

*The Second President Lincoln*

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(Read May Meeting, 1921)

An American writer, Emerson Hough (who repeatedly calls himself a "Yankee"), in 1909 published a very interesting book called "The Sowing, a Yankee's View of England's Duty to Herself and to Canada."<sup>1</sup>

On page 36 he says: "Generations hence, England still may be ruling Canada."

If a Canadian had asked Mr. Hough why he thought England was "ruling Canada," no doubt he would have cited The British North America Act, 1867<sup>2</sup>—the so-called "Constitution of Canada"—which, by section 9, provides that "the executive government and authority of Canada is hereby declared to . . . be vested in the" King—by other sections provides for a Governor General appointed by the King to carry on the government in the name of the King, for the appointment for life of all the Senators and Judges by the Governor General in Council, the members of the Council being chosen and summoned by the Governor General, that any statute of the Dominion can be disallowed and annulled by the King; he would point out that Canada cannot even amend her own Constitution and that the Parliament at Westminster could legally make laws governing Canada. The Canadian would say: "Yes, I guess that's so," and grin.

"But what has that to do with the second President Lincoln?" you say. Read on and see.

Near Atlanta, Georgia, on a small plot of poor land—if such a thing as poor land can be found in the South—lived a coal-black, full-blooded negro. Born in 1867, he was christened Abraham Lincoln, after the idolized and martyred President—we should perhaps say martyred and idolized President, for there was little evidence of idolizing before the martyrdom.<sup>3</sup> Naturally the name was contracted to Ab'm Linkum, but that did not grieve him. It would indeed have taken a great deal to make him downcast—over six feet in height, broad in proportion, the picture of health, shining like a mirror in the sun, he spent his days in joyous abandon interrupted

only occasionally by the stern necessity of work to provide food and at least vestiges of clothing for Aunt Mandy and her twelve sable offspring. The eldest was, of course, Ab'm, but for the successors were chosen names taken from the breast-plate of the Hebrew High Priest, for the couple had in their honeymoon been profoundly impressed by the gorgeous succession of names of precious stones read most sonorously if somewhat lacking in orthodox pronunciation by their coloured pastor. And so there were Sardius and Topaz, and Carbuncle (contracted to "Uncle"), and Emerald (who, though a boy, was "Emmy"), and Sapphire ("Fire"), and Diamond, Ligure (generally by a natural association of ideas called "Moonshine"), and Agate ("Aggie"), and Amethyst and Beryl (transmogrified into "Barrel"), and Onyx—her, Aunt Mandy thought well named as she came onexpected. The fruitfulness of the happy couple had not yet got so far as to produce a Jasper, "the only real nigger name in the bunch" as the envious neighbours declared; but hope was not dead.

Thus flourished the happy family in Georgia when the great day came around, the day fixed by the Act of January 23, 1845, the Tuesday after the first Monday of November; and there were chosen by the citizens of each State a certain number of gentlemen, not being Senators, or Representatives, or holding offices of trust or profit under the United States, and not having violated an oath previously taken to support the Constitution of the United States by engaging in insurrection or rebellion against the same or giving aid or comfort to the enemies thereof.

These were the men who were to select the President of the United States for four years, irremovable except by death, resignation or impeachment—and Presidents seldom die and never resign, while no one tries an impeachment since the attempt failed with Andy Johnson. In case of inability to perform the duties of his office, the Vice-President receives the powers of the President, but even partial paralysis cannot disable a President, and that last resort of a patriot, a bullet, could not disable one who had been a College President like Garfield—it had not yet been tried on Wilson but would, if tried, be certain to fail unless it killed.

These men, too, select the Vice-President who may, like Roosevelt, succeed to the Presidency.

