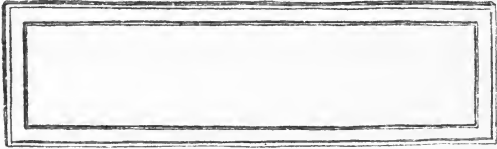


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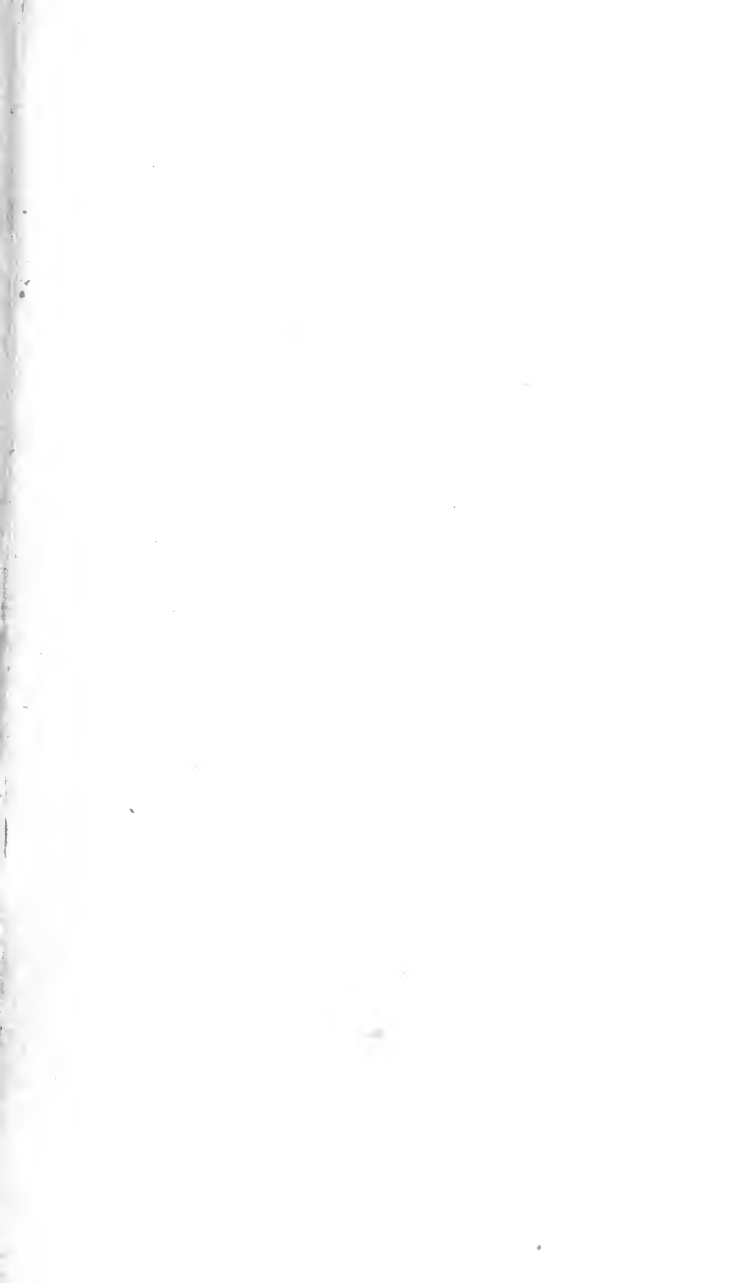


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TO HIS MAJESTY,  
LEOPOLD, KING OF THE BELGIANS, K. G. G. C. B.,  
&c., &c., &c.

THIS VOLUME  
IS MOST RESPECTFULLY INSCRIBED,  
BY HIS MAJESTY'S GRATEFULLY OBLIGED  
AND DEVOTED SERVANT,

HENRY J. BRADFIELD,

EDITOR AND TRANSLATOR.



## TRANSLATOR'S DEDICATION.

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SIRE,—

WHEN in England, on my return from Greece, I was honored with the permission of dedicating a volume of poems entitled "Tales of the Cyclades" to your Majesty, and enjoyed the further patronage of holding a commission under Prince Murat, in the Belgian army.

Knowing the noble and generous sentiments with which your Majesty was actuated towards the Colonel, and his devotion to you, Sire, and the cause in which he had then embarked his fortunes; in respectful consideration of them, and in recollection of past kindnesses which I experienced during my services in Belgium, I have availed myself of this public opportunity of expressing my grateful acknowledgments in the dedication of the accompanying translation of some valuable personal observations which Colonel Murat presented to me, when in garrison at Ath,—on the subject of America and the Americans.

Though some years have elapsed since they were written, as they possess a discriminative delineation of character and truthfulness in their composition, as also many interesting remarks arising from an experience of a residence of many years in this country of his adoption, as an American citizen: I have deemed them of sufficient interest, respectfully to submit them to the discriminating mind of your Majesty; possessing as they do a new feature in the additional notes and information afforded me, thereby rendering the work, as I humbly hope, more applicable to the present day, by which you will perceive, Sire, with

TRANSLATOR'S DEDICATION.

what rapid strides this republic is advancing in civilization and prosperity.

The late brilliant conquests of New Mexico and California, place her in the new position of an Empire; while the gold mines and *placers* of that magnificent region have, moreover, unveiled those long hidden treasures, realizing the fabled "El Dorado" of that great navigator, and chivalrous knight, Sir Walter Raleigh.

Your Majesty enjoys the reputation of possessing liberal and enlightened views and opinions; while the tranquil prosperity of Belgium, and the happiness of a loyal, devoted and industrious people, not only bear witness of a wise and good legislation, but evince, also, your Majesty's paternal solicitude in their welfare, presenting a moral to the monarchy of Continental Europe, —that peace, happiness and prosperity can be secured and maintained without the aid of tyranny, or the sacrifice of the blood of the people.

Imbued with sentiments of a hatred of despotism, and a love of liberty in its exalted and enlightened sense, I now respectfully present this little memento of my late amiable and lamented friend to your Majesty, hoping it may afford an agreeable hour's entertainment, and be deemed a faithful delineation of the character, manners and habits of America and the Americans in the nineteenth century.

I have the honor to be, Sire,

Your Majesty's

Most devoted, humble servant,

HENRY J. BRADFIELD.

# AMERICA

AND

# THE AMERICANS.

BY THE LATE

ACHILLE MURAT,

CITIZEN OF THE UNITED STATES; HONORARY COLONEL IN THE BELGIAN ARMY;  
AND CI-DEVANT PRINCE ROYAL OF THE TWO SICILIES.

*Translated from the French.*

"I came to America, poor, friendless, and an exile, and have here found a home and country which Europe refused me!"

BUFFALO:  
GEORGE H. DERBY & COMPANY.

1851.

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Entered, according to Act of Congress, in the year 1849.

BY WILLIAM H. GRAHAM,

In the Clerk's Office of the District Court of the United States, for the  
Southern District of New-York.

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## A WORD FROM THE TRANSLATOR.

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DURING my services as an officer in a regiment of Lancers in the Belgian army, of which Prince Achille Murat was Colonel, he presented me with a copy of some valuable Notes, which he had written for the amusement and information of his esteemed and talented friend, the Count Thibaudau.

The Prince left our regiment and the army, much to the regret of King Leopold, in consequence of the absurd jealousy of the Northern Powers, he being a member of "the Bonaparte family"! What a change has now come "o'er the spirit of their dream"! With the consent of these very powers (more from compulsion than free will) the nephew of the Emperor is President of the Republic of France! while other branches of the 'proscribed' family are holding high official appointments. Thus much for the march of Liberty! and well hath Byron said:

"Freedom's blood 's the growth of Freedom's tree."

The Colonel was not only much esteemed and beloved by his corps, but from his amiable, chivalrous and frank manners, became the intimate personal friend of the King; and his society was moreover much valued in the agreeable and enlightened circles of Brussels.

I arrived in the United States with the hope of renewing my acquaintance with him, when to my heartfelt regret I learnt that he was no more.

I now present the Notes to the public: they bear the impress of a reflective and inquiring mind, and have afforded no small gratification and useful information to many of my literary acquaintance in Europe.

The author, it would appear, had for his object throughout, not only the welfare of his adopted country, but moreover a desire to represent America and the Americans in a faithful and interesting light to Europeans, uninfluenced by party feelings or political bias. Hence, actuated by a sense of respect for my lamented friend, and a hope that the accompanying translation of the Notes may be acceptable to the American, as well as (more especially) to the educated and reflecting part of the European public, who in reality know so little of the United States, the internal economy of her institutions, or her progressive commercial wealth, and who perceive but "through a glass darkly" her rapid strides to the accomplishment of a future destiny, that of forming the mighty empire of the Western World, I offer it to the public.

Some years have elapsed since the Notes were written. I claim therefore the kind indulgence of the public for any apparent discrepancies, or obsolete data, which may here and there occur; with this agreeable reflection, however, and to an American especially so, that a comparison with the present period will shew that intellect, civilization and enterprise are adorning with increased luster the already exalted position of the Republic of America among the nations of the world.

MAY 1st, 1849.

## DEDICATION.

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TO COUNT THIBEAUDAU.

MY DEAR FRIEND :

ACTING agreeably to your suggestion and request, I wrote four letters on the United States ; which I addressed to you. As an act of justice therefore, I dedicate this work to you, as being the originator thereof ; and trust you will receive it with the same indulgence as the previous letters. I have had but one object in view, that of making known to Europe, especially France, the institutions of the United States, and the manners of the people.

This task becomes every day the more important, inasmuch as a form of Government similar to our own is the point which the people of Europe are aiming to accomplish, not only during our days, but since the revival of letters, and that period when the Greek and Roman began to penetrate and dissipate the darker ages of barbarism.

The people of Continental Europe have lost themselves in seeking after liberty in a metaphysical sense, and have abandoned practical liberty, which I alone appreciate. This is only to be found in the United States of America.

This principle from which so much good emanates, and which is destined to govern the world, is what is called in America *Self-government*. Provided it is the people who govern, we are satisfied. It matters little what be the form of the machine, or



## CHAPTER I.

### GENERAL VIEW AND DIVISIONS OF THE AMERICAN UNION.

Proem.—European Travelers in the States—Their Object and Opinions—English Travelers—America more agricultural than commercial—Division of the Union—Comparison between the Northern and Southern States—Capital—Distinctions of Character—New England States—Application of the term “Yankee”—Their rigid Observance of Sundays—Anecdote, “Salt fish and apple pies”—Boston—Her Men of Genius and Patriotism—Education—Population of New York—Pennsylvania—New Jersey and Delaware—Virginia and her “Limbs of the Law”—The “Aristocrats” of the Union—South Carolina—her “Phalanx of Talent”—Charleston—her Society the “most refined in the world”—Customs Tariff—Old and new States—Advice and Opinion to European Emigrants.

#### WASCISSA, NEAR TALLAHASSEE, FLORIDA.

You call on me, my dear friend, to fulfil the promise which I made you in quitting Europe, and to afford you from the localities themselves a faithful picture of my adopted country. Is it still your intention also to become a citizen? Nothing would afford me greater pleasure. My wish I fear is greater than my hopes—however, to my task. You know my character sufficiently to be assured, that although entertaining a partiality for this land of my adoption, I shall not be the less frank in my opinion, while I shall alike portray faithfully our imperfections, as well as our good qualities: for as it may influence a serious determination on your part, as well as that of many of our friends, I should grieve to find you influenced or misled by any wrong deductions on my part.

Were I addressing myself to a business man, who required merely details as to the manner of disposing of his

capital to the best advantage, I should say : Remark our increasing prosperity, and you will therein find ample means of realizing your expectations. But this however is not your object, at least your principal one. Your life has in a great measure been devoted to public affairs, and you would come here to seek principles of government more in conformity with your own. It is therefore, rather a knowledge of our moral state of society which you would wish to become acquainted with.

The Europeans who visit our country, with the exception of a few naturalists in search of shells, plants, &c., confine themselves to trifling excursions to our Atlantic towns, and return to Europe, under the impression that we are a nation of merchants, as Napoleon called the English a "nation of shopkeepers." They are mostly travelers on business, whose sole object is to communicate with their correspondents. They think not of our government, and give themselves no trouble about it. I have seen many who have absolutely denied the existence of one. Very few visit the interior, or enter into politics, not that they are looked upon with mistrust in this country of unfettered freedom, but their friends are fearful of intruding on them matters in which they are not interested. In general they return to Europe under the persuasion that we are very polite, and possess "tact," that a government still exists, because nobody troubles themselves about it, everybody appearing to have something better to do. There are, however, exceptions. Some English travelers have penetrated into the interior, having a specific object in view—that of observing mankind.

Even when the English shall have formed a correct idea of the United States, it follows not as a consequence, that either yourself or the people of the Continent of Europe should be influenced thereby. From my own experience, I believe, that they possess no more just notion of England than of America.

We are, in fact, more of an agricultural than a mercantile nation, and above all, one full of reasoning and thought. Our policy is so different from that of Europe, that most of the few strangers who do reason upon the subject absolutely understand nothing.

You have only to cast your eye over the map of the United States, in order to be convinced that the agricultural *interest* bears the palm over both the commercial and manufacturing.

The first grand division of the Union lies between the States recognizing Slavery and those opposed to it.

All the States south of the Potomac, and Maryland to the north, all which we call "*Slaveholding States*," are altogether agricultural. What little commerce exists is in the hands of people from the North, and it is only of late years that Maryland has begun to apply herself to manufactures. Throughout this whole extent of country, Baltimore is the only eastern town, and to the west New Orleans, which employ their capital therein. At Charleston, Savannah, &c., capital is in the hands of the New York merchants, while the commercial part is performed there by their agents. To the north-west of that line, the country is altogether agricultural. This is the case in Pennsylvania, with the exception of Philadelphia. To the north-east the *interests* are at least equally divided.

This first division has a sensible influence in our policy. The northern States look upon our slaves and prosperity with a jealous eye, while we envy them nothing: all which they produce we consume, and if they have more capital than we have, our revenue is larger. So long as they confine themselves to denouncing slavery,\* and in the construction of establishments on the coast of Africa,

\* These, I beg it to be distinctly observed, are Colonel Murat's own opinions, as well as all other of a like personal and political character throughout the work. I merely follow the original Notes.

we will not take umbrage, but should their spirit of proselytism lead them to attempt the emancipation of the slaves, the legislatures of our States would be compelled to interfere, and should Congress wish to make laws in reference thereto, as was attempted on the admission of Missouri into the Union, the noblest structure ever raised by man—that of the great Confederation of America—would be destroyed. The southern States would be compelled to separate from the northern. Such an event, however, I hope, is but imaginary. The hypocritical interest a certain class of men affect in behalf of our slaves will not advance them one day towards emancipation, but only tends to render their position in some respects less supportable. This emancipation (which every enlightened man desires to be accomplished) can only really be effected by time and the private interest of the proprietors. Any attempt to precipitate this measure would be to throw open the southern States to internal convulsions, and to dissolution of the Union, without any advantage whatever, accruing to the States of the North.

Another grand division is observable in the character of the people, between those of the south, north-east, the west, and centre. This is so strong, as to change altogether the aspect of the country.

The six States of New England, Massachusetts, Connecticut, New Hampshire, Vermont, Maine, and Rhode Island, form of themselves a very remarkable constellation among the States of the Union. Their interests, prejudices, laws, even to their peculiarities and accent, are the same. They are what the rest of the Union call “Yankees,” a term which the English very erroneously, and more from ignorance, apply to all Americans without distinction. These six republics fraternize together. Their industry and capitals are immense.

Their flag extends over the ocean. They man both our naval and mercantile marine; and have given birth to



many of our greatest men. The character of their people in general is remarkable, and distinct from every other on earth. The most gigantic enterprises daunt them not; argument as to the consequence disheartens them not, while they are characterized by a spirit truly *sui-generis*. These men appear born for calculation from the uttermost cent and rising progressively up to millions, without losing one particle of exactitude and ordinary insight. They are eager to amass wealth, and will frankly confess like Petit-Jean :—

“Que sans argent l’honneur n’est qu’une maladie.”\*

This spirit of calculation is marvelously connected with a rigid observation of Sunday which they call “Sabbath,” and of all the puritanical practices of the Presbyterian religion which they have generally adopted. Upon this point they are so scrupulous, that a brewer was censured in the church for having brewed on a Saturday, which circumstance caused the beer to *work* on Sunday! This is certainly a specimen of religious hypocrisy. They glory in designating their country as “the land of steady habits,” not that they are more virtuously disposed, but that they put on a penitential air once a-week, and on Saturdays eat salt fish and apple pies.†

Boston, their Capital, abounds however in men eminent in letters. It is the Athens of the Union: it was the cradle of Liberty, and produced several of her most zealous defenders in her councils as on her battle-fields. Instruction is there on a more extended scale than in any other part of the world. They have extensive views, and possess within themselves all that leads to great results without, however, abandoning the sordid principles of gain. In point of politics, these six States are united and vote as one indi-

\* “Without money, honor’s a disease.”

† This may have been the case formerly, but it certainly is not so now.—TRANS.

vidual. Within them is the seat of commercial *interest*, although, for some years, they have turned their attention towards manufactures, with the success which attends all they undertake. The country is very populous—extremely well cultivated, and the capital there employed in agriculture is even as considerable as that absorbed by commerce.

The Middle States are far from being so united in interest, or possessing so marked a characteristic. The State of New York forms a nation of more than a million of souls.\*

Nothing in the world can be compared to the spirit of enterprise, activity and industry of the people. There are no contracted views here—they talk of dollars by the million; matters of interest are conducted with a remarkable rapidity, and without risking any very serious reaction. All goes forward with regular but giant strides. This state of things received a great impulse from the active genius of the Governor, M. De Witt Clinton,† in whom originated the first idea of forming the great canal which unites Lake Erie to the Sea. The activity of the State is so powerful, that it is entirely absorbed in itself, and has no time to trouble itself with the affairs of the Union. In general her influence therein is hardly felt; for, being absorbed in herself, as it were, she centralizes in her own deputation the interest of agriculture, commerce, and manufacture. Commercial interest is, however, therein paramount. It is somewhat remarkable that this State has furnished but few men of superior genius to the national councils. Their talents seem absorbed and, in a measure, annihilated in internal policy, which is of an extremely complicated character, and is looked upon as being full of strange intrigues and developments. A stranger would comprehend nothing further than he would observe

\* In June, 1847, the population amounted and had increased to 2,780,000.

† Hamilton Fish is the present Governor.

personal and violent party feelings, two rather unfavorable signs.

Pennsylvania, New Jersey and Delaware form a group which resemble each other still more. The people are remarkable for their good nature, tranquility, and industry. With the exception of Philadelphia, their interest is generally more of a manufacturing and agricultural character. These States are for the most part peopled by peaceable Quakers and Germans. All goes on with the greatest order, without any sudden convulsions—almost imperceptibly so. If Boston be the sojourn of letters, Philadelphia is that of the sciences: giving rather a pedantic character to her society.

New Jersey ventured into the perilous field of great enterprises, in imitation of her northern neighbor; but eventually confined herself to the establishment of a few schools, and returned to her wiser policy and principles. The Legislature at this period peremptorily refused the incorporation of new banks, and even went so far as to withdraw the charters from some already established.

Maryland is as divided in her interests as the other States. For while Baltimore is one of the most commercial towns in the Union, the rest of the country is agricultural and manufacturing. The character of the people presents a singular amalgamation of the simplicity and good nature of the Quakers of Pennsylvania and the pride of the planters of Virginia. It is the only State in which religious intolerance exists, arising more from ancient custom than actual prejudice. The Jews cannot vote here. This State finds itself, in relation to its negroes, in perhaps greater embarrassment than Virginia.

This latter State has held, for a long period, the highest position in the Union, by means of her policy and great men. She has had the honor of giving birth to four of our Presidents. Virginia has fallen however from her state of splendor, which may chiefly be attributed to party feud. Her interests are entirely agricultural and manufacturing.

The character of her people is noble, generous, and hospitable, with however a little tinge of roughness, vanity, and pride. They pride themselves on their good faith above all things. The laws, customs and policy are due to this praiseworthy feeling. They are very united, and venture no opinion without supporting it by the suffrage "of all Virginia." In politics they are, however, personal, noisy and turbulent; and the State of Virginia is without comparison of all others that in which the "limbs of the law" most abound. Although they boast of their democracy, they are the only true aristocrats in the Union. Witness the right of suffrage, from which the "canaille" are excluded in the State.

The principal culture in Virginia and Maryland is tobacco and corn. The former of these articles requires negro labor, while the latter is more profitable, being cultivated by free people. Tobacco quickly exhausts the soil, and will only grow in virgin and fertile lands. From this state of things it follows, that these lands being as it were exhausted to-day, at least proportionally so, and the price of tobacco being diminished, on account of the quantity of that article cultivated in the West, the planters are reduced to the growing of corn, and obliged to get rid of their slaves, who have become as it were unprofitable. The day is not far distant therefore, when these two States will unite with those of the North, against the *Slaveholding States*. Within a few years they (especially Virginia) have undertaken the cultivation of short cotton, which circumstance redeemed the value of their negroes, and might possibly have been the means of Virginia re-acquiring her former envied splendor and prosperity. Short cotton, however, having been subject to the same fall in price as other cotton, all the southern States are consequently declining.

North Carolina is a bad copy of Virginia. She has the same interest, the same policy, and navigates in the same

waters ; and notwithstanding her gold mines, she is the poorest State in the Union, and that which furnishes the least number of emigrants to the new countries.

South Carolina, Georgia, Alabama, Mississippi, and Louisiana, constitute properly what are called the Southern States. Their interest is purely agricultural. Long and short cotton, sugar, rice and Indian corn form their products ; necessarily requiring negroes, and affording a sufficient profit to obviate the necessity of employing their capital otherwise. The goodness of the soil and the luxury of the climate are so favorable to the cultivator, that he finds it of infinitely more advantage to employ the negro in this occupation than in the manufactories.\* Although the character of the people varies much over such an extensive line of country, a southerly caste is observable. Frankness, generosity, hospitality, and the liberality of their opinions is proverbial, forming a perfect contrast to the Yankee character ; by no means to the advantage of the latter. In the midst of this group, South Carolina has distinguished herself by a phalanx of talent unequalled in the Union. In my travels I have found the society of Charleston by far the best, both here as well as on the other side of the Atlantic. There is nothing wanting either as regards finish, or elegance of manners : but what is of more value to people, such as ourselves, who attach little importance to refined politeness, she abounds in real talents, and is as far above pedantry as insignificance. In all questions of a common interest, this is the leading State. The policy of the others, with the exception of Georgia, is not as yet sufficiently established to enable me to form an opinion thereon. As to Georgia, and it is with pain I state it, nothing equals its violence of factions, except perhaps Kentucky. In this latter, however, the dispute is about principles, while in Georgia it is about men.

The other States form the West, without comparison

\* I have now my doubts of this.

the most extensive and richest part of the Union, and will soon become, if she be not already, the most populous ; and the day is not far distant when power, luxury and instruction in the arts will follow as the natural consequence of these superior advantages. Their *interest* is manufacturing and agricultural, although the former predominates. The character of the people is strongly marked by a wild instinct of masculine liberty which not unfrequently degenerates into license, as simplicity and frankness of manners approach sometimes to the rudeness of cynic independence. The universities everywhere established, with a degree of luxury, promise the advent of a generation of instructed and talented politicians, whose chief object will be to acquire experience, and profit by the faults of their fathers. Our country is so happily constituted that, without incurring the slightest danger, we can venture to put in practice either a law or a constitution. The States mutually support each other like expert swimmers, always ready to lend a helping hand in need. Moreover, there exists the federal constitution, to prevent too hazardous an experiment. It sets its limits to these experimentalists, and it is by this influence above all, that each citizen, of whatever State he may be, is obliged to look upon it as the safeguard, and source from whence the future greatness of our republics will be derived.

I have spoken of the manufacturing, commercial, and agricultural interests, without fully explaining their meaning ; and I doubt not but that you will imagine that the western States are full of manufactories : in this you will deceive yourself. Their interest is not constituted by the manufactories which exist, but those which they look forward to in prospective. Some years since a reform of the Customs Tariff was proposed to Congress. This set all in motion. Our feuds were rekindled, but in vain. The interest of the people was too strong, and they saw too clearly to admit of its becoming a party affair. The towns

of the interior, a part of the Central States, and almost the whole of the West, voted in favor of a measure which favored their manufactories present and future. The maritime towns and some places bordering on the canals of the East, composing the commercial interest, were opposed to all that tended to diminish even for a moment, commercial activity.

The whole of the South united their interest with the commercial, and made a strong remonstrance against this tariff. It may appear singular to you, but I remember that I was myself one of the few who combated this blind measure.

The Tariff passed, but amended in such a manner that it lost much of its power, although there yet remains enough to be productive of much good, as our planters begin to perceive, since an internal market has been opened for their cottons towards the North and West, instead of being dependent on foreigners.

In this instance, I would have you observe, that the center was divided, that the East and the South were united against the West. In the event of a European war, the contrary would happen—the West and South would be united.

Independent of the two divisions which I have pointed out to you, there exists a third:—the Old and New Countries. This division, which its very name explains, cannot be observable on the chart, inasmuch as there are many districts in the new countries connected with the old; although in a general sense the territories and all west of the Allegany Mountains are new. This division is the more interesting to you. And it is one which I recommend to your particular notice. Are you desirous of establishing yourself in the new or old countries? Both have their advantages and disadvantages. If averse to trouble and content with your position in the scale of existence, not eager for further advancement, and your

fortune admits of living comfortably on your income—then live in the old States. You will therein find the arts of Europe—its luxury, politeness, and a little more hospitality, but you will therein be a comparative stranger during the five first years of probation, when all the errors you may have committed during that period will be registered against you. What profession would you select? for you must not think of living an idle life here, you would become exhausted with ennui, and would moreover lose all consideration. Should you think of commerce as a pursuit, or should you pay homage to Esculapius, the old States present the most resources. Not that these affairs, commercially speaking, are carried on on an extensive scale, nor that your *patented assassinations* may be concealed in the crowd, while the touching recital of some “miraculous cure,” skilfully inserted in some popular paper of the day, may place both the lives and purses of a host of new patients in your hands.

Agriculture would there bring you nothing, and would take up all your time. It is profitable only to small proprietors, who are themselves accustomed to work the plow. The bar will open to you a vast field; but you will then be brought into rivalry with the first men of the nation, and most assuredly crushed.

For a European, however, this part of the country would best suit him; it more resembles Europe; but if he has not been the *victim of persecution* in his own country, or if he possesses not a strong partiality for our institutions, I would by all means recommend him to stay at home.

On the other hand, let him come to our new provinces; let him have the resolution to adapt himself at once to our manners, customs, and laws, and plunge into the midst of our forests. Abandoning the souvenirs of past luxuries, let him familiarize himself to privations with a fixed determination. Should he seek commerce as a



pursuit, let him establish a market where none existed. If the bar, let him be the first barrister to plead the first cause, at the first term of the new court. If physician, let him establish his reputation where he finds none to oppose him—not even the dead. Should he devote himself to agriculture, let him seek a virgin soil, and grub up the untilled ground, alone, without even a neighbor, and his industry will be amply rewarded. He will find himself, in point of fact, though perhaps not in right, naturalized from the first day of his labors, for nobody will be there to interfere with him. Whether you come from Europe or from a distant State, you will find no established prejudices or reputations to contend against. There all depends on individual exertion and self-reliance. You feel the influence of no government—no mockery or follies of society to hurt the march of mind. This state of things, however, is but of short duration ; in the space of four or five years at most, villages, towns, universities, &c. will have sprung up, as by the wand of the magician, in all of which you will take a deep interest, and can with pride exclaim :—

“ Quorum pars magna fui.”\*

And if, like many others, you preserve the habits and taste of a rural life in the woods, quit this,—emigrate every two or three years towards the west, taking with you your light equipments, and thus persevere till the Pacific Ocean arrest your wanderings. This, however, I must frankly confess, would not be altogether agreeable to me. I should prefer establishing myself where I witnessed the laying the foundation-stone of a town or city, the land of which I assisted in clearing, and watch its progressive advancement until, in the course of three or six years, I behold a new State arise, as if by enchantment ; see new

\* Buffalo, I have been informed, is a striking illustration of this.  
—TRANS.

laws—new social edifices, where but lately the barbarous cries of the Indian were heard in pursuit of his timid prey, and hear our mutual interests discussed. I have myself pursued such a course, tired of the every-day routine of society, and being of too active a disposition to remain idle. A stranger, I will not disguise to you, must submit to many difficulties and privations in carrying out such a resolution. The greatest inconvenience is, that he will come in contact with a host of intriguing rascals from all parts of the Union, who rendezvous in a newly settled State, and who are not unfrequently sufficiently formidable to take the government upon themselves. This, however, is but of momentary duration ; sooner or later, by resolution and perseverance, integrity and honor will prevail over these—while the occupation of driving away these pests of society has something agreeable, if not amusing, in it. It is, as it were, the image of a mock revolution, as hunting is the image of war. Besides this principal objection, it requires a degree of firmness, courage, &c., to wean ones self for years from all educated society, and its agreeable accompaniments, especially to a man of superior mind or elevated sphere ; he has no theaters—none of the refined *comforts* of life—no elegant mansion—no journals of the day—no letters by the post—

“ Je n'ai point de bon vin qui nous grise et nous damne.”

To effect intoxication, you will have but whisky known to you under the name of *schnaps*. We live a simple life, without ostentation. All this, however, will be changed in two or three years ; and in truth, he who is so effeminate as to regret and sigh over these momentary privations, as paying too dearly for the state of manly independence which I have herein depicted to you, had far better remain at home ;—we can well dispense with such “ popinjays,” as Shakspeare has it.

I have re-perused this letter, and fear you may not per-

fectly understand it, without a word of explanation. I consider it as the commencement of an engagement entered into, to afford you every information as regards my country, until you cry "enough," or you yourself shall come over and prove to me, that my persuasions in reference to our state of existence, laws and government, have been the result of observation, experience, and truth; and lastly, that our Government, and ours alone, has the advantage, and bears the palm over all the governments of continental Europe. I have developed to you some new views which France might profit by, where they only know of the *existence* of the United States. The twenty-four\* independent republics which compose them, each has its own laws, constitution, policy and parties, and is governed in a manner to excite admiration in the most fastidious politician or political economist—revolving, as it were, in its own orbit, marked out or assigned to it by the Federal Government, without coming into collision the one with the other; nobody murmurs against it, nor even troubles his head to find fault with it;—the whole is a system *per se*, unique in its formation, and undivided in character and principles.

I now propose calling your attention to their internal policy, and their relations between themselves.

You should yourself see the calm and majestic advancement of this Republic. You can form no idea of it; you who have but had a glimpse of Liberty, amid the tempest of revolutions (which has also its charms) and ruin of parties. Here its principles are imperishably fixed in the mind and heart. With the Government the people are unanimous; and when they do differ, it is merely in regard to persons or secondary measures. Is a bank established? Is a canal to be made here or there? A law adopted against usury? Shall we send such or such a one to Congress? These are questions and objects which

\* If I mistake not, there are now thirty-two.

occupy the minds not of a vacillating minority, but the whole nation. Agitation is kept up till the object in view be accomplished—then all is quiet, and nobody thinks any more about it.

In my next, as I observed, I shall draw your attention to the nature of the internal policy of these republics, and their relative positions to each other.

## CHAPTER 11.

### GENERAL VIEW—ORIGIN AND HISTORY OF PARTIES.

Parties in the Republic—Robert Owen's Principles—Sovereignty of the People—Power of the Constitution—Election of Presidents—History of Federalism and Democracy—Their Principles—Power of the Citizens—French Revolution—Napoleon's Continental System—Consequences of War between France and England to the United States—Washington, his firmness—Adams a Tory—Character of Jefferson—James Madison a Federalist, afterwards a Democrat—Governor of Connecticut opposes the President—Convention at Hartford—Gen. Jackson the Hero of New Orleans, his character—Crawford of Georgia—Henry Clay of Kentucky—Tallahassee, its origin and present state.

#### WASSISSA, NEAR TALLAHASSEE, FLORIDA.

IN my last I made no mention of the parties by which the Republic is divided; which I deem necessary in order to complete the general picture. If all men possessed the same tastes, and mutually understood each other's interests, there would be neither party spirit, disorder, nor divisions: while on the other hand there would be no diversion, novelty nor excitement; man, transformed into a mere mechanical machine, would vegetate like his fellow man, like a blade of wheat in the midst of a field of it. Would he be happier? Mr. Robert Owen believed so; it was upon this principle that he established his new societies. As for myself I think differently; the pleasure does not consist in the accomplishment of our desires, as does happiness in the accomplishment of our passions; opposition is necessary; hence without opposition there is no happiness, no diversity of opinion, whence we arrive at the truth. The powers of the mind are as different as those of the body. Hence it follows, that they vary not only in their desires, but in the means employed to satisfy them.

It is this which constitutes the difference between a party and a political interest: one is an object of fact, acknowledged by all the world, the other a division on the means by which we arrive at it; the blindness of passion is, however, sometimes sufficiently considerable to change the real interest, while ignorance leads them astray. The inhabitants of the South are an example of this in reference to the Customs Tariff. They forgot their interests—not from the blindness of passion, but from an ignorance of the true principles of political economy. In Spain, on the contrary, the miserable *canaille* who raised the cry of “Viva el Rey absoluto! muéra la naçion,”\* must have been in a state of mania, so far to have forgotten their true interests.

With us there are no such factions; the fundamental principles of government are fixed. The people are sovereign by the law; this is no longer a subject of speculation; whatever theoretic opinion may be upon this point, here it is a matter acknowledged by the written law of the country. The people are free to declare their will, either individually, through the press &c., or collectively, through the *conventions* and *assemblies* which each citizen has the right to convoke, and which assume an official character as soon as they are composed of a majority. The Constitution recognizes the right of resistance to oppression. It is not therefore on the mere form or principles of government the parties contend, but chiefly on men and the measures of administration. Parties formed on such differences of opinion are favorable to the public cause; as the wind impels the ship, against which it has the power of righting itself. The others are, as it were, the currents by which the vessel is cast upon the rocks, drawing it to inevitable destruction. However violent party spirit may be, love for our government, with which all are satisfied, prevents the slightest danger to the

\* “Long live the absolute king. Death to the nation.”

State. In the election for President, all the Union is divided more or less into violent parties ; but on his nomination all party spirit disappears, or rather is adjourned to the next election ; no man has the slightest idea of resisting the forms of the Constitution, although the favorite candidate may have had a decided majority against him. In the country, I have seen these elections conducted with much riot, drunkenness, fighting, &c., but never have I seen the suffrage box violated or the liberty of voting prevented.

