

AN ADDRESS

DELIVERED ON THE ANNIVERSARY

OF THE

FIRST SETTLEMENT OF OHIO,

BY JORDAN A. PUGH,

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ADDRESS.

8th April, 1844.

Let us hail this day! Let us rejoice in the return of that bright luminary whose beams now gild the spires of our populous city. There are many days in the brief career of our state worthy to be remembered; but the commemoration of this day ought never to be omitted, for it marks the beginning of the history of Ohio.

Here, where we are surrounded by all the luxuries and refinements of an advanced civilization; where science and taste have come to adorn and beautify life; where at every moment we may hear the loud pulsations of the mightiest power man has ever subjugated, as it bears to our shores the products of every clime; whence we may look forth and behold the green fields of our native land, dotted with thriving villages and populous cities; whence there rises the hum of a busy, prosperous, free and happy people.—Here we have met together to transport ourselves back, by the aid of one of the noblest faculties of our nature, to that time when, from the foot of the Alleghenies to the Pacific Ocean, there were but continuous woods, where rolled the waters of many noble rivers, and heard no sound “save their own dashings;” when the tangled thickets, the rank and unwholesome vegetation of a rich and virgin soil, overshadowed that ground on which Art now rears its lofty structures; when first the leaves of the forest were rustled by the tread of civilized man; when first the stroke of the woodman’s axe, or the crack of the hunter’s rifle, broke the silence of the wild—a silence which had never been invaded save by the noise of the wild beast as he sprung from his

lair, or by the whoop of the savage as he glided on to his predatory war.

How rapid the transition! How wonderful the contrast! The interval between the two epochs does not measure the duration of a life. Yet that soil, which then bore its thick tangled and luxuriant forests, now demands an alternation of crops to recuperate its exhausted energies. A thousand huge fabrics now plough that stream, whose waters were then disturbed only by the light canoe, or the rude net of the savage. Where herds of wild deer stood, are now the crowded marts of commerce. Where the Indian danced his war dance, knowledge now gathers its votaries. Where his prophets performed their barbarous rites, Art and Religion have now combined and reared the domes of proud temples. The stillness of the primeval forest has given way to the din and bustle of a thickly crowded population. Religion and Knowledge and Civilization have displaced the rude forms of the red man, and erected here the social systems of another, an educated, an elevated race.

Honor to the pioneers! Honor to those who wrought this change! Despots, by the exertion of an arbitrary power, have reared cities in the wilderness, and transplanted a population into the palaces they caused so suddenly to rise. But these pioneers, of their own will and energy wrested this soil from its savage possessors, and made this wilderness to blossom as the rose. The former have only cemented brick and mortar for the habitations of slaves; but the latter have founded mighty states, and gathered together innumerable freemen. Honor to them, we, the sons of Ohio, now say. Honor to them, the thriving population of this soil now proclaims. Immortal honor to them, the thick coming generations of the future, which shall owe their freedom and happiness to this brave band, will ever continue to repeat.

VENERABLE MEN, who have come hither to lend your presence to this occasion; who connect us with the earliest adventurers upon this soil; among whom are aged divines who lighted the fires upon God's altar in the wilderness; who have so tended and nursed that holy flame that now, throughout the wide borders of our native state it sends its cheerful, long

lengthening light—a light which will usher them through the dark passages of the tomb into that

“Bright effluence of bright essence increate—”

a member of the first council of this infant territory ; lawyers who have shaped that course of legislation which now every son of Ohio contemplates with pride ; farmers who have cleared the forest, and developed the resources of this soil ; merchants who assisted to establish this great commercial emporium ; mechanics and manufacturers whose labors once supplied that demand, which now requires the clatter of all this machinery, and the clang of all these forges whose smoke rises like a cloud and obscures the heavens ; with what emotions must ye contemplate the return of the anniversary of the settlement of this mighty state ? With what pride and joy must ye behold this spectacle ? Ye saw the forest disappear and this thronging mart uprise. Where ye once beheld the deep shadows of the wilderness, roofs and spires are now all glittering bright. Where once, at vast intervals, ye saw the rude cabin of some pioneer, now rise structures adorned by ancient and modern Art. How wonderful, how surpassingly wonderful is the transition ! How like a work of magic is this view which is now spread out before you—this city that sits enthroned on the banks of the Ohio ; yon other city whose towers and turrets rise upon the shores of our northern lake ; this whole land teeming with life and vegetation, with peace and smiling plenty crowned !