The Constitution of the United States was framed by men who feared the wild passions of the mobility—"great importance was attached by the framers of the Constitution to the interposition of the electoral college between the passions and prejudices of the

undiscriminating multitude of voters and the high office of President."<sup>4</sup> They feared that if the Legislature should elect a President it would be the work of intrigue, of cabal and of faction, it would be like the election of a Pope by a conclave of Cardinals and that real merit would rarely be the title to the appointment.<sup>5</sup> Election by the people was liable to the most obvious and striking objections; they would be led by a few active and designing men<sup>6</sup> and it would be as unnatural to refer the choice of Chief Magistrate to the people as it would be to refer a trial of colours to a blind man.<sup>7</sup> A popular election would be radically vicious; the ignorance of the people would put it in the power of one set of men dispersed through the Union and acting in concert to delude the people into any appointment.<sup>8</sup>

So the Fathers determined that the appointment of President should be left to Electors. These, of course, would be men of high standing and clear judgment, not filled with party spirit or influenced by regard for any man; they would feel the very great responsibility cast upon them and would anxiously canvass the merits of all natural born citizens of the United States who had attained the age of 35 years and had been for 14 years residents of the United States and they would vote for those best qualified for the high offices of President; he who received the most votes would become President and he who received the next greatest number Vice-President. And thus there would be no intrigue, no cabal, no faction, the people would not be led by a few active and designing men, no one set of men, senators or others, acting in concert could determine the appointment, and real merit would be the sole title to the office.

The selection of these electors being thus of the most serious importance, the citizens of each State examined with the greatest care into the past history, the ability, clearness of vision, soundness of judgment, uprightness and candour of the prominent citizens, to see who should be entrusted with the grave responsibility of acting for them in the selection of their future four year Monarch. An ordinary agent for every day affairs or a lawyer, one might take chances on, but a Presidential Elector! Never, no sir, never.

And so it came about that in at least most of the States a minimum of ten per cent. of the voters knew one, or possibly even two, of those for whom they voted, sometimes indeed only by name but occasionally by sight.

Naturally these splendid specimens of American citizenship were impressed with the tremendous importance of their solemn task; and naturally they communicated with each other most seriously, asking and giving advice and exchanging views.

It early appeared that the great majority were whole heartedly determined that autocracy should end, that there was to be no more one man rule—of course, it was recognized that the President had more power than that old tyrant George III ever pretended to, but while it is excellent to have a giant's strength, it is not the thing to use it like a giant; and so, as it was no longer good form to temper autocracy with assassination, at least in America, they thought it wise not to appoint any one likely to kick over the traces and try to play the strong man. What kind of a man to get?

Believing with Dryden that

“By education most have been misled,”

remembering that Tommy Wilson was a real nice boy before he went to College and Stevie Cleveland was modest, if not meek, before he studied for the Bar, they determined that no highbrow should occupy the White House, not one darned College President or lawyer—these were too sot, too determined to have their own way, too pig-headed to admit of proper steering. This cut out Champ Clark on both counts as well as certain well-known men who, though politicians, are still lawyers. I mean such men as Elihu Root, William Howard Taft, George Wickersham. I am not quite so sure of Selden Spencer, in whom the Spencer perhaps predominates rather than the Selden, or of Henry Cabot Lodge, but then his middle name entitled him in the land of the Bean and the Cod to familiar converse with the Highest, and that had been found fatal by the experience of Germany. What more education does a President want anyway than just to read and write? And while Dogberry may have been a little astray when he thought “to write and read comes by nature,” he was infinitely right in his noble precept “for your writing and reading, let that appear when there is no need of such vanity.” This type-writing craze, this *cacoethes scribendi epistolarum magnarum doctorum eruditumque* had to come to an end, especially in the existing scarcity of paper; the ordinary individual should have some chance of getting writing material.

Accordingly a man of limited education was a desideratum, and the more limited the education, within limits of course, the better. No stubborn, stiff-necked, intellectually proud man, but an easy-going man and a pliable, one who would do as he was told by his betters at the other end of the Avenue—that must be the aim.

Having decided the kind of a man to be chosen other considerations arose. That blamed South, which had never forgotten its former ascendancy, which could not be weaned from its self-

sufficient adhesion to its time-honoured politics, which could not be got to acknowledge the superiority of the North, had to be taught a lesson. The mere election of a Northerner would not be sufficient; Cleveland and Harrison and McKinley and Roosevelt and Taft were from the North, and some other means must be adopted. A brilliant thought struck the mind of Mr. —, Mr. —, Mr. —, whatever is his name? You know, every American knows, the man I mean—the man who got the most votes in Ohio, Mr. —, but no matter what the name—let us say one of the most illustrious of the Electors and let it go at that. He said: “Let us pick out a Southerner, one of a class which the Southerners despise, and put him over them”—Agreed—but “surely you don’t mean a nigger?” “Why not?” “Why not, indeed?” Agreed and agreed.