A party consists not merely in a difference of opinion on an isolated measure ; but an assemblage of men having a political code on which they are agreed, by which they judge both men and measures, and also a hierarchy by which they are more or less blindly influenced. From this definition there exist but two parties in the United States, but which under different names promise to perpetuate themselves so long as our government shall last ; these are the *Federalists* and the *Democrats*. In order to understand their history we must examine their origin, and in order to explain their principles follow out the complicated plan of our Constitution.

When the English colonies, which had made so many sacrifices during the war with France and exhibited so lively an attachment to the mother country, were compelled to take up arms to resist the tyranny of George III. and his venal Parliament, there existed, as yet, no idea of independence. Few men foresaw it, while the mass of the people were opposed to it. Washington himself at the commencement had no idea of it. The colonies then formed thirteen governments, perfectly isolated, the one from the other, having each a representative constitution, and receiving their governors from England. One common interest engaged them to form a Congress composed of delegates or plenipotentiaries from the sovereign States. When this Congress proclaimed

the independence of the colonies, there then existed no question of a treaty between them; it was merely an alliance against the common enemy. In 1778 these States formed a confederation which was far from being so united as that of Germany—a Congress composed of delegates elected differently in each State, voting by State, represented during the recess by a committee from the States, had the power to make peace or declare war, to call upon each separate State for contingencies in troops and money, to contract debts, fix a federal coin, establish the postoffice department, create courts of admiralty, and lastly, decide any differences which might arise between those States. The States on their part, in time of peace, renounced the privilege of raising forces by land or sea on their own behalf, but appointed officers from their own quota. They renounced the right of treaty apart from Congress. The citizens of one were to enjoy equal rights with those of another State in which they might be resident. The States kept the power of regulating their internal commerce, and in general all other sovereign rights, save those which were expressly delegated by them to Congress. These articles were only ratified in 1781, and not acted upon until 1787. The weakness of this compact was soon perceived, and that anarchy and probably war between the States would be the result. A new Constitution was proposed, and after much opposition was at last adopted and ratified by the States, and which, with some trifling amendments, exists to the present day. The history of every federal government has demonstrated the weakness of the authority of such governments. To remedy this evil it was resolved to invest this Federal Government with the power of applying itself directly to individuals, forcing them to obedience. To effect this the *governable* medium was divided into two classes, objects of common interest and those of a private one. Peace and war, the army and navy, foreign commerce, the postoffice and mint, belonged exclu-



sively to the Federal Government. The civil and criminal laws, as also the administration of the interior, were subject to the States. The army was rendered independent of them, they had no further contingents to furnish, as the Federal Government could raise troops at pleasure. It was equally made independent of the States in reference to its expenses, in the creation of a national treasury, and the power of raising contributions. A federal judicial power was instituted to take cognizance of differences between citizens and strangers, or the citizens of different States, between States, and cases in which the United States was a party, while it assumed the jurisdiction of the admiralty.\*

This reform in the powers of Congress required one also in its forms. So long as its authority merely extended over the governments, it could only be composed of plenipotentiaries; but as soon as the question applied to individuals—it became necessary that they should be represented therein. Two Chambers were the result. The Senate is composed of two members from each State, whatever be its population. They are appointed by the Legislature of the State for a period of six years, receiving their instructions. The Chamber of Representatives is composed of deputies from the people of the United States, divided into Electionary Districts, each forming a population of 40,000 souls; they are under no instructions, and remain two years in office. In both the Chambers, the votes are individual—and the concurrence of both is necessary for the passing of a law.

The executive power is vested in the President, who is elected for four years, and in the Senate, which ratifies treaties, consents to and advises peace or war, and the nominations to different appointments.

\* The State of New York has always opposed the jurisdiction of the admiralty independent of the tribunals of the United States; the Constitution, however, appears clear upon this point.

The judicial power is entrusted to a Supreme Court, Circuit and District Courts.

From this it will be seen that every citizen possesses an interest in the exercise of three very distinct powers, and is thrice represented: as citizen of the United States, in the Chamber of Representatives: as citizen of his own State in the Legislature; and thirdly, as member of the Confederation, and part of a sovereign State, in the federal Senate.

Congress is, therefore, composed of two elements, the one repulsive, the other attractive. The Senate represents the individual interests of the isolated States; the Chamber of Representatives the interests of the people in general, or the citizens of the Union.

From this extremely complicated but altogether novel order of things, arises a system of balance and counterpoise, infinitely above all that had ever previously existed. It is impossible to calculate the strength of such a government. It is constructed in such a manner as to feel the slightest breath of public opinion, and obey it, without resistance.

In its origin, this form of government was not generally well understood, and met with much opposition, until experience demonstrated its solidity. Those who were in favor of the Constitution took the name of *Federalists*—their opponents that of *Democrats*. The Federalists at the time were composed of, 1st.—People of great foresight and extended views (when Washington was their chief), desirous of perpetuating the union of the States. 2d.—Ambitious people who found the smaller States too small a theater for them. 3d.—The remains of a tory or aristocratic party, who perceived in the adoption of this Constitution the accomplishment of a great step towards a monarchy or a reunion with England.\* This last part of

\* See the highly curious and interesting "Tory letters" now publishing in a newly established paper conducted with much zeal and talent, entitled the "*Examiner*."—TRANS.

the Federal party was a long time in the ascendant, but it has now become completely defunct.

The Democratic party consisted of, 1st.—Republicans of good faith, intoxicated with the momentary triumph which peace had given them over England, and possessing too much confidence in the strength of the isolated States. 2d.—Ambitious men who, having cut a figure in their own State, were fearful of being eclipsed on a new theater, in which they possessed not sufficient confidence to appear, and 3d.—Rational but sensitive people, who feared the establishment of a monarchy more than a division of the Union.

At the period the French revolution extended its advantages, as also its ravages, over the whole of the Continent of Europe, England, incapable of conquering her, calumniated her in its journals, which were the only ones then generally read here, in consequence of the identity of language.

The Federalists compared the Democrats to *Jacobins*, and prognosticated the same spirit of anarchy should they triumph—while the Democrats called the Federalists agents of England, enemies to the National Independence, Aristocrats, &c. This first division continued, and created an English and a French party, which lasted under the government of Bonaparte.

At that time these parties, which were but Federalists and Democrats disguised under another name, took a more decidedly national position—arising from the effects of the Continental system having been felt among us. The inhabitants of the maritime towns, and all those having a commercial interest at stake, both here as well as in Europe, became at the same moment anti-French, and consequently English and Federalists. Those, on the contrary, who thought as Jefferson and Patrick Henry, considering large towns as but the ulcers of a republic, were confirmed in their principles.

The commercial restrictions led to a general murmuring and irritation, which was by no means lessened by the arbitrary measures of England; and all began to foresee war. The Federalists feared and were opposed to it, either from an idea that it would weaken the Federal Government, or that it would be disadvantageous for them to unite with France against England—or lastly, because it appeared to them that commerce would suffer more from a war, however short in duration, than from the fetters and restrictions which the belligerent powers of Europe could impose.

The Democrats, on the contrary, saw in war a fair and favorable chance of the States regaining their independence and the discomfiture of England. Full of a noble national spirit, they dared to flatter themselves with ultimate success in so unequal a struggle. Events, therefore, gave birth to two new parties, those of war and peace, which, after all, were but the same parties considered in a different point of view.

On the acceptance of the Constitution, Washington was elected President. That great man was one of the first to recommend as close a union as possible between the States: and although he was too wise and firm to become the chief or puppet of a party, public opinion considered him as favoring the principles of the Federalists. His firmness towards the Ambassador of the French Republic tended to confirm this opinion.

To his administration succeeded that of Adams, which was altogether English, and *Tory*, and became so unpopular, that he could not be re-elected. The excess of his Federalism turned the scale in favor of the Democrats, who elected Jefferson. Without possessing (properly speaking) talent so superior as has been represented, he was a philosopher, a man of letters and most amiable.

Nobody could have rendered himself more popular, nor like him so well understood how to organize a party. He

possessed so much influence and power over his own, that whatever measure of administration was proposed, it immediately took the title of *Democratic*, and was carried by his party. During his administration, we had an opposition party, which made a habit of blindly resisting the administration, as in England, and called itself Federalist.

James Madison, who commenced his career with the Federalists, but who afterwards occupied a distinguished place among the opposite party, succeeded Jefferson in the Presidency, and also in his influence over his party. He declared war. This measure occasioned a division in the Federal party, which was broken up, and its very name abandoned. I have observed that one part of the Federalists were republican and patriotic—while the other was English and aristocratic. The former of these resided principally in the South, the latter in the North and East. Both, as much as lay in their power, were opposed to war; but no sooner was it declared, than the former joined the army, to shed their blood in the common cause, while the other was opposed to all measures of defense.

At this period both parties found themselves acting in direct contradiction to their principles. Without the idolatry of the Democrats for Jefferson, and the excitement of passions, the Constitution would doubtless have suffered from the war—it was this however which served to consolidate it for ever. The Democrats, notwithstanding their distrust in the Federal Government, voted an army of 100,000 men, and direct contributions (and which they considered as both unconstitutional and impolitic in the general government); they re-established the navy which Jefferson had abolished, and by their confidence in the administration increased their power tenfold in zealously calling under arms and disciplining the militia of those States over which they exercised an influence. The Federalists, on the contrary, opposed obstacle on obstacle to the government exigencies. The governor of Connecti-

cut, though called upon by the President himself, refused to call out the militia. At last, after two unfortunate campaigns, the fault of which lay with the North, the deputies from the different States of New England met at Hartford to advise about the means and necessary measures of terminating this *unnatural* war (as the partisans of England called it).

This Convention was secret; it sent a deputation to Washington; but arriving at the moment of peace being proclaimed, nothing resulted therefrom. This Convention has been accused of a desire to separate the New England States from the Union; its deliberations having been held in secret, it would have been difficult to acquire any positive information on this point, and I hope for the honor of the gentlemen composing the Convention that no such idea ever entered their heads, although I had my doubts about it.

If the war was not always successful, nothing could have been more glorious than the peace which followed it! It sealed the triumph of the Democratic party. It had succeeded beyond its most exaggerated and most sanguine expectations, and fully profited by the victory. The Federalists who had taken a part in the war now renounced that title, which had become odious, and it was only applied to the members of the Hartford Confederation, and their partisans, as a scornful reproof. All the journals, all addresses, &c., proclaimed the abolition, the triumph and reconciliation of parties—each according to their caste—until their very existence was buried in mutual reconciliation and harmony. All factions disappeared, and even their very names were only called into notice in election disputes.

It may however be easily perceived that these two parties (in the primitive sense of their name, divested of all accidental circumstances) form the essence of the government, and ought to be perpetuated, only under different significations. They serve as a counterpoise one towards

the other, and keep the government to a *juste milieu* course. One observation will serve to dissipate any fears which might arise in reference to their future effect ; it is that neither is desirous of changing the Constitution, but that on the contrary, they dread its destruction—the one from the encroachments of the Federal Government, the other from the encroachments of the governments of the States. They may therefore be considered in the light of two vigilant sentinels whose object is negative.

During the election of one of our Presidents many people in Europe anticipated that a civil war was on the eve of breaking out. Nothing however is more absurd than such an idea on such an occasion. The excitement and party feeling arise entirely from the personal opinion which each elector forms of the candidates. It is true that a remnant of the Federal party stood forth in favor of Adams, while the opposite opinion was divided between his three rivals. Local sentiments or *sectional feelings* had much to do in the election. All the East voted for Adams, while the West found itself divided between Jackson and Clay. Georgia was for Crawford. The history is thus. I must however first premise that the manner of electing a President differs in the different States. Each State sends a number of electors equal to its delegation to Congress ; they vote individually. But in some States the people vote for all their electors at once ; this is called *election by general ticket* : in others the people are divided into districts, each of which names an elector ; this is called voting *by district* : and lastly, in others, the electors are named by the Legislature. Unless one of the candidates has at least one vote more than half, the election falls into the hands of the Chamber of Representatives, which is obliged to choose the President from the three candidates who have the largest number of State votes.

Four candidates presented themselves, all men of superior talent, but whose merits were differently appreciated

—the one being exalted to the skies by some, while others took a pleasure in proportionately depreciating him. I give their names and titles of recommendation.

1st. JOHN QUINCY ADAMS, of Massachusetts, son of the ancient President. He had passed the greater part of his life in a public capacity, but always out of the United States. He had been a professor in the belles-lettres, and was altogether a literary character. He always belonged to the Federal party—even when in later days he endeavored to depreciate it. He was remarkable for his concise diplomatic manners, and belonged to that school which believed that in order to govern it is necessary to deceive the people. At the time of the election he was Secretary of State.

2d. ANDREW JACKSON, of Tennessee. Brought up to the bar, where he distinguished himself, at the head of some militia in the commencement of the war against the Indians, he displayed the greatest military talents. Appointed General of the Army, he gained the brilliant victory of New Orleans, and by his administrative, not less than his military talents, saved the whole of the West from an invasion. He was always a Democrat, remarkable for his austere republicanism, his resolution, the clearness of his views, his upright character, and for a probity and purity above all suspicion. At the time of the election he was Senator in Congress from the State of Tennessee.

3d. W. H. CRAWFORD, of Georgia. His career has been chiefly legislative and diplomatic. He had been Ambassador to France. He was always a Democrat. If he had been remarkable in anything, it was for a spirit of turbulent intrigue and corruption. To effect his private ends, it has been said that he availed himself of the influence which the Secretaryship of the Treasury gave him, which office he held at the time of the election.

4th. HENRY CLAY, of Kentucky. His career has been legislative. He was one of the Ghent plenipotentiaries. He has ever been remarkable for his eloquence, his ad-



dress, his talents as a barrister, and his personal amiability. He was Speaker of the Chamber of Representatives, and possessed a great influence among the members.

Jackson wanted but very few votes to win him the election. Adams was far behind him, while Crawford followed close to the heels of the latter. It rested with the Chamber, therefore, to select between the three candidates. Their strength in the Chamber (where the vote is dependent on the States) was about equal, while the election depended on the part the friends of Clay should take. They declared for Adams. Public opinion loudly condemned this election as opposed to the will of the people, inasmuch as Jackson had decidedly a considerable majority over each of his opponents. The nation deemed its authority ought to take precedence and form a law for the Representatives. The discontent was redoubled, and the people became more clamorous, when the very first act of the administration of Mr. Adams was his appointing Mr. Clay as Secretary of State. From one end of the Union to the other, this was reprobated as a most scandalous proceeding, while from all parts was heard the charge of corruption, venality, &c. These reports may have been a little exaggerated, but the proofs of an odious proceeding appear too clear to induce me to disbelieve them altogether.

In Europe what would have been the results of such an election, in which the choice of a people was trampled on by intrigue and the most barefaced corruption? A civil war would, perhaps, have been the result, while for some time two Presidents would have held the reins of government. But here it was otherwise; each submitted to the law without a murmur; with the full determination of not being made a dupe of, in the next election. Nothing could have been more majestic than the spectacle which the nation presented on this occasion—bowing the head in silence, beneath the yoke and power of laws which they

themselves had framed. Public opinion, however, is here so strong, that, whatever be the administration, it is guided by it, while there is moreover this consolation, that if it can do no good, the people will take very good care it shall do no harm. Happy would it be, and would it not be desirable, that such a state of things existed everywhere ?

On the 18th of January, 1826, the first stone of the future Capital of Tallahassee was laid ; a year previous to this event, all was one immense forest ! On that auspicious day there were not more than one hundred houses and two hundred inhabitants, and one newspaper. A discourse was pronounced, &c. A dinner given, at which fifty persons were present. Cities and states rise here as if by magic !\*

\* The population of the Capital of Tallahassee now amounts to 1,800 inhabitants : it is regularly laid out, and has several public squares, &c. &c.

## CHAPTER III.

### DESCRIPTION OF THE NEW SETTLEMENTS.

What is a Territory?—Formation of a State—Compare<sup>d</sup> to the Enchanted Gardens of Armida—How peopled and governed—Comparison between the Creek and Cherokee Indians, and the Irish and Austrian Peasantry—Indian Trader—Cooper's "Pioneers," and "The last of the Mohicans"—War between Indians and Hunters—Articles of Treaty—Squatters—Emigrants in the Forests—Sale of Public Lands—*Figaro and the Lawyers*—"Comfortable Quarters"—Sessions—Novel "Court House"—Canvassing for Election to Congress—*Court* Intrigue—An Election "al fresco"—The Fortunate Member—his Duties—Value of Rivers and Canals to Settlers—The Bar; its Members—Quack lawyers—Motley Assemblage of *Settlers*—The Genus "Escroe"—Celebration of "Society" in the new State—The Ball—"No Dancing Ladies"—Immolation of an Ox and Pigs on the occasion—Negro in the "Seat of Judgment;" his Orchestra—The Ladies—Costumes of the Gents—States purchased from France and Spain—British Provinces—Annexation to the States.

#### LIPONA.

YOUR question as to the real signification of a territory is rather difficult to answer correctly. I will, however, attempt to do so.

I shall commence with a metaphorical allusion, by picturing one of those heterogeneous beings mentioned in the fables of the Greeks—a sort of new Proteus, continually changing its form under the pencil of the artist. May the copy possess a part of that interest which the original inspires!

I am about to describe to you the birth of a nation, and the history of its progress, until it attains its full growth. In the short space of a dozen years you will perceive it elevated from a state of barbarism and ignorance to the summit of civilization. To you this appears miraculous;

we have, however, at least a dozen States as examples and proofs thereof:—three States are now, to use a nautical phrase, on the *stocks*, which afford us a view of the process of this transformation of nature in her primitive state. In this we behold rapidly passing before our eyes, and may study, that which historians represent to us as the work of ages. Our country resembles the enchanted gardens of Armida: her people and nations multiply as in an eternal spring—

“E mentre spuerta l'un, l'altro matura.”\*—TASSO.

You have undoubtedly observed on the chart of the United States, the comparatively small proportion occupied by the different States. Has it ever occurred to you to inquire by what process these immense countries, which belong to the Confederation, are peopled and governed? I will endeavor to explain this. I shall give the history of no particular State, while its recital shall be a general formula applicable to the whole.

The Indians occupy the space beyond the limits of the States, and even within many territories, which, by treaty or force, the Confederation have compelled them gradually to abandon. When I speak of the Indians, I do not exactly mean savages. It is here, in fact, where the marvelous process of civilization commences. Many nations, or tribes, west of the Missouri, who had never seen the white man, nor had any direct relations with him, are doubtless savages; but the Creek or the Cherokee, shut up in the midst of civilization, cultivating his lands, having organized a representative government, and established schools, approaches nearer to it than the Irish or Austrian peasant.

A white man arrives in the midst of a nation yet in a primitive state of complete barbarism, and living in all the pride of ignorance and anarchy: this man is what is generally called an *Indian trader*,—an intrepid hunter and uncon-

\* While one springs up, the other grows mature.—TRANS.

scionable cheat ; he takes upon himself the perilous task of traversing unknown countries, where danger threatens him at every step. There he sells powder, arms, coarse stuffs, but above all whisky, in exchange for furs. In general they establish themselves on the banks of some navigable river, on the extreme verge of civilization. These white men generally live with Indian women, who serve them as interpreters. Every year they take a trip to some large town, for a fresh supply of stock, and form for a long period the only means of communication between the white and the red man. In a short time the Indians not only become habituated to the conveniencies of life, but feel they cannot do without them. Formerly they hunted merely with the object of obtaining food, but now they do so more with the hope of making advantageous bargains. This, therefore, is the first step towards civilization among them.

On the other hand, the American hunters form a class as enterprising as it is intrepid. The *Indian trader*, returning with a rich booty which he brings from a country as yet unexplored, where he finds profitable hunting grounds, a fertile soil, and wholesome water, resolves on forming an emigration party of his brother traders. For the description of this migration, however, I refer you to the inimitable works of Cooper, viz. : “ *The Pioneers*,” and “ *The Last of the Mohicans*,” both of which romances I send you. You will therein perceive, that they have adopted the life of the savage, more from taste than necessity, and that with the skill, patience and energetic courage inherent in that race, they combine and teach them the mildness and humanity of the white. It is by their means we first obtain the knowledge of a new country ; they explore it throughout, and interest us with narrations more or less exaggerated.

In the meanwhile the Indian remains not ignorant. He cannot now do without his gun, powder, spirits, and

clothing ; he establishes himself in the neighborhood of the merchant, and begins to purchase horses and cattle. The introduction of tools offers him the facility of constructing convenient and excellent cabins, while the women (squaws) begin turning up the ground around it, and there planting a little Indian corn and tobacco. At last, we behold Indian villages rising in the desert. The Indian trader is making large profits in his enterprising speculation ; other merchants follow his example, and the whole country becomes overrun with hunters. They now mix with the Indians, and are not long before getting up a quarrel among them. It is generally on account of one of these disputes that a war is almost always provoked, when the government of the Union intervenes, for the first time.

The Indians kill all the whites whom they fall in with, and not unfrequently advance into the very heart of their establishments, and massacre the women and children. The hunters, on their side, continue the war with an equal degree of ferocity, and are not long before being joined by the regular troops of the line, or the militia of some neighboring State. The Indians are defeated, their cabins burnt, their cattle killed, and hostilities are brought to a close, by a treaty of peace, not, however, until they have learned to feel and appreciate the power of the United States.

The Indians select for themselves chiefs, who assemble in some central position, where they hold a meeting with the United States commissioners. They there have a *talk* or conference. The articles of the treaty generally run thus :—

1st. The Indians to give up the greater and most fertile part of their possessions, and the government, under the name of *reservations*, guaranties to them as much as may be agreed upon.

2d. The United States to pay them an annuity, partly

in cattle, tools, agricultural instruments and provisions, and partly in money.

3d. The United States to establish an *Agent* in their locality, without whose permission no white man shall pass the frontier, or infringe on their territories.

4th. The Indians, on their part, are bound by the same reciprocal conditions, and in like manner subject to the permission of the *Agent*, by means of a passport.

5th. Should any difference arise between the white men and the Indians, the complaint must be made to the *Agent*, who is authorized and empowered to arbitrate between them, and award justice.

6th. The United States shall establish at the Agency or banker's house, a smith's shop, carpenter, and school-master, all to be at the service of the Indians.

7th. In the events of the harvest being destroyed, or the crops failing, the United States to supply them with rations till the next harvest. These reservations may still be seen in the old States, and even in New England. Under these regulations the Indians give themselves up to agriculture. In some parts towards the South they have prospered, and become civilized, but in general they become indolent and miserable, while their numbers have decreased to a frightful extent, and tribes formerly powerful are now totally extinct.

We will now leave the Indians, and return to the white population now establishing themselves in the countries surrounding them. The war which has taken place has made them more fully acquainted with the country of which it was the theater; and the government begins to take advantage of it. Within gun-shot of the Agency a military post is established, composed of forty men from the troops of the line.

The first kind of *settlers*, or colonists, are what we call *squatters*. These are poor citizens, in general possessing very little industry, who, having no means of purchas-

ing lands, live on the lands of others, locating themselves on them until expelled by the proprietors. Their poverty originates entirely from their idleness and drunken habits, for those among them who are really industrious seldom fail eventually to make their fortunes. There are, however, many among them, who, industrious, and possessing the means of rapidly increasing their means and progressing in wealth, pursue this kind of life from choice, from taste, and sometimes from habit itself. They have in general a wife and children, some negroes, and sometimes numerous flocks. They seldom or ever sow two crops on the same land; but on the contrary quit a district the moment it is becoming peopled. Under their hands the country very soon assumes a new aspect. Every seven or eight miles, they build up cabins from the trunks of trees. Iron being too precious a material in these far solitudes, wood is used to supply its place, even in the formation of hinges and locks. One of these cabins is erected in two or three days with facility: in fact, they appear to spring up as fast as mushrooms. More than once, while wandering in the woods on horseback in search of some strayed horses and oxen, I have in the very midst of the forest, fallen in with a wagon loaded with furniture and children, accompanied by one or two men escorting about thirty or more cows and pigs. After the questions, "Where do you come from?" "Where are you a going?" which are always answered in good humor, the chief of the family would ask me for information and details as to the nature of the country, and beg of me to direct him towards the nearest *creek* or spring. A week after, much to my surprise, I beheld an excellent cabin, a cattle pen, and poultry: the wife dressing cotton, the husband destroying trees, by making a circular incision, which we call *girdling*, and in fact settling themselves down comfortably, without troubling themselves as to whether myself or anybody was the proprietor of the land. I have also often seen them after a



few days' sojourn, abandon their huts without the slightest reason, and transport themselves to Heaven knows where ! This population of *squatters* is sometimes exceedingly numerous, and attracts many cattle speculators, and the *pedlar*, a sort of nondescript, who differs from that of Europe only in the circumstance of his shop being contained in a wagon, instead of being carried on his back.

Among these first *settlers*, some of whom are destined to make large fortunes, while others remain in a wandering and unsettled state like rolling stones "which gather no moss," there exists no form of government ; hence all disputes are amicably arranged by a fisty encounter. As they reside out of the United States, they trouble themselves neither with politics nor elections ; their lands or houses are to them but of secondary value ; their only idea of the value of property is in the possession of cattle, all of which are marked ; and should one be stolen, the party assembles his neighbors, and with proof in hand, they go in search of the marauder, on finding whom they administer a flagellation and punishment, more or less severe, according to the value of the article stolen. In a moral point of view, with them, cow-stealing is the greatest crime. Though they have no laws among them, the increase of population is such as would even alarm Mr. Malthus and his friends. Religion is confined to the observance of the Sabbath.

Around the huts which I have described, are irregular fields ; where the trees are still standing but dead ; and surrounded by wooden barriers. Numerous footpaths, well laid out, and their course traced by marks cut in the bark of trees, lead from one cabin to another, while wagon-tracks may be seen winding amid the thick shade and antique verdure of the forest.

In the mean time, while all this is going on, the eyes of enterprising citizens in the neighboring States are open to this rich booty in prospective : some of them set out to

reconnoitre ; the settlement is spoken of in Congress. Government proposes to erect the spaces between such and such limits, into a *territory* ; a bill establishes the form of a territorial government ; the first step of which may be conceived to run thus :—

1st. A Governor, with executive power, appointed by the President of the United States for a determined number of years. He gives appointments in the territories, and has the right of pardon in all cases of offense against the territory, and demurrer when the offense is against the United States ; he is assisted by a Secretary of State, who acts at the same time as Treasurer.

2d. A Legislative Council, and executive power, composed of twelve members, appointed annually by the President of the United States. They frame laws upon all subjects, which must however meet the sanction of the Governor, and which may be rejected by Congress.

3d. The judicial power is composed of a Judge for each of the districts into which the territory may be divided. He reconciles the jurisdiction of the United States and the Territory.

4th. A delegate is every two years chosen by the people, to represent them in Congress, where, however, he has no vote ; he completes this simple mode of government, which I shall now endeavor to explain in its active state.\*

The second step which generally follows the creation of a territorial government is the establishment of a *land district*. I have already observed that all the vacant lands belong to the United States. It is necessary these should be sold. In all the States which have been admitted since the Union, this general rule does not hold good. In Kentucky for instance, where *land-warrants* existed (pa-

\* If I mistake not, many changes have taken place, both in the mode of administration, election, &c., in many, if not all the States, since the above articles were drawn up in these letters written by Col. Murat.—TRANS,

tents) from the State of Virginia, to which that country originally belonged. In Louisiana, and in Florida, concessions of lands, made by the old government, the rights acquired by the old inhabitants, real or imaginary sales made to the Indians, and who not unfrequently are embroiled in litigation about the titles, which it has been found in many cases impossible to adjust. In order to effect the adjustment of these, an administrative commission is generally had recourse to, which, without coming to a decision on the conflicting claims of individual parties, confines itself to separating the alienated lands from those subject to the authority of the United States. To these latter, therefore, we will confine ourselves.

There exists at Washington a Public Land Department, which corresponds with the different districts into which the country is divided. If it be in contemplation to form a new district, its external limits are marked out, while in general a central point is selected for the construction of a town, probably destined to become the new capital of a State. A Surveyor-General is appointed, who transports himself with his family and assistants to the point of departure ; from this place, with the assistance of the compass, the surveyors begin by tracing the *base* and meridian, in going from north to south, east and west, in a direct line through the woods, marshes, rivers, &c. ; the line is marked out on the trees, on each side of the chain, so that it can be easily followed. At every sixth mile, the surveyors erect a pole ; from these poles, other lines are marked out, parallel to the base and meridian, thus dividing the country into squares of six miles. Each of these squares is called a *township*, and is numbered according to its position ; each town is afterwards divided into squares of a mile in extent, by means of the lines traced out on the trees ; in the same manner, but differently marked, these second divisions called *sections*, contain 640 acres, and are by imaginary lines divided into eighths, of eighty acres

each. The sections and eighths in each town are numbered, which numbers are indicated on the poles erected at the corners ; so that in falling in with a line in the midst of the woods, and following up to the corner, you will know where you are. For instance, my house, whence I write, is situated eastern half of the south-east quarter of section eight, township one, range three, south-east from Tallahassee.

There is one important provision, which is this : the section marked *sixteen* of each town is set apart to defray public education, and cannot, therefore, be sold. This operation gives employment to many people. The Surveyor-General makes contracts with the surveyors, for such a quantity of work as he may think fit, which generally turn out advantageously to the latter.

The maximum price fixed by law is four dollars per current mile, which is not too much, if we take into consideration that each surveyor ought to have six or seven men to assist him.

While these geodesic operations are in progress, the government is being organized. The Governor, generally some distinguished man, who intends establishing himself in the territory, arrives with his family and negroes.

The judges then gradually arrive, and the barristers and lawyers follow, with what Figaro calls "all the provoking and outrageous accompaniments of the law processes in the country." Each of these officials generally has a family, and friends who accompany them with the object of establishing themselves. The Legislature assembles in the midst of a wood ; a cabin made from the trunks of trees, a little larger, but of the ordinary rude construction, is erected, and the rustic assemblage there seat themselves in their Druidical temple with as much dignity, and often as much talent, as is to be found in the capital. It may be asked, what matters of legislation are there for discussion in a society yet in embryo, of which

there exists but the mere skeleton? They are these : to fix on the locality for the capital and other cities, if there be space enough ; divide the territory into counties ; organize justices of the peace, and superior courts ; make civil and criminal laws ; for this assembly, although held in guardianship as it were by Congress, is already sovereign. This done, it only remains for them to petition Congress on all subjects which they deem advisable or advantageous to the future welfare of the infant State.

This first session of Council gives immense life to the territory ; but that which gives it body and strength is the sale of public lands.

The President, when he thinks proper, publishes a proclamation, announcing that at such a time and place, such public lands will be sold. A Register and Receiver are appointed by the President, and the great day of sale at last arrives—an event of the greatest importance to the little community.

Already, since the publication of the proclamation, the country is inundated with strangers—some in search of lands on which to locate themselves immediately ; some to purchase in behalf of a son or relation ; while others come as mere speculators, and buy only to sell off again.

You will see them all, with compass in hand, distributed about the country, following the traced lines, examining the soils, taking notes, in the most profound silence, and avoiding each other as much as possible.

Perchance they obtain by purchase from some surveyor the secret of some yet unknown and supposed fertile section. Concealed beneath their cloaks, they carry little plans, containing mysterious ciphers—while all the conversation runs upon land, its quality, and probable price, &c. During all this time, intrigue and the most impudent and barefaced *coquinerie*\* are exemplified in all their glowing smiles of effrontery.

\* *Coquinerie*. Anglice : *Knavery*.

The rising capital in which this sale takes place has in the mean while, since the holding of the first Council, assumed a new form. A plan has been adopted, the streets have been cleaned, lots sold on credit, and a *capitol* has been decreed. A crowd of people are expected at the sales, courts, assemblies, and the Legislature. Hotels now spring up: deserted for the greater part of the year, their apartments, as yet without windows, are engaged beforehand by parties about to occupy them. Covers are laid for thirty persons. Two or three large chambers, which you would scarcely deign to call barns, receive in a dozen beds twice that number of guests. Those who cannot be accommodated wrap themselves up as snugly as they can, and sleep on the floor. There are here no *reserved* places either for dining or sleeping; all is here in the true (though rather uncomfortable) spirit of republicanism. Each pays his dollar, and has the privilege and right to eat and sleep where he pleases, provided, however, that he does not interfere with a former occupant's claim. It is understood that one bed is to contain two individuals, and nobody is so ridiculous or fastidious as to trouble himself as to who is his neighbor, more than in the pit of a theater.

At last the great day arrives. The crowd increases; while the speculator and agitator are seen in movement and consultation. The farmer who wishes to establish himself is perfectly calm; he has already made his selection, and fixed his price. The hour approaches—the poor squatter hastens to the town. He has worked hard throughout the year, in order that he may be enabled to purchase the little spot of land on which his house is built. Perhaps for the want of a dollar or two it will be taken from him, at the hands of some greedy speculator. Anxiety and trouble are depicted in his honest and ruddy countenance. An agitator approaches, sympathizes with him, and offers to withhold his pretensions for the sum of

three dollars: the poor ignorant man gives it, without suspecting that the barterer has not the means of out-bidding him. This is called *hush-money*. The crier offers the lands by eighths, commencing with a section and town in regular order. The prices are different, but the bidding always begins with a dollar and a quarter the acre, that being the lowest price at which the States' lands are sold. An old Indian village, a situation for a mill—the plantation of a *squatter*—a locality on a road or river, where a town or depot is likely to be established—are all fortuitous circumstances which augment the value of lands tenfold or more. All these sales are moreover made according to the real or imaginary lines, in which it not unfrequently happens that the field or the house of some unfortunate *squatter* has to be divided.

The sale, and all the excitement accompanying it, lasts until all the lands enumerated in the proclamation have been put up. Those lands which remain in the hands of the United States may be *entered* at 100 dollars the eighth. Hence they who are good judges of fertile lands, and are aware they are the only ones, will do better to wait till this period; for finding themselves without competitors, they obtain them at a low price.

The sale is now over. Speculators, with title-deeds in their pockets, have returned home to make the necessary arrangements for departure to their new habitations. The planter is off to fetch his family and negroes. The poor *squatter*!—he too is gone home with a heavy heart, in consequence of his prospects and hopes not having been realized, and is compelled to go once more in search of a new spot whereon to settle, and begin the world again—if such poor efforts may be so called; or perhaps he will engage himself, as a manager, to the planter who purchased his house and grounds: for it may be as well to observe here, that it is the interest of the planter, up to the moment of his requiring the land, to leave him in pos-

session, whose presence on the spot is doubly advantageous to him.

