their hands but nowhere to turn for a meal, and the trouble culminated in a rebellion raised in New England by an old soldier of the Continental Army called Shay. Such incidents as these were the immediate cause of the summoning at Philadelphia of a Convention charged with the task of framing a Constitution for the United States.

Of such a Convention Washington was the only possible President; and he was drawn from a temporary and welcome retirement in his Virginian home to re-enter in a new fashion the service of his country. Under his presidency disputed and

compromised a crowd of able men representative of the widely divergent States whose union was to be attempted. There was Alexander Hamilton, indifferent or hostile to the democratic idea but intensely patriotic, and bent above all things upon the formation of a strong central authority; Franklin with his acute practicality and his admirable tact in dealing with men; Gerry, the New Englander, Whiggish and somewhat distrustful of the populace; Pinckney of South Carolina, a soldier and the most ardent of the Federalists, representing, by a curious irony, the State which was to be the home of the most extreme dogma of State Rights; Madison, the Virginian, young, ardent and intellectual, his head full of the new wine of liberty. One great name is lacking. Jefferson had been chosen to represent the Confederacy at the French Court, where he had the delight of watching the first act of that tremendous drama, whereby his own accepted doctrine was to re-shape France, as it had already re-shaped America. The Convention, therefore, lacked the valuable combination of lucid thought on the philosophy of politics and a keen appreciation of the direction of the popular will which he above all men could have supplied.

The task before the Convention was a hard and perilous one, and nothing about it was more hard and perilous than its definition. What were they there to do? Were they framing a treaty between independent Sovereignties, which, in spite of the treaty, would retain their independence, or were they building a nation by merging these Sovereignties in one general Sovereignty

of the American people? They began by proceeding on the first assumption, re-modelling the Continental Congress – avowedly a mere alliance – and adding only such powers as it was plainly essential to add. They soon found that such a plan would not meet the difficulties of the hour. But they dared not openly adopt the alternative theory: the States would not have borne it. Had it, for example, been specifically laid down that a State once entering the Union might never after withdraw from it, quite half the States would have refused to enter it. To that extent the position afterwards taken up by the Southern Secessionists was historically sound. But there was a complementary historical truth on the other side. There can be little doubt that in this matter the founders of the Republic desired and intended more than they ventured to attempt. The fact that men of unquestionable honesty and intelligence were in after years so sharply and sincerely divided as to what the Constitution really *was*, was in truth the result of a divided mind in those who framed the Constitution. They made an alliance and hoped it would grow into a nation. The preamble of the Constitution represents the aspirations of the American Fathers; the clauses represent the furthest they dared towards those aspirations. The preamble was therefore always the rallying point of those who wished to see America one nation. Its operative clause ran: "We, the People of the United States, in order to form a more perfect Union, … do ordain and establish this Constitution for the United States of America." That such language was a strong point in

favour of the Federalist interpreters of the Constitution was afterwards implicitly admitted by the extreme exponents of State Sovereignty themselves, for when they came to frame for their own Confederacy a Constitution reflecting their own views they made a most significant alteration. The corresponding clause in the Constitution of the Southern Confederacy ran, "We, *the deputies of the Sovereign and Independent States*, … do ordain," etc., etc.

For the rest two great practical measures which involved no overbold challenge to State Sovereignty were wisely planned to buttress the Union and render it permanent. A clause in the Constitution forbade tariffs between the States and established complete Free Trade within the limits of the Union. An even more important step was that by which the various States which claimed territory in the as yet undeveloped interior were induced to surrender such territory to the collective ownership of the Federation. This at once gave the States a new motive for unity, a common inheritance which any State refusing or abandoning union must surrender.

