

S. J. S.







SPEECHES OF GERRIT SMITH.





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Your friend  
Gerrit Smith



SPEECHES

OF

GERRIT SMITH

IN

CONGRESS.

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NEW-YORK:  
MASON BROTHERS.  
1856.

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PRINTER AND STEREOTYPED  
95 and 97 Cliff street, N. Y.

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THE papers collected in this volume, are copied, without change, from their original publication.

Mr. SMITH was in Congress but a single Session. That Session began December 5, 1853, and ended August 7, 1854. Owing to bad health, he did not take his seat until December 12th.



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## L E T T E R .

*To the Voters of the Counties of Oswego and Madison:*

YOU nominated me for a seat in Congress, notwithstanding I besought you not to do so. In vain was my resistance to your persevering and unrelenting purpose.

I had reached old age. I had never held office. Nothing was more foreign to my expectations, and nothing was more foreign to my wishes, than the holding of office. My multiplied and extensive affairs gave me full employment. My habits, all formed in private life, all shrank from public life. My plans of usefulness and happiness could be carried out only in the seclusion, in which my years had been spent.

My nomination, as I supposed it would, has resulted in my election—and, that too, by a very large majority. And, now, I wish, that I could resign the office,

which your partiality has accorded to me. But, I must not—I cannot. To resign it would be a most ungrateful and offensive requital of the rare generosity, which broke through your strong attachments to party, and bestowed your votes on one, the peculiarities of whose political creed leave him without a party. Very rare, indeed, is the generosity, which was not to be repelled by a political creed, among the peculiarities of which are

1st. *That it acknowledges no law, and knows no law, for slavery:—that, not only, is slavery not in the Federal Constitution, but that, by no possibility, could it be brought either into the Federal, or into a State, Constitution.*

2d. *That the right to the soil is as natural, absolute, and equal, as the right to the light and the air.*

3d. *That political rights are not conventional, but natural—inhering in all persons, the black as well as the white, the female as well as the male.*

4th. *That the doctrine of Free Trade is the necessary outgrowth of the doctrine of the human brotherhood: and that to impose restrictions on commerce is to build up unnatural and sinful barriers across that brotherhood.*

5th. *That national wars are as brutal, barbarous, and unnecessary, as are the violence and bloodshed, to which misguided and frenzied individuals are prompted: and that our country should, by her own Heaven-trusting and beautiful example, hasten the day, when the nations of the earth “shall beat their swords into ploughshares and their*



*spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war any more."*

6th. *That the province of Government is but to protect—to protect persons and property; and that the building of railroads and canals and the care of schools and churches fall entirely outside of its limits, and exclusively within the range of "the voluntary principle." Narrow, however, as are these limits, every duty within them is to be promptly, faithfully, fully performed:—as well, for instance, the duty on the part of the Federal Government to put an end to the dramshop manufacture of paupers and madmen in the City of Washington, as the duty on the part of the State Government to put an end to it in the State.*

7th. *That, as far as practicable, every officer, from the highest to the lowest, including especially the President and Postmaster, should be elected directly by the people.*

I need not extend any further the enumeration of the features of my peculiar political creed:—and I need not enlarge upon the reason, which I gave, why I must not, and can not, resign the office, which you have conferred upon me. I will only add, that I accept it; that my whole heart is moved to gratitude by your bestowment of it; and that, God helping me, I will so discharge its duties, as neither to dishonor myself, nor you.

GERRIT SMITH.

PETERBORO, November 5th, 1852.



# S P E E C H

ON THE

## REFERENCE OF THE PRESIDENT'S MESSAGE.

DECEMBER 20, 1853.

MR. HOUSTON, Chairman of the Committee on Ways and Means, having submitted Resolutions to distribute the President's Message among different Committees, Mr. SMITH was the first person to obtain the floor. He spoke as follows :

It is natural, Mr. Chairman—nay, it is almost necessary—that, from the difference in our temperament, our education, our pursuits, and our circumstances, we should take different views of many a subject, which comes before us. But, if we are only kind in expressing these views, and patient in listening to them, no harm, but, on the contrary, great good, will come from our discussions.

As this is the first time I have had the floor, it may

be well for me now to confess, that I am in the habit of freely imputing errors to my fellow-men. Perhaps, I shall fall into this habit on the present occasion. It may be a bad habit. But is it not atoned for by the fact, that I do not claim, that I am myself exempt from errors; that I acknowledge, that I abound in them; and that I am ever willing, that those whom I assail, shall make reprisals? I trust, Sir, that so long as I shall have the honor to hold a seat in this body, I may be able to keep my spirit in a teachable posture, and to throw away my errors as fast as honorable gentlemen around me shall convince me of them.

I have risen, Mr. Chairman, to make some remarks on that portion of the President's Message, which it was proposed, a few moments since, to refer to the Committee on Foreign Affairs.

The Message endorses, fully and warmly, the conduct of the Administration in the case of Martin Koszta. For my own part, I cannot bestow unqualified praise on that conduct. Scarcely upon Capt. Ingraham can I bestow such praise. It is true, that I honor him for his brave and just determination to rescue Koszta, but I would have had him go a step farther than he did, and insist on Koszta's *absolute* liberty. I would have had him enter into no treaty, and hold no terms, with kid-nappers. I would have had him leave nothing regarding Koszta's liberty to the discretion of the French Consul or any other Consul; to the discretion of the

French Government or any other Government. Koszta was an American subject—a kidnapped American subject—and hence the American Government was bound to set him, immediately and unconditionally, free. But Capt. Ingraham represented the American Government. For that occasion he was the American Government.

For saying what I have here said, I may appear very inconsistent in the eyes of many, who know my opposition to all war; for they may regard Capt. Ingraham as having been ready to wage war upon Austria—as having, indeed, actually threatened her with war. But, notwithstanding my opposition to all war, I defend Capt. Ingraham's purpose to use force, should force become necessary. I believe, that such purpose is in harmony with the true office of Civil Government. I hold, that an armed national police is proper, and that here was a fit occasion for using it, had moral influences failed. But to believe in this is not to believe in war. It is due to truth to add, that Capt. Ingraham should not be charged with designing war upon Austria. Why should he be thus charged? He had, properly, nothing whatever to do with Austria, nor with the Austrian Consul. There was no occasion for his doing with either of them, nor for his even thinking of either of them. For him to have supposed that Austria, or any of her authorities, could be guilty of kidnapping, would have been to insult her and them. He had to do only with

the kidnappers, who were restraining Koszta of his liberty; and all he had to do with these kidnappers was to compel them to an unconditional and immediate surrender of their prey.

I will say, by the way, that I do not condemn the conduct of our Minister, Mr. Marsh, in relation to Koszta, for the good reason, that I am not sure what it was. If it was, as it is reported to have been, I trust that both the Administration and the whole country will condemn it.

It is denied in certain quarters, that Koszta was an American subject. But Secretary Marcy has argued triumphantly that, in the light of international law, he was. I regret, that he had not proceeded to argue it in other lights also. I regret, that he had not proceeded to show that, even if admitted international law is to the contrary, nevertheless, by the superior law of reason and justice, Koszta was an American subject. I regret, that he had not proceeded to publish to the world, that, when a foreigner becomes an inhabitant of this land; abjures allegiance to the Government he has left; and places himself under the protection of ours; the American Government will protect him, and that, too, whether with or without international law, and whether with the world or against the world. In a word, I regret that the Secretary did not declare, that if international law shall not authorize the American Government to protect such a one, then American law shall. It is

high time, that America should justify herself in such a case by something more certain and authoritative than European codes. It is high time that she should base her justification, in such a case, on the immutable and everlasting principles of reason and justice.

I may be asked, whether I would allow, that the subject of a foreign Government, who is alleged to be charged with an offence, and who has fled to our country, can find shelter in his oath of allegiance to our Government? I answer, that I would not allow him to be kidnapped; and that, if his former Government wants him, it must make a respectful call on our Government for his extradition. I add, that I would have our Government the sole judge of the fact whether he is charged with an offence; and also the sole judge whether the offence with which he may be charged is a crime—a real and essential crime—for which he should be surrendered; or a merely conventional and nominal crime, for which he should not be surrendered.

A few words in regard to the charge, that Capt. Ingraham invaded the rights of a neutral State. It is to be regretted, that the Secretary did not positively and pointedly deny the truth of this charge. I admit, that no denial of it was needful to his argument with Mr. Hulsemann. The denial would, however, have been useful. No, Sir; Capt. Ingraham did not violate the rights of Turkey. But, although America cannot be justly charged with violating the rights of Turkey

Turkey nevertheless can be justly charged with violating the rights of America. She violated the rights of America, inasmuch as she failed to afford to Koszta the protection, which she owed him. If she is not fairly chargeable with permitting him to be kidnapped, she nevertheless is fairly chargeable with permitting him to remain kidnapped, and that is virtually the same thing. To say, that Capt. Ingraham violated the rights of Turkey, is nonsense. It is nonsense, if for no other reason, than that she had no rights in the case, to be violated. She had none, for the simple reason, that she suffered her laws to be silent. The only ground on which a neutral State can claim respect at the hands of belligerents is, that so far as she is concerned, their rights are protected. If she allows injustice to them, then they may do themselves justice. If she refuses to use the law for them, then they may take it into their own hands. For Turkey to suspend her laws, as she did in the present case, is to leave to herself no ground of wonder or complaint, if a brave Capt. Ingraham supplies her lack of laws.

But I may be asked, whether I would really have had Capt. Ingraham fire into the Austrian ship? I answer, that I would have had him set Koszta free, cost what it might. At the same time I admit, that there would have been blame, had it cost a single life; and that this blame would have rested, not upon the Turks and Austrians only, but upon our own countrymen



also. This is so, for the reason, that neither our own country nor any other country is so fully identified with justice, in the eyes of all the world, as to make its character for justice an effectual substitute for violence—as to make, in a word, its character for justice, its sufficient power to obtain justice. Were our country proverbial, the world over, for wisdom and goodness—were our love to God and man known and read of all men—were every nation to know that, both at home and abroad, our Government acts upon Christian principles—then no nation would wrong us, and no nation would let us be wronged. Then, if one of our people were kidnaped in a foreign land, as was Koszta, the Government of that land would promptly surrender him, at our request. It would pass upon our title to the individual confidingly and generously, rather than jealously and scrutinously. And even if it entertained much doubt of our title, it would nevertheless waive it, under the influence of its conviction, that we ask nothing, which we do not honestly believe to be our due, and that our character is such, as richly to entitle us to all, that is possibly our due. Having such a character, our moral force would supersede the application of our physical force. Had physical force been needful to effect the deliverance of Koszta, it would have been needful merely because the American people and American Government lacked the moral character, or, in other words, the moral force, adequate to its deliverance. But, as I have already in-

timated, our nation is no more deficient in this respect than other nations.

I said, that I could not bestow unqualified praise on the Administration for its part in the Koszta affair. In one or two of those passages of rare rhetorical beauty in his letter to Mr. Hulsemann, Secretary Marcy insinuates the despotic character of Austria. Now, I will not say, that there was impudent hypocrisy in the insinuation; but I will say, that the insinuation was in bad taste, and that it was bad policy. A cunning policy would studiously avoid, in our diplomatic correspondence, all allusions to despotism and oppression, lest such allusions might suggest to the reader comparisons between our country and other countries, that would be quite unfavorable to us.

I admit, that Austria is an oppressor. But is it not equally true, and far more glaringly true, that America is a much greater and guiltier oppressor? Indeed, compared with our despotism, which classes millions of men, women, and children, with cattle, Austrian despotism is but as the little finger to the loins. Surely, surely, it will never be time for America to taunt Austria with being an oppressor, until the influence of American example is such, as to shame Austria out of her oppression, rather than to justify and confirm her in it.

In this same letter to the representative of Austria, Mr. Marcy presumes to quote, as one of the justifi-

cations of Capt. Ingraham's conduct, the Divine law, *to do unto others as we would have others do unto us*. Now, was it not the very acme of presumption for the American Government to quote this law, while it surpasses every other Government in trampling it under foot? Did Mr. Marcy suppose Mr. Hulsemann to be stone-blind? Did he suppose, that Mr. Hulsemann had lived in the city of Washington so long, and yet had seen nothing of the buying and selling of human beings as brutes, which is continually going on here, under the eye, and under the authority, of Government? Did he suppose, that Mr. Hulsemann could be ignorant of the fact, that the American Government is the great slave-catcher for the American slave-holders? Did he suppose him to be ignorant of the fact, that the great American slave-trade finds in the American Government its great patron; and that this trade is carried on, not only under the general protection, but under the specific regulations of Congress? Did he suppose him to be ignorant of the fact, that many, both at the North and South, (among whom is the President himself,) claim, that American slavery is a national institution?—and made such by the American Constitution? It is a national institution. If not made such by our organic law, it is, nevertheless, made such by the enactments of Congress, the decisions of the Judiciary, and the acquiescence of the American People. And did Mr. Marcy suppose Mr. Hulsemann to be entirely una-

ware, that the present Administration surpasses all its predecessors in shameless pledges and devotion to the Slave Power? Certainly, Mr. Marcy fell into a great mistake, in presuming Mr. Hulsemann to be in total darkness on all these points. If, indeed, a mistake, it is a very ludicrous one. If but an affectation, it is too wicked to be ludicrous.

I referred, a moment since, to some of the evidences of the nationality of American slavery. It, sometimes, suits the slaveholders to claim, that their Slavery is an exclusively State concern; and that the North has, therefore, nothing to do with it. But as well may you, when urging a man up-hill with a heavy load upon his back, and with your lash also upon his back, tell him, that he has nothing to do either with the load or the lash. The poor North has much to do with slavery. It staggers under its load and smarts under its lash.

But I must do Secretary Marcy and the Administration justice. What I have said, were I to stop here, would convey the idea, that, in his letter to Mr. Hulsemann, the Secretary inculcates the duty of *unconditional* obedience to the law, which requires us to do unto others, as we would have others do unto us. He is, however, very far from doing so. He remembers, as with paternal solicitude, American slavery, and the Fugitive Slave Act, and provides for their safety. To this end he qualifies the commandment of God, and makes it read, that we are to obey it, only when there

is no commandment of man to the contrary. In a word, he adopts the American theology—that pro-slavery theology, which makes human Government paramount to the Divine, and exalts the wisdom and authority of man above the wisdom and authority of God.

I said, that I must do the Secretary justice: and I have now done it. But in doing it, a piece of flagrant injustice has been brought to light. For what less than flagrant can I call his injustice to the Bible? The Secretary says, that this blessed volume “enjoins upon all men, every where, *when not acting under legal restraint*, to do unto others whatever they would that others should do unto them.” Now, the phrase “when not acting under legal restraint” is a sheer interpolation. The commandment, as we find it in the Bible, is without qualification—is absolute. The Administration is guilty, therefore, through its Secretary, of deliberately corrupting the Bible. Moreover, it is guilty of deliberately corrupting this authentic and sacred record of Christianity at the most vital point. For this commandment to do unto others as we would have others do unto us, is the sum total of the requirements of Christianity. I say so on the authority of Jesus Christ himself. For when He had given this commandment, He added: “for this is the law and the prophets.”

I am not unmindful how strong a temptation the Administration was under, in this instance, to corrupt the Bible. I am willing to make all due allowance on

that account. Strong, however, as was the temptation, it nevertheless should have been resisted. I am well aware, that for the Administration to justify the rescue of Koszta on the unqualified, naked Bible ground, of doing unto others as we would have others do unto us, would be to throw open the door for the rescue of every fugitive slave. It would be to justify the rescue of Shadrach at Boston. It would be to justify the celebrated rescue in my own neighborhood—I mean the rescue of Jerry at Syracuse. It would be to justify the bloody rescue at Christiana. For, not only is it true, that all men would be rescued from slavery, but it is also true, that very nearly all men would be rescued from slavery, even at the expense of blood. I add, that for the Administration to justify on naked Bible ground the rescue of Koszta, would be, in effect, to justify the deliverance of every slave. Now, for an Administration, that sold itself in advance to the Slave Power, and that is indebted for all its hopes and for its very being to that Power—for such an Administration to take the position of simple Bible truth, and thereby invite the subversion of all slavery, would be to practise the cruellest ingratitude. Such ingratitude could not fail to exasperate the Slave Power—that mighty and dominant Power, before which not only the Administrations of the American People, but the American People themselves, fall down as abjectly as did Nebuchadnezzar's people before the image, which

he had set up. Nevertheless, however important it may be to maintain slavery, it is far more important to maintain Christianity; and the Administration is therefore to be condemned for giving up Christianity for slavery. I add, that, if American slavery is, as the famous John Wesley called it, "the sum of all villainies," then it is certainly a very poor bargain to exchange Christianity for it.

Sir, this doctrine of the Administration, that human enactments are paramount to Divine law, and that the Divine authority is not to be allowed to prevail against human authority, is a doctrine as perilous to man as it is dishonorable to God. In denying the supremacy of God, it annihilates the rights of man. I trust, that a better day will come, when all men shall be convinced, that human rights are not to be secured by human cunning and human juggles, but solely by the unfaltering acknowledgment of the Divine Power. This crazy world is intent on saving itself by dethroning God. But, in that better day, to which I have referred, the conviction shall be universal, that the only safety of man consists in leaving God upon His throne.

To illustrate the absurdity of this atheistic doctrine of the Administration, we will suppose that, by a statute of Turkey, any person, Hungarian-born, ought to be kidnapped. Then, according to this atheistic doctrine, Capt. Ingraham had no right to rescue Koszta,

for his kidnappers, in that case, were acting "under legal restraint."

Mr. SOLLERS, of Maryland. Mr. Chairman, what is the question before the House?

The CHAIRMAN, (Mr. ORR, of South Carolina.) Does the gentleman from Maryland rise to a question of order?

Mr. SOLLERS. I do.

The CHAIRMAN. What is the gentleman's question?

Mr. SOLLERS. I want to know what is the subject before the House.

The CHAIRMAN. The subject is the reference of the President's Message.

Mr. SOLLERS. The gentleman from New-York is making an abolition speech, and I do not see its relevancy to the question before the House.

The CHAIRMAN. The gentleman from New-York is entitled to the floor, and he is in order.

Mr. SMITH. The gentleman from Maryland says, that I am making an abolition speech. I *am*: and I hope he will be patient under it. I, in my turn, will be patient under an *anti*-abolition speech.

But I will proceed in my illustrations of the absurdity of this atheistic doctrine of the Administration. What, too, if there were a statute of Turkey, declaring



it right to kidnap any person, who is American-born? Then, according to this corrupt theology of the Administration, we should not be at liberty to rescue an American citizen, who might be kidnapped in Turkey. And what, too, if acting under human authority, or, in the language of the Administration, "under legal restraint," the people of one of the Barbary States should kidnap Secretary Marcy, and even President Pierce himself—then, also, according to this God-dethroning doctrine of the Administration, our hands would be tied; and we should have no right to reclaim these distinguished men. The supposition, that such distinguished men can be kidnapped, is not absurd. The great Cervantes was a slave in one of the Barbary States. So, too, was the great Arago. And it is not beyond the pale of possibility, that even the great Secretary and the great President may yet be slaves. I am aware, that they, who stand up so stoutly for slavery, and for the multiplication of its victims, dream not, that they themselves can ever be its victims. They dream not, that this chalice, which they put to the lips of others, can ever be returned to their own. And, yet, even this terrible retribution, or one still more terrible than any, which this life can afford, may be the retribution of such stupendous treachery and enmity to the human brotherhood. Little did Napoleon think, when, with perfidy unutterable, he had the noble

but ill-fated Toussaint L'Ouverture carried across the waters, to perish in a prison,

"That he himself, then greatest among men,  
Should, in like manner, be so soon conveyed  
Athwart the deep."\*

to perish, also, in a prison.

In that great day (for which, as it has been sublimely said, all other days were made) when every man shall "receive the things done in his body," let me not be found of the number of those, who have wielded civil office to bind and multiply the victims of oppression. When I witness the tendency of power in human hands, be it civil or ecclesiastical, or any other power, to such perversion, I shrink from possessing it, lest I, too, might be tempted to lend it to the oppressor instead of the oppressed. "So I returned," says the wise man, "and considered all the oppressions that are done under the sun; and behold the tears of such as were oppressed, and they had no comforter: and on the side of their oppressors there was power; but they had no comforter."

I proceed to say, that this detestable doctrine of the Administration goes to blot all over that page of history, of which Americans are so proud. I mean that page, which records the famous achievement of Decatur and his brave companions in the Mediterranean. For

\* Rogers's Italy.

it must be remembered, that the Algerine slaveholders, who were so severely chastised, and that, too, notwithstanding, being the most ignorant, they were the least guilty class of slaveholders—I say, it must be remembered, that these Algerine slaveholders acted under human Government, or, in the words of the Administration, “under legal restraint;” and were, therefore, according to the wisdom of the Administration, released from all obligation to do unto others, as they would have others do unto them; and were at entire liberty to enslave Americans as well as other people.

I add, that this blasphemous doctrine of the Administration leaves unjustified, and utterly condemns, every war, which this nation has waged; for every such war has been against a people acting under the authority of their Government, or, in the language of the Administration, “under legal restraint.” What if our enemy, in fighting against us, was guilty of fighting against God?—was guilty of trampling under foot the Divine law? Nevertheless, according to the sage teachings of the Administration, his guilt was overlaid with innocence, from the fact, that he was “acting under legal restraint.” Surely, it will not be pretended, that *our* transgressions of the Divine law are excused by *our* “legal restraint,” and that the like transgressions, on the part of others, cannot be excused by the like cause. Surely if we may put in the plea of “legal restraint” against Divine laws, so may others.

Alas, what a disgusting spectacle does the Administration present, in its deliberate corruption of the Bible, for the guilty purpose of sparing so abominable and vile a thing as slavery ! Alas, what a pitiable spectacle of self-degradation does this nation present, in choosing such an Administration, and in remaining patient under it ! And how rank, and broad, and glaring, is the hypocrisy upon the brow of this nation, who, whilst her feet are planted on the millions she has doomed to the horrors, and agonies, and pollutions of slavery, holds, nevertheless, in one hand, that precious, Heaven-sent volume, which declares, that God "hath made of one blood all nations of men, for to dwell on all the face of the earth ;" and in the other, that emphatically American paper, which declares, that "all men are created equal !" And how greatly is the guilt of this nation, in her matchless oppressions, aggravated by the fact, that she owes infinitely more than ever did any other nation to Christianity, and liberty, and knowledge ; and that she is, therefore, under infinitely greater obligation than was ever any other nation, to set an example, blessed in all its influences, both at home and abroad ! Other nations began their existence in unfavorable circumstances. They laid their foundations in despotism, and ignorance, and superstition. But Christianity, and liberty, and knowledge, waited upon the birth of this nation, and breathed into it the breath of life.

My hour is nearly up, and I will bring my remarks to a close. After all, the Administration has done us good service, in attempting to qualify the Divine command, to do unto others as we would have others do unto us; for, in attempting to do this for the sake of saving slavery, it has, by irresistible implication, admitted that the command itself requires us to "let the oppressed go free."

This precious law of God contains, as they are wont to insist, ample authority for all the demands of the abolitionists—that despised class of men, to which I am always ready to declare, that I belong. Hence, the Administration, in quoting this law as the great rule of conduct between men, has, in no unimportant sense, joined the abolitionists. I say it has quoted this law—this naked law. I say so, not because I forget the words with which it attempted to qualify the law, but because, inasmuch as the law, which God has made absolute, man cannot qualify, these qualifying words fall to the ground, and leave the naked law in all its force. I admit, that the Administration did not quote this law for the sake of manifesting its union with the abolitionists; for, yet a while at least, it expects more advantage from its actual union with the slaveholders than it could expect from any possible union with the abolitionists. No; the Administration quoted this law for the sake of serving a purpose against Austria; and it flattered itself that, by means of a few qualifying words,

it could shelter slavery from the force of the quotation. But, in this, it fell into a great mistake. Its greater mistake, however, was in presuming to quote the Bible at all. The Administration should have been aware that the Bible is a holy weapon, and is therefore fitted to anti-slavery, instead of pro-slavery, hands. It should have been aware, that it is more dangerous for pro-slavery men to undertake to wield this weapon, than it is for children to play with edge tools. The Bible can never be used in behalf of a bad cause, without detriment to such cause.

I conclude, Mr. Chairman, by expressing the hope, that this egregious blunder of the Administration, in calling the Bible to its help—a blunder, by the way, both as ludicrous and wicked as it is egregious—will, now that the blunder is exposed, be not without its good effect, in the way of admonition. I trust, that this pro-slavery Administration, and, indeed, all pro-slavery parties and pro-slavery persons, will be effectually admonished by this blunder to let the Bible entirely alone, until they shall have some better cause than slavery to serve by it.

# A N S W E R

TO THE

## QUESTION OF MR. WRIGHT OF PENNSYLVANIA.

DECEMBER 22, 1853.

IN the course of his reply to the speech of Mr. Smith, made two days previous, Mr. Wright put a question to Mr. Smith.

Mr. SMITH, of New-York. Will the gentleman yield me the floor to reply to his question?

Mr. WRIGHT. Does the gentleman desire to make a speech?

Mr. SMITH. I rose, not because I wish to reply to the gentleman's question, for I do not wish to reply to it. But, as he put the question to me, and might deem me uncivil were I not to reply to it, I am willing to reply to it; and I trust that the gentleman will feel no better after my reply.

Mr. WRIGHT. After having called the gentleman out, I cannot refuse him the floor.

Mr. SMITH. The gentleman has referred me to that clause of the Constitution which respects fugitives from service; and it is on this clause that his question is based. Now, not to consume the time of the gentleman with any other reason for my denying that the word "service" in the Constitution refers to slavery, I will only advert to the fact, that three days previous to the close of the Convention which framed the Constitution, the committee on style made their report; and that then it was moved to strike out the word "servitude," and to supply its place with the word "service." This substitution was made by a *unanimous* vote, and for the avowed reason that "servitude" denotes the condition of slaves, and "service" the condition of freemen. I hold, therefore, that the word "service" in the Constitution refers to freemen, and to freemen only. To hold that the framers of the Constitution did, after the substitution I have referred to, mean that the word should refer to slavery, would be to stigmatize them with hypocrisy. I add that the facts I have here given, may be found in the Madison Papers.

Mr. WRIGHT. That is not my recollection of the historical proceedings of that convention which formed the Constitution.

Mr. SMITH. I refer the gentleman to the Madison Papers.



# SPEECH

ON THE

RESOLUTIONS OF THANKS TO CAPT. INGRAHAM.

JANUARY 5, 1854.

PERHAPS, Mr. Speaker, I should not have presumed to rise, had I been duly influenced by what the gentleman from Alabama has just now told us of the characteristics of a statesman. For, in that gentleman's esteem, the heart does not enter into the composition of a statesman. With him, the statesman is a creature all head, and no heart. With me, on the contrary, the heart is of more account than the head—and that, too, in all the possible circumstances of life, including even the province of statesmanship. A higher authority than the gentleman from Alabama makes more of the heart than of the head. His command, as well upon the statesman as upon every other person, is, "My son, give me thine heart." The heart first, and the head afterwards. The faculties of man drive on but to mis-

chief and ruin, unless the heart be first given to the right and the true.

I find, that gentlemen of Alabama agree in their definition of a statesman. Another gentleman from that State, [Mr. Phillips,] when reviewing my speech, a fortnight ago, kindly informed me that I am but a sentimentalist, and not a statesman. To use almost precisely his words: "Though I had attained some notoriety in the country as a sentimentalist, I had never risen to the dignity of a statesman." I beg that gentleman to be patient with me. I may yet become the dignified, heartless, frigid, conventional sort of being, that makes up the accepted and current idea of a statesman. They say, that Congress is a capital place for making a statesman of one, who is willing to come under the process. They say so, for the reason that Congress is a capital place for getting rid of all sentiment, and sympathy, and conscience. Now, I cannot say that I am very ambitious to have realized, in my own person, the popular idea of a statesman. Nevertheless, I beg the gentleman to be patient with me. When I shall have been in Congress a few weeks longer, I may so far have lost my heart, and killed my soul, as to be a candidate for the honors of a statesman. And then the honorable gentleman will, no doubt, be willing to take me by his own right hand, and install me into that dignity which he and other statesmen so self-complacently enjoy.

But to come to the resolutions. I like them exceedingly; and I should rejoice to see them pass unanimously. I like them especially because they avoid all questions of nationality and citizenship; and leave the justification of Capt. Ingraham to rest on the naked ground of humanity. I was much pleased to find the distinguished gentlemen from Virginia and South Carolina, [Mr. Bayly and Mr. Orr,] defending the resolutions in this light. Delighted was I, when I heard the gentleman from South Carolina [Mr. Orr] declare, in such impassioned language, that humanity is, of itself, ample justification for Captain Ingraham's conduct.

Capt. Ingraham, according to the implication of the resolutions, and according to these gentlemen's interpretation and defence of the resolutions, obeyed the simple law of humanity—that law, against which, to use Bible language, "there is no law." Not only is it paramount law, but against it there can be no law. Capt. Ingraham recognized no law for kidnapping and oppressing his fellow man. He believed that law is for the protection of rights, and he would not acknowledge as law what was for the destruction of rights; and, therefore, without pausing to inquire into any enactments of Turkey or Austria, he generously and nobly surrendered himself to the commands of the law of humanity, and delivered Koszta.

Capt. Ingraham saw in Koszta *a man*—a kidnapped and oppressed man—and, therefore, he determined to

set him free. The manhood of Koszta was all the warrant that Captain Ingraham needed to demand the liberty of Koszta. Captain Ingraham's sympathies are not bounded by State or National lines. They are not controlled by questions of nationality and citizenship; but where he sees his brother kidnapped or outraged, thither does he let his sympathies go out effectively for the deliverance of such brother.

I was glad, Sir, to hear the gentleman from Pennsylvania, [Mr. Chandler,] in the course of his eloquent speech, quote the maxim "*Bis dat qui cito dat,*" (he gives twice who gives quick,) to incite us to the prompt passage of the resolutions. Well does Captain Ingraham deserve the benefit of this apposite and happy quotation, for he acted bravely and beautifully under the inspiration, if not of another Latin maxim, nevertheless of the sentiment of another Latin maxim: "*Nil humani a me alienum,*" (nothing that concerns man is foreign to me.) Yes, Captain Ingraham honored this sublime maxim, which was coined by a slave; for Terence, its high-souled author, was a Roman slave.

Pass these resolutions, Mr. Speaker—pass them promptly and unanimously. By doing so we shall honor humanity and honor ourselves; by doing so we shall rebuke our Government for having taken, three years ago, the diabolical position, that they who rescue their kidnapped, and oppressed, and outraged, and crushed brethren, merit, at the hands of this Govern-

ment, fines and imprisonment. Pass these resolutions, and you will put the seal of your emphatic condemnation on that diabolical position ; and you will cheer the hearts of those who have rescued such poor brethren, and of others who are determined to rescue them whenever they can get the opportunity to do so. Pass these resolutions ; and these past and these future rescuers of the most wronged of all men will rejoice in knowing, that upon the principle of these resolutions, and upon the principle by which some on this floor have advocated them, they are entitled, not to suffer fines and imprisonment, but to receive gold medals.



# RESOLUTIONS

ON THE

## P U B L I C L A N D S .

J A N U A R Y 16, 1854.

MR. SMITH, of New-York. I beg leave to offer the following resolutions.

The Clerk read the resolutions, as follows :

*Whereas*, all the members of the human family, notwithstanding all contrary enactments and arrangements, have at all times, and in all circumstances, as equal a right to the soil as to the light and air, because as equal a natural need of the one as of the other ; And whereas, this invariably equal right to the soil leaves no room to buy, or sell, or give it away ; Therefore,

1. *Resolved*, That no bill or proposition should find any favor with Congress, which implies the right of Congress to dispose of the public lands or any part of them, either by sale or gift.

2. *Resolved*, That the duty of civil government in regard to public lands, and indeed to all lands, is but to regulate the occupation of them; and that this regulation should ever proceed upon the principle that the right of all persons to the soil—to the great source of human subsistence—is as equal, as inherent, and as sacred, as the right to life itself.

3. *Resolved*, That Government will have done but little toward securing the equal right to land, until it shall have made essential to the validity of every claim to land both the fact that it is actually possessed, and the fact that it does not exceed in quantity the maximum which it is the duty of Government to prescribe.

4. *Resolved*, That it is not because land monopoly is the most efficient cause of inordinate and tyrannical riches on the one hand, and of dependent and abject poverty on the other; and that it is not because it is, therefore, the most efficient cause of that inequality of condition so well-nigh fatal to the spread of democracy and Christianity, that Government is called upon to abolish it; but it is because the right which this mighty agent of evil violates and tramples under foot is among those clear, certain, essential, natural rights which it is the province of Government to protect at all hazards, and irrespective of all consequences.

Mr. HIBBARD. I move that the resolutions be laid upon the table.



Mr. GIDDINGS. I call for the yeas and nays on that motion.

The yeas and nays were not ordered.

The question was then put on the motion to lay the resolutions on the table, and it was agreed to.



# S P E E C H

O N

W A R .

J A N U A R Y 18. 1854.

MR. HOUSTON, of Alabama. I now call up the bills, which were reported from the Committee of the Whole on the State of the Union, with a recommendation, that they do pass, and which were under consideration when the House adjourned, last evening.

The House then took up "the bill making appropriation for the support of the Military Academy for the year ending June 30, 1855.

MR. SMITH. I propose, Mr. Speaker, to make some remarks on this bill.

MR. JONES, of Tennessee. I think that the previous question was called on the bill, last evening.

MR. SMITH. I think not.

MR. CLINGMAN, of North-Carolina. If the previous question was called, I object to the gentleman's proceeding to make any remarks.

Mr. SPEAKER. The Clerk informed the Chair, that the previous question was not called, last evening.

Mr. JONES. It was my impression, that it was called.

Mr. SMITH. I believe, Sir, in the progress of the human race. I delight to dwell upon the idea of an ever-growing civilization. Hence it is, that I am afflicted at every demonstration of the war spirit. For the spirit of war, is the spirit of barbarism; and, notwithstanding the general impression to the contrary, war is the mightiest of all the hindrances to the progress of civilization. But the spirit of this bill is the dark, barbarous, baleful spirit of war; and, therefore, would I use all honorable means to defeat the bill.

It is strange—it is sad—that, in a nation, professing faith in the Prince of Peace, the war spirit should be so rampant. That, in such a nation, there should be any manifestation whatever of this spirit, is grossly inconsistent.

“My voice is still for war,” are words ascribed to a celebrated Roman. But as he was a pagan, and lived more than two thousand years ago, it is not strange, that he was for war. But, that we, who have a more than two thousand years’ longer retrospect of the horrors of war than he had—that we, who, instead of but a pagan sense of right and wrong, have, or, at least,

have the means of having, a Christian sense of right and wrong—that we should be for war, is, indeed, passing strange.

How vast, incomprehensibly vast, the loss of life by war! There are various estimates of this loss.

Mr. ORR, of South-Carolina. I rise to a question of order.

Mr. SMITH. I mean to keep myself strictly in order.

Mr. SPEAKER. The gentleman will state his question of order.

Mr. ORR. I understand, that the bill on which the gentleman from New-York [Mr. Smith] is submitting his remarks, is a bill making an appropriation to support the Military Academy. I submit that the rule of the House requires, that the gentleman shall confine himself to the subject-matter before the House. The gentleman has not been confining himself to the subject-matter, and I require the Speaker to decide between us.

Mr. SMITH. If the gentleman denies, that the Military Academy has to do with war, then I appeal to the Speaker what would become of the Military Academy, were war to be abandoned?

Mr. SPEAKER. The Chair understands, that the gentleman from New-York [Mr. Smith] is opposing the appropriation of money for the maintenance of the

Military Academy, on the ground, that war is to be condemned.

Mr. SMITH. Certainly, Sir; and, therefore, beyond all doubt, I am in order.

The SPEAKER. The Chair is of opinion, that the gentleman from New-York is in order.

Mr. SMITH. I presumed, that the Speaker would so decide.

I was saying, Sir, when interrupted by the gentleman from South-Carolina, [Mr. Orr,] that there are various estimates of the loss of life by war. Burke's estimate, if my recollection is right, is, that thirty-five thousand millions of persons have perished by war; that is, some thirty-five times as many as the whole present population of the earth. In Bible language: "Who slew all these?" War slew them. And, when contemplating this vast slaughter, how natural to inquire, in other words of that blessed book, "Shall the sword devour for ever?"

And how immense the loss of property by war! The annual cost of the war system to Europe alone, including interest on her war debt, exceeds a thousand millions of dollars. The Government of our own nation has expended, on account of the army and fortifications, more than five hundred millions of dollars; and, on account of the navy and its operations, more than half that sum. But to ascertain the whole loss of property, which this nation has suffered by war, we must take

into the reckoning many other items; and, especially, the cost of the militia. Now, this last item, not according to mere conjecture, but according to the computation of those capable of making it, is fifteen hundred millions of dollars. Add, then, to what our nation has paid for war, and to her loss of property by war, the interest on these payments and losses, and you have an aggregate equalling a large share of the whole present wealth of the nation.

And, just here, Sir, I would say a few words on national debts. As such debts are, in the main, war debts, there can be no assignable limit to their accumulation, so long as war is thought to be necessary—for, so long, there will be wars—and, until war is abandoned, it will be held to be unjust and dishonorable to repudiate war debts, no matter how crushing, and increasingly crushing, from age to age, may be the burden of such debts. So commanding is the influence of war, and so world-wide and mighty the sentiment, which it has been able to create in favor of itself, that no debts are deemed more sacred and obligatory than war debts. And yet, so far from such debts being, in truth, sacred and obligatory, there is the most urgent and imperative duty to repudiate them. No doctrine should be more indignantly scouted than the doctrine, that one generation may anticipate and waste the earnings and wealth of another generation. Nothing is plainer than that the great impartial Father of us all would have every generation enter upon its course, unmortgaged and

unloaded by prior generations. Nothing is plainer than that in those States of Europe, where the war debt is so great, that the very life-blood of the masses must be squeezed out to pay the annual interest upon it, repudiation must take place, ere those masses can rise into even a tolerable existence. It is a very common remark, at the present time, that Europe needs a revolution. She does need a revolution. But she needs repudiation more. However, there never will be a decided and wholesome revolution in Europe, that does not involve repudiation. If a people, on whom the wars and crimes of past generations have entailed an overwhelming burden of debt, shall achieve a revolution, of which repudiation is not a part, their labor and sacrifice will be lost—their revolution will be spurious and vain. To say, that the people of England and Holland, where the war debt is so great, as to make the average share of each one of them, both children and adults, between two and three hundred dollars—

Mr. ORR, (interrupting.) I rise to a question of order. I desire to know whether the point, which the gentleman is now making, about the debts of England and Holland, is in order.

SEVERAL MEMBERS. "Certainly!" "Certainly!"

Mr. SMITH. I am insisting, that, where war is carried on, there will be war debts; and that where there are war debts, there will be the temptation, (and a temptation, which should be yielded to,) to repudiate them.



The SPEAKER. The bill before the House is to meet the expenses of the West Point Military Academy. The gentleman from New-York is disposed to strangle, if I may use the expression, the supplies for that purpose. The bill brings up the whole character of the thing, as connected with war matters. The Chair decides, that the gentleman's remarks are in order.

Mr. SMITH, (resuming.) I was about to say, when interrupted, that it is absurd to claim, that the people of England and Holland are morally bound to continue to dig from the earth, and to produce by other forms of toil, the means for paying the interest on their enormous war debt. They are morally bound to refuse to pay both interest and principal. They are morally bound to break loose from this load, and drag it no longer. For, so long as they drag it, they cannot exercise the rights of manhood, nor enjoy the blessings, nor fulfill the high purposes, of human existence. Is it said, that the Government, for whose wars they are now paying, would have been overthrown, but for these wars? I answer, that the Government, which involved its subjects in those wars, was the greatest curse of those subjects, and is the greatest curse of their successors. The maintenance of such a Government is loss. Its overthrow is gain.

I do not deny, that the case is possible, in which a generation would be morally bound to assume the debt created by its predecessor. But, even then, such gene-

ration should be the sole judge of its obligation to assume the debt. Were the cholera raging over the whole length and breadth of our land, and sweeping off millions of our people; and were a foreign nation to minister to our relief by lending us money; if we could not repay the loan, our successors should: and such a loan they would be glad to repay.

I would incidentally remark, that Civil Government will be neither honest nor frugal, so long as the practice of war is continued. I say so for the reason, that the extensive means necessary to carry on wars, or pay war debts, cannot be obtained by direct taxation. The people will consent to their being obtained only by indirect taxation: and no Government ever was, or ever will be, either honest or frugal, whose expenses are defrayed by indirect taxation, for no Government, whose expenses are thus defrayed, ever was or ever will be, held to a strict responsibility by the people; and no Government, not held to such responsibility, ever was, or ever will be, either honest or frugal.

I have referred to the loss of life and property by war—of life, that is so precious—of property, that is so indispensable to the enjoyment and usefulness of life. But there is an unspeakably greater loss than this, with which war is also chargeable. I refer to the damage, which morals and religion suffer from it. All I need add, on this point, is, that the power of war to demoralize the world, and to corrupt the purest religion in

the world, is abundantly manifest in the fact, that the moral and religious sense of even good men is not shocked by war. No stronger argument can be brought against war than the fact of its power to conform the morals and religion of the world to war.

It would, perhaps, be wrong to ascribe the continuance of war to the low and perverted state of the moral and religious sense. It would, perhaps, be more proper to ascribe it to the prevailing delusion, that war is unavoidable. And, yet, it may be, that a better state of the moral and religious sense would have entirely prevented this delusion. But, however this delusion may be accounted for, or whatever may be responsible for it, it is consoling to know, that it is not so well nigh impossible to dispel it, as is generally supposed. A fresh baptism of wisdom and goodness may, perhaps, be needed to that end: but no new faculties, and not a new birth. Nay, were we to apply to the subject of war no more than our present stock of good sense and good feeling—no more than our mental and moral faculties, as they now are—it is probable, that war could not long withstand the application.

The doctrine, that war is a necessity, is the greatest of all libels on man. The confidence, which, in private life, we manifest in each other, proves, that it is such a libel. We walk the streets unarmed. We go to bed without fear, and with unlocked doors; and we thus prove, that we regard our fellow-men as our friends, and not our foes—as disposed to protect, and not to harm

us. It is true, that there is, here and there, one, that would rob us; and, at very far wider intervals, one, that would kill us. But we are at rest in the consciousness, that, where there is one to assail us, there are a hundred to defend us. Indeed, society could not be held together, were it not true, that the generality of men are swayed by love, and confidence, and generosity, existing either in their own hearts, or accorded by them to others. The men, who are swayed by distrust and hatred, constitute the exceptional cases.

Have I, then, an evil-minded neighbor? I, nevertheless, need not fight with him. I may rely, under God, upon the mass of my neighbors to protect me against him. So, too, if there is, here and there, a malicious American, and, here and there, a malicious Englishman, who would be guilty of involving their countries in a war with each other; nevertheless, the mass of Americans and Englishmen, inasmuch as they prefer international amity to international quarrels, should be relied on to preserve peace: and they would preserve it, if so relied on. Now, it is in this point of view, that the nation, which is determined to keep out of war, will never find itself involved in war; and that nothing is hazarded by adopting the peace policy. I add, that, as it is not in human nature, under its ordinary influences, and in its ordinary circumstances to fall upon an unarmed and unresisting man, so the nation, which puts its trust, not in weapons of war, but in the fraternal affections of the human heart, and in

The God, who planted those affections there, will find this trust an effectual shield from the horrors of war. Such a shield did the good men, who founded Pennsylvania, find this trust. During the seventy years of this trust, there was no blood shed in their Province. These good men subdued even the savage heart, simply by trusting that heart. These good men, by refusing to carry deadly weapons themselves, shamed even savages out of carrying them. And were America, now, to disarm herself, even to the extent of abandoning the policy and practice of war, and were she to cast herself for protection on the world's heart, she would find that heart worthy of being so trusted. The other nations of the earth would not only be ashamed to take advantage of her disarmament, but they would love their confiding sister too well to do so. Nay, more. Instead of making her exposed condition an occasion for their malevolence, they would be moved to reciprocate the confidence expressed by that condition, and to disarm themselves.

I have already admitted, that there are persons, who would wrong us—who would even plunder and kill us. I now admit, that Government is bound to provide against them. If, on the one hand, I protest against stamping the masses with the desperate character of these rare individuals, on the other, I admit, that we are to guard against these rare individuals. But to argue, that, because of the existence of these rare individuals in France, or England, or any other nation,

the nation itself is necessarily disposed to make war upon us, is to make the exceptions to the rule, instead of the rule itself, the basis of the argument.

Whilst, for the reason, that I believe, that there is no need of war, I believe there is no need of making preparation against it, I, nevertheless, admit, that there is need of Government, of prisons, and of an armed police. Whilst I hold, that a nation whose Government is just in all its dealings with its own subjects, and with foreigners, and which so far confides in, and honors, human nature, as to trust, that even nations are capable of the reciprocations of justice—ay, and the reciprocations of love, also—I say, whilst I hold, that such a nation needs to make no provision against war, I still admit, that it is bound, in common with every other nation, to have ever in readiness, both on sea and land, a considerable armed force, to be wielded, as occasions may require, against the *hostes humani generis*—the enemies of the human race—the pirates, that, both on land and sea, “lurk privily for the innocent prey.”

But what shall be the character—the intellectual and moral character—of the men proper to compose this armed force? No other question in this discussion is so important; and, perhaps, in the whole range of earthly interests, there is not a more important question. The answer, which I shall give to this question, is a very novel one; so novel, indeed, that, were I not

irresistibly impressed with its truth and value, I should not venture to give it.

The punishment of its own offending citizens is, confessedly, regarded as being, in all its stages, a most solemn and responsible duty. Laws to this end are enacted with considerateness and solemnity. It is claimed, that none but wise and just men are fit to enact them. Judges and jurors are considerate and solemn in applying the laws; and none, but the upright and intelligent, are allowed to be suitable persons for judges and jurors. All this is indispensable to maintain the moral influence and the majesty of the laws. But how fatally would this majesty be dishonored, and this moral influence be broken, if all this propriety and all this consistency were, then, to be followed up with the gross impropriety and gross inconsistency of committing the execution of the verdict, or decree, of the court-room to the hands of the profligate and base. Most clear is it, that the turnkey and hangman should not fall below the lawmaker or judge, in dignity and excellence of character. I am aware, that it was once thought, that the vilest man in the community was the most appropriate man for hangman. But sounder thinking requires, that the hangman, if there must be a hangman, should be one of the noblest and holiest of men.

Such is my argument—and, I trust, it is a conclusive one—in favor of a solemn and dignified execution of

the laws of Government against its offending subjects. But cannot a similar, and a no less conclusive, argument be made in favor of such an execution of its laws against foreign offenders, also? Most certainly. It is admitted, that the greatest wisdom and considerateness are necessary in deciding on so solemn a measure as war. But, just here, the amazing impropriety, the fatal inconsistency, occurs, of intrusting the execution of the declaration of war to those, who are, for the most part, profligate and base—the very scum and refuse of society. Not only so, but it is insisted, and that, too, by good men, and by the friends of peace, that the profligate and base are the peculiarly fit persons to fill up the ranks of the armies—the peculiarly fit persons to be “food for powder.” They believe with Napoleon, that “the worse the man, the better the soldier;” and with Wellington, that “the men, who have nice scruples about religion, have no business to be soldiers.” A sad mistake, however, is this, on the part of the good men I have referred to. They should insist, that none but the virtuous and intelligent are fit to be armed men. Peace men are wont to complain, that war is too much honored. But if there must be war, it should be far more honored than it is; and, to have it so, none but the intelligent and virtuous are to be thought worthy of fighting its battles. Of such persons, and of such only, would I have the national police consist: that police, which is the fit and



needed substitute for war-armies and war-navies. Surely, they, who man the vessel, that is to go forth against the pirates of the ocean, and they, who take up arms to vindicate defied justice on the land, should be men of virtue, and not vice—intelligent, and not ignorant. The wicked and the vile will not fail to justify their wickedness, if it is the wicked and the vile, who undertake their punishment. But if wisdom and virtue are arrayed against them, there is hope, that they may be awed, or shamed, out of their wickedness.

The armed forces of the world are looked upon as a mere brute power. Composed, as I would have them composed, there would still be an ample amount of brute power in them; but there would, also, be in them the far more important element of moral power. I say far more important; for disturbers of the peace, and transgressors of the laws, would be far more controlled by the presence of the moral than the presence of the brute power. Indeed, the brute power itself would then be viewed very differently from what it now is. Now, it kindles the wrath, and, oftentimes, the contempt of those against whom it is arrayed. But, then, commended, honored, sanctified by the moral influence, with which it would stand associated, it would be respected, and submitted to, by many, who, but for that association, would despise and resist it. That men of conscience and virtue are respected and feared by their enemies; and that their conscience and virtue make their hearts none the less courageous and their

arms none the less strong; was well illustrated by Cromwell's never-defeated armies.

With my conceptions of the character proper for those, who are to compose the armed police of a nation, it is not strange, that I, too, would be in favor of military and naval schools; and that I would have them far more numerously attended than such schools now are. But the military and naval schools, that I would be in favor of, would not be an appendage of the war system. They would not look to the possibility of war: and, of course, they would not train their pupils for war. Nevertheless, they would train them for the most effective service against the enemies of the human race; and to this end they would impart the highest scientific, literary, and moral education.

I said, that I would have none, but the virtuous and intelligent, for the armed men of the nation. They should be gentlemen: and, all the better, if Christians and scholars also. They should be among the most honored of men—both from their high office, as conservators of the public safety, and from their intrinsic merits. But, alas, what a contrast between such men and the vast majority of those, who compose the armies of the world! To that vast majority Government gives out grog, as swill is given out to hogs. From the backs of that vast majority many statesmen are reluctant to hold back the lash. Of course, I refer not to mere "sentimentalists," but to those intellectual persons, who, in the esteem of the gentleman of Alabama,

are alone capable of rising "into the dignity of states men."

We, often, hear it said, that the policeman of London is a gentleman. He should be. But if he, who is charged with the preservation of the peace, and safety, and order of a city, needs to be a gentleman, how much more should he be a gentleman, whose office is to care, in this wise, for a nation and for the world!

But, it will be said, that men of the elevated character with which I would fill up our armed forces, would not be content with the present wages of the common sailor and common soldier. It is true, that they would not; and, that they should not. Their wages should be several times greater. But, it must be remembered, on the other hand, that one of such men would be worth fifty of the present kind of armed men for preserving the world's peace. Nay, the armed men of the world are of a kind continually to hazard the peace of the world.

I said, that there is no need of preparing against war. I add, that preparation against war provokes to it, instead of preventing it. If England makes it, then is France provoked to a counter preparation. And, what is not less, but much more, each nation, having made such preparation, is tempted to use it. If these nations line their respective coasts with cannon, it is but natural, that they should long to try the efficiency of their cannon on each other's ships. "To what purpose is all this waste?" will be the reproachful inquiry,

which they will put to themselves, whilst they suffer this vastly expensive preparation to lie idle. If the maxim: "To prepare for war is to prevent war," were ever true, it must have been in those remote ages, when such preparation cost but little time and money. It, certainly, is not true, when much time and scores of millions are expended in such preparation.

But, to return to the bill. I would, that it might be defeated; and that the bill for building vessels-of-war might be defeated; and that the President's recommendations for increasing the army and navy might find no favor. For the legitimate purposes of a national armed police, the army and navy are already sufficiently large. What is lacking in them is an elevation of intellectual and moral character; and how to supply that lack I have already indicated.

But, it is asked: "What shall we do with the surplus money in the Treasury?" I answer: "Use it in paying our debts." We owe many honest debts—and some of them to persons, who are suffering for the payment of them. We shall be, altogether, without excuse, if, when our Treasury is overflowing, we do not pay them; but, instead thereof, indulge a mad war passion in building ships, and in making other war preparations. Remember, too, that the debt, which we incurred in our superlatively mean and wicked war with Mexico is not all paid. I hope, that we shall pay it; and not leave it to posterity to be obliged to pay it, or repudiate it. But it may also be asked: "What

shall we do with the future surplus money in the Treasury?" I answer: "Have none." We should have none, either by adopting free trade, or by doing what is the next best thing—raising the tariff to the level of a full protection. The mixture of free trade and protection is a miserable compound. But it may also be asked: "What shall we then do for means to carry on the Government?" I answer, that, when we shall no longer have war to support, and are weaned from the extravagances and follies, which are cherished and begotten by that dazzling and bewitching and befooling barbarism, it will not cost more than one tenth as much, as it now does, to defray the cost of administering Government; and that tenth the people will be willing to be directly taxed for.

