the common-weal is the idea of the state both as to its essence and as to its functions.

In Europe this idea of a national polity is most nearly approached in the British Constitution; where, though the forms of royalty are still maintained, Parliament is omnipotent; and the voice of the Commons, swollen by the voice of popular assemblies outside of Parliament, makes the nation felt as a power, though the people are still limited in suffrage, and through land, office, and social consideration are largely monopolized by the nobility. In Germany the full realization of nationality is still hindered by vicious and cumbersome political divisions, making the states a pasture ground for petty princes; while France vibrates from the extreme of popular sovereignty to that of imperial absolutism. Nevertheless the tendency of the modern period of society with which we stand connected is toward nationalization, and against either a feudal federation or a despotic centralization.

Within this period our American Institutions took their rise; and from the first they have borne the stamp of nationality. It has been forcibly said by Dr. Lischer, that "it is a fact or movement of the greatest significance in the whole history of the human race, that this great continent was colonized by European people, at a period when, in their portion of the globe, great nations had been formed, and the national polity had finally become the nominal type of government; and it is a fact equally pregnant with momentous results, that the northern portion of this hemisphere came to be colonized chiefly by men who brought along with them the seeds of self-government and a living common law, instinct with the principles of manly self-dependence and civil freedom."

Even as colonies, we began our existence as one people, having a community of interest and of destiny in the New World; we were the English nation transplanted without royalty, without aristocracy, and without a state church—more national than the nation itself; and when common dangers arose, this sentiment of nationality drew the colonies together in one organic form—first as a political sovereignty, independent of foreign control, and next as a national unity, or a unified body politic through a national constitution displacing the confederation of States. No statesman since Hamilton and Madison has more clearly conceived the essential nationality of the American people than did President Lincoln—no more ably stated and defended that nationality against the self-destructive dogmas of State sovereignty. This Administration has determined both the fact and the perpetuity of a nationality under democratic forms.

In his Message for 1862, he showed conclusively that "the portion of the earth's surface which is owned and inhabited by the people of the United States is adapted to be the home of one national family," and of only one; that, "physically speaking, we cannot separate; since there is no line, straight or crooked, suitable for a national boundary, upon which to divide." "Our national homestead in all its adaptations and aptitudes demands union and abhors separation."

In his first Message of 1861, he showed that historically and politically we are and must be one nation: "Much is said about the sovereignty of the States, but the word even is not in the national Constitution, nor, as is believed, in any of the State constitutions. What is sovereignty in the political sense of the word? Would it be far wrong to define it a political community without a political superior? Tested by this, no one of our States except Texas was a sovereignty; and even Texas gave up the character on coming into the Union, by which she acknowledged the Constitution of the United States, and the laws and treaties of the United States made in pursuance of the Constitution, to be for her the supreme law. The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution. The Union, and not themselves separately, procured their independence and their liberty, by conquest or purchase. The Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and, in fact, it created them as States. Originally, some dependent colonies made the Union, and in turn the Union threw off their old dependence for them and made them States, such as they are."

This territorial, political, and historical oneness of the nation is now ratified by the blood of thousands of her sons cementing the national polity as the only government possible for the American people. The prime issue in the war was between nationality one and indivisible, and the loose and changeable federation of independent States; and this involved not simply the permanence of our national Union, but the possibility of a nationality under democratic forms. Greece, with her petty state democracies, now labored together by dangers and now divided by jealousies, never realized a nationality. The Roman republic, centralized in the capital, and governing districts and provinces by military or proconsular power—instead of a local and elected magistracy—invited military ambition and political faction to pervert its imperial unity to the uses of a central despotism. To command Rome was like commanding Paris. The principle of local self-government, the safeguard of popular liberty, secures us against a Roman centralization; but secession was an attempt to erect local self-government into State sovereignty and sectional independence—thus repeating for us Grecian disintegration, and against that we have asserted and established nationality."

"Our popular government has often been called an experiment. Two points in it our people have settled: the successful establishing and the successful administering of it. One still remains: its successful maintenance against a formidable internal attempt to overthrow it. It is now for them to demonstrate to the world that those who can fairly carry an election can also suppress a rebellion; that ballots are the rightful and peaceful successors of bullets, and that when ballots have fairly and constitutionally decided, there can be no successful appeal except to ballots themselves at succeeding elections. Such will be a great lesson of peace, teaching men that what they cannot take by an election, neither can they take by a war."

