

James A. McDougall of California

by William Lawrence Shaw

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By WILLIAM LAWRENCE SHAW

DURING THE current centennial of the great American Civil War, 1861-1865, attention has been directed in California to James A. McDougall. Identified as one "who played a significant rôle"¹ in the stirring events of the war, McDougall represented the state of California in the United States Senate during the years 1861-1867. This writing will stress what are regarded as the major topics upon which James McDougall spoke before the Senate.

THE GENERAL STONE CONTROVERSY

"These things are not done in the interest of liberty and law."²

On October 21, 1861, there was killed in action at the Battle of Ball's Bluff, Colonel Edward D. Baker who was a regimental commander of certain Union troops engaged with more numerous Confederate forces under the command of General N. G. Evans. Mr. Baker had practiced law in San Francisco during the 1850's and had been associated with James McDougall in the legal defense of Charles Cora in a murder prosecution linked to the death of United States Marshal William H. Richardson.³ Baker moved to Oregon and was elected United States Senator from that state in 1859. After the beginning of hostilities in April of 1861, Colonel Baker at the age of fifty-three years raised what was at first termed the "First California Regiment" which later became known as the Seventy-first Pennsylvania Infantry Regiment. The organization included in its ranks several hundred former residents of California who were recruited in Philadelphia, New York City, and other areas. While the regiment was in training, after first Manassas in July of 1861, Colonel Baker, a close friend of Abraham Lincoln, con-

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tinued to occupy his seat in the United States Senate until the autumn of 1861.

The assault, led by Colonel Baker on October 21, was repulsed by the entrenched Confederates at Ball's Bluff with great loss sustained by the Union elements. The superior officer above Colonel Baker during the time of the engagement was Brigadier General Charles P. Stone. This officer, a native of Massachusetts and a graduate of the Military Academy at West Point, had resigned his commission in the Regular Army in 1855 and had resided in California where he engaged in business. In 1860 Stone was recalled to the Army by General Winfield Scott, and, eventually, his division command included the regiment of Colonel Baker.

The matter did not end with the death of Colonel Baker. The engagement at Ball's Bluff aroused considerable publicity throughout the nation because of the excessive Union losses and the ineptness of the attack upon the Confederates who were entrenched on steep hill slopes opposite Harrison's Island in the Potomac River. In seeking to advance towards the foe, the Union men had to ford the river before proceeding up the hillsides to the Confederate ramparts. Odium attached to the name of General Stone who rightly or wrongly was a target for criticism for the Union defeat.⁴ General Stone was arrested secretly and placed in close confinement.

On March 24, 1862, a letter of protest against the arrest of General Stone was directed to Secretary of War Edwin M. Stanton by United States Senators J. A. McDougall (D) and Milton S. Latham (D), and Congressman A. A. Sargent (R), all of California. The letter stated:

The long arrest of General Stone without military inquiry or trial which it was at one time understood would be promptly had has led to complaints from many quarters. General Stone being recognized as a citizen of the State of California many of these complaints have been addressed to us in the form of inquiries as well as requests. The inquiries we have of course been altogether unable to answer further than that we understood that by the Articles of War he was entitled to a trial by a day certain. That day having passed we could only say ignoramus. Under all the circumstances and having known General Stone for years and never having had cause to doubt his loyalty we feel it our duty to inquire of the Government through you for some explanation of a proceeding which seems to us most extraordinary.

General Stone was and is a military officer of the United States, and as such we understand him to have been and to be subject to military law. We at the same time understand him to be entitled to all the rights conferred by the same law. We do not intend to question the power of the Government in this proceeding, but we desire most respectfully to be informed why the rights secured, as we understand, by military law as to the time of trial are denied to General Stone. We present no complaint, but we would like the assurance that we have no cause of complaint.⁵

No reply to the letter was received from the Secretary of War or any others.