'T is like a dream when one awakes,
 This vision of the scenes of old,
 'T is like the moon when morning breaks,
 'T is like a tale round watch-fires told.

What a debt of gratitude do we, who surround you, owe to you, and to all the early settlers. By your hardships our comfort has been obtained ; by your toils our ease has been won.

But where are the earliest pioneers ? Where are those who mingled in the deadly conflict, and answered the yell of the savage as he sprang from the forest ? Your venerable figures, the fewness of your own numbers, the remnant of the second

race of pioneers, tell us they have departed. But how is it that they, who came amid the din of battle and the war shout of the savage, have so silently passed away?

One, and one of the chief among them, we saw but lately borne from the high position to which he had been called by the loud acclamations of the people, to the silent chambers of the grave—one of the last of a brave and noble race, whose death became his life—whose thoughts, pioneer-like, even when the film was gathering over his eye, when everything earthly was fading from his vision, when eternity was opening its portals before him, were of his country, and the welfare of his countrymen. Now he lies far, far removed from that hum of busy life, to which he and his compeers gave impetus and security, in one of our quiet valleys, where no labored pedestal marks the sod, where no marble tablet records his deeds, where no monumental pile enshrouds his remains, sleeping to the music of the waters of the Ohio.

We have made no effort to perpetuate the memory of the pioneers. We have framed no high wrought eulogies, and reared no sculptured monuments. But our neglect cannot deprive them of a remembrance which shall survive when inscriptions have mouldered away, and marble has crumbled into dust.

"They live in millions that now breathe,
 They live in millions yet unborn,
 And pious gratitude shall wreath
 As bright a crown as e'er was worn,
 And hang it on the green leaved bough,
 That whispers to the nameless dead below."

We owe a debt of gratitude, not only to the pioneers, but also to the Continental Congress. When the members of that body had guided the Old Thirteen on to freedom, they turned their attention to the wild regions of the West. They framed for an unbroken wilderness, a scheme of polity, a system of laws, more wise, more just and equal, than had ever before been possessed by any state in which the progress of civilization was to be computed by centuries. Even the valor and industry of the pioneers, the salubrity of our climate, the fertility of our soil, the easy outlets afforded by our great rivers;

even all these causes of a nation's prosperity combined, without the Ordinance of 1787, could not have produced that wondrous prosperity which we now behold. In the encouragement which the Ordinance offers to industry, in the provisions it has made for education, in the adequate and perfect security for his rights which it affords the citizen, we shall find one of the chief causes of the rapid development of the West. 'Tis not the beauty of our scenery, 'tis not the richness of our soil, 'tis not the mildness of our climate, that has gathered this thronged multitude. In all these, our country is surpassed by many of the old world, in which forests now rear their hoary tops above the ruins of an ancient and forgotten civilization. 'Tis the air of liberty they have come to breathe. 'Tis the security of these institutions they have come to enjoy. The cry of a redeemed people has gone forth unto the ends of the earth; and the oppressed of every climate have erected their bodies, and lifted up their souls. They have forsaken a cruel parent for a nursing step-mother. Men of every land have sought shelter under the fabric of our government, they have labored with the native-born, and all together have now reared a mighty and puissant nation.

This ordinance, which has exerted, and must continue to exert, so vast an influence upon the character and legislation of the West, offers us a subject worthy of our consideration, and appropriate to this occasion.

It is well known that even during the struggle for independence, the prospects of America were darkened, and the efforts of Congress to carry on the war were impeded, by the controversies respecting the western lands. These controversies retarded the Act of Confederation. Its articles were not ratified until after New York had yielded her claim, and Virginia had shown a disposition to do so by a cession upon terms, one of which was objectionable.