It is impossible to exaggerate the importance of the decision reached by the war, that the United States are one national sovereignty under democratic forms. Our point of danger, and, as some imagined, of weakness also, was just there. We were proof against aggression, we were proof against despotism. But were we proof against disruption? We were independent, and we were republican; but were we one—a nation, or only a league? The determination of our nationality under democratic forms that guard with sacred jealousy personal liberty and local self-government, marks an era in political philosophy and in popular government. It has settled the permanence of the national polity—that "government of the people, by the people, and for the people, shall not perish from the earth." It has demonstrated that our institutions of local freedom are but so many roots to feed, strengthen, and uphold our common nationality, and that a nationality thus vitalized from the myriad roots of local, distributed self-government cannot be compressed into a centralized power even under the stupendous weight of war. Sovereignty without centralization, consolidation without despotism, nationality under democratic forms, this is a fact now for the first time established in the history of government. England and France looked on with amusement to see a man of the people, chosen for such a contingency, within twelve hours after the assassination of the head of the Government, stepping into the chief place of power, and speaking not of the rights and prerogatives of his office, but of his duties to the nation. At the very moment when the Emperor of France drops the sword of the usurper for the pen of the eulogist, to persuade us that "when Providence raises up such men as Cesar, Charlemagne, and Napoleon, it is to trace to the peoples the path they ought to follow," and that nations are safe and happy only when the central power is wielded by these privileged leaders, we see the principle of nationality under democratic forms asserting itself with a grandeur of military strength, a unity of political counsel, a dignity of moral power, before which the coups of Caesar, of Charlemagne, and of Napoleon dwindle into insignificance.

**THE DISFRANCHISING POWER.**

It is repeated day after day, that in urging against the admission of negroes to the franchise, those who urge it are asking President Johnson to set aside the Constitution; and it is alleged that in leaving this question to the decision of the Southern whites, he is only doing what the letter of the organic law obliges him to do, and that nobody asks him to interfere in the matter except people who deny the constit-
tion all force. We were told last week, by one of the morning papers, that ‘in President Johnson’s opinion, as indicated by his official acts, the Federal Government has no right to prescribe the qualifications of voters in the several States. He regards that as a matter belonging to the States themselves; and if they are members of the Union (as he believes them to be) they must be allowed to exercise the rights that belong to them. Very many persons assume that, inasmuch as the doctrine of State sovereignty, as against the Federal Government, has been exploded by the war, the doctrine of State rights has been abrogated also. This is a great mistake. The war has not consolidated the national Government in any such way as to blot out the States, or impair, in any degree, those rights and powers which belong to each State under the Constitution. There are very many subjects over which State jurisdiction is perfect and complete; and it is just as important as it ever was that over those subjects that jurisdiction should be maintained. It is only where State authority comes in conflict with national authority, upon subjects committed to the latter by the Constitution, that the former must give way.” And again, a day or two previously, that “we can find in the Constitution no shadow of authority for requiring any State to permit negroes to vote as a condition of remaining in the Union. Even if we should deem that measure ‘essential to the public safety,’ we do not see how the Federal Government could adopt it without exercising power not conferred upon it by the Constitution. Suffrage in the rebel States may and must be restricted, because men who have been rebels cannot be legal voters until they have been restored to their rights by Executive pardon. But we do not see how either the President or Congress can enlarge the suffrage—how they can admit new classes of voters to the ballot-box in any State. That is not one of the modes of punishing treason known to the Constitution; and if the Government may enlarge the suffrage in Georgia because it deems such a measure essential to the ‘public safety,’ why may it not do the same thing, on the same grounds, in Massachusetts and New York?”

Now, it may or may not be a good thing to allow negroes to vote; but its expediency or inexpediency does not in the least affect President Johnson’s power in the matter. There is not a shadow of warrant for the assertion that while he has power to restrict the suffrage, he has no power to enlarge it. There is neither in the Constitution, nor in any act of Congress, a particle of authority expressly granted to him either for the enlargement or restriction of the franchise. His prohibiting persons who have taken part in the rebellion from voting rests simply on the “war power,” or, in other words, revolutionary, done in virtue of the necessity of the case, and in defence of the national existence. He has no more constitutional authority to disfranchise men for offences of which they have not been convicted before a court of justice, than to disfranchise others for services which they have never rendered; and, we may add, he has just as much authority to do the one as the other. The distinction which it is sought to create between his enfranchising and disfranchising power is purely imaginary.