On April 11, 1862, Senator James A. McDougall of California caused to be introduced Senate Resolution No. 26, which called for information concerning the arrest and confinement of General Stone. The Secretary of War was requested to inform the Senate on the following points:

1. From whom the order for General Stone's arrest proceeded.
2. Whether at the time of the arrest, General Stone was subject to the Articles of War: did the arrest constitute a violation of those articles: upon whose complaint was the officer arrested: What was the specific nature of the charges?
3. What steps were being taken by any Judge Advocate toward the preparation of charges, if such had not yet in fact resulted?
4. Had counsel been allowed at any time to General Stone: had he not asked for an immediate trial?
5. Whether General Stone was even aware of the nature of the charges against him.
6. Were applicable Articles of War being followed in the instance of General Stone as an accused?
7. If the officer was not arrested for alleged violation of Articles of War, upon what pretense was he kept in close custody?⁶

The resolution was ordered printed. On April 15, 1862, Senator McDougall addressed the Senate and pointed out that it was then fifty days since General Stone, commanding a division of the Army of the Potomac, was seized at midnight, taken from his home, placed in a fortress on the coast, and allowed no communication with anyone. The Senator inquired from whom the *lettre de cachet* issued and whether it involved the President or the Secretary of War? Speaking of General Stone's residence in California, the Senator declared: "I learned there to know him well, and I speak only of what I do know when I say, that never since that State was founded has there a man come into and gone

out of it with higher consideration on the part of all those who knew him."⁷

Extensive discussion resulted in the Senate, and it developed that there had been ignored the Seventy-ninth Article of War⁸ which provided that no officer or soldier under arrest should remain in confinement more than *eight days* or until a court-martial could be assembled. Further, the Eighty-second Article of War⁹ required that within twenty-four hours of the commitment of a prisoner, a report in writing should be made to the commanding officer of the place of confinement setting forth the name of the person in detention and his alleged crimes. It was obvious that neither the Seventy-ninth Article nor the Eighty-second Article had been followed in the instance of General Stone.

A partisan issue was made of the matter, and Senator Benjamin F. Wade (R), of Ohio, deplored that any attention was given to the ill-fate of the General!¹⁰ On April 15, 1862, Senator Henry Wilson (R), of Massachusetts, offered an amendment of Senate Resolution No. 26 to reword the resolution and to substitute the following language:

That the President of the United States be requested to communicate to the Senate any information touching the arrest and imprisonment of Brigadier General Stone, not deemed incompatible with the public interest.¹¹

Senator McDougall finally obtained a vote on the amended resolution which was adopted on April 21, 1862.¹²

The California Senator had won his point in the face of spirited opposition. On May 2, 1862, President Lincoln responded to the Senate request for information on General Stone as follows:

... He was arrested and imprisoned under my general authority, and upon evidence which, whether he be guilty or innocent, required, as appears to me, such proceedings to be had against him for the public safety. I deem it incompatible with the public interest, as also, perhaps, unjust to General Stone, to make a more particular statement of the evidence.

He has not been tried because, in the state of military operations at the time of his arrest and since, the officers to constitute a court-martial and for witnesses could not be withdrawn from duty without serious injury to the service. He will be allowed a trial without any unnecessary delay; the charges and specifications will be furnished him in due season, and every facility for his defence will be afforded him by the War Department.¹³

On about the sixty-seventh day of the arrest and confinement of

General Stone without charges, the efforts of Senator McDougall induced the President to enter into a partial explanation of what is now regarded as a flagrant abuse of military rights and privileges. Eventually, *General Stone was released in August, 1862*, and was restored to his command, but his prospects were ruined and promotion did not come to him.¹⁴ Later commentators, after the wartime tensions had ceased, agree that General Stone was free from blame for the Union defeat at Ball's Bluff and that the chief responsibility for the defeat in which he lost his life rested on the shoulders of Colonel Baker.¹⁵ The persistent efforts of Senator McDougall in behalf of General Stone may have led to a restraint upon a trend to wholesale arrests not only of Confederate sympathizers,¹⁶ but of Union men who chanced to fall into the ill graces of the administration. In another instance former Congressman Charles A. Faulkner, of Virginia, being under arrest, appealed to Senator McDougall.¹⁷ Mr. Faulkner, a former Minister of the United States to France, was taken into custody at Washington on August 12, 1861, on orders of the War Department and was placed in Fort Warren. Eventually, Mr. Faulkner was exchanged as a hostage for the Honorable Alfred Ely, Congressman of New York, who was held by the Confederates.¹⁸