In October, 1780, and before the first cession of Virginia, Congress, by a resolution, addressed itself to the patriotism of the states; urging upon them the propriety of yielding their claims to the vacant territory; pledging itself that the lands should be disposed of for the common benefit; that all expenses of any of the states in acquiring or defending them should

be reimbursed; that they should be settled agreeably to regulations, to be afterwards adopted by Congress; and that the territory should be divided into distinct states, which should be admitted into the federal union, with the same rights of sovereignty as the other states possessed. Virginia made her second cession in 1783. Massachusetts ceded in 1785, and Connecticut in 1786.

On the 19th of April, 1784, Messrs. Jefferson of Virginia, Chase of Maryland, and Howell of Rhode Island, a committee appointed for the purpose, reported a bill for the temporary government of the Western Territory. In this report, as introduced by the chairman of that committee, was the following article: "That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted to have been personally guilty." Upon the introduction of this report, a motion was made by Mr. Spaight of North Carolina, and seconded by Mr. Read of South Carolina, to strike out this article. The question was taken, and the words were ordered to be stricken out; no state north of Maryland voting to strike them out, and no state south of Pennsylvania voting to retain them. Two members from southern states, however, did vote to sustain the article, Mr. Jefferson of Virginia, and Mr. Williamson of North Carolina.

Upon examining this article, we shall find two defects:—First, it prolongs the continuance of slavery until the year, 1800. But this could not have been the cause of its defeat: for the article, as it stood, received the vote of every northern state at that time represented, and was rejected by the southern members. The other defect must therefore have caused its erasure. That defect was, that it did not provide, as does the article in the ordinance, for the recapture of those who owe labor and escape from service. These resolutions, thus amended, were adopted, by the vote of every state except that of South Carolina, on the 23d of April, 1784.

As claims have been asserted for Mr. Jefferson, not by himself, but by some of his admirers, since his decease, to the authorship of the Ordinance of 1787, it may be well to exa-

mine these resolutions: for as he went to France on the 11th of May, 1784, and did not return until after the adoption of the Federal Constitution, his only claim to the authorship of the Ordinance must rest upon these resolutions.

They provide for the division of the territory into states, for a temporary government of the settlers, for a permanent constitution and government in such states as shall have acquired a free population of twenty thousand. And they also contain seven articles of fundamental compact:

1. The states shall ever remain a part of the confederacy.
2. They shall be subject to the articles of confederation, and the laws of Congress in conformity thereto.
3. They shall not interfere with the primary disposal of the soil by the United States, nor with the ordinances of Congress to secure the title to *bona fide* purchasers.
4. They shall be subject to pay their proportion of the federal debt.
5. The lands of the United States shall not be taxed.
6. The respective governments shall be republican.
7. Lands of non-residents shall not be taxed higher than those belonging to residents.

These resolutions are comprised in two pages of the Congressional Journals, while the Ordinance is contained in eight. Five of these pages, however, relate to the temporary government of the territory, and have no longer any importance. In the Ordinance, are six articles of fundamental compact. The fourth contains all the articles of Mr. Jefferson's resolutions, which were adopted by Congress, with the further provision that the navigable waters, leading into the Mississippi and the St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, imposts, or duty therefor.

The fifth article prescribes the manner in which the territory shall be divided into states. The others are chiefly in the nature of a bill of rights. They contain all those great and fundamental principles of liberty which the sufferings and revolutions of many centuries have evolved. They declare

freedom of conscience, the right to the benefits of the writ of *habeas corpus*, to trial by jury, to a proportionate representation of the people in the legislature, and to judicial proceedings according to the course of the common law. They ordain that all persons shall be bailable, except for capital offences where the proof is evident or the presumption great. Fines are to be moderate, and no cruel or unusual punishments shall be inflicted. A man shall not be deprived of his property, liberty or life, save by the judgment of his peers, or the law of the land. And if public exigencies require that private property shall be taken for public purposes, full compensation shall be made therefor. To secure the rights of the inhabitants of this territory, it is solemnly ordained that no law shall ever be passed that shall in any manner interfere with private contracts, previously entered into. Religion, Morality, and Knowledge are asserted to be the basis of good government, and they declare that schools and the means of education shall forever be encouraged. They also contain provisions intended for the protection of the Indian. His lands and his property shall never be taken without his consent, and his rights and his liberty shall never be invaded or disturbed; but laws founded in justice and humanity shall, from time to time, be enacted to prevent wrongs to him, and to preserve peace and friendship with him. And lastly, as if to preserve this virgin soil from the stain of bondage, as if to transmit this territory from a race who could not endure even the trammels of civilization to free and unshackled men, they ordained that slavery or involuntary servitude, except for the punishment of crimes, should never exist in this territory. And perhaps no better proof of the magnanimity and patriotism of the members of that body could be afforded than the fact, that not a single southern vote was cast in opposition to this clause.