Congress, in chapter 195 of 1862, fixed the punishment of persons taking part in the rebellion. It consisted in the confiscation of their property, the liberation of their slaves, and imprisonment not exceeding ten years, with a fine not exceeding ten thousand dollars, and disqualification for office. But it is to be observed that the infliction of any of these penalties, except the liberation of their slaves, is dependent on conviction before a court of law. Disfranchisement is no doubt a consequence of the commission of treason, but only when the offence has been proved before a jury, and the sentence has been pronounced by a judge.

Therefore, when President Johnson decides who shall be allowed to vote in the disloyal States, at the election of either a convention or legislature, he does so, not in virtue of express constitutional provision, nor under an act of Congress, but in the exercise of his power as Commander-in-chief of the national armies. In other words, he is regulating the process of construction by martial law, which, in our opinion, he is perfectly justified in doing. But to contend that a general who, in virtue of his military authority, decides who shall not come to the polls, may not, also, in virtue of the same authority, decide who shall come, is absurd on its face.

For our part we should gladly see him go a little further than he has yet done, and exclude everybody from the polls who can neither read nor write, inasmuch as the voting in the South of that class of persons has already nearly ruined the country. We regard any process which arms them with their old power with the utmost apprehension.

### POLITICAL CAGISTRY.

The opinion of Mr. Reverdy Johnson of Maryland concerning the moral and political obligation of the oath required of the citizens of that State, as the condition of being allowed to vote upon the constitution framed in convention, has attracted no little attention in various quarters. We ought not to be surprised at this. For the doctrine is not only in its own utterly atrocious in principle, but it becomes portentous of uncomputed evil, if viewed in its possible applications and consequences. Whether considered as an indication or an effect of a widespread demoralization of the public or, so to speak, of the political conscience, or regarded in its purely ethical relations, the enunciation of such an opinion by such a personage is an event of very grave significance.

The circumstances which occasioned the letter of Mr. Johnson were briefly as follows: The Legislature of Maryland ordered a convention of the representatives of the people to frame a new constitution for the State. This constitution when framed, as is provided in the sixth section of the law calling the convention, was “to be submitted to the legal and qualified voters of the State for their adoption or rejection.” It was still further provided that it should be submitted “at such time, in such manner, and subject to such regulations as said convention might prescribe.” The convention assumed to itself the right of defining who were to be considered as “legal and qualified voters,” by requiring an oath in which, with other matter, there was a solemn disclaimer of having sided or sympathized with the rebellion.

The burden of Senator Johnson’s letter is to show that the convention had neither authority nor discretion to prescribe any conditions of the kind, least of all conditions so grave and severe as this. His argument to this conclusion takes up nearly the whole of the letter, which purports to give his opinion upon “the constitutionality, legal and binding effect and bearing of the oath.” The “constitutionality” of this oath is the only point which he concedes to argue. The “legal and binding effect” as we shall see, is disposed of with most unctually haste and with amazing recklessness of argument and truth.

Having finished his argument and accomplished his chief or sole object, he proceeds to enquire, “But is there any remedy for the wrong done and now about to be consummated?” “Cannot the Governor veto the ordinance?” To this he despairingly replies: he cannot or will not. “But cannot the courts interfere?” Alas! there is no hope from that quarter. Then follow these memorable words: “But the wrong is not without remedy. The people possess the power to reject it. They can take the oath and vote upon the adoption or rejection of the constitution. Because the convention transcended its power, as I am satisfied it has, that is no reason why the people should succumb; on the contrary, it should lead them to adopt the only course left to redress the wrong. The taking of the oath under such circumstances argues no willingness to surrender their rights. It is, indeed, the only way in which they can protect them; no moral injunction will be violated by such a course, because the exaction of the oath was beyond the authority of the convention, and as a law is therefore void.”

This is all which is suggested concerning “the legal and binding effect and bearing of the oath.” Our sole concern is with the opinion expressed or implied in these words. We do not care to discuss the question whether the author is right or wrong in the opinion given and defended so elaborately in regard to the constitutionality of requiring the oath, or any other condition. We will concede that he is right in his view of that point, for it is only on this assumption that the falsehood and evil of the remedy which he suggests can be made to appear. We do not care to imitate the method of argument which he adopts—to distract or confuse the minds of our readers by considering two questions when in reality there is only one before us and them.

The remedy “suggested” by Mr. Johnson is, that conceding or assuming that the law requiring the oath is a usurpation and void, the citizen may take it—and “no moral injunction will be violated by such