And then another illustrious Elector—blame my treacherous memory anyway—why can’t I remember the name of that remarkable man? Another illustrious Elector said that he had spent the previous winter in Georgia, had noticed the big, indolent, jolly black with the historic name and numerous progeny; that no one respected him but everybody liked him, thereby reversing the situation of the present occupant of the White House, that he was biddable and not uppish, not like—but why continue? What was wanted was a complete change. The South, which had resented Roosevelt seating Booker Washington at his table, would now see a Bookerer than Booker sitting in Washington’s chair and learn their place. Moreover, there would be the incidental advantage that Roosevelt’s favourite injunction to the American people would be constantly in mind and race suicide would be discredited.

The second Abraham Lincoln came in state to Washington, Aunt Mandy rules the White House with an unskilled and gentle rule, Ab’m Junior is the cock of his school and little Onyx can be seen any fine day sporting her red and yellow stockings on the lawn—stockings the first she had ever possessed but they are gorgeous.

Which things are an allegory—the legally possible is the morally impossible; evils elaborately guarded against are wholly imaginary and non-existent or at the worst negligible, and the prophylactic precautions are full of the very evils they are designed to prevent.

The Electoral College is the only piece of camouflage in the American Constitution. The Constitution of Britain and of Canada is the most elaborate and successful system of camouflage the world ever saw. If one sees anything laid down in the American Constitution it is—except that farcical College—certain to be so; if in the British Constitution it is certain not to be so. The American

Constitution, as a whole, and speaking generally, was framed *uno ictu* by acute and able statesmen as a permanent thing; it was necessarily in writing and *litera scripta manet*; the meaning at one time is the meaning at another, time writes no wrinkles on its austere brow. The British Constitution was not made, it was not even born—like Topsy, it just grew; it is largely unwritten and the very words in which it may be explained change their meaning with the changing times. It is continually grafting new shoots on the old stock, building more stately mansions on the old foundations; clinging fondly to the old names, the old ceremonies, the old forms, it is constantly moulding the old methods to new uses, and adapting the old to the purposes of the new.

Hence it is that the King, nominally King by the Grace of God, is in reality King by grace of an Act of Parliament; head of Army and Navy, he does not appoint an officer, however humble, in either; Defender of the Faith because his predecessor received the title from the Pope for defending the faith against the heretic Martin Luther, though he, George V., must by law be a Protestant; having the right to refuse the royal consent to any Bill passed by Parliament, though that has not been done since the times of William III; and able to select his Ministers from any of the millions of the British subjects to be found wherever the map is coloured red, so long as he selects those whom the House of Commons choose for him—appointing Judges, Ambassadors, Envoys, whom he never saw or heard of—creating Earls, Viscounts, Barons, Baronets, Knights *et hoc genus omne*, but only as the Prime Minister directs,<sup>7</sup> and to cap the climax, King of the United Kingdom of Great Britain and Ireland! United? Ask De Valera (the successor of the Pagan Era and the Christian Era).

So the power exists on paper for Britain to legislate for Canada, which she is as likely to do as the Electoral College to elect the Georgia Negro and no more likely—the Home Administration at Westminster may annul Canadian legislation just as the King can refuse the Royal Assent to a British Bill. The Governor General has, in Canada, substantially the powers of the King in England, but he exercises them in the same way; he must have as Ministers those approved by the House of Commons at Ottawa, the members of which are elected by the people of Canada, and these Ministers must get out and leave room for others if they cannot obtain a majority of the House of Commons. These Ministers in fact appoint Senators, Judges, Commissioners (who are often really Ambassadors) and the Governor General has his appellation on the *lucus a non lucendo*<sup>10</sup> principle because he does not govern.