But I have consumed the most of my hour, and must close. Do not pass any of these war bills. Do not so cruel, so foolish, so wicked a thing. Cruel it will be to the poor, who will have to pay these millions of fresh taxes; for, remember, Sir, that it is they, who have to pay them. The toiling poor are the only creators of wealth. Such as ourselves are but the conduits of wealth. Foolish it will be, because the more you expend in this wise, the more will it be felt necessary to expend; and because the more you seek to protect your country in this wise, the less will she be protected. Wicked it will be, because war, in all its phases, is one of the most horrid crimes against God and man.

I have made my appeals, Sir, in the name of reason and religion, both of which condemn war. Let not these appeals, which are made to our higher nature—to all, that is pure, and holy, and sublime within us—be overborne by the counter appeals, which are made in the name of a vulgar patriotism, and which are all addressed to our lower nature—to our passion, pride, and prejudice—our love of conquest, and power, and plunder.

There is, just now, an opportunity for Congress to do a better thing than to indulge and foment the spirit of war. Our Government, as I am informed, is negotiating a commercial treaty with England. From what I learn of its provisions, I rejoice in it. I trust, that it will be consummated, and go into full effect. It will well dispose of the fishery difficulties. It will open to us reciprocal free trade, in natural productions, with the British North American Provinces; and so lead the way for our reciprocal free trade with those Provinces in all productions—in the works of men's hands, as well as in the fruits of God's earth; and so lead the way, I may add, for such unrestricted trade between ourselves and other countries also. I regret, that our Government has, hitherto, been so slow to embrace the liberal overtures of our northern neighbors. I trust, that no sectional, or other unworthy, jealousies will avail to hold us back, any longer, from embracing these overtures. Let not Maine fear a new competition in lumber and ship-building; nor Pennsylvania in coal;

nor Ohio in wheat. These States will lose nothing in these respects; and, if they should lose any thing, their loss will be inconsiderable, in comparison with their rich gain from free trade in natural productions with a country whose trade with us has doubled in the last seven years, and our exports to which are double her exports to us. Her trade with us in 1852 amounted to nearly seventeen millions of dollars. And let not the unworthy cavil be repeated, that these Provinces offer us free trade in natural productions only. How could they carry on their Governments, were they to consent to free trade in all productions? Is it said, that they could by direct taxation? But it does not lie in the mouth of a tariff nation like ours to say so. I repeat it—I rejoice in this treaty. To accomplish such a blessing for our own country, for the British Provinces, and for the world, will be an imperishable honor to this Administration.

I am informed, that our Government is negotiating a commercial treaty with France also. Now, how happy if this House would use its great influence to get inserted in both these treaties an arbitration clause—a clause submitting international disagreements to a wise, disinterested, peaceful arbitrament! How happy, if this House would pass a resolution to this effect! An arbitration clause in our treaties with those nations would render war between them and us well nigh morally impossible. And such a clause would prepare the way for the establishment of an international court—

that great desideratum of the world. Would that our country might participate most promptly and most largely in the glory of achieving that desideratum! We have already, the village court, and the county court, and the district court, and the state court, and the national court; and, were it proposed to abolish one of these courts, and to let differences between men take their own course, and run into violence and bloodshed, such proposition would be regarded as a proposition to return to barbarism. But, Sir, I trust, that the day is near at hand, when it will be thought to be barbarous not to have an international court.

Sir, I have done. Rapidly, very rapidly, has the world advanced in civilization, the last forty years. The great reason why it has, is, that, during this period, it has been comparatively exempt from the curse of war. Let the world continue to advance thus rapidly in civilization; and let our nation continue to advance with it. During these forty years, our nation has generally gone forward in the cause of peace. In its war with Mexico, it took a wide step backward. God grant that it may never take another step backward, in this cause! God grant, that, in respect to this dear and sacred cause, our nation may adopt the motto on one side of the standard of the immortal Hampden: "*Nulla vestigia retrorsum*"—no steps backward: and, having done this, it will have good ground to hope for its realization of the blessing of the motto on the other side of that patriot's standard: "God with us."



Pass these war bills, Sir, and carry out the President's recommendations, and you will contribute to roll along that deep and broad stream of sin and sorrow, which war has rolled down through every age of the world. But defeat these bills, and frown upon these recommendations, and there will be joy on earth, and joy in heaven.



# S P E E C H

ON THE

## DISTRIBUTION OF SEEDS BY GOVERNMENT.

F E B R U A R Y 7, 1 8 5 4.

THE Deficiency Bill was under discussion. Mr. Clark, of Michigan, had moved an amendment, to expend ten thousand dollars in the purchase of seeds, etc., and Mr. Chamberlain, of Indiana, had moved to increase the sum to twenty thousand dollars. Mr. Smith said :

I do not deny that the mutual exchange of the seeds of different countries is beneficial to the farming interest. Perhaps a similar exchange of specimens of cloth might help the mercantile and manufacturing interests. Perhaps a similar exchange of mechanical tools might be useful to mechanics. But the material question is, whether individuals shall make these exchanges, or whether Government shall be the agent to negotiate them?

In my opinion, Government violates its office, and transcends its province, in concerning itself with such things. Its sole, legitimate office is to protect the persons and property of its subjects. Leave it within its province, and it will hardly fail to do its work well. But allow it to exceed its province, and it will hardly fail to do all its work ill. Its usurpation of the work of the people has done more than any thing else to make Government a burden upon the people instead of a blessing to the people.

It is true that the sum which is called for in this case is a small one. But the principle to be violated by our voting this sum is a great one.

We need to be continually mindful of the true and only office of civil government. It is to hold a shield over its subjects, beneath which they may, in safety from foreign aggressions, pursue their various callings. It is, also, by its ever-present and strong arm, to restrain its subjects from aggressions upon each other.

I trust, Sir, that we shall leave the people to get their seeds for themselves; and that we shall vote down the amendment to the amendment, and the amendment also.

S P E E C H  
ON THE  
H O M E S T E A D B I L L .

FEBRUARY 21, 1854.

[THE motto prefixed by Mr. Smith to this speech, when it was first printed, was "Homes for All."]

THE House being in the Committee of the Whole on the State of the Union, on the Homestead Bill—

Mr. SMITH, said :

MR. CHAIRMAN: I purpose to speak on the Homestead Bill. I choose this bill for the subject of my remarks, not only because it is "the special order," and is, therefore, entitled to preference, but because it is, in my judgment, second in importance to no bill, that has come, or that shall come, before us.

I am in favor of this bill. I do not say, that there is not a line, nor a word, in it, that I would not have

altered. But I do say, that I am in favor of the substance of it. I am in favor of the bill, not for the reason that, by giving up a part of the public lands to be occupied, the remainder will be more valuable to the Government than was the whole, before such occupation. Nor am I in favor of it, because the occupants will afford new subjects for taxation. Nor, in short, am I in favor of it for any of the current and popular reasons for it. But I am in favor of the bill, because I am in favor of what I interpret the bill essentially to be—let others interpret it, as they will. This bill, as I view it, is an acknowledgment, that the public lands belong, not to the Government, but to the landless.

Whilst I hope, that the bill will prevail, I nevertheless can hardly hope, that a majority of the Committee will approve my reasons for it. Indeed, if the Committee shall so much as tolerate me, in putting forth these reasons, it is all I can expect, in the light of the fate of the land reform resolutions, which I offered in this Hall, the 16th January last. The storm of indignation, which burst upon those resolutions, did, I confess, not a little surprise me. The angry words, which came sounding over into this part of the Hall, quite startled me. Even the reading of the resolutions by the Clerk was hardly borne with; and, no sooner had they been read, than, with hot haste, they were nailed to the table for ever and ever.

And what are those resolutions, that they should have excited such displeasure? Why, their chief and

controlling doctrine is, that men have a natural and equal right to the soil. And is this such a monstrous doctrine, as to make me guilty of a great offence—of an outrage on propriety—for offering the resolutions? It cannot be said, that they were expressed in indecent or profane language—in language offensive to purity or piety. Why, then, were they so treated? I am not at liberty to suppose, that it was from dislike to their author. It must be because their leading doctrine is so very wrong in the eyes of the honorable gentlemen around me. Now I am aware, that many of the doctrines, which I utter in this Hall, are very wrong in their eyes. But should they not remember, that their counter doctrines are no less wrong in my eyes? And yet, I appeal to all, whether I have ever evinced even the slightest impatience or unkindness under anything I have heard here? and whether the equal footing, on which we find ourselves here, does not require, as well that patience and kindness should be accorded *to* me, as *by* me? However we may regard each other out of this Hall, certain it is, that, if, in this Hall, we do not regard each other as gentlemen entitled to mutual and perfect respect, we shall dishonor ourselves, and our constituency, and civil government itself.

I am sure, that no member of this body would have me disguise, or hold in abeyance, my real views on any subject under discussion. I am sure, that none of them would have me guilty of the self-degradation of affect-

ing, and uttering, other views, and of studying an unprincipled accommodation of myself to the majority around me. I am sure, that none of them would have me consent to be

“A pipe for fortune’s finger,  
To sound what stop she please.”

You would all have me be myself, and speak myself, however wrong myself may be. You would all have me deal honestly and honorably with yourselves. But this I cannot do, unless I deal honestly and honorably with myself. If unfaithful to my own convictions, if false to myself, I shall, of necessity, be false to you: but if true to myself, I shall, of necessity, be true to you. To quote again from that great reader of the human heart from whom I had just quoted:

“To thine own self be true;  
And it must follow, as the night the day,  
Thou canst not then be false to any man.”

I will say no more on this point than to add, that, God helping me, I shall earn the respect of every member of this body, by respecting myself.

And now, to my argument, and to my endeavor to show, that land monopoly is wrong, and that civil government should neither practice, nor permit it; and that the duty of Congress is to yield up all the public land to actual settlers.



I admit, that there are things, in which a man can have absolute property, and which, without qualification or restriction, he can buy, or sell, or bequeath, at his pleasure. But, I deny, that the soil is among these things. What a man produces from the soil, he has an absolute right to. He may abuse the right. It nevertheless remains. But no such right can he have in the soil itself. If he could, he might monopolize it. If very rich, he might purchase a township or a county; and, in connection with half a dozen other monopolists, he might come to obtain all the lands of a state or a nation. Their occupants might be compelled to leave them and to starve; and the lands might be converted into parks and hunting-grounds, for the enjoyment of the aristocracy. Moreover, if this could be done, in the case of a state or a nation, why could it not be done in the case of the whole earth?

But it may be said, that a man might monopolize the fruits of the soil, and thus become as injurious to his fellow-men, as by monopolizing the soil itself. It is true, that he might, in this wise, produce a scarcity of food. But the calamity would be for a few months only, and it would serve to stimulate the sufferers to guard against its recurrence, by a more faithful tillage, and by more caution in parting with their crops. Having the soil still in their hands, they would have the remedy still in their hands. But had they suffered the soil itself to be monopolized; had they suffered the

soil itself, instead of the fruits of it, to pass out of their hands; then they would be without remedy. Then they would lie at the mercy of him, who has it in his power to dictate the terms on which they may again have access to the soil, or who, in his heartless perverseness, might refuse its occupation on any terms whatever.

What I have here supposed in my argument is abundantly—alas! but too abundantly—justified by facts. Land monopoly has reduced no small share of the human family to abject and wretched dependence, for it has shut them out from the great source of subsistence, and frightfully increased the precariousness of life. Unhappy Ireland illustrates the great power of land monopoly for evil. The right to so much as a standing place on the earth is denied to the great mass of her people. Their great impartial Father has placed them on the earth; and, in placing them on it, has irresistibly implied their right to live of it. Nevertheless, land monopoly tells them, that they are trespassers, and treats them as trespassers. Even when most indulgent, land monopoly allows them nothing better than to pick up the crumbs of the barest existence; and, when, in his most rigorous moods, the monster compels them to starve and die by millions. Ireland—poor, land-monopoly-cursed and famine-wasted Ireland—has still a population of some six millions; and yet it is only six thousand persons, who have monopolized

her soil. Scotland has some three millions of people; and three thousand is the number of the monopolists of her soil. England and Wales contain some eighteen millions of people, and the total number of those, who claim exclusive right to the soil of England and Wales, is thirty thousand. I may not be rightly informed, as to the numbers of the land monopolists in those countries; but whether they are twice as great, or half as great, as I have given them, is quite immaterial to the essence of my argument against land monopoly. I would say in this connection, that land monopoly, or the accumulation of the land in the hands of the few, has increased very rapidly in England. A couple of centuries ago, there were several times as many English land-holders, as there are now.

I need say no more to prove, that land monopoly is a very high crime, and that it is the imperative duty of Government to put a stop to it. Were the monopoly of the light and air practicable, and were the monopolists of these elements (having armed themselves with title deeds to them) to sally forth and threaten the people of one town with a vacuum, in case they are unwilling or unable to buy their supply of air; and threaten the people of another town with total darkness, in case they will not or cannot buy their supply of light; there, confessedly, would be no higher duty on Government than to put an end to such wicked and death-dealing monopolies. But these monopolies would not differ

in principle from land monopoly; and they would be no more fatal to the enjoyments of human existence, and to human existence itself, than land monopoly has proved itself capable of being. Why land monopoly has not swept the earth of all good, is not because it is unadapted and inadequate to that end, but because it has been only partially carried out.

The right of a man to the soil, the light, and the air, is to so much of each of them, as he needs, and no more; and for so long as he lives, and no longer. In other words, this dear mother earth, with her never-failing nutritious bosom; and this life-preserving air, which floats around it; and this sweet light, which visits it, are all owned by each present generation, and are equally owned by all the members of such generation. Hence, whatever the papers or parchments regarding the soil, which we may pass between ourselves, they can have no legitimate power to impair the equal right to it, either of the persons, who compose this generation, or of the persons, who shall compose the next.

It is a very glaring assumption on the part of one generation to control the distribution and enjoyment of natural rights for another generation. We of the present generation have no more liberty to provide, that one person of the next generation shall have ten thousand acres and another but ten acres, than we have to provide, that one person of the next generation shall live a hundred years and another but a hundred days; and no more liberty to provide, that a person of the next

generation shall be destitute of land, than that he shall be destitute of light or air. They, who compose a generation, are, so far as natural rights are concerned, absolutely entitled to a free and equal start in life; and that equality is not to be disturbed, and that freedom is not to be encumbered, by any arrangements of the preceding generation.

I have referred to the miseries, which land monopoly has brought upon the human family, and to the duty of the Government to put a stop to it. But how shall Government put a stop to it? I answer, by putting a stop to the traffic in land, and by denying to every person all right to more than his share of the land. In other words, the remedy for land monopoly is, that Government shall prescribe the largest quantity of land, which may be held by an individual; and shall, at distant periods, vary the quantity, according to the increase or diminution of the population. This maximum might, in our own country, where the population is so sparse, be carried as high as four or five hundred acres. Nevertheless, it might be necessary to reduce it one half, should our population be quadrupled. In a country, as densely peopled as Ireland, this maximum should, probably, not exceed thirty or forty acres.

What I have said concerning the land maximum obviously applies but to such tracts, as are fit for husbandry. To many tracts—to such, for instance, as are valuable only for mining or lumbering—it can have no application.

I may be asked, whether I would have the present acknowledged claims to land disturbed. I answer, that I would, where the needs of the people demand it. In Ireland, for instance, there is the most urgent necessity for overriding such claims, and subdividing the land anew. But, in our own country, there is an abundance of vacant and unappropriated land for the landless to go to. We ought not, however, to presume upon this abundance to delay abolishing land monopoly. The greediness of land monopolists might, in a single generation, convert this abundance into scarcity. Moreover, if we do not provide now for the peaceable equal distribution of the public lands, it may be too late to provide for it hereafter. Justice, so palpable and so necessary, cannot be withheld but at the risk of being grasped violently.

What I have said respecting the duty of Government to vary the land maximum at wide intervals, does, as I have already intimated, apply to our own country, as well as to other countries. The time may come, when, in this country, broad as it is, it will be necessary and just to disturb even the richest and most highly cultivated landed possessions. Should our population become so crowded, as to afford but fifty acres to a family, then the farm of a hundred acres, and that, too, however expensively every acre of it may be improved, must be divided into two equal parts; and the possessor of it, however old may be his possession, must be compelled to give up one of them to his landless brother. To

deny the soundness of this conclusion, is to deny, not only the equality, but even the very fact, of the human brotherhood.

It is in the light of the possibility of such a division, that no man can sell his farm and convey it by a deed, which shall certainly carry title to it for ever. I am willing to admit, that a man can sell or bequeath his farm, though, in strictness, it is but the betterments or improvements upon the soil, and not the soil itself, which he sells or bequeaths. But the purchaser, or inheritor, and their successors, incur the hazard of having their possessions clipped by the new land maximum, which it may be the duty of Government to prescribe.

It is said, however, that all talk of land monopoly in America is impertinent and idle. It is boasted, that, in escaping from primogeniture and entail, we have escaped from the evils of land monopoly. But the boast is unfounded. These evils already press heavily upon us; and they will press more and more heavily upon us, unless the root of them is extirpated—unless land monopoly is abolished. In the old portions of the country, the poor are oppressed and defrauded of an essential natural right by the accumulation of farms in the hands of wealthy families. In the new, the way of the poor, and indeed of the whole population, to comfort and prosperity is blocked up by tracts of wild land, which speculators retain for the unjust purpose of having them increase in value out of the toil expended upon the contiguous land. And why should we flatter ourselves,

that land monopoly, if suffered to live among us, will not, in time, get laws enacted for its extension and perpetuity, as effective even as primogeniture and entail? To let alone any great wrong, in the hope, that it will never outgrow its present limits, is very unwise—very unsafe. But land monopoly is not only a great, but a mighty wrong; and, if let alone, it may stretch and fortify itself, until it has become invincible.

Much happier world will this be, when land monopoly shall cease; when his needed portion of the soil shall be accorded to every person; when it shall no more be bought and sold; when, like salvation, it shall be “without money and without price;” when, in a word, it shall be free, even as God made it free. Then, when the good time, prophetically spoken of, shall have come, and “every man shall sit under his own vine and fig tree,” the world will be much happier, because, in the first place, wealth will then be so much more equally distributed, and the rich and the poor will then be so comparatively rare. Riches and poverty are both abnormal, false, unhappy states, and they will yet be declared to be sinful states. They beget each other. Over against the one is ever to be found a corresponding degree of the other. So long, then, as the masses are robbed by land monopoly, the world will be cursed with riches and poverty. But, when the poor man is put in possession of his portion of the goodly green earth, and is secured by the strong arm of Government in the enjoyment of a home, from which not he, nor his wife,



nor his children, can be driven, then is he raised above poverty, not only by the possession of the soil, but still more by the virtues, which he cultivates in his heart, whilst he cultivates the soil. Then, too, he no longer ministers to the undue accumulation of wealth by others, as he did, when advantage was taken of his homeless condition, and he was compelled to serve for what he could get.

I would add in this place, that inasmuch as land monopoly is the chief cause of beggary, comparatively little beggary will remain after land monopoly is abolished. Where a nation is very badly governed in other respects, the abolition of land monopoly may be very far from resulting in the abolition of all beggary. And here let me say, that very little good can be promised from any reform to any people, who allow themselves to be oppressed and crushed by a national debt. France has done much toward abolishing land monopoly. But, because she is so much worse governed than England, she is, in the extent of her beggary, not very far behind England. I need not dwell upon, nor even describe, the evils of beggary; and I need not say, that it is the duty of Government to put an end to it, so far as Government has the power, and the right to do so. Beggary is an immeasurably great evil. It is such, not only because it is a burden upon the world, but far more, because it is a shame to the world—a shame to the beggar, and a shame to mankind.

I would, at this stage of my remarks, notice the cavil,

that even if the equal ownership of the soil were practically acknowledged, nevertheless there would be persons, who would get rich, and persons, who would get poor. This would, doubtless, be true to a considerable extent; for, on the one hand, there are the provident, and on the other the improvident; on the one hand the cunning and crafty, and on the other the simple and unsuspecting. But because there will be rich and poor after the land is equally distributed, is that a reason why it should not be equally distributed? If, notwithstanding such equal distribution, there are persons, who will still be poor; if, notwithstanding Government restores to its subjects their natural right to the soil, some of them are incapable of rising above poverty; then is it all the more clearly proved, that Government was bound to mitigate their poverty by securing them homes. If, notwithstanding they are put in possession of their portions of the soil, they are still poor, alas, how much poorer would they have been without those portions? And, again: if there are persons who get rich, notwithstanding they are not permitted to wield land monopoly in behalf of their ambition, then how manifestly important is it, that they were not allowed this means of getting richer?

In the next place, the world will be much happier, when land monopoly shall cease, because manual labor will then be so honorable, because so well nigh universal.

It will be happier, too, because the wages system,

with all its attendant degradation and unhappy influences, will find but little room in the new and radically changed condition of society, which will follow the abolition of land monopoly. Then, as a general thing, each man will do his own work, and each woman hers; and this, too, not from choice only, but from necessity also; for then, few will be wealthy enough to be able to hire, and few poor enough to consent to serve.

It will be happier, too, because of the general equality there will then be, not in property only, but in education, and other essential respects also. How much fewer the instances then, than now, of a haughty spirit on the one hand, and of an abject spirit on the other! The pride of superior circumstances, so common now, will then be rare. And rare, too, will be that abjectness of spirit, so common now, (though, happily, far from universal,) in the condition of dependent poverty; and the difficulty of overcoming which is so well compared to the difficulty of making an empty bag stand up straight!

Again, the world will be happier, when land monopoly is abolished, because it will more abound in marriage. Marriage, when invited by a free soil, will be much more common and early, than when, as now, it must be delayed, until the parties to it are able to purchase a home.

Another gain to the world from abolishing land monopoly, is that war would then be well nigh impossible.

It would be so, if only because it would be difficult to enlist men into its ranks. For who would leave the comforts and endearments of home, to enter upon the poorly-paid and unhonored services of a private soldier. It was not "young Fortinbras" only, who, in collecting his army,

"Shark'd up a list of landless resolute."

But, in every age and country, war has found its recruits among the homeless—among vagabonds.

And still another benefit to flow from the abolition of land monopoly is its happy influence upon the cause of temperance—that precious cause, which both the great and the small are, in their folly and madness, so wont to scorn, but which is, nevertheless, none the less essential to private happiness and prosperity, to national growth and glory. The ranks of intemperance, like those of war, are, to a great extent, recruited from the homeless and the vagrant.

I will glance at but one more of the good effects, that will result from the abolition of land monopoly. Religion will rejoice, when the masses, now robbed of homes by land monopoly, shall have homes to thank God for—homes, in which to cultivate the home-bred virtues, to feed upon religious truth, and to grow in Christian vigor and beauty.

How numerous and precious the blessings, that would follow the abolition of land monopoly! By the num-

ber and preciousness of those blessings I might entreat civil government, the earth over, to abolish it. But I will not. I prefer to demand this justice in the name of justice. In the name of justice, I demand, that civil government, wherever guilty of it, shall cease to sell and give away land—shall cease to sell and give away what is not its own. The vacant land belongs to all, who need it. It belongs to the landless of every clime and condition. The extent of the legitimate concern of Government with it is but to regulate and protect its occupation. In the name of justice do I demand of Government, not only, that it shall itself cease from the land traffic, but that it shall compel its subjects to cease from it. Government owes protection to its subjects. It owes them nothing else. But that people are emphatically unprotected, who are left by their Government to be the prey of land monopoly.

The Federal Government has sinned greatly against human rights in usurping the ownership of a large share of the American soil. It can, of course, enact no laws, and exert no influence, against land monopoly, whilst it is itself the mammoth monopolist of land. This Government has presumed to sell millions of acres, and to give away millions of acres. It has lavished land on States, and corporations, and individuals, as if it were itself the Great Maker of the land. Our State Governments, also, have been guilty of assuming to own the soil. They, too, need repent.

And they will repent, if the Federal Government will lead the way. Let this Government distinctly disclaim all ownership of the soil; and, everywhere within its jurisdiction, let it forbid land monopoly, and prescribe the maximum quantity of land, which an individual may possess, and the State Governments will not fail to be won by so good and so attractive an example. And if the Governments of this great nation shall acknowledge the right of every man to a spot of earth for a home, may we not hope, that the Governments of many other nations will speedily do likewise? Nay, may we not, in that case, regard the age as not distant, when land monopoly, which numbers far more victims than any other evil, and which is, moreover, the most prolific parent of evil, shall disappear from the whole earth, and shall leave the whole earth to illustrate, as it never can, whilst under the curse of land monopoly, the fatherhood of God and the brotherhood of man?

But will this Government take this step, which we have now called on it to take? Will it go forward in this work of truth and love? Will it have a part, and the most honorable part, in bringing all this blessedness and glory upon the human family? A more important question has never been addressed to it; and the passing of this bill will be the most significant and satisfactory answer, which this question could now receive. Let this bill become a law, and, if our Government shall be consistent with itself, land monopoly will surely

cease within the limits of the exclusive jurisdiction of that Government. But let this bill be defeated, and let success attend the applications for scores of millions of acres for soldiers, and for hundreds of millions of acres for railroad and canal companies, and land monopoly will then be so strongly fastened upon this nation, that violence alone will be able to throw it off. The best hope for the poor will then perish. The most cherished reliance for human progress will then be trodden under foot.

Let it not be supposed, that I would not have the soldier liberally paid. No man would go further than myself in rewarding the armed servant of the Republic. But I would not have the poor robbed;—I would not have a high crime committed against humanity;—even for the sake of doing justice to the soldier. Indeed, justice can never be done by injustice.

Whatever is due to the soldier should be paid—paid promptly—and paid, too, with large interest. But let it be paid in money. And, I would here say, that a little money would be worth more to the soldier than much land. If the land market is to be glutted, as is now proposed, his land will be worth but little to him. It will not sell, at the present time. And with him and his necessitous family, the present time is emphatically all time. They cannot wait, as can the speculator, until the land shall become salable.

My reference to the speculator affords me an occasion

for saying, that not only the lands, which you let soldiers have, but also the lands, which you let railroad companies and canal companies have, will get into the hands of land speculators. That is their sure and speedy destination; and it is in those hands, that land monopoly works its mightiest mischief, and develops its guiltiest character.

Nor let it be supposed, that there is no railroad nor no canal, that I would have Government aid in building. Wherever it can be fairly plead in behalf of the proposed canal or railroad, that it cannot be built without the aid of Government, and that the building of it will furnish Government with an indispensable, or, at least, very important means for extending that protection, which is ever due from Government; there, I admit, is a case, in which Government is bound to aid. Hence is it, that whilst, on the one hand, I pronounce it to be a gross perversion of its powers, and a wide and guilty departure from its province, for Government to help build canals, and railroads which are to subserve but the ordinary purposes of commerce and travel; I hold, on the other, that Government is bound to offer a liberal, though not an extravagant sum to the company, that shall build the Pacific Railroad—that road being greatly needed, as a facility for affording Governmental protection. Hence it is, too, that the claim on Government to help build the canal around the Falls of St. Mary was a just one. And for the like



reason should Government aid in building the proposed canal around the Falls of Niagara. It is true, that the commercial interests of many of our States call loudly for the building of this canal. Indeed, there is no one thing for which they call so loudly. Nevertheless, I would not, for that reason, have Government respond to the call. But because this canal might prove an important means in the hands of Government of affording that protection, which it owes to the persons and property of its subjects, I should feel bound to vote the liberal aid of Government in building it. Moreover, Government would be grossly inconsistent, if, so long as it looks to the possibility of war, it should refuse to vote two or three millions of dollars to the company, that might thereby be induced to furnish Government with this means of transporting its vessels, munitions, and provisions of war, between Lakes Erie and Ontario.



# L E T T E R

EXPLAINING

## VOTE ON THE HOMESTEAD BILL.

[Mr. Douglass published it in the newspaper which he edits.]

HOUSE OF REPRESENTATIVES, MARCH 6, 1854.

FREDERICK DOUGLASS:

*My Dear Sir:* An hour ago, I gave my vote against the Homestead Bill: and, that too, notwithstanding I had made a speech in favor of it; and, that too, notwithstanding I have, for so many years, loved, and advocated, and acted on, the great essential principles of the bill.

My apparent inconsistency in this case is explained by the fact, that, just before we were called to vote on the bill, it was so amended, as to limit its grant of land to *white* persons.

If my fellow land-reformers, with whom I have, so long, toiled for the success of our land-reform doctrines,

shall be aggrieved by my vote, I shall be sorry. Nevertheless, I can never regret my vote. I was *a man* before I was *a land-reformer*. And, for the sake of no gains, however great, or however many, can I consent to ignore the claims, and even the fact itself, of a common manhood. But the advantages, which are sought, at the expense of trampling on human rights, are not gains. Such gains are losses—even to those, who get them. The Homestead Bill would have been purchased at too dear a rate had it proscribed only one negro, or only one Indian. The curse of God is upon the bill, or there is no God. There is no God, if we have liberty to insult and outrage any portion of His children.

To reconcile me to the bill as amended, I was told by one of the members of Congress, that the colored people would not be shut out from the public lands:—but that they could still buy them! That is, the colored people must buy their homes, whilst the white people are to have free homes! What a comment this on the great justifying doctrine of negro-slavery, that the negroes are unable to take care of themselves! What a spectacle of merciless cruelty we present! The most frightful passages of history furnish no parallel to it. Our National Legislature joins our State Legislatures in holding out to the free colored people the hard alternative of returning under the yoke of slavery, or of being shut out from our broad continent. And, then, the excuse for this treatment is no less unreasonable and insulting than the treatment is cruel and murderous.

It is, that the free colored people are too ignorant, and lazy, and worthless, to deserve any better choice than slavery or death. And this is the excuse of those, who shut out the colored people from schools; and drive them into negro-pews; and banish them from society; and mark them as physical and moral lepers, to be everywhere shunned, and loathed, and hated!

That our free colored brethren should in these circumstances be no more discouraged and dejected; no more self-despairing, and self-despising; no lower in intelligence, and morals, and thrift, is to me amazing. That the mass of them should, notwithstanding the depressing, crushing influences upon them, be still rising and bettering their condition; and that there should be rapidly multiplying instances among them of the acquisition of wealth, and of distinction in writing, and oratory, and general scholarship, is more than I had supposed to be possible.

Your friend,

GERRIT SMITH.



# S P E E C H

ON THE

## BILL TO AID THE TERRITORY OF MINNESOTA

IN CONSTRUCTING A RAILROAD FOR MILITARY, POSTAL,  
AND FOR OTHER PURPOSES.

MARCH 7, 1854.

MR. CHAIRMAN: As I have but just now come into the Hall, and as I have lost the former part of the discussion, and as I have never until this moment seen a copy of this bill, I may not know, with the necessary precision, what are the subject-matters of the discussion. But, with my present impressions, I am opposed to the bill. I am opposed to this bill, not because I am opposed to any existing railroad company that may be interested in the bill, nor because I doubt the worthiness of any company that may be organized to build it. I have no reason to apprehend that such a company would be composed of any other than honorable men. I have no reason to apprehend that such a company would not be

moved to build the road by as pure and as generous a regard for the public welfare as ever prompted any, even the best railroad company. Nor am I opposed to this bill because of the possible fact that a company of gentlemen may be interested in a tract of land at one of the termini of the proposed road. Nor am I opposed to this bill because the proposed road may have the effect to concentrate trade and travel at this point, or to divert trade and travel from that point.

I am opposed to this bill because it calls for Government to do with the public lands what I hold Government has no right to do with them. I hold that they do not belong to Government, and that Government has nothing to do with them but to regulate and protect the occupations which shall be made upon them. I hold that the lands belong to the landless; and that both reason and religion, policy and principle, require that they shall be surrendered to the landless. But, as I had the opportunity, a week or two since, to discuss this point somewhat extensively on this floor, I will not consume the time of the committee with it any further, than to say, that when I claim the public lands for the landless, I mean not only the landless of a certain complexion, but all the landless. Believing, as I do, that all the varieties of the human family are equally dear to the great heart of their common Maker, I trust that they will ever be equally dear to my little heart. So do I aim to bear myself toward all descriptions of my fellow-men—toward all my equal brothers—for every man is my



equal brother—that, at the last day, I shall be able to look into the faces of them all, unabashed by the consciousness that I have pursued any of them in this life with unrelenting prejudice and merciless hatred.

But to the argument. And, now, for the sake of the argument, I will admit that the public lands are property in the hands of the Government—as much so as is money. Nevertheless, I still deny that Government may use them in the way contemplated by this bill. I insist that Government shall use its property for none other than strictly governmental purposes. It may use its property in defraying the expenses of Government; it may use it in affording protection to the persons and property of its subjects; but there is nothing else for which Government may use it.

In point of principle this bill is all the same, as would be a bill for the Federal Government to build with money, and nothing but money, the whole of a railroad in Minnesota. The principle can not be affected by the fact that the road in this case is to be built with land instead of money; nor by the fact that the appropriation of land asked for is insufficient to pay the whole cost of the road. If the Government may build with land it may build with money. If it may furnish one half or one fourth of the means necessary to build the road, then it may furnish all. But would not Congress be startled by the grave proposition for the Federal Government to build the whole of a long railroad in Minnesota, and that, too, with money? It should not

be, however, if it is reconciled to the passing of this bill.

What is the argument most relied on to influence Government to help build this road? It is that the road will accelerate the settlement of Minnesota and the development of her resources; and greatly enhance the value of the public lands in that Territory. I admit that this would be the effect, and I should rejoice in it; for I regard the welfare of that Territory with great interest. But this same effect, to a greater or less extent, could be produced by Government's building canals in that Territory. May Government, therefore, build canals in it? Again, Government might promote these good objects by building churches and school-houses in the Territory. But nearly or quite all of us would condemn it as a gross perversion of its true office for Government to help Minnesota to school-houses and churches. And yet, so far as its right is concerned, Government can as well do these things for Minnesota as to build railroads for her; ay, and so far as its right is concerned, it can as well sprinkle Minnesota over with stores and blacksmith-shops.

I intimated that I am not opposed to the building of the road in question, because of its possible rivalry with some other road. And yet, one reason why I am opposed to the granting of land in aid of the building of this and other railroads is, that Government may, in this wise, be throwing its great weight into the scale of

one road against another; of one town against another; or of some other interest of one part of the people against the like interest of another part of the people. Government should avoid partiality, not only in the purpose of its acts, but, as far as possible, in the effect of its acts, also. Government is bound to be strictly and sternly impartial. But such impartiality it will best maintain, and can only maintain, by refusing to extend special help to any classes or portions of its subjects; and by simply and equally protecting all.

I rejoice in the free and extended discussion of this bill, if it is only because I hope that we may come out of it with juster views of the nature of the office, and juster views of the limits of the province, of Civil Government. It is high time that the American Congress had settled, with more distinctness and more certainty than it seems to have done, the legitimate boundaries and the legitimate objects of Civil Government. These boundaries and these objects thus settled, we should not hesitate as to the true disposition to make of this bill, and of all kindred bills. We should reject them all promptly.

But it is said that we have abundant precedents for such disposition of the public lands as is proposed in this bill. Arguments drawn from precedents are of doubtful value. An age of progress should rise above precedents—should make precedents for itself. Were we to rely on precedents, it might be urged against us

that, inasmuch as there are more precedents for monarchies than for republics, we ought to supplant our Republic with a monarchy. In this disordered and misgoverned world there are far more precedents for the wrong and the false than for the right and the true. Shall we, therefore, give up the right and the true?

The Governments of the earth have ever proved great curses to the people, by meddling with the concerns of the people. It is time that we had ceased from following such precedents; and that we had left the people to do their own work; and, therefore, to build their own railroads without help from Government on the one hand, and without hindrance from it on the other. Such hindrance there may be in the case of one road, where Government helps build another, which may prove its rival.

This usurpation by Government of the work of the people, and its consequent neglect and bad performance of its own work has everywhere, and in every age, been the sorest evil that the people have suffered. I would that we might teach, in the most emphatic and unmistakable language, that, so far as the influence of this body extends, the American Government shall henceforth confine itself to its only and one work of protecting the persons and property of its subjects, and shall leave the people to do their own work of building churches, and schools, and railroads, and canals.

Mr. BAYLY, of Virginia. And forming their own governments.

Mr. SMITH, of New-York. Yes; and forming their own governments. That is right. The people should be allowed to form their own governments.

To return. We have precedents for land monopoly, also. Poor Ireland, and indeed, almost every other part of the world, furnishes us with numberless such precedents. But I hold that we should turn our backs upon such precedents, and throw open the public lands, without price, to the landless to whom they belong. I say that they belong to the landless. The bare fact that a man is without land is title enough to his needed share of the vacant land. No clearer, stronger title to it can he possibly have. Is there a spare home in the great common inheritance of the human family? Who should have it if not the homeless? I repeat it, we should make the public lands free to the poor. If, on the contrary, we shall do with them as is proposed in this and similar bills, we shall make much of them cost to the poor double, and much of them even quadruple, the price that Government puts upon them.

Mr. RICHARDSON. I dislike to interrupt the gentleman; but I feel it to be my duty to raise a question of order. Three days are set apart for the consideration of territorial business, and I submit that it is not in order

for the gentleman from New-York to discuss the Home-stead Bill under the proposition now before us.

Mr. SMITH. I would say a word in reply to the gentleman, did I believe that there is any force or pertinence in what he has said.

The CHAIRMAN. The gentleman from Illinois raises the question of order that the gentleman from New-York is not confining his remarks to the discussion of the bill now under consideration. The Chair perceives that the gentleman is arguing that this grant of land shall not be made, and he believes that the gentleman from New-York is in order.

Mr. SMITH. I ask no latitude, sir. I am willing you should hold me as strictly to the subject-matter as if I were discussing it in the House, and not in this committee. I have yet to learn (and I think I may add that they who know me have yet to learn) that I am addicted to wandering from the subject under discussion. From having long trained myself to the most careful confinement of myself to the subject in hand, I hope not to be found guilty of offending against my habit, and against confessed propriety in this respect. But, sir, I am aware that many gentleman appear eager to speak on this occasion ; and that there is not an hour, nor a half-hour, for each of us. I will therefore bring my remarks to a close ; I would be just and generous in my use of our common time.

It is said that railroads are necessary to enable the poor to get to the public lands. Admit it. Nevertheless, there will be railroads enough for this purpose without Government's giving to the rich the lands that belong to the poor. The poor ask no such left-handed help as this from Government. The poor have no faith in the maxim, that if Government will take care of the rich, the rich will take care of the poor. In demanding the public lands of Government the poor demand only what belongs to the poor; and if Government will yield to this demand, the poor will either provide themselves with railroads, or they will make it the interest of others to provide them.





# S P E E C H

ON THE

## SECOND DEFICIENCY BILL.

M A R C H 1 6 , 1 8 5 4 .

MR. PRESTON, of Kentucky, had moved an amendment for the completion of various custom-houses and marine hospitals; and Mr. STANTON, of Tennessee, had moved to amend the amendment by adding to the appropriation.

Mr. SMITH said:—Mr. Chairman, I am opposed to this amendment to the amendment, because I am opposed to the original amendment offered by the gentleman from Kentucky, [Mr. Preston.] I am opposed to the original amendment, not because I am opposed to these appropriations for custom-houses and marine hospitals, for I am in favor of them. I voted for them all. I voted for them all because, having the recom-

mendation of the Secretary, I thought that they were entitled to my vote.

I voted for these appropriations notwithstanding I am an absolute free-trade man. I long for the day when there will not be a custom-house left on the face of the earth, and when this obstruction to the free intercourse of the nations of the earth with each other shall have passed away forever. But so long as the tariff policy is among the policies of our nation, we must have custom-houses; and it is better that Government should build them than rent them. If Government builds them, they will be safe and suitable. If it rents them, they will probably be unsafe and unsuitable.

I am opposed to embodying these appropriations in the deficiency bill, because, where it is practicable, it is well to have every measure left to stand on its own merits. But I am still more opposed to it because I fear that the deficiency bill, if loaded down with these appropriations, will fail.

Now, I cannot consent to an attitude which may look at all like unreasonable or factious opposition to the Administration. In all the views and measures of the Administration which are reasonable, I shall gladly concur. To defeat the deficiency bill would be to embarrass the Administration, and would be to block the wheels of Government. Moreover, it would be to dishonor the Government and the nation, by leaving debts unpaid which should be paid, and paid now—

for in many cases there is urgent need of their being paid now.

When, a few weeks ago, the deficiency bill was lost, through the mutual jealousies of the Whigs and Democrats, I rejoiced that I stand alone upon this floor; that I am a party by myself, and in myself; that I am in a greatly and gloriously independent minority of one, and that I was therefore unaffected by those jealousies which defeated the bill.

I hope, sir, that the deficiency bill will be passed; and I hope that when it is passed, we shall pass the appropriation bill also. When we have done justice to the deficiency bill, we shall thereby have conciliated the friends of that bill, who are opposed to the appropriation bill. They will then be better able and better disposed to view with candor the claims of these proposed appropriations, and to appreciate their force.



## TEMPERANCE.

MARCH 31, 1854.

DURING the discussion this day on the bill for building Steamships, Mr. SMITH made repeated attempts to amend it with the words: "No intoxicating liquors shall ever be kept in said ships;"—but the Chairman as repeatedly ruled the amendment to be out of order. On Mr. Smith's appeal from the decision of the Chair, the House sustained the Chair.



SPEECH  
ON THE  
NEBRASKA BILL.

A P R I L 6, 1854.

[The motto which Mr. Smith prefixed to this Speech, and under which it first appeared, was: "No Slavery in Nebraska: No Slavery in the Nation: Slavery an Outlaw."]

So, Mr. Chairman, the slavery question is up again! —up again, even in Congress!! It will not keep down. At no bidding, however authoritative, will it keep down. The President of the United States commands it to keep down. Indeed, he has, hitherto, seemed to make the keeping down of this question the great end of his great office. Members of Congress have so far humbled themselves, as to pledge themselves on this floor to keep it down. National political conventions promise to discountenance, and even to resist, the agitation of slavery, both in and out of Congress. Commerce and politics are as afraid of this agitation, as Macbeth was of the ghost of Banquo;

and many titled divines, taking their cue from commerce and politics, and being no less servile than merchants and demagogues, do what they can to keep the slavery question out of sight. But all is of no avail. The saucy slavery question will not mind them. To repress it in one quarter, is only to have it burst forth more prominently in another quarter. If you hold it back here, it will break loose there, and rush forward with an accumulated force, that shall amply revenge for all its detention. And this is not strange, when we consider how great is the power of truth. It were madness for man to bid the grass not to grow, the waters not to run, the winds not to blow. It were madness for him to assume the mastery of the elements of the physical world. But more emphatically were it madness for him to attempt to hold in his puny fist the forces of the moral world. Canute's folly, in setting bounds to the sea, was wisdom itself, compared with the so much greater folly of attempting to subjugate the moral forces. Now, the power which is, ever and anon, throwing up the slavery question into our unwilling and affrighted faces, is Truth. The passion-blinded and the infatuated may not discern this mighty agent. Nevertheless, Truth lives and reigns forever; and she will be, continually, tossing up unsettled questions. We must bear in mind, too, that every question, which has not been disposed of in conformity with her requirements, and which has not been laid to repose



on her own blessed bosom, is an unsettled question. Hence, slavery is an unsettled question; and must continue such, until it shall have fled forever from the presence of liberty. It must be an entirely unsettled question, because, not only is it not in harmony with truth, but there is not one particle of truth in it. Slavery is the baldest and biggest lie on earth. In reducing man to a chattel, it denies that man is man; and, in denying, that man is man, it denies, that God is God—for, in His own image, made He man—the black man and the red man, as well as the white man. Distorted as are our minds by prejudice, and shrivelled as are our souls by the spirit of caste, this essential equality of the varieties of the human family may not be apparent to us all. Were we delivered from this prejudice, and this spirit, much of the darkness, which now obscures our vision, would be scattered. In proportion as we obey the truth, are we able to discern the truth. And if all, that is wrong within us, were made right, not only would our darkness give place to a cloudless light, but, like the angel of the Apocalypse, we should stand in the sun.

But to my argument. I am opposed to the bill for organizing the Territories of Nebraska and Kansas, which has come to us from the Senate, because, in the first place, it insults colored men, and the Maker of all men, by limiting suffrage to white men. I am opposed to it, because, in the second place, it limits suffrage to

persons, who have acquired citizenship. The man, who comes to us from a foreign land, and declares his intentions to make his home among us, and acts in harmony with such declaration, is well entitled to vote with us. He has given one great evidence of possessing an American heart, which our native could not give. For, whilst our native became an American by the accident of birth, the emigrant became one by choice. For, whilst our native may be an American, not from any preference for America, the emigrant has proved, that he prefers our country to every other.

I am opposed to the bill, in the third place, because, it is so drawn, as to convey the deceptive idea, (I do not say *intentionally* deceptive,) that the bill recognizes the doctrine of non-intervention. I call it deceptive idea: for, in point of fact, the bill does not recognize the doctrine of non-intervention. It dictates to the territories the form of their government, and denies to them the appointing of their principal officers. The bill is, itself, therefore, the most emphatic intervention. One hundredth as much intervention on the part of the Federal Government with a State Government would be condemned as outrageous and intolerable intervention.

But I must be frank, and admit, that, if the bill did really recognize the doctrine of non-intervention, I should still be opposed to it—ay, and for that very reason. This whole doctrine of Congressional non-inter-

vention with our territories I regard as perfectly absurd. Congressional intervention with them is an imperative and unavoidable duty. The reasoning to this end is simple and irresistible. The people of the United States acquire a territory. Being theirs, they are responsible for its conduct and character:—and, being thus responsible, they not only have the right, but are absolutely bound, to govern the territory. So long as the territory is theirs, they can no more abdicate sovereignty over it than a State can abdicate sovereignty over one of its counties. But the people of the United States govern through Congress; and, hence, in respect to what is the people's there must be Congressional intervention. In the nature of the case, this must be so. But the Constitution also shows, that it must be so. The Constitution declares the fact of the government of the Nation by itself; and it also recognizes the fact of the government of a State by itself. But, nowhere, does it so much, as hint at the government of a territory by itself. On the contrary, it expressly subjects the regulation or government of territories, to Congress, or, in other words, to the whole people of the United States.

I add, incidently, that, in the light of the fact of the American people's responsibility for the conduct and character of their territories, it is absurd to claim, that New-Mexico and Utah are to be exempt from slavery, because the Mexican Government had abolished slavery.

Whether there can be legal slavery in those territories turns solely on the character of the Constitution—turns solely on the question, whether that paper is anti-slavery or pro-slavery. Again, in the light of this same fact, we see how absurd it is to claim, that there could, under the continued force of the French or Spanish laws, be slavery in the territory of Louisiana, after we had acquired it. If, after such acquisition, there was, or could be, legal slavery in the territory, it was solely because the Constitution—the only law, which then attached to the territory—authorized it. What, if when we had acquired the territory, there had been in it, among the creatures of French, or Spanish, or other law, the suttee, or cannibalism—would it not have been held, that these abominations were repugnant to the Constitution, and, therefore, without legal existence? Certainly.

I spoke of the Constitution, as the only law, which attaches to our territories. I was justified in this, because it is the only law of the people of the United States, when they are taken as a whole, or a unit. When regarded in sections, they have other laws also. The people of a State have the laws of their State, as well as the laws of their Nation. But, I repeat it, the people of the United States, when viewed as one, have no other law than the Constitution. Their Congress and Judiciary can know no other law. The statutes of the one and the decisions of the other must be but applications and interpretations of this one organic law.

Another incidental remark, is, that it is wrong to charge the opponents of this bill with denying and dishonoring the doctrine of "popular sovereignty." Holding, as we do, that to the people—the whole people—of the United States belong both the lands and the sovereignty of their territories, we insist, that to shut them out from governing their territories, would be to deny and dishonor the doctrine of "popular sovereignty." It is the friends of the bill, who, provided it is, as they claim, a bill for non-intervention, that are to be charged with violating the doctrine of "popular sovereignty," and the principles and genius of democracy. I close, under this head, with saying, that should real non-intervention obtain in regard to these territories, it would be a very great and very astonishing change from our present policy. The inhabitants of a territory have no vote in Congress. Nevertheless, real non-intervention would vest them with the exclusive disposal of important affairs, which are, now, at the exclusive disposal of Congress. It would compensate them for their present political disabilities with an amount of political power greatly exceeding that enjoyed by an equal handful of the people of a State.

To prevent misapprehension of my views, I add, that I am not opposed to making inhabitants of the territory officers of the territory. As far as practicable, I would have none others for its officers. But, whilst the territory is the nation's, all its officers should be acknowledged to be officers and servants of the nation.

I proceed to say, that I am opposed to this bill, in the fourth place, because it looks to the existence of slavery in these territories, and provides safeguards for it. In other words, Congress does, by the terms of the bill, open the door for slavery to enter these territories. The right of Congress to do so I deny. I deny it, however, not because the compromise of 1820 denies it. Believing that compromise to be invalid, I cannot honestly claim anything under it. I disclaim all rights under it, for the simple reason, that a compromise conceived in sin and brought forth in iniquity, can impart no rights—for the simple reason, that a compromise, which annihilates rights, can not create rights. I admit, that the compromise of 1820 concedes the indestructibility of manhood north of the line of  $36^{\circ} 30'$ , excepting in Missouri. But, on the other hand, it atones for this concession to truth and justice by impliedly leaving men south of that line, and in Missouri, to be classed with brutes and things. I admit, too, that they, who are enjoying the share of slavery under this compromise, and who, now, that freedom was about to enter into the enjoyment of her share under it—I admit, I say, that they are estopped from joining me in pronouncing the Missouri compromise invalid. They must first surrender their share under the compromise—they must first make restitution to Freedom—ere they can, with clean hands and unblushing faces, ask her to forego the enjoyment of her share. “But this condition is imprac-

icable!" will some of my hearers say. Oh, no! nothing is impracticable, that is right. Exclude slavery from Missouri and Arkansas for thirty-four years; and then freedom and slavery will be on an equal footing, and they can make a new bargain. [Laughter.]

Nor do I deny the right of Congress to open the door for slavery into these territories, because the compromise of 1850 virtually denies it. I say that compromise virtually denies it, because it distinctly and approvingly recognizes the compromise of 1820. The compromise of 1850 is as rotten as the compromise of 1820; and as incapable of imparting rights. And here let me say, that I rejoice to see the pro-slavery party pouring express contempt on the compromise of 1820, and virtual contempt on the compromise of 1850. And why should not all men pour contempt upon these compromises, and upon all other compromises, which aim "to split the difference" between God and the devil? [Great laughter.] By the way, we have striking proof, in the instance of this bill, that, in the case of such compromises, God's share and all are, in the end, very like to be claimed for the devil. [Renewed laughter.]

I have said on what grounds it is not, that I deny the right of Congress to open the door for slavery into these territories. I will now say on what ground it is. I deny it on the ground, that the Constitution, the only law of the territories, is not in favor of slavery, and that slavery cannot be set up under it. If there can be law-

ful slavery in the States, nevertheless there cannot be in the territories.

In the fifth and last place, I am opposed to the bill, because it allows, that there may be slavery in the States, which shall be formed from these territories.

Hitherto, when the slavery question has been brought up in Congress, it has been alleged, (I say not how truly or untruly,) that the anti-slavery party has brought it up, and for the purpose of checking slavery. But now, it is, confessedly on all hands, brought up by the pro-slavery party, and for the purpose of extending slavery. In this instance, the pro-slavery party is, manifestly, the instrument, which truth has wielded to subserve her purpose of reawakening the public mind to the demands and enormities of slavery. Most sincerely do I rejoice, that the pro-slavery party is responsible for the present agitation.

A MEMBER. I do not admit, that it is.