Meanwhile it would be unjust to the supporters of State Rights to deny the excellence and importance of their contribution to the Constitutional settlement. To them is due the establishment of local liberties with safeguards such as no other Constitution gives. And, in spite of the military victory which put an end to the disputes about State Sovereignty and finally established the Federalist interpretation of the Constitution, this part of

their work endures. The internal affairs of every State remain as the Constitution left them, absolutely in its own control. The Federal Government never interferes save for purposes of public taxation, and, in the rare case of necessity, of national defence. For the rest nine-tenths of the laws under which an American citizen lives, nearly all the laws that make a practical difference to his life, are State laws. Under the Constitution, as framed, the States were free to form their separate State Constitutions according to their own likings, and to arrange the franchise and the test of citizenship, even for Federal purposes, in their own fashion. This, with the one stupid and mischievous exception made by the ill-starred Fifteenth Amendment, remains the case to this day, with the curious consequence, among others, that it is now theoretically possible for a woman to become President of the United States, if she is the citizen of a State where female suffrage is admitted.

Turning to the structure of the central authority which the Constitution sought to establish, the first thing that strikes us – in the teeth of the assertion of most British and some American writers – is that it was emphatically *not* a copy of the British Constitution in any sense whatever. It is built on wholly different principles, drawn mostly from the French speculations of that age. Especially one notes, alongside of the careful and wise separation of the judiciary from the executive, the sound principle enunciated by Montesquieu and other French thinkers of the eighteenth century, but rejected and contemned

by England (to her great hurt) as a piece of impracticable logic – the separation of the executive and legislative powers. It was this principle which made possible the later transformation of the Presidency into a sort of Elective Monarchy.

This result was not designed or foreseen; or rather it was to an extent foreseen, and deliberately though unsuccessfully guarded against. The American revolutionists were almost as much under the influence of classical antiquity as the French. From it they drew the noble conception of "the Republic," the public thing acting with impersonal justice towards all citizens. But with it they also drew an exaggerated dread of what they called "Cæsarism," and with it they mixed the curious but characteristic illusion of that age – an illusion from which, by the way, Rousseau himself was conspicuously free – that the most satisfactory because the most impersonal organ of the general will is to be found in an elected assembly. They had as yet imperfectly learnt that such an assembly must after all consist of persons, more personal because less public than an acknowledged ruler. They did not know that, while a despot may often truly represent the people, a Senate, however chosen, always tends to become an oligarchy. Therefore they surrounded the presidential office with checks which in mere words made the President seem less powerful than an English King. Yet he has always in fact been much more powerful. And the reason is to be found in the separation of the executive from the legislature. The President, while his term lasted, had the full

powers of a real executive. Congress could not turn him out, though it could in various ways check his actions. He could appoint his own Ministers (though the Senate must ratify the choice) and they were wisely excluded from the legislature. An even wiser provision limited the appointment of Members of Congress to positions under the executive. Thus both executive and legislature were kept, so far as human frailty permitted, pure in their normal functions. The Presidency remained a real Government. Congress remained a real check.

In England, where the opposite principle was adopted, the Ministry became first the committee of an oligarchical Parliament and later a close corporation nominating the legislature which is supposed to check it.

The same fear of arbitrary power was exhibited, and that in fashion really inconsistent with the democratic principles which the American statesmen professed, in the determination that the President should be chosen by the people only in an indirect fashion, through an Electoral College. This error has been happily overruled by events. Since the Electoral College was to be chosen *ad hoc* for the single purpose of choosing a President, it soon became obvious that pledges could easily be exacted from its members in regard to their choice. By degrees the pretence of deliberate action by the College wore thinner and thinner. Finally it was abandoned altogether, and the President is now chosen, as the first magistrate of a democracy ought to be chosen, if election is resorted to at all, by the direct vote of the

nation. At the time, however, it was supposed that the Electoral College would be an independent deliberative assembly. It was further provided that the second choice of the Electoral College should be Vice-President, and succeed to the Presidency in the event of the President dying during his term of office. If there was a "tie" or if no candidate had an absolute majority in the College, the election devolved on the House of Representatives voting in this instance by States.