THE INTERVENTION OF NAPOLEON III IN MEXICO

Senator McDougall was one of the first statesmen to direct attention to the course of French invasion of the Republic of Mexico. The Senator was greatly incensed by the invasion of Mexico which began in December, 1861.¹⁹ A combined French-Spanish-British landing at Vera Cruz led to an intervention extending from January to mid-April, 1862, when the British and Spanish elements withdrew, and the Imperial French forces began an offensive against Mexican Republican troops under the authority of President Benito Juárez.²⁰

On January 19, 1863, Senator McDougall introduced a resolution challenging French interference in Mexico. The resolution stated:

RESOLVED . . . That the present attempt by the Government of France to subject the Republic of Mexico to her authority by armed force is a violation of the established and known rules of international law, and that it is, moreover, a violation of the faith of France, pledged by the treaty made at London on the 31st day of October, 1861, between the allied Governments of Spain, France, and England, communicated to this Government over the signatures of the repre-

sentatives of the allies by letter of the 30th day of November, 1861, and particularly and repeatedly assured in this Government through its ministers resident at the Court of France.

RESOLVED FURTHER, That the attempt to subject the Republic of Mexico to French authority is an act not merely unfriendly to this Republic, but to free institutions everywhere, and that it is regarded by this Republic as not only unfriendly, but as hostile.

RESOLVED FURTHER, That it is the duty of this Republic to require of the Government of France that her armed forces be withdrawn from the territories of Mexico.

RESOLVED FURTHER, That it is the duty and proper office of this Republic now, and at all times, to lend such aid to the Republic of Mexico as is or may be required to prevent the forcible interposition of any of the States of Europe in the political affairs of that Republic.

RESOLVED FURTHER, That the President of the United States be requested to cause to be communicated to the Government of Mexico the views now expressed by the two Houses of Congress, and be further requested to cause to be negotiated such treaty or treaties between the two Republics as will best tend to make these views effective.²¹

The resolution was considered on February 3, 1863, by a vote 29 to 16, over objection by Senator Charles Sumner (R), of Massachusetts, who urged caution and who feared that war might result with France "bound to us by treaties and manifold traditions." Senator Sumner went on: "Have we not war enough already on our hands. . . . I am for the suppression of the rebellion above and before everything else."²²

On February 4, 1863, the McDougall resolution was laid on the table on motion of Senator Sumner by a vote of 34 to 10.²³ Senator Latham of California voted "nay" in support of Senator McDougall.

The resolution served to focus nation-wide attention upon the invasion of Mexico and the concern of the Pacific States with the issue. The resolution in fact came to the attention of Napoleon III.²⁴

THE TRANS-CONTINENTAL RAILROAD

The Civil War spurred activity looking towards the completion of a transcontinental railroad linking the east and the west. The project was assisted to a successful conclusion through the efforts of Senator McDougall who was chairman of a Special Senate Pacific Railroad Committee. Congressman Sargent of California was a member of the House Pacific Railroad Committee. Each of the two legislators worked

in his respective chamber to gain adoption of a railroad bill. They were assisted by Theodore Judah, chief engineer of the California Central Pacific Railroad Company.

Preliminarily, Congress had provided for a daily overland mail service to the Pacific Coast.²⁵ An enactment of June 16, 1860, directed the Secretary of the Treasury to initiate a telegraph line from San Francisco to Western Missouri.²⁶

On April 4, 1862, Chairman McDougall of the Senate Committee brought in a favorable committee report on the Pacific Railroad.²⁷ The measure was enacted into law July 1, 1862.²⁸

The bill contemplated that the Union Pacific Railroad Company should build westward from the Missouri River and that the Central Pacific Railroad Company, a California corporation, should move eastward from the Sacramento River. The project was completed by the joinder of the two railroad lines on May 10, 1869, at Promontory Point, Utah. In the language of the San Francisco press: "From today we may date a new era in the affairs of California. The great work is finished."²⁹

More than any other legislator, Senator McDougall provided the guiding force which achieved the enactment into law of the Senate Bill which he championed and which gained Congressional approval of the Transcontinental Railroad. In fact, the Senator did not live to see the completion of the line in 1869, as he died at the age of fifty years in Albany, New York, on September 30, 1867.³⁰ Senator McDougall's term of office in the Senate had expired March 4, 1867.³¹

THE FRENCH EVACUATION OF MEXICO

Between the Spring of 1863, when Senator McDougall was urging before Congress the significance of the Mexican invasion, and the end of the year, there had occurred several events bringing to a focus the whole subject of Mexico. The capital, Mexico City, was occupied by the Imperial forces of General Élie Forey on June 10, 1863.³² The Archduke Ferdinand Maximilian of Austria emerged as the candidate of Napoleon III and of Empress Eugénie for a throne in Mexico.³³ The Union victory at Gettysburg in July, 1863, marked the turn of the tide and foretold eventual reunification of the United States and the cessation of the American Civil War.