The members of this body, the great men of that day, from whatever quarter they came, while laying the foundations of our government, while nursing "the small and seminal principle" of this now mighty nation, seem to have been studiously careful, in every solemn act, to guard against aught that could be construed into an approval of slavery. And when a vast and uninhabited territory was ceded to the general govern-

ment, the idea of preserving it uncontaminated from that stain which rested upon the elder states, was as likely to originate in the breast of a southern as of a northern man. We have seen that, three years before the ordinance was framed, Mr. Jefferson introduced an article of fundamental compact, for the same purpose, one of the defects of which marked his love of liberty. Long before that time, as early as 1769, that same great man introduced an article into the Virginia legislature, providing for the emancipation of slaves. And his draft of the Declaration of Independence, as we all know, contained a clause condemning this traffic, which he says, in his autobiography, was stricken out from a regard to the states of South Carolina and Georgia, which had never prohibited the importation of slaves; and also from a regard to the tender feelings of his northern brethren, who, though they did not own many slaves, had been engaged extensively in the traffic, and had derived large profits therefrom.

We of the West must then acknowledge our indebtedness to the sage of Monticello, for some of the provisions of this fundamental law. But the great merit of framing this Ordinance belongs to Mr. Dane. He introduced those clauses which are the nature of a bill of rights. He originated that article afterwards adopted into the Federal Constitution, declaring the inviolability of private contracts. He inserted those provisions intended for the protection of the Indians. And he brought forward, at a propitious time, and under propitious circumstances, an article so framed as to be adopted, which forever prohibited slavery within our borders.

The author of the Declaration of Independence, he who has strewn his political principles broad-cast over this land, can require no borrowed laurels to adorn his brow. While the American Revolution holds its place among the records of the past, while a fragment of our political history remains, his name will be venerated. His fame can never be diminished. It belongs to the past, the secure, unalterable past. There it is, written side by side with that of his noble compeers, on our great fabric of constitutional freedom. Men may differ, and men do differ, as to the political principles entertained by Jefferson and Dane. But it were as well to seek to extinguish

one of those fires that blaze in yonder heaven, as to endeavor to blot out one of those bright names, written in characters of living light upon the firmament of our history.

For many of the provisions of the Ordinance, we see, at a glance, that we are indebted to the old Common Law, a system which so well merits that attachment the people of this country have ever manifested towards it. A system which, when the fires of the ancient Gothic freedom had been long extinguished upon the continent of Europe, by its trial by jury, by the presence of its institutions, so redolent of liberty, preserved alive its flame in England, even during the iron rule of the haughty Tudors, and in the midst of the oppressions of the tyrannical Stuarts. Some of its features, however, are peculiarly American. Those which relate to education, belong solely to our own country. To them, and to the liberal donations of Congress acting in pursuance of them, we owe the support of our common school system. And among all the results of a noble and munificent legislation, there is no one to be contemplated with such pride as this system of education, which now imparts to all classes and conditions that knowledge without which liberty descends into licentiousness, and freedom into anarchy and misrule.

The articles which assert the right of the people to a proportionate representation in the legislature, which secure to the citizen compensation for property taken for public purposes, and which declare the inviolability of private contracts, belong also to our own country. They are some of the many great political principles, for which we are indebted to those who guided our country through the war of independence, and laid the foundations of our civil polity.