The inhabitants of the town, particularly the inn-keepers, have realized a handsome sum. In place of their *log-houses*, elegant houses made of boards and timber-work, painted in all sorts of colors, are erected as if by enchantment in the very heart of the wood, which now assumes the name of city. Trees are cut down on all sides ; their burning stumps and roots indicate the spots destined for streets and public places. Its importance is soon increased by the establishment of a postoffice, and the residence of a postmaster—somewhat of an important personage, for in its actual state the accession of a family, or even an individual, is anything but a matter of indifference. Daily journals are now started ; each, besides one from Washington, or some Atlantic town, receives that from the village whence he emigrated, for every village has its own newspaper. The reviews and magazines, the literary journals, and novelties of all descriptions, now begin to arrive from New York, from Philadelphia ; and those from England, at moderate prices, one or two months after their publication on the other side of the Atlantic.\* I remember I read here one of Sir Walter Scott's last romances before it had even reached Vienna. We will now take leave of the town, and see how far the improvements of the surrounding country correspond with it.

The planter has returned home, has sold his lands and house, has increased the number of his negroes, and taken his final departure with all he possesses ; his furniture and provisions in his wagons, his negroes on foot, himself, wife and family in a coach according to his circumstances. The evenings they encamp ; traversing deserts, opening roads, constructing bridges, until at last they arrive at his

\* Now, from the rapidity of steam navigation, at least within a month.—TRANS.



new possessions. His first object is to set about building wooden huts and cabins for his family and negroes. This occupation lasts two or three weeks ; during which time they bivouac. A field is now soon opened and planted ; while the great difficulty is in the means of subsistence during the first year ; which may be truly called a *year of probation*. Indian corn is scarce, always dear, and its transport very expensive. Happy the squatter who has realized a good harvest, and can dispose of it, if he happens to be settled near a planter. He makes his own price, enters his own land, becomes himself a planter, and establishes the foundation of an independent fortune. Spots which were lately in spare cultivation, dotted here and there with a miserable hut, surrounded by trees, now become rich cultivations of from 50 to 100 acres; the first year protected by strong fences or hedges ; huts forming regular villages for the negroes, and finally, a large *log-house*, containing three or four commodious chambers, with kitchen, stable, &c., for the family. These buildings have perhaps a miserable appearance externally, but enter them ! It is a country of contrasts. Beneath the roof of this wild habitation, you will find a family almost as well brought up and educated as many in Boston and New York. Their manners are far from rustic. They have quitted the world for a time, and are creating a new one around them. They receive their letters and journals, and are well-informed in the politics of the day. Among these you will not unfrequently find an establishment inhabited by one whose name has been honorably mentioned in the papers, and one who, perhaps, has distinguished himself for his eloquence in Congress, or some State Legislature. He is a citizen, come with the resolution of founding a new country. The women, above all, support these privations with a patience truly angelic, softening by their presence the natural wildness of such energetic scenes, and producing by their affection and solicitude a

singular, but soothing and agreeable, contrast to the savage prospect around them. A planter never comes alone ; he has influenced parents or friends to emigrate with him, or at least to pay a visit and see the country, where the greater part of these visitors ultimately establish themselves. In the midst of his improving plantations, and the circle of his family and old friends, he lives in his new home happy and comfortable, from which he is seldom called away on other matters. He is, however, obliged to serve on juries ; the first court is about to open its sessions, and the sheriff has arrived to cite and dine with him. A Judge is also arrived, who is in general a man of merit, who may be, however, as frequently happens in this new state of society, the refuse of other tribunals. As yet, there is no court-house. The Judge, therefore, *faute de mieux*, selects either the large saloon of the tavern, or some spacious granary. I have seen the court sit in a store, where boards placed on barrels of pork and flour formed seats for the audience. A week's session also gives rise to much amusing excitement, and fills the pockets of the hotel-keepers. People crowd to it from within a circuit of fifty miles, either on matters of business, or mere curiosity. The period of this meeting is turned to advantage by all parties. The one offers his negroes for sale, the other exhibits the graces and superior beauty of his favorite thorough-bred stallion, in order to gain customers. Lawyers seek clients, and doctors patients. The sheriff opens the court, calls over the causes, and all is silence.

In two rows are seated four and twenty free men, heads of families, *housekeepers*, forming the grand jury. But what a motley assemblage ! From the huntsman in his leather shirt and breeches, whose beard has not felt the edge of a razor for at least a month ; the squatter in his straw hat, and dressed in coarse domestic stuffs made up by his wife ; the little merchant, showing off in all the

elegant exaggerated graces of the counter, sitting by the side of the blacksmith, even to the wealthy planter but lately arrived—in fact all ranks, all professions and trades jumbled together!

Silence is again called, and the drama opens. The barristers plead their causes according to their capacity and talents. The Judge makes his charges with as much dignity as if he were sitting in Banco Regis, in Westminster Hall, while the verdicts are given devoid of that whimsical appearance which those courts and juries present. Evening arriving, the court adjourns to the following morning. The same scene again presents itself, with this addition, that the pleaders amuse the people in the different taverns by a harangue or *resumé*, on the justice of their causes, &c.

The period of opening the court is taken advantage of by the candidates for the post of delegate to represent the people in Congress. With the assistance of their friends, they commence a vigorous canvass among the assembled multitude to gain their suffrages, and employ all possible means of persuasion, and sometimes cunning deception, to accomplish the object of their ambition. Histories of each candidate's career are alternately vaunted and given the lie to. Each addresses himself to the people, to whom his friends also address themselves in his behalf. Then disputes begin, which from the soft persuasion of oral eloquence generally terminate in a sturdy pugilistic battle, particularly towards evening, when temperance is not quite the order of the day; as each candidate regales his friends with strong potations "ad libitum et usque nauseam."\*

To enjoy an election, however, a stranger must see it "al fresco" in the country. The day arrives—for several months the candidates and their friends have been actively engaged in canvassing, going from house to house, and

\* Anglice: As much as you like till drunk.—TRANS.

settlement to settlement, full of persuasion, explanation, solicitation, &c., until the poor elector becomes completely bewildered with promises. In general, the friends of the candidate give themselves more trouble than he himself. The Governor, by proclamation, has fixed the day, and divided the country into sections, in each of which he selects a central house, and appoints three election judges or *scrutiniers*. These three dignitaries of a day assemble at early dawn, and swear on kissing the Bible, to demean themselves with integrity, &c. They seat themselves at a table near the window. An old cigar box duly patched up, with a hole in the top, a sheet of paper, pen and bottle as an apology for an inkstand, form next to themselves, the prominent features of this august tribunal!\* Each elector presents himself at the window, gives his name, which is registered on the paper, deposits his ballot in the box which is presented to him, and retires. If the judges doubt the elector's qualification (from age or residence), they put him on his oath. In the room itself, all is conducted with the greatest order; not so, however, without. The forest is soon encumbered with wagons and horses. The electors arrive in squadrons, laughing and singing, not unfrequently half so-and-so, since the commencement of their morning's ride, when they become eloquently vociferous in praise of their favorite candidate. The candidates, or their friends, present themselves to the electors on their arrival, and pounce upon them with ballots already prepared and often printed, which only exposes them to the rough railleries of the countrymen. Hardly is one arrived, before he is questioned as to his vote; and is either greeted with applause, or hooted, according to his opinions. If an influential man presents himself at the poll, he announces his opinion in a short address; the clamor ceases for a moment, while his "sweet discourse" wins over a

\* It must be remembered the Colonel is describing a State election in its *primitive* existence.—TRANS.

party to his principles, and nobody presumes to molest him. The whisky, however (not exactly the "nectar of the gods"), all this time is going its rounds; towards evening all have, more or less, disposed of their sober qualities, and it is rare that the sovereign people abdicate power without a general set-to, where nobody can be heard, and from which all who claim the enviable distinction of possessing a vehicle take very good care to keep aloof. Each now goes home; the judges examine the votes, and transmit the result to the capital. On the following morning, friend and foe, conqueror and conquered, become good friends, as if nothing had happened; so much so, that a little rough encounter has been known to make the best friends imaginable. *Vox populi, vox Dei*, is here an absolute axiom; where all have been taught from earliest infancy to yield to the majority. It must be observed, that the public interest suffers not in the least for this tumult, because, generally, before voting, each has long previously made his mind up, as to who shall be his favorite; and be he drunk or sober, at the election, he adheres to his resolution. The excitement of an election passes off rapidly; before it takes place, it forms the general topic of conversation, but on the following morning it is no more talked about, nor thought of, than the Great Mogul.

The post of delegate is the most enviable of any which presents itself in a country; for, independently of the advantage of being a member of Congress, and passing the winter delightfully amid festivities, where the best society is assembled, to be personally known to all the most distinguished men in the Union renders his influence on the destinies of the territory immense. He is consulted, *ex-officio*, on every subject which concerns its interest, while appointments or vacancies are generally filled up at his suggestion or representation.

He has given the people promises, which he makes it his object to realize. They probably have reference to

roads, canals, postoffices ; changing the situation of district courts, and increasing or else diminishing their number ; obtaining gratuitous grants of public or government lands for the building of towns, the construction of bridges, augmenting the number of members of legislature, getting such a law confirmed or rejected, &c. Of all these important points he will gain some, and lose others. His party will endeavor to justify him, while the other will of course censure him for having done *nothing*, because he did not succeed in *everything* ! and the probable result of this conflict of opinions will be, that he loses his election ; the more so, because, during his two years of probation, the interests of the population will have changed, or through the proverbial fickleness of the people they have got tired of him.

I have stated that the first year the planter *brought* his provisions with him, his tools and in short all the necessary materials, as well as clothing for his negroes : but this is not the case during the succeeding years. Large assortments of all kinds are now *transmitted* to him from the Atlantic cities by means of our immense rivers and canals. Magazines are established in the rising towns ; producing large profits—for all is sold for double and triple its value at least. The first arrivals consist of provisions, such as beef, pork, salt-fish, ham, butter, lard, spirits, flour, and stuffs for the families and negroes, culinary utensils, saddlery, ironmongery, medicines, &c. All these articles are jumbled together *pêle-mêle* in the same shop or store, by the same enterprising speculator. The merchant, who is generally but the interested agent of some large northern firm, generally takes a family with him, who introduce the fashionable elegancies of the city which he has just left. His dress is remarkable, inasmuch as its cut and style are so totally different from that of the population in general, forming a perfect contrast. Usually he succeeds wonderfully, though he is often under the necessity

of giving the planter credit until he gathers in his crop. He almost invariably purchases the produce of the country—with which he returns to the North, when he has disposed of his first lot of goods. Thence he again makes his appearance with a new and more extensive assortment, in proportion to his success and the increase of population.

The *lawyers*, juriconsuls, barristers, attorneys, and notaries (for the profession embraces all these branches) now arrive. Our country abounds with a host of poor devils, without any pecuniary means, although, however, they may have received some sort of education. They shut themselves up and study the laws; at the same time following some other occupation—such as the army, in a counting-house, or even an hotel, and as soon as they feel themselves sufficiently competent to undergo an examination, they are received, and gain a livelihood thereby. Here are found a host of little pettifoggers—who enter into discussion, and get up quarrels among the poor ignorant people—drag them into the law courts, and accomplish their end by pocketing thirty dollars or so. Nothing, however, can be more respectable or honorable than the bar of several of the old States, as nothing can be more despicable and miserable than the illegal pollution surrounding the court-house of a new State in its infancy. I must, however, make exceptions; many among them are gentlemen, who perfect themselves in their studies by practice, make money, and acquire respect and consideration. Some lawyer, regularly brought up to his profession, soon arrives to establish himself in the State; he monopolizes the practice and the fees—all the charlatans are eclipsed, annihilated “root and branch,” and ultimately obliged to decamp, or seek their fortune *practically* in some other occupation.

It is at this period that the Territory becomes a prey to “*vagabondage*,” to broken down and unprincipled bank-

rupts, agitators of all kinds, who seem to have made this their rendezvous, from all parts of the Union. Before, the country was too poor, and offered no encouragement to these vampires; but at a later period, having become more important, they commence their ungodly trade, with the most consummate roguery and impudence.

There is one species of the genus "escroc"\* which almost deserves a chapter apart. I have already stated that in our Territories a greater part of the lands had been granted away by former governments, where any doubt as to the title existed. Speculators have bought these up from the poor people to whom they were originally granted—or they have not unfrequently gone so far as to draw up false titles—or bought lands from the Indians—which they know to be contrary to law, and, therefore, null. They get fine plans of their possessions drawn up, and beautifully colored; if the titles are of a doubtful character, they have lawyers whom they consult, or claim the right of patent. Armed with these instruments of deception, they proceed to the country to which emigration has commenced, and exchange their imaginary possessions for every kind of real property. A stranger could form no idea of the skill and talent which some of them display, nor of the extent of their schemes. They become sometimes so sufficiently powerful as to check and impede the advance of civilization—as unfortunately they gain much influence by means of their impositions, so much so that they not unfrequently possess the power of controlling the elections.

This state of corruption, however, is not of long duration; the population increases daily, society is formed, and these vampires are obliged to "hide their diminished heads."

The formation of society is generally celebrated by public festivals. The 4th of July, the day of Independence—

\* Anglice : cheat, sharper, pilferer.—TRANS.



the 22d of February, Washington's birth-day—the 8th of January, anniversary of the battle of New Orleans, present favorable occasions for this. Some time previously, a public assembly is convoked in a tavern or hotel; a president and secretary (for all is conducted in proper form) are appointed by acclamation. An orator proposes to celebrate the day, gives his reason, and another makes a motion for a dinner: this is put to the vote, the matter is opposed from the circumstance of the room not being sufficiently large to contain the assembled people desirous of partaking thereat. Another proposes a *barbecue* or dinner in the open air; this is supported and adopted: while another proposes that a discourse be delivered, suitable to the occasion. This is also adopted.

Some person proposes a ball, but herein lies a difficulty, as there are but three *ladies* in the city who dance: had there been four the proposition would have been carried. The meeting now appoints an orator and committee of management, which done, they all separate. The *process-verbal*, duly certified, is inserted in the newspaper (a weekly one being already established), to the great joy of the printing editor, who happened to be much in want of material. On the day appointed, the citizens assemble in procession, and proceed to the church, the hotel, or the court-house, perhaps to a granary, according to circumstances, where they are favored with an oration—generally good, and not unfrequently eloquent. This over, they depart to a selected spot, overshadowed by trees, where their olfactories and appetites are titillated by the savory fumes emitted from a roasting ox, accompanied by his attendant squires, in the shape of fat victimized pigs, also undergoing the interesting process of roasting. The expenses are met by a general subscription, while toasts are given indicative of the political opinions of the people present. On the following year there will be another *barbecue*, oration, and *this time* a ball, also given by subscrip-

tion, for which the court is appropriated and adorned with banners, &c., the judge's seat being filled by some old negro, who fiddles away, accompanied by his orchestra, composed of two little sprouts of negroes playing the tamborine and triangle. The hall is brilliantly illuminated with tallow candles, while the ladies, however (God bless them), are as well dressed, and as beautiful, as any in New York. The planter has doffed his coarse leather hunting-coat, and substituted a handsome, fashionable blue dress coat in lieu thereof, which said coat he had worn in other times, and in another land, while, perchance, gallantly playing the Lothario, or that nondescript, a "gay deceiver." His manners, however, are those of the best society. The want of "Strauss's" band, and the somewhat discordant harmony of the ebony orchestra, add much to the evening's entertainment, and serve to create and keep up dancing, good fellowship, and that true hilarity which springs from the heart—until they come to the determined resolution of not going home "till morning." We will say nothing about champagne-headache, vows, broken promises, hearts, &c.

In the meanwhile the legislative sessions succeed each other, while each successive year brings an increase to its members. The government has become firmly established. Courts of justice, adorned by the talents of the judge and bar, have been formed in each county: the number of which has doubled every year. Taxes on negroes, animals, &c., have been raised; corporation charters have been granted to the different towns; and the time has arrived when the second degree of the territorial government is demanded.

This consists in granting the people the election of a council, and other privileges in the judicial organization. It is not long before the people feel the advantages of self-government. Public opinion takes a decided character: intriguers and escrocs become reformed, or quit the

country. These latter measures advance with remarkable rapidity: emigration continues in geometrical progression: capital accumulates, and a public bank is established; while from year to year a verification is ordered.

At last the anxiously anticipated time having arrived, when the Territory proudly numbers its 40,000 souls, it is admitted to the rank of a State. A convention assembles to organize its constitution, which always consists of an elective governor and two legislative chambers. The legislature sends two senators, and the people one representative to Washington; and the new State begins to revolve in its orbit, augmenting the strength of such and such an interest, and changing the equilibrium and political balance of the Senate.

In this rapid sketch, it will be observed that I have not touched upon religion; the reason is, that generally, in this primitive state of society, it is of so irreverent a character that I have sought to avoid it. In proportion as morals improve, religion becomes purified; and an idea of the progress of civilization may be formed from the establishment of a Presbyterian, but above all, an Episcopalian church, which I look upon and hold to be the true religion. In the improved state of society which I have attempted to describe, education is united to and keeps pace with religion. Primary schools in the hands and under the influence of Christian ministers, and academies, superintended by *Yankees*, are all which exist. As soon, however, as the Territory merges into the dignity of a State, and sometimes even before that period, the sixteenth section becomes its property, and serves for the establishment of permanent funds for public education, either employed in detail in each town, or centralized in universities, colleges, &c.

This subject is, however, sufficiently important to merit a separate article.

I have only spoken of the South, having never traveled

in the north-western part of the United States. I, however, am led to imagine, that my exposition may in a great measure apply there also, by setting aside the negroes, and imagining the *squatters* to possess more industry and activity. Religion ought, also, to hold a higher place, and exercise a more considerable influence there. Speculations on lands in the North, if I mistake not, have also been entered into in a more liberal spirit. There the speculator has not satisfied himself with the mere purchase, but he has *improved* the lands, by the formation of roads, the construction of drains, and farming them out. These differences and improvements are of a decisive nature, but I cannot enter into further detail.

I shall terminate this sketch by one important reflection. We have purchased Louisiana from France, and Florida from Spain. These countries are peopled, and possessed of laws, in general so opposite in their character to the spirit of our government, that even supposing they possessed a population sufficiently numerous to become States, they would have required an immediate form of territorial government, in order to amalgamate them, and dissolve their ancient customs and prejudices.

This would not be the case with the British possessions on the continent, and the East India possessions; they are organized into provinces, possessing their legislatures and laws. In order to join them to our Union, it would only be necessary to admit them, and receive their senators and representatives in Congress. But may Heaven preserve us from them! The increase of influence which the southern interest would thereby receive would be far from equal to the proportion in which would benefit the North. In the present actual state of the Union, it is the only chance of dissolution which threatens it. In twenty years, when the South shall be placed in the ascendant, which will set her interests "a covert", this increase

of territory might be desirable, but much more so for the subjects of Great Britain than for us.\*

\* This opinion was hazarded twenty year ago, and at the present moment has something of the prophetic in it.—TRANS.

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NOTE BY THE TRANSLATOR.—This interesting chapter having been chiefly devoted to the description of the formation and gradual progress of a settlement, amid the primeval forests of America, towards its elevation into a new State, some facts in reference to its gigantic strides towards civilization, and its rapid and almost marvelous increase of population, may not be unacceptable. To give the general reader (and more especially foreigners) an idea of its magnitude, I append the following valuable statistical document, extracted from a most useful and highly interesting little book, published in New York, entitled the “Whig Almanac for 1849”:

“It is an old saying in Europe, that ‘There’s room enough in America for every body;’ and, during 1848, 350,000 settlers, according to late estimates, will have left their homes in the old world with the expectation of improving their circumstances and increasing their chances of happiness in the new. There are thousands of millions of acres of what are called the public lands; the Western Passage Company offer to convey passengers from New York to Chicago, 1,525 miles, or to Milwaukie, 1,445 miles, by canals and steamboats, in ten days, for \$8; and if the poor man with a large family could but get rid of the \$100 tax on his 80 acre wild lot; if the speculation and land-jobbing were effectually checked by the prohibition (as in republican Rome 2,000 years since) of any larger estate in the hands of one man than 360 or 640 acres; and if the curse of negro slavery were excluded from the yet unpeopled West, the progress of free institutions would be unimpeded from the Atlantic to the Pacific; the crowded cities of the Atlantic seaboard would get rid of an uneasy surplus population, which could well be spared in the East, and would soon find itself in a thriving and prosperous condition on the banks of the Mississippi and Missouri.

“The Land Office Report of December, 1848, mentions that the public domain lies in twelve States, and in the Territories, and covers 1,584,243,000 acres, of which 142,026,003 have been sold. Of the unsold lands, there are, in Ohio 875,465 acres; in Illinois, 15,693,076 acres; in Indiana, 3,572,645; in Wisconsin, 28,863,763;

in Iowa, 29,868,068 ; in Missouri, 29,766,740 ; in Arkansas, 27,669,220 ; in Louisiana, 23,677,775 ; in Mississippi, 11,815,040 ; in Alabama, 17,516,346 ; and in Florida, 36,137,137 acres. During 1847, the land sales were 2,521,305 acres, also 1,448,240 acres in first nine months of 1848. Mexican land warrants have been located on 1,775,520 acres ; Mexican war warrants have been issued for 6,505,960 acres.

“Ohio was a wilderness fifty years since, having a few thousand souls scattered over its fertile plains ; it is now a great and powerful community of nearly two millions of free, independent and happy citizens. Thirty-eight years since, Indiana, Illinois, Michigan, Wisconsin, and Iowa, contained but 42,564 inhabitants ; they are now the home of 2,750,000 Americans. The railroad, steamboat and canal have been of infinite service to them, and the electric telegraph forms an additional bond of union. Chicago, Detroit, Cleveland, Buffalo, Rochester, Montreal, Quebec, Boston, New York, Albany, Philadelphia, Baltimore, Washington, Charleston, New Orleans, Nashville, Louisville, Cincinnati, Pittsburg, St. Louis and Galena are already united by the telegraph, and every important event that happens in any one of these cities is communicated with more than lightning speed to the inhabitants of all the others.

## CHAPTER IV.

### SLAVERY.

Slavery discussed, but not defended—Influence of England—English West Indies—Right of Man over the Animal Creation—Indians and White People—Indians in Spanish and North America—African Slaves—State of Slavery at the Revolution—Treaty of 1808—Comparison between the Southern and Northern States in relation to Negro Labor—Planters of the South, their generous Hospitality and Kindness to their Slaves—Comparison between Slave and Free Negro, and the Slave with the European Laborer and Peasant—The West India Negro in a state of Freedom relapsing into a state of Indolence—St. Domingo an example—Charge of Cruelty refuted—Negro Marriages—Anecdote—Description of a Plantation—Happiness and Comfort of the Negro—Treatment of Negroes in Virginia and Maryland—Slave Laws and Laws relative to Free Negroes—The Don Quixotes of Emancipation—Colonization to Liberia—Slavery an Evil—Its total Abolition.

### LIPONA.

In general there exists a strong prejudice in Europe against our southern States. Like many other things, slavery, when viewed from afar, has quite another physiognomy from that which presents itself to us when viewed on the spot. That which appears rigorous in law becomes lenient by custom; abuses destroy themselves; and that which appears monstrous and horrible in theory not unfrequently becomes tolerable in practice. My object, therefore, in writing on slavery, is by no means to defend it, but to rectify false notions, and afford a just idea of the condition of our negroes in the above-mentioned States. The subject has now become of the utmost importance, both on our continent and islands, and I have not unfrequently asked myself, how it is possible, that among so many authors who have written on America, not one of them has noticed this all-important matter with the justice and impartiality which it deserves, or even given it that con-

sideration which it merits. In the works of several English travelers, we find pages colored with many disgusting and exaggerated accounts of the filthiness of the negroes and the cruelty of their masters, amid all which rhodomontade I defy the reader to point out one page therein which contains a word of common sense on the subject.

Unless we change the system of labor in our working classes, and consequently all our social relations, and create different habits and customs, and exercise a more powerful influence in relation to education and religion, slavery is and will be the great point around which all our internal policy (in reference to these States) will revolve. Its influence is everywhere felt; even among those who appear the least affected thereby.

I will not attempt a refutation of the calumnies, as gross as they are absurd, which have been raised against the proprietors of slaves; in fact, it is not worth the trouble. Sentimental pathos is not the weapon to oppose to the general custom of ages. We must have sound reasoning well founded in moral as well as political economy. Why have not the friends of the black race acted upon these principles? These calumnies and prejudices in a great measure owe their origin to the jealousy of Great Britain. The English minister (in 1827), wishing to stop emigration to the United States, descended so far as to induce mercenary writers to travel and promulgate, through the press, false statements against our people and government. In all these works, which had an extensive circulation with John Bull, and thereby influenced his mind, the subject of slavery has been the avowed and principal topic. Another cause of error has been the establishment, in England, as well as here, of certain religious sects having a theocratical tendency, of which I shall hereafter speak. These sects undertook a crusade to save our souls at the expense of our lives and properties, and the British minister, in order to possess their influence, was obliged to



second their operations. To this sect do we owe the suppression of the treaty on negroes and laws for the protection of horses. And to these, also, ere long, will England be indebted for the total loss of the colonies in the West Indies, for the course pursued by her in this respect is diametrically opposed to reason and the doctrines of sound judgment.\*

The motives which exist against the possession of slaves may be divided into two classes or sections—those of right and of calculation. I will endeavor to argue these, and in the first place, justify the right in the possession by prior sanction of government, and then demonstrate that, during certain periods of society, this order of things is equally as advantageous to the slave as to the master.

There can exist no doubt as to the question of right, provided we are dispassionately allowed to explain and make ourselves mutually understood. There exists an error in the consideration of the existence of this right as absolute. By an *individual right* we are by no means to understand a *natural right*. The individual has a right to appropriate to himself or destroy all obstacles which oppose his views in a rational sense. A man meets a lion, and has the indubitable right to appropriate the skin of the animal to his own particular purpose, while on the other hand, the lion has an equal right to the flesh of the man. The difference is, the one defends his skin, the other his flesh; hence it follows that the spontaneous *objective* in each becomes an obstacle for the other, and which either has the right to destroy. Here are, then, two incontestable rights in presence of each other; while there neither exists, nor can exist, between them any other arbiter or decree than the general laws of nature. The man, how-

\* This opinion has proved erroneous. England committed an error in her breach of faith with the proprietors in emancipating the apprenticed negroes, in 1838, instead of 1840, without compensation.—TRANS.

ever, by no means recognizes his rights over the lion, or implies that the animal should yield a willing obedience to his will, but tries to overcome him by stratagem and force.

The social state effects great changes, as regards individual rights, and upon this point the three following rules may be established: 1st. Societies acting among themselves, as individuals do, without any other existing order than that of individual or *natural* right. 2d. These societies pursuing the same course of action, in relation to individuals who are strangers to them. And 3d. The members of a society retrieving their individual independence in objects foreign to the laws which regulate that society.

A man catches a horse, and breaks him in; has he acquired a natural right over the horse, as such? None whatever. He may appropriate the horse to his own special use, but the horse has an equal right to throw him, and run away. The laws of nature, which award the victory to the strong, and more especially to the more skillful, decide this conflict of individual right. The rider had, however, acquired a social right over the horse, in relation to society, which is bound to encourage and protect industry and labor, and guaranty us the use and profits of our labor. It will protect the horse from being stolen or killed, and if he escapes, every means is afforded whereby he may be recovered or exchanged for any other article which he may have acquired by his industry, or that of another, and substitute that other among his own lawful rights.

A man has undoubtedly no claim to the possession of another man, in *relation* to that man; but possesses this claim in relation to society: 1st. Supposing them to be both members of society, bound by a certain contract, the violator of that contract commits a moral offense for which he deserves a punishment commensurate with that offense. 2d. Supposing only one of them be a member

of society, which guaranties him a right over the other. Here there is no contract, no moral offense, nor punishment, but in case of resistance, however, both have an equal right to fight a l'outrance, although the one has a claim on that society for assistance.

To sum up, the slave has as much right to resist his master and escape, as the master has to his capture and the appropriation of his services for his own individual use. There exists no mutual contract between them, and consequently no reciprocal right, for one social right can only be based upon another. An error has arisen, that of instilling into the slave the notion of a passive obedience being a moral duty or obligation, which is in itself absurd; for this signification would imply a contract by which all the advantages would be on one side, and all the disadvantages on the other. Such a contract is null, *ipse facto*. The master, however, has as much right to the support of society in his authority over the slave, as he had in reference to the horse.

We will now dismiss these abstract considerations, and proceed at once with our subject. When America was colonized, there certainly existed no treaty between the Indians and the white people. Both parties had, therefore, reciprocally the right of mutual appropriation, and mutual destruction as often as they came in contact, were they so disposed. According to the eternal laws of nature, the most skillful, though they be the weaker party, will triumph; hence, the natives were reduced to slavery throughout the whole of the Spanish possessions in America, which were inhabited by a feeble and effeminate race. This was not the case in the United States. Warlike nations resisted the attacks of the white people, and not unfrequently availed themselves of their right to destroy them, and appropriate the effects of the slain to their own particular purposes. The whites soon after treated with them, and

concluded by forming conventions, more or less to their own advantage, with the Indians.

All labor should have its price. Merchants went to the coast of Guinea, and there purchased slaves from nations with whom no treaty or agreement existed. These slaves were sold where in virtue of the laws existing among them, slavery is viewed in the light of a legal punishment, and where when taken in war, the prisoners are looked upon as the *bona fide* property of the conqueror.\* This however, would not have altered the claim to possession on the part of the merchants, supposing they had taken them for nothing. For argument's sake: I capture a wild horse on the plains of Missouri; the trouble in the capture and breaking him in, the risk I incur in taking him, are all it costs me. The intervention of society confines itself to this point—securing the possessor in his claim to priority of possession. Every society has the right of regulating the pursuits and labor of its members, and prohibiting such and such articles of industry; but the contrary is the case in the present instance. All the European nations have more or less encouraged the treaty in regard to the blacks. Several colonies attempted to oppose the introduction of slaves among them, but were compelled by the mother countries to open their ports to this traffic. The masters therefore found themselves in the possession of right on their side, not only theoretically so, but through the express and positive legislation of the societies of which they were members.

The revolution on our continent, although almost simultaneous, was however but partial. Each colony preserved its independence during the struggle, and when the

\* Upon this subject, the reader will find much valuable research and information, in Bryant Edwards' talented work, his "History of the West Indies," Mr. Edwards himself having visited the slave markets on the African coast.—TRANS.

thirteen united republics were acknowledged, although a central government was established, they were not the less sovereign States, perfectly independent the one of the other, in everything which had reference to their internal legislation. At the period of the Revolution, a part of the States had already emancipated their slaves ; others have since followed their example, and doubtless others will probably do the same at some future period—while there exist some States in which this may be a total impossibility. No authority has the right, or has ever pretended to have, of regulating their domestic affairs, although questions relative to slavery are being incessantly brought before Congress. The United States, which possess the exclusive right of regulating all affairs in relation to commerce, have supported the treaty ever since 1808. Nobody appealed against that measure, which had been announced a long time previous, but I am not afraid to state, that any attempt towards the establishment of laws in reference to the slaves will be the means of obliging the southern States to separate from the Union. This is a conclusion founded on the right which every man possesses to defend his own life and property. Is there such a simpleton in existence, as not to be sensible of this ? or of so little discrimination and possessed of so little foresight as to incur the risk ?

If I mistake not, public opinion in the southern States is, that slavery is necessary, but at the same time, frankly acknowledged to be *an evil*. I however am far from considering the question in this point of view ; on the contrary, I am led to consider it, in *certain periods of the history or existence of nations*, as a good. How, for example, could you employ any considerable capital towards agricultural pursuits in a new country, without slaves ? It is to this system we owe the rapid population of our deserts—as the marble which has formed the statue was drawn from the quarry by the axe, worked by the

chisel, and polished by the *lime*, so is it equally necessary that a new soil, before it be rendered capable of receiving a highly civilized people, must pass through the hands of different classes of population. A variety of implements are necessary for the cultivation of the soil, as of books for the education of a man; or of institutions for the education of a people. In the northern States, where the whole soil is fertile, where numerous rivers afford every facility of communication; where the summer heats are chastened by the refreshing breezes of the ocean or the elevation of the soil, a population of small proprietors may, in a few years, establish and enjoy all the comforts and luxuries of life. But in the immense plains of the South, only here and there watered by rivers at a considerable distance from each other—where good soil is in an infinitely small proportion to the immense arid plains—where the heat of the climate has a fatal influence on the *white laborer*, exposed in the open field, large capitals, and a black population, are absolutely necessary to put and retain the land in cultivation.\* If small proprietors alone were to attempt such a course, that of erecting establishments on a large scale, they would find themselves completely isolated from civilization, and would be exhausting all their resources in the mere transport of the necessaries of colonization. Hand labor would be too expensive, for you would have to pay for the chances of existence which all incur, in these southern States. While great capitalists, on the contrary, discover the *oasis* in the desert, and immediately transport thither a whole population, open roads, construct bridges, drain marshes, and after a few years' outlay, realize therefrom immense

\* This necessity is fully borne out by the West India laborers. All attempts to introduce Europeans there as field laborers have signally failed. During my sojourn in Tobago, I remember out of one hundred persons introduced from Scotland, *ninety* died in the space of *two months* after their arrival.—TRANS.

profits. Under the protection of these large proprietors, the people themselves become the possessors of moderate fortunes. Larger fortunes become divided by the death of the possessor. The smaller proprietors in their turn succeed them; their numbers increase; they become acclimated, and from that moment divide the labor with the negroes, to whom the climate is extremely healthy, as it is not in their nature to complain of the heat. Lands which till now were considered of no value will be cultivated as soon as all those of superior fertility are taken, when the system of manuring is put in practice.

If in political economy slavery be considered as tending to increase and keep up the population of our southern States, its effect on society is not the less advantageous. The planter, disengaged of all manual labor, has much more time to himself to improve his knowledge and experience. The habit of considering himself morally responsible for the comfort and happiness of the numerous laborers under his charge nourishes a sort of austere dignity of character, which blended with the arts, sciences and literature, tends to make the southern planter one of the most perfect models of the human species.\* His house is open to all with a generous hospitality, and not unfrequently his purse equally so, to profusion. The habit of being obeyed gives him an air of manly pride among his equals, together with an intellectual insight in politics and religion, which form a perfect contrast to the hypocritical reserve which is elsewhere too often met with. To his slaves he is a perfect father rather than a master, for the knowledge of his power and authority over them dispels all idea of cruelty.