Secretary of State William H. Seward had declared to the United

States ministers at Paris and London that *this nation was committed to a policy of neutrality* in the war between Imperial France and Mexico. This factor was stressed in a letter of Mr. Seward to Mr. Adams, the Minister at London, on September 5, 1863;³⁴ in a letter by Mr. Seward to Mr. Dayton, Minister to France, on September 21, 1863;³⁵ and by a letter on October 23, 1863, to Mr. Dayton.³⁶ In this last communication, Secretary Seward stated: "Happily the French government has not been left uninformed that, in the opinion of the United States, the permanent establishment of a foreign and monarchical government in Mexico will be found neither easy nor desirable. You will inform Mr. Drouyn de l'Huys³⁷ that this opinion remains unchanged."

Although Seward was extremely circumspect in his statements and spoke in terms of "neutrality," he threw off his official reserve in an avowal to Herr von Geralt, the Prussian Minister at Washington. Mr. Seward declared: "The setting up of a monarchy in the Republic of Mexico must have grave consequences and would sooner or later, undoubtedly bring the powers concerned in it into serious conflict with the United States."³⁸

President Lincoln did not mention Mexico in his annual message to Congress in December, 1863. On January 11, 1864, Senator McDougall introduced Senate Resolution No. 13 relating to Mexico. The measure was referred to the Committee on Foreign Relations. The resolution read:

RESOLVED, That the occupation of a portion of the territory of the Republic of Mexico by the armed forces of the government of France, with the purposes avowed by the government of France, is an act unfriendly to the Republic of the United States of America.

SEC. 2. AND BE IT FURTHER RESOLVED, That it is the duty of the proper department of this Government to demand of the government of France the withdrawal of her armed forces from the Mexican territory within a reasonable time.

SEC. 3. AND BE IT FURTHER RESOLVED, That in the event the government of France shall decline or refuse to so withdraw her armed forces, or shall fail to take measures to that effect, on or before the fifteenth day of March next, then it will become the duty of the Congress of the United States of America to declare war against the government of France.³⁹

The above resolution was never reported back by the Senate Committee on Foreign Relations.

On March 15, 1864, the California Senator did gain approval of the

following resolution which was considered by unanimous vote and agreed to by the Senate:

RESOLVED, That the President be requested to communicate to the Senate, if not incompatible with the public interest, any correspondence or other information in possession of the Government, relating to any plan or plans now projected or being projected with a view to the establishment of monarchical Governments in Central and South America.⁴⁰

Senator McDougall was relentless in his efforts to induce the administration to take some affirmative action as to Mexico. On March 22, 1864, he introduced another resolution in relation to the occupation of Mexico by France. The measure was referred to the Committee of Foreign Relations.⁴¹

In the House of Representatives, Congressman Henry W. Davis (R), Chairman of the House Committee on Foreign Affairs, reported on April 4, 1864, a resolution adopted by the House unanimously on the same day by a vote 109 to 0. The resolution read:

RESOLVED, That the Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the republic of Mexico; and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government, erected on the ruins of any republican government in America, under the auspices of any European power.⁴²

After the adoption of this strongly worded resolution, Mr. Samuel S. Cox, of Ohio, the Democratic Party leader in the House, declared that he believed that the resolution should have been even more emphatic in its wording. The Congressman characterized Archduke Maximilian as the *Arch Dupe* of Louis Napoleon. He concluded: "We ought to be prepared not only to say, but to make it effectual that no crown shall be established on this continent."⁴³

Although officially reticent, Secretary Seward recognized that his hand had been strengthened by the Congressional resolutions. The Secretary on April 7, 1864, sent a copy of the Davis resolution to Mr. Dayton at Paris and noted: "The resolution truly interprets the unanimous sentiment of the People."⁴⁴

