Application of Veto Power by Abraham Lincoln.

One of the great outstanding characteristics of Abraham Lincoln was his cool calm judgement. He was never seen in an angry passion; he always displayed wisdom, and he never let his personal feeling dominate him. We find this just as true in his exercise of the veto power as in all the other duties peculiar to his office.

While the official documents record but three veto messages, his biographers tell of one that was not documented—the pocket veto of the Wade-Davis bill on reconstruction. (1) They also show how Lincoln's influence, as a rule, was felt in the matter of legislation. On one occasion a bill was about to pass its final reading when it became known that the President was prepared to veto it. It never reached him in the original form. Alterations were made and when it was carried to him he approved of it in the official way. (2)

It was not until June 23, 1862, that he disapproved of a piece of legislation, and it concerned the currency of the District of Columbia. The people of that district had petitioned Congress, through their representative, to repeal certain clauses in their currency bill. (3)

The bill known as (S193) was drafted and entitled:

"An act to repeal that part of an act of Congress that prohibited the circulation of bank notes of a less denomination than $5 in the District of Columbia." (4)

"Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled. That the second and sixth sections of an act entitled "an act to suppress the circulation of small notes as currency in the District of Columbia" approved December 27, 1854 be, and the same are hereby repealed: Provided, That the circulation or passing of bills of a less amount than one dollar, or bills of any denomination containing the fractional part of a dollar, shall still remain prohibited: And provided,
bills by any bank not otherwise legally authorized to issue them.” (5)

President Lincoln based his objection on the last two clauses of the bill. 1. He believed it impracticable because of a discrimination being made in the banks that would be permitted to issue them; 2. He believed that it would be unwise to give legal sanction to the circulation of irredeemable notes of one class only, for in time it would surely extend in practical operation to include all classes whether authorized or not. This would have a depreciating effect on the value of the currency of the District of Columbia and would prove injurious to both trade and labor. (6)

He reminded them of the law enacted by Congress in February of that year authorizing the circulation of Treasury notes. Under this new law the District of Columbia would be permitted to issue notes of a similar character but of a smaller denomination than $5. (7)

“Such an issue,” said he, “would answer all the beneficial purposes of the bill, would save a considerable amount to the Treasury in interest, would greatly facilitate payments to soldiers and other creditors of small sums and would furnish to the people a currency as safe as their own government.” (8)

Lincoln showed keen insight and rare judgment in the handling of this bill. No personal feeling entered in, it was purely a business matter that had to be handled in a scientific way to avoid future trouble.

The second bill he vetoed July 2, 1862. It was known as (S343) and bore the title:—“An act to provide for additional medical officers of volunteer services.” (9)

“Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President, by and with the advice of the Senate, forty surgeons and one hundred twenty assistant surgeons of volunteers who shall have the rank, pay, and emoluments of officers of corresponding grades in the regular army: Provided, that no one shall be appointed to any position under this act unless he shall previously have been examined by a board of medical officers to be designated by the Secretary of War, and
that vacancies in the grade of surgeon shall be filled by selection from the grade of assistant surgeon on the ground of merit only: And provided, further, That this act shall continue in force only during the existence of the present rebellion. (10)

Sec. 2—And be it further enacted, That the office of brigade surgeon be and same is hereby abolished, and the officers of that corps shall be hereafter designated surgeons of volunteers and shall in all other respects be put on the same footing as to rank, pay, and emoluments with the surgeons provided for by the first section of this act.” (11)

Sec. 3—And be it further enacted, That there shall be added to each volunteer regiment now in the service an assistant surgeon to be appointed according to the existing laws of several states providing for the appointment of regimental surgeons.” (12)

This bill passed the Senate on June 11, 1862, and the House concurred June 13, 1862. (13) On July 2, President Lincoln returned it to the Senate, where it originated, without his signature, saying that he had already approved an act of the same title passed by Congress after the passage of the one first mentioned. The bill he referred to was for the purpose of correcting errors in and superseding the original. (14)

The President recognized the fact that the second bill embodied all that was asked for in the first, and that if he signed the one at hand it would be a superfluous law, to be placed upon the statutes.

On July 2, 1864, Mr. Stevens by unanimous consent introduced a joint resolution to correct errors in the internal act. It was known as H. Res. 123, was passed by the House and concurred by the Senate July 4, 1864. (15)

President Lincoln returned it at the beginning of the new session January 5, 1865 with the following message: (16) “My reason for returning is, that I am informed that the joint resolution was prepared during the last moments of the last session of Congress for the purpose of correcting certain errors of reference in the internal act which were discovered on examination of an official copy, procured from the Senate department a few hours only before adjourn-
ment. It passed the House and went to the Senate where a vote was taken upon it, but by some accident it was not presented to the President of the Senate for his signature. (17)

"Since the adjournment of the last session of Congress, other errors of a kind similar to those which this resolution was designed to correct have been discovered in the law, and it is now thought most expedient to include all the necessary corrections in one act or resolution. The attention of the proper committee of the House has, I am informed, been already directed to the preparation of a bill for this purpose." (18)

This message carried mild censure to the Congressmen because of their haste and carelessness in rushing through a piece of legislation that required more time to work out the technique.

The most bitter fight waged against him by Congress during his four years in the White House was over the great question of reconstruction. He never once acknowledged that another nation existed within our borders, and he realized what a humiliating situation confronted the secessionists. He believed the reconstruction policy must be one of great magnanimity. With this in mind, he issued a proclamation of amnesty December 8, 1863. (19) Some of the radicals headed by Davis and Wade vehemently claimed that Lincoln was usurping legislative power. It was not long before a new plan for reconstruction was put forward in the House of Representatives by H. W. Davis and championed in the Senate by B. Wade. (20)

It passed both houses and was carried to Lincoln who had gone to the Capitol to hurry matters. Much anxiety was felt as to how he would dispose of it for time was drawing to a close. Lincoln pocketed the bill. Rage and condemnation followed, but Lincoln was immovable. He believed some of the measures much too stringent to be the final word on reconstruction. (21)

Before the great perplexing problem could be settled Lincoln passed to the great beyond "with malice toward none and charity for all."

Anna Prenter.
REFERENCES

(4) *Senate Journal*, 2d. sess., 37th Cong., p. 734.
(5) *Senate Journal* 2d. sess., 37th Cong., p. 734.
(8) *Senate Journal*, 2d. sess. 37th Cong., p. 734.
(9) *Senate Journal*, 2d. sess., 37th Cong., p. 746.
(11) Ibid., p. 746.
   2d. sess., 37th Cong., p. 713.
(18) *Senate Mis. Doc.*, 49th Cong., 2d. sess., No. 53.
   *Three Decades*, pp. 337, 338.
   38th Cong., 1st sess.
   *Reconstruction*, pp. 296-297., *House & Senate Journals*, 38th Cong., 1st sess.,
   U. S. *Statutes at Large*, XVIII, Appendix No. 18, p. 744

BIBLIOGRAPHY

Cox, S. S. *Three Decades, Federal Legislation.*

   Office.

*House Journal*, 2d. sess., 37th Congress.


   University Press, 1891.

   Company, 1917.

Richardson, *Messages & Papers of Presidents*, 10 vols. Published by


*Senate Journal*, 1st Sess., 38th Congress.


Scott, E. G., "Reconstruction during Civil War", Houghton, Mifflin

U. S. *Statutes at Large, Treaties & Proclamations of U. S. of