was submitted first to the vote as the strongest and therefore the best test.

The position of Messrs. Trumbull and Fessenden's assailants, therefore, is just this. A Republican senator might say on his oath, and yet he be an honest man, that the removal of Mr. Stanton and the appointment of General Thomas did not constitute a high crime or misdemeanor; and he might say on his oath, and yet he be an honest man, that the wild speeches of 1866 did not constitute a high crime or misdemeanor; but if he says on his oath that he believes the removal of Mr. Stanton in February, 1868, was not done "in pursuance of a plan formed by Mr. Johnson in 1866, and of which the only evidence is a fragment of a stump speech made in that year—popularly supposed to have been delivered under the influence of whiskey—although Mr. Johnson has never acknowledged the validity of Congressional legislation day by day in the ordinary course of business, he must be a corrupt sconce—brished to violate his oath by fraudulent distillers.

His guilt is evident; he is not only to be driven out of the party, but to be held up to execration as a disanswerable man. This is a strictly correct statement of the case. This is the charge against the dissident Republican senators, and the whole of it. There is not nearly as much reason for suspecting a man's good faith who refuses to convict on the eleventh article as on the second and third, on simple grounds of evidence. The reason why the eleventh article has been made a test of morals is the will of the extremists. They choose to consider it so, and there's an end on it.

They say simply, "To this article we require your adhesion; on the others we give you liberty. Vote it, or we blacken your character to the extent of our ability."

We cast no imputation on anybody who voted guilty on that article; but we venture to say that the number of trained lawyers who could do so is small. Few, we venture to say, swallow it who have not worked them selves into the state of mental infirmity which seems to be endemic at Washington, and of which Mr. Boutwell offered such a striking symptom when he showed that Andrew Johnson's guilt was greater than that of Caius Verres by showing that the superficial area of the United States was greater than that of Sicily.

We believe, for our part, that the thanks of the country are due to Messrs. Trumbull, Fessenden, Grimes, Henderson, Fowler, Van Winkle, and Ross, not for voting for Johnson's acquittal, but for vindicating, we presume nobody but themselves knows at what cost, the dignity and purity of the court of which they formed a part, and the sacred rights of individual conscience. They have afforded American young men an example such as no politicians have ever afforded them in the whole course of American history, and at a time, too, when the tendency to put party claims above everything is rapidly increasing, and when we are adding to our voting population a vast body of persons on whom the great laws of morality sit only lightly, and for whom party discipline has, of course, the attraction it has everywhere and always for those who have little other discipline to guide them.

The issue of the impeachment trial was no doubt important as regards the actual political situation; but the greatest of all questions for the American people is, whether amongst all the troubles and changes of this and coming ages the popular respect for the forms of law, for judicial purity and independence, can be maintained. As long as it can, all will go well, whatever storms blow; whenever the belief becomes general that a court of justice, and especially a "High Court," can be fairly used, whenever the majority please, as the instrument of their will, it will make little difference what its judgment will be or who fills the Presidential chair.

THE NEW CONSTITUTIONS OF THE SOUTHERN STATES.

Time seems close at hand when many of the Southern States, having complied with the Reconstruction Act, are to rejoin the ancient sisterhood. The votes upon the new constitutions have been scanned with only a passing interest, which has yielded to the more engrossing topic of impeachment; while the constitutions themselves, and the very important facts to which they bear witness, have been honored with a transient glance of kindly recognition by a few only of the many who should be their warm supporters at the North. While the Democratic press has dealt in wholesale abuse, most Republican papers have seemed by their silence to admit that they had no case, and meant to let the matter go by default. Yet, to the careful observer, the composition not only of the constitutions, but also of the conventions which draughted them, offers perhaps the most satisfactory proof yet obtainable from actual experience of the soundness of the policy of Congress. Not to leave this statement unsupported, we propose to bring together in a comprehensible form the results of a pretty thorough examination into these matters—results both interesting and valuable, and which can hardly fail to bring conviction in their train.

First, then, to show the component elements going to make up the conventions themselves. It is well known that their members were chosen by the combined votes of blacks and whites, without either manumission or other proper restrictions—a system which, if serving to the Democratic soothsayers, is to inaugurate and for ever ensure negro dominance. The canvass on the part of the Republicans was active and thorough. The negroes were in the first flush of power, of the extent of which they were fully informed. Yet they used it in a manner and with a moderation which surprised many even of their admirers. Here are the statistics. In Virginia, North Carolina, and Mississippi the black delegates were outnumbered by the white "Conservatives," so-called. In all the States except Louisiana (where the yellow fever had frightened multitudes of whites from the State) and South Carolina, the black members were in so small a ratio as to be, by themselves, utterly powerless. Save in the two above-named States, the proportions ranged from a minimum of one-fifteenth in Arkansas to a maximum of one-twelfth in Florida. These figures certainly show that, however resolved any white faction may have been to represent the divining line as one of color, no considerable number of the blacks pursued the same illiberal policy: an immense majority of them must have thrown their ballots for white candidates; and a not inconsiderable minority actually sinned on the other side, and conferred their suffrage on thorough-pieased "Conservatives"—a technical appellation the force of which is well understood. To our mind this last fact appears a much sounder proof of the intellectual weakness of the blacks for suffrage than any other charge against them which has yet been sustained by proof.