On April 27, 1864, Senator McDougall by resolution sought to instruct the Senate Committee on Foreign Relations to report out to

the Senate, the Davis resolution which had come over from the House.⁴⁵ Objection was interposed by Senator Sumner. On May 24, 1862, Senator McDougall moved that the Committee on Foreign Relations be discharged from any further consideration of the joint (Davis) resolution relating to Mexico.⁴⁶

In the House, Mr. Davis on May 23, 1864, introduced a resolution⁴⁷ calling on the President to communicate to the House correspondence between the United States and France which had led to an announcement in the *Moniteur*, the official journal of the French Imperial government, as follows: "It is known, besides, that the Senate [United States] had indefinitely postponed the examination of that question [the Davis resolution] to which in any case the executive power would not have given its sanction."

Pointed exception was taken in the Davis resolution of May 23 to the above quoted conclusion set forth in the *Moniteur* which asserted an Executive divergence of opinion from the resolution adopted unanimously on April 4, 1864. The second Davis resolution protesting the *Moniteur* statement was adopted by the House on May 23, 1864.⁴⁸

This last resolution achieved its purpose. On May 25, 1864, President Lincoln responded by transmitting to the House vital portions of Mr. Seward's correspondence in April and May, 1864, with the French Foreign Minister.⁴⁹

This afforded an opportunity to Senator McDougall. On June 14, 1864, the Senator offered a resolution⁵⁰ which almost instantly gained nation-wide attention. The resolution set forth verbatim a portion of the Republican National Party Platform⁵¹ of 1864 which had been adopted at a national convention meeting in Baltimore where Abraham Lincoln was renominated. The McDougall Resolution, worded exactly like the platform statement, read:

RESOLVED, That the people of the United States can never regard with indifference the attempt of any foreign Power to overthrow by force or to supplant by fraud the institutions of any republican Government on the western continent, and that they will view with extreme jealousy, as menacing to the peace and independence of their own country, the efforts of any such Power to obtain any footholds for monarchical Governments sustained by foreign military force in proximity to the United States.⁵²

Senator John Conness (D), of California, objected to the receipt of

the resolution.⁵³ On June 22, 1864, Senator McDougall again offered the same resolution being a verbatim extract from the party platform anent Mexico.⁵⁴ Senator Sumner objected at this time to the receipt of the resolution which required unanimous consent in order that the resolution might be called on short notice.

On July 2, 1864, on the eve of adjournment, Senator McDougall without success sought to obtain a vote on the resolution first introduced on June 14.⁵⁵ Again, the Senate was treated to the sorry spectacle of Senator Conness thwarting the efforts of his colleague to bring to a vote a resolution, the subject matter of which probably had the overwhelming support of sentiment upon the Pacific Coast. After considerable discussion, McDougall's effort to take up the subject matter of the resolution was defeated on July 2, 1864, by a vote of 11 to 27.⁵⁶

Although parliamentary maneuvering precluded the adoption of McDougall's various resolutions, he had *given the subject of Mexico a national prominence* which strengthened the policy of the Secretary of State. Seward utilized the Congressional inquiries including those of Senator McDougall in order to assist the State Department diplomatic discussions abroad.⁵⁷

The tone of Seward's dispatches became gradually more severe towards Napoleon III after hostilities ceased in April, 1865, in the Civil War. No longer did the Secretary speak in terms of "neutrality." In a letter October 6, 1865, to Mr. Seward from John Bigelow, the American Minister at Paris, Mr. Bigelow reported that M. Drouyn de Lhuys had characterized the French forces in Mexico as those of a "police" and that the military units were in fact only a *gendarmerie*!⁵⁸

Beginning from the time of the induction of Andrew Johnson as President of the United States upon the death of Abraham Lincoln in April, 1865, we may note a stiffening of the resistance through diplomatic channels by the United States to the French incursion into Mexico.

President Andrew Johnson expressed the national sentiment, which was adverse to Napoleon III, in the Annual Message on December 4, 1865.⁵⁹ The President stated that the past history of the United States disclosed a consistent resistance to the imposition of a European dynasty upon a sister American republic.