Mr. SMITH. Strange! Here is a movement for the immense extension of slavery. Of course, it is not the work of the anti-slavery party. And if the honorable member, who has just interrupted me, is authorized to speak for the pro-slavery party, it is not the work of that party either. I took it for granted, that the pro-slavery party did it. But, it seems it did not. It puts on the innocent air of a Macbeth, and looks me in the face, and exclaims: "Thou canst not say I did



it!" [Laughter.] Well, if neither the anti-slavery party, nor the pro-slavery party, did it, who was it then that did it? It follows, necessarily, that it must be the work of the Lord, or the devil. [Laughter.] But, it cannot be the work of the Lord—for the good book tells us: "Where the spirit of the Lord is, there is liberty"—liberty, not slavery. So, this Nebraska business must be the work of the devil. [Great laughter.] But logical as is this conclusion, I am, nevertheless, too polite to press it. I prefer to repudiate the alternative, that puts the responsibility on the Lord or the devil; and to return to my original assertion, that the pro-slavery party, and not the anti-slavery party, is responsible for the present agitation. Do not understand, that I would not have the anti-slavery party agitate. I would have it agitate, and agitate, and agitate forever. I believe, that the agitation of the elements of the moral world is as essential to moral health, as is the agitation of the elements of the physical world to physical health. I believe in the beautiful motto: "The agitation of thought is the beginning of truth." I was very happy to hear the honorable gentleman of Pennsylvania, [Mr. Wright,] express his faith and pleasure in agitation. Not less happy was I to hear the honorable gentleman of North-Carolina, [Mr. Clingman,] approve of the discussion of Slavery. Such good abolition doctrine from such surprising sources was very grateful to me. Perhaps, these gen-

lemen will continue to move forward in that blessed upward way, on which they have happily entered; and, perhaps, ere the session shall close, they will have reached that table-land of abolition, on which it is my privilege to stand. Let me assure them, for the purpose of cheering them onward, that when they shall arrive there, they shall not lack my warm greetings and the cordial grasp of my hand. [Great laughter.] Sir, you must permit me to indulge some hope of the conversion of these gentlemen. Indeed, when I heard the honorable gentleman of North-Carolina speak of himself as "an independent"—as a party of one—as in that lone condition, in which he had so recently heard me say, that I find myself—was I not at liberty to imagine, that he was throwing out a sly, delicate hint to my ear, that he would like to "join teams" with me, and so make up a party of two? [Repeated roars of laughter.] I do not forget, that, at the close of his speech, he said some very hard things against us naughty abolitionists. But how could I be sure, that he did not say these hard things for no other purpose than to blind all around him, save, of course, my own apprehensive, because kindred and sympathizing, spirit, to that fraternal union with me, which I have supposed his heart was then meditating?

I said, a little while ago, that I rejoice, that the proslavery party is responsible for the present agitation. I add, that I am half reconciled to this attempt to extend

the dominion of slavery, because it affords us so inviting an opportunity to inquire into the title of slavery. If my neighbor tries to rob me of my farm, he, at least, affords me an occasion for inquiring into the tenure, by which he holds his own farm. Freedom having been driven by slavery, until she has surrendered to her pursuer nine new States; and until slavery claims, as we see in the present bill, equal right with herself to overspread all the unorganized territory of the nation; it is, in my judgment, high time for her to stop, and to turn about, and to look slavery in the face, and to push back the war—ay, and to drive the aggressor to the wall, provided she shall find, that slavery, in all its progress, and history, is nothing but an aggression upon liberty and law, and upon human and divine rights; and that, in truth, it has no title to any existence whatever, on any terms whatever, anywhere whatever. This is a proper stage of my argument for saying, that we all know enough of freedom and slavery to know, that they cannot live together permanently. One must conquer the other. American slavery lacks but two things to make sure of her victory over American liberty; and, from present indications, she is determined to lack them no longer. One of these two things is its conceded right to overspread all our unorganized territory; and the other is its conceded right to carry slaves through the free States. Let slavery succeed in these two respects:—let the bill, we are now consider

ing, become a statute; and let the final decision in the Lemmon case\* sustain the claim to carry slaves through the free States—ay, and even to drive coffles of slaves through them, whip-in-hand; thus breaking down the public sentiment of those States against slavery; and debauching and wasting it by familiarizing it with the demands and exhibitions of slavery;—and then, I admit, the way will be clear for slavery to make a quick and easy conquest of liberty.

I, again, acknowledge my partial reconcilment to this attempt of slavery to get more—to this bold push for all, that is left, so far as unorganized territory is concerned. We have now the best of opportunities for trying the title of slavery, not only to more—but, also, to what it already had. And, now, if slavery shall come off as badly as the dog, who, in opening his mouth to seize another piece of meat, lost, in the deceitful and shadow-casting stream, the piece he already had, it will have no one to blame for its folly, but its own voracious self. It should have been content with the big share—the lion's share—which it already had.

But to return from this digression. I said, that I am

\* Mr. Lemmon was emigrating, some eighteen months ago, with his slaves, from Virginia to Texas. The vessel touched at New-York; and a judicial decision in favor of the claim of the slaves to freedom was promptly obtained, on the ground, that the State of New-York had abolished slavery. The State of Virginia is now intent on getting this decision reversed.

opposed to the bill, because it allows, that there may be slavery in the States, which shall be formed from these territories. Why, however, should I be, therefore, opposed to it? I will, without delay, come to the reason for my opposition. My time, being so precious, because so limited, I will waste none of it in apologies, circumlocutions, or skirmishes. But I will, at once, "take the bull by the horns," and declare, that I deny the right of Congress to look to the existence of slavery in the States, that shall be formed within these territories, because I deny, that there can be Constitutional slavery in any of the States of the American Union—future States, or present States—new or old. I hold, that the Constitution, not only authorizes no slavery, but permits no slavery; not only creates no slavery in any part of the land, but abolishes slavery in every part of the land. In other words, I hold, that there is no law for American slavery.

I had not intended a moment's further delay in entering upon my argument to prove, that the Constitution calls for the suppression of all American slavery. But I must, before entering upon it, beseech the Committee to hold no other member of Congress responsible for it. Let the reproach of this argument—of this foolish argument, if you please—nay, of this insane argument, if you prefer that epithet—fall on myself only. Blame no other member of Congress for it. I stand alone. I am the first, and, perhaps, I shall be the last, to declare

within these walls, that there is no law for slavery. I say, that I stand alone. And, yet, I am not alone. Truth is with me. I feel her inspirations. She glows in my soul : and I stand in her strength.

THERE IS NO LAW FOR AMERICAN SLAVERY.

Mansfield's decision in the Somerset case established the fact, that there was no law for slavery in England in 1772 :—and if none in England, then none in America. For, by the terms of their charters, the Colonies could have no laws repugnant to the laws of England. Alas, that this decision was not followed up by the assertion of the right of every American slave to liberty ! Had it been, then, would our land, this day, be bright and blessed with liberty, instead of dark and cursed with slavery. Alas, that the earlier decision than Mansfield's was not thus followed up ! This earlier decision was of the Superior Court of Massachusetts, and was of the same character with Mansfield's.—[*James vs. Lachmere*, Washburn, 202.] We are not at liberty to regard this decision of the Court of Massachusetts as wrong, because Massachusetts slavery was not abolished in consequence of it. It is no more wrong, because of that fact, than is Mansfield's, because of the like fact. Slavery in England survived Mansfield's decision. Even seven years after it, and advertisements, such as this, could be found in English newspapers :

“To be sold by auction at George Dunbar’s office, on Thursday next, the 20th instant, at 1 o’clock, a black boy, about fourteen years of age, etc. Liverpool, Oct. 15, 1779.”

There was no law for American slavery, after the Declaration of Independence was adopted. Had there been any before, this paper swept it all away. Chief Justice Shaw suggests, that it was this paper, which abolished slavery in Massachusetts.—[*Commonwealth vs. Thomas Aves.*] No less fatal was it, however, to the legality of slavery in other parts of the nation. The Declaration of Independence is the highest human authority in American politics. It is customary to trace back the origin of our national existence and our American Union to the Federal Constitution, or to the Articles of Confederation. But our national existence and our American Union had their birth in the Declaration of Independence. The putting forth of this paper was the first sovereign act of the American people—their first national and authoritative utterance. The Declaration of Independence was the declaration of the fact of the American Union: and to that paper preëminently are we to look for the causes, character and objects of the American Union. It was for a present, and not for a prospective, Union—for a Union already decided on, and not a contingent Union—that our fathers went through a seven years’ war. It is

noteworthy, that the object of the Constitution, as set forth by itself, is not to originate a Union, but "to form a more perfect Union"—that is, to improve on an already existing Union. The Articles of Confederation and the Federal Constitution were but expedients for promoting the perpetuity, and multiplying and securing the happy fruits, of this Union. Not only is it not true, that the Articles of Confederation and the Federal Constitution are paramount to the Declaration of Independence, but it is true, that the Congress of the Confederation and the Convention, which framed the Constitution, derived all their legitimacy and authority from the Declaration of Independence. You might as well talk of supplanting the Bible with the farthing Tract written to expound it, as talk of supplanting the Declaration of Independence with any subsequent paper. Truly did one of the eminent statesmen [Gen. Root] of my State say: "That the Declaration of Independence is the fundamental law of the land in all those States, which claimed or admitted, that that instrument was framed by their agents;" and truly did another of them [John C. Spencer] say, that it is "the corner-stone of our Confederacy, and is above all Constitutions and all Laws." Yes, the Declaration of Independence is the very soul of every legitimate American Constitution—the Constitution of Constitutions—the Law of Laws.

I repeat it—if there was legal slavery in this land



before the Declaration of Independence was adopted, there, nevertheless, could be none after. The great truth of this paper is, that all men are created equal, and have inalienable rights. Does this paper speak of Civil Government as necessary? It does so, because this great truth makes it necessary. It does so, because it is necessary to preserve these rights. Does this paper claim the right to alter or abolish the Government? It claims it, for the sake of this great truth. It claims it, in order to provide better security for these rights.

I do not forget, that the Declaration of Independence has fallen into disrepute among the degenerate sons of the men, who adopted it. They ridicule it, and call it "a fanfaronade of nonsense." It will be ridiculed, in proportion as American slavery increases. It will be respected, in proportion as American slavery declines. Even members of Congress charge it with saying, that men are born with equal strength, equal beauty, and equal brains. For my own part, I can impute no such folly to Thomas Jefferson and his fellow-laborers. I understand the Declaration of Independence to say, that men are born with an equal right to use what is respectively theirs. To illustrate its meaning, at this point:—if I am born with but one foot, and one eye, and an organization capable of receiving but one idea, I have a right to use my one foot, and one eye, and one idea, equal with the right of my neighbor to use his two feet, and two eyes, and two thousand ideas.

The enunciation of this great centre truth of the Declaration of Independence, would have justified every American slave, at the time of that enunciation, in claiming his liberty. Suppose that, after the adoption of the Declaration of Independence, an American patriot had been seized by a British force, and put on trial for rebellion against the King, would not that paper have justified him in calling on his countrymen to deliver him? Certainly; for that paper asserts the right to break away from his allegiance to the King, and pledges the "lives, fortunes, and sacred honor" of his countrymen, to maintain that right. But suppose, that, after the adoption of the Declaration of Independence, an American slave had asserted his right to liberty, might he not, as well as the patriot referred to, have called on his countrymen to acknowledge and defend his right? Certainly; and a thousand fold more emphatically. For the right of the patriot to dissolve his allegiance to the Crown is but a deduction from the great centre truth of the paper, that all men are created equal, and have inalienable rights. But the title of the slave to his liberty—that is, to one of these inalienable rights—is this great centre truth itself. The title of the slave to his liberty is the great fountain-head right. But the title of the patriot to be rescued from his peril is only a derivation from that fountain-head right.

We add, as a reason, why this great centre truth of human equality and inalienable right to liberty is en-

titled to supremacy in all the shaping and interpretation of American politics, that, but for it, and for the place it occupies in the Declaration of Independence, there would have been no American Constitution, and no American nation, and no American liberty. But for the commanding principle and mighty inspiration of this great centre truth, the colonists could not have been aroused to their glorious achievement. It was *in hoc signo*—it was by this sign—that our fathers conquered. Again: but for this commanding principle, and this mighty inspiration, the aid—the indispensable aid—that came to us from foreign shores, would not have come. Said Lafayette to Thomas Clarkson: “I would never have drawn my sword in the cause of America, if I could have conceived, that thereby I was founding a land of slavery.” And there was KOSCIUSKO, at whose fall “Freedom shrieked,” and who provided by the will, written by himself, that his property in America should be used by his anti-slavery friend, Thomas Jefferson, in liberating and educating African slaves. Surely, he would not, with his eyes open, have fought to create a power, that should be wielded in behalf of African slavery! Oh, how cruel and mean a fraud on those, who fought for American liberty, to use that liberty for establishing and extending American slavery!

But we pass on from the Declaration of Independence to the Federal Constitution, and suppose, for the sake

of the argument, that slavery survived the Declaration of Independence. Now, our first question is not what *is* the character of the Constitution, in respect to slavery, but what, from the circumstances of the case, might we reasonably expect to find its character, in this respect. Its reasonably expected character may be thought by many to shed light upon its actual character. Looking at the circumstances of the case, are we to expect to find the Constitution pro-slavery or anti-slavery?—made to uphold slavery, or to leave it an unprotected outlaw?

It is argued, that the Constitution must be on the side of slavery, for the reason, that it did not specifically demand the instant death of slavery. There is, however, no force in this argument, if we reflect, that American slavery was, at that time, a dying slavery; and that, therefore, even those of our statesmen, who were most opposed to it, were generally willing to leave it to die a natural death, rather than to force it out of existence. Were a man condemned to be hung—nevertheless, if, when the day for hanging him had arrived, he were on his death-bed, you would not hang him, but you would leave him to die on his bed—to die a natural, instead of a violent death. That our fathers did not anticipate the long continuance of slavery is manifest from their purpose disclosed in the Preamble of the Constitution and elsewhere, to set up a government, which should maintain justice and liberty.

They knew, that no government could prove itself capable of this, if under the influence, especially the overshadowing influence, of slavery.

It is further argued, that the Constitution must be on the side of slavery, because were it not on that side the slaveholders would not have consented to its adoption. But they, who argue thus, confound the slaveholders of that day with the slaveholders of this. They forget, that the slaveholders of that day breathed the spirit of the Declaration of Independence, and were captivated by the doctrine of the human brotherhood. They forget, that the slaveholders of that day were impatient to emancipate their slaves, and that in Virginia, where the number of slaves was so much less than now, they were emancipated, at that period, at the rate of a thousand a year. They forget, that there were Abolition Societies in slave States, both before and after the year 1800. They forget, that Washington and Jefferson were practical emancipationists. They forget, that, whilst the slaveholders of this generation are intent on perpetuating and extending slavery, the slaveholders of that generation, studied how to abolish it, and rejoiced in the prospect of its speedy abolition. They forget, that, whilst the slaveholders of this day are eager to overspread our whole national territory with slavery, all the slaveholders of that day joined with all other Americans in denying it new territory, and excluding it from every foot of the national territory. They forget, that all the

States, at that time, with the exception of South-Carolina and Georgia, advocated the anti-slavery policy; and that even these two States could hardly be said to have opposed it. And what, more than everything else, they should not forget, is that, over the whole length and breadth of the land, slavery was, at that day, a confessed sin—a sin, it is true, that all involved in it had not the integrity to put away immediately—but a sin, nevertheless, which all of them purposed to put away, in no very distant future. How striking the contrast, in this respect, between the circumstances of the slaveholder of that time and the slaveholder of this! Now, the Bible, both at the North and at the South, is claimed to be for slavery; and now the church and church-ministry, at the South, do nearly all go for slavery; and at the North, do nearly all apologize for it. Now, slavery is right, and the abolition of it wrong. Now, the slaveholder is the saint, and the abolitionist the sinner. To illustrate, in still another way, the absurdity of inferring what slaveholders desired and did, sixty or seventy years ago, from what they desire and do now:—the pecuniary motive of the slaveholder to uphold slavery is now very strong. Then, it was very weak. American cane-sugar, now wet with the tears and sweat and blood of tens of thousands of slaves, was then scarcely known. American cotton, which now fills the markets of the world, was then in none of the markets of the world. Then it was not among the interests of

our country. Now, it is its dominant interest. It sways church and State and commerce, and compels all of them to go for slavery. Then the price of the slave, that now sells for a thousand or fifteen hundred dollars, was but two hundred dollars.

I need say no more to show how liable we are to misinterpret the desires and designs of our fathers, in regard to the Constitution, if we look through the medium of the pro-slavery spirit and interests of our own day, instead of the medium of the anti-slavery spirit and interests of their day. To judge what character they would be like to give to the Constitution, in respect to slavery, we must take our stand-point amidst the anti-slavery scenes and influences of that period, and not amidst the pro-slavery scenes and influences, which illustrate and reign over the present.

I readily admit, that the slaveholders of the present day would not consent to the making of any other than a pro-slavery Constitution. I even admit, that, had the making of the Constitution been delayed no more than a dozen years, it would, (could it then have been made at all,) have been pro-slavery. I make this admission, because I remember, that, during those dozen years, Whitney's cotton gin, (but for which invention American slavery would, long ago, have disappeared,) came into operation, and fastened slavery upon our country.

In the light of what I have said, how improbable it is, that the slaveholders were intent on having the Con

stitution made to uphold slavery. But, in the light of what I shall now say, how improbable it is that such a Constitution was made. Mr. Madison was among the most influential members of the Convention, that framed the Constitution; and when he declared, in the Convention, that he "thought it wrong to admit in the Constitution the idea, that there could be property in man," not one person objected to the declaration. Indeed, the framers of the Constitution, not only kept it clear of the words "slave" and "slavery," and of all words of similar import, but they obviously determined, that, if after ages should make the humiliating discovery, that there had been slavery in this land, there, nevertheless, should be nothing **in** the pages of the Constitution to help them to such **discovery**. For instance, the word "service" occurs repeatedly in the Constitution. But only four days before the Convention closed its labors, the word "servitude" was struck out of the Constitution, and the word "service" unanimously adopted in its place, for the avowed reason, that the former expresses the condition of slaves, and the latter the obligations of free persons. I add the incidental remark, that if the Constitution is responsible for slavery, it is so, because of the knavery, or ignorance, of its framers. If, on the one hand, notwithstanding their avowed reason for the substitution of "service" for "servitude," they still intended to have the Constitution thus responsible, then they were knaves:—and if, on the other, they honestly



intended to keep the Constitution clear of this guilty responsibility, and yet failed to do so, then does such failure betray their gross ignorance—their gross ignorance of the true meaning, and fit use, of words. Happily, for those, who give an anti-slavery construction to the Constitution, they are under no necessity and no temptation to interpret the motives and conduct of its framers in the light of so odious an alternative. The pro-slavery party alone are compelled so to interpret them. Now, even were it true, that the framers of the Constitution, and all of them, too, sought to smuggle slavery into it—to get it into it, without its being seen to be got into it—nevertheless, how could they accomplish this object, which, by the restrictions they had imposed on themselves, they had rendered impracticable? To work slavery into the Constitution, and yet preserve for the Constitution, that anti-slavery appearance, which, from the first, they had determined it should wear, and which they knew it must wear, or be promptly rejected by the people, was as impossible, as to build up a fire in the sea.

But we will remain no longer outside of the Constitution. Indeed, there is nothing, and there can be nothing, outside of it, which can determine, or in any wise affect, its character on the subject of slavery. Nothing in the history of the framing, or adoption, or operation, of the Constitution, can be legitimately cited to prove, that it is pro-slavery or anti-slavery. The point is to be de-

cided by the naked letter of the instrument, and by that only. If the letter is certainly for slavery, then the Constitution is for slavery—otherwise not. I say, if it is *certainly* for slavery: I say so, because slavery realizes the highest possible conception of radical injustice; and because there is no more reasonable rule of interpretation than that, which denies, that a law is to be construed in favor of such injustice, when the law does not in clear and express terms, embody and sanction it. The Supreme Court of the United States have adopted this rule in these words: "Where rights are infringed, where fundamental principles are overthrown, where the general system of the laws is departed from, the legislative intention must be expressed with irresistible clearness to induce a court of justice to suppose a design to effect such objects."—2 *Cranch*, 390. The same enlightened and righteous policy, which led Mansfield to say, that "slavery is so odious, that nothing can be suffered to support it but positive law," obviously demands, that no law shall be cited for slavery, which is not expressly and clearly for slavery.

Much stress is laid on the intentions of the framers of the Constitution. But we are to make little more account of their intentions than of the intentions of the scrivener, who is employed to write the deed of the land. It is the intentions of the adopters of the Constitution, that we are to inquire after; and these we are to gather from the words of the Constitution, and not from the

words of its framers—for it is the text of the Constitution, and not the talk of the Convention, that the people adopted. It was the Constitution itself, and not any of the interpretations of it, nor any of the talks or writings about it, that the people adopted.

Suppose, that the bill, now under discussion, should, unhappily, become a statute—would it be necessary, in order to understand it, to know what the honorable gentleman of Kentucky, [Mr. Preston,] who preceded me, said of it, or what I am saying of it? Certainly not. If I mean what I say, nevertheless, my words could have no legitimate bearing on the interpretation of the statute. But my speech may be insincere. I may, as, doubtless, many a legislator has done, be practicing on Talleyrand's definition: "Language is the art of concealing the thoughts:"—and pray, what help, in that case, to the just interpretation of the statute, could my speech afford?

I said, that the Constitution is what its adopters understood it to be—not what the distinguished few among them—but what the masses—understood it to be: and what that was, the abolition petition, headed with the name of Benjamin Franklin, and presented to the first Congress under the Constitution, strikingly indicated. That it was not successful is another evidence, that the views of the people often differ from the views of office-holders. Or, the failure was, perhaps, more properly to be regarded, as an evidence of the understand-

ing, which, doubtless, did exist among, at least, some of the statesmen of that day, that slavery was not to be killed by the immediate application of the powers of the Constitution, but was to be allowed to linger through that age. Whilst I deny, that there is a word in the Constitution to authorize the continuance of slavery, I, nevertheless, admit that there was, outside of the Constitution, the understanding to which I have referred—an understanding confined, however, to a few, and for which the masses were not responsible. A sad mistake, as it turns out, was this suffering of slavery to drag out its death-struck and feeble existence through that generation, in which the Constitution was adopted!—for, it was in that very generation, that, in consequence of the invention already spoken of, slavery became strong, and began to demand prolonged life and vast powers as a right—an absolute and permanent right. The slut, in La Fontaine's fable, on the eve of becoming a mother, implored the brief loan of a kennel. But having once got possession of it, she found excuse for continuing the possession, until her young dogs were grown up. With this reënforcement, it is not strange, that she should be inspired by the maxim, "might makes right," and should claim, as absolutely her own, that which had only been lent to her—and lent to her, too, so generously and confidingly. This fable illustrates, but too well, the successive feebleness, and growth, and usurpation of slavery.

We begin with the Preamble of the Constitution. This, at least, is anti-slavery : and this tells us, that the Constitution is anti-slavery—for it tells us, that one thing, for which the Constitution was made, was “to secure the blessings of liberty”—not to inflict, or sustain, the curse of slavery—but “to secure the blessings of liberty.” I admit, that the Preamble is not the Constitution.

I admit, that it is but the porch of the temple. Nevertheless, if, instead of the demon of Slavery coiled up in that porch, we see the Goddess of Liberty standing proudly there, then we may infer, that the temple itself, instead of being polluted with Slavery, is consecrated to Liberty. And we are not mistaken in this inference. As we walk through the temple, we find, that it corresponds with the entrance. The Constitution is in harmony with the Preamble.

The first reference, in the Constitution, to slavery, is in the apportionment clause. There is, however, no reference to it here, if the language is interpreted, according to its legal sense, or if the framers of the Constitution were intelligent and honest. It must be remarked, that it was from this clause, that they struck out the word “servitude” for the avowed purpose of saving it from being a pro-slavery clause. But, in point of fact, if this clause does refer to slavery, it is nevertheless, a clause not to encourage, but to discourage, slavery. The clause diminishes the power of a State in the national councils in proportion to the extent of its slavery. This

clause is, in truth, a bounty on emancipation. Had it provided, that drunkards should each count but three fifths of a man, it, surely, would not be called a clause to encourage drunkenness. Or, had it provided, that they, who can neither read nor write, should each count but three fifths of a man, it, surely, would not be called a clause to encourage illiterateness. In the one case, it would be a bounty on sobriety, and, in the other, on education.

The next clause of the Constitution, which we will examine, is that, which, confessedly, empowers Congress to abolish the foreign slave-trade. I, of course, mean the clause, which empowers Congress to regulate commerce with foreign nations. Yes, the slave States confessedly conceded to Congress the power to abolish that trade; and Congress did actually abolish it. But, it is said, that the provision, respecting "migration or importation," suspended the exercise of this power for twenty years. Under no legal and proper sense of it, however, does this provision refer to slaves. But, for the sake of the argument, we will admit, that it does, and that it had the effect to suspend, for twenty years, the exercise of the power in question. What then? The suspension could not destroy, nor, to any degree, impair, the essential anti-slavery character of the clause under consideration. On the contrary, the suspension itself shows, that the clause was regarded, by the makers of the Constitution, as potentially anti-slavery—as one,

that was capable of being wielded, and that, probably, would be wielded, to suppress the slave-trade. I would add, that this brief suspension goes to justify the position, that American slavery was looked upon, in that day, as a rapidly expiring practice—as a vice, that would die out, in a few years. There is much historical evidence, that the abolition of the slave-trade was looked to by many, if not, indeed, by most, at that time, either as equivalent to, or as sure to result in, the abolition of slavery. The power given to Congress to abolish the slave-trade, Mr. Dawes, in the Massachusetts Convention, that adopted the Constitution, declared to be “the mortal wound” of slavery.

Manifestly, the clause of the Constitution, which imparts power to abolish the slave-trade, and not that, which briefly suspends the exercise of this power, gives character to the Constitution. If my neighbor deeds me his farm, only reserving to himself the possession of it for a month, (and a week in the life of an individual is longer than twenty years in the life of a nation,) it would, certainly, be very absurd to call it a transaction for continuing him in the ownership and possession of the farm. Or, if the bargain, which I make with my neighbor, is, that, after a week's delay, he shall come into my service for life, it is certainly not this little delay, that is to stamp the essential and important character of the bargain.

I have referred to only a part of the clause, which

gives power to Congress to abolish the slave-trade ; to only that part, which respects the foreign slave-trade. I, now, add, that this clause gives equal power to abolish the inter-State slave-trade. And if it does, how idle must it be to say, that a Constitution, which empowers Congress to abolish, not only the foreign, but the domestic slave-trade, is a Constitution for slavery ! To abolish the domestic slave-trade is to cut the very jugular of slavery.

But it is said, that the power “ to regulate commerce among the several States ” is not a power to abolish the slave-trade between them. But, if it is not, then the power “ to regulate commerce with foreign nations ” is not a power to abolish the African slave-trade. Nevertheless, Congress held, that it was ; and, in that day, when slavery was not in the ascendant, everybody agreed with Congress.

It is further said, that the Constitution knows human beings only as persons ; and that, hence, the inter-State traffic in slaves, being, in its eye, but migration or travel, Congress has no power to suppress it. Then, what right had Congress to abolish the African slave-trade ? The subjects of that traffic, no less than the subjects of the inter-State traffic, are persons. Another reply, which we make to the position, that all human beings are persons in the eye of the Constitution, is that it can not lie in the mouth of those, who carry on the traffic in slaves, to ignore the true character of that traffic, and



to shelter its chattel-subjects under the name of persons. And another reply, which we make to this position is, that it is true; and that, hence, the traffic in slaves, every slave being a person, is unconstitutional. If the Constitution grants power to Congress over commerce, it necessarily defines the subjects of the commerce. Such definition is involved in such grant. But slaves can not come within such definition—for slaves are persons, and persons can not be the subjects of commerce. And still another reply, that we have to make to those, who would exempt the inter-State traffic in human beings from the control of Congress, on the ground, that Congress can know no human being as a chattel, or as other than a person, is that they are driven by logical consistency and logical necessity to the conclusion, that the Constitution has power to sweep away the whole of American slavery. The Constitution extends its shield over every *person* in the United States; and every *person* in the United States has rights specified in the Constitution, that are entirely incompatible with his subjection to slavery.

Ere leaving this topic, I notice an objection, which is frequently heard from the lips of earnest anti-slavery men. It is, that the Constitution omits to command Congress in terms, to abolish the African slave-trade, even at the end of the twenty years. But why do they fail to see, that this very omission marks the anti-slavery character of the Constitution and of the day, when it

was written? Doomed slavery then needed an express stipulation for its respite. But to enjoin anti-slavery action upon those, who could be held back from it only by such express stipulation, was, of course, deemed superfluous. The sentence of the court is, that the mother shall not kiss her infant for twenty days. The court need not enjoin, that she shall kiss it after the twenty days are expired. Her love for her infant makes such injunction quite superfluous. So was it unnecessary to enjoin upon the anti-slavery zeal of our fathers the abolition of the slave-trade, at the expiration of the twenty years. Scarcely had the twenty years expired before that zeal forbade, under the heaviest penalties, the continuance of that accursed trade. An ancient nation regarded parricide as too unnatural and monstrous a crime to need the interdiction of law. And our fathers regarded the African slave-trade as a crime so unnatural and monstrous, as to make their injunctions on Congress to abolish it altogether superfluous.

We have, now, disposed of two of the three clauses of the Constitution, which are assumed to be pro-slavery, namely: the apportionment clause, and the migration and importation clause. The third refers to fugitive servants, but certainly not to fugitive slaves. Whether we look at the letter or history of this clause, it can have no reference to slaves. No one pretends that slaves are expressly and clearly defined in it; and hence, according to the rule of the Supreme Court, which I have quoted, slaves are not referred to in it. Again, none deny that the terms

of the clause make it applicable to apprentices, minor children, and others. All admit, that, in the most natural use of language, it is capable of innocent applications.

The clause, under consideration, speaks of a "person held to service or labor in one State, under the laws thereof." Now, unless these laws are for slavery, the service or labor cannot be slavery;—and if they are for slavery, then they cannot hold any person to slavery, unless they are valid laws. But they are not valid laws unless they are in harmony with the Constitution. If the Constitution is against slavery, then pro-slavery laws are but nominal laws. It will be more timely, at the close of my argument than now, to say, whether the Constitution is against, or for slavery. In the next place, the clause speaks of a *person*. But as we shall more fully see, there are rights claimed for *persons* by the Constitution itself, which must all be trodden under foot, before *persons* can be reduced to slavery. Another reason, why the fugitives referred to in this clause are not slaves, is, that "service or labor," is "due," to their employer from these fugitives. But slaves, by every American definition of slaves, are as incapable of owing as are horses or even horse-blocks. So too, by every English definition of slaves. Says Justice Best, in case of *Forbes vs. Cochran*: "A slave is incapable of compact." And another reason, why this clause cannot refer to slaves, is, that the fugitives in it are held by the laws to labor. But slaves, no more than oxen, are held by the laws to labor. The laws no more interpose to com-

pel labor in the one case than in the other. And still another reason, why this clause is not to be taken as referring to slaves, is the absurdity of supposing, that our fathers consented to treat as slaves whatever persons, white or black, high or low, virtuous or vicious, any future laws of any State might declare to be slaves. Shall we of the North be bound to acquiesce in the slavery of our children, who may emigrate to the South, provided the laws of the South shall declare Northern emigrants to be slaves? Nay, more, shall we be bound to replunge those children into slavery, if they escape from it? But all this we shall be bound to do, if the pro-slavery interpretation of the clause in question is the true interpretation. Ay, and in that case, we shall be bound to justify even our own slavery, should we be caught at the South and legislated into slavery. This intimation, that slavery may yet take a much wider range in supplying itself with victims, is by no means extravagant and unauthorized. The Supreme Court of the United States opened a wide door to this end, in the case of *Strader and others vs. Gorham*, some three years ago. In that case, the Court claimed that a State "has an undoubted right to determine the *status*, or domestic and social condition, of the persons domiciled within its territory." By the way, this doctrine of the Supreme Court, that there are no natural rights; and that all rights stand but in the concessions and uncertainties of human legislation, is a legitimate outgrowth of slavery. For slavery is a war upon nature,

and is the devourer of the rights of nature; and claims that all rights and all interests, natural and conventional, shall accommodate themselves to its demands.

We need spend no more time on the letter of this clause. We will, now, look at its history. It is a well-nigh universal impression, that this clause is one of the compromises of the Constitution. But there is not the slightest foundation in truth for this impression. In none of the numerous plans of a Constitution, submitted to its framers, was the subject-matter of this clause mentioned. Indeed it was not mentioned at all, until twenty days before the close of the Convention. This clause, when its insertion was first moved, contained the word "slave." But, with that word in it, it met with such strenuous opposition, as to compel the immediate withdrawal of the motion. The next day, however, it was offered again, but with the word "slave" struck out. In this amended and harmless form, it was adopted immediately, without debate, and unanimously. I add, by the way, that no one believes, that a clause providing in express terms, for the surrender of the whole American soil to the chasing down and enslaving of men, women and children, could ever have gained the vote of the Convention; or that, if it had, the Constitution, with such a disgusting blot upon it, could ever have been adopted.

Another reason for not claiming this clause to be proslavery is, that the American people did, in all proba-

bility, regard the word "service" as expressing the condition of freemen. So, as we have seen, the members of the Constitutional convention, regarded it; and, inasmuch as they came together from all parts of the country, and represented all classes and sections of the American people, is it not a fair inference, that they used language in the sense approved by the American people?

We have, now, examined those parts of the Constitution, which are relied on to give it a pro-slavery character; and we find, that they are not entitled to give it this character. We proceed to glance at some, and at only some, of those parts of the Constitution, which clearly prove its anti-slavery character; which are utterly incompatible with slavery; and which, therefore, demand its abolition.

1. "*Congress has power to provide for the common defence and general welfare of the United States.*"

But Congress has not this power, if the obstacles of slavery may be put in the way of its exercise. A man cannot be said to have law for driving his carriage through the streets, if another man has law for blocking its wheels. If the States may establish the most atrocious wrongs within their borders, and thus create an atmosphere in which the Federal Government cannot "live and move and have its being;" then within those borders, the Federal Government may be reduced to a nullity. The power referred to in this clause Con-

gress will never have faithfully exercised, so long as it leaves millions of foes in the bosom of our country. By enrolling the slaves in the militia, and yielding to their Constitutional right "to keep and bear arms"—which is, in effect, to abolish slavery—Congress would convert those foes into friends. The power in question, Patrick Henry, who was then the orator of America, held to be sufficient for abolishing slavery. In the Virginia Convention, which passed upon the Federal Constitution, Mr. Henry said: "May Congress not say, that every black man must fight? Did we not see a little of this, the last war? We were not so hard pushed as to make emancipation general. But acts of Assembly passed, that every slave, who would go to the army should be free. Another thing will contribute to bring this event about. Slavery is detested. We feel its fatal effects. We deplore it with all the pity of humanity. Let all these considerations, at some future period, press with full force upon the minds of Congress. They will read that paper, (the Constitution,) and see if they have power of manumission. And have they not, sir? Have they not power to provide for the general defence and welfare? May they not think, that they call for the abolition of slavery? May they not pronounce all slaves free?—and will they not be warranted by that power? There is no ambiguous implication or illogical deduction. *The paper speaks to the point. They have the power in clear and unequivocal terms: and will clearly and certainly exercise it.*"

2. "*Congress has power to impose a capitation tax.*"

Manifestly, Congress can pay no respect in this case to the distinction of bond and free. It can look for the payment of the tax to none other than the subjects of the tax. But if any of them do not own themselves, they cannot owe the tax. This clause implies, therefore, the self-ownership of men, and not their ownership by others.

3. "*Congress shall have power to establish a uniform rule of naturalization.*"

But this power, if faithfully exercised, is fatal to slavery. For if our three millions and a half of slaves are not already citizens, Congress can under this power make them such, at any time. It can confer on them, as easily as on foreigners, the rights of citizenship. I add, that, had the slaveholders wished (as however they did not) to perpetuate slavery, they would if they could have qualified this absolute and unlimited power of naturalization, which the Constitution confers on Congress.

4. "*The Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.*"

This clause clearly authorizes Congress to encourage and reward the genius, as well of him who is called a slave, as of any other person. One person as much as another, is entitled to a copyright of his book and



to a patent for his meritorious invention. Not so, however, if there may be slavery. For the victim of slavery has no rights; and the productions of his mind, no less than the productions of his hands, belong to his master.

5. "*Congress shall have power to declare war, grant letters of marque and reprisal—to raise and support armies—to provide and maintain a navy.*"

It necessarily follows, from the unconditional power of Congress to carry on war, that it can contract with whom it pleases—white or black, employer or employed—to fight its battles; and can secure to each his wages, pension, or prize money. But utterly inconsistent with this absolute power of Congress is the claim of the slaveholder to the time, the earnings, the will, the all, of the sailor, or soldier, whom he calls his slave.

6. "*The United States shall guaranty to every State in this Union a republican form of government.*"

It is a common opinion, that the General Government should not concern itself with the internal policy and arrangements of a State. But this opinion is not justified by the Constitution. The case may occur, where the neglect thus to concern itself would involve its own ruin, as well as the greatest wrong and distress to the people of a State. How could the General Government be maintained, if in one State suffrage were universal, and in another conditioned on the possession of land, and in another on the possession of money, and in another on the possession of slaves, and in another on the possession of literary or scientific attainments, and in

another on the possession of a prescribed religious creed, and if in others it were conditioned on still other possessions and attainments? How little resemblance and sympathy there would be, in that case, between the Congressional representatives of the different States! How great would be the discord in our National Councils! How speedy the ruin to our national and subordinate interests! In such circumstances, the General Government would be clearly bound to insist on an essential uniformity in the State Governments. But what would be due from the General Government then, is emphatically due from it now. Our nation is already brought into great peril by the slavocratic element in its councils; and in not a few of the States, the white, as well as the black, masses are crushed by that political element. Surely the nation is entitled to liberation from this peril; and, surely, these masses have a perfectly constitutional, as well as most urgent, claim on the nation for deliverance from the worst of despotisms, and for the enjoyment of a "republican form of Government."

7. *"No State shall pass any bill of attainder."*

But what is so emphatic, and causeless, and merciless a bill of attainder, as that, which attaints a woman with all her posterity for no other reason than that there is African blood in her veins?

8. *"The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."*

Blackstone pronounces this writ "the most celebrated writ of England and the chief bulwark of the Constitution." One of his editors, Mr. Christian, says, that "it is this writ, which makes slavery impossible in England." Equally impossible, in theory, does it make slavery in America. And in both countries the impossibility springs from the fact, that the writ is entirely incompatible with the claim of property in man. In the presence of such a claim, if valid, this writ is impotent, for if property can be plead in the prisoner, (and possession is proof of ownership,) the writ is defeated.

Slavery cannot be legalized short of suspending the writ of habeas corpus, in the case of the slaves. But, inasmuch as the Constitution provides for no such suspension, there is no legal slavery in the nation.

I add, that the Federal Government should see to it, that, in every part of the nation, where there are slaves, if need be, in every county, or even town, there are Judges who will faithfully use this writ for their deliverance.

9. *"No person shall be deprived of life, liberty, or property, without due process of law."*

Let this provision have free course, and it puts an end to American slavery. It is claimed, however, that, inasmuch as the slave is held by law, (which, in point of fact, he is not,) and, therefore, "by due process of law," nothing can be gained for him from this provision. But, inasmuch, as this provision is an organic and fundamental law, it is not subject to any other law, but is

paramount to every other law. Moreover, it is a great mistake to confound the laws, so called, by which persons are held in slavery, with "due process of law."

Justice Bronson says [Hill's Reports, IV. 146] of this part of the Constitution:

*"The meaning of the section then seems to be, that no member of the State shall be disfranchised, or deprived of any of his rights or privileges, unless the matter shall be adjudged against him, upon trial had, according to the course of the common law."*

He adds:

"The words 'due process of law,' in this place cannot mean less than a prosecution or suit, instituted and conducted, according to the prescribed forms and solemnities for ascertaining guilt, or determining the title to property."

Lord Coke explains "due process of law" to be, "by indictment or presentment of good and lawful men, where such deeds be done in due manner, or by suit original of the common law."

The defenders of the constitutionality of State slavery are driven to the position, that such specific denials of the definition and violation of rights, as I have just quoted from one of the amendments of the Constitution, are limitations upon the power of the Federal Government only. They say, that it is to be inferred, that the limitations are on Federal power, when the Constitution does not point out whether they are on Federal or

State power. Whence, however, is this inference justified? From the fact, it is answered, that the Federal power is the subject-matter of the Constitution—is that, of which it treats—is that, which it constitutes. But the Constitution is a paper, not merely for establishing the Federal Government, and prescribing its character and limits. It is, also, a paper for determining the boundaries of State authority. And the latter purpose is no less important, or necessary, than the former. Happily, however, the original Constitution left nothing to inference in this matter. It does not need a more frequent recurrence of the word “Congress” in them, to make it entirely plain, that the eighth and ninth sections of the first article of the Constitution are devoted to an enumeration of the powers and disabilities of Congress. Nor is it less plain, that the tenth section of this article is taken up with the enumeration of the disabilities of the States. I have seen an old copy of the Constitution, printed in Virginia, in which “Powers of Congress” is at the head of the eighth section, and “Restrictions upon Congress” is at the head of the ninth section, and “Restrictions upon respective States” is at the head of the tenth section. The repetition of the word “State,” in the tenth section, would have been as unnecessary as the repetition of the word “Congress” in the ninth section, had the denial of State powers been preceded by the enumeration of State powers, as is the denial of Federal powers by the enumeration of Federal powers.

So far, then, as these sections are concerned, it is not left to the looseness of inference to determine whether the Constitution is applicable to a State, or to the Nation. One of the sections contains limitations on the Federal Government. The next contains limitations on another Government—*another* Government, since the latter limitations are, to some extent, identical with the former, and would, of course, not be repeated, were but one Government in view. What, however, but a State Government, could this other Government be? And yet, to avoid all necessity of inference, the word “State” is repeated several times in connection with these latter limitations. And, now, we ask where in the original Constitution, either before or after the three sections, which we have referred to, is it left to be inferred, whether the powers granted are National or State powers? Nowhere is there such uncertainty.

We will now take up the amendments of the Constitution. It is in them, that we find those specific denials of the deprivation and violation of rights, which forbid slavery—such denials, for instance, as that “No person shall be deprived of life, or liberty, or property, without due process of law.”

Twelve articles of amendment were proposed by the first Congress. The first three and the last two do, in terms, apply to the Federal Government, and to that only. In the case of most of the remaining seven, their application is a matter of inference. Whilst, however,

it would be a gross violation of the laws of inference to say, that they apply to the Federal Government only, it would be in perfect accordance with these laws to say, that, inasmuch as a part of the amendments refer expressly to that Government only, the remainder refer to both the Federal and State Governments, or to State Governments only.

Because the first one of the adopted amendments refers expressly to the Federal Government, and to that only, there are, probably, many persons, who take it for granted, that the other amendments follow this lead of the first, and have the same reference as the first. They would not take this for granted, however, did they know, that this first of the adopted amendments was the third of the proposed amendments; and that it came to be numbered the first, only because the preceding two were rejected. It is entitled, therefore, to give no lead and no complexion to the amendments, which follow it. And this conclusion is not weakened, but strengthened, by the fact, that these two amendments both expressly referred to the Federal Government. I would here add, what may not be known to all, that the eleventh and twelfth of the adopted amendments were proposed by Congress after the other ten were adopted.

In addition to the reason we have given, why a part of the amendments of the Constitution refer either to the State Governments exclusively, or to both the Federal and State Governments, is that, which arises

from the fact, that they are, in their nature and meaning, as applicable to a State Government, as to the Federal Government. To say, that such amendments, as the second, third, and fourth, were not intended to apply to the whole nation, and were intended to apply only to the little handful of persons under the exclusive jurisdiction of the Federal Government, is to say what cannot be defended. Again, if there be only a reasonable doubt, that the fifth amendment refers exclusively to the Federal Government, it should be construed, as referring to State Government also; for human liberty is entitled to the benefit of every reasonable doubt; and this is a case in which human liberty is most emphatically concerned.

We have no right to go out of the Constitution for the purpose of learning whether the amendments in question are, or are not, limitations on State Governments. It is enough, that they are in their terms, nature, and meaning, as suitably, limitations on the Government of a State, as on the National Government. Being such limitations, we are bound to believe, that the people, when adopting these amendments by their Legislatures, interpreted them, as having the two-fold application, which we claim for them. Being such limitations, we must insist, whether our fathers did, or did not, on this two-fold application. Being prohibitions on the Government of a State, as well as on the National Government, we must, in the name of religion and reason, of God and man, protest against limiting the



prohibition to the National Government for the exceedingly wicked purpose of continuing the bondage of millions of our fellow-men.

Had we the right, by reason of any obscurity in the teachings of the Constitution on the point under consideration, or from any other cause, to go into collateral evidences of the character of these teachings, we should find our interpretation not weakened, but confirmed.

Nearly all the amendments of the Constitution, and, indeed, all of them, which concern our present argument, were taken from the Bill of Rights, which the Virginia Convention proposed to have incorporated with the Federal Constitution. But, inasmuch as this Bill of Rights speaks neither of Congress, nor the Federal Government, its language is to be construed as no less applicable to a State than to the Nation, as providing security no less against the abuse of the State power than Federal power.

Again: in the Congress, which submitted the amendments, Mr. Madison was the first person to move in the matter. He proposed two series of amendments, one of them affecting Federal, and the other State powers. His proposition provided to have them interwoven in the original Constitution. For instance, the negations of Federal Power were to be included in the ninth section of the first article; and the negations of State power in the tenth section of that article. And, what is more, several of the amendments, which he proposed to include in this tenth section, are, not only

in substance, but almost precisely in letter, identical with amendments which became a part of the Constitution. It was in the following words, that Mr. Madison justified his proposition to restrain the States: "I think there is more danger of these powers being abused by the State Governments than by the Government of the United States." "It must be admitted on all hands, that the State Governments are as liable to attack these invaluable privileges, as the General Government is, and therefore ought to be as cautiously guarded against." "I should, therefore, wish to extend this interdiction, and add, that no State shall violate," etc. If there was any reason to restrain the Government of the United States from infringing upon these essential rights, it was equally necessary that they should be secured against the State Governments. He thought, that if they provided against the one, it was as necessary to provide against the other, and was satisfied, that it would be equally grateful to the people.

The House of Representatives did not adopt Mr. Madison's plan of distributing the amendments through the original Constitution, and thus expressly applying one to the Federal and another to a State Government. On the contrary, it made them a supplement to the original Constitution, and left a part of them couched in terms, that render them equally applicable either to one Government or the other. It must not be forgotten, that Mr. Madison's plan was embodied in the

report of a committee, and was kept before the House, for a long time. Nor must it be forgotten, that whatever may have been said by this or that speaker, in respect to the application of this or that amendment, no vote was taken declaring, that all, or, indeed, any of the amendments apply to the General Government. What, however, is still more memorable is, that there was a vote taken, which shows, that the House did not mean to have all the amendments apply to the General Government only. The vote was on the following proposed amendment: "No person shall be subject, in case of impeachment, to more than one trial, or one punishment for the same offence, nor shall be compelled to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law," etc. Mr. Partridge, of Massachusetts, moved to insert after "same offence" the words: "by any law of the United States." His motion failed: and its failure proved, that the House would restrain a State, as well as the Nation, from such oppression.

As the Senate sat with closed doors, we know nothing of its proceedings in respect to the amendments, except that it concurred with the House in recommending them.

I will say no more in regard to the meaning of the amendments. Is it claimed, that if the original Constitution is pro-slavery, and the amendments anti-slavery, the original Constitution shall prevail against the amendments? As well might it be claimed to reverse

the rule in the case of a will and to have its repugnant language prevail against the codicil. The amendments of the Constitution, are the codicils of the Constitution; and if anywhere they conflict with it, the Constitution must yield.

I have, now, done, not only with the amendments, but with the entire Constitution. Within the compass of a single speech, I could, of course, comprise but an outline of my argument. I commend to my hearers the arguments of William Goodell and Lysander Spooner on this subject. It must be very difficult for an intelligent person to rise from the candid reading of Mr. Spooner's book, entitled "The Unconstitutionality of Slavery," without being convinced, by its unsurpassed logic, that American slavery finds no protection in the Constitution.

I said, that I have, now, done with the Constitution. I believe, I am warranted in adding, that I have reached the conclusion, that there is power in the Constitution to abolish every part of American slavery. Is it said, that this conclusion, notwithstanding the manifest logical necessity for arriving at it, is, nevertheless, not sound? One of the objections to its soundness—namely: that the slaveholders could never have consented to adopt a Constitution of such anti-slavery powers—I have already replied to, by saying, that the slaveholders of that day, being against the continuance of slavery, and the slaveholders of this day for it, the former can-

not be judged of in the light of the character of the latter. To this I add, that whatever were the slaveholders of that day, and whatever were their motives in adopting an anti-slavery Constitution, they, nevertheless, did adopt it, just as it is—anti-slavery as it is. The other principal objection to the soundness of my conclusion is, that neither slaveholders nor non-slaveholders would have consented to adopt a Constitution, which annihilates State sovereignty. My answer to the latter objection is, that the States are not sovereign, and were not intended by the Constitution to be sovereign. The simple truth is, that our fathers refused to repeat the experiment of a Confederacy of States; and that, instead of it, they devised for themselves and their posterity a Government, which is, altogether, too broad and binding to consist with State sovereignty. The Constitution prescribes limits to the State quite too narrow for the play of sovereignty. It denies the State many specific powers, each of which is vital to sovereignty. For instance, it restrains it from entering into a treaty; and from coining money; and, if the power to deprive “of life, liberty, or property,” is vital to sovereignty, then, as we have seen, the State is not sovereign, because it has not this power. Our fathers would not consent, that any section of their fellow-men, with whom they had come under a common Government, should outrage essential human rights. Our fathers would not fraternize with the people of Massa-

chusetts, and yet allow them to plunder each other of property. They would not consent to be one people with murderers, and, therefore, they would not allow room for the Pennsylvanians to turn Thugs. And slavery, being worse than murder, (for what intelligent parent would not rather have his children dispatched by the murderer, than chained by the slaveholder?)—slavery being, indeed, the greatest wrong to man, of which we can conceive—our fathers would not come under the same Government with Virginians, if Virginians were to be allowed to enslave and buy and sell men. Does the Constitution require us to remain bound up with Pennsylvania, even though her policy is to shoot all her adult subjects, whose stature falls below five feet? Does it require us to continue in the same political brotherhood with Virginia, even though she shall enslave all her light-haired subjects, (or, what is the same in principle,) all her dark-skinned subjects? So far from it, there is power in that Constitution to hold back Pennsylvania and Virginia from the commission of these crimes.

Every person remembers one part of the tenth amendment of the Constitution; and every person seems to have forgotten the other. Every day do we hear, that powers are reserved by the Constitution to the States; but, no day, do we hear, that powers are “prohibited by it to the States.” Now, among those

prohibited powers, is that of classing men with horses and hogs.

Let it not be implied from what I said, a minute ago, that I would admit the competence of a State Government to enslave its subjects, provided the Federal Constitution had not curtailed its sovereignty. No human Government, however unlimited its sovereignty, has authority to reduce man to a chattel—to transform immortality into merchandise. And cannot I add with truth, and without irreverence, that such authority comes not within the limits even of the Divine Government?

Nor let it be implied, that I am indifferent to State rights. I am strenuous for their maintenance: and I would go to the extreme verge of the Constitution to swell their number. But there I stop. The province of the State shall not, with my consent, encroach upon the province of the Nation; nor upon ground denied to both by the law of God and the limits of Civil Government.

It is, sometimes, said, that the amendment, on which I have spoken so extensively, refers to criminal prosecutions, only. But what if this were so? It would, nevertheless, cover the case of the slave. You, surely, would not have a man stripped of his liberty, ay, and of his manhood too, who is not charged with crime. The Government, which says, that it will make him, who is not a criminal, a slave, confesses itself to be unutterably unjust and base.

The Constitution, as has been seen in the course of my argument, forbids slavery. Its pro-slavery character has been assumed. What is there, indeed, that will make for slavery, that slavery does not assume? No wonder! It is itself but a mere assumption—and the most monstrous assumption. The only wonder is—and the sorrow is as great as the wonder—that the American people should be in the miserable, servile habit of yielding to all these bare-faced assumptions of slavery. The speakers on both sides of this bill have taken it for granted, that the Constitution is pro-slavery:—and when the honorable gentleman of North Carolina [Mr. Clingman] coolly said: “Every single provision in that instrument, (the Constitution,) is pro-slavery, that is, for the protection and defence and increase of slavery,” no one seemed to doubt the truth of what he was saying, any more than if he had been reading Christ’s Sermon on the Mount. And, yet; the instrument, of which the honorable gentleman affirmed all this, refused to pollute its pages with the word “slavery,” or even with a word, (servitude,) which might, possibly, be construed into slavery! Moreover, the instrument avows, that “to secure the blessings of liberty,” is among its objects. Though administered to uphold the curse of slavery, the Constitution was, nevertheless, made “to secure the blessings of liberty.” Hence, the declaration, in the former part of my speech, that THERE IS NO LAW FOR AMERICAN SLAVERY, IS TRUE. But I must not stop here. It would be dis-



ingenuous to do so. My stopping here would imply, that, if I found slavery in the Constitution, I would admit its legality. But I would not—just as I would not admit the legality of murder, even though it were embodied in all the organic laws of all the nations. I proceed, therefore, to declare, and to argue the justice of the declaration, that

THERE NOT ONLY IS NO LAW FOR AMERICAN SLAVERY, BUT THAT THERE CAN BE NO LAW EITHER FOR AMERICAN, OR ANY OTHER SLAVERY.