In what may be denominated the original part of this instrument, we find the article intended for the protection of the Indians—an article which those of us, at least, who belong to that generation which is now coming forward on the stage of action, will contemplate with peculiar emotions. We know nothing, by experience, of the deep hatred which once existed between the red man and the white. We have not seen the savage when he was infuriated by the wrongs inflicted upon him; when his thirst for vengeance was aroused by the slaugh-

ter of his tribe and of his kindred—when he stood, Logan like, desolate in the forest, his habitation sacked, his children slaughtered, with not one upon the earth in whose veins flowed a drop of his kindred blood—when he gathered his dusky tribes, to make one last despairing effort, to force the aggressor from his territory, to drive the white man from his hunting grounds, to repel the spoiler from the homes of his tribe. We see that race by the faint light which history sheds around them; when of old, at the first advent of the European, they bowed in adoration before him, and worshipped him as a god; when they, then powerful nations, received the weak and helpless stranger, and generously shared their territories with him; when they stood by with a simple and unsuspecting confidence, until the forest disappeared, and the habitations of the white man stood thick around them. We see them as they have been brutalized by civilization, robbed by force, despoiled by fraud, and circumvented by treaty. We behold them as they gather the remnants of their tribes, cast a long and anguished, but tearless, look upon those places, where, in childhood, the rude barbarians played; cast themselves for the last time upon the sacred graves of their fathers; and take up their slow and toilsome march to the far distant regions of the West. We know their rude and simple virtues, their unreluctant hospitality, their indomitable valor, their invincible resolution, their heroic fortitude. We know that, though a savage and untutored race, they bowed before no rude and misshapen idols, but worshipped a Spirit-God, and dreamed that the ghosts of their fathers returned from their shadowy hunting grounds to hold converse with their sons. The melody of their language is around us and with us—in the mountains that divide the East from the West—in the name of our own native state—in the lake that borders our northern shore—in the graceful windings of yon silvery stream—in the broad bosom of the great Father of Waters. We behold them now, when—

“Their day is o’er,
 Their fires are out from hill and shore,
 No more for them the wild deer bounds,
 The plough is on their hunting grounds,

The pale man's axe rings through their woods,
 The pale man's sail skims o'er their floods,
 Their pleasant springs are dry,
 Their children! look—by power oppress'd,
 Beyond the mountains of the west,
 Their children go—to die."

And when the History of the white man shall search in vain for some remnants of these tribes, then will his Poetry and Romance throw all their enchantments around the memory of a noble and departed race. Alas! that such should be their fate, when in our great, fundamental law it was ordained, that their property should not be taken without their consent, and that their rights and their liberty should never be invaded or disturbed.

It is difficult for us, who have been taught from infancy the great principles of our constitutional freedom, to whom the rights of the citizen appear to be so clear and undeniable, to realize the value of those privileges secured to us by the ordinance and the other fundamental compacts of our nation. We must turn our eyes to the pages of history, and behold the slow and painful progress of the development of these principles. We must remember that each of these great truths has cost the world its battles and its revolutions. We must examine the condition of the people of other nations; see how they are withdrawn from their accustomed haunts by the instruments of arbitrary power; confined in cells,

"A thousand feet below
 Where the dark waters meet and flow;"

or exposed in the recesses of prisons to the agonies of "cruel and unusual punishments." We must see them as their consciences have been restrained by tyrannical edicts; as their minds have been made dull by ignorance; as their bodies have become dwarfish and misshapen from labor—that labor which is without the hope that sweetens toil, which obtains not the necessities of life, which answers not the exactions of government, which procures not wealth and ease and comfort, but results in misery, starvation and death. Then we shall appreciate our privileges. We are not compelled to frame fanciful systems of social organization; we are not compel-

led to trace man back to the rude stages of society to ascertain what, of his natural rights, he yielded, and what he retained. 'There are our rights. Written in characters never to be misunderstood; won not by bold barons, but by a hardy peasantry; obtained by a contest with the mightiest power on earth; stamped with the blood of our early patriots; sealed with the seals of the great fathers of our country; made forever articles of fundamental and inviolable compact between all the contracting powers of this mighty republic.