To epitomize any considerable number of these constitutions would, in our space, be quite impossible. We select, therefore, as fair specimen, those of Alabama and of Florida. Alabama was the first State in the field, with a constitution quite as Radical as any since published, and subsequently invented with a peculiar interest by reason of the struggle over its adoption, and the practical lesson taught by that struggle. Curiously enough, it differs very little, in most respects, from its predecessor, which was so satisfactory to its opponents. It is true that it establishes universal suffrage for whites and blacks without any tests whatsoever; but it is equally true and evident that the trial of this theory in the Southern States is now a matter of sheer necessity, which cannot be evaded; and this is the only radical innovation in the entire document, unless the formal abolition of slavery and the recognition of the supremacy of the National Government may strike some minds as such. In its other parts, all the topics of the old constitution are touched upon, and all the views and principles of the old constitution are fully retained; the two run in quite parallel and similar courses until the subject-matter of the old one is exhausted. Then, indeed, we find certain additions; but they are objectionable only on the ignoble basis of a systematic obstruction of all progress whatsoever in civilization. They lie mainly in Articles XI. and XII. The former of these is a very long and thorough series of enactments concerning education, establishing a most complete system of universal popular training, and providing ample sources of revenue permanently to maintain the same in vigorous working order. The latter creates a Bureau of Industrial Resources, with large powers and correspondingly extensive and important duties, among which are the discovery and investigation of all the material resources of the State, and the general diffusion of information concerning them, and also concerning improvements in machinery, agriculture, manufactures, and the like. The great majority of the persons framing this document were native Alabamians, whose lot had been, and was to remain, inseparably bound to that of their State, and whose honest object it clearly was...
to keep all of good that was transmitted to them from the past, and

to engrat upon it all the improvements suggested by later years.
The constitution of Florida has more points of interest and novelty,
and presents more matter for astonishment, than any of its follows. In
the convention about twenty out of eighty members were blacks. Yet the
constitution probably surpasses in conservatism that of any State in the
Union. A stable, and what is usually called a “strong,” administration
must, one would say, have appeared to these politicians to be the
summoned evening. Thus, the governor and senators hold office for the
unusually long term of four years, and the members of the Assembly for
two years. The executive arm is further strengthened by the privi-
lege of appointment, in conjunction with the Senate, to nearly every
office of power, trust, or executive importance in the State. On the
other hand, the Legislature is limited to an annual session of only
sixty days, unless special session of the governor, when he may
hold another session of twenty days. The governor appoints, and
the Senate confirms, the judges, of whom those of the Supreme Court hold
their position for life or during good behavior, and those of the Cir-
cuit Court for eight years. The customary Governor’s Council or
advisory board is, in this State, a cabinet proper, in which sit
a Commissioner of Immigration and a Superintendent of Public Instruction;
and to judge from the duties marked out for this latter function,
y, he will be the busiest and one of the most powerful officials in the State.

due provision is made to prevent bribery and tumult at elec-
tions; and principals and seconds to duels or challenges, and persons
interested in any election bet or wager, are denied the right of suffrage.
Neither was this convention slow to learn the lessons of the very latest
passing hours of the age; they accept that officers may be impeached
for “drunkenness, gambling,” and “any conduct detrimental to
good morals.” Lastly, we notice the provision, which we have not seen in
any other of these documents, to wit: that after 1880 the Legislature
shall pass laws requiring educational qualifications in all persons vot-
ing for the first time after that date. While Democrats, who have
probably never been at the trouble of reading this constitution, are
loading it with unlimited abuse as the characteristic work of Radicals
and demagogues, many Radicals, as Radicals, might criticise it with
some asperity on quite opposite grounds; but we will content ourselves
with showing the ludicrous impossibility which our opponents would
find in making out a case if they would submit to the ignominious
drudgery of discovering facts, and to the petty trammels of those facts
when found.