1. Law is, simply, the rule or demand of natural justice. Justice is its very soul: and it is, therefore, never to be identified with naked and confessed injustice. Law is for the protection—not for the destruction—of rights. Well does the Declaration of Independence say, that “to secure these rights, Governments are instituted among men.” They are instituted, not to destroy, but to secure, these rights. It is pertinent to the case in hand, to see what are “these rights,” which the Declaration specifies: They are “life, liberty, and the pursuit of happiness.” These it declares to be “inalienable.” These are not conventional rights, which, in its wisdom, Government may give, or take away, at pleasure. But these are natural, inherent, essential rights, which Government has nothing to do with, but to protect. I am not saying, that men cannot forfeit these rights. But I do say, that they can lose them, only by forfeiting them. I admit, that a

man may forfeit liberty by his crimes; and that it will be the duty of Government to prevent his reënjoyment of it. I remark, incidentally, that, though a man may forfeit liberty, this is quite another thing from his deserving slavery. Slavery unmans: and the worst man, no more than the best man, deserves to be unmanned. But to return from this digression to my declaration, that law is for the protection of rights—I proceed to say, that slavery annihilates all the rights of its victim. For, in striking down the right of self-ownership, it strikes down that great centre-right, to which all other rights are tied; by which all other rights are sustained; and, in the fall of which, all other rights fall. Murder itself cannot be a more sweeping destroyer of rights than is slavery—for murder itself is but one of the elements in the infernal compound of slavery.

Slavery being such, as I have described it, there, of necessity, can be no law for it. To give to it one of the mildest of its proper and characteristic names, it is a conspiracy—a conspiracy of the strong against the weak. Now all are aware, that there is law to put down a conspiracy—but who ever heard of law to uphold a conspiracy? Said William Pitt, when speaking in the British Parliament, of the African slave-trade: “Any contract for the promotion of this trade must, in his opinion, have been void from the beginning, being an outrage upon justice, and only another name for fraud, robbery, and murder.” But the slave-trade is all one

with slavery: nothing more and nothing less than slavery. Said Granville Sharp, when speaking of slavery and the slave-trade: "No authority on earth can ever render such enormous iniquities legal." Says Henry Brougham: "Tell me not of rights; talk not of the property of the planter in his slaves. I deny the right. I acknowledge not the property. The principles, the feelings, of our common nature, rise in rebellion against it. Be the appeal made to the understanding, or the heart, the sentence is the same that rejects it. In vain, you tell me of laws, that sanction such a crime! There is a law above all the enactments of human codes—the same throughout the world—the same in all times—such as it was before the daring genius of Columbus pierced the night of ages, and opened to one world the sources of power, wealth, and knowledge; to another, all unutterable woes, such as it is at this day. It is the law written by the finger of God on the heart of man, and by that law, unchangeable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they will reject with indignation the wild and guilty fantasy, that man can hold property in man!"

To hold that slavery, which is the crime of crimes and abomination of abominations, is capable of legalization, is, a preëminent confounding of injustice with justice, and anti-law with law. Knowingly to admit into the theory and definition of law even a single element of wrong, is virtually to say, that there is no law. It is

virtually to say, that earth is without rule, and heaven is without rule; and that the light, order and harmony of the Universe may give place to darkness, disorder, and chaos. But if such is the effect of alloying law with only one wrong, how emphatically must it be the effect of regarding as law that, which is nothing but wrong!

I am advancing no new doctrine, when I say, that essential wrongs cannot be legalized. This was the doctrine, until supplanted by the absurd and atheistic maxim, that "Parliament is omnipotent." Even Blackstone, with all his cowardice in the presence of that maxim, repeatedly confessed, that human legislation is void, if it conflicts with Divine legislation. And if we go back to the times of Lord Coke, we find him quoting many cases, in which it was held, that the common law, or, in other words, common sense, or common justice, can nullify an act of Parliament. He says: "It appeareth in our books, that in many cases the common law shall control acts of Parliament, and sometimes shall adjudge them to be utterly void: for when an Act of Parliament is against common right and reason, or repugnant, or impossible to be performed, the common law shall control this, and adjudge such act to be void."—[*Dr. Bonham's Case in Life of Lord Bacon.*]

I would add, in this connection, that the province of a human legislature does not extend even to all lawful and innocent things. That it is commensurate with the

whole field of human interests and obligations, is a very great, though a very common mistake. It covers but a small portion of that field. Not only are crimes incapable of being legalized, but there are numberless relations and duties, which are ever to be held sacred from the invasion and control of the human legislature. For instance, what we shall eat and wear is a subject foreign to human legislation. What shall be the character of the intercourse between parent and child is no less so. But if there is a natural, lawful, and innocent relation, for which the human legislature may not prescribe, how much less is it authorized to create the unnatural, monstrous, and supremely guilty relations of slavery!

2. Law is not an absurdity, but is one with reason. Hence, in point of fact, a legislature cannot make law. It can declare what is law. It can legislate in behalf of that only, which is already law. Legislation for liberty may be law, because liberty itself is law. But legislation for slavery cannot possibly be law, because slavery is not law. That cannot be law, the subject-matter of which is not law. The great fundamental and controlling law in the case of a man is, that he is a man. The great fundamental and controlling law in the case of a horse is, that he is a horse. The great fundamental and controlling law in the case of a stone is, that it is a stone. All legislation, therefore, which proceeds on the assumption, that a stone is wood, is absurd and void.

So, too, all legislation, that proceeds on the assumption, that a horse is a hog, is absurd and void. And, so too, and far more emphatically, all legislation, which proceeds on the assumption, that a man is a thing—an immortal God-like being a commodity—is absurd and void. But such is the legislation in behalf of slavery. The statutes of our slave States, which, with infinite blasphemy, as well as with infinite cruelty, authorize the enslaving of men, say, that “the slave shall be deemed, held, taken, to be a chattel to all intents, constructions, and purposes whatsoever:” that “the slave is entirely subject to the will of his master:” and that “he can possess nothing, but what must belong to his master.”

We are amazed at the madness of the Roman ruler, who claimed for his favorite horse the respect, which is due to the dignity of manhood. But the madness of the American ruler, who sinks the man into the horse, is certainly no less than that of the Roman ruler, who exalted the horse into the man.

There can be no law against the law of nature. But a law to repeal the law of gravitation would be no greater absurdity than a law to repeal any part of the everlasting moral code. The distinction of higher and lower law is utterly untenable, and of most pernicious influence. There is but one law for time and eternity—but one law for earth and heaven.

I must not, then, know, as law, or, in other words, as

wisdom and reason—but I must reject, as anti-law, and nonsense, and madness—that, which calls on me to regard a stone as a stump, a horse as a hog, a man as a thing. I must not undertake to conform myself to such ideal and impossible transformations. But I must accord to every being, animate or inanimate, the nature given to it by its Great Maker. I must deny, that the being made in the image of God can, any more than God Himself, be turned into a slave. I must deny, that it is possible for human enactments to transmüte men into chattels, and to annihilate the essential and everlasting distinction between immortality and property. I must deny, that there is truth in Henry Clay's famous declaration, that "that is property, which the law (meaning human legislation) makes property." I must deny, that slavery can any more furnish the elements of law, than darkness can be changed into light, or hell into heaven. I must deny, that the fact of a slave is philosophically and really, a possible fact. I must deny, that man can lose his nature, either in time or eternity. Let slavery and slave-legislation do their worst upon him; let them do their utmost to unman him; he is still a man. Nor, is it whilst he is in the flesh only, that his manhood is indestructible. It is no less so, after he has "shuffled off this mortal coil." When "the heavens shall pass away with a great noise, and the elements shall melt with fervent heat; the earth also, and the works, that are therein," and all that is, or

can be, property, "shall be burnt up," the deathless spirit of man, unchanged and unchangeable, may stand upon the ashes and exclaim: "I am still a man—I have lost nothing of my manhood."

I have in other parts, as well as in this part of my speech, carried the idea, that slavery, in its theory, is the conversion of men into things. It was right for me to do so. Such conversion is the sole essence of slavery. This, and this alone, distinguishes it from every other servitude. In point of fact, slavery is not necessarily, and, indeed, is not at all, by any just definition of the word, servitude. Let the life of the slave be all idleness; and let him be "clothed in purple and fine linen, and fare sumptuously every day;" and he is still as absolutely a slave, as if he were in the hardest lot of a slave. Whatever his privileges, if he have no rights—however indulgent his treatment, if he is owned by another, instead of himself—he is still a slave, and but a slave. I wish it to be borne in mind, that I arraign slavery, not because it withholds wages, and marriage, and parental control of children, and the Bible and heaven, from its victims. I do not arraign it for denying these, or any other rights, to a mere chattel. Such denial is perfectly consistent. A chattel is entitled to no rights—can have no rights. What I arraign slavery for, is for its making a man a chattel. I do not arraign slavery for the terrible enactments, which, for its security, it puts into the statute-book; nor for the terrible advertise-



ments which it puts into the newspapers. These enactments are the natural and necessary outgrowth of the blasphemous assumption, that man, with all his great attributes and destiny, is capable of being reduced to a thing. These advertisements, some of which are offers of large bounties for the recovery of fugitive slaves, or for the production of their dissevered heads; some of which contain revolting descriptions of their slavery-scarred and mangled persons; and some of which contain offers of trained bloodhounds to hunt them—these advertisements are, in no wise, to be wondered at. Slavery itself—not its fruits and incidents—is the wonder. That man should be found so perverted and depraved, as to sink his equal brother into slavery—it is this, and nothing incidental to it, or resulting from it, that should fill us with astonishment. In reducing a man to a thing, we have not only committed the highest crime against him, but we have committed all crimes against him; for we have thrown open the door—the door never again to be shut—to the commission of all crimes against him.

Perhaps, such language, as I have just been using, will occasion the remark, that I am prejudiced against the South. But I know, that I am not. I love the South equally well with the North. My heart goes out as strongly to Southern, as to Northern men, on this floor. Far am I from attributing to Southern men a peculiarly severe nature. I had rather attribute

to them a peculiarly generous nature. I believe, that there is not another people on the earth, in whose hands the system of slavery would work more kindly—with less of cruelty and horror. Nowhere can it work well—for there is nothing in it to work well. Nowhere can it be unattended with the most frightful and deplorable abuses—for it is itself the most stupendous abuse.

3. My argument, in the third and last place, to prove, that THERE CAN BE NO LAW, EITHER FOR AMERICAN, OR ANY OTHER SLAVERY, is that, that is not law, and is never, never, to be acknowledged as law, which men cannot regard as law, and use as law, without being dishonest. Both heaven and earth forbid that, which cannot be, but at the expense of integrity. Now, in the conscience of universal man, slavery cannot be law—cannot be invested with the claims and sacredness of law. Hence, to regard it as law, and use it as law, is to be dishonest. There may be little, or no, consciousness of the dishonesty. Nevertheless, the dishonesty is there. I said, that the consciousness, that slavery cannot be legalized, is universal. Let me not be misunderstood in what I said. I did not mean, that there are none, who believe, that the slavery of others can be legalized. I admit, that thousands believe it. At the same time, however, I affirm, that not one of them all would believe slavery to be a thing of law, and entitled to the respect of law, were it brought to war against himself. The presence of an enactment for slavery would

inspire with no sense of the sacred obligations of law—with no sense of the honor and obedience due to law—him, who should be claimed under it. Now, how such a person is to be regarded—whether as believing the laws for slavery to be valid or void, real and true laws, or nominal and no laws—is to be decided, not according to his view of them, when applied to others, but according to his sense of them, when brought home to himself. Self-application is the testing crucible in all such cases.

If an American gentleman is so unfortunate, as to be brought under the yoke of slavery in one of the Barbary States; and if, notwithstanding, the slavery is decreed by the supreme power of the State, he breaks away from it, and thus pours contempt upon the decree and the source of it; then, obviously, on his return to America, he cannot acknowledge slavery to be law, and yet be honest. If it is true, that what is law we are no more at liberty to break in a foreign country than in our own country, so also is it true, that what is too abominable and wicked to be law in one part of the world is too abominable and wicked to be law in any other part of the world. Should this gentleman be elected to Congress, he will be dishonest, if he legislates for slavery. Should he take his seat upon the bench, he will be dishonest, if he administers a statute for slavery. And no less dishonest will he be, if, as a juror, or marshal, or as President of the United States,

he shall contribute to the enforcement of such statute. But every American gentleman would, like this one, break away from slavery if he could; and, hence, every American gentleman, who recognizes slavery as law, does therein stigmatize and condemn himself. Possibly, however, there may be some American gentleman, who is inspired with such a sense of the fitness and beauty of slavery, as to welcome its chains about his own person. If there is such a one, "let him speak—for him have I offended."

That no one can honestly recognize a law for slavery, is on the same principle, that no one can honestly recognize a law for murder. But there are innumerable things, which all men hold cannot be legalized. I venture the remark, that, among all the Judges of this land, who, ever and anon, are dooming their fellow-men to the pit of slavery, there is not one, who could be honest in administering even a sumptuary law—for there is not one of them, who, in his own person, would obey such a law. How gross is their hypocrisy! They affect to believe, that Government has power to legalize slavery—to turn men into things:—and yet deny, that Government may go so far, as to prescribe what men shall wear! Government may do what it will with the bodies and souls of men:—but to meddle with their clothes—oh, that is unendurable usurpation!!!

If, then, I am right in saying, that men cannot honestly recognize legislation for slavery, as law: cannot

do so, without palpably violating that great law of honesty, which requires us to do unto others, as we would have others do unto us: if, then, I am right in declaring, that, in strict truth, there is not, in all the broad earth, one pro-slavery man: but that every man, when called to make his bed in the hell of slavery, betrays, in the agonies of his soul and the quaking of his limbs, the fact, that he is a thorough abolitionist:—if, I say, I am right in all this, then does it irresistibly follow, that I am also right, in my position, THAT THERE CAN BE NO LAW, EITHER FOR AMERICAN, OR ANY OTHER SLAVERY. I am right in this position, because, that, by no reasonable theory, or definition, of law, can that be called law, which is incapable of being administered honestly. The fact, that men must necessarily be dishonest in carrying it out, is, of itself, the most conclusive and triumphant argument, that it is not law. To take the opposite ground, and to claim, that to be law, which every man, when properly tested, denies is law, is to insult all true law, and Him, who is the source of all true law. I conclude, under this head, with the remark, that, the question, whether slavery is, or is not to be known as law, resolves itself into a question of simple honesty.

I must say a few words to protect what I have said from the misapprehension, that I counsel trampling on all wrong legislation. I am very far from giving such counsel. No wrong legislation, that is at all endurable,

would I resist. And, I add, that I would be patient with almost every degree of wrong legislation, provided it is legislation in behalf of what is lawful, and of what it is competent to legislate upon. Imprisonment for debt is wrong legislation—very wrong and very cruel legislation. But, inasmuch as the relation of debtor and creditor comes within the cognizance of the legislature, I will not treat such legislation as void. The legislature has a right end in view. It is to help the creditor get justice. Its error consists in selecting wrong means to this end; and in putting a wrong remedy into the hands of the creditor. I am to treat this action of the legislature as a mistake—and a mistake, which I am not to go beyond the limits of persuasion to seek to correct. The paying of one's debts is justice—is law. Enactments to enforce this justice and this law may, some of them, be improper—such as compelling payment by the terrors of imprisonment. But, as they are enactments to enforce justice and what is itself law, I must be very slow to denounce them, as no law. So, too, if my Government declare war against a nation—I am not to treat the Government, nor the declaration, however unjust it may be, with contempt. I must remember, that Government has jurisdiction of national controversies, and that the redress of national wrongs is justice—is law. Government may err in its modes of redress. It may resort to the sword, when it should confine itself to the exertion

of moral influence. The cause, nevertheless, which it is prosecuting, may be one of unmingled justice. Like every good cause, it may itself be law; and, therefore, Government would not be chargeable with impertinence and usurpation for taking it in hand. But, how different from all this is it, when Government sets up slavery! In that case, the subject-matter of its action is, most emphatically, not law. In that case, most emphatically, it has gone beyond its province. To Government belongs the adjustment of the relations between creditor and debtor; and it is for Government to dispose of national controversies. But, when Government undertakes the crime and absurdity of turning men into things—of chattellizing, instead of protecting, a portion of its subjects—it is, then, as far out of its place, as it can be. To such an outrage, no submission is due. It is to be resisted at every hazard. To trample upon such lawlessness is to be law-abiding, instead of law-breaking. To rebel against such a Government is not to be revolutionary and mobocratic. The Government itself is the revolutionary and mobocratic party. If the decree should go forth from our Government, that our Irish population be murdered, the decree would, of course, be trodden under foot. But who denies, that it should be as promptly and indignantly trodden under foot, were it a decree for their enslavement?

My argument to show, THAT THERE NOT ONLY IS NO LAW FOR AMERICAN SLAVERY, BUT THAT THERE

CAN BE NO LAW EITHER FOR AMERICAN, OR ANY OTHER SLAVERY, IS ENDED. It is in place, however, to say, that the recognition by the American people of slavery as law, is, of itself, sufficient to account for their loss of reverence for law. This reverence is, necessarily, destroyed by the habit of confounding sham law with true law—by the habit, of accepting, as law, the mere forms of law, where justice, truth, reason, and every element, which goes to make up the soul of law, is lacking. This reverence must soon die out of the heart of the people, who treat, as law, that, which they know, is not law; who, in the holy and commanding name of law, buy and sell, or sanction the buying and selling, of their fellow-men; and who, in all their life, live out the debasing lie, that so monstrous and diabolical a thing, as slavery, is entitled to the shelter and honor of law. This reverence is little felt by those, who yield to the absurdity, that law and nature are opposite to each other; and that, whilst, by nature, a man is an immortal, by law he may be but a thing. It is little felt by those, who regard law as a mere conventionalism, which may be one thing in one place, and another in another; one thing at one period, and another at another. They, and they only, have adequate and adoring conceptions of law, who believe, that it is one with nature, and that it is the same in every part of the earth, in every period of time, and “eternal in the heavens.” They, and they only, have such con-



ceptions, who, instead of regarding law as synonymous with all the enactments of foolish and wicked men, identify it with unchangeable and everlasting right.

How, for instance, can the American people perceive the beauty and preciousness of law, whilst recognizing, as law, the Fugitive Slave Act?—and whilst stigmatizing, and persecuting the handful of men, who have the integrity and the bravery to resist it? Why should not that handful fly as swift to the rescue of their brother, who is in the peril of being reduced to slavery, as to the rescue of their brother, who cries, “Murder?” Ten thousand enactments for murder would not hinder them in the latter case. Ten thousand enactments for slavery should not hinder them, in the former. In each case, the rescue would be not *by* a mob; but *from* a mob.

It has, now, been shown, that the American Government has authority, both inside and outside of the Constitution—as well in natural and universal law, as in conventional and national law—to sweep away the whole of American slavery. Will it avail itself of this authority to do this work? I ask not whether Government will show pity to the slave—for I look not to Government to be pitiful to the slave, or to any other man. I look to Government for sterner qualities than pity. My idea of a true Government is realized, only in proportion, as the Government is characterized by wisdom, integrity, strength. To hold even the scales

of justice among all its subjects, and between them and all other men ; and to strike down the hand, that would make them uneven—this, and this only, is the appropriate work of Government.

I asked, whether the American Government will abolish slavery. I confess, that my hope, that it will, is not strong. The slave-owners have the control of this nation, and I fear, that they will keep it. It is true, that they are a comparative handful in the vast American population ; and that, numbering only three hundred thousand, their calling themselves “the South” is an affectation as absurd and ridiculous, as it would be for the manufacturers of the North to call themselves “the North,” or the rumsellers of the North to call themselves “the North.” It is true, that their interests are alien, as well from the interests of the South, as from the interests of the North ; and that slavery is the deadly foe, as well of the white population of the South, as of its black population. Nevertheless, in the present corrupt state of the public sentiment, the slave-owners are able to control the nation. They are mighty by their oneness. Divided they may be in everything else—but they are undivided in their support of slavery. The State and the Church are both in their hands. A bastard democracy, accommodated to the demands of slavery, and tolerating the traffic in human flesh, is our national democracy : and a bastard christianity, which endorses this bastard democracy, is the current christ-

ianity of our nation. The fatherhood of God and the brotherhood of man—ideas, so prominent in a true democracy and a true christianity—are quite foreign to our sham democracy and our sham christianity. American religion is a huge hypocrisy. Whilst to the immeasurable sinfulness of that system, which forbids marriage, and the reading of the Bible, and which markets men as beasts, it is blind as a bat, it, nevertheless, draws down its stupid face, and pronounces the shuffling of the feet to music to be a great sin. The different States of Christendom, as they advance in civilization and the knowledge of human rights, are, one after another, putting away slavery. Even the Bey of Tunis puts away this most foul and guilty thing, and says, that he does so “for the glory of mankind, and to distinguish them from the brute creation.” But America, poor slavery-ridden and slavery-cursed America, retrogrades. Whilst other nations grow in regard for human rights, she grows in contempt for them. Whilst other nations rise in the sunlight of civilization, she sinks in the night of barbarism. Her Congress sets up slavery in her very capital. Her Congress regulates and protects the coastwise trade in slaves. Her Congress wages unprovoked and plundering wars for the extension of slavery. Her Congress decrees, that slaveholders shall have the range of all America, in which to reduce men, women, and children, to slavery. And her President, who calls slavery an “ad-

mitted right," was shameless enough to say, in his Inaugural, that the Fugitive Slave Act, which his predecessor was shameless enough to sign, should be "cheerfully" enforced. In short, the Federal Government is now, and long has been, at work, more to uphold slavery than to do anything else, or even all things else. The great slave-catcher! the great watchdog of slavery!—these are its most fitting names, in its present employment and degradation. And, yet, notwithstanding all this devotion of the Federal Government to slavery, and the iron determination of the slave-owners, that the power of the whole nation shall be exerted to uphold it; there, nevertheless, can be no remonstrance from the North against slavery, which is not immediately followed by the truthless and impudent reply, that the North has nothing to do with slavery! That the American people and American Government have fallen to what they are, is not to be wondered at. It is but the natural and necessary result of their having fostered and fed, for more than half a century, the monster slavery. Time was, when we might have crushed this monster. But, now, it has crushed us. It has corrupted us to such an extent, that there is scarcely a sound spot left in us, at which to begin to rally opposition to it. On no cheaper condition than this can slavery be clung to. If we will be slaveholders—and such are the Northern as well as the Southern people—for if the *slave-owners* are at the South, the

people of the North are, nevertheless, more emphatically, because more efficiently, the *slaveholders*, than are the people of the South—if, I say, we will be slaveholders, we must take the evil consequences upon our own understandings and hearts, and not be surprised at them. Men cannot bind the degrading chain of slavery around their brothers without at the same time binding and degrading themselves with it.

How melancholy upon our country, and, through her, upon the world, has been the influence of American slavery! In the beginning of our national existence, we were the moral and political light-house of the world. The nations, "which sat in darkness, saw the great light," and rejoiced. Sad to say, we were ourselves the first to dim that light! The principles, which we then enunciated, electrified the nations. Sad to say, we were ourselves the first to dishonor those principles! Nothing, so much as American slavery, has gathered darkness upon that light. Nothing, so much as American slavery, has brought disgrace upon those principles. All other causes combined have not stood so effectually in the way of the progress of republicanism, as the glaring inconsistency of our deeds with our professions. In the house of her friends, Liberty has received her deepest stabs. All our boasts and falsehoods to the contrary notwithstanding, there is no Government on the face of the earth so quick as our own, to dread, and to oppose, popular movements in behalf of liberty and republican-

ism. On our government, more than on all other causes put together, rests the responsibility of the stopping of the Revolution in the Spanish American States. We are wont to say, that the people of those States were incompetent to perfect that Revolution. This is a piece of our hypocrisy. The instructions of our Government and the discussions in our National Legislature, in regard to the Congress of Panama; our threat of war against Colombia and Mexico, if those States persevered in carrying forward the Revolution; and, above all, our base supplication to Russia and Spain to join us in stopping the wheels of that Revolution; prove conclusively, that though our lying lips were for liberty, our hearts, all the time, were concerned but for the protection of slavery. And, in the case of Hayti—how deadly, from first to last, has been the enmity of our Government to the cause of liberty and republicanism! To learn the extent of that enmity, we must not confine our eye to the haughty and persevering refusal of our Government to recognize the independence of Hayti. We must look at other things also—and especially at the servile compliance of our Government with the impudent and arrogant demand of Napoleon to carry out his plan of starving the Haytiens into submission.

Our Government made a display of sympathy with the European Revolutions of 1848. But who is so stupid, as to accord sincerity to that display, when he recollects, that the very first fruit of the very first of

these Revolutions was the unqualified abolition of all French slavery—and a part of that slavery in the neighborhood of our own? So eager was our Government to appear to be on the side of Hungary, that it sent out a ship for Kossuth. But, long ere he had reached our shores; and, especially, whilst he was making his speeches in England in behalf of the equal rights of all men; our Government found out, that it had got more than it contracted for. Kossuth's principles were too radical. Their scope was quite too sweeping. They no more spared slavery than any other form of oppression. Yet, Government could not stop Kossuth on his way. Having started for America, he must be suffered to come to America. But how great his disappointment, on his arrival! "He came unto his own, and his own received him not." The poor man was willing to compromise matters. A thousand pities, that he was. He was willing to ignore slavery, and to go through the whole length and breadth of the land, seeing, in every man he met, nothing else than a glorious freeman. Alas, what a mistake! The policy of the Government "to give him the cold shoulder" was fixed; and no concessions or humiliations on his part could suffice to repeal it. Kossuth left America—and he left it, no less abundantly than painfully convinced, that America is one thing in the Declaration of Independence, and another in what has succeeded it; one thing in her professions, and another in her practice. Will Mazzini

need to come to America to learn this lesson? - And, if he comes, will he stoop to repeat Kossuth's mistakes? Thank God! Mazzini has already identified himself with the American abolitionists. May he find himself rewarded by their cordial identification of themselves with the oppressed of Europe!

I confessed, that my hope is not strong, that the American Government will abolish American slavery. Far otherwise would it be, however, did none, but slave-owners, justify slavery. They would soon be converted, were it not, that the mass of the American people fall in with them, and flatter them, and cry peace, when there is no peace. This is our great discouragement in the case. The advocates of total abstinence are not discouraged. They would be, however, if they found the mass of the sober justifying drunkards, and telling them, that drunkenness is right.

I said, at an early stage of my remarks, that the present attempt of slavery to clutch all the unorganized territory of the nation affords a favorable opportunity to freedom to push back the war into the realm of slavery. I, however, did not add, that the opportunity would be improved. Nor do I add it now:—for I am far from certain, that it will be. For many years, I have had scarcely any better hope for American slavery, than that it would come to a violent and miserable end. Their habit of courting and worshipping the slave-power, and of acquiescing in its demands, has corrupted and



paralyzed the American people to such a degree, as to leave little room to hope, that they will bring slavery to a peaceful and happy termination. I confess, some little hope of such termination has been kindled in me by this new, surprising, and enormous demand of the slave-power. I confess, that I have thought it possible, that this demand might arouse a spirit, which could be appeased by nothing short of the overthrow of the whole system of slavery. Should, however, such a spirit be aroused, I fear it will not pervade the masses, but will be confined to a few. It is true, that meetings are held, all over the free States, to protest against the passage of this bill; and that the press of those States is almost universally against it. But neither in the meetings, nor in the press, do I see repentance. They abound in indignation toward perfidy:—but they reveal no sorrow of the North for the crimes of the North against liberty. On the contrary, the meetings and the press do well-nigh universally justify the compromise of 1820, and, in the great majority of instances, the compromise of 1850, “Fugitive Slave Act,” and all. Even in sermons, preached against the Nebraska Bill, I have seen the Fugitive Slave Act justified. Now, the idea, that they, who can approve of either of these compromises, and especially that they, who can, possibly, acquiesce in the chasing down of men, women, and children, for the purpose of casting them into the pit of slavery—the idea, I say, that such persons will perseveringly and effectively

resist slavery, and do faithful battle for its overthrow, is to my mind simply absurd. They, and they only, are to be relied on for such service, who so loathe slavery, that they would rather perish than do any of its biddings, come those biddings from Congress, or from Courts, or from any other sources.

Am I bid to strengthen my hope by looking at the rapidly multiplying abolitionists? I do look at them: and this cheering sight is all, that, under God, keeps my hope alive. But I fear, that they are too late. I fear, that the disease is past cure. And I fear, too, that, even if we are yet in time to kill the demon of Slavery, our false and pro-slavery education makes us so hesitating and timid in his terrific presence, that we shall not wage direct, deep, and fatal war upon him, but shall waste our energies and our only and swiftly passing away opportunity in ineffectual skirmishes and disgraceful dodgings. A few abolitionists are consistent: and, were they not so few, they would be formidable. They know no law for any fraud; and, therefore, they will not know it for the most stupendous fraud. They know no law for any oppression; and, therefore, they will know none for the most sweeping oppression. Such abolitionists are Garrison and Phillips, Goodell and Douglass. But most abolitionists, impliedly if not directly, tacitly if not openly, acknowledge, that slavery can have, and actually has, rights: and they are as respectful to these supposed rights, as if the subject of

them were one of the greatest earthly blessings, instead of one of the greatest earthly curses.

It is true, that there is a political party in our country, organized against slavery; and that it numbers some two hundred thousand voters, among whom are some of the noblest men in the land. And, yet, I look with well-nigh as much sorrow, as hope, to this party. For so long as it recognizes slavery as law, I fear, that, notwithstanding its high and holy purposes, it will do scarcely less to sanction and uphold slavery than to reproach and cast it down. Again, so long as this party is swayed by such words of folly and delusion, as "SLAVERY SECTIONAL: FREEDOM NATIONAL," its admissions in favor of slavery can not fail to go far to outweigh all its endeavors against slavery.

A law for slavery! What confessed madness would it be to claim a law for technical piracy, or a law for murder! But what piracy is there so sweeping and desolating as slavery? And, as to murder—who would not rather have his dearest friend in the grave—ay, in the grave of the murdered—than under the yoke of slavery?

"SLAVERY SECTIONAL: FREEDOM NATIONAL!" And, therefore, according to the friends of this motto, the nation, as such, must not concern itself with the great mass of slavery, because that great mass, instead of being spread over the whole nation, exists but in sections of it. Not less foolish would it be to neglect the

smallpox, because it is only in sections of the city that it prevails. Indeed, it would not be less mad to leave the fire unextinguished, because, as yet, it rages but in sections of the city. Slavery, if not extinguished, is as certain to spread, as is the fire, if not extinguished. The past attests this; and the present exhibits very glaring proof of it. If we would save the city, we must put out the fire. If we would save the nation, we must put out slavery—ay, put it out in all the nation. I said, that slavery is, now, spreading. It may not go literally into Nebraska and Kansas, either now or ever. Nevertheless, slavery will be spreading itself over our country, at least in its influence and power, so long as the nation forbears to uproot it.

“SLAVERY SECTIONAL: FREEDOM NATIONAL!” A poor flag would “Murder sectional: Anti-Murder national!” be to go forth with against murder. But not less poor is the other to go forth with against slavery. Very little inspiration could be caught from either. Nay, would not their limited toleration of the crimes neutralize their influence against the extension of the crimes? How unlike to these poor words would be “NO MURDER ANYWHERE!” “NO SLAVERY ANYWHERE!” Under such earnest and honest words, men could do battle with all their hearts. But under the other, they are laughed at by the enemy; and should be laughed at by themselves.

There is a political party at the North, called the

Liberty Party. It aims to go for every political truth ; and to realize the idea of an every way righteous civil Government. It is a little party. Its handful of members are scarcely more numerous than were the primitive disciples, who were gathered in the upper room, at Jerusalem. That little party will not disown what I have said on this occasion. Every other party will. That little party has, already, lived some fifteen years. It will continue to live. Perhaps, it will not grow. Perhaps it will. The " little cloud, like a man's hand," may yet spread itself over the whole heavens. Of this much, at least, do I feel certain, that no party of essentially lower or other principles than those of the Liberty Party will suffice to bring down American slavery. Happy country this—happy North—happy South—if the present aggressive movement of the slave-power shall result in bringing triumphant accessions to the Liberty Party !

My fear, that the American Governments, State or National, will not abolish slavery, is, in no degree, abated by the fact, that several European Governments have, in the present generation, abolished it. It must be remembered, that those Governments were exterior to, and independent of, the slave-power ; and that they were not trammelled by slaveholding constituencies. It is true that slavery in Mexico was abolished by the Government in Mexico ; and that slavery in South-American States was abolished by the Governments

in those States. But it is also true, that all this was done to promote the success of their Revolution and their deliverance from the Government of Spain. I doubt not that even we, closely as we cling to slavery, would, nevertheless, abolish it, if urged to do so by the exigencies of war.

To hope, that, because the English Government abolished slavery, our Governments will also, is unwise in another point of view. Comparatively disentangled with slavery as was England, slavery, nevertheless, exerted well-nigh enough power over her Government to prevent its successful action against slavery. The party in the interest of slavery was barely defeated.

Let me not be misunderstood. Let me not be supposed to fear, that American slavery will not come to an end. My fear is, that it will not be brought to an end by Government. I have no fear that it will not be abolished. It will be abolished—and at no distant day. If the Governments fail to abolish it, it will abolish itself. The colored people of this nation, bond and free, number four millions, and are multiplying rapidly. They are all victims of slavery—for if the free are not in the *umbra*, they are, nevertheless, in the *penumbra* of slavery. Hence, then, as well as by identity of race, they are bound together by the strongest sympathy. Moreover, if not carried along, as rapidly as others, nevertheless, they are carried along, in the general progressive knowledge of human rights. Such being the

case, it is not to be supposed, that they can be held in their present condition, for ages longer. They will deliver themselves, if they are not delivered. He must be blind to history, to philosophy, to the nature of man, who can suppose, that such a system, as American slavery, can have a long life, even in circumstances most favorable to its continuance. In the most benighted portions of the earth, the victims of such a system would, in process of time, come to such a sense of their wrongs, and their power also, as to rise up and throw off the system. But that, here, such a system must be hurried to its end, is certain. For, here, it is entirely out of harmony with all the institutions around it, and with all the professions of those who uphold it. Here it is continually pressed upon by ten thousand influences adverse to its existence. Nothing, so much as American slavery, stands in the way of the progress of the age. A little time longer, and it must yield to this progress, and be numbered with the things that were. The only question is, whether it shall die a peaceful or a violent death—whether it shall quietly recede before advancing truth, or resist unto blood.

God forbid, that American slavery should come to a violent end. I hold, with O'Connell, that no revolution is worth the shedding of blood. A violent end to American slavery would constitute one of the bloodiest chapters in all the book of time. It would be such a reckoning for deep and damning wrongs—such an out-

bursting of smothered and pent-up revenge, as living man has never seen. Can this catastrophe be averted? Perhaps it cannot. Perhaps God will not let off this superlatively wicked nation on any easier terms than a servile war—a war, we must remember, that will be very like to bring within its wide sweep the whole black population of this continent and the neighboring islands—a population already numbering some ten or twelve millions. Perhaps, since we would be a nation of oppressors, He will let the oppressed smite the oppressors. Perhaps, since we would be a bloody nation, He will give us “blood, even unto the horse-bridles.” There will be no such catastrophe, however, if the North and South, equal sinners in the matter of slavery, shall hasten to mingle the tears of their penitence; to say from the heart: “We are verily guilty concerning our brother;” and to join their hands in putting away their joint and unsurpassed sin.

I shall be blamed for having treated my subject in the light of so severe a morality. It will be said, that economical views of it would have been more suitable and statesmanlike; and that I should have dwelt upon the gains to the slaveholder, and the gains to the country, from the abolition of slavery. I confess, that, had horses and oxen been the subject of my speech, the field of economy would have been wide enough for the range of my thoughts, and the course of my argument. But I have been speaking of men—of millions of immortals:



and I have been claiming, that Government should lift them up out of their chattelhood and their association with brutes; and I could not so disparage the dignity, and so sully the glory, of their manhood, as to claim the performance of this high and holy duty, in the name of money. When I see my fellow-man reduced to a slave, I demand his deliverance, simply because he is a man. I cannot so wrong his exalted nature and my own, and the Great One, who made us in His own image, as to argue, that money can be made by such deliverance. I would as soon think of making a calculation of pecuniary gains my argument in dissuading from the crime of murder.

In saying, that I would not suffer the duty of delivering the slave to turn upon the question of pecuniary gains and economical advantages, I utter no peculiar doctrine. Who would suffer it thus to turn, in any case, where he regards such victims as men? But with me, all men are men. Are the skin and the mind of my fellow men dark? "A man's a man for a' that!" I still recognize him as a man. He is my brother: and I still have a brother's heart for him. Suppose the Government of Pennsylvania had, the last week, reduced all the white people of Pennsylvania, who have light hair, to slavery. Would Congress let the present week expire, without seeking their release? No! Would Congress stoop to ply that Government with arguments drawn from political economy, and to

coax it with prospects of gain? No! no!—a thousand times no! It would demand their release: and it would demand it, too, not in virtue of feeble arguments, and humble authority;—but, Ethan Allen-like, in the name of God Almighty and the Congress.

I shall be blamed for not having brought out a plan for getting rid of slavery. I confess, that I have no other plan for getting rid of it but its abolition—its unconditional, entire, and immediate abolition. The slave is robbed of his manhood, of himself, and, consequently, of all his rights. There is no justice then—there is no God then—if the restoration of his rights and his restoration to himself can be innocently conditioned on anything, or innocently postponed.

I shall be, especially, blamed for not having proposed compensation. I do not repudiate—I never have repudiated—the doctrine of compensation. Compensation for his services and sufferings would be due from the slaveholder to the slave; but, clearly, no compensation for his restored liberty would be due from the slave to the slaveholder. I admit, however, that a great debt would be due, from the American people, both to the slaveholder and the slave. The American people are responsible for American slavery. It is the American people, who, in the face of the Declaration of Independence, and the Constitution, as well as of religion and reason, God and humanity, have made themselves the responsible enslavers of millions. Departed genera-

tions of slaves have gone to the bar of Heaven with this accusation upon their lips; and nothing short of the repentance of the American people can prevent its being carried there by the present generation of American slaves. There is, then, a great debt due from the American people to the American slaves. But they owe one to the slaveholders also. Men become slaveholders, and continue slaveholders, and extend their investments in human flesh, on the faith of the professions, legislation, and policy of the American people, and I may add, on the faith of the Constitution and religion of the American people, as that people do themselves interpret their Constitution and religion. Again, non-slaveholders, as well as slaveholders, feed and clothe themselves upon the cheap—(cheap because extorted and unpaid for)—products of slave labor. They enrich their commerce with these products; and, in a word, they unite in making slavery the cherished and overshadowing interest of the nation. Now, for the American people, in these circumstances, to abolish slavery, and refuse to pay damages to the slaveholders, would be a surprise upon the slaveholders full of bad faith. For the American people to share with the slaveholders in the policy and profits of slaveholding, and then terminate it, and devolve the whole loss of its termination on the slaveholders, would be well-nigh unparalleled injustice and meanness. If I have encouraged and drawn men into wickedness, I am, it is

true, not to stand by them in their wickedness—for of that both they and I are to repent:—but I am to stand by them in their loss, and to share it with them. The English people gave to the masters of eight hundred thousand slaves a hundred millions of dollars. I would, that the American people, after they shall have abolished American slavery, might give to the masters of four times that number of slaves four times the hundred millions of dollars; and far more, would I, that they should provide liberally for the humbler and cheaper, but infinitely more sacred, needs of the emancipated. “Then” my now dark and guilty country! “shall thy light break forth as the morning, and thine health spring forth speedily; and thy righteousness shall go before thee. the glory of the Lord shall be thy rereward.”

I am well aware, that, in reply to my admission, that the American people should thus burden themselves, it will be said, that slavery is a State, and not a National concern; and that it is for the State Governments, and not for the National Government, to dispose of it. I, certainly, do not deny, that, if slavery can be legalized in our country, it must be under the State Governments only. Nevertheless, I hold, that every part of American slavery is the concern of every part of the American people, because the whole American people and the American Government have, though in defiance of the Constitution, made it such. And as they have made it such, *the denationalizing of slavery,*

(as the phrase is with the Independent or Free Democrats,) is not the whole duty to which we are called. We will not have done our whole duty, when we shall have abolished all the slavery, which exists within the exclusive jurisdiction of Congress. For slavery, under the State Governments also, has been fostered and established by the whole American people and the American Government:—and I add, by the way, that, had it not been so fostered and established, there would, at this day, have been no slavery in the land.

If John Smith has built a distillery; and if he has, also, encouraged his neighbors to build half a dozen more; and, especially, if he has patronized and profited by the half dozen distilleries; then, his work of repentance is not all done, when he has broken up his distillery:—and, none the more is it all done, because it was contrary to law, that he had a part in getting up and sustaining the half dozen distilleries. The *de-Smithing* of all this distillation, and of all the drunkenness, that has resulted from it, obviously fails to cover the whole ground of his duty, unless, indeed, as is proper, the *de-Smithing* is interpreted to mean the breaking up of all these distilleries and their resulting drunkenness. So, too, the *denationalizing* of slavery, unless it be thus broadly and justly interpreted, falls short of the measure of the duty of the nation. The nation, whether constitutionally or unconstitutionally, has built up slav-

ery: and, therefore, the nation should end it, and pay to end it.

I said, that I shall be blamed for speaking unwisely on the subject of slavery. I add, that I shall be blamed for speaking on it, at all. To speak against slavery in any manner, and, especially, in the national councils, is construed into hostility to the Union:—and hostility to the Union is, in the eye of American patriotism, the most odious of all offences—the most heinous of all crimes.

I prize the Union, because I prize the wisdom, courage, philanthropy, and piety, of which it was begotten. I prize it, because I prize the signal sufferings and sacrifices, which it cost our fathers. I prize it, because I prize its objects—those great and glorious objects, that prompted to the Declaration of Independence; that were cherished through a seven years' war; and that were then recited in the preamble of the Constitution, as the objects of the Constitution. I prize it, for the great power it has to honor God and bless man. I prize it, because I believe the day will come, when this power shall be exerted to this end.

Now, surely, opposition to slavery cannot be hostility to such a Union. Such a Union is not assailed, and cannot be endangered, by opposition, however strenuous, to slavery, or to any other form of oppression, or to any other system of iniquity. To attack what is

good, is to be hostile to such a Union. To attack what is evil, is to befriend it.

Nevertheless, the position is persisted in, that to attack slavery is to attack the Union. How are we to account for this persistence in this absurd position? It is easily accounted for. The position is not absurd. There are *two* Unions. There is the Union of early times—that, which our fathers formed, and the most authentic record of the formation of which, and of the spirit and objects of which, is to be found in the Declaration of Independence and the Federal Constitution. This is the Union openly based on the doctrine of the equal rights of all men. This is the Union, the avowed purpose of which is “to establish justice and secure the blessings of liberty.” Then, there is the other Union—the Union of later times—of our times—manufactured, on the one hand, by Southern slaveholders, and, on the other, by Northern merchants and Northern politicians. The professed aims of this new Union are, of course, patriotic and beautiful. Its real, and but thinly disguised, aims are extended and perpetual slavery on the one hand, and political and commercial gains on the other. The bad character of this new Union is not more apparent in its aims, than in its fruits, which prove these aims. Among these fruits are Union Safety Committee Resolutions; Baltimore platforms; pro-slavery pledges of members of Congress; Resolutions of servile Legislatures; contemptible Inaugurals,

in which, now a Governor, and now a President, go all lengths for slavery; and, above all, or rather below all, Union-saving and slave-catching sermons of devil-de-luded, and devil-driven Doctors of Divinity. To this list is, now, to be added the stupendous breach of faith proposed in the bill before us. This Bill, which lays open all our unorganized territory to slavery, is a legitimate fruit of the new Union. The consecration of all the national territory to freedom, sixty-five years ago, was the legitimate fruit of the old Union. Which is the better Union? By their fruits ye shall know them.

Now, the matter is not explained by saying, that this new Union is but a misinterpretation of the old. Misinterpretation cannot go so far, as to change the whole nature of its subject. Oh no, it is not a misinterpretation. But it is distinctly and entirely another Union, with which its manufacturers are endeavoring to supplant the Union given to us by our fathers:—and this supplanting Union is as unlike the precious gift, as darkness is unlike light, as falsehood is unlike truth.

When, then, we, who are laboring for the overthrow of slavery, and for the practical acknowledgment of the equal rights of all men, are charged with hostility to the Union, it is, indeed, pretended by those, who make the charge, and for the sake of effect, that we are hostile to the original and true Union. Our hostility, nevertheless, is but to the conjured-up and spurious Union.



Our only offence is, that we withstand the base appeals and seductive influences of the day. The only cause, for the abundant reproach, which has befallen us, is, that, in our honesty and patriotism, we still stand by that good old Union, which is a Union for justice and liberty; and that we bravely oppose ourselves to those artful and wicked men, who would substitute for it a Union for slavery, and place, and gain; and who are even impudent enough to claim, that this trumped-up Union is identical with that good old Union. Yes, wicked, artful, impudent, indeed, must they be, who can claim, that this dirty work of their own dirty hands is that veritable work of our fathers, which is the glory of our fathers.

I have done. Methinks, were I a wise and good man, and could have the whole American people for my audience, I should like to speak to them, in the fitting phrase, which such a man commands, the words of truth and soberness, remonstrance and righteousness. And, yet, why should I?—for, in all probability, such words would be of little present avail. The American people are, as yet, in no state “to hear with their ears, and understand with their heart”—for “their heart is waxed gross, and their ears are dull of hearing.” Yet, awhile, and he, who should speak to them such words, would, like Lot, “seem as one that mocked.” This is a nation of oppressors—from the North to the South—from the East to the West—and, what is more, of strong

and successful oppressors; — and, hence, there is but little room to hope that she will listen and repent. This nation holds, in the iron and crushing grasp of slavery, between three and four millions, whose poor hearts writhe and agonize no less than would ours, were their fate our fate. And, yet, she is not content even with these wide desolations of human rights and human happiness. On the contrary, she is continually seeking to extend the horrid realm of slavery. It is not enough, that she purchased Louisiana, and gave up, by far, the most valuable part of it to slavery; nor, that she purchased Florida, and gave up all of it to slavery: nor is it enough, that there is so much reason to fear, that the mighty and sleepless efforts to overspread with slavery the whole territory, of which she plundered Mexico, will prove extensively, if not, indeed, entirely successful. Nor, is it enough, that there is imminent danger, that Nebraska and Kansas will be wrested from freedom, and added to the domain of slavery and sorrow. All this is not enough to satisfy the desire of this nation to extend the reign of slavery. Her gloating and covetous eyes are constantly upon the remainder of Mexico; upon Cuba; St. Domingo; and other “islands of the sea.” All these she is impatient to scourge with that most terrible of all forms of oppression — American slavery.

Said I not truly, then, that there is but little ground to hope for the repentance of this nation? Must she

not be well-nigh dead to every conceivable attempt to bring her to repentance? But she will not be so always. The voices of truthful, tender, faithful admonition, now unheard or despised by her, will yet reach her heart. She may, it is true, (Heaven spare her from the need of such discipline!) have, first, to pass through foreign wars, and servile wars, and still other horrors. But the day of her redemption—or, in other words, of her broken-hearted sorrow for her crimes—(for such sorrow is redemption, whether in the case of an individual or a nation)—will, sooner or later, come. And when that day shall come, the moral soil of America, watered with the tears of penitence, shall bring forth fruits for the glory of God and the welfare of man, rivalling in abundance, and infinitely surpassing in preciousness, the rich harvests of her literal soil. In that day, our nation shall be worthy of all, that God and good men have done for her. Her material wealth, surpassing that of any other nation, shall be no greater than her moral wealth: and her gigantic and unmatched power shall be only a power to bless.

What I have just said, is, indeed, but prophecy—and the prophecy, too, of an ignorant and short-sighted man:—and it may, therefore, never be fulfilled. My anticipations of a beautiful and blessed renovation for my beloved country may never be realized. She may be left to perish, and to perish for ever. What then? Must I cease my efforts for her salvation? Happily, I

am not dependent on prophecy for the interpretation of my duty, nor to sustain my fidelity, nor to encourage the opening of my lips. I am cast upon no such uncertainty. I am to continue to plead for my country; and to feel assured, that I do not plead in vain. If prophecy is all uncertain—nevertheless, there are certainties, gracious certainties, on which it is my privilege to rely. I *know* that in the Divine Economy, no honest discharge of the conscience, and no faithful testimony of the heart, shall be suffered to go unrewarded. I *know*, that, in this perfect and blessed Economy, no sincere words in behalf of the right are lost. Time and truth will save them from falling ineffectual. To time and truth, therefore, do I cordially commit all, that I have said on this occasion; and patiently will I wait to see what uses time and truth shall make of it.

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[Notwithstanding the foregoing speech and his recorded votes against the Nebraska bill, in all its stages, it is still extensively believed that Mr. Smith was not earnestly opposed to it, and that he did not even vote against it. It was obvious that delinquency, at this point, could not fail to stamp so radical an abolitionist as Mr. Smith had passed for, with very gross and very guilty inconsistency. Hence the temptation to charge such delinquency on him

was felt to be very strong, by those who desired, at whatever expense to truth and justice, to increase the public distrust and dislike of that class of abolitionists to which Mr. Smith belongs. The temptation was yielded to; the point was gained; and the superiority of Whig anti-slavery to technical anti-slavery was established. On the great test question of anti-slavery integrity, which the Whigs so strenuously, and yet so ludicrously, claimed the Nebraska Bill to be, they had proved themselves sound and reliable; whilst the technical and ultra abolitionists had, so far as they could be judged of in the light of Gerrit Smith's treachery, proved their kind of anti-slavery to be but pretending and spurious!

It is proper to add, that, as the final vote on the Nebraska Bill was not completed until after eleven o'clock at night, Mr. Smith's habit of retiring and rising very early, helped to give currency to the charge, that he had no part in it. Had it been a vote on a subject of but ordinary importance, he would have had no part in it. In the present instance he felt himself authorized and bound to depart from his good habit.]



# SPEECH

ON THE

## M E A D E C L A I M S .

A P R I L 21, 1854.

THE bill for settling the claims of the legal representatives of Richard W. Meade being under discussion, Mr. Smith said :

I have risen, Mr. Chairman, to reply briefly to what the gentleman, who has just taken his seat, [Mr. Jones, of Tennessee,] said on one of the points, which he raised. This I can do most effectually by turning against himself his most material witness—the witness, among all he has summoned to his aid, on whom he most relies. This witness is John Quincy Adams.

By our treaty with Spain, we exonerated her from the payment of the claims of our citizens upon her, and assumed to pay them ourselves, so far as they were valid, and so far as \$5,000,000 would be sufficient to pay them. The honorable gentleman denies that the

claim of Richard W. Meade has a place among these claims. I maintain that it has. This is the issue between us. To sustain himself he has quoted largely from Mr. Adams. But the gentleman has, surely, in this instance, allowed clouds to come into his very clear brain, and hence he has seen one thing for another. What has he proved by Mr. Adams? Why, that we are not held by the Spanish liquidation of this claim—a liquidation subsequent to the signing of the treaty. I admit that we are not held by it. But I insist that we are bound to recognize the claim in spite of that liquidation. So insisted Mr. Adams, as I shall prove by his words, quoted from the same letter from which the honorable gentleman quoted:

“It was intended by the Government of the United States, that Mr. Meade’s claims, as then exhibited to them, unsettled, disputed claims, a mixed character, for contracts, for losses upon exchange, for depreciation of Spanish Government paper, for interest, and for damages, all, except the first, of most uncertain amount and validity, should, in common with the other claims provided for, have the benefit of the treaty. But no stipulation of special favor to the claims of Mr. Meade, at the expense of other claimants, was, or would be intended by the Government of the United States. The claim presented by Mr. Meade to the Commissioners is, for an acknowledged *debt* from the Spanish Government to him, dated May, 1820, and directed to be paid out of the funds of the Royal Finance Department, with interest. *To say that this is not the claim which, in February, 1819, the United States had renounced and agreed to compound, would be to say that daylight is not darkness.*”



Now, whether the claim in question comes within the scope of the treaty, I am willing to leave to the decision of Mr. Adams—to the decision of the gentleman's own witness. I am glad that it was the honorable gentleman himself who called Mr. Adams to the stand; for he has thereby rendered himself incompetent to impeach him.