In politics, the result is not less favorable. Our country is still in its infancy, the population widely scattered;

\* This is certainly no *reason* why slavery should exist, as the negro being *free*, the educated planter could equally apply himself to the moral instruction and improvement of the position of the negro in relation to civilization, and to society.—TRANS.

every body has his own business to attend to ; we have here no idle populace. It will not always be so, however. Already, on many occasions, in some of the large northern cities disturbances have broken out between the working classes and the sailors. Are we destined to see the scenes of the Roman *forum* enacted among us ? To avoid which shall we have recourse to cavalry as in England ? The remedy would be worse than the evil. An isolated State has nothing to fear from such disturbances, for others would soon join in its support. What however would become of the Union if Congress were dissolved or ruled by the populace of Washington ? To refuse the right of vote to citizens who possess not a stated income, as in Virginia, is undoubtedly one means ; but that is contrary to the spirit of our institutions, while all fixed regulations of that nature are always arbitrary, and would not prevent the people eventually from rising. Compare the elections in the large towns of the North and South ; with what order they are conducted in the one, and what tumult in the other ! In the North it is not uncommon for the lower classes of society to possess themselves of the place of election, and drive away as it were every respectable person by their indecent conduct.\* In the South, on the con-

\* This certainly is not the case at the present day. I was in New York at the period of the election of General Taylor to the Presidency, when (with the exception of the natural opposition and excitement of the contending parties, attending all such events) the orderly and peaceable manner in which everything was conducted formed the subject of eulogium with all strangers and foreigners. To see an election "fight," one should go to England. I remember being present at the Westminster election, when Sir Murray Maxwell, R. N., came forward as a candidate. While addressing his constituents from the hustings, several sailors appeared in front flourishing the "cat o' nine tails," for Sir Murray was what is called a naval "martinet." He was pelted with eggs, mud, cabbages, and all sort of missiles, picked up in the market of Covent Garden, and on his retiring, some brutal and rascally sailors attacked and knocked the hero down.—TRANS.



trary, the lower classes consist of blacks—slaves—and orderly people. The elections are there conducted peacefully and rationally; and it is probably owing to these circumstances that the superiority of talent in the Congress of the United States is awarded to the South.

Hitherto I have only spoken of the comparative advantages of slavery in relation to the master; the slaves *themselves, however*, are the first to profit by this state of things. In all countries and all times, a great majority of the human race is condemned to exist by manual labor, and I question whether, after all, this portion of society is not more happy and more useful in that state than otherwise. Compare the lot of our negroes, well dressed, well fed, and having no care for the morrow, no trouble about their family, compare them, I will not say with the degraded race of free negroes and mulattoes, possessing all the weight of liberty, without any of its advantages, but, compare them with the white European laborer, working two or three times as much, and with all this, not unfrequently himself and family on the point of death from starvation.\* I will not hesitate to say that not only are our slaves happier than the laborers of the large manufacturing towns in England, but even more so than the generality of the European peasantry. You will tell me, perhaps, that the mere idea of liberty counterbalances the privations and anxieties to which this very liberty gives rise? I reply it may be so with you and me, but it requires a certain degree of instruction, a certain energy of moral life, to enjoy the noble idea of liberty. Take for instance an Austrian, Hungarian or Bohemian peasant, transport him to America, and tell him he is free. The very first Sunday he finds nobody to waltz with him, he will curse the country, its liberty and elections, and prefer re-

\* This shrewd observation wofully applies to the present melancholy and heart-rending position of the starving peasantry of Ireland.—TRANS.

turning to his *Schnapz*, his *Verwalter*, his *Wirths-Haus*, and his *Robooth*. In another sense, take one of our own *squatters* to Europe, and represent every thing to him in the most advantageous light ; you will render him perfectly miserable in the idea of his being bound to pay deference to others superior to himself. They who in destroying the feudal system of Austria imagine to ameliorate the condition of the peasant, grossly deceive themselves if they do not first begin by enlightening him. This change in his condition would be necessary to him, for he could not live happy with this sense of his moral degradation. This is pretty nearly the case with the free mulattoes and negroes in some parts of the Union—while our slaves are happy, and desire no change, whatever may have been said to the contrary. There is no question that the negro is inferior in every respect to the white man, and appears incapable of appreciating the same intellectual enjoyments. Why have they remained in their barbarous state since the commencement of the world to this day ? Why do they return to the same state of barbarism when abandoned to themselves, as is the case at the present day in Hayti ?\*

\* In proof of this, St. Domingo formerly supplied the whole of France with sugar, while actually now there is not sufficient produce to supply even the Island itself. This speaks volumes. This system of idleness and “vagabondage” is *now* especially exemplified in Martinique and Gaudaloupe, and is also more or less so in all the British W. I. colonies, with perhaps the exception of Barbadoes.

The negroes have acquired the drunken habits, gambling, and all the crimes of civilization hitherto unknown to them. They have also contracted diseases to which they were not previously subject, arising from a change of diet and position. In reference to the indolent habits they have contracted—instead of laboring on the estates (where labor is comparatively light, and wages high in consequence of the difficulty of obtaining people), many prefer taking possession of lands belonging either to the crown or private individuals, where snugly concealed by the surrounding primitive forests, &c., nature supplies them abundantly, and they live a life of listless ease

Their happiness is limited to animal felicity, and this they indulge in more freely while in a state of slavery than they would in a free or savage state. This picture which I have here drawn may not correspond perhaps with that of Mr. Wilberforce and his party. And it will be asked how can a negro be happy under the lash of the manager? All this pathos is totally misplaced, though it may have been applicable to the British West Indies. I employ a white laborer—he breaks open my magazine, robs me, is discovered and condemned to hard labor, dishonored for life, and loses what little of morals and honesty he possessed, and his evils are perhaps aggravated by those of his family, for whose support his labor was necessary. Well, suppose now a slave commits the same—he is flogged, and relents. Corporal punishment once inflicted, there remains no bad consequence, while no innocent children are made to suffer for the crimes of the father. Whatever may be said to the contrary, *no cruel punishments are ever inflicted*, for that *would be contrary to the interests of the master*. I hire a man to work for me, he neglects his work, and I discharge him; but I cannot so act with my negroes, and I am consequently compelled to have recourse to punishment. On the larger plantations, where some hundreds of negroes are collected together, a discipline and police regulations more or less severe are necessary, without which all would soon be destroyed or stolen. As to the circumstance of their being separated from their families, they must in the first place have one. In general each attaches himself to some woman, but they however are more disposed to change about from one to another. Those among them who are religiously disposed are married in church, it is true, and do so each time they change, which I have known to happen a dozen times, and receive and indolence. Herein I beg to be distinctly understood. I am not advocating slavery, I am merely stating facts from my own observation and the experience of years.—TRANS.

at the same time the sacrament, while each party has probably, or has had, an equal number of husbands or wives as the case may be.\*

Although the proprietors do all in their power to encourage marriage by offering many little advantages to the contracting parties, it is seldom that a negro marries on the plantation on which he lives; he prefers making a choice among his neighbors.

A well regulated plantation is truly a most interesting spectacle; all prospers, and is governed in the most perfect order. Each negro has a house, and the houses are generally built in regular lines; he has his own poultry and pigs; cultivates his vegetables, and sells them at the market. At sun-rise the sound of the horn calls him to labor, while each has his allotted task in proportion to his physical strength. In general the task is finished between three and four o'clock in the afternoon, allowing him ample time for dinner about noon. The task over, no further service is required of him; he either cultivates his garden, hires himself to his master for extra labor, or takes a stroll to visit his wife or mistress on some adjoining plantation. On Sundays he attires himself in his holiday suit and goes to receive his weekly allowances, and employs

\* I witnessed a ludicrous circumstance in one of the British W. I. Islands just after the emancipation. The clergyman had just married Miss Virginia Hebé, to Mr. Julius Cæsar Pompey. Two days after Mrs. Hebé, with a sorrowful countenance, sought the Rev. gentleman, and stated that "Massa Pompey no good—always quarrel wid me, and talk G—d d—n, and me no *lib* with him never more" But, said the parson, when I married you to him, did I not give him the ring to put on your finger? "Yes, Massa parson." Well then, my good woman, go home again, and remember that ring *joins you to him for life*. No sooner was this awful sentence pronounced than with the ready wit of woman (for negro women have also their share in unison with the sex), Mrs. Hebé replied, giving him the ring, "Take back the ring, Massa—me no married now," and off she ran, and was never after seen by the disconsolate and wo-begone Massa Julius Cæsar Pompey.—TRANS.

the remainder of the day as it may please him. The duty of the manager is to give each his morning task, and in the evening to see that it is properly done; while the proprietor mounts his horse, makes a tour in the plantation and gives the necessary orders. All these are performed with the regularity of regimental duty; and I have myself seen six months pass without one word of censure being called for. Sometimes however it happens there occur disputes and thefts requiring punishment. At Christmas the negroes have three days to themselves. Twice a-year they have the necessaries served out to them, for clothing, &c., which they make up agreeably to their own taste.

Those residing in the *Great House*, as the proprietor's or manager's residence is called, are treated in the same manner as the domestic servants in Europe. Generally they are born and bred up in the family, of which they consider themselves a part, and to which they become much attached, and are very faithful. Whenever a child is born in the family, one of the same sex and age is immediately selected, brought up with it as an adopted child, and becomes its confidential attendant. The little negroes or mulattoes, who are thus brought up in the house, are often excellent sempstresses, and in general very pretty. The mistress pays the strictest attention to their morals, particularly if they are brought up with her daughters; if they misconduct themselves, the punishment of which they have the greatest dread is to threaten to sell them.

Besides these two classes of negroes, there are many workmen, such as carpenters, blacksmiths, tailors, &c. These the proprietors generally take on hire, and treat them in the same manner as they would white people. It often happens the masters arrange with them for an annual stipend, leaving them to work out agreeably to their own choice.

Does this picture, which is in every respect true,

bear, I would ask, any resemblance to the absurd and exaggerated statements of the missionaries? It is easy to select a particular case, to exaggerate and generalize upon it, and follow it up by declamation thereon.

True it is, there exists no law whereby the slave is protected from the ill-treatment of the master. But there exists public opinion, which is more powerful than all the laws. The man who allows himself to be carried away by his passions would, in the language of English writers on this subject, forever forfeit the character of a *gentleman*.

Field negroes are not every where treated alike. In Virginia and Maryland, for example, the farmers give them no task-work, lodge them in large brick houses, where they cook for themselves, and treat them in fact precisely as the farmers do their laborers in Europe. The result of this is, that the slave, forgetting the distance of position which distinguishes him from the freeman, becomes dissatisfied at not being looked upon as his equal, and at not receiving wages; he becomes insolent, is punished; deserts, and is captured, and eventually he is probably sold to some emigrant in some distant country, where he very soon becomes reconciled. To these new countries, the proprietors in general, besides the old family negroes, take with them as many more as their means will permit of their purchasing. Hence a certain degree of severity is necessary at the commencement, to put this heterogeneous mass into something like order; the more so, as the work, being irregular, cannot be divided into tasks, while the new negroes have a lurking desire to try the tempers and characters of their master; if he however possess some degree of energy, this period of probation is not of long duration.

It would be almost impossible to give a digest of the laws relative to slaves, for they differ in the different States; the Constitution of the United States guaranties to the master the right to pursue a runaway slave into

those States wherein no slavery exists. The laws peculiar to the different States in similar cases guaranty every facility to the master. To steal a negro, or aid in his escape, is almost every where a penal offense. A free negro or slave is not permitted at large without a pass, without which any white person may arrest and send him to the first prison they meet with, where he is detained unless he can prove himself free. The children follow the condition of their mother. To the negro who attacks a white person, or offers violent resistance, death is awarded ; and no testimony for a negro is received in justice against a white person. Almost every where, however, the punishment of death can be commuted to that of selling the negro, on condition that he is taken out of the State.

The laws relative to free negroes are much more complicated, and have given rise to much discussion both in Congress and out of it. The equivocal position of this class is attended with much danger in our southern States. It is they, and not the slaves, who are dissatisfied ; it is of them, and not ourselves, of whom these latter are jealous. All these southern States have laws for the regulation of emancipation, which in general is only permitted on condition that the emancipated slave quit the State with the least possible delay. They are subject to a very strict supervision, and in many places have to pay particular taxes. In some States they are obliged to have guardians of their property. In most they may be sold, in order to pay the debts of their masters, contracted previous to their emancipation, and even towards the payment of their present expenses, should they be arrested while traveling without a passport or certificate of their being free. It would however appear that the whole of the legislation of the southern States has for its object the diminution of that unfortunate but dangerous class ; or at least endeavors to engage them to immigrate northward. They however

hold to the southern climate ; besides, we should much deceive ourselves, did we imagine they would experience better treatment in the North or New England. In thirteen out of twenty-four States, they are not permitted to vote by the constitution, while in almost all the others, particular laws exist which prohibit it, and if I mistake not, Pennsylvania and New York are the only places in which they have this liberty of voting.

By very rigorous laws, some of the southern States have forbidden the importation of free negroes, and have subjected them to severe penalties, should they violate them.

The constitutionality of this measure has given rise to a question, which remains undecided, and which may yet remain so for some time to come. It is of rather a delicate nature, which few seem disposed to agitate.

The Constitution of the United States (art. 4, sec. 2. clause 1) declares that all citizens of one State shall enjoy in every other State the same rights as the citizens of those States. Hence a free negro of New York is a citizen of that State, and consequently of all the States ; but a free negro of South Carolina\* is neither a citizen of that nor of the United States, while the free negro of New York considers himself entitled to the rights of citizenship in Charleston.

When Missouri was admitted into the Union in 1821, an article in the constitution of the new State, forbidding the entrance of free people of color within its limits, gave rise in Congress to a long and somewhat dangerous debate ; the article was however assented to, on condition that it

\* In 1840 this State contained 267,360 free persons, white and colored, and 327,360 slaves. The white people elect a Senate and Assembly—the Senate and Assembly elect Electors, and the Electors assist in electing a President and Vice-President of the United States. In 1840 the State voted for Van Buren, in 1844 for Polk, and in 1848 for Cass.



should apply to no citizen of another State ; which, however, instead of enlightening, only tended to render the matter more intricate. The discussion of the admission of this State, commonly called the " Missouri Question," created a strong agitation throughout the Union, and at a certain period even threatened a dissolution. Some States, in order to avoid the question, took upon themselves to levy a high capitulation tax on every free individual of color, and to authorize their sale, should they be unable to pay. Such a measure is quite as unconstitutional as the other.

This class of free people of color gives rise to much embarrassment—for if, on the one hand, common sense admits that, when once free, they ought to be viewed in the same light as the white population—on the other, there exists a prejudice stronger than reason, for retaining them in a moral state of degradation, excluding them from all honorable occupation.

This prejudice is carried still farther in the East, where they experience much harsher treatment than in the South. They become dangerous to our slaves, who are jealous of their life of " nothing to do," while there exists among them a class of preachers connected with the religious societies of the North, of whom I shall presently speak, and who are unremitting in their exertions to create discontent among our negroes. If you take into consideration that the life and property of every inhabitant in the southern States is interested in these measures, it is easy to persuade yourself, constitutionally or not, that we cannot renounce them, and that our separation from the Union would be the consequence of any compulsion. However disastrous such a step might be, it were much better to overcome it than be annihilated. These are not speculative questions, they affect the private interest of all ; and any persuasions to the contrary are preposterous. You would however much deceive yourself did you

imagine we incur any danger. The Union is as secure on this point as on any other; the division of interests and opinions only serves to keep up agitation, which in itself prevents the political ocean from a state of corruption. Who is there that would call for an immediate emancipation of our negroes?—enthusiasts or hypocrites in religion. It is possible that these valiant Don Quixotes may possess the support of public opinion in the North; but can this be compared to the perfect unanimity of the South, based on the strongest political principle—private interest? Moreover, the southern States are not only the most powerful, but also the most wealthy; while a separation would be productive of much more serious evil to the northern than to the southern States. Their vessels would still come for our tobacco, cottons, and sugars, but they would have duties to pay, and would be in no position to support a competition with the British manufactures, while we should continue to obtain our supplies from the cheapest market. Religious enthusiasm in a Yankee does not extend so far as to seek salvation at the expense of his manufactories and commerce, and he takes considerably less interest in the societies of emancipation, abolition, manumission, transportation, colonization, &c., than the honest Quaker of Pennsylvania or Maryland. Some of these enthusiasts endeavor to excite our slaves to revolt, believing thereby to win our salvation. I can, however, hardly credit such a degree of absurdity. Others seek the emancipation, taking under their protection those who are already free, and preventing an aggravation of the laws, which are already so severe. Their end is honest, but they set about its accomplishment in so imprudent a manner that they become dangerous to the masters, inasmuch as like Don Quixote they carry their measures of protection so far, that opposite results are the consequence.

The Colonization Society, however, is quite a distinct affair, and merits notice. It has bought or possessed itself

of a locality in Africa called Liberia, whither those negroes are conveyed who consent to emigrate, when they very soon relapse into their primitive state. This, however, is of no consequence to us, provided we get rid of them. The great difficulty appears to be in the slowness of the Society's operations. Some few dozen culprits or reclaimed females are transported thither from the great Atlantic cities, while in 1820 we had a population of 233,527 people of color. Some years ago a highly respectable gentleman of the name of Grainville came over from St. Domingo on a visit to the northern States, with the object of persuading a large number to emigrate to Hayti ; but they almost all returned, preferring to enjoy the comparative indolence and corruption of our large towns to honest industry in a free country.

In concluding this sketch of slavery and its consequences, I have another observation to make in reference to the ridiculous projects of our Quixotic emancipators. Why precipitate events? The total abolition of slavery *must* one day take place in the United States, when free labor shall be cheaper than slave labor. Did Christianity abolish slavery in Europe? Is it Islamism that perpetuates it in Asia? Neither the one nor the other effected this result; to calculations of private and personal interest alone are to be attributed these contradictory results. Formerly slavery was general throughout the United States; but in proportion as free labor became cheaper legislators abolished it. The same results occurred in Virginia and Maryland; the population having augmented the price of labor, that of negroes fell in proportion. The proprietors get rid of them as soon as they can; while the negroes are purchased in order to transport them into other States where manual labor is dear. In some years there will no longer be any slaves in these two States, and then the legislator will do well, as a matter of form, to abolish it altogether. The same will take place in course

of time in all the States, present and future, and the Union will have got rid of this truly domestic evil.

The greater difficulty exists in knowing how we are to rid ourselves of the free negroes—it is, however, clear that they would cease to be dangerous could they dispossess themselves of the prying influence of those who find their exclusive occupation in meddling with that which in nowise concerns them. General and universal philanthropy is doubtless an excellent and commendable thing, but to it we neither owe our liberty nor our prosperity, nor am I aware that anybody has become the richer by it. It is for us to occupy ourselves assiduously and exclusively with our own immediate affairs without troubling ourselves about those of our neighbor. This wholesome and politic maxim has been bequeathed to us by Washington, and should be put in practice by all who take a real interest in the emancipation of the negro, which must happen sooner or later, but certainly not by blind party spirit or obstinate compulsion.

## CHAPTER V.

### RELIGION.

Agitated State of Europe, compared to the Tranquility reigning in the United States—Dogmas of the Sects—People of the States the most Religious in the World—*Blue Laws* established by Exiles from England—Rigid Observance of Sunday—Ludicrous Extremes—Catholics in Maryland—Penn—Churches and Church Property belong to the People—Sects the most extended in the States—Privileges of the Clergy—Methodists and Baptists most numerous—Their Doctrines—Rustic Temples in the Woods—Singular Meeting—Love and Romance by Moonlight—Piety in Woman akin to Love—Saints and Neophytes—Barbarous Exhibition—Saint Medard—Unitarianism—Doctor Channing the eloquent Divine, their Chief—Presbyterianism of Calvin the Religion of Scotland—Spirit of Competition—Missions and Missionaries—“*Revivals of Faith*”—“*False Prophets*”—Lothario Preachers—Ladies’ Society for Husbands—Religious Societies—Their Objects—Boston—Owen—Miss Wright—The Athenians—Election of Jefferson opposed by the Clergy.

LONDON.

WHILE a death struggle is going on in Europe between those whose object is to maintain institutions which had their origin in barbarous ages, and those who seek to place them on a level with the enlightened spirit of the present day, and while amid the civilized people of all nations a considerable portion, more or less, are struggling for a liberty hitherto unknown to them, and seeking to obtain it more from instinct than mature calculation, it is curious to observe the calm tranquility which reigns throughout the United States—the only country in the world where the principles of liberty are established, unalloyed and without opposition. It is this form of government for which the nations of Europe are now fiercely battling at the price of blood; their ignorance, however, of the true

object of their hopes paralyzes their ill-directed efforts, and renders them abortive.

These reflections have been suggested to me by the popular tumults which have lately taken place in France,\* in which the people have amused themselves in demolishing the crosses erected on the churches, and by a law assimilating the rabbins to the Catholic priests, and Protestant ministers, in rendering them pensioners of the State.

It is not my province to criticise or approve of what has transpired in France, and I shall therefore confine myself to a sketch of the state of religion in the United States, where it exists perfectly free and independent of the government.

I shall not attempt an explanation of the dogmas of the thousand and one sects into which the people are divided. Even to enumerate them would be impossible, as they change every day; appear, disappear, re-unite, and separate, having nothing stable but their *instability*. From the pure dogmas of Unitarianism down to the gross absurdities of Methodism, all shades are found, and all opinions have their followers. In this variety of religions each is at liberty to select his own, to change it when he thinks proper, or remain in suspense, following none. With all this liberty, there is no country in the world in which the people are so religious as in the United States: in the eyes of a stranger they appear too much so; this is merely apparent, however, as I shall presently explain.

When the States of New England were peopled by men banished from the mother country on account of religion, they established a sort of theocratic government among themselves. Although the persecutions which they had endured should have taught them some degree of tolerance, they began to exercise all their power in prosecuting the Quakers, Catholics, and Sorcerers. They had

\* Referring to 1830-1.

compiled a code of laws which, for what reason I know not, they denominated *Blue Laws*, establishing a great many ridiculous practices as an integral part of good morals. Sunday was to be kept with the most rigid observance. On that day they were neither permitted to travel, nor to be seen in the streets (unless going and returning from church), nor to cook anything, nor to even kiss their wives.\* The hair was worn and obliged to be cut in a particular fashion, and certain dishes were only permitted at certain seasons of the year. A thirty-sixth part of the public lands in every town was reserved for the endowment of a school and church of whatever denomination they might think proper, provided it was Protestant. In the States colonized by the Government, such as Virginia and South Carolina, the Church of England was established according to the formula existing in the mother country, and remained so until the Revolution. The Catholics banished from England founded Maryland, and there established intolerance. Louisiana and the Floridas, peopled by French and Spaniards, possessed richly endowed churches and convents. It was reserved for the great Penn first to establish the most complete tolerance of religious worship in the colony of Pennsylvania. This system was gradually followed by the other colonies, and is now the law in all the States. At the period of the adoption of the constitution of the Union, the principle of general tolerance was not only adopted as a part of the federal treaty, but Congress was even interdicted from legislating on subjects of religion.

In all the States the churches and the property appertaining thereto belong not to the priests, but to the congregation. Thus when a new town is founded, a lot is set apart for the first congregation requiring it; trustees are appointed,

\* In Miss Caulkin's "History of Norwich," published by Thos. Robinson of that place, the reader will find many quaint and amusing anecdotes on this subject.—TRANS.

to whom or their successors the lands are given or sold for the benefit of such and such congregation. From that moment a corporation is formed, and is empowered to sell or buy, to sue or be sued at law, according to the existing conditions in the charter of incorporation. This moral party, as it were, makes purchases, borrows money, builds a church, sells or hires out pews, disposes of places in the cemetery, &c. ; and when all these are concluded, elects a pastor, pays, retains or dismisses him, at pleasure. Sometimes he has a fixed salary, sometimes perquisites in addition, the use of a house, or the revenue arising from the hiring out of pews. In fact each congregation makes such or such an arrangement with the clergyman agreeably to their wishes. Many of these congregations are very wealthy, many very poor, or for want of means become bankrupt, in which case their church is sold at auction like any other property.

It not unfrequently happens that a preacher takes it into his head to lecture on subjects not exactly in accordance with the pious doctrines of his congregation, in which case the bishop or the consistory excommunicates him, or they change their form of religion and keep their pastor, or *vice versa*. It generally happens that the party excommunicated, with a minority of the congregation, forms a new sect ; in which case a new corporation is created, and a new church built or purchased. The sect increases, and other churches of the same denomination are constructed ; or it becomes extinct with its congregation and founder, or assumes another form, or is divided in itself, or remains without a pastor, which latter case, however, is of very rare occurrence.

The sects the most extended throughout the United States are the Episcopal or the English Church, and the Presbyterians. In fact all the others may be included therein. Each State forms a diocese. In some there is a fund belonging to all the Episcopal congregations in



common, in order to provide for the expenses of a bishop, a cathedral, and seminary; in others each congregation contributes a certain portion of its revenue for the same object. An Episcopal Convention, composed of a certain number of deputies from each congregation, and a certain number of the clergy, elect the bishop, pay him, and with his assistance direct all the spiritual interests of the church of the State. Deputies from the State Conventions unite now and then, in general convention, with the Episcopal Protestant Church in America.

The Presbyterians do the same, except that having no bishops, the supreme spiritual power rests with the conventions. This is the same in all the other sects which are sufficiently numerous to follow the example. It is, in fact, the dogma of the sovereignty of the people which governs the church as well as the state. Each congregation tells its pastor: We will give you so much to preach such a doctrine. When a congregation differs in doctrine with the convention, it must either yield or secede—a circumstance almost of daily occurrence.\*

\* The following note, taken from a morning paper, is illustrative of this:—TRANS.

PITTSBURG, May 21.

DISGRACEFUL SCENE IN CHURCH ON SUNDAY.—A difficulty took place in the German Presbyterian Church at the commencement of the services yesterday morning. Mr. Demler rose and told the minister, Rev. Mr. Roehler, that he was usurping his place, and that he must immediately leave the premises. Mr. Himmer and others interfered for the purpose of restoring quiet; but the altercation grew fiercer and a general fight ensued, in which both men and women belonging to the congregation participated, and which resulted in the arrest and binding over of Messrs. Himmer and Demler for their appearance at court and to keep the peace in the meantime. It has been deemed prudent by the authorities to lock up the church until the difficulty is settled. It appears that there is a division among the members of the church, and that this disgraceful scene originated in the attempt of the minority to keep possession of the keys of the church against the express will of the majority.

All these congregations, conventions, &c., are recognized by the law merely as corporations having the faculty of purchasing, selling, suing, or being sued in justice, in the same manner as other corporations, having for their object charities, public works, or commercial speculations. The Masonic orders and lodges are incorporated in the same manner, as well as the museums, picture galleries, and learned societies. The privileges of the members of the clergy are confined to exemption from military duties, and juries, the same as with postmasters, schoolmasters, doctors, &c. In some States, they are exempt from paying bridge and turnpike tolls, provided they are traveling on affairs of religion. In others, they are excluded from all eligibility in public matters. These privileges and incapacities apply equally to the ministers of all religions, provided they are recognized as such by a congregation; and apply to them only so long as they remain in their pastoral office. In truth, anybody, if he feels so disposed, may preach if he can find an audience to listen to him, which is not difficult; and from this moment, he is looked upon as a clergyman. This is especially the case with the Methodists and Baptists. These two sects, which are the most numerous in the United States, especially in the South, believe in predestination, and efficient grace. They believe that, as soon as a man has received pardon, has been converted and is secure in the internal possession of the Holy Spirit, he is one of the elect, and that from that moment he can no longer sin, and if so, it is the evil one through him. The Methodists are certainly the most extraordinary sect, as being the most characteristic, and most extensive throughout the Union. They have bishops, congregations and churches like other sects; but in addition to these, they have assemblies of those who are converted, or, to use their own expression, *saints*, where every body preaches, speaks, and sings, all together. Where they have no fixed churches, they have elders who

exhort them. All the country is divided into districts, each of which has its *circuit-rider*, whose duty consists in visiting all the churches, congregations, assemblies and families of his district, and keeping up the spirit of fanaticism.

Once or twice a year, in each district, a *camp-meeting* is held. For this object, a favorable spot is selected in the woods, generally in the neighborhood of a spring or stream of water. A large circular space is cleared out beneath the shade of the giant oaks of the forest; and rows of banks or seats are made of the rude timber just felled for the occasion; out of which materials a sort of pulpit for oratory is also constructed, capable of containing a dozen preachers at once. The most remarkable part, however, of this rustic temple is the *pen* or sheep-fold, a sort of *sanctum-sanctorum*. It occupies a space equal to about a dozen square meters, enclosed like a cattle-pen, and filled with straw to about a foot in depth. All the religious families of the neighborhood attend, or previously send people to construct a sort of shed for their use, on the skirts of the circle which has been cleared out. Hence, about the period fixed for the meeting, this part of the wood assumes the appearance of a small village composed of rustic dwellings, or rude accommodations for cavalry, though not so regular. On the day fixed, which is generally a Sunday, families arrive in crowds, on horseback, coaches, or wagons, taking with them their beds, furniture, and kitchen utensils; while each installs itself, as if intending to take up its quarters in this sylvan retreat for months. All the Methodist preachers, exhorters, elders, circuit-riders, &c., take good care to be there from within a hundred miles of the surrounding country. The bishop, or local preacher, or circuit-rider, according to circumstances, begins the ceremony by giving out a psalm, which is sung by the people; this is followed by a prayer, and afterwards a sermon, or two or three, according to the in-

spiration of the preachers in the pulpit. The service continues in this manner, almost without interruption, during five or six days. I do not mean to say that they remain there listening or preaching the whole time; on the contrary, all are at liberty to do as they please. The rich have very good dinners, in their cabins, to which they invite the preachers and the poor. All are at liberty to take a part in the service, or not, just as they please; while it not unfrequently happens, that the young people of both sexes take advantage of these meetings to make love and propose marriages. The *tout ensemble* presents a beautifully romantic appearance, while roaming, amid the umbrageous foliage of the gigantic primitive trees of the forest by moonlight, and hearing in the distance the voice of song in hymns, or the eloquence of the half-frantic and inspired preachers, with a fair damsel, whose emotions are excited to enthusiasm by the scene around, while her mother, perchance, imagines her to be most devoutly occupied in prayer. Piety in the heart of woman has a sweet influence, which melts the soul to love, as love is akin to devotion; hence, it is not to be wondered at, that in these nocturnal promenades by moonlight, prayers are addressed to other altars than to those of religion. In fact, a real *camp-meeting* is deemed most convenient, on many accounts. It is a point of reünion for all idlers and young people, for those who have bargains to make or conclude, for candidates who are canvassing for election. Each attends to his or her own little private affairs, whether it be to sleep, eat, make love, sell a horse, disparage or elevate a candidate. At times the sacred precincts are deserted; silence, for the first time, reigns around the pulpit; the full moon, although in the middle of her course, is veiled by a passing cloud, and the stillness of the solitude seems to invite the soul to rest, and forget the thoughts and cares of the day, when a preacher, alone, and kneeling within the pulpit, gradually raises himself in a

moment of enthusiastic inspiration, and pours forth a hymn, beginning in a feeble voice which *crescendo* by degrees assumes that of a veritable stentor. Some pious devotees will now take their places at the benches; other preachers join in, and prayer or curiosity speedily forms an audience. An enthusiastic or pathetic prayer follows: in which the orator beseeches the saints to pray for the conversion of the poor sinners among them; he represents to them both the grandeur and the mercy of the Almighty, the pangs of perdition, exhorts them to cast aside all false shame, to come forward and unite with their brethren in praying pardon for their transgressions. Five or six persons will now arise, slowly advance towards the *sanctum-sanctorum*, and in presence of so many converts, their zeal increasing to a perfect phrensy, they depute two saints to pray with each of the new comers. The *neophyte*, or newly converted one, kneels down on the straw, sighing in self-accusation, sobbing and weeping, while near him on either side a saint, also kneeling, vociferates in his ear, after his own fashion, a description of the glory of the Almighty, and the wickedness of Satan. These eighteen or twenty persons, probably men and women, in the sheep-fold, now commence an uproar which may be heard at the distance of miles, crying aloud, singing, praying, weeping or preaching all together. The bats and owls, attracted by the savory fumes of the kitchens, reply from their elevated resting places; and affrighted fly away from this scene of tumult which nothing in the world can equal.

It may happen that a young female may have wandered with her lover in the woods, beyond prudential steps. Time passes so quickly away when with the fond object of our love! when, for the first time, and in the spring-time of life, dreaming of years of happiness in a cherished union, and hearts wrapt, as it were, in all the ideal dreams of bliss, in passionate declarations! This discordant tumult startles and awakes her from her fond dream of virgin

love ; with a troubled spirit, her soul full of emotion from a bliss hitherto unknown and unfelt, and her nerves excited and shaken, she approaches the spot with fear and trembling. She believes herself lost—then, as a convert, she enters the sacred precincts, and herself becomes hysterical with sighing, weeping, and crying, and casting herself down on the straw, almost in a state of frantic delirium.

The assistants, preachers, and saints, redouble their efforts and vociferations, to which the people cry “ Amen.” The noise and tumult increase, a conversion so penitent and exemplary must not be buried in darkness, torches of resinous wood, procured from the neighboring pines, are soon put in requisition, throwing a luminous and vivid glow over the surrounding scene of horrors ! The tumult calls forth the mother and sisters of the young female, who, instead of aiding her, give thanks to the Almighty, who in his mercy has been pleased to number her with the saints. They join their voices with those of the people, and only carry her back to their cabin when she has become completely exhausted and inanimate. On the following morning, she believes in her sanctity, she is no longer subject to sin, whatever she may do. Even more, she will give what is called her *experience* to the community, and will in public relate by what signal and mysterious means the Supreme Being has been pleased to win her to him, and in the fervency of her devotion exhort others to follow her example.\*

This power of imitation acts so strongly on the nervous system, that it rarely happens that a *conversion* of this nature takes place without some of the spectators being also affected to hysterics. Frequently a score of people of all ages, all sexes and colors, are seen rolling about pêle môle

\* All this may have occurred many years ago, in the darker days of superstition, but in the present enlightened age, we doubt it much, and at least hope such revolting and barbarous exhibitions exist nowhere in the United States.—TRANS.

on the straw, with haggard eyes, foaming at the mouth, in the midst of their saints, who are praying, singing, weeping, and crying with joy, at beholding so glorious a triumph achieved over his Satanic Majesty. Methodism considers them all on an equality—so that you may see an old negress preaching to her master, or a negro to his young mistress. Perhaps you may imagine I am joking in all this, or that I am reminding you of the farcical feats of Saint Medard, which created so much sensation in the time of Voltaire; what will you say, however, when I inform you that among a people, so eminently rational, this sect is so extensively diffused, that it probably has thrice the number of followers any other boasts! It increases daily, and will probably in some years' time be the only religion among the ignorant class of people in the Union.