A great mass meeting took place in San Francisco on June 1, 1865, to voice approval of the cause of Mexican independence.⁶⁰ A large-scale meeting of sympathizers with Mexico was staged in Sacramento on June 11, 1865. General George W. Wright presided. Greetings were read from Señor José A. Godoy, Mexican consul at San Francisco.⁶¹

On March 2, 1866, M. Rouher, Minister of State, informed the Corps Législatif that the Imperial French troops were to be withdrawn from Mexico.⁶² Undoubtedly, a vital factor in the influence of French Imperial policy was the persistent effort of Senator McDougall to keep bringing before the United States Senate the subject of French involvement in Mexico since 1861. Shortly after the declaration by M. Rouher, Congressman Robert T. Van Horn, of Missouri, by resolution in the House called on the French, pending withdrawal from Mexico, to desist from any further acts of conquest and to maintain the status quo in Mexico.⁶³

In June, 1866, debate occurred in the United States Senate on a motion to appropriate funds for participation by this nation in the Paris Exposition of 1867. An amendment was offered by Senator James W. Grimes, of Iowa, making the appointment of any officer or the payment of any funds conditional on a guarantee by the Imperial Government that French troops would be "immediately withdrawn" from Mexico.⁶⁴ Senator Conness of California opposed the Grimes amendment. Senator McDougall spoke at length in favor of the amendment, reviewing United States policy in Mexico inimical to Napoleon III and concluding: "The policy of Louis Napoleon has been one of extreme hostility to the Republic of the United States."⁶⁵

Senator Conness kept offering repeated motions to adjourn proceedings on June 14, 1866, when the Grimes amendment was being considered. The adjournment tactics failed.⁶⁶ Eventually, in order to permit United States involvement in the Paris Exposition, Senator Grimes withdrew his amendment.

MISCELLANEOUS LEGISLATIVE ACTION

Senator McDougall during his term of office from March, 1861, to March, 1867, spoke eloquently and convincingly on many of the vital topics of that period. Among other subjects, he was heard on emancipation, the conduct of the war, the death of Senator Baker, the expulsion

of Senators Bright and Johnson, army pay, naval appropriations, slavery in the District of Columbia, a steamship line to China, polygamy, territorial status for Arizona, the tariff, reconstruction, war claims, and currency. Almost single-handed, in March-April, 1862, McDougall gained the defeat of Senate Bill 151 which was intended to launch a national system of ruthless confiscation of the property of Confederates. He predicted that if the measure should be enacted, reunion would never be accomplished in the United States.⁶⁷

McDougall furthered the adoption of the Enrollment Act of March 3, 1863.⁶⁸ The Senator stressed that military conscription should have been adopted when the war began as voluntary recruitment had proved to be a failure. He saw in the central federal government, authority to command military service from all men.⁶⁹

On January 13, 1864, Senator McDougall presented to the Senate, a resolution of the legislature of California in favor of the reduction of the tax on domestic wines which was a vital concern to the State.⁷⁰ The resolution was referred to the Committee on Finance. This is an interesting indirect development of the war in Mexico and the American Civil War. The French wine industry were severely retarded by the Civil War and the resulting blockade upon French wines.⁷¹ Similarly, the European brandy industry was hurt by the Civil War and the Mexican conflict.⁷²

CONCLUSION

Public recognition has been slow in coming to Senator McDougall because his untimely death in 1867 prevented his return to the State of California. Undoubtedly, if the Senator had returned to California, we should have had the benefit of additional public career, memoirs, and the other indicia of activity which a public leader may leave to posterity. The legislative intent in ACR 42 is sound in directing the California Civil War Centennial Commission to ascertain and stress the outstanding accomplishments of Senator McDougall in the United States Senate. Particularly, may we be proud that the Senator possessed the courage to take a stand as advocate for General Stone when the general was the target of censure because of the untimely death of Colonel Baker. Subsequently, Senator McDougall for several years insistently raised his voice in the Senate in behalf of the Republic of Mexico

crushed under the heel of a European conqueror. Many leaders have given lip service to the Monroe Doctrine. Senator McDougall strove to make the doctrine a living actuality in behalf of subjugated Mexico.⁷³

NOTES

1. Assembly Concurrent Resolution 42, Cal. Stats (1963), chap. 60 (hereinafter cited as ACR 42).

The California legislature by a resolution adopted without a dissenting vote, effective April 8, 1963, has instructed the California Civil War Centennial Commission to undertake research concerning the record of the achievements of Senator McDougall.