I might pause here. But I will add a few special reasons why the soundness of Mr. Adams's conclusion in this case is to be relied on. It is to be relied on, not only because Mr. Adams, in addition to being an honest man, was a preëminently able one; nor because, also, that he gave to this subject, as the paper from which we have quoted shows, the most patient and laborious investigation; but because, also, that Mr. Adams disliked Mr. Meade; nay, well-nigh abhorred him. Mr. A. was a man of very strong feelings. He did not like and dislike so much as he loved and hated. He scouted the pretensions of Meade to a peculiar sacredness for his claim; and seemed well-nigh to hate Meade for those pretensions. He was willing to admit that the treaty provided for this claim; nay, he insisted, as we have seen, in the strongest terms, that the treaty did provide for it. But, so far from admitting that it was a stronger claim than all others, he argued to show that it was weaker than some others. Now, I hold, that because of Mr. Adams's strong disapprobation of the course of Mr. Meade, all the greater value

is to be ascribed to what he felt constrained to say in favor of Mr. Meade's claim—in favor of our Government's recognizing it among the claims from which it released Spain, and which it took upon itself.

We are not then at liberty to reject this claim, because Mr. Meade was so foolish as to arrogate peculiar favor for it. He did not forfeit his claim by reason of this folly. If I claim that my neighbor shall give to my debt a preference over a dozen other equally just debts, I am not to lose my debt because of my arrogance. The debt is none the less obligatory for my folly and impudence.

Nor are we at liberty to reject this claim because Spain liquidated it after the signing of the treaty. My neighbors may, very impertinently, undertake to liquidate or determine the true amount of the debts I owe, but such impertinence does not cancel my obligation to pay them.

I have not time to see all, or even much, of what the commissioners said upon this claim. My eye falls upon the closing words of one of them, Judge White; and I will read them :

“Believing, as I do, from the other testimony, that Mr. Meade has a well-founded claim, or at least a claim, which the Spanish Government considered well-founded, I am perfectly willing to require any document from that Government which there is reason to think they possess, which will elucidate those transactions; and for that purpose am willing to continue the cause. If we can pro-

cure more evidence, it is well ; we shall have greater certainty in our ultimate decision. If we cannot procure more, we must come to the best conclusion in our power, from the proofs, as they now exist, as to the validity of the claims and the extent of allowance."

Now, surely, these words do not favor the idea that the Meade claim did not fall among the claims which the commissioners were to investigate. These words show, on the contrary, that what the commissioners required was the establishing of the claim—the proving of the debt.

But, it is said that Mr. Meade failed to prove his claim. I admit that he did. I admit that the commissioners were right in exacting the kind of proof which they did exact. But was it the fault of Mr. Meade that he did not produce it? Far from it. The proof exacted was in the hands, and among the archives, of the Spanish Government; and that Government, because of its foolish pride, refused to give up the proof. The Royal certificate of the amount of the debt due to Mr. Meade was, as that Government haughtily held, all we needed and all we were entitled to.

In these circumstances, what could Mr. Meade do more? I answer, that he had nothing more to do. The matter then lay between the two Governments. Our Government had discharged the Spanish Government from all obligation to pay the claims of our

citizens, and that Government had, in turn, bound itself to put our Government in possession, so far as it could, of all vouchers and papers which could serve to establish the character of those claims. Our Government was bound to enforce this provision of the treaty against Spain.

Shall our Government pay the whole amount of this claim? Perhaps it should not do so. I have no doubt, however, that in the liquidation of the claim by the Spanish Government, the amount was made small enough. Unprecedented pains were taken to bring the amount within the limits of strict justice. Moreover, it was then expected that the Spanish Government, not ours, would have to pay it. Hence, that Government is not to be supposed to have been as easy in making up the amount, as it might have been, were it making it up for another Government to pay. And, again, Spain at that time felt herself to be poor. This was another reason why she was concerned to reduce the amount as low as justice could possibly allow. The scholarly gentleman of Pennsylvania, [Mr. Chandler,] spoke of the "*res angustæ domi*," the straitened home circumstances of the Meade family. His classical words are no less applicable to illustrate the condition of poor Spain, at the time we refer to.

I fully believe that the claim of Mr. Meade was, in no degree, exaggerated; and that the amount fixed upon by the Spanish Government was due, justly and

religiously due, to that unfortunate and cruelly wronged gentleman. Nevertheless, as I said, perhaps our Government should not pay the whole amount. Our Government had but \$5,000,000 with which to pay all these claims. So far as that sum would pay them, and no farther, were they to be paid. All I ask for the present claim is, that as great a per centage be paid on it, as was paid on the established claims—be that per centage three fourths of the amount of the claim or only one half of the amount of the claim—be it in other words, \$300,000 or \$200,000.

The honorable gentleman from Tennessee admits that the amount fixed upon by the Spanish Government was justly due, and is now justly due, from Spain. Would he send the wronged and impoverished children of Mr. Meade to that Government? What, however, if there were technicalities in the case of which we could avail ourselves to escape the payment of this debt, and to burden Spain with it. Would we consent to avail ourselves of them? Forbid it justice! forbid it honor! Even if we pay this debt, still shall we not have made a sufficiently good bargain out of Spain? It was well understood that the treaty exonerated her from all claims of our citizens. Spain so understood it, as she has repeatedly declared. Oh! we should hang our heads in shame, at the thought of being unkind enough and small enough to require poor and unhappy Spain to pay this debt.

Sir; I am a believer in a strong Government; and I would have Civil Government strong, the earth over. It is worthless wherever it is weak. But, sir, a Government is not necessarily strong that clings, with miserly grasp, to its dollars; that rejoices in an overflowing Treasury; that multiplies its battle-ships, and swells its armies. A Government may do all this, and still be essentially weak, because essentially unjust. But that Government is strong, emphatically strong, which aims to be the impersonation of justice. Such a Government is strong, because it is respected and honored abroad, and beloved at home. Be ours, sir, a strong, because a just Government. But let us remember that the first claim on justice is, that she pay her debts. Let us then, sir, pay this sacred debt, that we should have paid thirty years ago; and our cruel neglect to pay which has been followed with so much suffering and sorrow. I am sad for the creditors, and deeply mortified for my country, in this instance. In the case of the no less sacred French claims, which should have been paid more than half a century ago, my pity for the suffering creditors is greater, because they are so very numerous; and my mortification at the disgrace of my Government and country amounts to anguish of spirit. Let us pay these debts, sir, now—now, when we so easily can—and, in such ways let us make ourselves a strong Government and a strong nation.

# S P E E C H

AGAINST

## LIMITING GRANTS OF LAND TO WHITE PERSONS.

M A Y 8, 1854.

THE bill for making donations of land to actual settlers in New-Mexico was under consideration. A motion had been made to strike out from the bill the word "white."

Mr. SMITH said: I have not risen to make a speech. There are several subjects coming before us on which I wish to speak at considerable length. Among them are the Post Office and the Pacific railroad. Hence I do not feel at liberty to consume more than a few minutes on this occasion.

I have risen, sir, to say that I must vote against the bill in its present shape; and I wish my constituents to have my explanation for my vote. I cannot vote for the bill if the word "white" is retained in it.

I believe that every person is bound to esteem his religion above everything else. Be his religion, true or superstitious, rational or spurious, he must give it this preference. My own religion is very simple. It consists in the aim to deal impartially and justly with all men. On the authority of the Saviour, the commandment to do unto others as we would have others do unto us comprises the whole sum and substance of Christianity.

I hold, sir, that we should regard the whole world as before every man, and every man entitled to seek his home in any part of it. If I wish to make my home in Africa, I am to be allowed to do so; and if I am there shut out from benefits and blessings made common to others, I am wronged, deeply wronged. So if a black man goes to New-Mexico, and is there shut out from such common benefits and blessings, he is deeply wronged. Under the Jewish economy, even the fugitive servant (fugitive *slave*, as many render it) was to be allowed his choice of a home anywhere within the gates of Israel.

There is but one true standard of conduct, and that is the Divine conduct. We are to make our own moral character resemble that of our Maker as nearly as we can. But, surely, no one believes that our Maker can approve of the odious and guilty distinction under consideration. No one believes that the incarnate Son of God, were he among us, would vote for



this distinction. Says the Apostle Peter—and I am sure that my learned and Catholic friend from Pennsylvania, [Mr. Chandler,] will not disparage the authority of that Apostle, on whom his church is built—“God is no respecter of persons ; but in every nation, he that feareth God and worketh righteousness, is accepted with him.” “*In every nation*”—in nations of red and black men as well as white men.

I often meet with gentlemen who appear to believe that black men have not the same nature, the same wants, the same sensibilities as white men. On such occasions, I am wont to recall the words of Shylock, the Jew : “Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same summer and winter as a Christian is. If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die? If you wrong us, shall we not revenge?” How careful, sir, should we be, not to commit wrongs ; seeing that revenge so naturally follows wrongs ! And if we have committed them, how careful should we be to prevent revenge by repentance ! Let it not be said, sir, that Shylock is poor authority, because he loved money. His having loved money is one proof that he belonged to the human brotherhood, and had experience of our common nature.

I would, sir, that some black Shylock might be allowed to enter this Hall, and to plead for the striking out of this word "white." He might be more successful in his plea than was the white Shylock. I would, sir, that that noble man, Frederick Douglass, could be allowed to stand up here, and pour out the feelings of his great heart in his rich, and mellow, and deep voice. I refer to him, sir, because I regard him as the man of America. He was held in cruel bondage until he was twenty-one years old. Then he escaped from his tormentors. He was never at school a day in his life; and now he is confessedly one of the ablest public speakers and writers in this country. I feel sure, sir, that, could he be heard, he would be able to bring the committee to repent of its purpose (if such is its purpose) to retain the word "white."

Shall we never cease from this prejudice? Born and bred, as I was, among negroes and Indians as well as whites, and respecting and loving all equally well, this insane prejudice is well-nigh incomprehensible to me. I am happy to recognize in every man my brother—ay, another self; and I would that I could infuse my education at this point into every one who is without it.

But, sir, I promised not to make a speech. When on this prolific theme of our wrongs against the colored man, I hardly know when to stop.

# SPEECH

ON

## P O L Y G A M Y .

MAY 4, 1854.

DURING the discussion of the motion to strike out from the bill for granting lands to actual settlers in Utah, the proviso "That the benefit of this Act shall not extend to any person who shall now, or at any time hereafter, be the husband of more than one wife," Mr. SMITH said :

Sir, I believe that no subject has come before us involving more important principles than this subject. I wish it might be discussed temperately and patiently, and passed upon deliberately and wisely.

I am in favor of retaining the proviso under consideration, and I have risen to say a few words in reply to the gentlemen from Alabama and Georgia, [Mr. Phillips, and Mr. Stephens.] Before doing so, however, I will notice what was said by the gentleman from Vir-

ginia, [Mr. Smith.] That gentleman says that the marriage tie among the southern slaves is held sacred. I believe that it is held sacred to a considerable extent; and therefore I am willing to say so. But, sir, no thanks to the laws for this. Thanks for it to the faithful affections of the parties to the marriage, and to the kindness of masters and mistresses who permit the indulgence of these affections. But, sir, we are legislators, and we are to look at the legal character of things. We are not to accept concessions and privileges in the place of legal rights. We are to inquire whether marriage among the slaves is legal. Now, sir, there is no legal marriage among them. I go so far as to say that I am ready to stipulate in advance, that if the gentleman from Virginia can show that there is a legally married slave in all the South, I will give up all my opposition to slavery. The slave is incapable of any contract—even that of matrimony. The slaves after they have passed under the ceremony called marriage, can as well as before it, be sold from each other, and separated forever.

Mr. JONES, of Tennessee. If the gentleman will yield to me for a moment, I will tell him of one case.

Mr. SMITH. I will yield, certainly, for that purpose.

Mr. JONES. Some two years ago, in this city, I was speaking to a gentleman from Maryland about buying some slaves. He said his negroes had been mar-

ried by a Catholic priest, that he himself was of the same religion, and that he would not sell them unless the priest was to go along with them. They were married by a Catholic priest, which I presume the gentleman would call legal. I have seen them legally married.

Mr. SMITH. I have no doubt of what the gentleman states in regard to the Maryland gentleman. But never mind what the Catholic said to the gentleman of Tennessee. I ask that gentleman whether he, himself, believes that there is legal marriage among the slaves? Sir, the gentleman has carried us into Maryland. I will follow him there, and I will say to him, that the Maryland books (1 Maryland Reports, 561, 563) show that a slave cannot be prosecuted for bigamy. He cannot be guilty of bigamy, for he never was a legal husband. He never had ability to contract legal marriage.

But, sir, to the subject before us. I agree with the gentlemen from Alabama and Georgia, that we are not to concern ourselves with the morals of the Territories. I make the province of Civil Government quite as narrow as those gentlemen do. I do not include in that narrow province the duty of promoting morals, nor even of protecting morals. All I would receive at the hands of Government is protection of persons and property. The office of Government is to hold a shield over the great essential natural rights of its subjects. Now,

sir, I hold that polygamy invades a great natural right, and that it is, therefore, the duty of Civil Government to suppress it.

I suppose it will not be denied that polygamy prevails in Utah. But it is said that polygamy is a part of the religion of the Mormons; and that, as we would keep clear of the offence of invading the religion of our subjects, we must not strike at polygamy. I admit, sir, that the reformation of religion cannot be a legitimate object of legislation. But, sir, that legislation may be sound and justifiable which incidentally affects religious systems. If a religious system tramples on any of those great rights which it is the office of Government to protect, then, at just those points where such system offends, Government is to meet it and overcome it.

I argue the duty of Government to suppress polygamy on just the principles that I argue the duty of Government to suppress land monopoly. I believe that all persons have an equal right to the soil. The Maker of the earth has provided one home, not two homes, for each person: not two farms, but one farm, for each farmer. The right to the soil is natural and equal. So, sir, the right of each man to one wife, and each woman to one husband, is a natural right: and for one man to get more than one wife, or for one woman to get more than one husband, is to violate this natural right, which it is the duty of Government to protect.

The word of God shows that nature provides but one wife for one man, and one husband for one woman. That word teaches us that He "made them male and female"—not male and females, nor female and males. And if there are any present who do not bow to the authority of that word, I would point such to the census. The census in every country, and in every age, shows that the sexes are numerically equal, and that the arrangements of Providence forbid polygamy.

I have proceeded in my argument for sustaining this proviso on the ground that this Government has as full power and authority over the people and institutions of its Territories as a State Government has over the people and institutions within its jurisdiction. Now, I ask the gentleman from Georgia [Mr. Stephens] whether the Government of his State should or would permit the dark-haired men of his State to press and practice upon their claim to a hundred wives each, and thus to shut out the light-haired men from marriage? But I will consume no more of the time, as so many are eager to speak.





# S P E E C H

ON THE

## P A C I F I C R A I L R O A D .

M A Y 30, 1854.

[THE motto which Mr. Smith prefixed to this Speech when it was first printed was: "Keep Government within its limits."]

THE Bill to provide for building a railroad from the Atlantic States to the Pacific Ocean was under consideration. Mr. SMITH said:

Whatever appearances to the contrary, nevertheless, Mr. Chairman, the Government itself is, according to the provisions of the bill, to be the virtual builder of the road. And the Government is to be, also, the owner of the road;—the literal owner, so far as it shall lie within our National Territories—and, in no unimportant sense, the owner of it, even so far, as it shall lie within the States; its non-intervention, in the latter case, being another signal instance of intervention non-inter-

vention. In all cases, the Government retains the right to regulate the charges for transportation on the road; and, surely, it is not extravagant to say that it must be ownership—and not merely ownership, but paramount ownership—which can properly assert such a right.

Such, sir, is to be the essential and controlling connection of Government with the road: and because it is to be such a connection, I have risen to oppose the bill.

I need not say, that I desire to see a railroad to the Pacific. What American does not desire it? Commerce, travel, the love of country, the love of each part of it for every other part of it, and the deep hope in every true American breast, that we shall ever remain one country;—these, and countless other considerations, all unite in calling for such a useful and pleasant connection—such an iron bond between the Atlantic and the Pacific, the East and the West. Nevertheless, I would not have Government either own, or build the road. Great as is the good to come from the road, it would, nevertheless, be largely overbalanced by the evil of having such a connection of Government with it, as the bill proposes. Indeed, I am free to say, that, much as I desire the road, I had far rather, that it would never be built, than built upon the terms of this bill. But the road will be built. Private enterprise is abundantly adequate to the undertaking.

It is our frequent boast, that this Republic has

solved the great problem of self-government. I admit, that it has, if we take the problem in its ordinary sense—that is, in a very limited sense. For the sake of the argument, if for no more, I admit, that, in this sense, our Republic has solved it fully, honorably, triumphantly.

But what is meant by this solution? Is it meant, that the people have shown their capacity and their willingness to plan and to do for themselves in their own matters, and that they need not, and desire not, the paternal counsels and guiding hand of Government? Oh, no! something immeasurably short of this is meant by it. Nothing more is meant by it than that the people have shown themselves capable of choosing both the form and the administrators of their Government. Nothing more is meant by this solution than that it shows the doctrine to be false, which teaches that, in order to escape anarchy and ruin, the people must be denied all part in choosing either the structure or the officers of their Government.

Far am I from saying, that this solution, which we have achieved, is unimportant. I admit, that the human race has been honored, and carried a wide step upward by it. We have afforded abundant proof, that the masses are not so wanting in capacity, as to be obliged to leave it to a single despot, or to an oligarchy, to say how they shall be governed:—but that they are capable of saying it for themselves. I own, that this is much. Never-

theless, it is not, as most persons seem to suppose, the whole realization of the whole idea of democracy. It is but a very partial realization of that beautiful, precious, and grand idea. For a people to learn, that they are entitled to choose their own Government is only the first and lowest lesson in democracy. But for a people to learn, that it is their duty to grow into the government of themselves, and not to suffer Civil Government to mingle itself with their affairs—this is the ultimate and highest lesson in democracy.

The impressive authority of Washington is often quoted against the evil of mixing up the concerns of one Government with the concerns of another Government. This is a great evil; and it should be carefully guarded against. But a far greater evil, and to be far more carefully guarded against, is the mixing up of Government with the concerns of its people. Every nation has more to fear from its own Government than from any, or even all, other Governments; and, I add, that every nation has actually been far more injured by its own Government, than by any, and even all, other Governments.

Is the day never to come, when Government shall be confined to its proper limits; to its sole office of protecting its subjects from aggressions upon each other, and from foreign aggressions? Is the day never to come, when the people shall resist the intrusions of Government, and claim the right, ay, and have the dis-

position, to attend to their own affairs in their own way? Until that day shall come, the proper work of each party—that is of the Government and of the people—will be badly done; for until that day, Government will be so much engrossed with its usurpations of the people's work, as to misdo or neglect its own work; and, until that day, the people's own work, so far as it is taken out of their own hands, and done by wrong hands, will be badly done.

How false and ruinous are the present relations between Government and people! Government, instead of being the servant of the people, and of being wielded by the people for the good of the people, is the master and disposer of the people. Russia does not own the Russian Government, but the Russian Government owns Russia. England does not own the English Government, but the English Government owns England. And how degraded is the position toward Government of the people of France! Instead of aspiring to be, every one his own master, the supplier of his own wants, and the creator of his own fortunes, they are, every few years, clamoring for a new Government—not for a Government, which shall leave more room for the individual to grow in independence and dignity, but for a Government, which shall reduce its subjects to still greater dependence, and meddle, still more than the present one, with their callings and concerns. Indeed, it would seem, as if the Frenchman's definition of the most

republican Government (for it is for such he clamors) is the Government, on which its subjects can hang most helplessly and ignominiously. What wonder, then, that France should be a frequent and an easy prey to flattering and plausible despotisms!

And what shall we say of our own countrymen in this connection? Do they suffer, do they court, the agency and presence of Government in the affairs of the people to the extent, that the inhabitants of other countries do? I admit, that they do not. I admit, that in this respect, they have learned more than others. And yet, considering how much better school they have had to learn in, they have proved themselves to be but dull scholars. The American people are well-nigh as ready as other people to have Government regulate trade, and build asylums, and railroads, and canals. It is true, that they do, in terms, deny to Government the right of meddling with the Church. But this is their inconsistency. For, so long as they let Government into their school-houses, why, in the name of consistency, should they shut it out of their meeting-houses? Is not the school, as well as the church, a place for religious instruction? But they will not continue this inconsistency much longer. Very soon, they will either shut Government out of the school, as well as the church, or let Government into the church, as well as the school, unless, indeed, religious instruction shall (as it never

should) be banished from the school. At no less price can this alternative be avoided.

Why is it, that the American people and other enlightened people are so reluctant to shake off their dependence on Government, and to try, and trust in, the strength of their own feet? It is because they are, in this respect, the victims of habit. Having always been in the leading-strings of Government, they are very slow to learn to go alone. They are even unconscious, that they can go alone. Indeed, it must be confessed, that they are so enfeebled and dwarfed by their habit of dependence, as to have lost much of their ability to go alone. Having leaned so long and so heavily on Government, it is not easy for them to straighten up.

I referred to the preference of Frenchmen for the Government, which meddles most with matters of the people, and, I might have added, which expends most money upon those matters. But is there not danger, that this will be the preference of the Americans also; and that the Administration, that will be most popular with them, will be the one, which will be most profuse in its expenditures on roads and canals, and on those other objects, on which, whatever is expended, should be expended by the people, and the people only?

The protection of the persons and property of its subjects, is the whole legitimate province of Government. Is it said, that, if confined to this narrow province, it will have but little to do? It is true, that it will; and

that is one reason, and a great reason, why it will do that little well. Is it said, that, in such case, it will have little to do, except to carry on wars for its people? But, even of that it will have little or nothing to do. Wars come from the fact, that Government is so big, and the people so little. Reduce bloated Government to its proper dimensions, and thus make room for the shrivelled people to swell into theirs, and war will be a very rare occurrence. Wars come from the fact, that Government is made the master, and the people the servant. Reverse this relation, and war would, indeed, be a rare occurrence; for, then, Government, would reflect the mind of the people, and the mind of the people is not for war. It is Government, that gets up wars. Not one in five of our people was originally in favor of our wicked war with Mexico, the reckoning-day for which will surely come, in eternity, and, most probably, in time, also. I have not characterized this war as wicked, because I regard some wars as innocent. It is true, that our war upon poor Mexico was superlatively wicked; but all wars are wicked, and no truer saying fell from Dr. Franklin's lips, than that there never was a good war, nor a bad peace.

I have ascribed wars to the undue proportions and undue influence of Government. In vain, will it be, that Peace Societies labor to prevent wars, if Government shall be allowed such proportions and influence. The Government, that shall be allowed to overshadow



and control the people, will be in favor of wars; for such a Government will find its enjoyment and glory in wars.

I said, substantially, that Government would keep out of war, if it reflected the mind of the people. But I shall be told, that, in a Republic, it does reflect the mind of the people. This would be true, if it bore the relation of servant. But, unhappily, it is the master; and, what is worse, it is the master with the approbation of the people. The people choose their ruler not only, nor even mainly, for the purpose of having him protect them. Their leading object, in choosing him, is to have him direct in their affairs—in their affairs with which Government has legitimately nothing to do. Hence he becomes their master. Before he became such, he may have been like them; but it is unreasonable to count on his continuing to be like them. The new relation between them has made them unlike each other. And, yet, I admit, that they may come to be alike, and that they not unfrequently do come to be alike. I admit that, even where the Government is the master, the Government and the people may, and often do, grow into a resemblance to each other. Even such a Government may study to be somewhat like the people; but the mutual likeness will be chiefly owing to the fact, that Government has succeeded in corrupting the people into an assimilation to itself. The

servant is more like to follow the master than the master the servant.

The meddling of our Government with the affairs of our people, is sometimes justified on the ground, that, in a republic, the Government and the people are one. But the assumption of this identity is fatal to the assumption, that Government needs to undertake or superintend any part of the proper work of the people. If the Government and the people are one, and so entirely one, that the people would dispose of their affairs in just the same way, that the Government would, pray, why is it, then, that the Government needs concern itself with those affairs? The very fact, that Government usurps the work of the people, proves that Government and the people would not do this work in the same way. If Government knew, that all sections of the people would regulate and conduct their trade just as Government would have it regulated and conducted, then, obviously, there would be no tariffs. If Government knew, that all sections of the people would manage their schools just as it would have them managed, then, obviously, Government would not meddle with schools. So, too, Government would have no occasion to build railroads and canals for the people, did it know, that all sections of the people would build them when, where, and as it would build them. Admit, if you please, that our Government represents the average interests and the average wishes of the various sections

of the American people: admit, if you please, that a line of policy pursued by our Government is the diagonal or compromise line between the planting interest of South-Carolina, and the opposite manufacturing interest of New-England: admit all this, and, nevertheless, it is preposterous to say, that our Government, in its various meddlings with the work of the people, does just what each and all the sections of that people would have it do, and just as they would do it themselves.

I have said enough to expose the falsity of the argument in favor of governmental assumption of the work of the people, so far as that argument is founded, either on the assumed likeness, or on the assumed identity, between Government and people.

I said, that Government, if confined within its proper limits, would have but little to do. Our Federal Government does enough to run up its annual expenditures into the neighborhood of \$50,000,000. Drive it back, however, from its excesses, and from its usurpations, to its own and its only, proper work, and its annual expenditures would fall down as low as \$5,000,000. Yes, \$5,000,000 are more than this Government needs to expend in time of peace; and a just Government—a Christian Government—will never be involved in war. Such a Government, I admit, the world has never seen—no, nor any approximation to it; not, however, because no people *could* have it, but, solely, because no

people *would* have it. The American people can, at any time, speak such a Government into being; and great is their sin for not availing themselves of their power. Confine our Government to its legitimate work, and the length of a Congressional session would be little more than a week, where it is now a month. Thus confine it, and we should not be wasting our time, or rather the people's time, since they pay for it, on the bill before us.

But I must delay no longer to look at the arguments, which are employed in behalf of building by Government, a railroad to the Pacific.

1. *It will facilitate the protection of the whites from the Indians.* But whether it be, that the whites need protection from the Indians, or, what is more probable, that the Indians need protection from the whites, it can be afforded, in either case, far cheaper, and more effectual, than by putting Government to the vast expense of building this road.

2. *The road would be an important facility in the event of war with a Power, that could bring an army and navy to our Western coast.* But we must be so just and wise, as not to be involved in war with any Power. If, however, we shall find ourselves involved in such war, as is here apprehended, is it not probable, that private enterprise will have built the road by the time of such war; or, at least, have carried it as far toward completion, as it would have been carried by the Government?

Let it not be thought, that I undervalue the road, as a means of protection. I cheerfully admit that, in this respect, it would have no small value; and that I would, therefore, be willing to have Government give five or ten millions of dollars to the association, that shall build it. Mark, that I say *dollars*, not *acres*. I still deny, as I have repeatedly done on this floor, that the public lands belong to Government. Government no more owns them than it does the sunlight, which falls upon them, or the atmosphere, which floats over them. All that Government has to do with them, is but to protect and regulate the occupation of them. It is not for Government to sell them; and it is not for Government to give them away, any more than it was for Satan to give away to the Saviour "all the kingdoms of the world." I have said it in this Hall, more than once, perhaps more than twice; I am so full of it, that I could well-nigh consent to say, in all my speeches, as did Cato his "*Carthago delenda est*" in all his—that the vacant land belongs to the landless. The simple fact, that the one is vacant, and the other landless, is of itself the highest proof, that they should be allowed to come together. Alas, what a crime against nature, that they should be kept apart, and that, in the surpassingly touching words of the poet:

"Millions of hands their acres want,  
And millions of acres want hands."

Oh, when will statesmen be men!—and consent to

feel and act like men? How much better that, than for men to struggle to become statesmen; and to consent to desert their noble nature and their glorious manhood for that poor conventional thing called statesmanship?

I said, that I should be willing to have Government give five or ten millions of dollars to the association, that shall build this road. I add, that I should be willing to have it give an equal sum to the association, that shall build another railroad to the Pacific; and, also, to the association, that shall build still another. All this is, of course, with the understanding, that the roads shall be built within a few years, and on widely different routes. I would take this occasion to say, that I have no sympathy with that jealousy of a southern route, which is felt in some quarters. I need not say, that I would have slaveholders put away slavery. Nevertheless, however closely they may cling to it, I would not, for that reason, deny them a road, any more than I would deny bread and meat to such, as differ with me on a great moral or political question. But let me here say to the honorable gentleman from Virginia, [Governor Smith,] that, whilst I would give roads, and bread and meat to all, I would give to none those expensive California "stiff drinks," of which he spoke, a week or two since. Alcoholic drinks, whether stiff or slender, are poisons—poisons to the body and the soul; and to no one will I give poisons for a beverage.

No, let the south, as well as the centre and the north,

have its railroad to the Pacific; and if the south lacks Mexican territory, in order to perfect its route, and it can be obtained on reasonable and honorable terms, then let our Government, prompted by the spirit of wisdom and justice, obtain it for her.

3. *The road will be a great—a well-nigh indispensable—commercial and travelling facility.* I admit it. But, though Government may build roads, that are absolutely necessary for protection, and that will not be built, unless Government builds them; it, nevertheless, has no right to build roads either for the advantage of merchants, or the accommodation of travellers.

4. *Another argument in favor of building the road by Government is, that, if it is not so built, it will not be built at all.* But I would turn this argument against the building of the road by Government: and I would say, that if it cannot be built, unless Government build it, then it manifestly should not be built. For if sharp-sighted individual enterprise cannot be tempted to undertake it, then it certainly would be a most unprofitable and unwise undertaking for Government.

5. *The only other argument I shall notice is, that private means are insufficient to build the road.* This argument, if somewhat like the one I last considered, is, nevertheless, clearly distinguishable from it.

Mr. McDUGALL, of California. Does the gentleman from New-York, [Mr. Smith,] understand the bill,

reported by the committee, to provide for a road to be constructed and owned by the Government?

Mr. SMITH. I do; and I have based my argument on that interpretation of the bill.

Mr. McDUGALL. I do not know whether the gentleman from New-York has read the bill.

Mr. SMITH. The gentleman from California may depend upon it, that I do not rise to make a speech upon a bill, without having first read the bill.

Mr. McDUGALL. I contend, that the bill does not provide for any connection between the Government and the road. The Government are neither to own nor control the road.

Mr. SMITH. All that I need say in reply is, that the gentleman and I put different interpretations on the bill.

When the honorable gentleman interrupted me, (the interruption was entirely kind and acceptable,) I was proceeding to examine the argument, that the road must be built by Government, for the reason, that private means are insufficient to build it. But whether private means are, or are not, sufficient to this end, certain it is, that Government cannot have legitimate means for building roads, the main object of which is the benefit of trade and travel. Certain it is, that if Government gets the means for building such roads, it gets them by plundering the people.

Having glanced at the arguments for building the



road by Government, I will now glance at those against it. My time is too limited to allow me to do more than glance at them :

1. *The building, repairing, and working, or using, of the road, if done by Government, will cost at least fifty per cent. more than if done by an association.*

2. *That there will be more than one railroad to the Pacific is an argument against Government's building one of them.*

It is highly probable that, at no distant day, there will be three railroads from the Mississippi to the Pacific. Now, if one of them shall belong to Government, money will be lavished upon it, without stint, to sustain it against the competition of the others. But this will be wrong, not only because it will be injurious and oppressive to the individuals, who shall own the other roads, but because such gross partiality to the section, through which the Government road passes, will be injurious and oppressive to the sections, through which the other roads pass. In that case, Government would be arraying its great power against the meritorious enterprises of portions of its citizens; and it would also be putting the whole country under contribution for the purpose of benefiting one section of it, and with the effect of damaging other sections of it. A similar argument I employed against Government's helping to build the Minnesota railroad, and a similar argument was among the arguments, which influenced me to

vote against granting such help to the Wisconsin railroad.

This is a good occasion for me to say, that Government should have the confidence of all its subjects; and that, in order to have this confidence, it must be impartial with them all; and that, in order to be impartial with them all, it must not mix itself up with the particular concerns of any.

I would add, under this head, that I do not forget, that, by the provisions of this bill, the whole road may, ultimately, be owned by State Governments. But my objections to such ownership are as decided as to the ownership of the road by the Federal Government. I hold, that not the Federal Government only, but the State Government also, is unfit for such ownership; and that Civil Government is perverted, when brought into such connections.

3. *Another objection to the building of this road by Government is, that the patronage and power of Government would be greatly increased thereby.*

The present amount of Government patronage and power is deeply corrupting both to Government and people. But for Government to have the proposed connection with the road to the Pacific, would greatly increase this patronage, this power, and this corruption. What I have here said regarding patronage is not intended to apply to the present any more than to other Administrations. I know not, that the present

Administration is more faulty than others, in this respect.

4. *Let Government build this road, and there will be no assignable limits to its future departure from its own province, and to its future invasion of the province of the people.*

The building of this road by Government would be an irresistible precedent for every other gigantic work, and every other profuse expenditure, at the hands of Government. What railroad, what canal, would Government then shrink from building? What conquest would it feel itself to be too feeble to achieve? Nay, what conception of national glory would be too vast or visionary for Government then to undertake to realize? Perhaps, by that time, a hundred millions of dollars would not be regarded as an extravagant endowment for a national school with a branch in each State. And, after such an endowment, what would be thought more fit than to invest so great and glorious a Government, as ours would then be, with the care of the Church? And, surely, the national church of great America should not be eclipsed by the national church of little Judea. A tithe of the products of our broad land would no more than suffice for the splendors of our national church. Let not the idea be scouted, that the American Government can ever run into such extravagance and usurpation. If our people are so foolish, as to let Government run at all beyond its legitimate

limits, they may soon find, that it will run indefinitely beyond them; and that, in the end, it will be impossible to erect an insurmountable barrier against the usurper.

5. *The vast expenditure of Government in building this road, and in doing what else that expenditure would lead to, would fasten upon the nation the cruel and oppressive tariff system.*

This result accomplished, and then farewell to all our hopes of a frugal and honest Government:—for no Government will be either frugal or honest, that is not held closely responsible for its expenditures; and no Government will be so held, until the burden of its expenditures shall rest upon the people, in the form of direct taxation. And when the tariff system is fastened upon us, then farewell also to all our hopes of a Government, that shall bear lightly on the poor; for the effect of the tariff system is to burden the poor—the masses of the consumers—with the support of Government, and to let the riches of the rich escape taxation. I am far from saying, that this is the policy of the system and the intent of its advocates. On the contrary, I am free to admit, that its advocates are as upright and as kind-hearted as its opponents. Nevertheless, the wrong, which they inflict, is none the less grievous because of their honesty and benevolence.

I do not say, that the instance, can never occur in which Government would be justified in helping to

sustain some of the pursuits of its subjects, and in protecting from overwhelming foreign competition some of the modes of their industry. Such an instance might possibly occur, under an impending war. But the end should be attained, not by tariffs, but by bounties—by bounties produced by assessments on property or ability, rather than by tariffs, which tax consumption and poverty.

6. *The last objection to building the road by Government with which I shall weary the Committee, is, that it would prepare the way for rolling up a debt against the nation so great, as to make the Government strong beyond the control of the nation.*

The doctrine may be paradoxical, that a great debt against a nation makes its Government strong. It is, nevertheless, true, that whilst the nation is weak in proportion to its debt, its Government is strong in that proportion. It is not even the owners of the debt, that constitute the strongest party. It is the power, that collects the debt—the principal and interest, or either—that is the strongest. But Government is this power, and therefore its fearful strength, where the national debt is great. The debt, which a nation owes, is a mortgage on the whole of its wealth and industry. All the persons employed in collecting it are servants of the Government, and all the power wielded to collect it is power of the Government; as fully so, as if Government were the creditor of the nation, as well as

the collector of the debt. Our own nation, in order to fall under the tyranny of its Government, as extensively as the nations of Europe have fallen under theirs, might, indeed, need to undergo several other changes ; but the principal change would consist in its coming under as great a burden of debt, as presses upon those nations.

I must bring my remarks to a close. The passion of every people has been for a great and glorious Government. Their pride has been in their Government, and hence their ruin. Would that the American people might become so wise, as to see, that it is to the reproach of human nature, or rather of perverted and fallen human nature, that any civil government is necessary. Would that, instead of feeling pride in even the best civil government, they might feel shame in the necessity, which exists for any.

Think not, because I spoke as I did, a minute since, against the undue strength of Government, that I am in favor of a weak Government. That was a strength acquired in the perverted uses of Government. I would have Government strong—far stronger than the world has ever seen it. But the strength, with which I would clothe it, would be all acquired in its right uses. In a word, I would have Government strong in the never-failing principle of justice—strong in the devotion of both itself and its subjects to that principle. And, although I would not have it meddle with the work of

its subjects, I would, nevertheless have it, like the government of Heaven, continually round about them. Its sleepless care and its effectual shield should be ever over them—over them, when they go to their fields and to their shops, and over them when they go to their tables and to their beds. I would have civil government go with its subjects where they go, and lodge with them where they lodge.

I had hoped, that my countrymen would never sink down into so degrading a relation to Government, as that, which is sustained by the people of other nations. I had hoped, that the wardship, tutelage, and bondage to Government, which characterize others, would never characterize them. But, perhaps, I shall find, that I was mistaken. Certain it is, that I shall strongly suspect that I was, if I find them in favor of having Government build, or own, this road. For the building, or owning, of this road by Government cannot fail to contribute mightily toward creating and fixing as false and ruinous a relation between people and Government in this country, as exists between people and Government in other countries.

Here, then, on the brink of so great peril, let us pause to survey the peril. And more than that, let us here take our stand against it. Here, as the friends of popular rights against the encroachments of Government, let us firmly resolve, that, God helping us, these rights shall be fully maintained, and these encroach-

ments successfully resisted. Here let us firmly resolve, that, God helping us, Government shall not build nor own this road, neither absolutely nor conditionally, neither entirely nor partly. Here let us firmly resolve, that Government shall not pass this Rubicon. And here let the fervent prayer of all our hearts be, that the attempt to involve Government with this road shall be the effectual signal to rally the friends of popular rights, the whole country over, in defence of the people against the usurpations of Government.



# S P E E C H

FOR THE

## ABOLITION OF THE POSTAL SYSTEM.

J U N E 15, 1854.

THE bill and substitute (both of which were introduced by Mr. Olds, Chairman of the Committee on the Post-Office and Post-Roads) being under consideration, Mr. SMITH presented the following amendment:

*And be it further enacted,* That this act shall continue in force two years; and that, at the expiration of that time, the Post-Office Department shall be abolished, and individuals and associations shall thereafter be as free to carry letters, as to carry any thing else.

Mr. SMITH, then said—

I wish, Mr. Speaker, to make an argument in support of my amendment. I have read the bill, which the Chairman of the Committee on the Post-Office and

Post-Roads introduced ; and, also, the substitute, which he introduced, and I am constrained to say, that I do not like either of them. I dislike both of them—and I do so, if for no other reason than that they both bear so much resemblance to the existing post-office laws.

The SPEAKER. Will the gentleman from New-York inform the Chair, whether he proposes to amend the original bill or the substitute ?

Mr. SMITH. I have no choice. Whichever the Chair shall think most proper, I shall be satisfied with.

A MEMBER. Apply it to each.

Mr. SMITH. Let my amendment be first to the original bill ; and then, if it fail in that mode, be to the substitute. [Laughter.]

My first objection to these papers—for such I shall call the bill and substitute—is, that they both propose to retain the franking privilege. It is true, that the substitute does not propose to retain it to the discredit of the Post-Office Department—or, in other words, as a charge upon that Department ; but, what is the same thing to the people, it proposes to retain it at the expense of the common Treasury.

I am free to admit, that most members of Congress have to write more letters than they would have to,

were they not members of Congress. The difference would not be great, however, if the persons, who write to them, were compelled, as such persons should be, to pay postage on their letters; and this difference would be still less, if such persons should, as all true gentlemen do, inclose stamps to pay the postage on the answers, in every case, where the correspondence is on the business of those, who originate it. Most of the letters, with which we are deluged, are too unimportant, and even frivolous, to have been written, had their writers been obliged to pay postage on them. And then, as to the speeches we send—the country would not perish, if they were not sent. Perhaps, indeed, it would not be essentially less enlightened. I apprehend, that, in the flood of speeches, which we pour over the land, there is quite as much of darkness, as of light. Of course, I would not speak disparagingly of my own speeches. [Laughter.] Every member will so far provide for his self-complacency, as to make, if not an express, at least a tacit exception, in behalf of his own speeches, whenever he is tempted to speak slightly of the mass of speeches. [Laughter.] But, I am willing to admit, that it may be proper to send off a limited number of our speeches, at the expense of Government, so far as the transportation is concerned. Hence, I am willing to have Government furnish each member of Congress with stamps, during his term, to the amount of, say, \$300 or \$400. These stamps

should be peculiar. They should be made to be used by members of Congress only; and only in franking printed matter. Let the value of each frank be one cent, and let a single frank be sufficient to frank two ounces. The member of Congress, who should not wish to use all his stamps, would take pleasure in letting a fellow-member have the balance.

Another objection, which I have to these papers, is not that they propose more than one rate of postage—but rather, that they do not propose more than two. Moreover, the higher of the two is of comparatively very little consequence. For ten years to come, forty-nine fiftieths of the letters would not be affected by the higher rate. In other words, not one letter in fifty would be charged with the ten cents rate of postage. Then, these papers are unreasonable, in making distance the sole ground of difference in the rates of postage. Distance is but one, and it is far from being the most important one, of the grounds for such difference. Density and sparseness of population; facilities and non-facilities of carriage; are much more important considerations in authorizing and measuring such difference. Hence, then, although the existing post office laws provide for but one rate of postage, and although there evidently should be more than one, nevertheless the papers before us are, even in this respect, hardly an appreciable improvement on those

laws, so ill-grounded and faulty is the higher rate of postage, which they propose.

To illustrate the error of these papers, in making mere distance the ground of difference, in rates of postage:—they provide, that a letter from Boston to San Francisco shall be charged with ten cents; and a letter from San Francisco to any post-office in the region of the Rocky Mountains with only five cents, according to one of the papers, and with only three cents, according to the other. But it may be worth three times as much to carry this letter from San Francisco, as that letter to San Francisco.

Both, then, because this higher rate of postage is to affect so small a proportion of the letters; and because a rate of postage, founded on so insufficient a reason, must, if adopted, be very short-lived; and, because, too, it seems well-nigh impossible, that it should be adopted; I shall regard these papers, in the argument I am now making against them, as virtually proposing but one rate of postage.

I have still another objection to these papers. It is my chief one. They would have Government continue to be the mail-carrier. But I would have Government separated from such work, entirely and forever. I am in favor of breaking up the Post Office Department. I would have the people left as free to choose their own modes of carrying their letters, as to choose their own modes of carrying their other property. Why should

Government carry the letters any more than the other property of the people? Again, if Government may carry the property of the people, why not the persons of the people also?—why not passengers as well as property?

Is it said, that letters, especially some of them, are very precious and important, and that therefore the carrier of them should be highly trust-worthy and responsible? I admit it all; and I hold, that this is a reason why the people should not be confined to one carrier, but should have a choice of carriers—ay, the widest range of selection.

Happily for the people, they are not forbidden by Government to transmit money by express. They may choose between the express and the mail. And what does the choice, which they actually make, prove? It proves that they prefer the express to the mail; in other words, that the express is a more safe and suitable conveyance for money than the mail. It proves, too, that, in all probability, the people would, were they not restricted to the mail, extensively adopt other modes of transmitting letters, as well as money. This monopoly of Government is aggravated by the fact, that Government disclaims all liability for damages, arising from either the bad performance, or non-performance, of the work it has monopolized.

Is it said, that speed and punctuality are necessary in the transmission of letters? They are. But this,

instead of being an argument against abolishing the Post Office Department, and against throwing open its work to the freest and widest competition, is a very strong argument for doing so. The motive for attaining speed and punctuality, in the case of such competition, must be unspeakably stronger, and more effectual, than when, as now, there is no competition. It would be strange, indeed, if, under the pressure of unlimited rivalry, a greater than the present degree of speed and punctuality should not be attained. It would be strange, indeed, if the enterprise, sharp sight, and intense interest of individuals, and small associations, should not accomplish the work with far greater speed and punctuality than characterize it in the hands of Government. It would be strange, indeed, if Government—Government, that is so corpulent, so unwieldy, so lazy, so blundering—should be found to be fitted to the work of carrying the mail. But, we are not left to mere theory in the case. The actual fact, that, here the mail is several hours, and, there several days, behind the express, is as glaring as the sun.

Is it said, that it is important to have the rates of postage low? I admit it is. I admit, that, as in the case of commerce itself, so the more nearly commercial correspondence can be free, the better. And more eager am I to admit, that the commerce of the affections, which is carried on in letters of friendship and

love, should be but lightly taxed. These admissions, however, make nothing against my doctrine, that Government is not fit to be the carrier of letters. On the contrary, Government must cease to be the carrier, ere we can have, or, to speak more safely, ere we can be entitled to have, cheap postage either on land or sea—either “ocean penny postage,” (two cents;) or any other demanded reduction of postage. We are not entitled to cheap postage, at the expense of the common Treasury. There is not one good reason, why the carrying of letters should be a charge on the common Treasury—a charge on the whole people. There is not one good reason why they, who have but little to do with letters should be taxed to make the transmission of them cheap to those, who have much to do with letters. Again, there is not one good reason why they, whose letters can be carried at half the cost, at which the letters of others are carried, should be compelled to pay as high rates of postage, as others.

The argument for carrying the mail, at the expense of the common Treasury, founded on the fact, that our naval and military operations are also at such expense, is as superficial and fallacious, as it is plausible and current. It is absolutely astonishing, that so many wise men use this argument. In turning mail-carrier, Government goes entirely out of the province of Government; goes out of it to perform an unnecessary service; and to perform it for but a portion of its sub-



jects. On the other hand, the preparation and employment of force are strictly within the province of Government; are not only a legitimate, but a necessary work; are for the protection of all, and not a part only, of its subjects; and are for that protection equally in the case of all.

I have, virtually, said, that, so long as Government is the mail-carrier, the rates of postage must be high, in order, that they may cover the whole cost of carrying the mail. Indeed, the papers before us do, in the changes which they propose, admit, that a self-supporting mail, if carried by Government, must be a dear mail. Just here, however, the question very properly arises, whether, if the transmission of letters is thrown open to the enterprise and rivalry of individuals and associations, the rates of postage will be lower. That they will be much lower, in the case of the great majority of letters, is as certain, as that the cost of the transmission will, in that event, be much less. Who, that has marked the difference between the carelessness and clumsiness of Government on the one hand, and the vigilance and alertness of individuals and small associations on the other; between, for instance, the slow and dear process of building railroads and canals, and ships, by Government, and the speed and cheapness with which private enterprise builds them; can, for a moment, doubt, that the cost of carrying letters, is twice as great, when Government is the carrier, as it

would be, were they carried by individuals and small associations? But if this work is thrown open to unlimited competition, then, as all experience, in like cases, proves, the cost of the work will regulate the pay exacted for it: or, in other words, the rates of postage on letters will be according to the expense of carrying them. It is safe to say, that, in such event, the rate of postage on half the single letters would not exceed one cent. On a portion of the remaining half, it would be two cents: on a much smaller portion, two or three times two cents: and on a comparative few, a part of whom, it must be remembered, are not reached by the present Post-Office accommodations, three or four, or even five or six times two cents.

It is argued, that the rates of postage should be uniform, throughout the whole length and breadth of the nation. But, why should they be? They cannot be, but at the expense of great and glaring injustice. Two brothers reside in New-England. One of them says: "I will continue to reside in New-England. It is true, that my rent, and fuel, and bread, are dear; but my merchandise is cheap, because it is subjected to so light a charge of transportation, and, ere long, the postage on letters, through every part of railroad-laced New-England, will be very small." The other brother says: "I will remove to Nebraska. It is true, that a home, in a new country, has its disadvantages and trials. But land and fuel are cheap there; and my bread there

will soon be cheap, because I shall soon grow it. As to merchandise, too—who knows but Government will, ere long, be so consistent with itself, as to carry that, as well as letters, all over the country? and at the same charge for all distances, short or long?” Now, would it be right for Government to realize this anticipation of the Nebraska brother, and to turn carrier of merchandise, as well as letters? and on such absurd terms, too? No—all admit, that it would be wrong, very wrong, very oppressive. It is worth, say, ten cents, to carry a barrel of rice from Baltimore to Washington; fifty cents from Baltimore to Pittsburgh; one dollar from Baltimore to Chicago; and three dollars from Baltimore to Nebraska. Now, it would be bad enough for Government to monopolize the carrying of rice; but, far worse, to have only one price—a mean or average price; and to charge, say, one dollar for carrying the barrel to Washington and Pittsburgh, as well as to Chicago, and only one dollar for carrying it to Nebraska. Such a bringing of prices to one level would be oppressive to the people of Pittsburgh; far more so to the people of Washington; and it would be doing a favor to the people of Nebraska, at the expense of all equity and justice. And, yet, if Government requires the Nebraska brother to pay no higher rates of postage on Nebraska letters than it requires the New-England brother to pay on New-England letters, why, in the name of consistency, should it not make

the transportation of other property as cheap to the Nebraska as to the New-England brother? Can any tell me, why?

Is it said, that the Nebraska brother should be favored, because he has to encounter the hardships of making a home in the wilderness? I anticipated and replied to this objection, in my reference to the advantages, as well as disadvantages, of such a home; and in my reference to the disadvantages, as well as advantages, of a home in a long-settled section of the country. Moreover, it was because he saw, that the disadvantages of his new home would be overbalanced by its advantages, that he concluded to emigrate. Hence, he is not an object for partiality to expend itself upon—certainly, not for the partiality of Government. Government is to be impartial, always, and with all. Government has no gifts to make—even to the most needy: no favors to show—even to the most deserving. I do not deny, that help is often due from the rich and densely-peopled East to the poor and thinly-peopled West. But it is not due from Government. It is due from men to their fellow-men; and is to be paid, without the intervention of Government. The deep sense of such obligation has been already expressed in the bestowment of millions upon schools and churches.

I would add, under this head, that it is far from certain, that, were the carrying of the mails left to private enterprise, the people of our new settlements

would have to pay higher rates of postage, than they will have to pay, if Government continues to be the mail-carrier. For, first, if we are to continue to have so unfit, and so expensive a carrier of the mail, the rates of postage must necessarily be increased, and greatly increased. Second, the constantly and rapidly swelling deficit in the Post-Office Department is already so great, as to make it necessary to refuse to establish post-offices, which will not, in all probability, be self-supporting. Third, if the delivery of a letter, mailed to, or from, our most inaccessible settlements, should cost so unsuitable a carrier, as Government, twenty cents, it, nevertheless, would not cost a suitable carrier ten cents.

There is another objection to my argument against uniform rates of postage. It is, that such uniformity operates as much in favor of the densely-peopled East, as of the sparsely-peopled West;—as much, for instance, in favor of the New-England as the Nebraska brother. It will be said, that if the Nebraska brother pays but three cents on the letter he receives from his New-England brother, the New-England brother, in turn, has to pay but three cents on the letter he receives from his Nebraska brother. It is true, that if his only correspondence were with his Nebraska brother, the New-England brother would not be so much wronged by uniform rates of postage. But, as a gene-

ral thing, more than three fourths of the correspondence of a New-England man is with persons of New-England: and, hence, the charges on the great mass of his letters should be regulated, not by what it may cost to carry letters through the wilderness, and upon the bad roads of Nebraska, but upon the good roads of cultivated New-England.