Unitarianism promises to become the dominant sect among the more enlightened class. Although its numbers are as yet inconsiderable, it is making rapid progress.\* Nothing can be more simple than its tenets. They who hold to it believe not in the Holy Ghost, and consider the Savior only in the light of an inspired man, created to serve as a model to the world. They have no belief in the eternity of future punishments, and cast aside altogether the idea of the inspiration of the Old Testament. Their worship is pure, elegant, and free from all sort of ceremony and superstition; they address themselves solely to the minds' reason, both in the selected hymns which they sing, and in their sermons, which are generally moral discourses, possessing real literary merit. They have at their head a man of the rarest merit, and most exemplary virtue, a true Plato, Doctor Channing; nothing can surpass his eloquence, nor the purity of his morality, and of the doctrine

\* I would premise that these opinions on the various religious sects and doctrines date from the year 1831.—TRANS.

which he inculcates. He has gained over a considerable number of disciples, which augurs much for the future. The liberality of this sect calls down upon them the enmity of all others, and none more so than that of the Presbyterians. They reproach them with being nothing more nor less than ill-disguised Deists, and with blaspheming the name of the Savior each time they invoke it. Others find the first reproach well founded, and in which they do not even go far enough.

Of all the sects in the United States, the most formidable is the Presbyterian. Its bilious children, rigid disciples of the gloomy Calvin, have inherited all his gall and venom, and do not scruple to arm the Divinity with their spirit of vengeance and Satanic wickedness. According to their doctrine, all men have been created indistinctly to be condemned, which they richly deserve for having committed the crime of their very birth. The Almighty, however, through an act of clemency, sent his son to suffer for a part of the future race, and permitted his perfections and power to extend to a select few predestined beings. Those included in this number will be saved; the others, whatever be their merits, will be condemned, for, say they, good works cannot of themselves obtain pardon for the original sin. And our Savior only applies the merits of his atonement to whomsoever it pleaseth him. There are even some among them, who go so far as to preach, that good works are contrary to salvation, from their inspiring a false confidence. Beautiful religion truly! better be lost at once, than believe in so preposterous a doctrine.\* This sect, which was, and if I mistake not is still, the prevailing religion in Scotland, where the inimitable and immortal Walter Scott described it to us in such true colors, in the times of its highest dominion, is very numerous in the United States. Be it either real faith or

\* This is rather a severe if not an exaggerated opinion of the Calvinists.—TRANS.



hypocrisy, it displays more zeal in gaining over converts than all the others put together. And had it its own free will, it would speedily carry us back to the times of the old *blue laws*. True, it is divided into a thousand different sects, as regards doctrine, for few of their preachers go so far as I may have stated; but notwithstanding this, they are all united by their discipline, and present externally a solid phalanx, whatever may be their internal dissensions. It is principally they who send missionaries everywhere to preach, who publish pamphlets, and found societies of a thousand different varieties.

In the United States, rivalry or competition is the great maxim of the public spirit, and this distinctive trait is found everywhere; as well in the government, as in private enterprise, and the church. Many young men receive an altogether literary education, in the thousand and one colleges of the Union; those who have an independence, or means sufficient to enable them to begin a profession, without being altogether dependent upon it, do very well. But there are many, who, possessing nothing, being the sons of poor cultivators or mechanics, can no longer think of quitting the muses for the plough or plane. This is particularly the case in New England, where all are more or less well brought up. The most enterprising among them become lawyers or doctors, and, finding the posts in the neighborhood occupied, establish themselves on the frontiers. Many become schoolmasters, and in truth, throughout the Union, there is scarcely one of this useful class, who does not come from these States. The most idle become preachers. This career never extends so far as the two former, but it is more certain, and is profitable from the commencement, while in the other professions, of law and medicine, it is necessary to have acquired some reputation, before possessing the means of existence.

If the young preacher possess talent, he enters into a

discussion with the elders on some obscure point of doctrine, becomes excommunicated, exclaims against their persecution of him, founds a new sect, and makes his fortune. In this attempt, however, he may make a total failure, while the surest way is for him to enroll himself quietly with the Presbyterian clergy. But it may be asked, with so limited a number of good congregations who pay well, and which the elders naturally wish to keep to themselves, how is this innumerable host of minor preachers to be provided for? Sacerdotal ingenuity thus deploys itself. In the first place missions must be established among pagan nations. They already exist in Continental India, and especially in the Islands of the Pacific Ocean, where the American priests have created for themselves a little Paraguay in the Sandwich Islands, and where they have at the same time done much harm in putting a stop to the only commerce for which the inhabitants of the country felt an inclination. There are some also among our Indian tribes, whom they imagine they civilize, and who also do much harm in encouraging them to resist and oppose the government for fear of losing their *stations*, which ordinarily consist of very fine productive farms. Besides these, there are many more scattered throughout the United States, where there is no regular established church of their persuasion. They travel on horseback, putting up among their converts, where both "man and horse" are well provided for, for which they pay in prayers and sermons. They correspond with directing committees, raise subscriptions for the building of churches, which perchance may never exist, preaching everywhere, converting, intriguing, sowing dissensions in families, and when they have succeeded in making an impression, and gaining over about a dozen people in a village, celebrate what they call a *revival of faith*. To this effect, five or six preachers, at least, assemble to pray, sing and preach all day for several consecutive days. The minds of the people become excited, their spirits ex-

alted (especially among the women), they fast, make subscriptions to build or repair the church, or for some other pious object. Bibles are then distributed, also pamphlets and other religious journals or tracts, a religious society is organized, a lay committee is named to go from door to door to inquire after the spiritual welfare of the families, and to exhort them to go to church, and avail themselves of the moment while the door of mercy and salvation is opened to them, whereby they may enter into the holy communion of the saints. These gentlemen are however not very courteously received by those whose opinions are already decided; but timid people who had at first concealed themselves dare not resist them, and on their conversion go to swell the list which is forwarded to head-quarters. The apparent object of these *revivals* is to place a new and handsome Bible in all the houses of the place, to mulct the credulous peasants in a certain portion of their hard earned gains in order to circulate it; which you can well imagine, while they forbid them their little harmless recreations, break their fiddles and flutes, dance off the dancing master, extends the countenances of the inhabitants to a foot in length, and gives their complexions a jaundiced appearance. These effects, however, do not last long, for the young ladies begin very soon to perceive that these changes by no means increase their chances of matrimony, and now that these young missionaries, so sanctified and eloquent, showing their fine white teeth, and displaying their handsome embroidered linen, are off without making a choice among the belles of the place, they console themselves, and are replaced by a brigade of topographical engineers, who come to make the plan of a canal, and who, in handsome uniforms, swear, drink *mint juleps*, go not to church, but dance and make love. With all this, gayety is re-established, and to captivate them faith disappears, the countenance assumes its wonted fullness of health, and the

belles recover the lost roses on their blooming cheeks so natural to them.

Marriage is however sometimes a favorite speculation with young preachers. If they are handsome, by dressing well and taking a special care to say little, they find means to succeed, and if the father of some rich fair one be ever so little religiously inclined, it only remains for him to gain over his spiritual assistance on the same conditions as the *malade imaginaire* won over his physician. In general, however, if he be young, the preacher who marries a rich heiress throws off the gown, and becomes either a farmer or a merchant.

Pious people have so much regard for their pastors, that there exists in New England (at New Haven if I mistake not) a society of ladies whose province it is to obtain wives for the missionaries who are about leaving for distant countries. As soon as the Foreign or Home Missionary Society has resolved to establish a new station either in Cochin-China, one of the Islands of the Pacific, or the Western Deserts, they fix a salary, and select some young man to fill the office. He officially announces his appointment to the ladies' society, who provide him with a wife; and they are not unfrequently married without even having previously seen each other, and pass directly from the altar on board the ship, in which they will probably make a voyage half round the world before they have time to recover from their astonishment at this sudden transition to the connubial state.

The number of religious societies existing in the United States is truly astonishing. They are to be found everywhere. Their object is to distribute Bibles, tracts, and religious journals, convert, civilize and educate the Indians, marry the missionaries, take charge of their widows and orphans; to preach, extend, purify, preserve and reform the gospel; construct churches, endow congregations, support schools, catechize and convert sailors, negroes and

unfortunate females ; to see that Sunday is religiously observed, establish Sunday-schools, where young females are employed in teaching the little idle children in reading and the catechism, and lastly, reclaiming drunkards. This last society (temperance) has above all others extensive ramifications. The members are pledged to drink no distilled liquors, nor allow others to do so in their residences ; wine however is an exception to this rule with all these religions. These societies have multiplied an hundred-fold. There is certainly no clergy in the world which costs so much to the people as the American ; to do them justice, however, these contributions are wholly voluntary.

A young man who enters the church is not long in making himself comfortable—if not his fortune. If he is handsome he marries—if a man of talents he preaches, becomes distinguished by his writings, or as chief of a new sect—and if he is clever in general affairs, he forms some new society, of which he takes the sole direction. You will probably ask, after having perused this, whether religion in these forms, supported by such means, and having the command of so large a capital, does not make rapid progress, and as it were, carry all before it ? It is not so ; as a ship laboring against the tide appears to advance rapidly, if we observe the current, but remains almost stationary when seen from the land. So is the church subject to the great conflicting currents of public opinion, literature and the philosophy of the age, which nothing can resist. Boston was formerly the center of bigotry ; it is now the abode of that philosophic sect the Unitarians, and has become the sanctuary of letters, &c. You can cite few men of that city distinguished in politics or literature who are not Unitarian in principle. The University at Cambridge, which is hard by, forms their headquarters, whence it is disseminated from one end of the Union to the other.

In this land of liberty all are free to entertain and pro-

mulgate their own opinions, provided they do not come in collision with the civil law of the country. Hence the United States has been the refuge of all classes of visionaries. The Moravian Brothers, Shaking Quakers, Harmonists, Robert Owen, and Miss Wright, have transported themselves hither, and taken up their abode among us. I shall not notice the first of these, whom I look upon as a species of monomaniacs, whose numbers have neither increased nor decreased since their foundation—of whom nobody troubles themselves, and who possess no influence whatever on the spirit of the age. The two latter, however, are different, and merit notice. All know Mr. Owen, the proprietor of New Lanark, in Scotland, where he founded a community of workmen in the manufacturing line. These people lived in common; their children were well brought up; they dressed well; studied literature and the arts in their leisure hours from labor, which, though few, were much more productive than the work done in other establishments of a like nature, as all was so admirably arranged. Hence he encouraged the idea that the actual state of society might be so reformed as effectually to destroy all causes of moral and physical evil. It therefore only remained for them to live in common after the plan which he suggested. Proprietor of an immense fortune, followed by ardent disciples, himself most enthusiastic, and possessing much good faith, endowed with a remarkable aptitude for business, winning persuasion, and a patience above trial, he came to the United States, with the object of establishing his plans. His doctrine is the most complete as regards materialism and atheism. He denies the existence of all moral evil—considers the only object or end of existence that of happiness; to accomplish which, in his opinion, all measures are allowable. He attributes to physical all the phenomena of moral order. He denies not the existence of crime, but attributes it to the obstacles which society in its present state opposes to

the happiness of a majority of individuals, and deems that opposing it will eventually destroy them. There can be no doubt that if all the world were happy, there would be no crimes. But happiness is differently viewed by different characters. Hence Mr. Owen draws his own conclusions accordingly. He assumes that all possess talents for some particular occupation, but in that they ought not to pride themselves, since it is the result of their peculiar organization; that all arts, trades and professions are therefore equal in dignity,—and hence remuneration of all labor should be equal in point of salary; that if in his proposed community-towns, each worked six or eight hours a day, according to will, the result would be an abundance of all the enjoyments of luxury and the arts; a surplus of capital to be employed in educating the future generations, which being born in the midst of plenty and happiness, brought up divested of our prejudices, our vices and wants, in ignorance even of their existence, could not fail to make immense progress in the arts and sciences so necessary to happiness. It must, however, be borne in mind, that there exists no curb or restraint to this illimited liberty which he would give them. Marriage is unknown. They unite and part as it pleases them, while the children are brought up at the general expense of all. It is true, that far from encouraging libertine life, he assumes that man, being a *monogamous* animal, may be permitted to choose a companion, to whom, after a slight previous intercourse he might be more attached, than if bound by lawful wedlock. There is some probability in this, though to me it appears in the light of a dream of the transformation of earth into a universal Arcadia; and man and woman innocent as when they first knew Eden, enjoying an uninterrupted state of happiness above what we can conceive in our present state of frail corruption. Thus promulgating the destruction of all constituted institutions in the country

within two years, and preaching atheism, this honest enthusiast traversed the country, and purchased immense property in the West. He preached everywhere, even before Congress; he even won over many literary partisans, or rather young naturalists and medical students. With these he set out for the desert, established a community there, spent large sums of money, and returned from thence some time after. Philadelphia, however, still preserved its population. The institutions of the old society still existed, and in a word, his wild project turned out a complete failure. He returned to England, where he now is,\* and where he gave out and maintained, that of all countries America was the most corrupt, and the least adapted to appreciate his doctrines. The society which he had formed still existed, and even published a journal. His followers, in adapting his theory to a certain point, have altogether abandoned the idea of his community-towns. He saw it was much easier to find young artists, medical students and naturalists, than workmen, cooks and sentimental cobblers, or young men well educated, who would feel a natural taste for brushing their own clothes, or laboring at carrying a hod half the day, passing the remainder in literary and philosophical conversations, and at the same time giving themselves up to the pure and refined pleasures of sentiment.

Owen failed completely, although he certainly created a sensation. His frank and polished but decided manner of attacking Revelation did not fail to produce a strong sensation. He is never offended; looking upon a man who would strike him, in the same light as he would a falling tree, striking him upon his head. He endeavors to avoid it, but is never angry. His arrival created a great stir among the clergy, who feared that persecuting him would only serve to strengthen him. At a later period a Rev. Mr. Campbell consented to support a public thesis

\* If I mistake not, he is now dead.



against him in a church. It lasted several days, in presence of an immense assemblage; and when the question was put to the vote, the priest carried his point by an immense majority. Notwithstanding this, people accustomed themselves to listen to and read free discussions on the foundations of his faith, and to reflect thereon without prejudice. About forty years ago Thomas Paine was near being stoned to death, for supporting doctrines which are now propagated by five or six journals in the United States.

It would have been more rational if the disciples of Mr. Owen had confined themselves to attacking old prejudices and errors instead of disseminating new ones, whose object was certainly not the reformation of society. Miss Wright, a woman possessing much talent, has taken up the cause of the negro and Indian of her sex, so cruelly oppressed by the tyranny of mankind, and occasionally adds some little diatribes against all kinds of social order, traveling throughout the Union, preaching materialism and anarchy, in the name of virtue and liberty.

Many other disciples of the same sect have established themselves in the large cities, endeavoring to produce a political convulsion by influencing the minds of the poorer and laboring classes, and exciting them against the rich and all social order. They preach agrarian laws, equal division of property, the universality of a gratuitous classical education; and endeavor by that means to elevate themselves to power. They have already succeeded in carrying two elections, even in New York—but this influence soon died away. The people of the Union are too happy and too rational to allow themselves to be influenced by such jugglery—which may be called true St. Simonian atheism. All these sects produce much more good than harm—for even if they win over some lunatics they call forth discussion and opposite opinions among enlightened men, and counterbalance the efforts of the clergy.

The mass of the Athenian people were neither cynical, epicurean nor peripatetic. These sects existed, argued, the nation became enlightened, judged and doubted. The people of the States are following in the same steps, but whatever may be the religion, it will never take an Owenite tendency. It will be wise and happy, and delivered from the yoke which at present oppresses her.

We must admit that on a first view of the general physiognomy of the United States, religion is the only point which astonishes a stranger. Sunday, especially in the North and East, is a day which is kept with the most rigid observance. On that day there is no theatre nor society, the shops are closed, the streets comparatively deserted and communications generally interrupted. Scarcely will they permit the postoffice in the States to transport dispatches—and for this we had to thank the representatives from the South. People only go out to attend church.

On the subject of religion, the opinion which has been formed in general of the force of religious prejudices is much exaggerated. The incredulous party have only to be made sensible of their strength in order to subdue the yoke of superstition, and have of late years made rapid progress towards this desirable end. At one period the clergy with all their influence could not prevent the election of Mr. Jefferson, who had publicly denied all belief in the Bible. In fifty years hence further and more important changes will become developed.

## CHAPTER VI.

### ON THE ADMINISTRATION OF JUSTICE.

Murat Commences his Legal Career at the age of twenty-six—Anecdote of his Escape from Naples—Pleasures of the Legal Profession—Influence of a Barrister, his Importance at the Bar, his Triumphs—Anecdotes of Brougham, Eldon, Burke, O'Connell, &c.—Laws of America differ from those of England—Constitution of America and of each separate State—Virginia—Treaties with Foreign Powers—Treaties by the Executive—The Statutes—Common Law, its origin—Laws of Ancient Britons, Anglo-Saxons and Normans—Sir William Blackstone, his Commentaries—Lord Coke—Absurdities in Common Law—Anecdotes—Lord Brougham—Jeremy Bentham—Statutes of Donis—Study of the Law—Digests—Tribunals in the States—Lord Chancellor of England, Keeper of the Great Seal and the King's Conscience—Powers of a Chancellor—John Marshall—Writs of Habeas-Corpus—Mandamus—Quo Warranto—Law-Courts, &c.

#### BRUSSELS.

DESTINY has placed me in many singular positions, and often of an opposite character. I have always obeyed its decrees, curious to know where my little adventurous bark would conduct me. I have never had real cause to complain, and I have gathered flowers from the banks, to which I had been transported without knowing how; while it has often happened, that the shores which I looked upon as barren have proved to be the most fertile in agreeable sensations. For example: established in a new country, such as I have already described, reverses of fortune rendered my financial position rather embarrassing. At the age of twenty-six I commenced my legal career.\* I purchased my professional library from one of

\* Prince Achille Murat (eldest son of the heroic "beau sabreur" and unfortunate king of Naples), like another Thaddeus, has led, as "the world goes," an adventurous life. While serving under him as Colonel in the Foreign Legion in the fortress of Ath, during the

my neighbors retiring from practice, for a pair of oxen and a bill at long date ; and began to study law during the winter, not altogether forgetting my plantation duties ; and what I anticipated would turn out to be a disagreeable occupation, as being altogether so contrary to my previous career and habits, I became extremely attached to, pursued it with enthusiasm, and have ever since spoken of it with most pleasing reflections. With us the *avocat* is looked upon as almost the first man in the State ; he forms the true aristocracy of the country, for besides the moral and political influence which he enjoys, his life is one continued series of interesting occupations, in which he is both actor and spectator. Nothing in my opinion is so interesting as the interior of a tribunal. A theatre is but a feeble comparison to a court of justice, for in the latter we have truth in

war in Belgium, he related to me the following anecdote emblematic of life's vicissitudes :—

When the royal family were driven from Naples, and after his life had been attempted by poison (the terrible effects of which affected his constitution till his death), he made his escape with the assistance of some devoted partisans, and embarked on board a merchantman bound to Liverpool in the disguise of a sailor-boy, and worked his way before the mast. It happened that a gentleman of the legal profession was on board, who now and then during the passage particularly noticed him. Before the voyage was half over he entered frequently into conversation with him, and was struck with the intelligence he evinced. Arrived at Liverpool, the gentleman offered him money, which he declined. He then invited Murat to breakfast with him ; after partaking of which and enjoying an agreeable intellectual conversation, the *sailor-boy*, wishing to return the compliment, invited the gentleman in return. This astonished his host not a little ; however, “ for the fun of the thing ” the gentleman accepted. And on calling on his guest the following morning, what was his astonishment at finding the *sailor* turned into the gentleman, surrounded with elegance, and a breakfast fit for a Lucullus. Murat explained ; he was the exiled Prince of the Two Sicilies, and made his escape in the disguise of a sailor, to escape the horrors of a cruel death at the hands of despotism.—TRANS.

the scenes before us. Tragedy, farce, drama, comedy—all are there, while the actors are much better, inasmuch as they represent the passions which they really feel. I speak of the parties and their witnesses. You must yourself have practiced to know the pleasure one feels in following up an idea, and *unmestling* a law, which seemed to have escaped you after toiling through the intricate mazes of twenty musty volumes. And when you find it; after having verified a thousand citations, what a triumph! Very different to running over a twenty mile course in a fox-hunt! You now address the court; with what pleasure you enjoy the perplexity and surprise of your opponent at your fortunate discovery! He wishes to put off the cause—you oppose it—he must plead *instanter*. The examination of witnesses begins. All are in his favor—until you cross-examine. I know nothing more amusing than in the presence of a good jury to examine a witness half fool and half knave, who has already had his instructions from the opposite party. What artifice it requires to upset him, and afterwards with what facility the skillful arguments of your adversary are annihilated!\* Then

\* Many incidents of this nature might be quoted of gentlemen of the legal profession and orators rising to wealth and honor, through a “case in point,” and in the language of Shakspeare, taking “the tide at its flood.” Scott, an obscure barrister, from a fortunate case rose to become Earl Eldon and Lord High Chancellor. Mr. Brougham from his eloquent defense of Queen Caroline and ultimate triumph, rose into public fame, and became Lord Brougham and Vaux, and Lord High Chancellor, although he has now forgotten and repudiated those patriotic and honorable principles which raised him to the peerage of his country. Burke became immortalized in the celebrated impeachment of Lord Hastings, as did Sheridan, Curran, Grattan, the last not only, however, in this trial, but in the great cause of the independence of America. The great agitator O’Connell also rose to distinction from the eloquence, tact and universal success with which he conducted his cases, and a perusal of the history of his life would be no less instructive to the barrister than entertaining to the reading public in general. His

follow the pleadings ; in which the actor is developed, and in which he deploys all his energy and most brilliant efforts ; and whether we come off triumphant, whether we win or lose the cause, we at least have the satisfaction of knowing that in conscience we did all in our power in behalf of our client, who, even should his counsel lose a well-conducted suit, cannot but unite with the bar and audience in their flattering encomiums on his eloquent and laudable efforts to gain it. So that whatever may be the fate of the cause, it always affords a barrister some degree of triumph. Whenever I speak of this profession it is always *con amore*. The hours I spent therein were the happiest in my life. I will now endeavor to afford you some idea (imperfect as it may be) of the legal profession and of the administration of justice in the United States. Having here however no works with me, I cannot as I ought quote from authorities. I will abstain from making any comparison between the French and American systems, because the former is not so familiar to me.

Our government and institutions are founded on experience. True it is that nearly two generations have passed away since the Revolution, to which the Union owes its existence, and that up to this period, taking into consideration the general progress which has been made, you will confess that our essay has been by no means a failure. I have already had occasion to remark, that the principle of our government is altogether new, and but little known out of the United States. It consists in the sovereignty of the law, and in the supremacy granted to its ministers and expounders.

It becomes therefore of some importance to examine its origin, and different kinds.

skill in cross-examining, and his profound knowledge of the Irish character, has saved many an innocent man, and not a few criminals, by his force of persuasion and pertinent remarks influencing the jury, accompanied by an exuberance of witty illustrations, as well as "facts in point."—TRANS.

The people of the United States being sovereign, not only in theory and right, and every where, but also in practice, and by the written law of the land, it has pleased the people to give themselves a Constitution, and intrust to certain hands the exercise of the supreme power. So long therefore as the Constitution shall exist, it is the *paramount* law, all-powerful, and which all must obey. The people made it, and they alone can amend or destroy it; on this point it is executive in all the courts of justice, and no law to the contrary can exist. This is the great distinction between England and the United States. In England, according to the laws of the country, the British Parliament—composed of the king or queen, peers and commoners—is absolute, and knows of no obstacle to its authority. It can reorganize itself, as several historical facts prove. In the United States this power rests with the people, assembled in convention, or in the expression of its will in any other explicit manner.

All American law, therefore, has its origin from the solemn act of the Declaration of Independence on the 4th July, 1776, by the American Congress. The people declared themselves free, independent and sovereign; and as by this new and solemn declaration they gave themselves a ruler, that supreme power exists both in fact and law.

I have already observed that the existing Constitution of the United States was adopted by a convention in 1788. It has already been several times amended, but until it becomes changed it must govern; and long may it do so! and protect us in our rapid advance in civilization and prosperity! To our Constitution we are indebted for all! It is the ark of the Lord, and wo to him who touches it!

Besides the general Constitution, each State has its own; some older, others of later date. There are even one or two which existed previous to the Revolution, still

known under the name of *charters*, and considered to have been granted by the proprietors or by the crown.

When a Territory acquires a population of 40,000 souls, a convention is convoked by authority of an Act of Congress, and a constitution framed, which however must meet the approval of Congress before it is admitted into the Union as a State. This is not a difficult matter to frame, considering the already numerous existing States. When the people of a State discover any defects therein, they never think of revolting, or creating riots; but only endeavor to elect members to the legislature, who will consent to convoke a convention. The State of Virginia presents a remarkable example of this. For a long time there existed two opposite parties, one of which was for upsetting the Constitution. That which they complained of was the fixing of an electoral quit-rent, and the partition of the representation, which gave all the influence and power to that part of the State the oldest inhabited, while the other more recently settled, though by far the richer of the two, was altogether sacrificed. They who found the old Constitution to their advantage defended it, while the others opposed it. The parties were nearly equal; and for several years, all the elections depended on this question. At last the Legislature, not wishing to decide the question, ordered by law, that at a future election, each should add to his vote the word *convention* or *non-convention*, and that then the majority should decide. The result was, that the *modern* part succeeded by a small majority. The convention was convoked, and never perhaps was there an assembly more remarkable for its talents, virtues and experience. All the most distinguished men of the State were elected, for all are eligible to a convention, whatever place they may fill elsewhere. Thus the members of Congress, the old presidents, judges of the various States of the Union, as of the State itself, officers of the Federal army and navy, all persons ineligible by



their position, were there united. After a very long and stormy session, they adopted a constitution, which was submitted to the suffrages of the people, and passing by a feeble majority, that became the fundamental law of the State. This constitution extends the electoral right to every white man paying taxes, equalizes the representation, and completely changes the organization of the tribunals. Is not this manner of proceeding in the re-formation of our institutions far better than to cut one another's throats for years, and then only end in anarchy or despotism?

The Constitution of the United States is above that of the States, so that if any of the latter contain provisions contrary to the former they would be devoid of all law and right. If for example, a State convention adopted an hereditary magistracy, or titles of nobility, that article or decree would be considered as void, and the courts of justice would refuse the party all claims under it. The Constitution is therefore respectively for the United States, as well as each separate State, the highest law, and against it no power can prevail or legislate.

Treaties with foreign powers are that kind of law holding a secondary rank in point of dignity. Next to the Constitution, they form the supreme law of the country, so that every law may be amended or abrogated by a treaty. This provision is very remarkable, in that the treaties are negotiated by the executive power alone, and are ratified by the President and Senate only; so that the Constitution would appear to give these two powers the faculty of destroying acts in which the Chamber of Representatives had also concurred. This is however a wise provision. For if it becomes necessary to make a treaty in order to modify a law, it is well to simplify as much as possible the means of doing so. Besides, as all laws relating to finance must first be laid before the Chamber of Representatives, it results that every treaty exerting an influence on the

finances of the State, or which would be attended with expense in its execution, can only be so decreed by an act of the three powers, and be first laid before the Chamber of Representatives. Hence a compromise is always established between the two Chambers, while the Senate only ratifies after it has been well ascertained that the Representatives will vote the necessary funds. This question is still rather obscure, and like many others can only be cleared up by judicial decisions.

The third kind of laws existing in the United States are the *statutes*, or written laws. These are acts passed by the Senate and Chamber of Representatives, and approved of by the President. They are published as soon as passed, and at the close of each session. Several editions already exist with notes, and references to the decisions of the tribunals, explanatory of their full meaning. This forms however but an inconsiderable part of the written law. In political and criminal matters the laws of the United States are in general sufficient in the Federal courts, unless adjusted after the *lex loci*, which I will hereafter explain. In civil matters, and in the States, it is altogether different. At first, all the written English law, from the commencement up to the 4th of July, 1776, was followed; afterwards, laws promulgated by the Legislature of the State from the commencement. In some States, such as Louisiana, Missouri and Mississippi, the French and Spanish ordinances had also their share of power. After the Constitution of the United States, their laws are superior to those of the States in very rare cases wherein these two powers can legislate on the same matter. But that which renders it more complicated is, that a statute can never be taken in an isolated sense, but must form a part and become the *complément* of all the statutes *in pare materia*. Hence a law which passed yesterday, abrogating a law passed twenty years previously, may again unknowingly put in full force a law passed a hundred years ago,

and which is found to be annulled by a clause in the law of twenty years' existence. With these contradictory dispositions, the last law has always the advantage, unless the sense be of an obscure character, in which case it must be explained by means of all which has been previously legislated upon a similar matter, and above all by the decisions of the tribunals. There exist, however, general explanatory rules: as for example—every penal statute must be construed in favor of the party arraigned; every fiscal statute in favor of the State; every civil statute in the most *equitable* manner: but in all instances where the case is clear, the statute must be acted upon to the letter; the maxim being *sic lex scripta est*.

We now arrive at the fourth kind of law; that which in fact embraces, vivifies and harmonizes all the others—I allude to the *common* or customary law. How shall I define it? A “gigantic incubus,” which has existed from remote ages to the present day; an invisible being enveloping us as the air we breathe; it is one, though constantly changing. A mysterious sibyl, always having a satisfactory answer to whoever consults it; but like a mild divinity permitting her pontiffs to conciliate as they best can her contradictory oracles, and change her will according to their last decision. Her power covers, explains and modifies all, from the constitution to the gospel, thereby subduing people, kings and pontiffs, nobles and plebeians, slaves and masters—all of whom are equal in the law. If, however, her power be irresistible, she is not tyrannic; she is ever ready to listen to reason, to profit thereby, and regulate all for the best.

How can I otherwise explain the existence of that law, whose origin is derived (if we are to believe legal authors) from the customs of the ancient Britons, modified by the laws and usages of the Anglo-Saxons, which, under the Normans, partook of feudal doctrine, following gradually the steps of the progress of intellect, and which was at all

times the real expression of the wants of a nation? It changes every day in every State. Sir William Blackstone in his learned commentaries has taken it, as it were, on the wing, of which he has afforded a portrait and an exact resemblance both of the age and of England. We can still trace that resemblance, though the law has been much changed and ameliorated since. Blackstone, however, is always an authority. His work consists of general maxims, surcharged with divisions, distinctions, and decisions, which are yet explained, to avoid error. Lord Coke, in his work, tells you very gravely, that "*common sense is part and parcel of the common law of England,*" while a little further on he adds, "that the Christian religion, as she was understood in the Anglican Church of the period, is also a portion of the same custom." He then goes on to state that the *common law* has existed from time immemorial. He then explains that the common sense of which he speaks is not that of all the world, but a legal common sense, whose origin may probably be traced in the interior of the wig-wam by the judges of the age.

I will not enter into an explanation of the apparent absurdities of the *common law*. I could fill volumes thereon. It would, however, be but a slight speck on the beauty of the institutions she has created. Do these absurdities now exist? In England, perhaps so, if we are to believe Lord Brougham and Jeremy Bentham (a man of system, but much too prejudiced to be taken for an authority). In America, I may affirm that they have almost all disappeared. In England, a party exists who still cling to the tenets and errors of former times; and possibly, what with their wigs and court robes, they may yet retain their jury of *ventre inspiciendo*, the *wager of battle and wager of law*, in full force.\* In America, where

\* This is a mere quiz of Murat's. I remember a circumstance which occurred previously to my leaving England, about five years ago. The case was an action for breach of promise, &c. A gen-

the past forms no part, where the whole nation at once sprung up, and is advancing to future glory and enlightened prosperity, they have all disappeared with practice, and we may emphatically and with truth say, that common sense forms the greater part of the *common law* of America.

Common law exists in every constitution, in every written and even tribunal law, for it is that which regulates the mode of proceeding in the chambers of the legislature, and even in the conventions. It is that which regulates the manner of framing statutes, and no sooner is a tribunal created, than she immediately invests it with all the necessary powers for its preservation, which regulate the mode of proceeding, and fix the extent of its jurisdiction and the respective functions of its different officers. True it is, that now and then a statute is rashly framed, but the grand whole absorbs it, harmonizes it, coördains it with the mass of the legislation; comments on it, and thorough-

tleman (or rather a scoundrel) residing in Wales fell in love with and won the affections of a respectable farmer's daughter. There exists or rather existed an obsolete law to the effect that the parties might live together for a fortnight, in order to allow both a trial of temper, &c., at the expiration of which period, if the parties still retain the same degree of love and affection, they are married, but if on the contrary love's caloric evaporates or they perceive an incompatibility of temper, they may then separate, and the engagement is declared "null and void." In the present case, the latter alternate occurred, and the heartless fellow (probably from having previously heard of some legend of this nature during his sojourn in Wales, took advantage of this. The case was tried, and the man would have been in justice and equity condemned to damages and infamy; but at the moment all appeared against him, his counsel found the obsolete law, quoted its authority, and the defendant was acquitted, to the heartfelt regret of all present, and none more so than the judge himself, who was totally unaware such a law existed, as no case of that nature had occurred for at least a century. It is unnecessary to add, however, that on a proper representation of the case, this infamous and libertine law was repealed immediately by act of Parliament.—TRANS.

ly explains it, until it is only known by the decisions to which it gives rise. Is there among a hundred English lawyers, or a thousand American, one who has read the famous statutes of *Donis* (which regulate the possession of *mort-main* property and *feudal tenures*), wherein the statute of *frauds* regulates the reciprocal guaranties in movable materials? They are, however, cited daily, or rather, the incrustations of judicial decisions by which they are covered are cited.