2. Senator McDougall before the United States Senate, April 15, 1862, in condemnation of the unlawful confinement of General Stone. See *Congressional Globe*, 37th Cong., 2d sess., Part 2, p. 1666.

3. Zoeth S. Eldredge, *History of California* (New York, 1914), IV, 67.

4. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Vol. V, pp. 34, 307, 314 (hereinafter cited as OR).

5. OR, Ser. II, Vol. III, pp. 401-402.

McDougall in the Senate had delivered a eulogy in honor of Senator Baker on December 11, 1861, at memorial exercises attended by President Lincoln. See *Cong. Globe*, 37th Cong., 2d sess., Part 1, pp. 50-52.

6. *Cong. Globe*, 37th Cong., 2d sess., Part 2, p. 1624.

7. *Cong. Globe*, 37th Cong., 2d sess., Part 2, pp. 1662-1663.

8. S. V. Benet, *Treatise on Military Law* (New York, 1868), p. 408.

9. Benet, *Treatise on Military Law*, p. 408.

10. *Cong. Globe*, 37th Cong., 2d sess., Part 2, p. 1668.

11. *Cong. Globe*, 37th Cong., 2d sess., Part 2, p. 1668.

12. *Cong. Globe*, 37th Cong., 2d sess., Part 2, p. 1742.

13. Edward McPherson, *Political History of the United States of America During the Great Rebellion* (New York, 1864), p. 180.

14. In 1870 Colonel Stone entered the service of the Khedive of Egypt and rose from Chief of Staff to Ferik-Pasha, 1873-83. Returning to the United States, Stone became an engineer in charge of building the foundation of the Statue of Liberty in New York Harbor. See *Encyclopedia Americana*, XX (1962), p. 675.

15. Oscar Lewis, *War in the Far West, 1861-1865* (New York, 1961), p. 57. For an account favorable to Colonel Baker, consult John D. Baltz, *Hon. Edward D. Baker* (Lancaster, Penna., 1888).

16. McPherson, *Political History of the United States*, pp. 152-153.

17. OR, Ser. II, Vol. II, pp. 467-468.

18. OR, Ser. II, Vol. II, p. 463.

19. Hubert Howe Bancroft, *History of Mexico* (San Francisco, 1888), VI, 29.
20. *British and Foreign State Papers, 1862-1863* (London, 1869), LIII, 579.
- Percy Alvin Martin, *Maximilian in Mexico: The Story of the French Intervention, 1861-1867* (New York, 1914), pp. 91-92.
21. *Cong. Globe*, 37th Cong., 39 sess., Part 1, p. 371.
22. *Cong. Globe*, 37th Cong., 39 sess., Part 1, p. 694.
23. *Cong. Globe*, 37th Cong., 39 sess., Part 1, p. 704.
24. James M. Callahan, *American Foreign Policy in Mexican Relations* (New York, 1932), p. 290.
25. 12 Stat. 169, 206, Sec. 9, Act of March 2, 1861.
26. 12 Stat. 41-42.
27. *Cong. Globe*, 37th Cong., 2d sess., Part 2, p. 1538.
28. 13 Stat. 489; *Cong. Globe*, 37th Cong., 2d sess., Part 2, pp. 1971, 1983, 2840.
29. *San Francisco Bulletin*, May 8, 1869.
30. William Lawrence Shaw, "United States Senator James A. McDougall," *Pacific Historian*, VI (November, 1962), 186.
31. Shaw, "United States Senator James A. McDougall," *Pacific Historian*, VI, p. 186.
32. Bancroft, *History of Mexico*, VI, 74.
33. Consult William Lawrence Shaw, "The Impact of Napoleon III Upon the Pacific Coast," *Pacific Historian*, VII (February and May, 1963); William Lawrence Shaw, "The Empress Eugénie and the War in Mexico, 1861-1867," *Pacific Historian*, VIII (February and May, 1964).
34. George E. Baker, *Works of William H. Seward* (Boston, 1884), pp. 389-399.
35. Baker, *Works of William H. Seward*, pp. 399-400.
36. Baker, *Works of William H. Seward*, pp. 410-411.
37. French Minister of Foreign Affairs from October 15, 1862, replacing M. Thouvenal who had functioned from January 4, 1860. The name was usually written as Drouyn de Lhuys.
38. Herr von Geralt to Count Bernstorff, Berlin, March 5, 1862, in Count Egon Corti, *Maximilian and Charlotte of Mexico* (New York, 1923), I, 157.
39. *Cong. Globe*, 38th Cong., 1st sess., Part 1, p. 145.
40. *Cong. Globe*, 38th Cong., 1st sess., Part 2, p. 1108.
41. *Cong. Globe*, 38th Cong., 1st sess., Part 2, p. 1227.
42. *Cong. Globe*, 38th Cong., 1st sess., Part 2, p. 1408.
43. *Cong. Globe*, 38th Cong., 1st sess., Part 2, p. 1408.
44. "The Mexican Question," *North American Review*, CIII (July, 1866), 139-140.
45. *Cong. Globe*, 38th Cong., 1st sess., Part 2, p. 1900.
46. *Cong. Globe*, 38th Cong., 1st sess., Part 3, p. 2436.
47. *Cong. Globe*, 38th Cong., 1st sess., Part 3, p. 2427.
48. *Cong. Globe*, 38th Cong., 1st sess., Part 3, p. 2427.