Is it honest to compel one man to pay another man's postage? Is it honest to compel one State to pay another State's postage? The Northern States do, to a great extent, pay the postage of the Southern States. Slavery is said to be the cause of this wrong. I am aware that slavery is fruitful of wrongs. Perhaps, this is one of them. I will pass no opinion on this point, just now. I will leave each one to make up his own opinion upon it, in the light of the facts of the case. Indeed, there is an especial reason why it does not become me to be finding fault with slavery. For, if we may believe the newspapers, (and we all know, that newspaper is only another name for truth,) I am now a pro-slavery man. My going to bed, as calm as usual, that night, when the final vote on the Nebraska bill was to be staved off by a ceaseless round of cunningly-devised yeas and nays, was fatal to all my Abolition fame. My former honors are now worn by others—by others, who kept awake for liberty, during all the long and weary hours of that memorable night. Surely,

surely, if I have, as the newspapers say, become "a good national," and am on the eve of embarking in "the purchase of negroes," I ought to be chary of my words against slavery. [Laughter.] Very unseemly, very unnatural, would it be for a young convert to speak reproachfully of the idol of his new faith. But, to return from this digression. I was saying, that the Northern States have to pay much of the postage of the Southern. While, in the free portion of the nation, the postage exceeds the expenditure, in the slave portion the expenditure exceeds the postage; and that, too, by the great sum of \$1,311,907.\*

FREE.	* <i>Postage collected in year ending June 30, 1853.</i>	<i>Expenditure in year ending June 30, 1853.</i>
Maine . . . . .	\$125,194	\$112,654
New-Hampshire . . . . .	81,703	67,310
Vermont . . . . .	78,638	96,860
Massachusetts . . . . .	453,966	294,366
Rhode-Island . . . . .	47,377	30,817
Connecticut . . . . .	146,364	121,365
New-York . . . . .	1,175,516	829,421
New-Jersey . . . . .	89,074	109,913
Pennsylvania . . . . .	488,308	414,043
Ohio . . . . .	375,759	531,392
Michigan . . . . .	96,757	182,872
Indiana . . . . .	137,339	174,351
Illinois . . . . .	175,346	264,223
Iowa . . . . .	40,980	55,335
Wisconsin . . . . .	73,570	78,606
California . . . . .	123,152	242,043
Oregon . . . . .	9,797	52,282
Minnesota . . . . .	3,529	3,848
	\$3,722,369	\$3,661,701

Surplus, \$60,668.

[Over.]

Most heartily, Mr. Chairman, do I rejoice, that our post-office ship has run ashore. As my amendment shows, I am willing to have it so far patched up, that it may be kept at sea a couple of years longer, whilst other and fit craft is made ready to take its place. After that, let the poor broken thing be left to lie on

SLAVE.	<i>Postage collected in year ending June 30, 1853.</i>	<i>Expenditure in year ending June 30, 1853.</i>
Delaware . . . . .	\$16,310	\$16,357
Maryland . . . . .	152,158	239,953
District of Columbia . . . . .	37,832	33,006
Virginia . . . . .	183,472	398,769
North-Carolina . . . . .	60,751	204,806
South-Carolina . . . . .	82,985	157,573
Georgia . . . . .	142,800	279,441
Florida . . . . .	16,878	45,950
Alabama . . . . .	96,091	223,620
Mississippi . . . . .	73,108	151,422
Arkansas . . . . .	25,105	103,692
Texas . . . . .	47,164	161,149
Tennessee . . . . .	85,701	134,909
Kentucky . . . . .	112,542	191,114
Missouri . . . . .	98,781	188,041
Louisiana . . . . .	128,170	141,953
	\$1,359,848	\$2,671,755
Deficiency, 1,311,907.		
UNCERTAIN WHETHER TO BE FREE OR SLAVE.		
New-Mexico . . . . .	\$517	\$19,925
Utah . . . . .	955	3,633
Nebraska . . . . .	—	237
	\$1,472	\$23,795
Deficiency, \$22,323.		

Total of deficiency in Post-Office Department, for year ending June 30, 1853, aside from ocean mail service, \$1,273,562.



shore—a wreck to admonish the people, so long as it shall lie rotting there, of the folly of permitting Government to be the carrier of their letters and papers. Now is the time for the people to determine to take into their own hands their own work of carrying their own letters and papers. Am I asked, how—by what means—the people can do this work? I answer, that is none of our business. It is no more our business—the business of Government—to make this inquiry, than it would be to inquire, how the people could build their roads and canals, and manage their schools and churches, without the intervention of Government. Government is to leave the people to do their own work, in their own way—be that way the best or the worst. That the people's way for carrying their own letters and papers would, however good or bad, be far better than the way, in which meddling, usurping Government has done it, there is not the least reason to doubt.

Perhaps, I shall be told, that the people will not consent to pay, in any cases, higher rates of postage than they now pay—no, not even if they are recompensed fourfold for it by less rates of postage in the great majority of cases. Perhaps, I shall be told, that, rather than have the rates of postage different for different distances, or for any other cause, the people will prefer to have the Government continue to be the mail-carrier, and that, too, even though the Post-Office Department

shall continue to sink deeper and deeper in debt. But the people are not so blind to their own interests, as not to see, that the losses of the Post-Office Department are the losses of the Treasury; and that the losses of the Treasury are the losses of themselves. Nor are the people so perverse and suicidal as to array themselves, deliberately and perseveringly, against their own interests.

Thrice welcome to my whole heart would be the breaking up of the Post-Office Department! Not merely, however, nor even mainly, however, because I desire a reform in the Government, at that point. It is true, that I do deeply desire this particular reform, for its own sake. Nevertheless, my deep desire for it is chiefly because it would lead the way to numerous wise, and wide, and radical reforms in the theories and practices of Civil Government; and, thereby, do much toward bringing forward the day, when Civil Government shall be confined to its sole, legitimate province of protecting persons and property.

The Post-Office Department broken up—and there would, then, be no franking privilege. In this wise, the people would be saved much more than a million of dollars a year. According to some estimates, more than even two millions, a year. It may be well for me to say here, that, even were the mail taken out of the hands of Government, I would still be willing to have Government go to the expense of sending a limited

amount of printed matter, at the hands of members of Congress. Of course, it could not, in that event, be done in the way suggested at the beginning of my remarks. But what the franking privilege costs would not be the whole amount, that the people would save by the breaking up of the Post-Office Department. Including what was paid to ocean mail steamers, the Post-Office Department cost the people for the year ending last June, nearly \$3,000,000. The cost for the year ending the present June, will exceed the sum of \$3,500,000; and it is estimated, that the Post-Office Department will, in the year ending next June, load the people with the loss of \$4,000,000. Will the people be patient under these enormous, and rapidly increasing, losses? They will not be. And they will not be patient with the present Congress, if we do not, and that, too, before the close of the present session, provide for the speedy termination of these losses.

To protect myself from misapprehension, I would disclaim all imputation of mismanagement in the Post-Office Department. I presume, that it is as well managed, at the present time, as it ever was. I believe, that they, who have the control of it, are upright and able men. But the Post-Office Department is itself a wrong:—and, therefore, every administration of it must, necessarily, be a wrong—because every administration of it, however able or well-intended, must par-

take of the inherent wrong of that, which is administered.

Again, the Post-Office Department broken up—and there would be no more making of books by Government. In this wise, too, the people would be relieved of another great tax. There is no danger, that there will not be books enough. There will still be enough books made, even if Government should make none. Let Government throw open the Patent Office, and the Coast Survey Office, and other offices, to persons who collect materials for book-making; and such books, as Government, now, loads the mail with, and scatters among those who do not, one in three, read them, will be published at half to three fourths of the expense, at which they are now published: and, moreover, they will get into the hands of those who will read them—for, it may be presumed, that they, who go to the expense of buying their books, will read them.

But the saving of money to the people by the breaking up of the Post-Office Department will be of little account, compared with the saving, by that means, of both Government and people from no small amount of corruption. There are more than twenty-three thousand post-offices. The postmasters, their deputies and clerks, must altogether number more than fifty thousand. It is, of course, expected, that they shall all wear the livery of the Administration; and, alas, too large

a share of them feel themselves irresistibly tempted to fulfil the expectation! Then, connect with this patronage the negotiations for mail contracts, and all the powers and influences incidental to the Post-Office Department, and it will be strange, indeed—nay, inexpressibly honorable to human nature—if an immense and ever-swelling tide of corruption should not attend upon the organization and operations of that Department.

But it will be said, that the individuals and associations, that would take the place of Government, in carrying the mail, would be as corrupt and corrupting in the work, as Government is. Admit, that they would be as corrupt—nevertheless they could not be as corrupting. The corrupting power of individuals and associations is as nothing, compared with that of Government. For, whilst Government remains pure, it will be both disposed and able to control guilty individuals and associations. But when Government itself has yielded to corruption, the restraining barriers are broken down, and all is in danger of being lost.

I must close. I have not said all, that I intended to say. But, as the remainder of our session may be very short, so we must make our speeches short. If this Congress would do a better thing than any Congress has ever done, let it declare, that the Post-Office Department shall, at the end of two years, cease to exist; and shall then give place to such machinery, as

the people shall select and employ ; and to as perfect freedom, on the part of the people, to carry their letters in what way they will, as they now exercise in carrying their beef, and pork, and flour, and themselves.

What I have said is in harmony with the amendment, which I sent to the Clerk's desk. I cannot be ignorant, that many, who hear me, will believe that my amendment will be unpopular in some quarters, especially in the new and scantily-peopled portions of the country. But I am, yet, to be convinced, that it will be unpopular, even there. I am, yet, to be convinced, that so just and wise a measure, as the abolition of the Post-Office Department, will work loss to any portion of the country. A monopoly in the hands of a Democratic Government!—copied, in the ignorant infancy of that Government, from monarchy and despotism! at war with the whole genius and framework of that Government!—tell it not, that any section, or any worthy interests, of our people can be injured by the abolition of a so entirely misplaced usurpation!

I will admit, however, for the sake of the argument, that my proposition is unpopular. Happily for me, I have no popularity to jeopard. I belong, as I said, in this place, a few months ago, to a solitary party ; or, if the honorable gentleman from North-Carolina [Mr. Clingman] will permit me to say so, to that dual party, composed of himself and myself. [Laughter.] But,

though I have no popularity to jeopard, nevertheless, many who hear me have. I hope, however, that they will not allow themselves to be trammelled by it, on this occasion. I hope, that they will remember, that justice is more important than popularity, and that he, who honors the demands of justice, will acquire an increasing and enduring respect, which is infinitely more valuable than any popularity, and especially, than that vulgar and mushroom popularity, which is the poor pay for trampling on justice.





# SPEECH

ON

## SUPPLYING THE CITY OF WASHINGTON WITH WATER.

JUNE 24, 1854.

MR. CHANDLER, of Pennsylvania, had offered an amendment to the Civil and Diplomatic Bill, providing for an expenditure of five hundred thousand dollars to continue the aqueduct for bringing water into the City of Washington. Mr. STEPHENS, of Georgia, moved and advocated an increase of one hundred thousand dollars. Mr. SMITH replied as follows :

The honorable gentleman from Georgia [Mr. Stephens] said, "Go on!" I say, stop! I have not risen to oppose this plan, or to advocate any other. I have nothing to say in disparagement of deriving the water from the Potomac; and nothing to say in praise of deriving it from Rock Creek. I am opposed to the

execution by the Government of any plan, whatever, for supplying this city with water.

In my judgment, sir, we are on the threshold of a vast expenditure of money. Government had better retrace its steps than go forward. If it goes forward, it will find itself involved, not only in a great loss of money, but in difficulties that will call for legislation, and that will consume much of the costly time of Congress. And that it will find its execution of the work the occasion of no little corruption to itself and to others, is what all experience in such matters teaches us to expect.

This work can be done, and be kept in repair, by individual enterprise, at one half the expense it would be to Government. Why, then, should it not be intrusted to individual enterprise? Let Government offer half a million, or, if proper, a million of dollars, to the responsible association that shall undertake to supply the city with water, and the offer will be promptly accepted. But it is said, that there is not enterprise enough among the people of this city to get up such an association—not wealth enough to accomplish the object of it. I think better, however, than this of both the enterprise and ability of the people of Washington. But if they either will not, or cannot, do the work, there are Yankees enough who will; and not only Yankees enough, but people enough in every part of the country, who will do it.

Of course, I would have Government require, in return for its grant to the proposed association, the fullest liberty to use the water for all possible governmental purposes. And I would have Government prescribe the general plan of the work—at least, some of its main features.

I hardly need say that I am willing, more than willing, to have Government pay for the water in full proportion to the value of its buildings and their precious contents, and to the value of its various great interests here, among which is the importance of preserving the health of its numerous servants collected here. Indeed, I would have Government bear more than such proportion of the expenses for the common welfare of the city. It is the misfortune of our nation that its capital is in the midst of a people who cannot be a self-subsisting people. To a great extent Government must ever carry and sustain the people of this city.

I am not of the number of those who think it would have been unwise to establish the capital in one of our great seats of commerce. A people who support themselves are quite as virtuous and intelligent and safe a people as are they who lean largely upon others for their living.

But it is said, that if Government does this work it will derive a great income from it. I do not believe that it will derive any income from it. It will be too much out of harmony with its dignity for Government

to be peddling water. If Government does the work, the people of this city will never be taxed for their water. The whole tax, in that case, will rest upon the whole people of the country. You might as well expect that Government should erect toll-gates on the bridges it owns around this city, and stop passengers for their pennies, as expect that it will descend to the little business of selling or leasing water.

This city should be supplied with water, both abundantly and speedily; and, as I have said, I am willing to have Government contribute liberally toward the expense of it; but its contribution must be in a way consistent with the office of Government. Not for the sake of doing any good may Government exceed its province. Government may do nothing that its citizens can do; least of all may it do anything that *they* can do better than *it* can.

I love the city of Washington. I love it, because it was founded by the greatest of all great names. I love it, because it does itself wear that greatest name. I love it, because it is the capital of our nation—the seat of Government of our beloved country. I love it for its great natural beauty, that marks every part of this broad and magnificent amphitheater; and all the more do I love it because this beauty is heightened by the embellishments of art. It is true there are two plague-spots upon its health—two blemishes and blots upon its beauty—

[Here the hammer fell.]

# S P E E C H

ON THE

## MEXICAN TREATY AND "MONROE DOCTRINE."

JUNE 27, 1854.

THE bill to enable the President to fulfil the third article of the Treaty between the United States and the Mexican Republic, being under consideration,

Mr. SMITH said:

Mr. Chairman: Until yesterday, when I heard the distinguished gentlemen from Missouri and Virginia, [Mr. Benton and Mr. Bayly,] I had not intended to say one word on the subject before the Committee. I listened with great interest to their noble speeches, and was instructed by them. Nevertheless, my own views did not entirely harmonize with the course of argument pursued by either of those gentlemen. I am happy, Mr. Chairman, in the opportunity, which you have now kindly afforded me, to express these views,

in the light of which the vote, which I am to give, will be judged.

"The papers!"—"the papers!" have been, more or less, the burden of some of the speeches, which we have heard. Now, I do not sympathize with this concern, nor join in this call for the papers. I do not see, that we have any right to them, or anything to do with them. Had we undertaken to impeach the President for his connection with this treaty, then our interest in the papers respecting it would be pertinent. But that is what we have not, as yet, undertaken.

This treaty, when approvingly and fully acted upon by the competent Mexican authorities and the President and Senate of the United States, (and, for the sake of the argument, I will assume, that it has already been so acted upon,) becomes, by the admission of the Constitution itself, a "supreme law of the land," binding upon our nation, and capable of being enforced against our nation by Mexico. It is equally such, whether it has our approbation, or disapprobation. Our approbation cannot give it legality. Our disapprobation cannot take away its legality. The treaty is not a law, upon condition, that we assent to it. It is, already, a law—an unconditional, absolute law. All, that we have to do with the treaty, is either to obey its call upon us to vote money to Mexico; or to disobey the call, and incur the great and fearful responsibility of treaty breakers—of law breakers. For one,

I hold, that we may incur such responsibility, provided the amount of the money is grossly excessive—say several times as much, as it should be. Before I close, I will express my opinion on the reasonableness of the amount. Commanding as is a treaty between nations—solemn as is a "supreme law of the land," it may, nevertheless, be possible, that it is our duty to disobey this treaty, and to break this law. For we can suppose a case, in which it would be right to disobey, and set at naught, the most imposing and solemn enactment. I will suppose an extreme case—since it is, after all, an extreme case, which best serves the purpose of establishing the fact, that there may be exceptions to the general rule. What, if there were a congressional statute, which, rivalling the wickedness of the memorable decree of Herod, requires all the children in this District, two years old and under, to be slain? Must the President obey, and enforce it? No! All admit, that, notwithstanding he is a coördinate branch of the law-making power, he must not obey, and enforce it. Commanding, as is the source of this statute, and perfect as are its forms, he must refuse to honor it. High and authoritative, as is the statute, humanity is infinitely higher and more authoritative: and, hence, if he has to trample either one, or the other, under foot, it must be the statute, and not humanity.

I said, that the treaty calls on us to vote money to Mexico. Now, I am not of the number of those, who

hold, that we are to disobey the call, because the President had not apprised us of it, before the treaty was concluded. The Constitution does not require such previous notice. Moreover, such previous notice might be the means of publicity, and thereby of defeat, to the negotiations. Nor would I disobey the call, because of the provision in the Constitution, which requires all bills for raising revenue, to originate in the House. For I do not believe, that this provision was intended to restrict, or qualify, the treaty-making power, lodged by the Constitution in the President and Senate. To understand our duty, we must see what we get in exchange for the money we vote. If we find, that we get the worth of our money, or anywhere near the worth of our money, we are not to hesitate to vote the money.

There are but two material things, that we get. One of these is our release from the eleventh article of the treaty of Guadalupe Hidalgo—the article which, although so lightly spoken of by the honorable gentleman from Missouri, [Mr. Benton,] does, nevertheless, make us liable, in some sense, and in some degree, for Indian depredations upon the Mexicans. It is said, that our liabilities in this article are too indefinite to create any obligations upon us. But I hold, that the more indefinite they are, the worse they are, and the more eager should we be to escape from them. To say, that they create no obligations whatever upon us,



strikes me as very extravagant. For one, I should be willing, ay glad, to see our Government pay a considerable, though not an unreasonable, sum to liberate us from the obligations of this article, whatever those obligations are.

The other material thing, that we get by this treaty, is territory. This territory is valuable to us, because it is essential to the best railroad route from the southern portion of our country to the Pacific. But though I would have our Government do what it reasonably can to provide the South, as well as the centre, and the North, with the best railroad route to the Pacific, which the Maker of the earth has afforded, I must, nevertheless, insist, that Mexico, so far as she can furnish the ground, should be glad to furnish it, without price, if others will build the roads.

But this territory is much more than we need for the routes of railroads. The more, however, the worse, said the honorable gentleman from Missouri, [Mr. Benton,] and by a good story, told in his own happy way of telling his good stories, he illustrated his position, that there are lands so poor, that to own them is to be impoverished, rather than enriched. But with all deference to that distinguished gentleman, who is even more full of learning and experience than he is of years, I am willing to admit, that the more land we get from Mexico, (by righteous means,) the better. I would,

that the treaty gave us whole provinces; yes, and even all Mexico.

Poor Mexico needs to be brought under radically transforming influences. Indeed, she is perishing for the lack of them. It is for her life, that she cease to be an independent nation; and not only so, but, also, that she become a part of our nation. For, say what we will of its faults and crimes, (and I look with very great sadness of heart upon some of them,) our nation is the mightiest of all the civilizing and renovating agencies, that are at work in the world.

And, again, is there not some danger, that Mexico, if not annexed to us, will pass under the wing of Spain, or of some other European nation? But, gentlemen will tell us, that the "Monroe doctrine" is an effectual shield from that danger.

Suppose, Mr. Chairman, since we have, thus incidentally, stumbled upon the "Monroe doctrine," that we spend a few minutes upon it, and, therefore, a few minutes less upon the treaty.

I am well aware, sir, in what admiration this doctrine is held. It is glorified in this House, and glorified throughout the land. There is no greater political heresy than to doubt its soundness. It is commended to us by the authority of the greatest names. Nevertheless, it is not to authority that I would bow, but to truth; and, as I look upon the Monroe doctrine, it is utterly empty of truth, and full of arrogance and

bravado. This doctrine is very palatable to our patriotism, inasmuch as it arrogates a very exalted place and mission for our nation. It invests us with the right of regulating the relations between the people of this hemisphere and the people of the other. It makes us, in a word, dictator of the whole earth.

This doctrine is brave and defiant; and it, therefore, gratifies our conceit of our courage and power.

And, yet, sir, warmly as this doctrine is cherished by us, it seems to me, that we should be the last people on earth to admit the truth of any such doctrine. This doctrine is at fatal war with our corner-stone doctrine, that every people is at liberty to choose its own form of Government. For us to set up "the Monroe doctrine," is to turn our back upon the Declaration of Independence. It is to deny; to live down; to lie down; our own fundamental principles. For us to refuse to other peoples and nations the right to separate from each other, as they please; or unite with each other, as they please; or change their forms of Government, as they please; is to be guilty of repealing the principles, on which our own nation deliberately founded itself. For us to restrict other Governments, as "the Monroe doctrine" would restrict them, is, virtually, to ignore and deny the foundation and legitimacy of our own Government.

But, sir, we are either ignorant of ourselves, or insincere. We would not approve—nay, we would not

abide—"the Monroe doctrine," were it applied to ourselves. Suppose our nation should, for any reasons whatever, wish to blend itself with Great Britain, would it be restrained from doing so by its committal to "the Monroe doctrine?" Oh, no! And yet, that wish would be directly in the face of "the Monroe doctrine." Suppose Mexico and Brazil, hearing of this wish, should put their veto upon its indulgence. How quick would we scout the veto, and bid them mind their own business, whilst we minded ours? But if they have no right to forbid our fusion with Great Britain, pray, what right should we have to forbid the proposition of Hayti to join France, or Chili to join China, or, (most terrific of all terrific things, in the eyes of an *American filibuster!*) Cuba to join England?

The truth is, that our rapid progress in population, wealth, and power, has made us forgetful of the equal rights of the nations of the earth. We are disposed to measure our rights by our prosperity; and to disparage the rights of others, in the degree, that their prosperity falls short of our own. In our boundless self-conceit, our might, either already is, or is very soon to be, boundless. And, as is to be expected in such a case, we are already acting on, if not in terms avowing, the maxim, that might makes right.

It was in the proud and arrogant spirit of our country—it was under the influence of the extravagant pretensions, with which she is bloated, that the Squier

treaty was so much condemned, and the Hise treaty so much extolled, in the other wing of the Capitol, a year or two since. The Squier treaty admitted, that other nations of the earth might participate with ours in controlling the ship-canal between the Atlantic and the Pacific. But the Hise treaty claimed, that our nation, alone, is worthy of controlling it; that the nation, whose office is sole dictator of the whole earth, should be the sole keeper of that great gateway of all the nations, and should decide when, and on what terms, the ships of those nations might pass through it. It was, of course, taken for granted, that all the nations of the earth would be tame enough to acquiesce promptly in this, as well as all other claims of our assumed dictatorship.

"I fix the chain to great Olympus' height,  
And the vast world hangs trembling in my sight,"

are words quite too swollen for a nation—for any collection of mere men to use—however fitted they may be to the lips of a god.

"The pride of thy heart," saith the prophet, "hath deceived thee, thou that dwellest in the clefts of the rock, whose habitation is high; that saith in his heart, 'who shall bring me down to the ground?' Though thou exalt thyself as the eagle, and though thou set thy nest among the stars, thence will I bring thee down, saith the Lord."

Is not such the pride, that we are nurturing?—the "pride," may we not fear, that "goeth before destruction?"—the "haughty spirit before a fall?"

Never has there been so self-deceived a nation, as our own. That we are a nation for liberty is among our wildest conceits. We are not a nation for liberty. I refer not, now, to the terrible blot of slavery upon our country. I refer to our pride. No proud man is for liberty. No proud nation is for liberty. Liberty—precious boon of Heaven—is meek and reasonable. She admits, that she belongs to all—to the high and the low; the rich and the poor; the black and the white—and, that she belongs to them all equally. The liberty, for which a proud man contends, is a spurious liberty; and such is the liberty, for which a proud nation contends. It is tyranny; for it invades and strikes down equal rights. But true liberty acknowledges and defends the equal rights of all men, and all nations. There is not time for me to expatiate upon the merits of true liberty. They will be known to all, who bow themselves, gratefully and lovingly, to her claims. There is not time for me to prove, that it is her true character, which I have given to true liberty. Suffice it to say, that all will see it to be such, who are so happy, as to escape from the hard dominion of passion and prejudice, to the welcome control of reason and religion.

If this nation is to prosper, it must be by adhering

to the great and precious principles avowed at its birth. One of these principles is, that every people may choose its own form of government, and vary it, as it pleases. We chose ours; and we write "hypocrite," with our own finger, upon our own foreheads, if we deny to the Haytiens or Cubans, or any other people, the liberty to choose theirs. If Cuba proposes to remain a part of Spain, or to become a part of France, or England, we cannot condemn the proposition, but at the expense of condemning our own, deliberately adopted and solemnly uttered, principles.

It is not for this nation to deny the right of one people to blend themselves with another people; nor the right of any people to break up their existing national relations. In other words, it is not for this nation to deny the right either of annexation or secession. I claim the right of the British provinces, north of us, to annex themselves to our nation, if we are willing to receive them; and that, too, whether England does, or does not consent to it. I claim the right of those provinces and New-England to form a nation by themselves; and that, too, whether with or without the approbation of the English and American Governments. I hold, that the Northern States have the right to go off into a nation by themselves; and the Western States; and the Southern States. If they will go, let them go; and we, though loving the Union, and every part of it, and willing to lose no part of it, will let them

go in peace, and will follow them with our blessing, and with our warm prayer, that they may return to us; and with our firm belief, that they will return to us, after they shall have spent a few miserable years, or perhaps, no more than a few miserable months, in their miserable experiment of separating themselves from their brethren. Of course, I cannot forget, that many—alas that they are so many!—would prefer following the seceders with curses and guns. Oh, how slow are men to emerge from the brutehood, into which their passions and their false education have sunk them! I say brutehood; for rage and violence and war belong to it, while love and gentleness and peace are the adornments of true manhood.

I trust, that I shall not be regarded as holding that a single State in our Union may set up for itself. It may not any more than a single county. Such an *imperium in imperio* would be too full of inconvenience and objection to entitle itself to the approbation of any reasonable man. My doctrine of annexation and secession is not to be stretched over every folly, that may lay claim to countenance from the doctrine.

I spoke of the right of the British Provinces to annex themselves to our nation. I hope, that, in due time, the right will be exercised; and that England will feel, that she cannot justly resist the exercise of it. But, I hope, for more than such annexation. I hope for the annexation to us of every other part of North-America.



To bring the various peoples of North-America into a nation with ourselves, would be to bring them under a rapid process of enlightenment, civilization, and homogeneity with each other and with us. I trust, that we shall be a better people, by that day. But bad, as we now are, even in that case, few of our neighbors would become worse, and most of them would become better, by becoming like us. Were all North-America to become one nation, it might not long remain such. But the various nations, into which it would divide, would be more intelligent, useful, and happy, than if they had never constituted one nation.

Let Cuba come to us, if she wishes to come. She belongs to us, by force of her geographical position. Let her come, even if she shall not previously abolish her slavery. I am willing to risk the subjection of her slavery to a common fate with our own. Slavery must be a short-lived thing in this land. Under our laws, rightly interpreted, and under the various mighty influences at work for liberty in this land, slavery is to come to a speedy termination. God grant, that it may be a peaceful one!

I would not force Cuba into our nation, nor pay \$250,000,000 for her, nor \$200,000,000—no, nor even \$100,000,000. But when she wishes to come, I would have her come; and that I may be more clearly understood on this point, I add, that I would not have her wait, always, for the consent of the Spanish Govern-

ment. Now, if this is *filibusterism*, then all I have to say is "make the most of it!" [Great laughter.]

I do not subscribe to the doctrine, that the people are the slaves and property of their Government. I believe, that Government is for the use of the people, and not the people for the use of Government. Moreover, I do not acknowledge, that any nation, or province, or people, is amenable to any other human Government than that, which they have themselves chosen.

But, to return from my *filibustering* [laughter] to the treaty. The treaty calls on us to vote money to Mexico, in exchange for what we get from her. Is the sum no greater than it should be? Then, I must cheerfully vote it. Nay, it may be even much greater than it should be, and my obligation to vote it remain unbroken. For, I must not, for any slight cause, disobey the law—"the supreme law of the land." But, if I believe the sum to be several times greater than it should be, then it is better, that I disobey than obey the law. I do thus believe; and, therefore, I elect to disobey the law. I refuse to vote the required sum. I am conscious of my responsibilities for the refusal. I confess myself to be a law-breaker; and I appeal to common sense and the public conscience for my justification. Start not at my admission, that I am a law-breaker. Even you, who believe with me, that this treaty is a law, would consent to break it on the same principle, that I do. That is, you would consent to break it, if you thought,

as I think, that the sum demanded by the treaty is several times as great, as it should be.

The truth is, that our statesmen have, under the influence of the vast resources of our nation, and of the overflowing Treasury, which is the consequence of our tariff system, become mad on the subject of figures. With them millions are but little more than thousands. Were our Treasury well-nigh empty, as it always should be; and were our statesmen to study the value of money, in the light of the toils of the poor, who earn it, these statesmen would not make so light of immense sums, as they now do.

Ten millions for what this treaty gives us! In my esteem, it is not only a very excessive, but an outrageously excessive, remuneration. I do not say, that I would not vote five millions. Perhaps, I would, but not because I would believe five millions to be no more than a reasonable sum. It would, in my judgment, be much too large a sum.

Mr. WASHBURN, of Maine, (interrupting.) If I understand the gentleman correctly, he said, a short time since, that he considered this House under absolute, unquestionable obligation to vote this money. Or he stated, rather, that the treaty was perfect in its obligation, without the action of this House, that it was the law of the land, absolute and complete in its obligation. But I understand the gentleman to say, now, that he will exercise his discretion, and that he will not vote the ten millions. Also, that he will not call for the

information, because the President is not bound to give any information in relation to the treaty. I ask him whether, if he should call upon the President for the information necessary to enlighten him upon the subject, in this exercise of his discretion, which he now claims the right to use, he might not see therein, reasons why he should not vote for the ten millions?

Mr. SMITH. I need no such enlightenment. It has been intimated, that corruption attends the treaty. I know not, and, for present purposes, care not, whether this is so. The question of corruption is not before us, and for what else could I wish to see "the papers?" The actual provisions of the treaty constitute all, that is legitimately before us; and the only question for us to decide, in governing our votes on this occasion, is whether \$10,000,000 is not so excessively large a sum, that we had better disobey the treaty, and break a "supreme law of the land," than vote it. As I have already said, I think it our duty to break the law; or, to use the less startling phrase of the day, to render the law, at this ten million point, "inoperative and void." [Laughter.]

Happily, I shall not need to regard as criminals, those, whose votes, on this occasion, shall differ from my own. The difference between us may be but an honest difference of judgment. Happily, too, it is only money, that we lose by voting too large a sum to Mexico. Whereas, should there be war between us and her, in consequence of leaving unsettled what this

treaty settles, the loss to both nations would be infinitely greater than a loss of money. I had rather we should make an absolute gift of ten millions to Mexico than that we should fire one gun at her—and even, too, if that one gun should hit nobody.



# L E T T E R

ANNOUNCING

HIS PURPOSE TO RESIGN HIS SEAT IN CONGRESS.

WASHINGTON, JUNE 27, 1854.

*To My Constituents :*

My nomination to Congress alarmed me greatly, because I believed, that it would result in my election. To separate myself from my large private business, for so long a time ; and to war for so long a time, against the strong habits formed in my deeply secluded life, seemed to be well-nigh impossible.

My election having taken place, I concluded, that I must serve you, during the first session of my term. Not to speak of other reasons for such service, there was, at least, so much due to you, in requital for your generous forgetfulness of party obligations, in electing me. I could not do less, and, yet, make a decent return for the respect and partiality you had shown me.

I did not, until within a few weeks, *fully* decide not to return to Congress, at the next session. I could not

know, but that something unforeseen might demand such return. I, now, feel at liberty to announce my purpose to resign my seat in Congress, at the close of the present session. Why I make the annunciation so early is, that you may have ample time to look around you for my successor.

I resign my seat the more freely, because I do not thereby impose any tax upon your time. You will fill the vacancy, at the General Election. Indeed, I should have been entirely unwilling to put you to the pains of holding a special election.

GERRIT SMITH.



## SECOND SPEECH

ON THE

### RICHARD W. MEADE BILL.

JULY 1, 1854.

MR. JONES, of Tennessee. I will withdraw the motion to strike out the enacting clause of the bill.

MR. SMITH, having moved to strike out all after the enacting clause, and supply its place with the provision to pay \$250,000 in full satisfaction of the claim, said, that the speech of the honorable gentleman from Tennessee, [Mr. Jones,] brought to his mind a passage of the Bible: "He that is first in his own cause, seemeth just, but his neighbor cometh and searcheth him." Now, I am the neighbor of this gentleman, (Mr. Jones and Mr. Smith sit near each other,) and I have come to search him. (Laughter.)

The gentleman from Tennessee finds fault with my speech on this subject a couple of months ago. I confess, that I did say he had read from one paper, when

it turned out, that he had read from another. But my mistake was of no consequence to the argument. Another of my faults was, that I did not read to the end of the paragraph, of which I read a part. The closing lines of the paragraph upset, as he holds, the interpretation which I put upon the lines preceding them. Let us look into this. In those preceding lines Mr. Adams scouts the idea, that the Meade debt is not among the claims which our Government had assumed and "agreed to compound:" and in these immediately following and closing lines, he scouts the idea, that a certain "order" is a claim on our Government.

And yet the gentleman from Tennessee regards the debt and the order as identical, the one with the other! and concludes, that, although Mr. Adams said, in one breath, that the debt is among the claims against Government, he said in the next, that it is not! I offer a simple explanation to the gentleman's mind. It is the same that I offered before. There was an *unliquidated* claim of Meade, and also a *liquidated* one. The former, I held, was binding upon our Government. The latter, I admitted, was not. This is the distinction insisted on by Mr. Adams. We did not agree, certainly not in the treaty of 1819, to pay whatever sum Spain might admit she owed Meade, but the sum (or a *pro rata* allowance thereon) which she actually owed Meade.

The gentleman from Ohio [Mr. Giddings] who replied to my former speech on this subject, said, that

our Government was under no obligation to help Meade get from the Spanish Government the proofs of his claim. But what right had that gentleman to say so, in the face of the treaty obligation of Spain to furnish the proofs?

That obligation was as sacred as any other in the treaty; and our Government was as much bound to enforce it, as to enforce any other. What, if, in the case of half of the claims, the vouchers and documents had been in the possession of the Spanish Government, and their production had been refused? Our Government would, surely, have enforced the provision in question, and would have done so, before paying any of the claims.

The true state of the case is this: Our Government absolutely released the Spanish Government from the Meade claim. It, simultaneously, bound the Spanish Government to give up the proofs of that claim. When called on to do so, it refused. And, now, our Government sits still, and says, that Meade has lost his claim! Monstrous injustice! And a deep shame to our country is such injustice!

Mr. Forsyth has been referred to. He, like Mr. Adams, believed with Judge White, of the Commission, that Meade had "a well-founded claim."

Not only was Meade entitled to a *pro rata* allowance from the five millions, on his claim, provided he had been able to establish it, by means of the bounden help

of our Government ; but a strong argument can be made to show, that our Government was bound to pay Meade the whole sum, which the Spanish Government acknowledged to be due him. There is not the least reason to believe, that the Cortes would have agreed to the second treaty, which, in addition to what the first treaty gave us, annulled three Spanish grants of land, had not that body supposed, that our Government would pay the Meade debt, as it had been liquidated. The history of the transactions makes this well-nigh certain.

But, if there are any technicalities, by which we may escape the payment of this claim, I pray that we may not avail ourselves of them. We all admit, that Spain owed a debt to Meade. I say not how much. We all admit, that Spain believed, that in the bargain she made with us, we assumed to pay or compound this claim. We all know, that we made a good bargain out of Spain, in getting Florida for five millions of dollars. Can we, in such circumstances, consent to turn over the Meade claim to Spain for payment? Can we, in such circumstances, refuse to pay it ourselves?

# S P E E C H

FOR THE

## H A R B O R O F O S W E G O .

J U L Y 1 2 , 1 8 5 4 .

THE River and Harbor bill being under consideration, Mr. SMITH, having moved to amend it by adding fifty thousand dollars to the appropriation for the harbor of Oswego, said :

Oswego does a much larger custom-house business than any other town in the nation, where the Government has not authorized the building of a custom-house. And, yet, the harbor, in which all this business is done, is a miserably contracted and half-finished one. The people of Oswego have been compelled to tax themselves, for many years, very heavily, in order to preserve their harbor, and to maintain, against the elements, the cheap and frail piers built by Government. And were they, now, to call on Government for re-pay-

ment, they would be as unjustly dealt with as was Wilmington day before yesterday, when the section, making like re-payment, was struck out of the Cape Fear River bill. For Government to draw revenue from our harbors, and, yet, to refuse to keep them in repair, and to compel the people, who live where the harbors are, to keep them in repair, is what I cannot see to be honest. Thus to benefit the Treasury, or, in other words, the whole nation, at the expense of particular localities and small communities, is, in my eye, nothing short of downright fraud.

But I have been asked, during the discussion of this bill, with what consistency I can advocate the improvement of rivers and harbors, at the hands of the Federal Government, seeing that I have for years advocated, both with my lips and pen, that they be improved by States and smaller communities, and not by the Federal Government? It is true that I would have such work done by other and more suitable agents than the Federal Government. It has never been economically and well done by that Government: and it never will be economically and well done by that Government. It is a work that cannot be properly performed *at arms-length*. It is a work that can be properly performed by those only, who, to use another familiar phrase, are *on the spot*. The Federal Government, because so great, is too unwieldy for such a work: and, because it is so remote from the work, an adequate sense of responsi-

bility cannot be brought home to it. I object to such work in the hands of the Government, if only because such work tends to centralization, and to undue Federal power. I object to it, if only because it affords immense room for corrupting both Government and people.

Gladly would I vote, this day, to have the Federal Government, provided it would surrender all claims to revenue from our harbors, stand entirely aside from the whole work of improving them. But, just so long, as that Government will tax us for using our own harbors, just so long, I can do no less than insist, that Government shall put, and keep, them in proper condition. I am no more inconsistent here than I am in the case of custom-houses. So long as Government shall adhere to the injustice of supporting itself by customs; and so long as the people shall be foolish enough to let Government do so, so long I shall be in favor of having Government erect safe and suitable buildings for custom-houses, instead of having it lease such as are unsafe and unsuitable. Hence, although if I could have my will, and if my theories of Government could prevail, there would not be a custom-house on the earth; I, nevertheless, feel myself to be guilty of no inconsistency in calling upon Government to erect custom-houses. So, too, in the case of rivers and harbors, whilst Government claims, and with the acquiescence of the people, the exclusive control, and the exclusive

revenues, of them ; I feel, that Government is, not only to be permitted, but to be required to improve them.

I moved an increase of \$50,000. That sum, together with the \$21,000, which the bill provides for, would be none too much to put the harbor of Oswego in such a state, as its very great and very rapidly growing business demands.

I desire the success of this bill. The security of life and property requires it. Instead of the total sum appropriated by this bill being too large, I would have Government, another year, expend a much larger sum on these and similar objects, providing it shall not do the far juster and better thing of surrendering the work into the hands of the proper agents—the States and smaller communities.

I did not offer my amendment, with the view of its adoption. Indeed, I am persuaded that the success of the bill would be greatly endangered by amending it. It is safer and wiser to follow the estimates, and to walk in the track of the Department. I withdraw my amendment.



# L E T T E R

TO

S E N A T O R H A M L I N ,

ON THE RECIPROCITY TREATY.

[THE Session, that Mr. Smith was in Congress, the Reciprocity Treaty was confirmed by the Senate, and the Bill for giving effect to it became a law. His deep desire for the success of this great measure led him to write the following Letter, and to have a copy of it laid on the desk of every Member of Congress.]

HON. H. HAMLIN, U. S. SENATE :

*Dear Sir :* I learn, with surprise and regret, that you are not decidedly in favor of the "Reciprocity Treaty ;" and that, possibly, you may oppose its adoption. Believing, as I do, that the people of Maine are to benefit more by the treaty than an equal number of people in any other of the States, I had supposed, that the Senators of Maine would be especially favorable to it. But I am informed, that it is, as an inhabitant of Maine, that you hesitate to support it.

Perhaps, as I have never seen the treaty, and have no precise knowledge of its character, and am too much occupied with various urgent matters to learn more of it now, I ought not to make this communication.

Nevertheless, my interest in the treaty is so deep, that I must express it, although at the risk of betraying great ignorance of its provisions.

I am in favor of free trade between our country and the British North-American Provinces. I am in favor of it for the general reason, that all parts of the world should obey the laws of nature, and enjoy free trade with each other. I am in favor of it for the particular reason, also, that, these Provinces, being our neighbors, restrictions on their trade with us, are especially inconvenient and injurious. If we must be strangers to any portion of our fellow-men, let it not be to our neighbors. To multiply ties, and extend intercourse, and grow into homogeneousness, with our neighbors, is especially important. And all this we shall not fail to do, if we have free trade with them. We may never be one *in name* with our British neighbors. But free trade with them and its resulting social connections, and ever-growing assimilations, would make us one with them *in reality*. And if we are one with them *in reality*, it is comparatively unimportant, whether we shall ever become one with them *in name*. The free trade of Canada with the United States, will be the virtual annexation of Canada to the United States. Many suppose, that it will lead to its literal annexation. I am more inclined to believe, that commercial annexation will, at least for the present age, supersede the desire for political annexation. And if, in the end, Canada shall become a part of this nation, the greater

the likeness between her people and ours, the greater the prospect of harmony and prosperity, in such union. In this respect, therefore, as well as in others, the assimilating influences of free trade constitute an argument in favor of our establishing free trade with Canada. It is on these, its assimilating influences, that I base my opinion, that free trade will supersede the present desire for annexation. When free trade, combined with other causes, shall have reached the effect, the world over, of making the man of one nation like the man of another, the tendency, in my judgment, will be not so much to the uniting as to the subdividing of nations. National pride and jealousy will then have abated; and then men will peacefully apportion themselves into smaller nations, for the sake of greater convenience.

But it is said, that the treaty under consideration does not provide for free trade in all property. I am aware, that it does not, and I add, that I am sorry it does not.

The argument for free trade in all property I regard as unanswerable. Nevertheless, I do not claim, that the argument for free trade in manufactures is as strong as the argument for free trade in natural productions. With some plausibility may Government say, that it must protect the labor of its subjects against the overwhelming competition of foreign labor; and with more plausibility it may say, that there are many foreign

fabrics, which minister to luxury, and immorality, and ruin; and the importation of which should, therefore, be discouraged, if not, indeed, forbidden. But whatever may be said, in regard to the "many inventions, which man hath sought out," nevertheless to the free exchange, among all nations, of what God hath made, no objections can be raised but what are palpably at war with divine ordinations—but what, in a word, are palpably atheistic.

The first and highest duty, then, of a nation, in respect to the freedom of trade, is to admit into the list of free articles all natural productions. To perform this duty is to acknowledge and honor the Deity. To refuse to perform it, is glaringly to deny and dishonor Him. Moreover, to perform this duty, and to allow the free exchange of the products of God's hands is to open the way for performing the other duty of allowing the free exchange of the products of man's hands. Now, the plainest and most sacred of these two duties our Provincial neighbors stand ready to perform. They propose a free exchange with us of natural productions. We cannot refuse their proposition and be innocent. To say, that we will not consent to an exchange of natural productions, unless it be accompanied by an exchange of manufactures, is to prove ourselves to be most unreasonable; as unreasonable as the man who should refuse to deal with his neighbor in wood and water, unless he is, also, permitted to deal

with him in pins and penknives. It is, also, to prove ourselves to be most hypocritical; for, in claiming, that these provinces should allow free trade with us in manufactures, we must, if honest, claim, that they should allow it with Great Britain also. But are we ourselves willing to have free trade with Great Britain? We are not. *I* am; but *we* are not. Are we ourselves willing to defray the cost of Government by direct taxes? We are not. *I* am; but *we* are not. We are hypocrites then—palpable hypocrites—if we would lay upon these provinces the necessity of supporting their Governments by direct taxation, and yet shrink from supporting our own in the same way.

Our complaints of the illiberality of these Provinces are very blameworthy, not only in the light of what I have already said, but also in the light of the fact, that, more than seven years ago, they abolished all differential duties between their mother country and ourselves; and placed themselves in the same commercial relations toward us both. By reason of this generous treatment of us, and of our contiguity to them, we enjoy the monopoly of supplying them with iron castings, agricultural implements, and, in short, with nearly all coarse manufactures. How valuable to us is this abolition of differential duties, is manifest from the fact, that our trade with those Provinces has doubled since 1846, the year of the abolition; and that the exports are double the imports. The effect of this

abolition on the trade of the Provinces with Great Britain, though not correspondently great, is still very great. This trade has fallen off from one fourth to one half.

I referred to our inconsistency in urging the Provinces to adopt universal free trade with us, and thereby virtually urging them to adopt universal free trade with Great Britain, also. I proceed to inquire—what would be the effect upon ourselves of the success of this inconsistency? In other words—what would be the effect upon ourselves of free trade between these Provinces and Great Britain, whilst the present restrictions upon the trade between ourselves and Great Britain are continued? The effect would be a serious diminution of our revenue, and a serious damage to our manufactures, and a serious damage to our morals, also:—as in that case, goods to an immense amount would be brought from Great Britain into these Provinces for the purpose of being smuggled into the United States.

On the one hand, it is objected to the treaty, that its list of productions is not full enough; and, on the other, that it is too full. I admit, that it is not full enough. Consistency demands, that it should include all natural productions. And when I speak here of natural productions, I mean them, not only as they come from the earth, but, also, in that next stage of forms, which human labor gives to them, for the purpose of making them more portable—such as wood in

the board, as well as in the log, and wheat ground, as well as unground. Iron in the pig, as well as in the ore, should be included in the treaty; and if it is not, it is, probably, because of the fear on the part of the Provinces of thereby letting in Scotch and other pigs, duty free. So, too, unrefined sugar, if not included in the treaty, should have been. But, I trust, that they, whose natural productions are not included in it, will, nevertheless, not condemn the treaty. I trust, that they will, magnanimously, allow its justice in the main to outweigh its particular injustice; its justice to others to outweigh its injustice to themselves. At the same time, however, that they cannot but feel themselves to be wronged by the treaty in this respect; they will be consoled by the reflection, that the adoption of it will be the adoption of the principle of the free exchange of natural productions; and, therefore, that the productions, in which they are especially interested, cannot remain, for a long time, excepted from the scope of this principle.

It is held, in some quarters, that wheat and flour should not be in the list of free articles. But why should they not be? Because our flour and wheat will, as is alleged, sink in price under the free competition of Canada wheat and flour. But, were this apprehended depreciation really to take place, nevertheless, free trade in the productions of Nature is an ordination of Nature, which cannot be innocently vio-

lated. But would there be such depreciation? I see not, that the treaty is to be credited with such a beneficent operation. Our country and Canada do each grow a surplus of wheat; and, hence, in the case of each, the foreign market regulates the price. The surplus of each country goes to foreign markets; and whether the Canada surplus goes upon the St. Lawrence, or across our country, cannot affect the price of our wheat. The competition for that surplus and ours being in foreign markets exclusively, must be the same, whatever the route to them. I say, that the competition is there only. This is virtually, if not literally, true. For what if a little of the Canada surplus should come into our country for consumption, it could only have the effect to displace the like quantity of our surplus, and to liberate it for foreign markets. Were any proof needed, beyond what is afforded by the reason of the case, that foreign markets rule the price of the surplus production, we might instance the fact, that, for eleven twelfths of the year, wheat in bond in the city of New-York bears as high a price, as wheat, that is not in bond. Indeed, it is sometimes higher, since the repeal of duties between the British North-American Provinces, for now it can go duty free from our ports to the lower of those Provinces.

I said, that, whether the Canada surplus wheat shall find its way to foreign markets upon the St. Lawrence, or across our country, cannot affect the price of our



wheat. Nevertheless, we are deeply interested to have it take the latter route, and so add immensely to the business of our canals, and railroads, and storehouses, and shipping, both on our lakes and on the ocean. It may not add immensely to it, just now. But it will soon. There is no assignable limit to the production of wheat in that best of all wheat countries, Canada West.

It is true, that, if, in a year of famine in our land, there should be a free admission of Canada food into it, such free admission would reduce the price of American food. But what right-minded man would not have the price of it reduced, in such circumstances? With what right-minded man would not this contingent benefit of the treaty be an argument for the treaty?

It is said, though I do not believe truly, that Pennsylvania would not have coal come into the list of free articles. But, why should it not? Who believes, that the Maker of the coal did not make it free for every part of the world, that wants it? Who, then, can set up an honest argument against its free transmission? Moreover, free trade in coal between us and the British Provinces is obviously of great importance, not to those Provinces only, but to our nation also: and much, therefore, as Pennsylvania may be disposed to go for herself, she should be still more disposed to go for the nation. She should be more patriotic and benevolent

than sectional and selfish ; and, I trust, that what she should be, she will be. But, is Pennsylvania to be harmed by free trade in coal? She is not. All the British Provinces need her anthracite ; and Canada West would take from Erie immense quantities of her bituminous coal. She, already, takes much, notwithstanding the duty.

But, I prefer to take a wider view, and to look at the effect of this free trade in coal upon larger portions of our country than a single State. The consumption, in that part of our country east of the Alleghany ridge, of the bituminous coal of the British Provinces, would, were it free of duty, be very large. I would here remark, that this coal cannot properly be regarded as coming into competition with anthracite. It is highly bituminous. I have heard, perhaps not correctly, that the volatile parts in some of it are sixty per cent. To illustrate the dissimilarity between this and anthracite—whilst the one is wholly worthless for making gas, the other is so inferior to it for steamships, that the Cunard line, notwithstanding it touches at Halifax, supplies itself with anthracite.

We desire to supply the lower British Provinces with wheat, flour, corn, rice, pork, and many kinds of merchandise. But, in order to do so, the charges of transportation must be very small. How can they be made so? I answer, by our consenting to receive from those Provinces that great amount of tonnage, which

they will be able to furnish us, providing we allow them to send us coal, as well as such other coarse commodities, as fish, plaster, and grindstones. Their cargo to us will, in that case, pay, or nearly pay, freight, both ways, inasmuch as their cargo to us will be full, and our return cargo to them light, and inasmuch as one of the laws, which govern the carrying of property, is that it is carried cheapest in that direction, in which there is the least to carry. Indeed, in this case, the return cargo would be so light, as, probably, to be no more than would be needed for ballast.

I close under this head with the remark, that if the treaty should have the effect to cheapen wheat and coal, such effect would be no argument against it. As we care more for the whole human brotherhood than for a part of it; and as we are more concerned to have fuel and food accessible to the poor than to have them bring great prices to their owners, so the lower the prices of coal and wheat, the more we are to rejoice. I said, under the head before this, that the law of free trade in natural productions, cannot be innocently violated. I add, that it cannot in any wide and just view of the case, be profitably violated. For every such view must include not the wheat-growers and the coal owners only, but all other classes also; and who is there, that, in the light of the wants and interests of the great whole, does not see cheap bread and cheap coal to be among the greatest of human blessings?

There are complaints from your State, that the treaty includes lumber in the list of free articles. But, surely, this should not be complained of. Even if it is so, that the free competition of Provincial lumber would create loss anywhere, such loss would fall, rather on the comparative handful of persons, who own the lumber lands of Maine, than on the mass of her people. The trees of these owners might not advance as fast in price, as they had done. But the working of them into lumber would, probably, be as amply remunerated as ever. But, again, when a great beneficent national measure is proposed, Maine should not, and Maine will not, shrivel herself up into a merely selfish view of that measure.

Even if the treaty were so liberal and so just, as to provide, that ships, built in the Provinces, may receive our registers, and have every right of ships built in our own country, Maine, although our great ship-builder, and having, in such case, a new and powerful competitor, should, nevertheless, not object to the treaty. Even if she may possibly lose somewhat by the provisions of the treaty, in regard to lumber; and even if the treaty had gone so far, as to bring her a new competitor in ship-building, Maine nevertheless should remember that, on account of her geographical position, she is to be an especial gainer from its general provisions. The millions of new customers, that the treaty gives her, are at her door; and, in this respect,

she can serve them cheaper than the other States can. The proposed free trade, together with the freedom of the St. Lawrence, would add immensely to the business of the Montreal and Portland Railroad—immensely to the business of a State, which is emphatically a State of navigators.