But you may ask, where find, or where study your *common law*? At first, in elementary books, that is to say, in the numerous public treatises on the law in general, or its different parts, by eminent magistrates, who are particular in citing the decisions of the court on which they place reliance. Every day brings forth new editions, with explanatory notes of changes in the law since the period of their publication—hence, the last edition is always the best. In the next place, study the reports of the decisions of the superior tribunals, for each supreme court pays a reporter, whose duty consists in publishing its decisions, with the motives which led to it, as also a succinct account of the cause. As this class of reports multiply considerably, as much in England as in the United States, digests have been compiled in alphabetical order, relative to all these decisions, which either refer you to a more important cause, or fully explain it, and save considerably the trouble of research.

When a doubtful question of right comes before an inferior court, that court decides it after the decisions of the court of appeal, on which it depends, if that court has already decided. In the contrary case, the court hears the decisions of the English tribunals, those of the United States, or of the other States, and the opinions of eminent jurisconsults, merely as tokens—giving them more or less authority, according to the reputation of the judges from whom they emanated. The court then decides, the judge

charged to deliver its opinion giving it in writing at full length, and replying to the arguments raised, and the reasons given by the counsel on both sides. This opinion, which remains on the rolls, becomes the law of that tribunal, until it shall have been *reversed* by a superior court. Either party believing himself wronged by the decision can appeal to any other authority having the power of deciding; and it is only when the Supreme Court of the United States or that particular State has decided, that the law has definitely settled the matter. Again, as it has rarely happened that two cases were alike, it is always easy for a superior court to discover some circumstance sufficiently strong to destroy the apparent analogy, and thereby admit of its reversing the prior decision. This is what we of the profession facetiously call in joke, *splitting a hair in four*—and which, by the bye, is by no means one of the least agreeable occupations in the profession.

It is therefore in the courts especially, that a knowledge of the law is acquired; the judges are its professors—their opinions, valuable lessons, as the pleadings of the advocates are real theses. This is so true, that in England there is no class in common law:\* those who are destined to the bar being allowed to study in the practicing barristers' chambers—accompanying them to the tribunals, and living in common, subject to a university discipline, in buildings approximate to the Inns of Court, in which they receive no other instruction but from the lips of the judges, the true source and fountain of common law.

In order to understand the nature of the different tri-

\* It is true that, in 1738, Sir Wm. Blackstone was appointed professor of a class of *Common Law*, founded at the University of Oxford by a Mr. Viner. It is to this we are indebted for his valuable and excellent Commentaries; but after him, the chair of Common Law became a complete sinecure. To a young man who is destined for the bar, and who cannot obtain a sufficient legal knowledge at the University, and people of the world in general, the reading of Blackstone is more than sufficient.

bunals of the United States, we must examine them in different points of view, up to their origin. The courts have been created either by the Constitution or by a law emanating from some constituted authority, or they have existed from time immemorial, anterior to both.

The courts of first instance form the key-stone of the social vault, as it were—they are as ancient as the Constitution—form one of the coördinate powers of the State, and are above all the laws of the legislature. The Supreme Court of the United States comes under this denomination. Its composition and jurisdiction, being fixed by the Constitution, cannot be changed ; and on more than one occasion, when Congress thought proper by law to grant it additional functions, the Court declared itself incompetent, and considered the law as null, and of no effect.

Courts of this description exist in almost all the States. In general, the Constitution, after having established a Supreme Court, leaves it to the legislature to establish inferior tribunals, to distribute and modify them according to the interest of the moment. This is necessary in a country where the march of civilization is so rapid. The law creating these courts, which are called *statutory courts*, is the condition of their existence, and regulates all that has reference to them. It is for them to explain and apply this law, subject to the hierarchical sanction of the Supreme Court. All the courts of the United States, except the Supreme Court, are of this kind, which includes almost all the State tribunals.

Courts martial, military and naval, chancery and equity, as well as the corporation, are also included. Courts martial derive their origin from the regulations which govern the army and navy, and correspond with councils of war. Equity courts do not exist in all the States. In some they are organized by the Constitution, in others, their powers are entrusted to the ordinary judges. The



courts of corporation are granted to large towns by the Legislature, and are charged with the correctional police in the interior of the city, and regulate petty civil processes not exceeding a certain sum, varying in each particular case. All these courts may be annulled, modified, and re-modeled by the *fiat* of the Legislature.

The courts existing from time immemorial, and known under the appellation of *common law courts*, are those in which justice is administered in England; the origin of the *King's bench* is lost in the remoteness of time. If I mistake not, the court of *common pleas* held at Philadelphia has existed since the colonization of the country, without having ever been created by law. It is, perhaps, the only court of *record* of a like nature in the United States. All justices of the peace are in the like case. It is the first step of legal hierarchy. Their existence is anterior to all constitution and law; their functions, civil as well as criminal, as also their jurisdiction, are fixed by the *common law*. They are the same in England as in the United States. It is true that their political and administrative functions vary, as also the mode of their nomination, and the sums to which their civil jurisdiction extends. These different objects are fixed by the constitution or laws of each State. All justices of the peace in the States have the same jurisdiction throughout the Union, and exercise their functions in the Federal courts, and are the only magistrates enjoying this twofold capacity.

Another manner of viewing the different courts is, in their dignity. They are divided into *courts of record* and *non-record*. Those of the first kind possess a register or *record*, which is supposed to contain a faithful report of all matters therein transacted, or brought before the court, from its very origin. The truth of the *record* can never in any case be questioned or denied; and I have seen a party dismissed the court, because, from an error in the

name, it had been marked as dead on the *record*. It is regarded as the absolute truth; it may be inspected on paying the registrar; and you may have extracts therefrom, under the seal of the court, which is valid, unless there be an error in the copying, or a *diminution of record*. All civil and criminal courts are *courts of record*, and as such, possess, in virtue of the *common law*, the right to punish every direct insult or disobedience of their orders or decrees, by fine or imprisonment. Hence, as soon as a court is established by law or constitution, and a registrar appointed, it has also a well-defined power granted by the common law. Courts martial, justices of the peace, and some corporation courts, are not considered as courts of *record*. All is therein understood to be conducted in an oral manner, and they keep no register of their transactions. It is however true, that in some of the States, justices of the peace are authorized to keep certain registers, but they are not looked upon with that stamp of truthfulness or authority of *records*, and are considered merely in the light of *memoranda*.

We will now come to the jurisdiction of the different courts, in which there exist important distinctions; and I will endeavor to elucidate, as clearly as possible, the difference existing between the Federal courts and those of the States—at the same time showing, that in explaining the jurisdiction of the former, I also demonstrate those of the latter, which, by the Constitution of the United States possess entire jurisdiction over every thing not included in the Federal. We will first consider the civil and criminal jurisdiction of equity and admiralty of the Federal tribunals, according to the place, person and matter, or in legal terms—*jurisdiction in loco, in persona, in subjecta materia*. I will afterwards analyze the Federal system of the United States, and demonstrate how many courts it is composed of, and their *original* or *appellate* jurisdiction.

The civil jurisdiction *in loco* of the Federal courts ex-

tends over the District of Columbia, in which Washington is situated, on lands where this jurisdiction has been ceded to the United States, by a special act of the State, and over all the immense territory belonging to the Union, and comprised beyond the limits of the States. In all these cases the courts follow the *lex loci* or local jurisprudence. There is some uncertainty in ascertaining whether the jurisdiction of the Federal courts also extends, and to what point, over the territory of the Indians, comprehended within the limits of the States.

Their civil jurisdiction *in persona* extends to every cause in which the United States, one of their officers representing as such, or a stranger, are parties,—to causes between two strangers, or citizens of different States, and lastly between one State, and the citizen of another. In these cases the courts are obliged to conform themselves to local jurisprudence.

Their civil jurisprudence *in subjecta materia* embraces all cases to which the Constitution of the United States, treaties with foreign powers, or the laws of the United States, give rise, when the courts judge in conformity with their constitution and laws. All suits of the United States Bank, for instance, are taken before these tribunals, because it is a Federal institution, owing its existence to an act of Congress. All litigation with the administration of the States and their exchequer is equally referred to these courts.

In the United States, as in England, criminal jurisdiction is intrusted to the same tribunals. There exist no distinct civil and criminal court. Louisiana is the only State in which this distinction prevails, and where a tribunal exists whose jurisdiction is purely criminal. All the other courts, as well of the State as Federal, during sessions, adjudicate criminal and civil causes indiscriminately. In order that the criminal jurisdiction of the courts of the United States be held *in loco*, the crime must have been committed

either in the District of Columbia, or in localities to which this jurisdiction has been ceded by a State—as is the case in the forts, arsenals and dock-yards of the Union—or beyond the limits of the States, or in open sea. In all these cases, with the exception of the last, the court awards the penalty fixed by the local laws ; while in the latter, the laws of the United States decide.

The quality of ambassador, or foreign consul, can alone give to the Federal courts criminal jurisdiction *in persona* ; and then they invariably adjudicate according to the local law.

Every criminal action, or one punished as such by the Constitution, treaties, or laws of the United States, gives criminal jurisdiction to their courts *in subjecta materia*. Thus, rebellion against the United States, the fabrication of false coin, an attack on the security of the postoffice, &c., are crimes which come under the authority of the Federal courts, and are conducted according to the laws of the United States. It must be borne in mind, however, that the courts of the United States, being created by a law, have only jurisdiction in cases to which that law applies, and that since every penal statute should be construed in favor of the accused, unless indeed the crime be clearly defined by the laws, whatever be the attempt against *the peace and dignity of the United States* (as it is technically called), it cannot be punished. The case would be different where the power is derived from the common law, because it provides for every emergency.

Before entering upon cases in which the Federal courts exercise a jurisdiction in equity or chancery, I must first explain its meaning. On the revival of letters, the priests were almost the only men who cultivated them ; for a long period the church alone availed itself of the discovery of the *Pandects*, which she incorporated with canon law. At the end of some centuries, this right or law became more or less the law of Europe, with the exception of England,

where the feudal power of the barons, and the turbulent spirit of the commons, constantly opposed its introduction. This gave rise to a continual opposition or collision between the civil and criminal tribunals, in which the *common law* prevailed, while the ecclesiastical courts pronounced judgment after the canon law. This ecclesiastical jurisdiction still exists in England, in all cases of divorce, the proving of wills, &c. ; but in the United States, the like cases are referred to the ordinary tribunals, except in South Carolina and, perhaps, one or two other States, which have their own peculiar lay courts clothed with this jurisdiction.

The lay tribunals, however, *successfully resisted* the encroachments of the ecclesiastical judges in England, and gradually confined their jurisdiction within proper bounds. But in those remote ages, the Chancellors of England were always Bishops, exercising at the same time the functions of almoners, and *keepers of the king's conscience* (titles which they preserve to this day), arrogating to themselves a discretionary power which has descended to their lay successors, in all cases in which the ordinary laws afford no remedy. They were supposed to dispense justice, not according to fixed laws, but according to their conscience, and natural equity. Hence, the opposition always prevailing in England between law and equity. It often happens that the law, following anterior decisions, and certain tardy forms, affords no real justice to parties, or decides unjustly. In all these cases, the Chancellor is appealed to ; and in him rests the decision. By special or particular *writs* therefore, he has the power to suspend all proceedings in the courts of law, and even the execution of their judgments. He can, however, exercise no jurisdiction over a bona fide question of fact ; but which, where the case presents itself, he must send before a court of law and jury, which reports its verdict to him, and which decision he afterwards confirms. This Chancellor alone decides without a jury, on written depositions, taken before a commission. His

power is viewed as wholly discretionary ; but as the decisions of his predecessors are registered on record, he is obliged to conform thereto, as well as the established forms of the courts. He pronounces no judgment, but gives his orders or injunctions, while all contraventions or opposition thereto are considered as contempts of court, and punished by fines and imprisonment until the offending refractory party shall have apologized to the court, and obeyed its authority. The court of chancery is supposed to be always open, night and day, while the law courts are only open at stated periods of the year. If, for example, while I bring an action against any one before a law court, the party should wish to evade the jurisdiction of that court by quitting the country, on my petitioning the chancellor, he issues a *writ of ne exeat*, by which the defendant is, at his peril, forbid to leave until he shall have proved, in contradiction to myself, that my interests would not suffer thereby ; or until he shall have given bail either to return when called upon, or for the payment of the debt in case of his being condemned. If a dispute should arise in reference to an immovable or real estate, and the party in possession pulls down the houses, fells trees, or in any other manner damages it, the chancellor grants *an injunction to stay waste* ; as also by an *injunction to stay proceedings*, he can forbid a party carrying on an action before another shall have been decided, and even where this is a manifest fraud, he can forbid the further proceeding in an action until the party shall have received his permission for its continuance ; or suspend the execution of judgment, in order to preserve the rights of a third party. In all cases concerning trustees and minors, the chancellor interposes, in order to see that justice is done according to the wishes of the testator or founder of a *trust*. He may order the specific execution of a contract, after explaining the equitable right required and due from one party to another, &c.

The United States have no chancellor. Some of the

States have : others have courts of chancery, with several degrees of appeal : others have none ; but in this latter case, the chancery powers are confided to the ordinary judges ; so that, if on the one side, as law judges, they take cognizance of an action, on the other, as equity judges, they can stop all proceedings. This is the case in the Federal courts : they can enjoin or direct the State courts, and those of the United States according to the hierarchy. From what is here stated, it is easy to perceive that the equitable jurisdiction of the Federal courts is co-extensive with their civil jurisdiction.

We now come to the admiralty jurisdiction, which belongs entirely to the Federal courts. They adjudicate according to the universal maritime law, and the United States laws relative to this subject ; their manner of proceeding in all cases *in personam* is that of the *common law*, that is to say, with a jury, and oral testimony of witnesses ; and in all cases *in rem*, the forms of civil law, viz. : without jury, and by written depositions. They are, however, always obliged to conform to the anterior decisions of courts superior to them in the hierarchy, so that the maritime and equity law are thereby regulated and form a part of the *common law*.

No court can take the initiative in any thing, except in case of flagrant insult offered to its dignity. The Federal courts never know what is passing in the courts of the States, unless one of the parties put them in possession of the facts of the case. There are, however, many cases in which the jurisdiction of the Federal and the courts of the States are opposed to each other ; for example, the civil jurisdiction *in persona*, for this is a privilege which the Constitution wished to accord to a stranger, that of pleading before the Federal courts, and which he may renounce, in carrying his action before a State court, or in not objecting to it as incompetent. The State court is not obliged to look upon him as a stranger, and when once it has taken a cause in hand, it is too late to oppose its proceeding.

All the territory of the United States comprised within the States is divided into judicial districts, in each of which a district court exists. During the year, several terms are held in different towns of the district, following particular laws, which are altered according to the wants of the population ; it is, moreover, always open as a court of chancery and admiralty. Before these courts, every case must in the first instance be brought, and there is but one judge to a district.

Several of these districts united form a *circuit*, which has a *circuit court*, composed of judges of districts, and presided over by a *circuit judge*. This court is held in the different towns of its resort ; and its jurisdiction is limited to the hearing of appeals from the district courts, which it definitely decides, provided the amount in litigation does not exceed 5000 dollars. Like the other courts, it is understood to be always open to litigants in chancery and admiralty before the circuit judge.

The seven circuit judges ultimately meet at Washington annually on the first Monday in January, and there constitute the *Supreme Court of the United States*, which is the highest tribunal in the country. It is presided over by one of the circuit judges, holding the title of *Chief Justice*. This post has been filled by the venerable John Marshall, one of the most profound jurisconsults, as also one of the most upright and most enlightened men I have ever known. To him and his exalted virtues may be attributed the great respect which this tribunal commands. Its power is immense, for it is the last appealed to for the decision of all doubtful points of the Constitution, and which refuses to execute the laws of Congress and the States, when they are contrary to its tenets. It has ever merited the confidence reposed in it ; and I look upon it as the first power in the United States, and as one which will preserve the harmony of all the others so long as the Constitution remains unchanged. Its jurisdiction is purely



appellative, except in criminal cases against foreign ministers or consuls, in which it possesses an original jurisdiction.

The District of Columbia and territories beyond the limits of the States have particular provisional courts, until such times as they become States. The definitive appeal, therefore, is always carried before the Supreme Court of the United States.

In all the States, except that of Georgia, a system nearly similar is pursued, the number of degrees of jurisdiction varying from two to three; there is, however, everywhere one or two supreme courts, where there exist separate courts of equity: everywhere the inferior courts hold their sittings in different places several times a year, so that justice is as it were brought to the very doors of the parties. Each State has, therefore, a legal unity or tribunal which develops the oracles of the *common law* of that State, and which explains the laws of its Legislature. The State of Georgia possesses no less than eight! being the number of districts into which the State is divided; in each of which there is a judge elected every three years by the people, and who holds at different terms, in different parts of his district, two kinds of courts, viz.: *inferior* and *superior*: the first is a court of first instance; the second a court of appeal, in which he is assisted by a special jury—so that the appeal in a cause is made before the same judge, who is also invested with the powers of chancery, and whose decisions in his district are final, as there exists no supreme court. There are, therefore, eight *common laws* in Georgia, which change every three years! It is impossible that this absurd system can long exist amid an enlightened nation.

All these courts of *record*, both of the United States as well as the States, are charged to uphold the Constitution and see that the laws are enforced, each in its separate jurisdiction, and to oppose every encroachment. As I have

already observed, the court can never take the initiative, before the complaint of the aggrieved party shall have been entertained ; in which case the laws and Constitution invest it with very extensive powers, according to the *common law*, in their defense. These are *writs*, or, to use the old Norman expression, *briefs of habeas corpus, mandamus, and quo warranto*.

By the first of these briefs, the court orders every person who may have seized the person of another, to bring before it on a certain day and hour the *body* of such a one, or explain the reasons which prevent it. This brief is issued by the clerk of the court on the order of the judge, not only on demand of the parties, but immediately without delay. The party to whom it is directed must represent the nature of the brief to the judge. No authority whatever can resist the execution of it. If, therefore, it should happen that a party is arbitrarily detained, no matter by what authority—as for instance, a young person locked up by the parents to be forced into marriage—a soldier by his officer, in order to compel him to enlist again—a sailor detained on board, after the expiration of his term of service—an accused or criminal creditor kept in prison longer than is authorized by law—a negro arrested under pretense of his being a slave—a religious person detained in a convent, &c. In all these cases, the party aggrieved, either through themselves or by an official defender, may demand this brief, and be brought up before the judge, who inquires into the cause of arrest or detention, and orders their immediate release if he deems fit.

The court, however, does not decide upon the merits of the cause of arrest on this brief of *habeas corpus*, but only as to its legality. If, for instance, a writ of this nature is addressed to a jailer, to bring up the body of a prisoner illegally detained, and he replies to the brief by a copy of the commitment showing that the party is incarcerated by order of a court, having a competent jurisdiction, it is

sufficient ; for the prisoner has other means of having the merits of his arrest adjudicated, either by an appeal, a *writ of error* or a *bill of exceptions* ; but if he be detained by order of the executive power, a military officer, or in any other illegal manner, the court immediately orders his release, and he has, moreover, his action for damages and interest against his detainer for *false imprisonment*. The *writ of mandamus* is granted to every party aggrieved by the refusal of a public officer, or of a political corporation, to fulfil its duties. It is in the first place granted, under an alternative form, to do such a thing or give the reason for refusal ; and it is only after having heard the parties, that the court renders the *mandamus* peremptory, if it deems fit. If, for example, a person claim a right to a piece of land, in virtue of a law, and the administration of public land refuses to grant it ; if a man has been appointed to office, and the officer holding it refuses to give up his brevet, put him upon his oath, or acknowledge him in that quality ; if a justice of the peace or any other inferior court refuses to exercise the function of its office in all these cases, the *brief* compels them, unless they can show some lawful excuse. This writ is only put in force when no other remedy exists, and does not apply to judiciary acts : for a superior court has the power by *mandamus* in certain cases to order an inferior court to pronounce a judgment, but not to dictate what that judgment is to be. It is only in cases of appeals or cassation, that it can take cognizance of the decision pronounced.

The third writ, that of *quo warranto*, is a brief by which the court demands of some constituted authority, by what right or *warrant* it has arrogated to itself such or such a power.

Upon this writ the court fully investigates the matter, and even in case of a power being usurped, and if the demand of the writ has been made on criminal information, it passes its sentence upon the guilty party. These three writs are

the safeguards of the liberty of the citizen, inasmuch as the first secures his person against all arbitrary detention ; the second gives a check on the negligence of magistrates, and compels them to execute the laws, while the third prevents all encroachment of power. I cannot look upon that as civil liberty, wherein powers analagous to those which these writs give to the courts do not exist. The delay or refusal to obey these writs is punished with great severity, as an insult to the court, not by a fixed award, but by *imprisonment* and *fines*, which are prolonged and repeated until the party obeys. Powers so extensive are, however, by no means dangerous, because the courts have no initiative ; and supposing the son or wife of the judge to be illegally arrested, he could not take cognizance of it unless a third party preferred his complaint.

Nothing can be more simple than the organization of a tribunal in America. Those of the United States are, in general, composed of a sole judge ; this is also the case with almost all the inferior tribunals of the States. The Supreme Court of the United States is, if I mistake not, the most numerous tribunal in the Union. The judges of the United States are appointed by the President, with the advice and consent of the Senate, so long as they conduct themselves with propriety, and can only be removed by decision of the Senate sitting as a *court of impeachment* ; for whenever a judge or other functionary of the United States, were he the President himself, gives rise to well founded complaints in the exercise of his functions, laid before the House of Representatives, this chamber sends them to the Senate, which gives a definitive decision thereon in removing that functionary. This is the only judicial function exercised by the Senate ; which is not like the House of Peers in England, the supreme court of justice of the country.

In all the States, excepting Georgia where they are eligible and change every three years, the judges cannot be

removed, unless they have been tried either by the Senate or the two legislative chambers united. In the State of New York alone, every judge must retire at the age of sixty years—a circumstance to be lamented, as it deprives the people of their best and most experienced magistrates. They are almost invariably named by the governor. In some States, however, they are elected by the legislature. They are all well paid (perhaps not enough), and enjoy much consideration and influence.

Although the judge alone constitutes the court, he cannot adjudicate without the officers of the court, viz. : the clerk, sheriff and advocates. The clerk or registrar, is a very important personage. He is the keeper of the *record*, and issues all writs and orders of the court. In general, he is nominated by the judges, or elected by the people, and paid by the counsel for every act of his office in connection with them. He administers all oaths, of which, in an American court, there is a profusion.

The *sheriff* however (known in the States by the title of *marshal*), though his functions are of a different character, is not the less important. He is the *huissier* or bailiff of the courts, both civil and criminal. There is one to each county, and he is the officer of all the State courts which sit therein ; as also in each district of the United States, there is a *marshal* who executes the judgments of the courts, and serves processes—these functions apply equally to both. The *marshals* are appointed by the President, while the *sheriffs* are in general elected by the people of the different counties—although, in some States, I believe they are appointed either by the governor or the legislature. These appointments are very lucrative, though of a very responsible character, while the *sheriffs* are obliged to give very high security. Although the sheriff seldom quits his *bureau*, and acts on almost all occasions through his *deputies*, of which he has an illimited number, it is his personal duty to make out all summonses, to serve all writs, that is

to say, to communicate with the parties, or to execute them when addressed to him. He sells the property of debtors, or arrests them if they cannot otherwise pay, and makes over the property in dispute to the person in whose favor the court may have decided. He pursues and arrests prisoners, keeps them in custody, and executes them if condemned. In fact the court in all these cases knows but him. He is personally responsible to the court for the execution of these writs, and endorses their *return* or the result thereof. For instance, on the back of a *capias ad respondendum* (or summons to appear), he indorses the execution thereof, naming the day and giving the copy thereof to the party or to his wife, &c., or inscribes *non est inventus*, if the party cannot be found. The same on a writ of *venditioni exponas*, he endorses: I have sold such a property on such a day, for so much, and disposed of the proceeds in such a manner; and so on, whether in a civil or criminal matter. All these *writs* thus *returned*, remain with the registrar. He has the power, in a case of litigation, of making a *special return*; that is, to detail all the facts which attended the execution or non-execution of the writs, in order that the court might specify the act. He is invested with an authority which none must resist. He can arrest whomever he likes, and seize and sell property. He has under his charge as many warrant-officers, constables, sergeants, records, jailers and executioners as he may think proper. Not only can he call on the military of the United States or the militia in aid, but he can also demand the services of the *posse comitatus*, that is, command the assistance of any inhabitant in the exercise of his authority. He has even been seen to order a judge down from the bench, to assist him in arresting a refractory malefactor. In fact, he is the physical power of society, whom none may resist. But though invested with powers so considerable, he is strictly responsible for all he does. If he commit an error in arresting me for another, I can bring an action against

him for damages, costs, &c. The same in a criminal matter, if he exceed his authority without provocation. I do not defend my property against him, but I hold him responsible for any damage he may have committed. This double responsibility of the *sheriff* is so well balanced, that no danger need be apprehended either for one's property or individual liberty; and matters are considerably simplified by being thus united under one responsible party.

Besides these functions, it is the sheriff's duty to report on the result of all elections held in the county; while in some States, he is also collector of taxes. These places are very lucrative and in much request, and the emoluments wholly paid by the parties.

However well the court may be constituted, it would be comparatively dull as a desert, without the gentlemen of the bar. The tribunals and litigants have certainly been *invented* for them; for it is they who most profit thereby, and who collect the "loaves and fishes." There is but one class of *lawyers* in the United States—the advocates. They perform the duties of notary, proctor, attorney, &c.; their technical legal title is *counselor at law*. They are officers of the court, and as such, take the oath of allegiance to its rules, and are subject to a sort of system of discipline. They may be suspended, and even broken by the tribunal. They undergo an examination, in open court, without the necessity of a preliminary course of study.

The United States, and the States, employ a counselor in each of their courts, which, however, does not constitute him a public officer. The United States are merely his clients. He appears in all their civil and criminal causes; and as these latter are always entered in the name of the United States, or people of the State, it is he who pleads in their behalf: although the people, by means of its grand jury, prosecutes the cause. He is paid like any other advocate, on presenting his claims at the end of each term, certified by the judge. This appointment in behalf of

the United States is much coveted ; for, besides being very lucrative, they being excellent clients and solid paymasters, it gives him precedence at the bar ; this is all, however, for the *district attorney* (as he is called) may be suspended by the court, or even broken like any other practitioner ; nothing can, however, prevent his undertaking other causes, provided they be not against the United States.

The advocate of the United States in the Supreme Court has the title of Attorney-General ; he is at the head of the bar, and the true minister of justice. The courts being altogether independent, as well of the executive as legislative power, it is only as a party that the former can appear before them. All *district attorneys* receive their orders, instructions and consultations from the *attorney-general*. He holds consultation with the officers of the government in all cases where doubt exists. He orders the prosecution or suspension of proceedings in all cases wherein the exchequer or United States are concerned. But he himself pleads their cause before the Supreme Court, or even in the circuit courts when of sufficient importance. He is also considered as forming a member of the President's cabinet.

Having now explained the nature of the constitution of a court, I will endeavor to afford you some idea of it in session. For this, however, we must have juries. Some time before holding the term, and according to the delay required by law, which varies in each State, the *clerk* gives the *sheriff* two *writs of venire facias*, in one of which he orders him to form a grand jury ; and in the other, one or two *panels*, each composed of forty-eight petty jurymen, taking care to select none but *boni et legales homines*. The necessary qualifications, according to this clause, differ in the different States ; they are, however, in general, the same as those required for voting, viz. : to be freemen, of age, and to pay a tax of some kind. To belong to the



grand jury, you must be a *housekeeper*. The sheriff selects the jury in rotation, from a list which he possesses of all who are eligible to serve ; but in such a manner, that all parties resident in his county or district shall be fairly and equally called upon. He may consult their convenience, in calling on those who have other matters in the court or its vicinity, in preference to those whom it might subject to greater inconvenience. This is optional with him, for all who are cited are bound to appear.

On the day fixed by law, the judge and all whose business it is to attend, or who are attracted by curiosity, proceed to the court-house. There is no peculiar dress to distinguish either the judge or others, no gendarmes, nor soldiers of any kind. A sort of tribune receives the judge—a kind of *bench*, with seats on either side for the juries. The clerk is seated at a table, immediately beneath the judges. The advocates are collected around a table in the center which is reserved for them. The audience are behind. The sheriff and his officers station themselves wherever they please. As soon as the court is formed, the *sheriff* opens the proceedings by reading a proclamation aloud. All is silent ; and what was just now but a meeting of citizens on a perfect equality becomes a tribunal from the moment of the reading of this proclamation.

The sheriff has indorsed on the *venire* the names of the persons he has selected. The *clerk* calls them over. Those absent are fined, or, if they tender no reasonable excuse, are imprisoned for contempt of court. He begins with the *grand jury*, which must be composed of more than twelve, and less than twenty-four persons—generally from sixteen to twenty-three. As soon as they have answered to their names, taken their seats in the jury box, and the judge replied to any excuses they might make for absence, and a foreman or president appointed, the clerk administers an oath requiring them to truly and impartially investigate any and all cases of infraction of the laws,

which may be brought before them, to report thereon to the court, accusing none through malice, allowing no threats to influence them, and strictly to keep secret all which comes before them or which may come to their knowledge. This oath being taken, the judge delivers his charge; a kind of admonition or address in which he instructs them in their duties, makes them acquainted with any changes which may have taken place in the criminal law, and especially calls their attention to such or such law, according to circumstances. This done, the jury or *grand inquest of the county*, retire to a room already arranged for them. They are then immediately placed in possession of the report from each justice of the peace, of all accused parties whom he may have arrested, or for whose appearance he has received bail, together with the cause of their arrest, and a list of witnesses in the case. If the sheriff, or even a citizen, has the power on legitimate grounds of arresting an individual, he must, with the least possible delay, bring him up before the magistrate, who alone can commit or bail the party, and who is responsible in damages and costs for any illegal detention. The magistrate examines the accused party together with the witnesses for and against. If he finds it a case for trial, he demands bail, not only from the parties accused, but also the witnesses, and makes known to them the day of trial or opening of the sessions. If he deems there is no cause for trial, he immediately releases the party.

The grand jury is furnished with an act of accusation or indictment by the district attorney, in the name of the people, the United States or the jury itself, according to the local forms; they investigate and test its truth, by the examination of witnesses, without ever questioning the prisoner, who is always at liberty to retract the confessions which he may have made before the justice of the peace. For it is one of the first maxims of *common law*, that a prisoner can admit nothing to his prejudice. If the grand

jury admit the probability of guilt, the foreman indorses the indictment with the words *true bill*; if, on the contrary, they believe the prisoner innocent, they write *ignoramus* (ignore the bill), and the prisoner is discharged. All these proceedings, as also the examination of witnesses, for reasons sufficiently obvious, are kept strictly secret.

Not only have the justices of the peace the right to lay their proceedings before the grand jury: but this right of complaint belongs to all, and is, perhaps, the most sacred of all civil rights. The complaint remains secret, until the grand jury shall have come to a decision on the *indictment* which the district attorney prepares, according to its directions. In all cases also, of crimes against the United States, or a State, their advocate prefers a complaint or an indictment in their name.

The grand jury can call before them, under pain of fine and imprisonment, all whose evidence they may deem necessary to elucidate a fact. When a doubt exists on a point of law, it is for the judge to elucidate it to them. Their sitting continues from day to day, in the appointed place, until they shall have come to a decision on all the cases brought before them. Each day they bring down to the court the indictments on which they have decided, and on the last day of sessions make a general presentment; or, in other words, draw up a report of any defects or evils existing in the county, but not of such a nature as to give rise to any accusation. They report, for example, on the state of the roads; whether the police magistrates have neglected their duty; that such a law lately enacted is defective; or that such a measure ought to be adopted by the legislature. These presentments are considered as expressing the wishes of the people, and are viewed with the greatest consideration. They can neither pronounce an indictment nor make a presentment unless there be at least a dozen members in its favor, whatever be the number. Their presentment once finished and laid before the court, they are discharged.

While the grand jury is occupied in inquiring as to the criminality of the accused, and sending them for trial before the court, the judge proceeds in forming the petty juries, in order to assure himself of their presence ; and afterwards has the causes called over. In this the practice varies a little in different courts, each having its own peculiar rules ; the differences are, however, of so little importance, that in citing those established in the courts in which I have practiced, you can readily form an idea of the rules existing in the others. In general, the causes are called thrice : the first, to know if any and what proceedings have been taken ; the second, to fix a day for inquiring into it ; and the third, to dispose of it either one way or the other. Criminal causes are generally taken up first, in order to set at liberty those prisoners who may prove innocent ; then come the civil causes to go before a jury, and finally, motions, questions of law and chancery causes, if they come within the jurisdiction of the court.

In a case of criminal indictment, the accused is brought before the court under the immediate custody and responsibility of the sheriff ; he remains standing before the judge, when he is informed that his county, represented by the grand jury, accuse him of murder, and the indictment is read to him. He is then asked what he has to say. He replies that he is not guilty, and that he wishes to be tried by his country, viz. : a jury ; in case of his not replying, or confessing himself guilty, the court after having several times warned him of the consequences, is obliged to pass sentence upon him. These are the only questions which the court or jury have the right to put to him in the matter at issue.

It now becomes necessary to form a jury to proceed to trial. The clerk calls the first whose name is on the panel (or jury list), and places him opposite the prisoner, who is asked if he has any objection to the party so cited ; if he say no, the juryman takes an oath to give a true and

impartial decision between the people and the prisoner, and takes his seat under the charge of the sheriff's officer. The prisoner may object to a certain number of the jury, which varies from twenty to fifty, without assigning any reason, and so long as he can find a legal excuse for so doing. If, for example, a jurymen has been a witness against him, at his examination before the justice of the peace, or if he has been so in the same cause in another term, if he has formed or expressed an opinion on the case prejudicial to the prisoner, he may be objected to both by the prisoner and the people's advocate; the latter, however, seldom avails himself of this prerogative. It often happens that the jury lists are called over without obtaining the necessary complement of twelve jurymen. The sheriff is then authorized to call *talesmen*, that is, to take the first person he finds eligible who happens to be in the court, in the street or town itself, and even in the county, until he shall have completed his list of twelve men, against whom the accused can offer no objection. The jurymen may be examined upon oath, in respect to their impartiality; and when once the twelve men have been chosen, they are shut up in the jury-box under the charge of the sheriff, in order that no person shall have communication with them. This done, the counsel for the prosecution reads over the charge to the jury, always in presence of the accused, develops his reasons, and brings forward his witnesses against the defendant. Each witness called takes an oath to speak the truth, the whole truth, and nothing but the truth; he is then examined by the party calling him, which done, he undergoes a cross examination by the counsel in defense; then again by the former, and again by the prisoner's advocate, until both parties shall have "squeezed out the whole juice of the matter." This plan is also always followed in civil causes. The court and jury are at liberty to question the witness if they think proper. In general, however, they leave that to the counsel, who

always acquit themselves with credit, and who have thus brilliant opportunities of displaying their talent and legal acumen, as well as their eloquence and erudition.