49. *Cong. Globe*, 38th Cong., 1st sess., Part 3, p. 2475.
50. *Cong. Globe*, 38th Cong., 1st sess., Part 4, p. 2931.
51. John G. Nicholay and John Hay, *Abraham Lincoln: A History* (New York, 1890), VII, 42.
52. *Cong. Globe*, 38th Cong., 1st sess., Part 4, p. 2931.
53. *Cong. Globe*, 38th Cong., 1st sess., Part 4, p. 2931.
54. *Cong. Globe*, 38th Cong., 1st sess., Part 4, p. 3157.
55. *Cong. Globe*, 38th Cong., 1st sess., Part 4, p. 3496; see Note No. 50 above.
56. *Cong. Globe*, 38th Cong., 1st sess., Part 4, p. 3496.
57. Callahan, *American Foreign Policy in Mexican Relations*, pp. 318-319; Dexter Perkins, *Monroe Doctrine, 1826-1867* (Baltimore, 1933), p. 497.
58. John Bigelow, *Retrospections of an Active Life* (New York, 1909), III, 195.
59. James D. Richardson, *Messages and Papers of the Presidents* (Washington, 1900), VI, 368.
60. *Cong. Globe*, 39th Cong., 1st sess., Part I (Mexican Affairs), p. 621, containing an extract from *San Francisco Daily American Flag*, June 2, 1865.
61. *Sacramento Bee*, June 12, 1865; *Sacramento Union*, June 12, 1865.
62. *Cong. Globe*, 39th Cong., 1st sess., Part I (Mexican Affairs), p. 560.
63. *Cong. Globe*, 39th Cong., 1st sess., Part 2, pp. 1067-1068.
64. *Cong. Globe*, 39th Cong., 1st sess., Part 4, p. 3138.
65. *Cong. Globe*, 39th Cong., 1st sess., Part 4, p. 3159.
66. *Cong. Globe*, 39th Cong., 1st sess., Part 4, p. 3161.
67. *Cong. Globe*, 37th Cong., 2nd sess., Part 2, pp. 1021, 1040, 1049, 1544, 1881-1882, 3275.
68. 12 Stat. 731, Senate Bill No. 511, commonly called the Draft Act.
69. *Cong. Globe*, 37th Cong., 3d sess., Part 2, pp. 1363-1366, 989-990, 997-999, 1002. Consult William Lawrence Shaw, "The Civil War Federal Conscription and Exemption System," *Judge Advocate Journal*, 32 (February, 1962).
70. *Cong. Globe*, 38th Cong., 1st sess., Part 1, p. 197.
71. Lynn M. Case, *French Opinion on the United States and Mexico, 1860-1867* (New York, 1936), *passim*.
72. Case, *French Opinion on the United States and Mexico*, *passim*.
73. In ACR 32, Cal. Stats. (1963), chap. 36, the California legislature, effective March 6, 1963, has directed the California Civil War Centennial Commission to commemorate the restoration of constitutional government in the Republic of Mexico consequent upon the withdrawal of Imperial Forces of Napoleon III and the overthrow of the regime of Archduke Maximilian.