Our irresistibly tempted to compare this constitution of Florida
with that recently prepared by a purely Caucasian convention for
submission to the people of this State. We are, of course, aware
that the latter is not considered by the best of its framers as by any means
perfect, or as anything more than the best attainable: but it is the
work of white men, and of white men of whom a very large number
doubted the propriety of ever letting negroes vote at elections, except
under a property qualification, and this in a State in which nothing is
required of electors of any other race except the possession of the
human form and the male sex. Now, we are bound to say that, tried
by any of the known tests—history, experience, or principles of human
nature—this Florida constitution is not only a better one than the one
we now have in this State, but, on the whole, better than the new one
which, after twenty years of experiment, has been offered for our ac-
cptance by the flower of the white portion of the community.

THE RAILROAD FRATERNITY.

The question of railroad management has lately attracted a large
share of public attention. The great Erie quarrel, the New York
Central monopoly, the various legal controversies arising from the
doubtful action of several other companies, the violent fluctuations
in the market price of many of the leading stocks, the repeated issue of
large amounts of fresh shares by prominent lines, the awful accident
at Port Jervis, and many similar events, have caused a great deal of
cautious, and nothing but the most exciting and pressing political
crosses could well have stifled the general spirit of investigation.

To discuss the question intelligently, it is necessary to understand
thoroughly that there are three parties in interest: first, the owners of
the road, whether they be holders of bonds or of shares, who are
believed to have something to say in the matter; second, the general
public who travel and send freight over the roads, who are believed to
have no voice or power whatever, but only a purse to deplete and a
body to mangle; and third, that large class of individuals who, for
want of a more expressive designation, are generally styled “the rail-
road-men.” These railroad-men form a fraternity, a secret league, a
united body, bound together by a bond, not acknowledged nor even
fairly understood by themselves, but nevertheless real and substantial.
This bond is none other than their acknowledged hostility to the
general public and to the great mass of railroad stock and bond-
holders. The class of railroad men consists of and comprises the great
majority of the officers of the railroads in the United States, vice-
presidents, the acting directors, the engineers and superinten-
dents, all the great railroad builders and contractors, the owners
of rolling-mills who furnish railroad iron, the builders of cars and
of locomotives, the land agents and land speculators, the great
lobbyists and getters of land-grants and subsidies, the capitalists who
advance the money, and the speculators who deal in the stocks.

To these are added a crowd of hungry hangers-on, lawyers, judges, writers for
the press, and petty politicians—the whole forming a grand army, or rather
a series of grand armies, each under some tacitly acknowledged leader,
all operating under the well-understood code of warfare known as
railroad tactics; knowing no laws save railroad laws, and knowing
these laws only to evade them; acknowledging no morals save railroad
morals, something entirely apart from all other morals; all bound to
accomplish it by the forcible or treacherous control of every highway
and by-way of communication throughout the country. No genera-
tion of feudal barons in the fourteenth century were ever bound to-
gether by stronger ties of common interests than those that bind
the railroad-men of the United States in this nineteenth
century of ours. No generation of feudal barons lived more openly
or undignifiedly by force and fraud than do the railroad men of our
times. It is true the old barons ruled their countries sometimes well,
more often ill, and hence may be thought to have done some good.
But the railroad barons are also thought to serve the state by manag-
ing the railroad lines, and it is to the general prevalence of this belief,
aided by their own autocracy, that they owe their power.

To many readers this may seem a fancy sketch. But it is a simple
statement of facts. There are unquestionably railroad honestly man-
aged, and there are undoubtedly many honest men sitting as directors
in railroad boards who are totally ignorant of the cheats practised
under the shield of their honest names. But these are the exceptions,
not the rule. Corruption taints the very birth of nine-tenths of the
roads. The charter to build a road, however much needed by a com-
munity, is scarcely ever obtained without a great amount of log-rolling
and generally of actual bribery. The charter, when obtained, has
a cash value, and the men who own it receive from the company which
is supposed to build the road a large amount of the company’s stock for
procuring the charter, in addition to the repayment of their actual
outlay “for legislative expenses.” The company thus starts with a
portion of its stock given away before it has really come into exist-
ence. It has then to organize by electing directors. It is necessary to
secure to every one of “the great railroad-men” to give credit and standing to the enterprise. Neither their services
nor their names can be had without payment. A number of shares are
respectfully tendered to, and generally accepted by, each of them, and
permission is graciously given to use their names as directors of the
new concern. One-half or one-third of the authorized issue of stock
is thus often disposed of without any “value received,” before
the existence of the company is made known to the public. And now
the road is to be built. The “prominent railroad-men” introduce “well-
known contractors,” who undertake to grade the road—that is, to con-
struct the road-bed and lay the ties—at a given sum per mile, and to take
in payment the first-mortgage bonds of the company at seventy cents
on the dollar, provided the company will undertake to make a mar-
ket in these bonds. The price public, and to live well, are
sufficiently large not only to secure the contractor against loss by the
bonds not bringing the stipulated price, but also to enable him to

[May 21, 1868]