Before the counsel for the people is permitted to examine a witness, the counsel for the prisoner takes good care to throw every obstacle in his way. The law of evidence, perhaps the most logical in common law, is full of very nice distinctions on this point. According to this law, two things are to be considered in a witness, his *competence* and *credibility*. His fitness may be judged by the court, previous to his examination before the jury, whose minds might be biased by his depositions, even though they be not legal. If, therefore, he be ignorant of the nature of an oath, if he be related to the prisoner by marriage, or if he have any pecuniary interest at stake, however small it be, in the issue of the cause, he is incompetent.

As to the credibility of a witness, that rests entirely with the jury for decision. They place what reliance they please on his testimony. Besides this, there are many questions which cannot be put, for a witness can only depose to what he has seen or heard relative to the matter. He can express no opinion. He cannot give hearsay evidence. Nor can he be compelled to say any thing which might compromise his honor or interest. Thus the introduction of each new witness, and each question put to him, not unfrequently gives rise to much argument, in which the court alone decides, independent of the jury.

If one of the parties deems himself aggrieved by the decision of the court, he may set it down in writing, which the judge must sign: this is called *filing a bill of exceptions* to the decision of the judges, which, however, does not affect the decision of the cause, further than its becoming a question of right to be carried before a superior court, and a means of arrest of judgment.

After the State advocate has closed his address and examination of witnesses, the counsel for the prisoner brings

forward his witnesses for the defense, and examines them in order to rebut the evidence of the opposite party. The examination of witnesses frequently lasts for several days, during which period the jury are not allowed to separate, nor speak of the case at issue, nor even listen to any subject matter connected with it. The accused as well as the State, have the right to compel witnesses to appear and give evidence. This is done by means of a writ or subpoena. This is an order from the court to the witness, to hold himself in readiness to attend and testify to what he knows in the matter, under penalty and imprisonment.

The examination of witnesses being closed, the counsel for the defense recapitulates the contradictory evidence, and makes every effort in support thereof. In general, the accused party engages several advocates. They address the court in succession, the juniors beginning, and the more practical and experienced closing up. After this, the advocate of the people replies. To which they may again respond; but in criminal matters, it is always the counsel for the accusation, and in civil matters, the plaintiff, who has the last words. The argument closed, the judge makes a recapitulation of the whole to the jury; explains the law connected with the case, and without prejudicing their opinion on the facts, points out those most applicable to the law of the case. This is called the judge's charge to the jury: upon which charge, the parties may take out a *bill of exceptions* as to the legal opinion therein given.

The decisive moment now arrives, when the heart of the prisoner palpitates with the most intense emotion: for in all criminal cases it is necessary that he should be present. It is the moment when the jury retires to deliberate. The jury in charge of the officer of the court, or one of his subordinates, are conducted into a room, and there kept under his surveillance, and furnished with a table, pen and ink, paper, and a jug of water. When once a jury is thus closeted, nobody can have access to them, nor are they

allowed to quit until they shall have made up their minds to a verdict unanimously. According to the common law, they remained locked up until they agreed; but in case of a juror dying of hunger, thirst, fatigue or otherwise, or making his escape, the cause could not be decided by the remaining eleven, but was sent back before another jury.

Hence has arisen the modern practice, of allowing a jury to retire, in cases wherein all could not agree. This, however, is never considered necessary, before a jury shall have been shut up for less than twenty-four hours, and often more; for, so long as the judge has reason to hope they will agree, it is his duty to keep them locked up. When, however, he is convinced of the impossibility of their agreeing, the jury list is called over, and after having withdrawn a member, the proceedings in the case are considered as invalid; and at the next term, or directly, if the parties consent, the case is re-argued and its merits investigated before another jury. This, however, rarely happens. In general, after a certain time, the jury returns its verdict *verum dictum*; if they acquit him, the prisoner is immediately released. But even if he be brought in guilty, he has yet many means of escaping.

The counsel for the prisoner may make a motion of appeal before a new jury, or a *motion for a new trial*, in all cases where a want of competence has been discovered in a juror, or if one of the witnesses for the accusation has been known to have perjured himself, or been suborned since taking his deposition, or if through some accident or ignorance the accused has been prevented from availing himself of some important evidence; in all these cases the judge is invested with discretionary power, either to grant or refuse *a new trial*. If he grant it, all which has been done is annulled, and the case must be gone into anew.

The accused party may also put in a *motion in arrest of judgment*. It is based on the irregularity of forms or bills



*of exception*, which must go before a superior court. The appeal courts in these cases decide only on the law of the case. If they dissent from the inferior court, the affair goes before another jury in the form of a new trial, but before the same judge, who is bound to conform to the decision of the court of appeal on the point in dispute.

It is most important to observe that all these means are reserved for the defense, and in which the advocate for the people cannot interfere. If a prisoner is acquitted, all proceedings are closed against him ; and he cannot be again tried for the same crime. The law carries its clemency so far, that in all capital cases, the life of the party accused cannot be placed in jeopardy but once for the same affair. He is looked upon as having already been accused of a capital offense before a grand jury. If then a judge grant a *new trial*, or a superior court reverses the decision of an inferior one, the accused is immediately released by pleading *antefois convict*, for his life cannot be twice placed in danger. It is on this humane provision of the law, that the *motion to quash the indictment* is founded. The common law requires the greatest exactitude in an instrument on which the life of a citizen depends ; hence, the most trifling error is sufficient to *quash* it. Not only the counsel for the accused, but all others acting as *amieus curæ* may raise objections to effect the annulling of an *indictment*. Previous to the prisoner's appearing before a jury, this proceeding would be useless, as, since his life has not as yet been placed in danger, another might be made out (as is the practice, even after a verdict, in cases not of a capital nature), by which after all exertions have been made for the defense, if an error of form, even insignificant in itself, be found in the *indictment*, the prisoner is released. And this is the law which they have been pleased to represent in Europe as a law of blood ! It is impossible more fully to protect the life and honor of citizens against arbitrary power, than does the common law of America, and I will

also add, that of England. The maxim of this law is, that it is better to allow a hundred criminals to escape, than ignominiously to convict an innocent person.

If the jury have found the prisoner guilty, and there be no error of form, neither in the proceedings nor in the *indictment*, the judge pronounces sentence ; and nothing can save the criminal but the pardon of the President or Governor, according to the court in which he is condemned. Herein you perceive that criminal justice is very expeditious ; if a man be arrested to-day, the grand jury being in session, he may be tried to-morrow and condemned the day after, while nothing will save him from being hung on the following day, unless he solicit time for praying a remission of the sentence. In general, however, the accused is allowed the privilege of putting off the case until the following term ; but this is only done at his own solicitation. If through the fault of the advocate of the people, or by fortuitous circumstances (as, for instance, not being able to form a jury), the case has not been tried during three successive terms, the prisoner is discharged in full right. He may, however, be again arrested on another *indictment*, for there are no prescribed bounds to a prosecution by the people ; and he cannot save himself by pleading *antrefois convict*, since he has not appeared before a jury.

The advocate of the people is invested with the power of declaring a *nolo prosequi*, whenever he has reason to believe that the prosecution cannot be sustained ; and it is his duty to abandon it, in order to save useless expenses in behalf of both the prisoner and the people.

In civil causes, justice is not so expeditious ; two terms at least are required to dispose of an action. The common law, by a system of perfect analysis, has divided all civil complaints into certain categories, and to each wrong has provided a particular remedy. It therefore becomes strictly necessary to follow the forms of action which it has established for each category, and not to seek two hours

after, what may be required at noon, in applying for an action or a writ which belongs to another. The Sibyl must be consulted according to the rules of her temple, to which she will always afford a speedy and ready answer, and with the utmost punctuality; but if you make frivolous applications, or she remain mute, or dismiss you from the temple, throw you out of court, or in her own language, *nonsuit* your action, you will have the expenses to pay, and may begin another action on the same complaint, until you shall have succeeded in your suit.

Actions are divided into *personal*, *real*, and *mixed*, according to the nature of the case at issue. The first and last are the only ones pursued; the complicated forms of the second having caused them to be abandoned in practice. The first are very numerous—as the action of *assumpsit* (the most common of all), when you apply for damages and costs for the wrong done you in the non-fulfillment of an engagement; action for *debt*, when you apply for its payment; for *detainer*, when you reclaim the possession of any thing which another party has unlawfully applied to his own use; *trover*, if instead of the thing itself, you demand damages and cost for its conversion; of *trespass quare clausum fregit*, to be indemnified for all damage done to your property by the defendant, his domestics or cattle; of *trespass vi et armis*, when the injury for which you demand damages has been done to your person, or happens *ex delictu*; *trespass on the case* for all special damage sustained, either in consequence of libel, calumny, seduction, &c.

Mixed actions are much less numerous; and are the only ones now entered into, in order to decide questions relative to the right of a real estate. The only actions of this kind brought in the United States are those of *ejectment*, to decide on the ownership of the real estate, and that of *trespass quare clausum fregit*, which adjudicates on the possession.

It is impossible to conceive a cause of complaint, for which the common law has not provided a form of action ; it is, however, necessary to be well acquainted with them, and have a well regulated and experienced mind in order to know how and when to apply them *apropos*. When, therefore, an advocate has heard the complaint of his client, when he perceives it thoroughly through the maze with which the interested party has clothed it in his exaggerated narration, when he has in fact divested it of all irrelevant and useless jargon, and at last discovered the *gist* of the action, he prepares a *memorandum* containing the names of the parties, the sum demanded, the nature of the action, and the signature of the advocate of the plaintiff. This memorandum is sent to the clerk of the court long enough before the commencement of the term, that all delays required by law, and which vary in each State, may be complied with.

Upon this *memorandum*, the *clerk* prepares a *writ of capias ad respondendum*. This is an order of the court which enjoins the *sheriff* to summon the defendant to show cause against the demand of the plaintiff, or to appear before the court on the first day of term, in order to answer the complaint. It is in general by means of this writ, that all personal actions commence ; in many cases, however, where a fear exists lest the defendant shall withdraw his person and property from the jurisdiction of the court, the process begins by a *writ of attachment* : this is an order given to the *sheriff* to seize on the property of the defendant, and to hold it at the disposal of the court. This *writ*, however, is never granted but on the plaintiff's oath, that his demand is just, accompanied by an obligation or bond of security, by which he engages to indemnify against all expense which he might incur, in consequence of the *attachment*, should the application be rejected by the court. The defendant, on his part, may always have a *replevy*, on the seizure of his property, executed by the sheriff, on be-

coming security to him, and on presenting the same to him at a moment's notice. The duty of the sheriff, as soon as he shall have received these writs, is to execute them immediately, and to return them to the *clerk* on the first day of term, after having indorsed thereon the result of his proceedings.

Besides the *memorandum*, the plaintiff's advocate should give the clerk his *declaration* before the first day of term. This is a document drawn up according to the customary prescribed forms, from which it is dangerous to depart, narrating the causes on which the plaintiff bases his action. The form of these declarations is of great variety, according to the course adopted and the facts of the case: it is never necessary to enter into the true details of the affair, but merely to show, according to the prescribed rules, the general facts which give the right of bringing the action. It is only when the cause is pleaded *viva voce*, that the particular details are entered into. The regulations, however, by which this matter is governed, are so nice that it requires the greatest caution to avoid making a mistake, the immediate consequence of which would be a nonsuit or dismissal from court.

The advocate for the defense, after having examined this declaration, must reply thereto, either by *pleading* or by *demurring*. A demurrer is a reply by which the defendant admits the facts of the complaint, but denies that these facts afford, according to law, any right in the plaintiff to support his action, either absolutely, or in the manner in which he has entered it. A *plea* is a reply, by which the plaintiff denies a part or all the facts stated in the declaration. The *plaintiff* has the right to reply to each of these two responses. The defendant may again do so: all of which must be in writing and according to the received forms of the court. At last, after having dissected and examined the question, they arrive at a complete contradiction: this is called the *issue*. These *issues* are of

law or fact. If of law, they are judged by the court alone ; but if they contain facts, the cause goes before a jury.

It is, therefore, not until the parties themselves have come to an agreement upon a point of litigation in the affair, that the court takes cognizance of it. The first term is what is called an *appearance*, when the judge merely calls the cause to assure himself that the parties are in court ; in the event of their not being so, they would be in default, and the court would immediately give judgment in the case. If the parties appear, they are then allowed till the first day of the next term, to demur, plead, reply, rejoin, &c. ; but it is necessary that by that day, they shall have agreed upon the point at issue between them, and that they shall have terminated all their pleading in writing. If the cause then rests on a contested fact, it is immediately carried before a jury, precisely in the same manner as I have described in criminal cases. In like manner, the plaintiff's advocate begins with the exposition of his cause and the examination of his witnesses. The counsel for the defense produces his, and also replies ; the former closes the case. The jury then retire, and are locked up until they shall have prepared a unanimous verdict. The same incidents after the verdict are renewed ; the same means of appeal pursued, except that this right belongs partially to both parties. It must be borne in mind, that in all civil causes, as well as in all criminal, the examination of witnesses takes place *viva voce* before the jury. The predilection of the common law for this course of examining witnesses is such, that written testimony is only admitted in cases wherein it is supported by verbal evidence. Before reading a note or letter to the jury, it must either be admitted by the opposite party, or the signature thereof proved by a witness. The seal of the United States alone, and that of their courts, requires no proof. In like manner, the laws and customs of foreign countries are proved by the evidence of witnesses who are acquainted with them.

Immediately after judgment, the clerk gives to the sheriff the necessary writ of execution, which is either a *feri facias*, *venditioni exponas*, or *capias ad satisfaciendum*, according to the nature of the case. It is then the duty of the sheriff to put the judgment in execution, in which, however, he must be guided, and always on his own responsibility, by the *plaintiff*. These *writs* of execution may however be suspended or annulled by other writs, either from the same court, a superior court, or a court of equity, by a writ of *supersedeas* for example, or an injunction to *stay proceedings*. The legality or justice of these writs is again argued upon, either before a court of appeal, or before the equity courts which granted them ; in such a manner, however, that the superior courts are only subjected to questions purely legal and altogether disengaged from the trouble of inquiring into the facts. It is these decisions which I have already observed, are entered on the records of the courts, and form the *common law*.

In the courts of equity, the practice is altogether different and resembles that of the canon law, to which the courts owe their origin. There exists no form of action ; all complaints, of whatever nature, are there brought up by petition, to the chancellor, giving the fullest details of the facts of the case without any established forms, and on the oath of the petitioner who prays the defendant may be compelled to reply on oath. If the chancellor deems this complaint reasonable, he orders the defendant to reply thereto, or authorizes the written testimony of witnesses, by means of commissioners whom he appoints *ad hoc*, and who are commanded to make a report thereon to him. The parties may reply and give a rejoinder, propose or call for fresh witnesses, until such time as they shall have settled the point at issue between them, upon which the chancellor, after having examined the papers, hears the pleadings on both sides, in open court, and decides thereon. It must be observed, however, that a court of equity can

never decide on a purely matter of fact question, until after the admission of the parties themselves ; in all other cases, the question must be sent before a law court, with orders for its being decided by a jury, and its result communicated to the superior court.

I have now endeavored as much as lay in my power to explain to you the judicial system of the United States ; particularly in its practical details, which I believe are the least known. I may have been somewhat prolix, and perhaps tediously so ; but you will admit that the subject is by no means a lively one, nor one, the paths of which are strewn with flowers. Courts composed of a sole judge,\* in which all matters are confided to the decision of a single man, are so different in their organization from those of Europe, that I deemed it necessary to make you acquainted with them, and to examine them both in a moral and political point of view. Before concluding this, I must candidly confess that writing as I have done, without books of reference or authority, and solely dependent on memory, you must exercise a discretional opinion and belief thereon. I, however, am not aware of having committed any errors of importance.

\* In the British colony of Dominica (West Indies), a sole judgeship has lately been established, not, however, without much opposition.



## CHAPTER VII.

### THE ARMY.

Triumphal Visit of Lafayette—Reviewing 1,100,000 Men—Regular Army, its Strength, how Distributed—Secretary of War—Pensions—General Jackson—Recruiting—West Point—The Fortifications on General Bernard's Plan—The Militia, when called out—Election of Officers—Battle of Baltimore—Courage of the Americans—Mounted Riflemen—Murat in Campaign with them—Cause of the War—Horrid Murder of a White Family by the Indians—Volunteer or Independent Companies—Honorable Artillery Company of Boston—Amateur Military Promenades, Fetes, &c.—Defenses of America.

#### BRUSSELS.

When Lafaette came to America in 1825, to pay us his triumphal visit, he was everywhere received with demonstrations of enthusiasm as the guest of the nation. What miracles did he not see! He might compare the state of the country as he had left it fifty years previous with what it then was, and attribute the difference entirely to the republican institutions by which we are governed. He saw the country as nobody had ever beheld it before, or seen it since that remarkable epoch in our history. All had an appearance of festivity; the houses in the towns were repainted at his approach, and the roads repaired. All took an air of youth and unaccustomed freshness and gayety; the magistrates advanced to meet him, the people received him with unbounded enthusiasm and devotion; and he was looked upon and pointed out as a model to the schools and students on his passage. In many of the towns, he met deputations composed of dozens of the most beautiful young ladies of which the place could boast, to embrace him on the frontiers, and welcome him in the name of the sex. He was solicited to hold in his arms, at the baptismal fonts, all the infants born during his route, to listen on

Sundays to as many different sermons as there were churches of various persuasions, to partake of as many breakfasts and dinners, daily, as it suited the pleasure of the various societies and corporations to invite him to, to drink glasses of wine almost ad nauseam, and give as many extempore speeches as there were orators to address him, who were by no means few.

But of all which he beheld, what struck him with the greatest astonishment, was, that in a country the most peaceable on earth, he passed in review more than 1,000,000 men completely armed and equipped! Indeed, everywhere throughout his progress, and even from a distance of some hundreds of miles to the right and left, the militia were called out and advanced to meet him, presenting altogether a most formidable appearance. He knew the governors of the States but in regimentals. Among this heterogeneous military array were merchants, lawyers and planters, transformed into colonels and generals. In this amalgamation he beheld a national guard in all the pomp and circumstance of national pride, carried to the highest degree of perfection; for all this immense armed array of legions was but the militia or national guard of America!

In time of peace, the regular army is by no means numerous: at the time of the ancient federation, it was composed of contingents supplied and fully equipped by the States, but under the present Constitution, the States may not maintain troops under arms in time of peace. The army is essentially Federal, and entirely at the command of the President and Congress. Its organization has undergone much alteration within several years; it was reduced to less than 3000 men, under the Presidency of John Adams, and was afterwards carried to 100,000 during the period of the war. In 1832, it was composed of about 6000 men,\*

\* General Scott was appointed commander-in-chief (June 25th, 1841), with the rank of major-general, and has now been again appointed to the important post by General Taylor, the President of

divided into four regiments of artillery, seven regiments of infantry, commanded by two brigadier-generals or generals of brigade, and a general-in-chief holding the rank of major-general or general of division.

The organization of regiments, the manœuvres and exercises are entirely after the French system, although the commands are given in English. The soldiers are well dressed and fed, and in other respects well provided for in the barracks. The army occupies a line of posts for some thousands of miles in extent, along the frontiers of the Union. The artillery occupies posts on the Atlantic coast; the infantry, those of the Gulf of Mexico and the frontiers of Missouri and Arkansas. On this frontier, a small post of about fifty men is pushed some hundred miles beyond all traces of civilization, where they are obliged to establish and maintain themselves against the hostile incursions of the Indians.\*

the United States, also a major-general, &c. There are now *four* brigadier-generals, three of whom, Generals Gaines, Wool and Twiggs, are major-generals by brevet.

In Nov., 1844, there were but eight regiments of infantry. In Nov., 1847, there were sixteen regiments of infantry, a regiment of voltigeurs and four regiments of dragoons, independent of engineers, artillery, &c.

The regular army in Mexico, Dec. 31, 1847, amounted in the aggregate, including the marines, to 21,202 men. April 5, 1848, including those in the United States, it amounted to 25,446. The third and fourth dragoons, ninth to sixteenth infantry, including the voltigeurs, have since been disbanded; while the present condition of the army may be thus enumerated: two regiments of dragoons, one of mounted riflemen, four of artillery and eight of infantry, exclusive of the corps of engineers, topographical engineers and the ordnance department.—TRANS.

\* At present the Indians are committing great ravages, and in many parts destroying towns and villages. There are two divisions of military posts—western and eastern—each divided into four departments. Many alterations have been or will require to be made in relation to these military positions, in consequence of the late conquests and annexation of California and New Mexico.—TRANS.

The administration of the war department is confided to a minister, viz : the Secretary of War,\* who is independent of the army, for with us the monopoly of place is not allowed, and we recognize no officers save those in absolute active service. The United States grant pensions only to those who are compelled to quit the service from severe wounds, or to the widows and orphans of those killed in battle.† The army is organized after statute law, and is composed of a general of division, two generals of brigade, a colonel as chef d'etat major, &c., &c. ; and this number cannot be increased beyond what the law allows (and which has since been done). Those belonging to the ser-

\* He is allowed \$6000 a year.

† The Commissioner of the military pension office receives \$2,500 a year; he has thirteen clerks at from \$800 to \$1600 a year. Clerks and contingencies in 1846-7, \$2,075,323.

The estimate for pensions for 1846-7, was \$2,507,100, the appropriations \$2,075,323.

Payments made in the year ending June 30th, 1847.

Invalid Pensions . . . . .	\$246,246
Widows and Orphans, Act of 1836 . . . . .	322,105
Revolutionary, Act of 1818 . . . . .	102,132
“ “ “ 1832 . . . . .	292,978
Five years to Widows, Act of 1838 . . . . .	222,526
Revolutionary, Act of 1843 . . . . .	42,302
Pensions, Act of 1844 . . . . .	444,424
Unclaimed, 1838, &c. . . . .	27,621
Claims, two Acts . . . . .	48,303

The military pension appropriations leave about \$650,080 over. The Blue Book gives every clerk, messenger and interpreter's name, but the details of these pensions are no where to be found. Not a midshipman, carpenter, gunner or sailmaker in the Navy dies, but the facts are chronicled minutely in the Blue Book alluded to.

Mr. Secretary Marcy says: The number of pensioners of all classes on the rolls of the pension-office, is 23,019. The number paid during the half year ending July 1st, 1848, was only 15,092. The reduction of pensioners from death during last year is estimated to be at least ten per cent. There are forty-two pension agents who charge \$2 on every \$100 they pay out, and this, in 1846-7, afforded them incomes ranging from \$200 up to perhaps \$2,500—average under \$900.—TRANS.

vice are incapable of being elected or appointed to any post so long as they remain in the army. All officers are appointed by the President, *with the advice and consent of the Senate*: and he has the constitutional power of dismissing them, although it has seldom or never been resorted to. In general, promotion takes place in time of peace according to length of service. In the event of a war, Congress would pass a law in order to increase the army, and fix its organization. The President then makes all the necessary appointments, in such manner as he may think fit, either in making a selection from officers who had served in the previous war, or in promoting officers in active service, or in giving commissions to militia officers, in the regular army, or those who may have distinguished themselves by their patriotism, and appointing them to the organization of the new levies. The war being over, Congress passes a law to reduce the army, and fix its maximum; when the reduction in all ranks takes place, without any pension or privilege whatever, to those who either tender their resignation or are cashiered. Since the wars which have occurred, however, Congress has awarded public lands to officers and soldiers thus discharged, which measure will doubtless be renewed in the event of future wars,\* and dismemberment of corps. When an officer tenders his resignation, he from that moment ceases to form any part of the army and becomes a mere *pequin*. The only memento he retains is his title, and that from courtesy. Thus for example, Andrew Jackson, the President, was generally called by the title of General, but only for a certain period; he had no salary as such, nor was he retained on the muster roll of the army. In his quality of president, however, he was virtually commander-in-chief of the forces, by land and sea.

The army is recruited by voluntary enlistment; so that

\* This idea has been borne out since the late war and conquest of California and New Mexico.

in time of peace it is but indifferently composed ; for where is the citizen of the United States, who cannot with facility gain more than the pay of a private soldier ? Besides, the love of liberty, and hatred of all restraint, but ill disposes the people to enlist. It must be taken into consideration, that the authoritative position of the officers towards the privates, in some cases approaching to a degree of tyranny, tends not a little to give the people a dislike to military service. This conduct is a consequence of the kind of men who engage themselves, and also effects a reaction in all those who would otherwise engage, while the really effective and good keep themselves aloof. In time of war, the case is different, the ranks are immediately filled up with volunteers, who enlist with the laudable and honorable motive of serving their country, go through a campaign and partake of its glory and dangers. The officers in this case soon discover that they have other and better materials to work with, and begin to change their system of discipline.

The army in its actual state can only be viewed in the light of a *focus* or nursery of one more considerable in its character and development, and destined as it were to preserve the tradition of the military customs and regulations. The officers composing it are in general good, and would, in the event of a war, be immediately promoted to superior rank, and distributed among the newly raised regiments ; in which case what would be required most, would be good non-commissioned officers, who form the true effective basis of all good armies.

The maxim of the United States is to be prepared for war in time of peace. Hence, nothing is neglected towards the accomplishment of this wise maxim. A school on the plan of the Polytechnic School of Paris is established at West Point, a spot not far from New York, and commanding a magnificent view of that noble river, the Hudson, and surrounding country. Here, several hundred young gen-

tllemen receive an education altogether of a military character.\*

On quitting the college, they have the option of either entering the army as officers, or selecting some profession: which latter the greater part do; at the first signal of danger, however, they would be ready to join their standard, and become excellent officers. Many private colleges have adopted the system of education at West Point, and now a great many young gentlemen undergo a general military education. While the manœuvres and musket drills will be as universally known to the future generations, as the catechism to the present.†

Besides these objects and useful studies which partake more of a personal character, the United States have established numerous military arsenals, in which arms and artillery are manufactured and preserved. The fabrication of arms and gunpowder is, however, as well as every other article of industry, entirely independent in the United States. If I mistake not, government has no foundry for iron pieces, but they are purchased ready made from private manufactories.

The last war having demonstrated that the then existing fortifications did not answer the desired end for which they were constituted, Congress adopted a system of fortifica-

\* There are ten professors or teachers. Cadets of the first class, forty-two; of the second, forty-six; of the third, eighty; of the fourth, seventy-nine: Natives of United States, 245; Turkey, 1; Italy, 1. The pay of cadets in artillery and infantry, \$24 per month. Congress voted \$143,472 to uphold the Academy for 1848-9, viz: pay of officers, teachers, cadets and musicians \$79,764; barracks for cadets, contingencies &c., \$30,155, being about \$550 per annum for instructing each of the 247 military scholars. In 1846-7, the pay of officers, cadets, &c. at West Point, was \$81,740; their subsistence, forage, &c. \$8,043; expenses, barracks, visitors, \$41,971. Barracks for the cadets are in progress at a cost of \$186,000, exclusive of outbuildings.—TRANS.

† Were Colonel Murat now living, he would find his ideas upon this subject amply verified to the letter.

tion of a most extensive and formidable character, and altogether upon new principles, and which system is still being followed up with activity. The project is due to the distinguished General Bernard. No officer probably ever undertook such gigantic means of defense ; and they will, undoubtedly, immortalize the General.

The real force of the United States does not consist so much in the regular army, as in the militia. Each citizen must serve until a certain age, which differs in the different States ; for if the army belongs to the Federal government, the militia is entirely under the control of the States. The chaplains, schoolmasters, doctors, and other such professional men are exempt. Quakers and such religious sects who, from conscientious scruples, refuse to fight, must either pay all the regular fines, or *march*. All persons employed in the service of the United States are exempt, as also the magistrates in time of peace.

Everywhere, the governor of the State is commander-in-chief of the militia. It is for him to call them out, either on demand from the President in case of a general war, or at his own pleasure, should he deem it necessary, or that the emergency of the State required it.

The officers are elected by the privates, with the exception of the generals, who are usually appointed by the legislature or the governor. The militia is organized and disciplined in the same manner as the army ; and from the moment it is called into active service, it is paid in the same manner as the other corps of the Union. The law fixes a certain day for their assembling to manœuver ; and the colonel or captain has the power of calling them out oftener, either for exercise or the election of an officer. These meetings partake more or less of military fetes.

It is necessary to view the militia of the new countries in a somewhat different light from those in parts of the Union which have been for a long period inhabited, above all, the great towns of the North-east. There, they are



composed of artisans and workmen, shop and apothecary boys, commanded by their burgesses, all little acquainted with the use of fire-arms, or the custom of camps. In general, they manœuvre tolerably well, particularly in evolutions of a theatrical character, which, however, go for nothing, though they take their fancy ; but if a shower of rain should fall in the midst of a parade, they would all march off, and however well disposed they may be, they could not support the hardships and privations of a campaign.\*

You will, perhaps, tell me that the battle of Baltimore was won by this kind of militia. True, but it was at the gates of the city. The American is brave and particularly remarkable for a rational and reflective courage, and they are the strong characteristic points of defense in which it is dangerous to attack him. But at the battle of Baltimore, the citizen soldiers quitted their homes, having breakfasted and shaved ; but if, instead of this, they had bivouacked in the mud, only for a week, they would have been completely knocked up before meeting the enemy. Hence, the great advantage which the country militia possesses over that of the cities ; the men composing them being accustomed to be exposed to all the vicissitudes of temperature and weather. All are fond of sporting, and are familiarized to the use of the gun. It is true, they are not so well equipped, nor do they manœuvre so well, and are a little more turbulent. But all this does not prevent their being of more real service before the enemy.

But it is the militia of the West and South, that a stranger should see. A regiment of *mounted riflemen*, which is composed of men inured to all the fatigues and privations of an almost wild primitive existence, each

\* Had Colonel Murat lived to witness the late campaign of Mexico, it is to be hoped he would have come to more favorable and commendable conclusions.—TRANS.

mounted on his own horse, familiar to him, armed with his trusty carabine, to which in moments of emergency he has been not unfrequently indebted for an excellent repast. These hardy horsemen think nothing of fatigue, in fact, laugh at it ; while to them a campaign seems an agreeable party of pleasure. They have a thorough knowledge of the intricacies of the woods, can find their way by means of the sun, and observing the bark of the trees, following the track of an enemy or a stag with incredible sagacity, assisted by their dogs—for each man possesses his favorite. They have no regular uniform ; each arrives at his post just as he happens to be drest, made up entirely by his wife from the cotton which he himself has planted. A hat made of plaited palm-leaves shades his face, bronzed by the sun or may-be the fumes of his pipe. An otter-skin, artistically folded and sewed, contains his ammunition, his necessaries for kindling a fire, together with his little supply of tobacco. A wallet attached to his saddle bow contains the provisions both for himself and horse. The animal is not less hardy than his master. A few handfuls of Indian corn a day are sufficient for him ; but towards evening, on arriving in camp, he is unsaddled, the bridle taken off, and two of his legs being attached together he is set loose in the wood,\* where the abundant grass soon affords him an ample and cheap supper. Amid such an heterogeneous mass, not much discipline can be expected. They have no regular manœuvres. Each fights on his own account, and as if by instinct. It is a hunting excursion on a grand scale. They are, however, the troops who most distinguished themselves during the last war, and who claimed the honor of having driven back the English at the

\* This is precisely the custom which I observed in the Bedouin Arabs of the Lybian desert while traveling through Egypt. It is, however, a question whether this kind of restraint does not, more or less, affect the nervous and muscular strength of the animal's legs.—TRANS.

battle of New Orleans. I have myself made a campaign with such a troop, amounting to 300 men. They were commanded by a general of brigade. I set out as his aide-camp, myself forming his whole staff. I returned colonel of a regiment; and few periods of my life have afforded me such agreeable reminiscences. Never shall I forget our fording the passage of the Withlicootchie, at midnight, by the light of the moon, with our signal fires blazing, and by the stronger, but much more distant glare, emanating from the forests which the Indians had fired during their retreat. That grand river, in all the majesty of virgin nature, ran between two banks of perpendicular rocks, nearly sixty feet in height; and a narrow steep foot-path led on either side to the ford. The moon was beautifully reflected in the silvery waves, while their bright and almost phosphoric appearance was only interrupted by the long dark line formed by our little army marching in single file. In this mode of life we remained for a period of about six weeks, on horseback the whole day, and at night encamped in the woods. We only fell in with the Indians three or four times, but we could discover traces of them everywhere in our path, and it was by no means difficult to perceive that we were continually surrounded by them. One night they attacked us in camp and lost two of their men. On another occasion, in open day, they disputed the passage of a ford with us, losing three more men; afterwards seven were taken on a little island at the mouth of a river, were tried, but acquitted by the jury. The sole cause of this war was the murder of a white family by the Indians, in my own neighborhood, accompanied with circumstances of the most barbarous and unheard-of atrocity. Six white children from the age of two to twelve years, were by them burnt alive, while the father was murdered. It was in order to arrest these murderers and compel the other Indians to retire within their territory, and in fact insure the tranquility and peace of our

families, and save them from a probable general massacre, that we took up arms, and in which we completely succeeded.

This kind of half-civilized militia which I have just described is only met with on the frontiers of civilization. They would probably form the first troops in the world, if well disciplined and exercised ; this, however, could only be accomplished after they had been for some months under regimental colors. We may, therefore, always conclude, that in open campaign and during the first year of a war, these militia would always be beat by regular troops ; the case would, however, be far different in the second, and even from the commencement of the first in forests without roads, magazines, or resources of any kind.

There exists in the United States another kind of militia, ever ready to enter into campaign ; whose equipment, arms and exercises leave nothing to desire, and who are commanded by experienced officers who served in the regular army during the last war. These are the volunteer or independent companies. All those who are united by professional ties, or common origin, unite together to form these companies. The act of association, duly drawn up and approved of by the colonel of the regiment to which they are attached, regulates their armament, uniform, the mode of electing officers, that of admission for the privates, retirement, &c. These companies often possess large property, while the conditions of admission thereto are not unfrequently difficult. The *Honorable Artillery Company of Boston*, for example, owns a small arsenal with a very handsome armory of its own ; and, if I mistake not, it requires a hundred louis for admission to the corps. These companies, as regards their discipline and internal economy, are altogether independent of the officers of the regular militia ; but they are, however, subject to their command when called into active service, though generally they are employed in detached service. Their uniform is entirely

left to their own choice, so that there is not a town of any importance without its several companies of riflemen, in the costume of Scotch Highlanders, which has been much in vogue ever since the production of Sir Walter Scott's Romances. The merchants, on their part, form themselves into companies, the uniform of which consists of white pantaloons, blue frock-coat, round hat and red morocco *bouffleter e*. The French, or their descendants, unite together in a similar manner, being commanded in their own language, and adopting the uniforms of some of their old guards-de-corps, or those of the French National Guard. Everywhere there are also Irish and German companies.\*

All this strange variety of military costumes produces a very singular effect ; it, however, excites emulation in no small degree, while these volunteer companies may be looked upon everywhere as *corps d'elite*.