We may contemplate the ordinance with the greater pride, because, when we look at the value of the original principles it contains, we may assert it to be an American production; the offspring of American wisdom and of American experience. Like the declaration of independence, like the constitution that binds these states together, its language is simple and unostentatious. But how comprehensive is its spirit! How potent are its truths! The west tells its present effect, and the future shadows forth yet mightier results. Its impress is upon our character, and upon our legislation. There it must remain so long as the Saxon race inherits this soil. And longer. For if, in the far distant future, we who seem now to be as firmly fixed upon this soil as yonder everlasting hills, shall share the fate of the ancient possessors of this territory; if we shall disappear, as we have caused them to disappear, before another and a haughtier race; if we shall be driven back, as we have driven them back, step by step, before the advancing tide, until at last we shall be submerged beneath the waters of the western ocean; even then, so long as the wrecks of our works shall remain, so long as the vestiges of our state improvements shall be visible, they will speak of the ordinance, and of the principles it proclaims. It has imbued the very spirits of our people. Our art has caught its inspiration. And when the men of other races and times, in the effort to trace the history of a lost and vanished people, shall stand upon the brink of some mighty reservoir; shall wander along some wide but silent and deserted highway; shall pause before some crumbling fane or fallen tower; then will the very wreck and ruins of our civilization breathe into

them, as have the monuments of Grecian art breathed into us, the spirit of their ancient founders.

The history of the ordinance, of the time in which it was framed, and of the early struggles of our country to obtain its liberty, and to lay the foundations of its civil polity, teaches a moral which it befits us now to draw. Now, when the spirit of jealousy is abroad in the land. When we may hear the murmurs of disaffection and disunion. For they are heard; here in that Ohio whose magnificent institutions have been fostered and sustained by the general government; whose unexampled prosperity, whose wondrous development, is the result of the magnanimous spirit of the whole nation; here in the west we hear them—that west whose destinies were determined by the old confederacy; where now the star of empire shines; which is now the heart of this great confederacy, whose pulsations should send the life blood to the farthest member. Let that tongue be silenced that proclaims them. Let that matricidal arm be stayed that seeks to stab its country.

Let us never forget the history of our country. Let us never forget how the patriotism of our forefathers dispelled the clouds that gathered over our republic in its early dawn. Let us never forget that states, just emerging from a protracted contest, exhausted and impoverished, burdened and almost broken down by a load of debt, ceded their claims to this vast and invaluable territory to promote that union which has now rendered them all, both old and new, prosperous and powerful. Let us often recur to the records of our great struggle, and see how the sons of America, without regard to state lines or sectional interests, stood shoulder to shoulder in the contest. Let us visit those places which that struggle has sanctified and made holy. Let us go upon the battle fields of liberty, and see how the bones of the northern and of the southern man now lie side by side, bleaching those fields they yielded their lives to defend.

May that Being who guides the destinies of nations so temper and subdue our hearts. that all sectional feelings shall melt away; that the bonds of a fraternal affection shall bind us together; that a deep and abiding spirit of patriotism shall im-

bue our very souls ; that the national air which has this day and in these halls lifted up our very souls may ever be remembered, and ever be appropriate ; that the stripe of Ohio may ever mark our national flag, and its star ever shine on in that field of azure blue ; that so long as this anniversary shall be returned to us, its dawn may blazon and its eve may purple the gorgeous folds of our country's banner, as it streams proudly over us.

If it be true that we must share the fate of by-gone states, at least let not disunion melt us away. If it be true that the progress of nations is but in a cycle, let the cycle of our country be like that of yonder glorious orb, whose course thus far hers has resembled. Rising so beautiful, so bright, so glorious, with such undiminished lustre, and such stupendous majesty ; "unsealing her vision at the very fountain of light ;" dispelling the night of despotism ; bidding "all hail" to a world redeemed from the darkness of bondage. Then, floating proudly away in the blue ether ; rolling up majestically to the meridian ; pursuing a gorgeous but shadowy and mellow-tinted declination. And, at last, when the cycle is returning her whence she came, pouring out a golden and glorious flood of light, as she sinks from view,

"Stretching it out,
Brighter and ever brighter, till it spread,
Like one wide, radiant ocean, without bounds,
One infinite sea of glory,"

Bidding the nations which shall glimmer after her departure to follow in the funeral train, "light up their torches" at her sepulchre, and after she has passed away reflect her light and heat, and life.