Canada pays no tribute and owes no obedience to England; she frames her own tariff, and when that tariff conflicts with some old treaty that England had made which in form bound Canada, she insists that it be denounced and denounced it is.

Canada has her own Army and her own Navy commanded by Canadians; she put half a million men under arms in the last war, and sixty thousand of them made the supreme sacrifice—the Mother Country could not call upon her for a man or a dollar except as Glendower could call spirits from the vasty deep. “But will they come?” said the sceptical Hotspur. Canadian soldiers crossed the sea in 1914 and following years until 1918 as Canadians, with Canadian uniforms, Canadian rifles, Canadian horses, Canadian cannon, Canadian ammunition, under Canadian officers paid by the Canadian Government and cared for by Canadian doctors and Canadian nurses. And when Canadians were dying for freedom and democracy their government demanded a part in determining the course of the struggle; Canada’s Prime Minister joined the Prime Ministers of the other self-governing Dominions and the Prime Minister of Britain in a War Cabinet on equal terms and with equal authority, and the War Cabinet directed the war on behalf of the British Empire. Canada took part in negotiating the Peace Treaty and signed it as a party after a vain protest against Article X; her representatives joined Australia in refusing to consent to a declaration of Japanese equality and fought England and the United States to a standstill on the question; her Parliament approved the Treaty with the reservation of the right to have it amended; she has taken a prominent part at Geneva and pays no heed to the wishes of England where these conflict with her own interests. Canada is an independent self-governing nation but she will not allow anything to separate her from the rest of the British world. She is British to the last drop of her blood and intends to remain so. England has not for many a day ruled, and never will, rule Canada. She may try it when Ab’m Linkum becomes President of the United States, but assuredly not a minute sooner.

All of which is unintelligible to the lawyer who reads the Statutes only; but is a living truth, the glory and the pride of Canadians. When the lawyer is puzzled beyond all bearing let him contemplate little Onyx with her gay stockings on the White House lawn.<sup>11</sup>

<sup>1</sup>Chicago, London, Toronto, Vanderhoof, Gunn, Co., Ltd., Winnipeg, 1909. Cloth. Cr. 8vo., pp. 222.

<sup>2</sup>(1867), 30, 31 Vict., c. 3. (Imp.)

<sup>3</sup>Of which let one Woodrow Wilson take notice and be comforted.

<sup>4</sup>Handbook of American Constitution Law, by Henry Campbell Black, M.A., 3rd edit., St. Paul, 1910, p. 107.

<sup>5</sup>Gouverneur Morris loquendo et arguendo. Journal, pp. 365-368.

<sup>6</sup>So Pinckney of South Carolina.

<sup>7</sup>Mr. Mason's opinion—but then he came from Virginia and knew his people.

<sup>8</sup>Gerry not yet mandering.

<sup>9</sup>When Beaconsfield made his secretary a Peer it was said that he followed the precedent of Caligula, who made his horse, Incitatus, a Consul. It would seem that Incitatus, "Flyer," though he was given a marble stable, an ivory stall, purple trappings and a jewelled collar, failed of the Consulate—at all events Suetonius says: "Consulatum quoque traditur destinasse" and Dio Cassius, "Consulemque se eum creaturum pollicebatur; facturus si diutius vixisset"—it was well that "non diutius vixit."

Canada has put an end to this title business (so far as her citizens are concerned) by resolution of her House of Commons.

When I was a lad my old Scotch tutor taught me that "lucus", a sacred wood or thicket was the same as "lucus," light and that both came from "luceo" (I shine), because the latter did, and the former did not shine. On the same *lucus a non lucendo* principle are "Bellum," war, because it was not bellum, agreeable: "Canis," a dog, because it does not sing, a *non canendo*, etc., so also "Woodrow" because he wouldn't row but insisted on steering, and a stream I knew in my boyhood was "Trout Creek" because there were no trout in it.

<sup>11</sup>For what says the modern Mother Shipton—more up to date than the ancient of Knaresborough?

"When Onyx sports on White House lawn  
And flourishes her gaudy legs,  
Then Canada, her freedom gone,  
Will drain of slavery's cup the dregs."