In connection with the election both of Executive and Legislature, the old State Rights problem rose in another form. Were all the States to have equal weight and representation, as had been the case in the old Continental Congress, or was their weight and representation to be proportional to their population? On this point a compromise was made. The House of Representatives was to be chosen directly by the people on a numerical basis, and in the Electoral College which chose the President the same principle was adopted. In the Senate all States were to have equal representation; and the Senators were to be chosen by the legislatures of the States; they were regarded rather as ambassadors than as delegates. The term of a Senator was fixed for six years, a third of the Senate resigning in rotation every two years. The House of Representatives was to be elected in a body for two years. The President was elected for four years, at the end of which time he could be re-elected.

Such were the main lines of the compromises which were effected between the conflicting views of the extreme Federalists

and extreme State Rights advocates, and the conflicting interests of the larger and smaller States. But there was another threatened conflict, more formidable and, as the event proved, more enduring, with which the framers of the Constitution had to deal. Two different types of civilization had grown up on opposite sides of the Mason-Dixon line. How far Slavery was the cause and how far a symptom of this divergence will be discussed more fully in future chapters. At any rate it was its most conspicuous mark or label. North and South differed so conspicuously not only in their social organization but in every habit of life and thought that neither would tamely bear to be engulfed in a union in which the other was to be predominant. To keep an even balance between them was long the principal effort of American statesmanship. That effort began in the Convention which framed the Constitution. It did not cease till the very eve of the Civil War.

The problem with which the Convention had to deal was defined within certain well-understood limits. No one proposed that Slavery should be abolished by Federal enactment. It was universally acknowledged that Slavery within a State, however much of an evil it might be, was an evil with which State authority alone had a right to deal. On the other hand, no one proposed to make Slavery a national institution. Indeed, all the most eminent Southern statesmen of that time, and probably the great majority of Southerners, regarded it as a reproach, and sincerely hoped that it would soon disappear. There remained, however, certain definite subjects of dispute concerning which an agreement had

to be reached if the States were to live in peace in the same household.

First, not perhaps in historic importance, but in the insistence of its demand for an immediate settlement, was the question of representation. It had been agreed that in the House of Representatives and in the Electoral College this should be proportionate to population. The urgent question at once arose: should free white citizens only be counted, or should the count include the Negro slaves? When it is remembered that these latter numbered something like half the population of the Southern States, the immediate political importance of the issue will at once be recognized. If they were omitted the weight of the South in the Federation would be halved. In the opposite alternative it would be doubled. By the compromise eventually adopted it was agreed that the whole white population should be counted and three-fifths of the slaves.

The second problem was this: if Slavery was to be legal in one State and illegal in another, what was to be the status of a slave escaping from a Slave State into a free? Was such an act to be tantamount to an emancipation? If such were to be the case, it was obvious that slave property, especially in the border States, would become an extremely insecure investment. The average Southerner of that period was no enthusiast for Slavery. He was not unwilling to listen to plans of gradual and compensated emancipation. But he could not be expected to contemplate losing in a night property for which he had perhaps

paid hundreds of dollars, without even the hope of recovery. On this point it was found absolutely necessary to give way to the Southerners, though Franklin, for one, disliked this concession more than any other. It was determined that "persons held to service or labour" escaping into another State should be returned to those "to whom such service or labour may be due."

The last and on the whole the least defensible of the concessions made in this matter concerned the African Slave Trade. That odious traffic was condemned by almost all Americans – even by those who were accustomed to domestic slavery, and could see little evil in it. Jefferson, in the original draft of the Declaration of Independence, had placed amongst the accusations against the English King the charge that he had forced the slave trade on reluctant colonies. The charge was true so far at any rate as Virginia was concerned, for both that State and its neighbour, Maryland, had passed laws against the traffic and had seen them vetoed by the Crown. But the extreme South, where the cotton trade was booming, wanted more Negro labour; South Carolina objected, and found an expected ally in Massachusetts. Boston had profited more by the Slave Trade than any other American city. She could hardly condemn King George without condemning herself. And, though her interest in the traffic had diminished, it had not wholly ceased. The paragraph in question was struck out of the Declaration, and when the Convention came to deal with the question the same curious alliance thwarted the efforts of those who demanded the

immediate prohibition of the trade. Eventually the Slave Trade was suffered to continue for twenty years, at the end of which time Congress might forbid it. This was done in 1808, when the term of suffrance had expired.