I confess, that if it would not endanger the adoption of the treaty, I should be glad to see a provision in it for the free exchange of registers. The poor objection, that it would afford us ships at a cheaper rate than we can build them, would be overruled by the consideration, that the American people are preëminently a commercial people, and that, in their eye, therefore, such an objection would constitute the most winning argument in favor of the treaty. The American people prefer cheap ships to dear ones, even though all the cheap ships were built in foreign lands, and all the dear ones in their own land. They care more to have a ship navigated by Americans than to know where it originally came from. Their concern with its business is far greater than with its building. Surely, America will not long continue to hinder her navigators from getting their ships where they can best get them.

But I pass on to other matters. In my judgment, we would be bound to approve and embrace this treaty, even if it were silent in regard to the fisheries and the St. Lawrence; for it would, even then, be a just and impartial treaty—a benefit to both parties—a blessed influence upon the world. But, providing, as

it does, for our free enjoyment of both the fisheries and the St. Lawrence, how eager should we be for its operation! I do not say, that we should be eager to thank England for allowing us this free enjoyment. She should long ago—she should always—have acknowledged our right to it. It is true, that we would not go to war with her, for the sake of establishing this right. The right, however, is none the less clear. The right of our nation to navigate the St. Lawrence to its mouth, grows out of the fact, that we dwell upon its bank. This doctrine, in the case of other rivers, England has herself repeatedly urged. Then, as to the fisheries—they either belong to the whole world, or there is no God. England should be ashamed of her heathenish selfishness, in withholding from the world this food, which the bounty of Heaven has provided so abundantly for the world. A true Christianity will yet bring on the day when one man shall look upon another as a brother—ay, and even as another self. It will be no grateful recollection to Englishmen, in that day, that Englishmen were, once, so selfish, mean, and wicked, as to refuse to let a hungry fellow-man catch fish by their side.

But, notwithstanding our right to the fisheries and to the St. Lawrence is as clear as England's, I shall, nevertheless, rejoice in our permission to use them. For two reasons, especially, I shall rejoice in it. First, England will never be disposed to recall the permission; for England, along with the rest of the world,

is becoming more, and not less, enlightened and liberal. Second, use and time will turn this permission into prescription; this privilege into right; this conditional grant into absolute and unending enjoyment. I do not forget, that Vattel says, that title to sea-fisheries cannot be gained by prescription; nor do I forget, that his reason for saying so is, that such title cannot be lost by disuse. Of course, I am willing to waive all claim to the possibility of prescription, if it is conceded on the other hand, that I do not need prescription, because my title is perfect already. I will here remark, that it would be idle for England to acknowledge the common right of all nations to the fisheries of the sea, so long as she should deny to those nations that access to the shore, which is essential to the enjoyment of the fisheries. The simple truth is, that our right to the fisheries involves our right to the shore, to just the extent, to which the latter right is needed to make the former right available. To deny us such right to the shore, is to deny our right to the fisheries.

The value, to this nation, of its free participation in the fisheries, would be great, and ever increasingly great. They already furnish a very considerable item in our food, notwithstanding the restrictions upon our use of them. These restrictions removed, and our consumption of fish would be indefinitely extended.

I have heard it objected to the treaty, that it requires our Government to abolish the bounty on codfish. I am glad, if it does abolish it, or in any way

provide for its abolition. There is plausibility in the call for our patience under duties on foreign manufactures, or, in other words, under bounties on our own manufactures. There is plausibility in it, because the promise is made to us, that, ere long, our manufactures will be well established, and self-sustaining; and that then we shall be relieved of paying bounties on them. But, it is not pretended, that the skill of American fishermen is ever to outgrow the need of a bounty. On the contrary, if there is need of a bounty now, there will be the same need of it a hundred years hence. It comes to this, then, that the objector to such a provision of the treaty would have us go on forever, paying bounty on codfish (already several hundred thousand dollars a year)—and all this, not for the purpose of our getting, either now or ever, cheaper or better codfish, but solely for the purpose of having Americans, instead of foreigners, catch the codfish, that we eat.

The objection, under consideration, is unreasonable. I add, that it reflects disgrace upon our country. It does so, because it implies, that, with the fisheries and all needed facilities therewith thrown wide open to us, we are, nevertheless, to be distanced in our fishing competition with our neighbors. I had supposed, that the boast of the Yankees is, that they can beat the British, in everything. Must fishing be excepted from the boast?

I spoke of the St. Lawrence. Our free use of that



noble river would be an invaluable benefit to us. Together with its lakes, it drains an extent of country, scarcely less than that drained by the Mississippi. Much of our craft upon those lakes is capable of ocean navigation; and during the five months in the year, in which it is locked up in ice, it would be upon the ocean, could it get there. Now, this addition to the service of this craft, would, of itself, render very important the opening of the St. Lawrence to us.

I am aware, that the reputation of the mouth of the St. Lawrence for safe navigation is bad. But it is such, only because it is navigated, at improper seasons of the year. Let it be navigated in no other than the proper season; and let our canals and railroads be allowed to serve in its stead, the remainder of the year, and it will no longer have this bad reputation. Not only is the St. Lawrence the shortest route to England; but the fact, that it is the coldest route is, in regard to much important lading, an argument in its favor, instead of an objection to it. There is no assignable limit to the productiveness in Indian corn of our Western States and Territories. The time may not be distant, when, if the St. Lawrence is made free to us, tens of millions of bushels of this grain will go down this river annually for the European markets. And I would here inquire, why, if even this cold route should not prove cold enough to preserve shelled corn, corn might not be taken in the ear, were the heavy lading of lead and copper and copper ore combined with it? Per-

haps, however, corn in the ear is too bulky to be transported far, in any circumstances.

What interest is to be damaged by the adoption and operation of this treaty? Do our manufacturers say, that it will not help them? But will it harm them? That is the more pertinent question. If it will not harm them, then, surely, they should not complain of it. They should rather rejoice in the benefit it will yield to other interests. But it will help our manufacturers also. Its immediate influence upon their interests will be good. Its prospective better.

Among the natural productions of the British North-American Provinces, are not a few, that our manufacturers need, and will more and more need. Lumber, for instance. Our forests, which, by the way, it is very desirable to preserve to a considerable extent, are rapidly disappearing. What an invaluable advantage to our manufacturers, if they shall be allowed to draw freely on the immense forests of these Provinces? The more plentiful is lumber, the less will be the cost of building their manufactories, and of building the dwellings of their laborers. Besides, there are many manufactures, into which lumber enters more or less largely; and not a few into which scarcely anything but lumber does enter.

There is another way, in which the treaty will help our manufacturers. The proceeds of the sales in our country of the natural productions of these Provinces will be chiefly expended in our country: and such

expenditures will be quite as much to the benefit of our manufacturers, as of our merchants.

I spoke of the prospective beneficial influence of the treaty upon our manufactures. I referred not only to the vast territory, and to the rapidly increasing population of the British North-American Provinces. There was a still more important reference, in my mind. It is an adage, that revolutions do not go backward. The exchange between this country and the British North-American Provinces in natural productions, once made free, will remain free. And not only will the revolution never go backward, but it will go forward. Free exchange in natural productions will, as I have already intimated, beget free exchange in manufactures and merchandise. A trade half free will soon ripen into a trade all free. Half an acquaintance with our Provincial neighbors will be impatient for the other half.

I will close my too long letter. For several years, our British neighbors have been tendering us free trade in the productions of nature. But we have requited their great liberality with great illiberality. Professing to be the most progressive of all nations, we have, in this instance, clung, with the most obstinate conservatism, to a miserable old order of things. I wonder, that the patience of our British neighbors has not long ago been exhausted. Let us tax this patience no longer. Let us rise into an attitude worthy of the enlightened age, in which we live. Let us say to the

British Provinces, that we are ready for free trade with them, and with Great Britain too, and with the whole world too;—and not only in the productions of nature, but in the productions of art also. Let the high and honorable position of commercial America be, that she shrinks not from competition with any nation, but courts the competition of every nation.

Very respectfully, yours,

GERRIT SMITH.

WASHINGTON, *July* 17, 1854.

# S P E E C H

ON

## P O S T A G E B I L L.

J U L Y 1 8 , 1 8 5 4

MR. WASHBURN, of Maine, had moved to refer to the Committee of the Whole on the State of the Union the bill to amend an act entitled "An act to reduce and modify the rates of postage in the United States," passed August 30, 1852.

Mr. SMITH said:

I have risen to reply to the question put by the honorable gentleman from Virginia, [Mr. Smith,] when this bill was under discussion, a few days ago; and when I had no opportunity to reply to it. That question was put to the opponents of the bill; and its words were: "Are you not willing to have the Post-Office Department sustained?" For one, I answer, that I am not.

Government establishes a Post-Office Department; and arrogates the exclusive right to carry our letters. It establishes its prices for the work; and then, if we hesitate to pay, it scolds us with the inquiry: "But are you not willing to have the Post-Office Department sustained?" We think it wrong to be compelled to pay these prices—first, because Government cannot do the work economically, and for reasonable prices—second, because Government has no right to undertake the work; and is guilty of usurpation in undertaking it. I hold that Government is a usurper, whenever it assumes a work which the people can do.

Suppose Government should establish a "Clothes Department;" and should undertake to clothe all the people, young and old, male and female; and should claim the exclusive right to do so? Along with the dresses it sends the bills. The people grumble at both the bills and the usurpation;—at the bills because they are twice as great as would be the cost, were the work done by themselves; and at the usurpation, because it is so flagrant. But Government insultingly replies: "Are you not willing to have the 'Clothes Department' sustained?" Would this be borne with? It would not:—nor should the Post-Office usurpation and extravagance.

I ask the gentleman from Virginia, if he believes that Government can carry our letters and newspapers at as small expense as the work can be done for by

private enterprise? If he does, why then, in the name of consistency, is he not in favor of our making Government the carrier of our merchandise and provisions and persons?—of passengers and property? But that gentleman is a practical man. He is not, as in the public esteem I am—a mere theorist. He knows, better than I can tell him, that it would not cost private associations one half as much to carry the mail as it costs Government.

But, he may say, that private associations would, nevertheless, charge higher rates of postage than would Government. Again, I would say, that the gentleman from Virginia is a practical man; a man, too, of many ideas; and not laboring under the reproach, as does my own unhappy reputation, of being a man of one idea. The gentleman must, therefore, know that when a work is thrown open to unlimited competition, the charge for it will be brought down to the neighborhood of the cost of it. But, the gentleman will perhaps say, that if Government gives up the Post-Office Department, individuals who live in remote and inaccessible portions of the country will not be able to get their letters and newspapers, save at great cost. But pray, what has Government to do with such a fact? Suppose a man should perch himself on the top of the Rocky Mountains, and should complain to the Government, that it costs him ten dollars to get a letter to his mountain home; and should call on Government to

deliver his letters at ten cents apiece. Would Government be bound to listen to his call? Certainly not. If he will receive his letters under a ten cents rate of postage, let him come down from his eyrie, and live among the comforts and accommodations of civilized life. Government is no more bound to indemnify him for the disadvantages of his home, in respect to postage, than in respect to other things. Nay, I insist that Government is no more bound to carry letters cheap for its citizens, than it is to make a poor man rich, a sick man well, or an old man young. If people are tempted, by the advantages of it, to take up their home in the wilderness, let them bear its disadvantages patiently, as well as enjoy its advantages gratefully.

The gentleman from Virginia professed his willingness to encourage private enterprise to come into competition with the Post-Office Department. He told us that the bill provides for a virtual increase of newspaper postage: and that, hence, private enterprise could sustain an easier competition with the Post-Office Department. But the competition, which he would encourage, is in carrying newspapers only. Newspapers, the price for carrying which is but a few pennies a pound, private associations may carry. But letters, the price for carrying which is a dollar a pound, Government alone shall have the right to carry. Surely the gentleman was not in earnest. He was but joking. He was making experiments upon



our stupidity for the amusement of himself and of others, who love to see what easy dupes we are. Were two gentlemen to sit down to a turkey; and were one of them to tell the other that he might have part of the bone—nay, that he might run his chance for even all the bone—but that all the meat he must reserve to himself—the air of affected liberality, with which he would make this proposition, would be very like that, which characterized the gentleman's similar proposition.

Had the gentleman from Virginia been candid on this point, and really in earnest to let individual enterprise into competition with the Post-Office Department, he would have permitted the competition to extend to the carrying of letters, as well as newspapers. Make the competition thus comprehensive; and it would not endure long. In less than six months the Government would fly from it, forever. So far as the carrying of letters and papers is concerned, the occupation of the Government would soon be gone.

“How long halt ye between two opinions?” But this is not a pertinent quotation. We are not divided in opinions. We are agreed, that this work can be cheaper done, and, every way, better done, by private enterprise than by Government. But most of us shrink from openly favoring so radical and important an innovation, as the breaking up of the Post-Office Department. Unless it be a person of a one-man party like myself, or a person like the honorable gen-

tleman from North-Carolina, [Mr. Clingman,] who is also of a one-man party, I scarcely know any on this floor, who have so little to win or lose, as to venture to identify themselves with this innovation.

But, Mr. Speaker, the people will ere long, demand this innovation—this breaking up of the Post-Office Department—in tones that cannot be resisted.

The Post-Office Department is doomed, from its own inherent falsity and folly. It must sink from its own weight, if not sooner overthrown and displaced by a rational and economical postal system. It is a system, too directly and glaringly in the face of reason, common sense, justice, economy, to live much longer. But I will not consume more of the time of the House.

# S P E E C H

IN FAVOR OF PROHIBITING

## ALL TRAFFIC IN INTOXICATING DRINKS

IN THE CITY OF WASHINGTON.

J U L Y 2 2 , 1 8 5 4 .

[THE motto which Mr. Smith prefixed to this Speech when it was first printed, was: "Government bound to protect from the Dramshop."]

MR. MAY, of Maryland. I am instructed, by the Committee on the Judiciary, to report adversely on the prayer of the New-York Temperance Alliance, in reference to the prohibition of the sale of intoxicating liquors in Washington, and to move, that the report be ordered to be printed.

MR. SMITH. I move, that this report be recommitted, with instructions to report a bill, which shall clothe the city of Washington with express and ample powers to prohibit the sale of intoxicating drinks, in all places

within its limits ; and on this motion I propose to make some remarks.

It so happened, Mr. Speaker, that my first act on this floor, after taking the oath of office, was to present the memorial of the Temperance Alliance of the city of New-York. That memorial prays Congress to empower the city of Washington to prohibit the sale of intoxicating drinks. I moved its reference to a select committee. This was objected to. It slept upon your table from that day, until the day last week on which I succeeded, though with much difficulty, in waking it up. With no less difficulty have I kept it awake, until this hour, when I am so fortunate, as to obtain the floor.

It may be thought, that the adverse report before us has proceeded from enmity to the cause of temperance, and it is, therefore, due from me to say, that I know this is not so. The gentlemen of the Judiciary Committee, who are responsible for this report, sincerely desire the prosperity of the cause of temperance. For one, I cannot blame them for their interpretation of the charter of this city. I think it the only just interpretation. It is the same, that I would myself have put upon it, had I been of their committee. I hold, that the liberty to license, irresistibly implies the liberty not to license ; and that the word "regulate" covers the right to prohibit.

As you are aware, sir, I make the limits of Govern-

ment very narrow. And, yet, I find ample room between them for the doctrine of my motion. I admit, that Government is not the custodian of the people's morals: and that it is never to be called on to protect, still less to promote, the people's morals.

Government, according to my theory of Government, is not to do the work of the people. It is, simply, to protect the people in doing it. Government is but the great watch-dog of the people's house. It is ever to keep watch outside of that house: but it is never to come into it. It is never to mix itself up with the affairs of the people; but, whatever relation it may have to any of those affairs, is to be purely external. All that Government can legitimately do for its people, is to protect their persons and property. If it tries to do more for them, it will but harm, instead of helping, them. Moreover, wherever there is a people, who, notwithstanding they are under the ample and effectual shield of a faithful Government, either cannot, or will not, do their own work, and take care of their own interests, both material and moral, there is a people that Government cannot save; there is a people, that must perish.

Were this the place for the usual style and topics of a temperance speech, I would dwell upon the horrors of drunkenness. I would begin my proofs and illustrations of these horrors, by summoning the drunkard himself. I would ask that unhappy being, in the lan

guage in which God asks him : " Who hath woe ? who hath sorrow ? who hath contentions ? who hath babbling ? who hath wounds without cause ? who hath redness of eyes ? " I would, then, turn to the wife of the drunkard, to inquire what is a drunkard ; and to hear from her the answer : " Would that my husband were anything—nay, everything—but a drunkard ! " And, then, to the mother of the drunkard, to hear her say : " Oh, that my child had grown up into any other monster of vice and wickedness than a drunkard ! " And, then, I would appeal to the family, only one member of which is a drunkard, to hear that family reply : " Only one drunkard in a family is enough to make the whole family miserable ! " I would, then, give opportunity to jails and penitentiaries to tell me, that a very large proportion of their inmates are drunkards ; and then to the gallows, to tell me, that nearly every one of its victims is a drunkard. Finally, I would go to the Bible, to inquire what is a drunkard ; and to listen to its awful response : " No drunkard shall inherit the kingdom of God. "

Were this the place for the usual style and topics of a temperance speech, I would enlarge on the fact, that there are in our beloved country more than half a million of drunkards ; and I would group along with them their wives, and children, and parents, and brothers, and sisters, to show, that drunkenness makes millions of the American people miserable.

Were this the place for it, I would make much use of the fact, that the annual expense to our nation, from the vice of drinking intoxicating liquors, largely exceeds one hundred millions of dollars; and I would add, that, instead of doubting whether we have means adequate to the building of a railroad to the Pacific, we would, were the American people to abstain, for only two or three years, from drinking intoxicating liquors, save enough, by such abstinence, to build two or three railroads to the Pacific.

Were this the place for it, I would refer to the mighty hindrance, which this vice puts in the way of education, order, and every form of comfort, and of pure and true enjoyment. I would insist, that intoxicating drinks have much to do with the frequency of national wars, and, what is more than all else, that there is no other agency so mighty to block up the way of religion, and render it powerless, as the practice of drinking intoxicating liquors. There is no antagonism more decided and deadly than that between the spirit of Heaven, which alone can save the soul, and the spirit of the bottle, which is more effective than any other power to kill it.

Were this the place for it, I would endeavor to make it apparent, that total abstinence from intoxicating drinks is the only remedy for drunkenness, and the only sure protection from it. I would, in that case, expose the fallacy of the doctrine, that temperate drink-

ing is friendly to sobriety, and is the cure and preventive of drunkenness, or is either.

Temperate drinkers claim great merit for their practice—great merit in it to serve the cause of temperance. These temperate drinkers are, by the way, a very self-complacent class of persons. They pride themselves on being the *in medio tutissimus ibis*—the *juste milieu*—class of persons; equally removed, on the one hand, from the vulgarity of drunkenness, and, on the other, from the cold-water fanaticism. Nevertheless, at the hazard of ruffling their self-complacency, I must tell them, that they are more injurious than drunkards themselves to the cause of temperance. In point of fact, drunkards are helps to the cause of temperance, instead of being obstacles in its way. Why, our half million of drunkards are our half million strongest arguments for the necessity of total abstinence! Indeed, I would, that no person were able to drink intoxicating liquors, without immediately becoming a drunkard. For who, then, would drink it, any sooner than he would drink the poison, that always kills, or jump into the fire, that always burns? It is because so many, who drink intoxicating liquor, escape drunkenness, that so many are emboldened to drink it. I said, that drunkards serve the cause of temperance. I appeal to mothers for the truth of it. Mothers! when you would most effectually admonish your children not to drink intoxicating liquors, do you not point them to this, that, and



the other drunkard? And so long as your children keep their eyes on these beacons, they take not one step in the pathway, which leads to the drunkard's grave and the drunkard's hell. But the danger is, that they will avert their eyes from these beacons, and fasten them on the long and attractive train of sober, respectable temperate drinkers, and follow them. There is not one youth in this city, whose habits are perilled by the presence and influence of drunkards—for the example of the drunkard is too bad to be contagious. On the contrary, there is not one youth in this city, whose habits are not in peril from the example of temperate drinkers. Alas, how many a temperate father has made drunkards of his sons, at his own table!—at his own table, adorned with decanters of wine—if, indeed, that can be called wine, which is, so generally, a vile mixture, containing little, or no wine! Alas, how seductive is the way to drunkenness in fashionable life! And why, therefore, do we wonder, that fashionable life is filled with drunkards? To the confiding and unwary youth, who is just entering on his career of liquor drinking, how polite, attractive, and altogether unalarming, are the drinking usages of fashionable life! These usages are commended by the brilliant wit and fascinating song, that are so often associated with them: and, more pernicious than all, are the smiles of beauty, with which they are too often garlanded. Surely, it is not strange, that, in these circum-

stances, this youth should sip a little wine. Nevertheless, this little sipping is the beginning of his drunkenness. Surely, it is not strange, that what is so apparently harmless should wake no fear in him. Nevertheless, it is at the fountain-head of all his woe and all his ruin, that this hopeful, happy youth has, now, taken his stand. He, very soon, learns to drink his full glass. He, very soon, learns to quaff his wine, like a gentleman. "Like a gentleman!" Oh, what variety of ruin is covered over by this winning phrase! These, however, are but the first steps in the way of drunkenness, which our tempted youth has taken. His drunkenness is, as yet, but the little rill, which meanders through pleasant fields and flowery gardens. By and by, he drinks several glasses at his dinner; and, a little way further on, he likes brandy, as well as wine. That rill, of which we spoke, has now become a river, that is bearing him to his ruin:—so gently, however, that he is scarcely sensible of the motion. Nevertheless, he is still numbered with temperate drinkers. He is still safe in his own eyes, and in the eyes of others. But time passes on. His appetite grows every year, and every month, and every day. His potations become stronger and deeper, and more frequent. All now see, that he is a drunkard. The gentle river is swollen into a raging torrent, that is hurrying its freight—its still precious, though tem-

porally and eternally ruined freight—into the abyss, from which there is no return.

Such is the end of this youth, whom we chose as the type of innumerable millions. How easily he might have been saved from all these transformations and all this ruin of the Circean cup, had a friendly hand led him, whilst yet he could be led, to the immovable rock of total abstinence! There, and there only, he would have been safe from all the woes, which threaten every liquor-drinker. So long, as his feet remained planted upon that rock, he might have exclaimed: “A thousand shall fall at my side and ten thousand at my right hand; but it shall not come nigh me. I am safe.”

But some, who hear me, may be ready to ask: “What has Congress to do with all this, which I have been saying?” We will pass on, then, without any further delay, to a question, with which Congress certainly has to do. This question is not, whether Government may undertake to promote the cause of temperance—for I have, virtually, admitted it may not. But it is, whether Government must not do its duty, at every point, and even at that point, where the doing of its duty helps incidentally the cause of temperance? To explain myself, I hold, that the suppression of the sale of intoxicating drinks is indispensable to the protection of person and property; and is, therefore, the manifest duty of Government. At the same time, I

admit, that the suppression is important, yes, indispensable, to the success of the cause of temperance. Now, must Government forbear the suppression, in order to avoid rendering an incidental benefit to the cause of temperance? Surely, not for that reason, all will say. But I shall be called on to prove, that such suppression is needful to the protection of person and property. I hold, that it is, because the sale of intoxicating drinks is, by far, the most fruitful source of pauperism and madness—nay, more fruitful of these evils than all other sources put together. Indeed, I cannot better define a dramshop than to call it a manufactory of paupers and madmen: and this is a just definition, whether we have reference to the filthy, noisy hole, where the poor and humble slaves of appetite congregate, or to the elegant apartment, which is made attractive to the circles of wealth and fashion. Moreover, I charge the same character on the stores and distilleries, which stand back of the dramshop, and supply it. These stores and distilleries are virtual dramshops; and, in all my argument, they are undistinguishable, in responsibility, from the literal dramshop.

I certainly need not go into proofs of the fact, that the industry of the sober is heavily loaded by the pauperism, which the dramshop imposes on it. That fact is as plain, as the sun. And so is the fact, that the madmen of the land are, to a great extent, the manufacture of the dramshop. How frightfully insecure are

both property and life, in the presence of these madmen? How know we, when we step into the stage-coach, the car, the steamboat, especially on the fourth of July, or some other holyday, but that the driver, or the engineer, has indulged in the maddening draught, and that our lives will be required to pay for the indulgence? How know we, when we walk the streets, that we shall not meet these madmen flourishing their deadly weapons? How know we, when we leave our dwellings, that these madmen will not, in our absence, fire those dwellings, and murder their beloved inmates?

But, still, the right of Government to suppress the dramshop is denied. Why should it be? Is it claimed, that there is an overbalance of good in it? There is no good at all in it. It is "only evil continually." I admit that there are nuisances, which the Courts should be slow to abate. The mill-pond, for instance, which generates disease. The Courts should pause, ere sacrificing the costly and much-needed mill, which the pond supplies with water. But the dramshop does not fall in this class of nuisances. It has not one redeeming feature. There is nothing in it to mitigate its immitigable wickedness:—nothing to set over against its unmixed mischief. In the case of the former nuisance, there are two sides to be looked at, before deciding to abate it. In the case of the latter, but one.

So far from true is it, that Government exceeds its province, in laying its suppressing hand upon the dram-

shop, there is no duty of Government, that falls more clearly within its province. In truth, sir, among all the duties of Government, this stands preëminent. Indeed, I am prepared to say again, as I have often said, that, rather than have things remain, as they now are, I would compromise with Government, and surrender all my claims upon its protection from other burdens and perils, provided it would stipulate, in turn, to protect me from the burdens and perils of the dramshop. It is idle to say, that a people are protected by Government, who are left exposed to these perils and burdens. Such a people are emphatically unprotected; and their Government is emphatically faithless.

But why, I ask again, is the right of Government to shield its people from the burdens and perils of the dramshop denied? One reason is, because this service, not having been rendered hitherto, it would be unpopular and odious to render it, now. Another and stronger reason is, because there are so many interested in continuing these burdens and perils.

Suppose a shop should be opened in this city, for the sale of a very pleasant and exhilarating gas. It infuriates a portion of those, who inhale it, and disposes them to burn and kill: and the obvious tendency, in the case of most of them, is to make them more or less reckless of their own rights and interests, and of the rights and interests of others. Nevertheless, the gas is so palatable and attractive, that as many as fifty

persons frequent the shop, to pay a liberal price for it. Would Government hesitate to shut up this shop? Certainly not. The number interested in keeping it open would be too small for Government to fear. And, again, there could be no plea of custom or prescription in its behalf, as in behalf of the dramshop. No—Government would destroy this work; and, yet, (oh, mad inconsistency!) it spares, and even patronizes, this dram-shop work, which is ten thousand fold more injurious and destructive.

Suppose, too, that an establishment for cutting off hands should be opened in this city. A score of persons, debased by rum, weary of work, and eager to cast themselves and their families, more entirely, on the public charity, hasten to this new establishment, and pay their dollar each, for having their hands cut off smoothly, and a speedily healing ointment applied to the bleeding stumps. Who would doubt the power, or disposition, of Government to put an end to this new business? No one. For, as in the case of the gas shop, there would be comparatively few persons, and no plea of usage, on the side of continuing it. And, yet, where the establishment in question would cut off one pair of hands, the dramshop virtually cuts off a hundred pairs. "Far worse than that," said a friend, in whose hearing I employed this same illustration. "The dramshop cuts off their heads!" "You are wrong," I rejoined. "The dramshop would be com-

paratively bearable, if it but cut off the heads of its victims. Its unspeakably greater wrong to the community is to cut off the hands only, and to leave the head on, with the hungry mouth in it, to consume the earnings of the industrious and sober."

Still another reason is given, why Government should not legislate to stop the sale of intoxicating drinks. It is claimed, that such legislation would be a sumptuary law. In no just sense, however, would it be such a law. If such legislation is called for, in order to protect persons and property, then, even if it should incidentally have, in some respects and in some directions, the operation of a sumptuary law, it, nevertheless, is not fair to look upon it as a sumptuary law, and to treat it with the hostility and contempt due to such a law. Suppose, that a certain kind of cloth were imported into this country from China; and that, everywhere, on opening the bales, a deadly and sweeping disease should ensue; would it not be the perfectly plain duty of Government to forbid the further importation of such cloth? Nevertheless, many might still be eager to wear it, as, in the face of whatever prohibition, many might still be eager to purchase intoxicating drinks. And the one class would be as ready, as the other, to stigmatize, as a sumptuary law, the legal prohibition upon their indulgence.

But the loudest and longest objection to the suppression of the sale of intoxicating drinks by law, is to the



suppression of it by means of the "Maine law." Now, as I admit, that such sale cannot be suppressed by any other law than the "Maine law," or a law of its leading characteristics, I am bound to vindicate the "Maine law." There is not time to examine all its features. But the law will be justified in your sight, if I succeed in justifying its great distinctive feature; — that feature, which authorizes the seizure and destruction of the liquor, when it is ascertained, that it is to be disposed of for a drink.

There is no occasion for discussing the question, whether Government may take and dispose of, as it will, the property of its citizen, without compensating him therefor: nor is there occasion for discussing the question, whether, in any circumstances, it may take and control his property, without his consent. All I need do, at this point, is to prove, that Government may take, and treat, as it will, that, which is no longer property; but all rights of property in which are forfeited by the guilty and pernicious misuse, to which its owner had perverted it. My proof to this end need not be a train of formal arguments. A few simple illustrations instead will answer the purpose, and will save time.

I will suppose, that there is a loaded pistol in the pocket of my friend, who sits at my right hand, [Mr. Morgan, of New-York.]

Mr. MORGAN. Not a supposable case.

Mr. SMITH. I admit, that it is hardly fair to suppose it of one, who so trusts in the shielding care of his God, and in the good will of his fellow-men, as to be above the bad habit of going armed. Nevertheless, I trust that, as I have begun with the supposition, he will allow me to proceed in it.

Now, were I to take this pistol from my friend's pocket, and to break it in pieces, I should, of course, be legally liable to him for the value of it. But were he to take it from his pocket, and to aim it at the gentleman, who adorns the Speaker's chair—nay, who from his preëminent judgment, impartiality, self-possession, dignity, seems to have been made purposely for the Speaker's chair—then might I wrest it from his hand, and dash it in fragments on the floor, and be under no legal liability whatever. All the legal liability in the case would be on him, who was guilty of putting the weapon to so unprovoked and deadly a misuse; and who, thereby, forfeited all rights of property in it.

Suppose that Mr. Corcoran, of this city, should, in his love to do things on a large scale, purchase a barrel of rattlesnakes, for a thousand dollars. He puts them in boxes, with glass covers. He and his friends are in the habit of standing over these boxes, a few minutes, every day, to inspect the serpents, and to

study the laws, habits, and phenomena, of their being. All this is innocent and praiseworthy. But suppose Mr. Corcoran wakes up some morning, "troubled," as was Saul, with "an evil spirit"—for, in these days, when rapping, and tipping, and all sorts of spirits, good and bad, stand so thick around us, even Mr. Corcoran and other good men are liable to the invasion of evil spirits. Mr. Corcoran, now, says: "I am tired of looking at these snakes, in their boxes. I wish to see them running about, and biting people." So he takes the boxes to the door, and lets out the snakes upon the ground. In a few hours, they are coursing through the city, and biting whom they can. The alarm is sounded. Members of Congress, and all, go forth to slay the snakes. Had we slain them, when in their boxes, Mr. Corcoran could have recovered his thousand dollars from us. But, now, he cannot recover it—for he lost all property in the snakes by his reckless and wicked liberation of them, and exposed himself, in so doing, to the gravest penalties.

Suppose, that, some pleasant morning, I take into my hand, my gold-headed cane, (if I have such an one,) studded with diamonds, that cost ten thousand dollars. I go strutting up and down Pennsylvania avenue, swollen with the self-consequence of a member of Congress. I use my cane in knocking down children, on the right hand and on the left. A gentleman witnesses my pranks; hastens to me; and breaks the cane in

pieces across his knee. Can I make him pay me anything? Oh, no! not even if he had broken it in pieces across my head. I lost all property in the cane, by my wrong, and outrageous, use of it: and the sole question now is, not what penalty this gentleman shall suffer; but what penalty I shall suffer, in addition to the loss of my cane.

These supposed cases illustrate the actual case of the liquor-owner. Whilst his liquors are put to their proper and innocent uses, Government has no right to meddle with them. But just as soon as he brings them forth to use them in manufacturing paupers and madmen, he loses all property in them: Government may destroy them; and punish the offender, at its discretion.

Let it not be inferred, that I would have Government declare all property forfeited, which is misused. It is only an extreme case, which can justify such declaration. Of such case Government must be the sole judge. Upon its sole responsibility, Government is to select the case, as upon their sole responsibility the people are to decide, whether to submit to the selection, or to rebel against it. The murderous torpedo-box Government would not hesitate to choose as such an extreme case; and the people would not hesitate to acquiesce in the choice. Such an extreme case, in my own judgment, is alcoholic liquor, also, when on sale for a drink. Our patience under the sale of intoxicating

beverages, with all its burdens, and perils, and woes, would be most wonderful and inexplicable, did we not know the power of education. We are educated to witness all this, in patience; and we are educated to it by Government itself. Civil Government is mighty to educate the people, upward or downward, either in a right or wrong direction. So long, as it licenses or protects the dramshop, so long it is a mighty influence to reconcile the people to the dramshop. The people will follow Government, even in its grossest inconsistencies. Government may declare horses, that are brought out for racing, to be forfeited. Government may declare the gambling apparatus, that is brought into public places, to be without the protection of law; and in all this the people will acquiesce, as they acquiesce in the gross inconsistency with all this of extending the shield of Government over the dramshop. Gross inconsistency, indeed!—for the evils of horse-racing and gambling are not to be compared with the evils of dramshops. Another inconsistency, of which Government is guilty in this case, is that, in frowning upon horse-racing and gambling, it but seeks to protect the people from demoralization—a work, which, to say the least, is, when in its hands, of very doubtful legitimacy. But when Government lets the dramshop stand, it neglects to protect person and property, at a point, where they are far more fearfully exposed than at any other point: and, in neglecting such protection,

it neglects what all admit to be the chief duty in the province of Government; and what many, beside myself, believe to constitute the sole province of Government.

Time forbids, that I should extend my argument, any further. Would that Congress might pass such a bill, as I have now called for; and as the people of this city did themselves virtually call for, a year ago, by a vote of two to one! For Government to break up the sale of intoxicating drinks is, as I trust, I have conclusively shown, no stretching of its functions. I again admit, that the sole legitimate work of Government is to minister protection to person and property. But, if to abate a nuisance, which yields no possible good, and which, more than all things else, perils and destroys both person and property, is not a part of that work, pray what is? I again admit, that for Government to protect person and property from the dramshops of this city, as it could do, only by shutting them up, would be to render an immense service to the cause of temperance in this city, in this nation, in this world. I admit, too, that I cannot, consistently, make a direct claim for this service, at its hands. Nevertheless, I can claim at its hands, the protection of person and property: and, happily, the service in question is necessarily incidental to such protection. The service cannot fail to follow the protection. And who is there, that should not rejoice, that so great a direct good and

so great an incidental good are brought together, and are inseparable?

The city of Washington is, in sacred language, "beautiful for situation." Than that it wears, there is no greater human name. It is, too, the capital of a great nation;—so great, as to need only to be as good, as it is great. Its population is increasing rapidly; and buildings are going up in, and art is embellishing, every part of its broad and beautiful amphitheatre. Fifty years hence, if our children shall be so wise and virtuous, as to constitute one nation, here will be two hundred thousand people; and here will then be a city unsurpassed in intelligence, and in all the refinements and elegancies, which adorn the highest style of social life. Upon all this beauty—upon all this glory—shall the blot of the dramshop remain? Nay, will it be possible to attain to this beauty and glory, if this broad and deep blot is suffered to remain?

Why, then, should we not, in the clearest terms, authorize the suppression of the sale of intoxicating drinks, in this city? Who would be harmed by the suppression? What mother, what wife, would shed one tear the more, because of it? What sister would heave one sigh the more, because of it? And who of us would be the worse for it? Nay, who of us would be the worse for never again using any alcoholic liquors for a drink? And who of our successors, on coming to this city, would suffer any injury by not meeting the

temptation of the dramshop? I have spoken of our successors in these seats. But for the egotism of it, I would add, much in the language of Paul before king Agrippa: "I would to God, that not only they, (our successors,) but also all that hear me, this day, were both almost and altogether such as I am," in respect to intoxicating liquors!—for it is more than a quarter of a century, since I drank any of them; and, as to my children and children's children, they are ignorant of the taste of them. Happy ignorance!—may it last as long, as they shall last! Happy ignorance!—may it become universal!

Let, then, this city be purged of liquor-selling! And when that is done, it will be, not only "beautiful for situation;" but, in further sacred language, it will be "the joy of the whole earth." The good of every land will rejoice in the sight; and the evil of every land will be profitably impressed by it. Moreover, to the Government of every land this authorized and indispensable exercise of governmental powers will be an influential and blessed example.



# S P E E C H

AGAINST

## PROVIDING INTOXICATING DRINKS FOR THE NAVY.

J U L Y 25, 1854.

THE Bill, making appropriations for the naval service being under consideration, Mr. SMITH said:

I move to amend the bill by adding, after the following paragraph:

“For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea-service, \$686,200,”

these words:

“But no intoxicating liquors shall be provided for a beverage.”

I hope, sir, that the committee will bear with me in

my folly—my characteristic folly—of endeavoring to make things better than we find them. The most common objection to reforms is, that we should take things as we find them. I admit, that we should. But, I add, that we should labor to *leave* them better than we *find* them.

The armies and navies of the world are nurseries of drunkenness: and drunkenness is the cause, more than all other causes put together, of the insubordinations, troubles, crimes, which abound in armies and navies. To this appalling fact the American army and navy constitute no exception. Now, the bill before us proposes no change in this respect. On the contrary, it would have this evil go on, after the old fashion. But the amendment, which I have offered, proposes a radical change in this respect; and a change no less blessed than radical.

All are aware that, in every department and employment, sober men are more to be relied on than drunken men, and are better and happier men. This is as true of sailors and soldiers, as of any other men. How carefully, then, should Government refrain from whatever might encourage intemperate habits in their sailors and soldiers! How steadfastly should we refuse the folly and the sin of putting the cup of woe and ruin and death to their lips!

Would we have our armed vessel carry, wherever she may go, high evidence of the strength and wisdom

of America? Then let it be a temperance vessel. Were the world to know, that the American army and navy are divorced from rum, the world would be impressed with the strength and wisdom of America, as it never yet has been. Would we make our army and navy a far greater terror to our enemies than they otherwise can be? Then let us make them a cold water army and navy.

But, sir; we do not wish our navy to harm the world. We wish it to bless the world. We would rather have it exert a redeeming moral influence than find occasion to wield its physical force. Then, sir, let our ships of war, whatever lands they may visit, be to those lands temperance lecturers. Such temperance lecturers would move the world, and bless the world. Would that our ships of war might undergo this transformation! Little occasion would there then be for the ordinary officers of a navy.

Adopt my amendment, sir, and let it become a law, and five years will not pass away, before liquor rations will cease from the army, as well as from the navy: and ten years will not pass away, before both the army and navy will be purged of drunkards. For by that time, we shall, in that case, refuse to enlist drunkards either into the army or navy. And then, sir, thousands of fathers and mothers will bless God, and bless you for the precious reform, which you shall this day have begun. They will remember you with gratitude

and love. For they will then hope, that if their sons shall enter the army or navy, they will, nevertheless, escape drunkenness. And the hope that their children will not be drunkards, is a precious hope to every right-hearted parent—as precious to every good parental heart, as the apprehension, that they will be drunkards, is withering to such a heart.

And should it be so, sir, that our army and navy shall be freed from the curse of rum-drinking, our hope will then be quickened, that the whole country will be freed from this curse. Judges and law-makers will be ashamed to drink rum, when our sailors and soldiers have ceased to drink it; and who else will not, then, be ashamed to drink it? If only for the happy reflex influence upon ourselves of our attempts to introduce this reform into the army and navy, these attempts would be well paid for.

# S P E E C H

IN FAVOR OF

INDEMNIFYING MR. RIDDLE AND MR. PEABODY.

AUGUST 1, 1854.

THE Civil and Diplomatic Bill was under consideration, and Mr. BAYLY, of Virginia, had moved to strike out the following Senate amendment, namely:

“To enable the Secretary of State to reimburse to Edward Riddle such sums, as shall be satisfactorily shown to have been expended by him, or which said Riddle may have obligated himself to pay, on account of his official position at the Industrial Exhibition at London, England, or so much thereof as shall be necessary, \$26,000: provided that no portion of the payments made *pro rata* by contributors at said Exhibition shall be regarded as within this appropriation.”

Mr. SMITH moved to increase the sum one dollar, and said:

The honorable gentleman from Virginia, [Mr. Bayly,] spoke of a mischievous precedent in this case. There is such a precedent. But it is not to be found where that gentleman finds it. It will not be found in our adoption of the Senate amendment. That mischievous precedent came into being when the Government embarked in this affair; and put one of its vessels at the service of its citizens. Had the Government kept clear of this affair, and confined itself to its sole legitimate office of protecting persons and property, we should not have been annoyed by this amendment of the Senate. But the Government mixed itself up with the proper business of its citizens. Therein was the mischievous precedent; and in that precedent lies our obligation to meet the consequences which we are now called on to meet; and to repay the money which was advanced, because we gave a governmental aspect and character to the enterprise.

When our ingenious citizens were tempted by the liberality of the Government to put their inventions on board this vessel, they did not foresee, that a great expense must be incurred between the arrival of their fabrics on the English coast and the getting of them upon exhibition. This expense they were not able to meet. Indeed, they were not there to meet it. The question now was what to do with the fabrics. Should they be left at Southampton, where they were, or be returned to America? Either would have been deeply

disgraceful to our Government and nation ; for either of them would have been attributed to niggardly conduct, on the part of the Government. The representatives of the various nations of the earth, assembled at the Crystal Palace, would have thus attributed it. They would have held our Government responsible for the failure of these inventions of our citizens to reach the Palace—for they would, of course, have held the importation of these inventions to be a governmental enterprise. Surely, if the appearances in the case led both Mr. Peabody and Mr. Lawrence to regard the importation of the inventions as an enterprise of the Government, these strangers and the whole British public, would have been justified in so regarding it. In the eyes of all these, then, our Government and nation would have been disgraced, if the fabrics had not reached the Palace. Honor, therefore, great honor, is due to Mr. Peabody for having come forward so generously to shield his native land and her Government from impending disgrace ; and dishonor, deep dishonor, will follow the refusal to enable Mr. Riddle to repay the \$26,000, which Mr. Peabody's strong American feelings prompted him to lend Mr. Riddle.

I cannot believe, that we are willing to let Mr. Peabody, or Mr. Riddle, lose this money. Sure I am, that our country will not be found willing to have either of them lose it.





# S P E E C H

IN FAVOR OF

## CUSTOM-HOUSES AT BUFFALO AND OSWEGO.

AUGUST 1, 1854.

THE Civil and Diplomatic Bill was under consideration, and Mr. JONES, of Tennessee, had said, that the Committee non-concurred in the Senate's amendment for constructing several custom-houses. Mr. SMITH moved to add one dollar to each sum mentioned in the Senate's amendment, and said:

In making this motion I signify that I am in favor of building these custom-houses. On what ground it is that the building of them is objected to, I do not know. Is it on the ground that the tariff system should be abandoned; and that, therefore, all custom-houses, both existing and prospective, must fall with it? If on that ground, then I welcome the objection, for I am an absolute free-trade man, would have Government supported by direct taxes, and do not expect to

see Government right until it is so supported. But it is not on that ground that the building of these custom-houses is objected to. None of the objectors propose free trade. All are in favor of continuing to defray the expenses of Government by duties. Hence all of them are to be regarded as in favor of safe and suitable buildings for custom-house business, wherever there is enough of such business to make such buildings necessary. I take it for granted that the only question in the case, which these objectors allow to be pertinent and influential with them, is, whether there is business to warrant the erection of the proposed custom-houses. Others must speak for the custom-houses recommended in other States. I will confine myself to the advocacy of the two recommended to be built in my own. Both are needed, by the fact that, in each of the towns, (Buffalo and Oswego,) there is a vast amount of custom-house business. That of Oswego, I feel safe in saying, exceeds that of any other town in the nation above tide-water. Indeed, there are scarcely more than half a dozen towns in the whole nation that exceed Oswego in custom-house business. The duties payable on bonded and unbonded property passing through Oswego in the year 1853, exceeded \$696,000. This year they will probably exceed \$1,000,000. I learn from the collector of that port that they amounted, up to the 30th June, to \$518,276.

To enforce my claim for a custom-house in Oswego,

I will read to the committee an extract from a letter which I received a fortnight since from the collector :

“ You will see that our business is constantly and largely increasing. The bonded property received here from Canada this year to the end of June, is nearly equal to the total of last year ; and the last year showed a very large increase on any former year.”

Speaking of the contracted and unfit building which Government leases, the collector says :

“ The custom-house building here is eighteen feet by fifty feet, and contains no vault or place of deposit for the public moneys collected here except a common iron safe. My clerks and assistants when fully employed, as is the case the greater part of the business season, are about as closely stowed as children at the desks of a well-filled country school-house.”

I would add that the collector has also informed me, as a further illustration of the large amount of business in his office, that the number of persons employed in it is thirty-five.

I have, now, ended my plea for a custom-house in Oswego. Confident I am that the facts in this plea cannot be resisted. But if, by possibility, they shall be resisted, and Government shall refuse to build a custom-house in Oswego, what shall I say to reconcile my constituents to such refusal? What pacifying explanations will you enable me to make to them? What shall I be able to say to them in vindication of the justice, impartiality, consistency of Government?

[Here the hammer fell.]



# FINAL LETTER

TO HIS

C O N S T I T U E N T S .

WASHINGTON, AUGUST 7, 1854.

*To My Constituents :*

To the end, that you might have ample time to look around you for my successor, I apprised you, some weeks ago, of my intention to resign my seat in Congress, at the close of the present session. I now inform you, that I have fulfilled this intention. The session ended, to-day ; and, to-day, I have sent to the Secretary of State, at Albany, the necessary evidence of my actual resignation.

I take this occasion for saying, that I am happy to learn of your favorable regard for my general course in Congress ; and that I am sorry, though not surprised, to learn, that there are some things in it, with which a few—perhaps, more than a few—of you are dissatisfied.

And, now, since I have adverted to this dissatisfac-

tion, it seems proper to say more. How much more? Shall I but add the simple declaration, that, concerning the things with which you are dissatisfied, I did what I thought to be right? To stop there would not be sufficiently respectful to you. You are entitled to my reasons—to, at least, the principal of them—for this part of my official conduct: and, I add, that I am not to be impatient with you, if they shall fail to satisfy you. Nay, I am not to be so vain, as to suppose, that it is possible to render sound and satisfying reasons for all the numerous things, which I have said and done, in Congress. That a life, always so full of errors, before my coming to Congress, was to be entirely empty of them, whilst in Congress, was not to be expected, either by my constituents, or by myself.

I have, always, suffered, very greatly and very unjustly, in the world's esteem, because the world has, always, persisted in judging me, by the light of its own, instead of my own, creeds and practices. To try a man's consistency, he must be tried by himself: and to try his integrity even, he must, to no small extent, be tried by himself—by his own beliefs and deeds—by his own life, both speculative and practical.

I noticed strictures upon almost the very first sentence of my very first speech in Congress, which taught me, that my official, no more than my private, life, was to be exempt from the injustice to which I have, here, alluded. It so happened, that I began that speech

with expressions of civility toward those around me, and with kind and charitable interpretations of the differences between them and myself. No sooner was the speech in print than many abolitionists complained of my courtesy to slaveholders; and insisted, that I had been guilty of making light of the radical differences between slavery and abolition—between slaveholders and abolitionists. Assuming, as they did, that I was but “a one-idea abolitionist,” they further, and very naturally, assumed, that I stood up to make that speech, with nothing, but slavery and slaveholders, in my eye. Two things, which they should have remembered, they seemed entirely to have forgotten. One of these is, that I entered Congress with such peculiar theories of Civil Government—matured and cherished, however visionary and false—as, I foresaw, must be, continually, bringing out differences between my associates and myself, not on the question of slavery only, but on innumerable other questions also. The other is, that among these theories, is the duty, resting imperatively on the inmates of a legislative hall, to know nothing, whilst in such hall, of each other’s private character and private relations; and to recognize, and treat, each other as gentlemen. This much, at least then, can be said in vindication of the opening of the speech in question—that, however little it corresponded with the views of others, it faithfully reflected my own: and that, so far as it is the duty of every man

to be, in all circumstances himself, and the duty of all others to judge him by himself, I was not obnoxious to criticism.

The first complaint of my conduct in Congress, save that, which I have, just now, incidentally referred to, was, that I voted against the "Homestead Bill"—and, that, too, after having made a speech in its favor. This apparent inconsistency is disposed of by the single remark, that it was not, until after the speech, that the bill was so amended, as to confine its benefits to white persons. But to relieve myself of this apparent inconsistency falls very far short of setting me wholly right, in the eyes of my critics. None the less will they continue to say, that, notwithstanding the amendment debarred me from doing justice to the blacks, I should still have been ready to do justice to the whites, and, therefore, to vote for the bill. But what if they should come to believe, as, I hold, all persons should believe, that it is not the Government, but the people—and the people equally—that own the land?—then, they would promptly acquit me of all blame in the case. If, for the sake of illustration, the light-eyed man and the dark-eyed man do each really own eighty acres of the public land; then, beyond all doubt, it is not justice, which is done to the light-eyed man, in voting him one hundred and sixty acres, and in leaving none for the dark-eyed man. That can not be justice, which is made up, so essentially, of injust-



ice. That can not be justice, which robs one man to add the spoils of robbery to the already full share of another. It is true, that this is only a supposed case, which I have, here, presented. But, manifestly, the principle, in the actual case before us, is the same as in this supposed case. Manifestly, the argument could, in no wise, be affected by substituting a light-skinned man for the light-eyed one, and a darked-skinned man for the dark-eyed one. Manifestly, the rights of men can no more turn on the color of the skin than on the color of the eye.

I trust, that nothing I have here said will be construed into an impeachment of the integrity of those, who voted for the "Homestead Bill." Among them are some, whom I know to be good, as well as wise, men. They surveyed the subject in the light of their own philosophy, and not in the light of mine: and, hence, they saw not, that their vote went to involve both themselves and the recipients of the land in the guilt of robbery.

The next complaint, which came to my ears, was, that I refused to become a party to the plan for preventing the taking of the vote on the Nebraska bill. This refusal was a great grief to the abolitionists in both Houses of Congress: and I scarcely need say, that I love them too well not to grieve in their grief. Nevertheless, I had to persist in the refusal, and in standing alone. The wisest of men and the best of men,

entreated me, over and over again, by my regard for my reputation, and by all, that is precious in the cause of freedom, not to persevere in this singularity. Nevertheless—and, that, too, notwithstanding obstinacy had never been imputed to me—I was immovable. How could I be moved, when it was my convictions, that fastened me to my position? Years before, in the calm studies of my secluded home, I had adopted the democratic theory—not nominally and coldly and partially—but really and earnestly and fully: and the conclusions, which I had arrived at, in circumstances so favorable for arriving at just conclusions, I was entirely unwilling to repeal, in a season of excitement and temptation. I spoke of the democratic theory. But the soul of that theory is the majority principle. Hence, to violate this principle is to abandon that theory. I was, frequently, told, that those rules of the House, in the expert use of which the taking of the vote on the Nebraska bill could be staved off indefinitely, were made for the very purpose of enabling the minority to hold the majority at bay, whenever it might please to do so. But this did not influence me. For, in the first place, I could not believe, that they were made for so wrongful—for so anti-democratic—a purpose: and, in the second place, even had I thus believed, I, nevertheless, could not have consented to use them for that purpose. There is no rule—nay; there is no enactment, however solemn or commanding,

that I can consent to wield against the all-vital and sacred majority principle; or, in other words, against democracy itself.