Thus was Negro Slavery placed under the protection of the Constitution. It would be a grave injustice to the founders of the American Commonwealth to make it seem that any of them liked doing this. Constrained by a cruel necessity, they acquiesced for the time in an evil which they hoped that time would remedy. Their mind is significantly mirrored by the fact that not once in the Constitution are the words "slave" or "slavery" mentioned. Some euphemism is always used, as "persons held to service or labour," "the importation of persons," "free persons," contrasted with "other persons," and so on. Lincoln, generations later, gave what was undoubtedly the true explanation of this shrinking from the name of the thing they were tolerating and even protecting. They hoped that the Constitution would survive Negro Slavery, and they would leave no word therein to remind their children that they had spared it for a season. Beyond question they not only hoped but expected that the concession which for the sake of the national unity they made to an institution which they hated and deplored would be for a season only. The influence of time and the growth of those great doctrines which were embodied in the Declaration of Independence could not but persuade all men at last; and the day, they thought, could not be far distant when the Slave States themselves would concur in some prudent scheme

of emancipation, and make of Negro Slavery an evil dream that had passed away. None the less not a few of them did what they had to do with sorrowful and foreboding hearts, and the author of the Declaration of Independence has left on record his own verdict, that he trembled for his country when he remembered that God was just.

CHAPTER IV
THE MANTLE OF WASHINGTON

The compromises of the Constitution, on whatever grounds they may be criticized, were so far justified that they gained their end. That end was the achievement of union; and union was achieved. This was not done easily nor without opposition. In some cities anti-Constitutional riots took place. Several States refused to ratify. The opposition had the support of the great name of Patrick Henry, who had been the soul of the resistance to the Stamp Act, and who now declared that under the specious name of "Federation" Liberty had been betrayed. The defence was conducted in a publication called *The Federalist* largely by two men afterwards to be associated with fiercely contending parties, Alexander Hamilton and James Madison. But more persuasive than any arguments that the ablest advocate could use were the iron necessities of the situation. The Union was an accomplished fact. For any State, and especially for a small State – and it was the small States that hesitated most – to refuse to enter it would be so plainly disastrous to its interests that the strongest objections and the most rooted suspicions had eventually to give way. Some States hung back long: some did not ratify the Constitution until its machinery was actually working, until the first President had been chosen and the first

Congress had met. But all ratified it at last, and before the end of Washington's first Presidency the complement of Stars and Stripes was made up.

The choice of a President was a foregone conclusion. Everyone knew that Washington was the man whom the hour and the nation demanded. He was chosen without a contest by the Electoral College, and would undoubtedly have been chosen with the same practical unanimity by the people had the choice been theirs. So long as he retained his position he retained along with it the virtually unchallenged pre-eminence which all men acknowledged. There had been cabals against him as a general, and there were signs of a revival of them when his Presidency was clearly foreshadowed. The impulse came mostly from the older and wealthier gentry of his own State – the Lees for example – who tended to look down upon him as a "new man." Towards the end of his political life he was to some extent the object of attack from the opposite quarter; his fame was assailed by the fiercer and less prudent of the Democratic publicists. But, throughout, the great mass of the American people trusted him as their representative man, as those who abused him or conspired against him did so to their own hurt. A less prudent man might easily have worn out his popularity and alienated large sections of opinion, but Washington's characteristic sagacity, which had been displayed so constantly during the war, stood him in as good stead in matters of civil government. He propitiated Nemesis and gave no just provocation to any party to risk its popularity by

attacking him. While he was President the mantle of his great fame was ample enough to cover the deep and vital divisions which were appearing even in his own Cabinet, and were soon to convulse the nation in a dispute for the inheritance of his power.

Конец ознакомительного фрагмента.