When I complained, that the plan in question was revolution, I was charged with inconsistency;—inconsistency with my well-known readiness to rescue a fugitive slave. It is true, that I would rescue a fugitive slave. Nevertheless, I felt not the pertinence of the charge of inconsistency. In rescuing him, I take my stand outside of the Government, and am a confessed revolutionist. Let it be remembered, that it is only, whilst and where, I am inside of the Government, that I acknowledge myself bound to bow to the will of the majority. I bow to it in the legislative hall and in the court-room; and everywhere and always do I bow to it; until the purposed *execution* of the decree, that is intolerable. Then I rebel. They are guilty of anticipating the only proper time for rebellion, who resort to it, during the process of legislation. I sit in the House of Representatives, and hear my fellow members discuss, and see them vote upon, a bill, which wrongs me greatly. Argument and persuasion and my vote are all, that I can, legitimately, oppose to its passage. If it pass, and its enforcement be contemplated, it will be, then, for me to decide whether to rebel against the Government, and to resist the enforcement.

I need say no more, in explanation, or defence, of my grounds for refusing to go into the scheme to pre-

vent the majority from bringing the House to a vote on the Nebraska bill. I will, however, before leaving this subject, advert to the fact, that for refusing to go into this scheme—into this physical struggle, which continued through thirty-five successive hours—into this strife to see which party could go the longer, without sleeping, and eating, and, I would that I could add, without *drinking* also—my reputation for fidelity to the anti-slavery cause has suffered not a little, in some quarters. Moreover, it is not only in this wise, that I suffered loss by refusing to follow the multitude on that occasion. My reputation for a sound understanding, poor as it was before—and poor as that of every radical and earnest abolitionist must continue to be, until abolition shall be in the ascendant—is far poorer now. It is, I suppose, for my singularity on that memorable occasion, that a very distinguished and much-esteemed editor tells the world, that I am “deficient in common sense.” I am happy to believe, however, that this editor will readily admit, that it is far better to be “deficient in common sense” than in common honesty: and that, when he shall have read this letter, he will clearly see, that, with my views of the comprehensive and sacred claims of the majority principle, I could not have gone into the combination in question, and yet have retained common honesty. I was a fool in this editor’s esteem not to go into it. But he will now perceive, that I would have been a rogue,

had I gone into it. He will, now, be glad, that I did not go into it. For much as he values knowledge, he values integrity more. And were he, now, to meet me, he would press my hand, and thank me, that I played the fool in preference to playing the rogue.

By the way, will not this editor allow me to remind him, that when, a little more than three short years ago, I went into different parts of our State to speak against certain Senators for their daring to prevent the necessary majority of the Senate from passing the Canal bill, he had no censures, but rather praises, to bestow on me? It is true, that he and I both desired the success of the Canal bill; and that we both desired the defeat of the Nebraska bill. And it is true, therefore, that, whilst my principles worked for his and my interests and wishes, in the former case, they worked, (at least, as some thought,) against them, in the latter. Was this, however, a good reason why I should not allow them to work in the latter, as well as in the former, case? I ask this editor—I ask the world—how it was possible for me to fall in with this policy of preventing the vote on the Nebraska bill, unless I was, also, prepared to revoke my condemnation of the like policy on the part of the Senators, to whom I have referred.

Let it not be thought, that I call in question either the wisdom or integrity of the members of Congress, who went into this combination. Wiser and better men

than myself went into it. Nevertheless, they could not have gone into it, had they entertained my views, be those views sound or false, of the rights of the majority.

Ere leaving the Nebraska bill, I will briefly refer to the censures, which have been cast on one of my private letters. The whole, or none, of that letter should have been printed. I was sorry to see disjointed parts of it in print. The letter is not before me. But, I remember, that I spoke in it against night-sessions of Congress, and declared, that, had the hour of three in the morning been appointed for taking the vote on the Nebraska bill, I should not have been present. This declaration has been seized on, to show my low estimate of the value of the anti-slavery cause. Now, I have not one word to offer in proof, that I do, really and greatly, love this cause. If proof to this end is still lacking, even after more than a quarter of a century's profession of such love, then, most certainly, no proof can be found, that can supply the lack.

It is contended, that I would have been as much bound, in the supposed case, to have been present, at the taking of the vote, as the editor of a daily newspaper is to be often at his desk, until a late hour of the night; and (it might have been added, with as much propriety) as the physician is, to pass the whole night often, at the bedside of his patient. Now, not to say, that this night-labor, on the part of the editor and phy-

sician, is a foreseen and voluntarily incurred one, and is, therefore, in this respect, most widely distinguishable from the three o'clock appointment; it is enough to say, that this night-labor is a necessity, and that this three o'clock appointment is not; and that, hence, it is absurd to refer to the labor to justify the appointment. Had I taken the ground not to obey any summons to appear in Congress, at three o'clock in the morning—not even that, which was prompted by the sudden landing of a mighty enemy, or by any other necessity—then, I confess, it would have been proper to rebuke me for resisting a necessity; and proper to put me to shame by pointing me to the faithful editor and physician, who yield a prompt obedience to the necessities, which come upon them.

I denied, that the three o'clock appointment would have been a necessity. This denial is abundantly justified by the fact, that there is nothing in the Nebraska bill to make the taking of the vote on it necessary, at any time; and by the further fact, that if there is, there, nevertheless, remained months before the close of the session, and abundant opportunity for the transaction of all the possible business of Congress by daylight.

I might dwell on many objections to giving my countenance to this three o'clock appointment. I will detain you with only a few of them; and with but glances at these. 1. Some members of Congress are, either from age or other causes, too feeble to be com-

pelled, unless in a case of absolute necessity, to leave their beds, at such an unusual hour for leaving them.

2. At this sleepy hour, few persons are in a state for the wise and safe transaction of important business.

3. As the friend of temperance, both my lips and example shall ever testify against any night-session of Congress, that is not called for by the clearest necessity.

What if the majority had appointed the taking of the vote on the Nebraska question, in a dramshop?

Would you have had me present? I trust not. But are you, yet, to learn, that the scenes of a night-session

of Congress do not, always, differ, in all respects, from the scenes of a dramshop? I was present, a part of the night-session, in which the final vote on the Nebraska

bill was taken; and I was well convinced, that Congress should avoid all unnecessary night-sessions, until Congress loves temperance more, and rum less. Never

did I witness more gross drunkenness, than I witnessed on that occasion. I had to remain until eleven o'clock

—for I had to remain, until I could record my vote against the pro-slavery bill. After that, I hurried away, full of shame and sorrow.

It so happened, that Lord Elgin, the Governor of Canada, sat by my side, for an hour or more, during that evening of sad recollections. The drunkenness was perceived by him, as well as by myself. I might rather say, it glared upon his observation, as well as upon my own. It was, certainly, very polite and kind



in him to tell me, as he did, in the course of our conversation respecting this disgraceful scene, that he had witnessed shameful disorder in the British Parliament. Nevertheless, his politeness and kindness did not relieve me of my deep mortification.

But, I shall, perhaps, be told, that were it, once, understood, that the friends of temperance, and decency, and good hours, refuse to appear in Congress, the latter part of the night; advantage would be taken of the refusal, and that part of the night would be chosen for mischievous and wicked legislation. This supposes two things, however, neither of which, I trust, is supposable. It supposes, 1st, that a majority of the members of Congress would be guilty of such an outrage; and, 2d, that the people would be patient under it. Had the Nebraska bill been passed by calling us from our beds at three o'clock, the people would have seen, in this disgraceful fact, another and a strong reason for condemning this bill and its supporters.

I proceed to notice another, and, so far as I know, the only other, passage in my Congressional history, that has provoked the public censure. I spoke in favor of annexing Cuba to the United States:—and this, too, even though the slavery of that island were not previously abolished. For having so spoken, I have seen myself held up in the newspapers as a *filibuster*. But I had supposed the *filibuster* to be one,

who would get Cuba either by violence or by money . and, in the speech referred to, I expressly discarded both these means. The union between Cuba and the United States, which I approved, is peaceful, and without purchase. It is to take place, on the sole condition of the choice of the two parties—the people of Cuba and the people of the United States. Their choice of the union authorizes the union: and, that too, even though all other peoples, Spain herself included, forbid it. Indeed, it was only to illustrate the leading doctrine of that part of my speech—the doctrine, that peoples may unite and divide, as themselves, not as others, please—that I made my reference to Cuba.

But whom do I mean by the people of Cuba? The public suppose, that I of course, mean little else than the handful of slaveholders, aristocrats, and tyrants, upon that island. But, I do not consent to be concluded by their supposition. I do not consent to wear their spectacles, nor to be measured by their measuring-line, nor to be interpreted by their laws of interpretation.

It is now more than a dozen years, since I stood up to read, in a very large assembly, my “Address to the Slaves of the United States.” This Address acknowledges slaves to be of the people, and of equal rights with any other portion of the people; and, I add, that it, therefore, made me more enemies than any other paper I had ever written. I stop not now to justify anything in that paper. All my reason for referring

to it is, to say, that, whether its doctrines are true or false, they should, at least, serve to shield me from the imputation of ignoring slaves, when I speak of the people. Whomsoever others mean, when they speak of the people of Cuba, I mean, when I speak of them, the black, as well as the white—the bond, as well as the free. If the poor, outraged slaves of that island prefer to be identified with the institutions, fortunes, and prospects, of our country, such preference should be allowed to weigh as much, as the like preference of any other equal portion of her people. To say, that their “poor, poor, dumb mouths” are to be unheeded, and that they are to be denied annexation to the people of the United States, unless their slavery is previously abolished, is as unreasonable, as to say, that the Canadians shall not be annexed to us, until the land-monopoly, which oppresses so many of them, is abolished. The calamities of neither the one, nor the other, are to be allowed to work a forfeiture of their rights.

Now, are the people of Cuba, in my sense of the word people, in favor of uniting Cuba with our nation? If they are, then, and only then, so far as Cuba\* is concerned, am I in favor of it. Are the people of the United States in favor of it? I can answer for but one of them: and my answer is, that I am. Why am I? I need not explain why, aside from the existence of slavery in Cuba, I am in favor of the union—for,

aside from that, who are not in favor of it? It is from my conclusion, that the people of the United States should be willing to unite with the people of Cuba, even though Cuban slavery be not previously abolished, that so many dissent.

It is not because geographical, and commercial, and various kindred considerations do so loudly call for the blending of Cuba with our country, that, in spite of my being an abolitionist, I go for it. It is because I am an abolitionist, more than because I am anything else, that I desire this blending.

With the slaves of no part of the world have I sympathized more deeply than with the slaves of Cuba—for theirs is the cruellest and most brutifying of all the types of bondage. Practically, American slavery is not so bad as Spanish; though, in theory, it is more absolute and abominable than any other. Happily for its victims, American slavery encounters, and is modified by, a higher civilization than that, which pervades the dominions of Spain, and rejoices in bull-fights. As an abolitionist then, and as one, who feels pity for every slave, I should be glad to see the condition of the slaves of Cuba bettered by the substitution of American usages and American influences for Spanish usages and Spanish influences. And who knows but American laws, in regard to slavery, will, ere long, be “rightly interpreted?” The hope, (though not strong,) that they may be, and the fact, that thereby American

slavery would be "short-lived," did somewhat encourage me, as the reader of the speech in question has seen, "to risk the subjection of Cuban slavery to a common fate with our own."

Again, as an abolitionist, I desire the annexation of Cuba to our country, because that would end the connection of Cuba with the African slave trade; and would, also, go far to end that trade, everywhere. I do not forget the charge, that American slaveholders are in favor of re-opening that trade with this country. But, I know, that the charge is nonsensical. Not only does their interest forbid it: but I do them no more than justice when I say, that their civilization forbids it. They have outgrown the barbarism of the African slave trade. May they speedily outgrow other barbarisms, which fall but little short of it!

I said, that, for having made the speech referred to—I mean my speech on the Mexican Treaty—the newspapers have called me a "filibuster." They have called me "pro-slavery" also. But if to be in favor of annexing Cuba to our nation makes me "pro-slavery" then I have been "pro-slavery" for years, as those of you know, who, for years, have heard me speak in favor of it. I readily admit, that if I stood on the platform, occupied by many anti-slavery men, and had a creed made up of nothing else than "no more slave territory," I should deserve to be stigmatized as "pro-slavery" for consenting to have Cuba come with her

slavery into our nation—for then, according to my own creed, I should be “pro-slavery.” But, I thank God, that he has not left me to take my stand on that narrow platform, nor on any other like it. My anti-slavery creed recognizes no law, anywhere, for the highest possible crime against the interests, and rights, and nature of man. In other words, I know no law for the slavery, which exists in any of the present, or which shall exist, in any of the future, territory of this nation—no law for the enslavement of any one, either in Cuba or America. I care not what Statute-books, or even Constitutions, may say to the contrary. To every man, who has a soul in him—to every man, that is a man—truth and honesty are infinitely more authoritative than Statute-books and Constitutions:—and, by all, that is precious in truth and honesty, I will never enforce as law, nor even know as law, against another, that which, if applied to myself, all, that is within me, would scorn and scout as law.

The apprehension, that American slavery would be made strong and enduring by the accession of Cuban slavery, is not well founded. Such a new element in our slavery might, for various reasons, contribute very effectively to work the ruin of the whole. But, however this may be, who, that desires the overthrow of American slavery, does not rejoice, that France and England and other nations have, in our day, rid themselves of slavery, and arrayed their influence, if not

designedly, nevertheless none the less effectually, against American slavery? And who of them should not rejoice to see Spain also quit the pro-slavery party—the party of pro-slavery nations—to join the anti-slavery party, and the party of anti-slavery nations? But to rid her of Cuba is thus to change her relations and influence. Let all the other nations of the earth shake themselves of slavery—even though it be into the lap of America. For were the whole of the foul thing gathered there, no sympathy with it could be found elsewhere; and, hence, its years would be few.

I trust, that, in the light of what I have said, the injustice of calling me “pro-slavery” will be apparent. Whilst he is “pro-slavery,” who would extend slavery over lands, where it does not exist, it does not follow, that he is “pro-slavery,” either in the aims, or in the effect, of his policy, who would collect more of existing slavery under the same Government. The wish of Caligula, that all the necks of the Romans were brought into one neck, that so he might have the pleasure of decapitating his subjects at a single blow, was certainly not a very amiable wish. But we would all excuse the wish to have all the necks of slavery brought into one neck, if that would facilitate the killing of the monster.

With this question of the annexation of Cuba our patriotism has much to do, and in both directions. Under its promptings, there are many, who would add to the honor of our country, by adding to her territory;

and, under its promptings, there are quite as many, who are unwilling to add to her dishonor, by adding to her slavery. But neither in the one case, nor in the other, are the promptings of patriotism to be trusted. For patriotism is not a virtue, but a vice. Least of all, is it a Christian grace. In all that compound of affections and interests, called patriotism, there is not one element, which finds sanction in the lips or life of Jesus Christ. Admit, if you please, that patriotism does not exhibit the most revolting forms of selfishness. Nevertheless, it is nothing, even in its most attractive phases, but modifications of selfishness. Philanthropy, and not patriotism, should be permitted to decide the question, whether we are at liberty to receive Cuba. No pride of country, and no shame, that stands in connection with such pride, should be allowed any part, or influence, in the decision. Our equal love to our brother, whoever he may be, and wherever he may be; whatever his complexion or condition; and whether his home be on this side, or on that, of whatever national boundary;—it is this fraternal love, ever indissolubly connected with true filial love toward his and our common Father, which should, alone, be allowed to decide the question whether, if Cuba wishes to come to us, we will open our arms to receive her.

I close my letter with saying, that it is not the great amount of slavery, that should most concern us. It is rather the weakness of the force, arrayed against it.



Did the anti-slavery men of our country occupy the only true ground—the ground, that there cannot, possibly, be any Constitutional, or other legal, shelter for slavery—the ground, that the piratical system, which robs its victims of every right, and exposes them to every wrong, is, necessarily, an outlaw—it would be comparatively unimportant, whether they had much, or little, slavery to contend with. They would, surely and speedily, triumph, in either case. However small the amount of slavery, it will last forever, so far as anti-slavery men are concerned, provided they continue to acknowledge its legality, and to busy themselves in the folly of setting limits to this rampant, vaulting, matchless crime. On the other hand, however large the amount of slavery, it would quickly disappear before the influences, which the anti-slavery men would muster against it, were they to take the position, that, within no limits, not even the narrowest, has slavery any rights, or can it have any; and that within no limits, not even the narrowest, does it deserve anything better than the sentence of outlawry and death, at the hands of all mankind.

Let the anti-slavery men of our country take this position, and they will be no more afraid, than I am, to have Cuban slavery come to us. Nay, they will then bid it come: for they will then know, that if it do come, it will come, not to be wedded to our slavery,

but to die with it: that it will come, not to a bridal, but a burial.

Very respectfully, yours,

GERRIT SMITH.

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THE following extract from a letter of Mr. Smith to Wendell Phillips, dated February 20, 1855, is a further defence of his position in regard to the annexation of Cuba to the United States.

“The type of slavery in Cuba is, in some respects, more terrible than in any other part of the world. The family relation, which, elsewhere, softens the horrors of slavery, is to a great extent, unknown among the slaves of Cuba. The breeding of our own slaves is an alleviating feature in our slavery: and slavery is light in the breeding States, compared with what it is in the other States. Plantation after plantation in Cuba has hundreds of males, and scarcely one female. The condition and character of the laborers on such plantations are, therefore, as brutal, as they well can be. Again, so severe is the treatment of the Cuban slaves, that they die under it, in a few years. The slaves of our own country live, on an average, more than thirty years. The slaves of Cuba much less

than half that time: and, hence, as I pity them, I would have Cuba annexed. I would have her annexed too, as I pity Africa, who is, every year, robbed of thousands of her children to supply the murderous waste of life in Cuba. But, more than all, do I desire the annexation, because I believe it will contribute, mightily, to the overthrow of the whole system of American slavery.

“1. It will change Spain into an anti-slavery nation: and, then, not only will she be arrayed against American slavery, but other nations—especially France and England—disembarrassed by her change, will be far more cordially and effectively arrayed against it than they have hitherto been.

“2. The Spanish troops, that, now, uphold slavery in Cuba, will, then, be recalled; and the creole population of more than half a million will, then, be the dependence for maintaining slavery. But that population, never having possessed political power, and, therefore, ignorant how to use it; having strong sympathies with the quarter of a million of free blacks, both from being legally intermarried with them to a considerable extent, and from having but little more intelligence, (for the free blacks have schools,) and also from other causes; would be but a poor dependence for maintaining slavery. Indeed, where have Spanish creoles proved their readiness and ability to uphold slavery? Certainly not in Mexico and the South-American States. There they

proved themselves to be abolitionists, after they had escaped from the control of the Spaniards. The truth is, that the Spanish creoles are too nearly on a level with the free blacks, in point of circumstances and intelligence, and, therefore, of power, to be relied on to uphold slavery. There must, in some important respects, be a wide space between masters and slaves, or the slaves cannot be kept in subjection.

“3. Cuban slavery is so different a thing from American slavery, that it cannot coëxist with it, unless brought into conformity with it. But to attempt the conformity would be most strongly to invite an insurrection. The Cuban slave has the legal right to go, every year, in quest of a new master. Moreover, it rests with an officer of the Government to fix his price, in case of disagreement on that point. He has the legal right to buy himself—to buy himself, all at once, or, in parts—a quarter at one time, and a half at another—as is most convenient for him. Then, again, if the slave-mother shall pay a small sum (I believe but twenty-five dollars,) before the birth of her child, the child shall be free. Now, will the slaves—will the free blacks—will the creoles—suffer these merciful features to be expunged from the system of Cuban slavery? Certainly not, until much blood has been spilt. I add, will the free blacks suffer their schools to be closed?—for the closing of them will be an indispensable part of the conformity of Cuban slavery to American slavery.

"4. But it will be said, that if a standing army of twenty or thirty thousand Spanish troops can maintain slavery in Cuba, so, also, can a no greater standing American army maintain it there. A several times greater army than this will be required to sustain the attempt to impart to Cuban slavery the absolute character of our slavery. Arouse the hostility of the free blacks, among whom are men of genius and education; combine with them the nearly half million of slaves, the very large majority of whom are from Africa, and are as barbarous, as when they left her shores; and the victory to be achieved by our standing army would be no easy one. A bloody grave for slavery did these classes of men dig in St. Domingo: and a no less bloody one may they dig for slavery in Cuba. Moreover, that grave may be capacious enough for the whole of American slavery. Let our infatuated slave power get Cuba, if it can. I greatly mistake, if when she shall have added these new elements to our population, she does not find, that she has got more than she contracted for. Ere leaving this head, I will say, that, to propose, in the event of the annexation of Cuba, a standing army for the maintenance of her slavery, is sheer nonsense. The days of our slavery, if not, indeed, of our republic will be numbered, whenever we shall adopt the policy of a standing army for upholding slavery.

"5. Havana is Cuba, as emphatically as Paris is

France. Admit, that quietness—although, by the way, it is an ever fearful and anxious quietness—is maintained there. We should, nevertheless, remember, that it is maintained only by means of such a strict and stern police, and such an iron despotism, as would be impossible, amidst the institutions and influence of our republic. Impose only republican restraints upon Havana, and anarchy would quick spread through her, and through the island.

“6. Let it not be said, that, because the slaves of Louisiana and Florida passed quietly into our political jurisdiction, the slaves of Cuba will, also. Not to speak of essential differences in their circumstances, the former slaves were but a handful, compared with the latter.

“I say no more of the annexation of Cuba. Whilst I hope, that it would help work the overthrow of slavery, without violence; I am confident, that it would help work it, in some way.”

# L E T T E R

T O

F R E D E R I C K D O U G L A S S .

[This letter was published by Mr. Douglass in his newspaper.]

PETERBORO, August 28, 1854.

FREDERICK DOUGLASS :

*My Dear Friend:*—I see, in your last paper, your letter to myself. I shall take great pleasure in answering your questions, since you are of the number of those, whose wishes I am especially glad to gratify.

1. As you are aware, I went to Congress with very little hope of the peaceful termination of American slavery. I have returned with less. I still see no evidence, that the North will act effectually for such termination—for I still see no evidence, that it will act honestly for it. It is true, that I learn of anti-Nebraska indignation meetings, all over the North. But this does not greatly encourage me. It is repentance, not indignation, which the North needs to feel, and to

manifest. It becomes not the North to be angry with the South about the Nebraska bill, or about any other pro-slavery thing. Her duty is to confess her shame and sorrow, that her political, ecclesiastical, and commercial influence has gone to uphold slavery, and to deceive the but-too-willing-to-be-deceived South into the belief, that slavery is right, or, at least, excusable. Had there been such confession, there would have been no Nebraska bill to get angry about, or to make party capital of. Had there been such confession, the South would have no heart to extend slavery. All her concern would have been to abolish it.

Now, for the North to be honest in the matter of slavery, is to treat it as they would any other great crime; and, therefore, to deny, that there can be a law for it. It is, in a word, to do unto others, in that matter, as they would have others do unto them, in it. Do the people of the North believe, that they would honor and obey slavery, as law, should it ever lay claim to their own necks? If they do not, then they are dishonest, in acknowledging it to be law, when others are its victims.

Is it said, that the honesty, which I here commend, would exasperate the South? I answer, that it would go far to conquer the South. Let the North say: "We have sinned against our enslaved brother, in acknowledging, that the immeasurable crime against him is capable of the obligations and sacredness of law.



We will do so no more—whatever Constitutions and Statutes may require of us, and however great the losses we may suffer in our trade, and in our political and religious party connexions.” Let the North speak such words of penitence and principle—and the South will listen. When the Northern heart begins to melt, the Southern heart, also, will begin to melt.

It is demonstrations of our honesty, not of our cunning, which are needed to influence and convert the South. The tricks, which Northern Legislatures have resorted to, or threatened to resort to, for the purpose of evading, or nullifying, the fugitive servant clause of the Constitution and the fugitive servant statutes of Congress, can have no tendency to inspire the South either with the fear of us, or the love of us. I need not say it for the ten thousandth time—that my eyes detect no slavery in the Constitution, and that I utterly deny, that the attempt to smuggle slavery into it was, at all, successful. But the great mass of the Northern people widely disagree with me, at this point; and, hence, what is required of them by the spirit of truth and the God of truth is, not to practice indirection and fraud, but frankly to acknowledge, that the South has their bond, and that so wicked is the bond, that conscience constrains them to refuse, at whatever hazard, to fulfil it.

I referred to the fact, that my hope of the bloodless termination of American slavery is less now than it

was, when I went to Congress. I confess, that I did hope to find some Southern men there, who are willing to aid in bringing about such a termination. But I found none of them, who are willing to lift so much, as a finger, to this end. A few Southern members of Congress seek, by means of nonsensical and wicked speculations on the nature of the African and on the Divine purposes, to persuade themselves, that slavery is right in itself. As a matter of course, such contend, that slavery should endure forever. But even with the mass of them, the case is very little more hopeful. It is true, that they admit, that slavery is, in itself, an evil. But they will do nothing to put an end to it. They had rather amuse themselves with the notion, that Colonization will drain it off, or with some other equally great absurdity—if, indeed, there is, or can be, any other as great. The more, however, that I know of this class of Southern men, the more satisfied I am, that even those of them, who are the most deeply convinced of the wrongfulness of slavery, regard the evil as too formidable for their little courage to grapple with. They are cowed in the presence of its magnitude: and they prefer to let it roll on to an indefinite future, and to a posterity, which, they hope, will have more advantages than now exist, for happily disposing of it.

2. You ask, if the anti-slavery cause has anything to hope for from the present Congress. It has not.

What can Liberty hope from a Congress, that commits so heinous a crime against her, as to pass the Nebraska bill? What from a House of Representatives, not fifty members of which dared to say, that they were in favor of repealing the Fugitive Slave Act?

3. You wish my opinions of the influence of the anti-slavery members of Congress. I had rather give you my opinions of the members; and, then, you can judge for yourself what must be the character and extent of the influence, which they exert. I take it for granted, that you mean by anti-slavery members those only, who are known as abolitionists, and who accept the reproach of being abolitionists.

Chase is wise, learned, upright. He is an able lawyer and an able statesman. His range of thought and information is wide; and, even without special preparation, he can speak well on the subjects, that come before him.

Sumner is not so ready and versatile, as Chase. But put into his hands a subject, which interests his heart—Peace or Freedom, for instance—and give him time to elaborate it—and where is the man, who can speak or write better? Sumner is as guileless and ingenuous as a child: and, hence, my astonishment at the base and ferocious feeling manifested toward him, at one period of the session. Chase and Sumner are gentlemen—Christian gentlemen. Great is my love of them: and were I to add, “passing the love of

women," I should not be guilty of great extravagance.

Gillette has been in the Senate but a short time:—long enough, however, to give evidence, that he has a sound head and a sound heart. He loves the anti-slavery cause, as well as Chase and Sumner; and surpasses them in zeal for the no less precious cause of temperance.

To come to the abolitionists in the House. All know "Old Giddings." An able man is he. His rough, strong, common sense is worth infinitely more than the refinement and polish of which so many light-minded men are vain. He is ready and powerful in debate. An honest and fearless man, too, is he. I shall never forget the many proofs which I witnessed of his unflinching devotion to the right and the true. If his severity upon slaveholders is, sometimes, excessive, nevertheless it is not for them to complain of it. He learned it of them. Or, to say the least, it is a very natural retaliation for the wrongs and outrages, which, for a dozen or fifteen years, they have been industriously heaping upon him. Greatly do I rejoice to see that the friends of freedom have taken him up for another election to Congress. They honor themselves in honoring him. There should not be one vote against him.

I must not fail to advert, in this connexion, to my great obligations to Mr. Giddings for the assistance,

which he so kindly and generously afforded me, in my ignorance of the rules of the House.

We turn, next, to Edward Wade, of Ohio. A stranger, looking over the House, would make no account of that black little fellow, who sits in one corner of it. But let him read Edward Wade's remarkably strong speech on the Nebraska bill, or hear one of his pithy five minutes speeches, and he will find that he has another occasion for applying the Saviour's injunction: "Judge not according to the appearance." Wade is an eminently conscientious and religious man. I am glad to see, that he, too, is nominated for another election to Congress. He should be, as often as he is willing to take the nomination.

Colonel DeWitt of Massachusetts was sick much of the session. All, who were so fortunate, as to become acquainted with him, were impressed with his good sense, generous disposition, and agreeable manners.

As Davis of Rhode Island was chosen by the Democratic party, that party may not thank me for calling him an abolitionist. Nevertheless, he is one. He has a brother's heart for every human being, and that makes him an abolitionist. I sat next to him, during the whole session: and I esteemed it no small privilege to sit, for so long a time, by the side of one, who is so sincere, so affectionate, so philanthropic. Davis is a plain, but forcible, speaker. The city of Providence

owes him much for his effective speeches in behalf of a large (perhaps, too large) appropriation for building her custom-house.

I have, now, spoken of all the abolitionists in Congress, save myself: and, since, in the judgment of many, I have fallen from abolition grace, I had better not speak of myself. Do not exult over my apostacy. Even you, though a literally "died in the wool" abolitionist, should rather be admonished by my apostacy to take heed lest you yourself fall.

4. In answer to your fourth question, I would say, that all the members of Congress, who belong to the Whig or Democratic party, are necessarily "supporters of slavery." Every national party in this country must be pro-slavery. The South will come into no party, and abide in no party, that is anti-slavery. I cheerfully admit, that there is many a Whig, and that there is many a Democrat, earnestly anti-slavery. Nevertheless, their individual influence *against* slavery is as nothing compared with their party influence *for* it. As well may a man, with a mill-stone tied to his neck, try to save his drowning fellows, as a Whig or a Democrat try, under his heavy pro-slavery load, to promote the anti-slavery cause. His anti-slavery endeavors, however sincere, are all frustrated by his pro-slavery party connexion: and that connexion must be dissolved ere he can give effect to those endeavors. Our national parties, ecclesiastical, as well as political,

once abolished and the peaceful death of slavery would be a speedy event. But the great reason, why we are denied the prospect of this happy event, is that the members of these parties love them too well, and are too far under their infatuating influence, to consent to their abolition.

5. I proceed to answer your last inquiry. There are in the House a number of gentlemen of remarkable capacity and training for the transaction of business. Conspicuously among them are Haven of New-York and Orr of South-Carolina, and Phelps of Missouri—all three of whom are not only judicious, and clear-headed, but swift, in business. Breckenridge of Kentucky is, perhaps, behind none of them. He gave us but few specimens of his powers. They were sufficient, however, to prove, that his very keen and vigorous intellect is habituated to business. Judging from the admirable discharge of his duties, as Speaker, Boyd of Kentucky must be, in all respects, one of the best business men in the House. Letcher of Virginia, and Jones of Tennessee, are as expert in stopping business, as any members of the House are in doing it: and to stop business is, oftentimes, more meritorious and useful than to do it.

Chandler of Pennsylvania, is prominent among the scholars of the House. Judge Perkins of Louisiana, struck me as a gentleman of very great refinement, both in mind and manner. F. P. Stanton has a rich and beautiful mind. Its turn is as speculative, as

R. H. Stanton's is practical. The former of these brothers lives in Tennessee. The latter in Kentucky. With the single exception of Richard, who is all facts and figures, the whole Stanton family, in several of its generations, is highly poetical.

The House can boast of wits, also. Ewing of Kentucky, is inferior to none of them.

I could name several members of the House who are decidedly eloquent. Gov. Smith of Virginia, with his lively mind, smooth and ready utterance, and various other qualities, must be very effective "on the stump." I wish Banks of Massachusetts, would lay hold of themes worthy of his fine powers of oratory. He would find it easier to be eloquent on them than on inferior subjects. Indeed, a great cause is itself eloquence; and the most, which he, who speaks for it, needs to do, is to stand out of its way, and let it speak for itself.

Benton in respect to his remarkable fulness of political knowledge, and, in some other respects also, is, of course, the great man of the House. But he is not the only strong man there. There are more than twenty in that body, who deserve to be called strong men. There is no lack of talent in it. I wish I could add, that there is no lack of morals and manners in it. But, whilst some of the members are emphatically gentlemen, in their spirit and in their personal habits, there are more of them who use profane language, or defile themselves with tobacco, or poison themselves with rum. I trust, that the day has already dawned, in



which it will not be allowed, that *gentlemen* can be guilty of such coarse and insulting wickedness, of such sheer nastiness, and of such low and mad sensuality. You were a slave, until you had reached manhood. Hence, the world is surprised, that you have risen into the highest class of public writers and public speakers. It is no less cause of surprise, however, that you are a dignified and refined gentleman. Nevertheless, gentleman, and scholar, and orator, as you are, there are strenuous objections to your taking your seat in Congress. How ludicrous a figure, in the eye of reason, is that member of Congress (and there are more than fifty such!) who, in one breath, swears, that he would not so disgrace himself, as to sit by the side of "Fred. Douglass;" and who, in the next breath, squirts his tobacco juice upon the carpet!

I became pretty well acquainted with nearly all the members of the House. In very many of them there was much to please me—much, indeed, to win my affectionate regards. Nevertheless, I could not be blind to the glaring fact, that Congress preëminently needs to witness the achievements of the Temperance reformation, and the Tobacco reformation, and the religion of Jesus Christ.

Your friend,

GERRIT SMITH.



# L E T T E R

TO

H O N. H. C. G O O D W I N.

THE session that Mr. Smith was in Congress, a bill was reported in favor of the sufferers from French spoliations. Mr. Smith took a deep interest in it, and hoped that it might be acted upon before the close of the Session. But he hoped in vain. The protracted discussion on the Nebraska bill shut out many other discussions. The following letter indicates Mr. Smith's opinion of the merits of the French spoliation bill.

PETERBORO, January 5, 1855.

HON. H. C. GOODWIN, M. C.:

*Dear Sir*:—I am happy to see, in the proceedings of the House of Representatives, the proposition to take up the bill for the relief of the sufferers by French spoliations. I am not among these sufferers: and, I do not know, that I have a relative among them. Nevertheless, I deeply desire the success of the bill.

Pardon me for asking you, to inquire into the merits of the bill, if you have not done so already. I confess, that I am all the more free to take this liberty, not only from the fact, that you represent my Congressional District, but from the fact, that you occupy the seat, which the pressure of my far too extensive private business compelled me to resign.

We must remember the condition of our country in 1778, in order to estimate rightly the value to her of the treaties, which she made with France, in that year. The American cause was then struggling through its darkest period; and, unless help should come, it could never emerge. Help did come—timely and abundant help. Those treaties brought it. France joined hands with us. Our liberty was achieved:—and the Americans, like the delivered Jews, “had light and gladness and joy and honor.”

But the deliverance of our country did not suffice to fulfill all the obligations of those treaties. We were bound to France, as strongly as France was bound to us. France had served us: and it was, now, our turn to serve her. But to serve her, as the treaties required us to serve her, could only be at vast expense to ourselves.

France stood faithfully by us, and expended, in our cause, much blood, and some two or three hundred millions of dollars. But when the hour of her necessities came, we did not stand by her, as our Treaties re-

quired us to do. She had abundant cause to complain of us. But I admit, that she, soon after, afforded us as abundant cause to complain of her. She pirated upon our ships, and plundered our commerce. Not ten millions—perhaps not twenty millions—could measure the damage, which she thus did us. It is true, that she committed this crime, under great urgency—under temptations not easily resisted. Europe was combined against her: and she robbed our ships to save herself from starving. It is true, too, that she, always, confessed the crime; and, always, promised reparation, when she should be in circumstances to make it. It is, also, true, that she did provide for it. She provided for it, by releasing us from our obligations to herself, in consideration of our releasing her from the claims of our citizens, whom she had plundered. She ceased to be the debtor of those citizens: and our nation became such debtor, in her stead. Our nation came into this relation, by virtually taking private property to pay a national debt—her debt to France. I do not complain of her for doing so. I complain of her dishonesty, in never paying for this private property. Repeatedly, has she been called on for payment, both by those, who lost the property, and by their children and children's children. Oftentimes, they have come near success. Once, the bill for their relief passed both Houses of Congress: and the chief reason, if I recollect, why the President vetoed it, was, that

we needed all the money in the Treasury for prosecuting our war with Mexico. I trust, that the time has now come, when these petitioners for so long delayed, so obvious, and so needed, justice will succeed in obtaining it.

But there are objections to the payment of the claims in question. The first is, that were the claims valid, they would have been paid, half a century ago. But we must bear in mind the poverty, indebtedness, and various embarrassments of our new-born nation, during the first part of the present century. It was as difficult to pay our debts then, as it is now easy. Moreover, it must not be forgotten, that the principal proofs of the validity of these claims lay undiscovered among the files of the State Department, for some twenty-five years. Had these proofs been brought to light, when we had a fresh and strong sense of the much, which France had yielded to us, in return for our exoneration of her from the demands of our injured citizens, we would have paid these claims, notwithstanding our small ability, at that time, to pay them. In connexion with my reference to the long concealment of the chief proofs of the validity of these claims, I would state, that of the twenty-five Congressional Reports on these claims, all, that were adverse to them, were three made during that concealment.

The second objection to the payment of these claims is, that, even if they were valid, they are now quite too

old to be acknowledged and paid. Such was the objection, as long ago, as when the chief proofs in question were discovered. Even then the sense of the immeasurable value of what we had received from France had, to a great extent, died out of the public mind. Even then, it was felt to be cheaper to turn the back on these claims than to acknowledge and pay them. But if the age of the claims was so influential an argument against them then, much more influential will it be like to be now, when that age is doubled. But the argument was not then, nor is it now, entitled to any influence. At the bar of a sound conscience a just claim is never outlawed—never obsolete—never stale. We have been guilty of a very deep wrong, in not paying these claims, long ago. Shall we also be guilty of taking advantage of our own deep wrong, and of making our unjust delay to pay these claims an excuse for disowning them, and casting them aside?

Another objection to the paying of these claims is, that they were provided for under treaties, subsequent to the Convention of 1800—namely, the Louisiana Treaty; the Florida Treaty; and Rives' Treaty. My answer to this objection is 1st that it is not true: 2d that, if true, nevertheless the bill provides against paying any of these claims, so far as they are provided for in those treaties: and 3d that, whether the objection is true or false, the claims have not been paid.

Another objection is, that the claims are in the hands

of speculators, who purchased them at a great discount, and, in many instances, for a mere trifle. To this objection I reply 1st that wherever the claims are, we should pay them: 2d that they are not in the hands of speculators, but in the hands of the original claimants, and their descendants, and the Insurance Companies, which lost by the spoliations, and, also, to a small extent, in the hands of those, to whom they were transferred by the operation of bankrupt and insolvent laws: 3d that the bill provides, that the purchasers of any of these claims shall be allowed no more than they paid for them and the interest on what they paid.

Another objection is, that our treaties with France were annulled by an Act of Congress in 1798; and that, therefore, at the time of the Convention of 1800, there were no treaties left to set off against our surrender of the claims of our wronged citizens upon France, But that act did not have, and did not pretend to have, a retrospective operation. Its language implied the full force of the treaties up to the time of the enactment, and during most of the spoliations. Again, the act could have no power to annul the treaties. It takes as many to unmake a bargain, as it does to make it. Nothing is better settled than that one of the parties to a treaty is incapable of rescinding it.

I pass on to consider the most relied on objection to paying these claims. It is, that we were at war with France, at, and after, the time, when they accrued; that



our treaties with her were thereby annulled; and that, hence, we had not to purchase satisfaction of the treaties by undertaking to pay the debts of France, nor by yielding any other consideration. But, in answer to this objection, we say, 1st that we do not admit, that these treaties could be annulled by war: 2d that we were never at war with France—war never having been declared—general reprisals never having been authorized—the provisions of Congress being expressly operative, only “in case war should break out”—the Courts of the two nations recognizing no war between them, but both holding themselves open to the citizens of both nations: 3d that if the Convention of 1800 did not recognize, and abrogate, the treaties; nevertheless, as amended by the additional article, in which “the two States renounce the respective pretensions, etc.,” our Government clearly became responsible to satisfy the claims in question: 4th that, even if the treaties were not in fact binding upon us, nevertheless we certainly did discharge France from those claims, in order, that we might be released from the treaties; and that, hence, it is not competent for us to devolve on the claimants the loss of our bad bargain. Whether the bargain was good or bad, but for it the claims would have continued to exist against France, and would have been paid by France.

Only one more objection to the payment of these

claims remains to be noticed. It is, that the claimants were prosecuting their business—were engaged in their commercial pursuits—at their own risk. But, if it was at their own risk, nevertheless our Government was bound to seek redress for the wrongs and losses, which the claimants suffered. The Government did seek such redress; and it did obtain it. But it proved a faithless agent. Instead of paying over to its principals the indemnity, which it obtained for them, it put that indemnity into its own pocket, and kept it there. Moreover, is it right to say, that the commerce in question was carried on, at the sole risk of the claimants? By no means. There was not only the general obligation of Government to protect, in all such cases;—but in this case our Government had especially bound itself to endeavor to get indemnity for losses. At the time it did so, our Government was so poor, as to be vitally interested in the continuance and extension of our foreign commerce. Its empty Treasury was in the most urgent need of the duties on imports. Accordingly, the Secretary of State, Mr. Jefferson, upon the order of President Washington, issued a paper, as early as the year 1793, encouraging our merchants, who had embarked in this business, to face its risks; by promising them the interposition of Government for their safety.

But I will bring my, perhaps, too long letter to a close. We have seen, that the objections to these claims

are unreasonable, and, altogether, unworthy of admission. We have seen, that, by every just consideration they should be paid. Does the bill provide too large a sum for their payment? The sum is far too small. It provides but five millions of dollars, though the claims amount, including interest, to probably thirty or forty millions of dollars. In the year 1800, our Ministers offered a million and a half of dollars to purchase our release from two of the articles in our treaties with France. But France would not have sold the release for treble that sum. She did, however, discharge us, from all our treaty obligations to her, in consideration of our discharging her from these claims of our plundered citizens. It is noteworthy, that the million and a half of dollars amount, with the interest thereon, to far more than the bill proposes we shall pay.

I must not omit to remind you, that the authority of many of the greatest names in our early history—names both of jurists and statesmen—even Marshall and Madison and Jefferson—is on the side of the undoubted justice of these claims.

In the name of justice, of humanity, of decency, let not Congress again turn away these meritorious claimants. If we are not willing to pay them ten millions, let us, at least, be willing to pay them five. Let us pay something on these claims, whilst, as yet, there are grandchildren of the original sufferers to receive it.

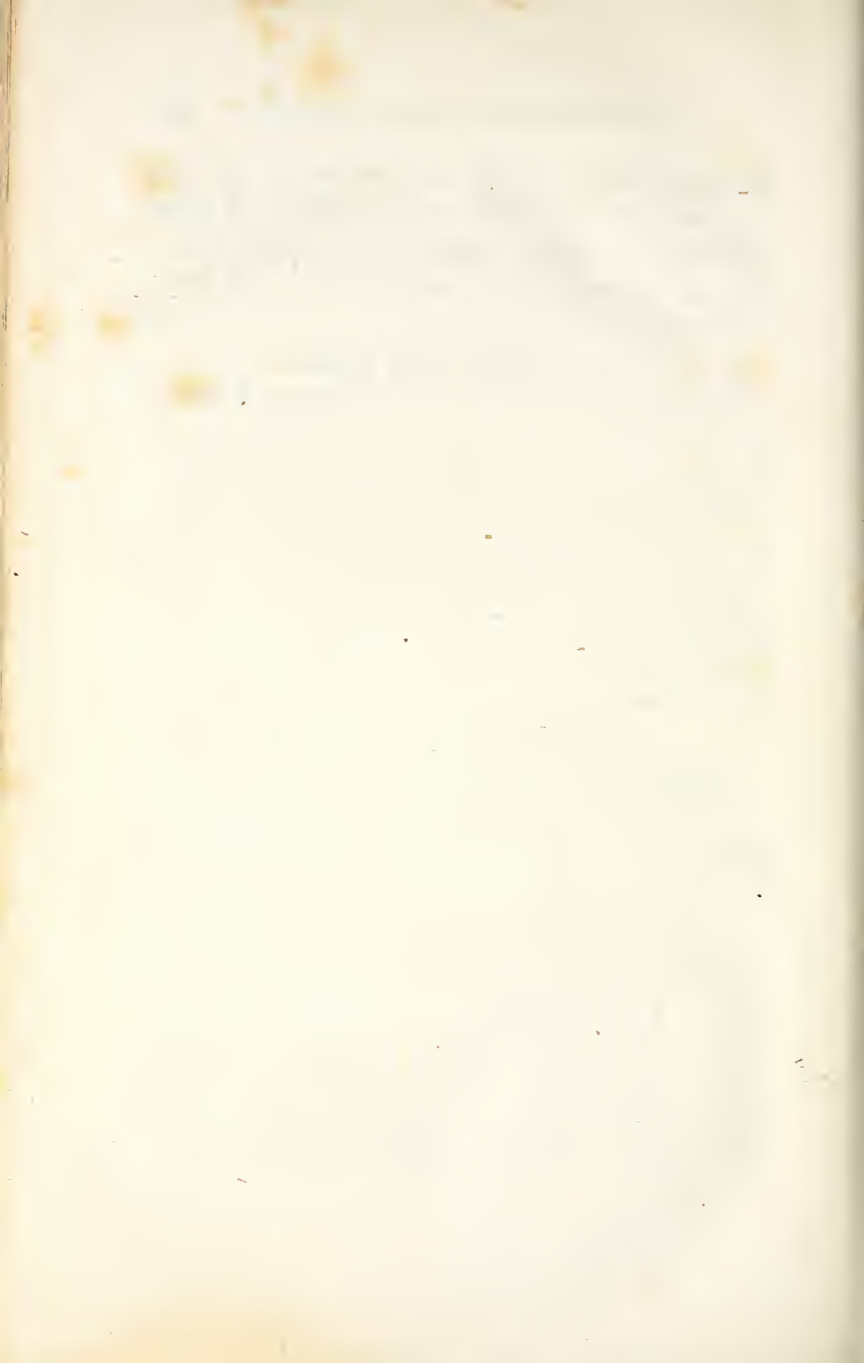
Most of those sufferers and their immediate descendants have gone down to the grave: and, in many instances, their last years were years of bitter poverty, because of our injustice. I repeat it, let us pay them something, ere not only the original claimants, and their children, but their grandchildren also, shall have passed beyond the reach of our returning sense of justice. Let me here remark, that our Government has provided indemnity, to the amount of many millions, for other French spoliations on our commerce, and for British, and Spanish, and Danish, and other yet spoliations on it. But no provision has it made to relieve the sufferers in this instance. Cruel discrimination!—and as causeless as cruel! I said causeless. It is worse than this—for the claims before us are especially obligatory—are peculiarly sacred.

But it is not alone from regard to the claimants, that we should pay these claims. It is also due to the honor and the heart of France. She inflicted a deep wrong upon many of our citizens. It is true, that, at a great price, she purchased reparation for this deep wrong. But the reparation was never made:—and, until it is, not only will her sense of humanity be pained, but her merit, in purchasing the reparation, will lack its crowning glory. I scarcely need add, that our own nation will be dishonored in the eyes of other nations, until we shall have performed this duty, which France

bought us to perform ; which, now, whilst our Treasury is overflowing, it is so easy to perform ; and which cannot be postponed again, without manifesting a stranger insensibility than ever to the calls of justice and humanity.

Respectfully yours,

GERRIT SMITH.



# L E T T E R

TO

S A M U E L W. G R E E N, E S Q.

PETERBORO, September 3, 1855.

SAMUEL W. GREEN, ESQ.:

MY DEAR SIR: You ask me why I declined to receive mileage.

1st. I think the *per diem* allowance of eight dollars is an ample compensation for the time the Member of Congress is in Washington. I do not say that it is too much. The expenses of living in that city are very great: and a man, especially if poor, who leaves his home and business to serve the public, should receive liberal wages. Many Members of Congress are poor.

2d. Mileage, or eight dollars for every twenty miles of travel, makes the remuneration of the Members unequal—in some cases very unequal. In consequence of it, the most distant Member gets two or three times as great a reward for his services as does the nearest.

But surely there is no good reason why it should be any greater in one case than in another.

When, at the close of the session, I settled my account with the Government Officer, he offered me between four and five hundred dollars for mileage. I declined it; and asked him to pay me, instead, my rail-road fare, amounting to upwards of \$30, I believe, and \$48 for six days' time in the journey, and other expenses. He did so. Why should not every Member's account be settled on these principles? Why should any Member receive, on the score of travel, more than his fare by boat, car, stage, etc., and also eight dollars a day for his other expenses and his time in travelling?

I have been told that it is to prevent the removal of the Capitol, that this mileage system is continued. But whatever be the object, and whether it does or does not bribe the distant Members into silence regarding such removal, certain it is, that the people should insist on the immediate abandonment of a system so iniquitous and so wasteful.

Respectfully your friend,

GERRIT SMITH.

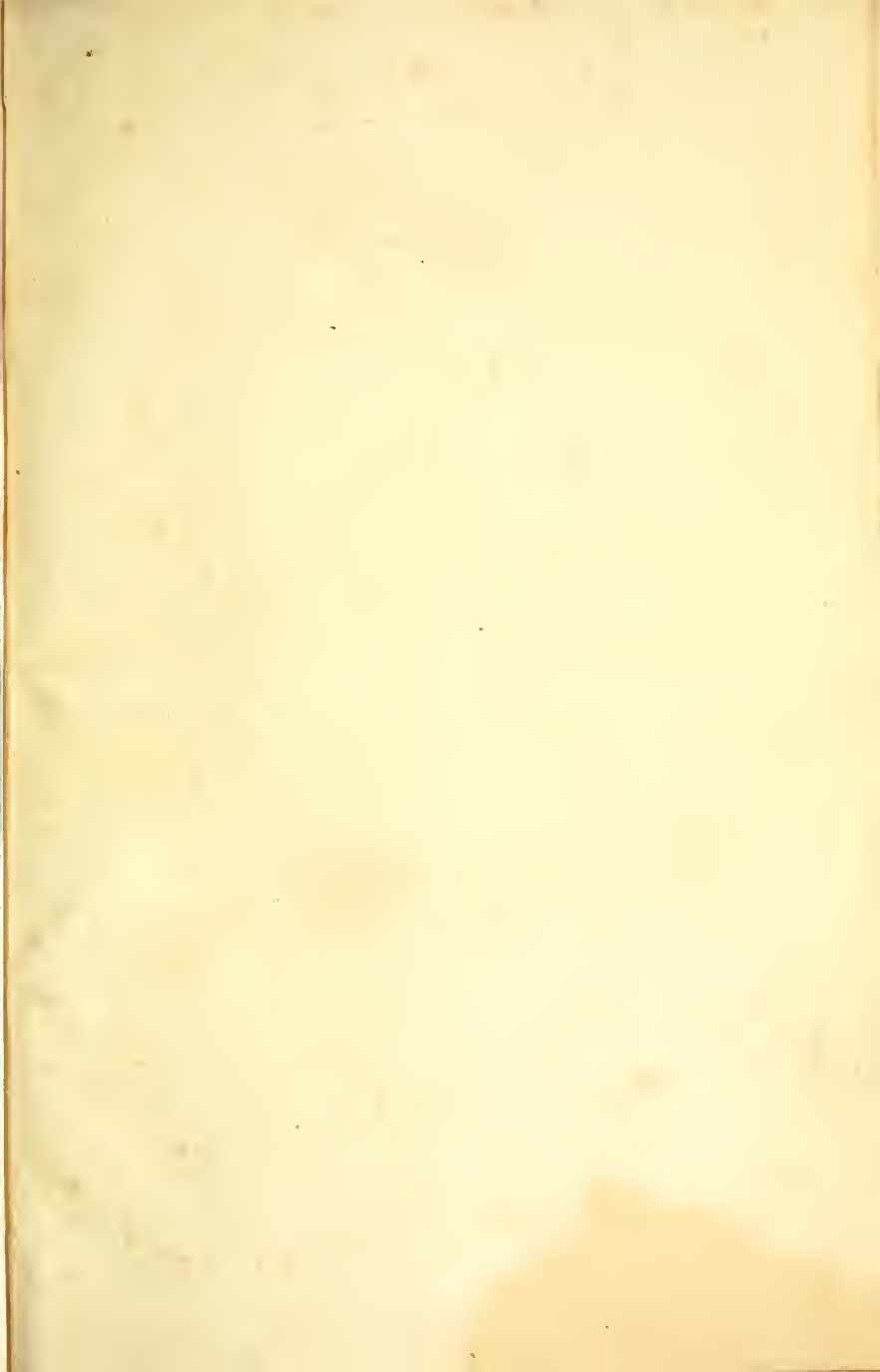














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