Besides the manœuvres common to the militia where they are obliged to be present, they meet to attend target practice whenever it pleases the captain to call them out for that purpose. Once or twice a year, some volunteer companies of a town pay a visit to other neighboring cities, in all their regular military equipment. The funds requisite for these expeditions are subscribed by the members of the corps and paid over to the quartermaster, who goes on in advance and makes all the necessary arrangements for their accommodation, in accordance with the regulations. All the volunteer companies of the town or city to which they proceed go out to meet them, and invite them to dinner. They manœuver together, become acquainted, dance, and reciprocal invitations and promises of visits are exchanged ; from which cordial and happy reciprocity of feeling arises one of the most powerful means of contributing to attach and *bind* the patriotic population of the United States in one harmonious whole.

\* In New York there is a company in the uniform of the English Guards.—TRANS.

All these movements of troops take place without any interference of the government whatever, and which, perhaps, knows nothing about it. Occasionally one of the *bel-plumes* of the company will open his casement, and observing the fineness of the weather, and having nothing particular to do, he trips off to the captain and proposes a military promenade ; the idea takes the captain's fancy, the drummers are sent for, the *generale* is beaten, and the company assembles. Although, in fact, the captain commands, yet he cannot notwithstanding take so important a measure upon himself without the consent of all the company ; hence, as soon as it is assembled, the discussion begins. The majority of voices decides on what is to be done, to which the minority must submit or pay a fine, and as soon as the resolution is taken, the captain puts it in execution with an air of authority not unlike that of a despot in miniature. In the midst of the most profound peace, in a state of political tranquility which admits not even the suspicion of a disturbance, the stranger is not without alarm at suddenly hearing the *generale* beaten on all sides of him. In going out he meets nothing but armed soldiers hastening to join their colors, companies already formed are marching in all directions ; he almost deems it a dream, having seen not even a soldier on the previous evening, and cannot account for their presence save on the supposition, that the town *may* have been taken by assault during the night. He is, however, not long in suspense, as the air of indifference and security with which the peaceful citizen looks on this military pomp passing before him speedily re-assures him. And, curious enough, nobody can give him a correct answer as to the nature or object of this movement.

In the large towns, such as New York and Philadelphia, these volunteers amount to about 10 or 12,000 each.\*

\* Vide, p. 177.

They are always ready to march at a moment's notice, perfectly well armed, equipped and exercised, and render important services in time of war : their great defect is, in the difficulty of inducing them to abandon the immediate defense of their homes, for being almost all of them young men of family and property, they have too immediate an interest in the town of their birth to like to wander elsewhere. This, however, if we take into consideration the particular position of the United States, is not of great importance. There exists but one frontier to defend, that of the coast of the Atlantic. All the points of debarkation are commanded by forts defended by the regular army ; in second line, are the large towns defended by volunteer companies and the regular militia ; then lastly, the heart of the country is defended by its militia or *levée en masse*.

There would be, therefore, no necessity to call together the militia of the large towns, until after the former had fallen into the hands of the enemy ; and even then, there would not be the slightest difficulty in its accomplishment.

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### Additional Notes to Chapter Seventh.

As an interesting and important appendage to this work, I have devoted much attention to the nature of the offensive and defensive position of the United States. Hence I have been induced to present to the notice of the European reader especially, the statistical position of America as regards her army and navy, drawn from authentic sources, viz., the Archives of the Naval and Military Departments. We have already given America her due as regards her bravery on the ocean, and let us now without vain flattery award her the meed of praise for her successful conquest of Mexico, which ranks General Taylor, now the honored President of the republic, with a Napier in chivalrous bravery,—and General Scott with a Wellesley, in their battle-fields of Assay and Mexico.—TRANS.

TABLE OF PAY, SUBSISTENCE, FORAGE, ETC., OF ARMY OFFICERS

Rank and Classification of Officers.	PAY.		SUBSISTENCE.		FORAGE.		SERVANTS.		Total Monthly Pay.
	Per Month.	20 cts. each ration.	No. of Rations.	Monthly Commutation Value.	\$3 pr mo for each horse.	No. of Horses.	Monthly Commutation Value.	Pay, &c., of a Private.	
Major General .....	\$200.00	15	60	3	\$24	4	\$62.00	\$376.00	
Aid-de-camp, besides pay of Lieut.	24.00	1	6	1	8			38.00	
Brigadier-General .....	104.00	12	72	3	24	3	46.50	246.50	
Aid-de-camp, besides pay of Lieut	20.00			1	8			28.50	
Adjutant-General,—Colonel.....	90.00	6	36	3	24	2	33.00	183.00	
Assistant Adj.-Gen.—Lieut.-Col...	75.00	5	30	3	24	2	33.00	162.00	
Assistant Adj.-General.—Major....	60.00	4	24	3	24	2	33.00	141.00	
Assistant Adj.-General,—Captain...	50.00	4	24	1	8	1	16.50	98.50	
Inspector-General, Colonel.....	90.00	6	36	3	24	2	33.00	183.00	
Quartermaster-Gen.—Brig.-Gen..	104.00	12	72	3	24	3	46.50	246.50	
Assist. Quartermaster-Gen.—Col...	90.00		36	3	24	2	33.00	183.00	
Deputy Quar.-Gen.—Lieut. Col...	75.00	5	30	3	24	2	33.00	162.00	
Quartermaster,—Major.....	60.00		24	3	24	2	33.00	141.00	
Assist. Quartermaster,—Captain...	50.00		24	1	8	1	16.50	98.50	
Comm'y-Gen. of Subsistence,—Col.	90.00	6	36	3	24	2	33.00	183.00	
Ass. Commissary-Gen.—Lieut.Col.	75.00	5	30	3	24	2	33.00	162.00	
Commissary of Subsistence,—Major	60.00	4	24	3	24	2	33.00	141.00	
Commissary of Subsistence,—Capt.	50.00	4	24	1	8	1	16.50	98.50	
Ass. Comm'y, besides pay of Lieut.	20.00							20.00	
Paymaster-Gen., \$2,500 per annum.								208.33	
Deputy Paymaster-General .....	75.00	5	30	3	24	2	33.00	162.00	
Paymaster.....	60.00	4	24	1	8	2	33.00	125.00	
Surgeon-General, \$2,500 per annum								208.33	
Surgeons of 10 years' service.....	60.00	8	48	1	8	2	33.00	149.00	
Surgeons of less than 10 years' serv.	60.00	4	24	1	8	2	33.00	125.00	
Ass. Surgeons of 10 years' service.	50.00	8	48	1	8	1	16.50	122.50	
Ass. Surgeons of 5 years' service..	50.00	4	24	1	8	1	16.50	98.50	
Ass Surg. of less than 5 yrs. serv..	33.33	4	24	1	8	1	16.50	81.83	
ENGINEERS,—TOPOG. ENGINEERS,— ORDNANCE DEPARTMENT.									
Colonel.....	90.00	6	36	3	24	2	33.00	183.00	
Lieutenant-Colonel.....	75.00	5	30	3	24	2	33.00	162.00	
Major.....	60.00	4	24	3	24	2	33.00	141.00	
Captain.....	50.00	4	24	1	8	1	16.50	98.50	
First Lieutenant.....	33.33	4	24	1	8	1	16.50	81.83	
Second Lieutenant.....	33.33	4	24	1	8	1	16.50	81.83	
MOUNTED DRAGOONS & RIFLEMEN.									
Colonel.....	90.00	6	36	3	24	2	33.00	183.00	
Lieutenant-Colonel.....	75.00	5	30	3	24	2	33.00	162.00	
Major.....	60.00	4	24	3	24	2	33.00	141.00	
Captain.....	50.00	4	24	2	16	1	16.50	106.50	
First Lieutenant.....	33.33	4	24	2	16	1	16.50	89.83	
Second Lieutenant.....	33.33	4	24	2	16	1	16.50	89.83	
Adjutant, besides pay of Lieut.....	10.00							10.00	
ARTILLERY,—INFANTRY.									
Colonel.....	75.00	6	36	3	24	2	31.00	166.00	
Lieutenant-Colonel.....	60.00	5	30	3	24	2	31.00	145.00	
Major.....	50.00	4	24	3	24	2	31.00	129.00	
Captain.....	40.00	4	24			1	15.50	79.50	
First Lieutenant.....	30.00	4	24			1	15.50	69.50	
Second Lieutenant.....	25.00	4	24			1	15.50	64.50	
Adj.&Reg.Q'm'r, bes. pay of Lieut.	10.00			1	8			18.00	



## THE UNITED STATES' ARMY—PROMOTIONS.

In the British Army, old deserving non-commissioned officers do not, as in France, get often promoted; young lads of the "man-milliner" species are put over the heads of the oldest, steadiest sergeants, over men whose practical knowledge of discipline, and great military experience, ought to entitle them to promotion. Senator Pearce, of New Hampshire, thinks that we follow the English practice too closely. One day he told of "a sergeant who performed a service at the battle of the Whithlacoochee, for which, had it been under Napoleon, he would have got a baton. But in ours what did he get? Three times did that gallant fellow, with his arm broken and hanging at his side, charge the Indians and drive them from their hammocks, where they were entrenched. The poor sergeant stayed in the service until his time expired, and that was all he got for his gallantry and disinterestedness." An opinion gains strength, that the honors of the army and navy ought to be thrown open to free competition. Very many commissions and promotions are the reward of official trimming and truckling in Congress, &c., by the relatives of parties thus placed over the heads of more deserving men.

Von Müller tells us in his *Universal History*, that "The degrees in the Roman army were very numerous. From the last centurion of the last manipulus of the first line to the primipilatus, there were sixty steps. The choice of the generals did not depend on the number of years of service; often the leader who had triumphed served under his successor, and the father under the command of his son; indolence and want of ability were the only obstacles to promotion.

"The Romans did not consider it necessary that the soldiers should be of great stature: large bodies cannot easily support so much fatigue as those of smaller bulk. The Barbarians disdained the small stature of the Roman troops. *The love of their country*, and the great interests that were at stake, gave to the armies of the Romans an impulse very different from the motives of the Carthaginian and the Asiatic soldiery, *who fought only for pay.*"

Sir James Mackintosh considered a standing army dangerous to the institutions of a free state; De Tocqueville thinks that "a restless and turbulent spirit is an evil inherent in the very constitution of democratic armies;" and that odd compound of monarchy, feudalism and aristocracy, Sir Walter Scott, told his son that "a democratical soldier is worse than an ordinary traitor by ten thousand degrees, as he forgets his military honor, and is faithless to the master whose bread he eats."

Under the government which Scott so greatly admired, commissions in the army are bought and sold like stocks or acres; officers who have served some two to ten years are allowed to retire on half pay, enjoy it twenty, thirty, or even forty years, and then sell out to younger men; merit, if unconnected with rank and standing in society, is quite apt to be overlooked, though it is not always so.

Fuller, a distinguished English author, early in the 17th century, wrote a book called "The Holy State," wherein he thus describes "The Good General:." He shows in what a general "*loves and is beloved by his soldiers.*" "1. By giving them good words." "2.

By *partaking* with his soldiers in their *painful employments*." "3. By sharing with them in their wants." "4. By taking notice, and rewarding of their deserts; never disinheriting a worthy soldier of his birthright, of *the next office due unto him*. For a *worthy man* is wounded more deeply by his own general's neglect, than by his enemy's sword; the latter may kill him, but the former deads his courage, or, what is worse, mads it into discontent; who had rather others should make a ladder of his dead corpse to scale a city by it, than a bridge of him while alive, for his *punics* to give him the go-by, and pass over him to preferment. For this reason chiefly (*besides some others*), a great and valiant English general in the days of Queen Elizabeth was *hated of his soldiers*, because he deposed officers by his own absolute will, without respect of orderly advancing such as deserved it, which made a great man once salute him with this letter: 'Sir, if you will be pleased to bestow a Captain's place on the bearer hereof, being a worthy gentleman, he shall do that for you, which never as yet any soldier did, namely, pray to God for your health and happiness.' "

#### PAY OF THE ARMY, YEAR 1846-7.

The following particulars are taken from Ex. Doc. 7, Dec. 1847, pp. 123 to 214 and 282 to 295; what little insight they give us as to the system of accountability to Congress and the public, through *clearness of statements and a publicity of facts*, those who can may profit by; we really cannot.

*Pay of the Army* (deducting repayments), \$1,725,992. Of twenty-three paymasters named, T. P. Andrews was intrusted with \$395,391; T. J. Leslie with \$547,546; G. H. Ringgold \$231,306; and the others with sums varying from \$642 to \$116,605. Pay of ten regiments \$80,000.

*Subsistence of Officers*, \$545,467; of which \$422,823 passed through the hands of Paymasters Leslie, Andrews, Townsend and Ringgold.

*Subsistence Department*, \$1,763,566; of which \$900,800 were paid through Commissary Seawell, \$121,000 through Shiras, \$400,000 through Grayson, \$120,000 through Lee.

*Subsistence, ten Regiments of Regulars*, \$220,832; of which \$150,000 paid per Seawell.

*Quartermaster's Department*, \$1,473,030; of which, per Vinton \$140,000, Æ. Mackay \$76,000, T. F. Hunt \$108,234, H. Stanton \$100,000, Dusenbury \$55,100, Morris S. Miller \$32,459, M. M. Clark \$348,752, D. D. Tompkins \$504,508.

*Same Department—Incidentals* [no items or explanations given], \$1,025,337; of which, per Hunt \$251,000, Clark \$656,235.

*Same Department—Transportation and Supplies*, \$971,331; of which \$1,126,680 in hands of Michael M. Clark, \$939,500 in hands David H. Vinton, \$411,000 H. Stanton, \$155,550 Æ Mackay, \$796,809 T. F. Hunt, \$70,000 Dusenbury, \$166,920 M. S. Miller, \$117,000 F. R. Loper.

*Transportation of the Army, including Officers' baggage*, \$3,314,125; per hands of T. F. Hunt \$389,934, D. D. Tompkins \$503,956, M. M. Clark \$1,479,196, Æ. Mackay \$168,200, D. H. Vinton \$281,700.

*Clothing Department*, \$597,119; of which \$565,975 per H. Stanton.

Of \$405,036 on hand for three months' extra pay to privates, sergeants, musicians, &c., and expenses of recruiting, \$291,858 were paid. \$40,294 for services of private physicians, of which \$24,500 per Mower.—“*Barracks, Quarters, &c.*,” \$263,078; of which, per M. M. Clark, Assistant Quartermaster, \$116,919. “Providing for the comfort of discharged soldiers,” \$500,000, through Dy. Quartermaster Gen. Hunt—no details. Repairs of roads and bridges for armies, \$39,000.

### MEXICAN HOSTILITIES, &c.

In addition to the above and other expenditures, we find in page 163 to 168 Executive Documents, Dec. 7, 1847, that \$16,344,397 were paid in 1846-7, under the head of “*Mexican Hostilities.*” Reference is made to the act of July 20, 1846, but no details are given of the expenditure. The money was expended on “volunteers and other troops;” and appears to have passed through the hands of—T. F. Hunt \$3,265,224, A. Mackay \$641,540, H. Stanton \$410,000, H. Whiting \$300,000, A. R. Hetzel \$249,000, D. D. Tompkins \$476,615, S. B. Dusenbury \$159,000, D. H. Vinton \$782,918, M. M. Clark \$1,336,592, R. E. Clary \$190,000, W. Seawell \$200,000, Amos B. Eaton \$195,000, J. B. Grayson \$510,000, J. P. Moore \$194,043, Paymaster T. J. Leslie \$1,799,450, B. Walker \$200,000, Timothy P. Andrews (ex-Col. Voltigeurs), \$352,000, Christ. Andrews \$122,000, Roger S. Dix \$100,000, A. D. Steuart \$567,950, Benjamin F. Larned \$546,400, G. H. Ringgold \$384,700, H. C. Wayne \$146,000.

*Pay of Volunteers*, \$614,481.—Charged as in the hands of B. F. Larned, Deputy Paymaster-General, \$1,100,000, from which said payments were made.

*Subsistence of Volunteers*, 11 Regts. \$257,453; of which \$200,000 per Commissaries Lee and Seawell.

*Preventing, Suppressing and Repressing Indian Hostilities*, \$51,322; but no act is referred to, nor is it clear to us who got the money.

### MILITARY EXPENDITURES.

*Armament of certain Fortifications*, \$203,773.—No particulars given, but Act of May 15, '46, referred to. “*Ordnance Service,*” \$93,994. “*Ordnance, Ordnance Stores and Supplies,*” \$560,633; Horses lost or destroyed, \$20,252. “*National Armories,*” \$369,506; of which, per E. Ingersoll, storekeeper, \$217,000, and Richard Parker \$142,475. *Repairs, &c.*, at Springfield and Harper's Ferry Armories, \$151,053; *Arsenals*, \$108,915; Bought Saltpeter, Brimstone and Gunpowder, \$150,000; Laid out in Fortifications and Barracks, \$1,363,245—no details, but a reference to the amount paid the lieutenant, captain, or other military man who drew the money. Light-houses, Harbors, River Improvements, \$84,308; Removal of Choctaws from Mississippi, \$41,995; “Expenses of Mission to Wild Indians of the Prairie,” \$51,723, M. G. Lewis and P. M. Butler, Commissioners—an expensive mission this. For

carrying into effect Indian treaties, or payments to Indians in money or in kind, immense sums are charged, but beyond a reference to the statutes and stating who expended the money, little information is given to the public. On the Military establishment votes, \$8,204,218 appears to have been in the hands of public accountants on July 1, 1846, and \$8,365,318 on July 1, 1847.

While many pages of the Blue Book are filled up with such items as "New York Daily Express, for advertising meeting of Army and Medical Board \$1½," the American reader will look in vain for any complete and intelligible account of the year's receipts and expenditures; indeed bills to enforce the payment into the Treasury of all the revenue have met with quite as little favor at Washington as at Westminster.

Five or six years since, Mr. Meriwether reported, from the committee on public expenditures, in the House of Representatives, a bill providing, "That no officer of the army or navy shall receive any other compensation than the pay or emoluments of the office which he holds, notwithstanding he may perform the duties of any other office or appointment." Also, "That no payment shall be made to any officer of the army or navy, by way of pay or emoluments, who may have been or shall be restored to rank, for the time he may have been or shall be out of service." A majority in Congress, who have "democracy" continually upon their lips, and "the public plunder" in their eye, would have passed a bill to double the national taxation for the especial benefit of idle and useless officials, the lumber of the public service, rather than adopt such real reforms as the above.

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In giving the reader a statistical view of the militia of America, it will be seen that they possess a constitutional power equal to any European nation; the *Landwehr* of Germany, and the National Guards, or Guard Mobile of Paris may equal them in number, but we question whether either power at the present day could rely on their unanimous coöperation with the regular army. Here they form a brotherhood of soldiery, and in the battle-fields of Mexico have proved their prowess, though undecorated for that bravery. The militia of the United States, from what I have seen of it, and I have had some experience in the matter, are equal in their equipment and military parade to any in Europe,—and as to their target practice, they are a match for the celebrated *yager* corps of Switzerland or Germany.—TRANS.

## MILITIA FORCE OF THE UNITED STATES.

*Abstract of the United States Militia, from the Army Register for 1848.*

States and Territories.	For what year	General Officers.	Gen'l Staff Officers.	Field Officers, &c.	Company Officers.	Total Commissioned Officers.	Non-com. Officers, Music'ns, Privates, &c.	Aggregate.
Maine .....	1845	26	95	540	1,659	2,320	42,345	44,665
N. Hampshire..	1847	12	40	325	1,224	1,601	25,465	27,066
Massachusetts..	1847	9	35	74	380	498	94,157	94,655
Vermont .....	1843	12	51	224	801	1,088	22,827	23,915
Rhode Island...	1847	6	21	42	9	78	14,068	14,146
Connecticut....	1846	11	38	292	983	1,324	56,395	57,719
New York .....	1847	136	366	2,505	6,465	9,472	158,172	167,644
New Jersey....	1829	19	68	435	1,476	1,988	37,183	39,171
Pennsylvania...	1847	55	164	1,245	6,054	7,518	268,552	276,070
Delaware .....	1827	4	8	71	364	447	8,782	9,229
Maryland .....	1838	22	68	544	1,763	2,397	44,467	46,864
Virginia.....	1847	23	62	1,351	5,395	6,836	115,155	121,991
N. Carolina.....	1845	28	133	657	3,419	4,267	75,181	79,448
S. Carolina....	1846	19	101	452	2,026	2,598	52,107	64,705
Georgia.....	1839	36	98	746	2,212	3,092	54,220	67,312
Alabama .....	1847	31	187	564	1,382	2,164	42,168	44,332
Louisiana .....	1847	10	55	159	1,168	1,392	42,431	43,823
Mississippi .....	1838	15	70	392	348	825	35,259	36,084
Tennessee .....	1840	25	79	859	2,644	3,607	67,645	71,252
Kentucky .....	1847	48	125	1,112	3,518	4,803	83,539	88,342
Ohio .....	1845	91	217	462	1,281	2,051	174,404	176,455
Indiana.....	1832	31	110	566	2,154	2,861	61,052	63,913
Illinois.....	1841							83,234
Missouri .....	1844	45	94	790	2,990	3,919	57,081	61,000
Arkansas.....	1843	8	29	310	762	1,109	16,028	17,137
Michigan.....	1847	26	121	336	2,110	2,593	57,413	60,006
Florida.....	1845	3	14	95	508	620	11,562	12,122
Texas.....	1847	15	45	248	940	1,248	18,518	19,766
Iowa.....								
Wisconsin T....	1840	1	6	36	126	169	5,054	5,223
D. of Columbia.	1832	1	3	24	68	96	1,153	1,249
Total.....		773	2,493	15,456	54,259	72,981	1,732,323	1,888,538

By a communication from the Secretary of War to Congress, it appears that the total number of soldiers in the army, after the discharge of those enlisted for the war, is 8,866.

The "Ten Regiments" raised under the act of February 11, 1847, to serve during the war, were disbanded upon the conclusion of the treaty of peace with Mexico.

This shows a colossal increase since Col. Murat's time.

## CHAPTER VIII.

### THE NAVY.

The Naval and Merchant Service—Exploits of the Navy during the War, its Force *then* and now—Naval Architecture of America—The *Pennsylvania* of 144 Guns—Dock-Yards, Government and Private—The Frigates for Greece—Anecdote of Naval Action, and Ibrahim Pacha—American and English Navy Compared—Manning the Navy—Comparison between Navy and Army Service—Officers of the Navy—Privateering Baltimore “Clippers”—Merchant Service—Rapidity of Voyages—Wars with Europe—Capture of Washington—Battle of Baltimore—Expedition to New Orleans—Causes of English Success in Canada—Result of the War—America formidable in a future Naval Warfare with any European Power—Her Policy to Maintain Peace.

I WILL now come to another important arm, of which I have not yet spoken, and one in which lies our most powerful defense—our navy.

To this arm we were indebted for our most brilliant triumphs during the last war: for although but in its infancy, with few exceptions, she beat the English on all the oceans, in a manner which astonished Europe. It is, however, by no means extensive. We have at this moment, I believe, but twelve vessels of the line; but they are all beautiful models of naval architecture. This branch of the arts, as well in the mercantile as military department, has made immense progress in America. By means of a very simple invention, they have succeeded in rendering frigates almost as strong as ships of the line; and two deckers equal in construction and strength to three deckers. The deck is constructed sufficiently strong to support guns equal in caliber to those of the battery. This plan has been adopted lately in the construction of an immense leviathan of a ship at Philadelphia. She mounts in all 144 guns of the heaviest caliber. She is the largest ship which has ever been built. Government neglects no ex-

pense towards the formation of the navy, amounting even to prodigality and luxury ; and the quality of the wood (almost imperishable), which is now almost exclusively employed in the navy, leads me to believe, that she will, ere long, arrive at a degree of splendor and numerically imposing force.

Although the vessels of the United States' navy are not very numerous at the present period, their numbers are capable of being increased with unexampled rapidity. There exist eight or ten naval arsenals, which are in that state of perfection and admirable order that they are ready, at a moment's notice, to construct as many ships of war as the immediate emergency of the case may require. There are in each of them a great number of *calles* or stocks, many of which are roofed over, together with immense magazines of wood, rigging, &c. Besides these, in the cities of New York, Philadelphia and Baltimore, vessels of war are built, belonging to private individuals. During the last war, they built several vessels on account of government ; since which, these parties have supplied Colombia and Peru, Spain and Mexico, the Brazils and Buenos Ayres. They constructed two vessels for the Greeks, during their war of Independence ; the one was sent to its destination, while the other was bought by the American government, and now belongs to the navy department.\* The "Hellas Frigate" (if I mistake not) was

\*I had the honor of accompanying and serving under Lord Cochrane (now Earl Dundonald, admiral and commander-in-chief on the West India and North American Station), in Greece, on board of one of these frigates ; she was a most magnificent vessel, mounting sixty-four heavy guns : thirty-two long thirty-two pounders on her upper, and thirty-two forty-four pound carronades on her lower deck, besides four sixty-eight pounders. She was the admiration of all the navies on the Mediterranean station ; and while off Zante, she fell in with and captured a Turkish frigate in gallant style, in forty minutes. Although out of consideration and compassion for the poor little devil of a Turk, mounting but thirty-two long brass

bought by the *Greek Loan Jobbers* in England, for the sum of £60,000 sterling, while the Greeks not being able to purchase the sister frigate, she was sold to the American government, and had not been in the service more than a

guns of lighter caliber, his lordship ordered only grape to be fired at her rigging in order to disable her; she, however, becoming *rather* troublesome, having sent a round shot or two through the admiral's cabin, rounds were fired by the *Hellas*, by way of "returning the compliment," when she surrendered, being the first Turkish vessel which surrendered to a Greek during the war. And had it not been for Lord Cochrane and his European officers, the Turks would have blown the ship up rather than have surrendered to the Greeks, as hitherto had been invariably the case during their frightful and desperate struggle. Only two round shots were fired from the frigate—the one killed and wounded twenty-two men, the other passed through and through the state cabin in which, on boarding the Turk, we found about a score of beautiful young Greek women captured in the war, and who were on their voyage to the Seraglio of the Sultan, as a present from his *humane* Highness, Ibrahim Pacha. This beautiful frigate, named the "*Hellas*," was afterwards blown up in the Greek harbor of Poros, by the venerable and gallant naval hero Miaoulis, together with the whole Greek squadron, rather than allow their falling into the hands of the treacherous Russians, through the intrigues of Count Capo d' Istria.

Some years since, Ibrahim Pacha, this monster stained with the blood of Greece and her daughters, arrived in London, where he was treated with "all the honors due to his illustrious rank" (*rank* indeed); he was complimented and feted at the magnificent London Club, called the Reform: yet this very man would *under other circumstances* have thought nothing of cutting their throats, and transporting their wives and daughters to the same market as that to which he *intended* to send the lovely young Greek captives, as a *peace offering*, forsooth, to his imperial master, the Sultan. Yet, Ibrahim Pacha was a hero! so was Turpin, Jack Sheppard et hoc genus omne. I could relate many instances of this *civilized* barbarian's atrocities committed during the Greek war. One anecdote, however, will suffice to show how lightly he thought of the shedding of human blood, even that of his own devoted soldiers:—

In one of the battles in the Morea, during the Greek War of Independence, and in which Ibrahim was victorious, the good and noble minded Count Santa Rosa was killed in the cause of Greece. Walking over the battle-field, Selves, the French renegade, who was



twelvemonth, before (as I was informed) she got the dry rot or something equivalent, and was condemned to less noble purposes.

The Russian Government also bought a superb corvette at Philadelphia; and I doubt not, but that the private ship-yards of the large towns of the Union could furnish twenty first-class frigates a year, fully equipped and independent of those built in the government dock-yards. So certain is the government of its resources in this department, that it is by no means desirous of increasing the navy to any extent during a period of peace.

The maintaining ships in ordinary is very expensive; whatever care be taken of them, an old vessel can never be equal in value to one newly constructed. In the list of ships in the American navy, there are none of no value. England is far from being able to make the same statement. She is the only European power with which we can have a naval war. In a month's time, all our navy would be armed and ready to defend the approaches of our coast; and we may say, before a fleet of twelve vessels of the line could advance to attack us, our arsenals would have sent forth a dozen vessels at least, in addition, to the *rencontre*. Besides this, every day produces new improvements towards perfection in our naval architecture; while the last vessel built is always the best. There is, therefore, a considerable advantage in having all our *materiel* ready, and in setting to work on the construction of our ships, only when they shall be required.

The only difficulty which the United States would experience in equipping a fleet, would be in finding

known under the title of Soliman Bey, came suddenly upon some of the dead, among whom he recognized the body of his old friend of other days, the unfortunate Count; and with an exclamation of sorrow mentioned his regret for the loss of one so esteemed, to Ibrahim, whereupon the Pacha coolly replied "Ah! *ma foi*, it is the fortune of war. But as it seems to affect you, *how many of my Arabs' heads shall I cut off by way of satisfaction*?"—TRANS.

sailors to man it ; for we have no English press-gang system. The crews are formed from voluntary enrollment, and at a bounty—always higher than that paid by the merchant service ; hence, up to the present moment no difficulty has been experienced. It is to be feared, however, that at the breaking out of a war, when there would be a considerable demand both for the naval service, and for the innumerable corsairs or privateers who would tender their services, besides the inducement of high pay and the hope of rich captives : it is to be feared, that much difficulty would be experienced in equipping the navy. There is, however, one consideration certainly in favor of the latter, which is, that as a war cannot be undertaken unless sanctioned by the will of a majority of the people, an unpopular war can never be entered into by the United States ; but if the people desire it, upon good and patriotic grounds, they very well know how to set about it.

I must here observe, that the military service does not offer such great inducements to people of so turbulent a character as the American sailors to enter it. Besides, the discipline on board ships of war is extremely severe, more so, perhaps, than in any other service ; and this I believe to be absolutely necessary, in order to bring the American sailor to a forgetfulness of republican equality, which could on no account be permitted in the naval service, without the most imminent danger.

The officers of the navy are very numerous, particularly in the inferior grades. These grades are the same as in England. The officers are not all in active service, either on board vessels of war, in the arsenals, dock-yards, &c. There are some *en disponibilite*, or, as we say, waiting orders, who have received an order from the minister to repair to such a station, and there to hold themselves at the disposition of the government ; they there receive their full pay, but are allowed no rations. Others are on leave of absence for a determinate period. Others again are in

absolute *cong e*, receiving no pay, and remain so until they apply to government for active service. When they are thus on leave, they may dispose of themselves and their time just as it pleases them. For example, many among them command merchantmen, trading to China, or occupy themselves in any other industrious pursuit. So long, however, as an officer belongs to the naval department in some shape or other, he can neither be elected, nor can he be appointed to any other place.

In time of war, the commerce of America, which then becomes partially paralyzed, furnishes an immense number of privateers. The schooners of Baltimore (the famous clippers), during the last war, did immense mischief to the English trade, and had even the hardihood to advance so far as between the coasts of England and Ireland. This mode of warfare would, in the present day, be considerably more destructive, should hostilities break out; since the merchant service has increased amazingly, and the past experience, from the immense fortunes made in that line, would be an additional inducement for men of daring enterprise to pursue that system of warfare immediately after war had been declared.

The merchant marine of the United States is immense; it extends to all seas. To those who have seen the New York and Havre, or London and Liverpool packet-ships,\* it were useless to inform them that they are the most magnificent vessels of their class afloat, as much in point of construction, as in rapidity of speed and in *materiel*. They are, in fact, most excellent hotels, traversing the Atlantic from America to Europe; in them, you live quite as well as on land, for the same sum, and you may be said to have the passage absolutely for nothing. The certainty of this mode of communication leaves nothing to desire;

\* The "Devonshire" is remarkable for all these qualities, in every particular.—TRANS.

for, of the 2,160 voyages which these vessels made during a period of ten years, only three had been lost. Their speed is incredible. Some years ago, in New York on the 4th of January, I remember to have seen the message of the President, which was pronounced at Washington on the 1st of December, printed in a Liverpool journal on the 16th of the same month. These examples are, however, rare, the average passage being twenty days going from America, and twenty-five returning from Liverpool.\*

Hitherto, the United States have had but two wars with the European Powers, for I do not consider the declaration of war against France, in 1798, in that light, as no consequences resulted from it. These two wars were against England; in both of which the Americans claimed the advantage. I am aware that in the last war the English make a boast of taking Washington, and having burnt the capitol; but that brilliant exploit, which made so much

\* What would Colonel Murat say, had he lived to behold the magnificent Royal West India and Cunard Mail Line of steamers, the electric telegraphic communications, and all the other wonderful inventions and improvements in this truly wonderful age? The following is one almost incredible instance:—

**EXPEDITIOUS TRAVELING.**—An American merchant left New York on the 4th of April, by the steamer Canada. On the 19th he was at Liverpool. After settling affairs at this place and London, he was at Southampton on the 20th, when he embarked on board the steamer Ripon, for Alexandria, with the mails for India. On the 15th of June he will have arrived at his destination, which is Canton. Thus he will have accomplished the voyage from America to China, which is a distance of 15,000 miles, in the short space of seventy-two days. In a little more than two months, he will have traversed the Atlantic and Indian Ocean, the Mediterranean, Red Sea, and China Sea. In Europe, he will have seen England, Gibraltar and Malta; Alexandria and Suez, in Africa; Arden, Ceylon, Penang, Singapore, and Hong Kong, in Asia. And having taken his departure from America, he will have been in the four quarters of the world in seventy-two days! Such an example of extraordinary velocity of motion, or comet-like traveling, is without example.

noise at the time in Europe, in order to be appreciated at its real value, requires only to be made known in all its details.

The town of Washington, although it be the official capital of the United States, was at that period, an insignificant town of seven or eight thousand inhabitants.\* The English troops who were afloat in the Chesapeake during the night, the tide being in their favor, ascended one of the tributary rivers of its immense bay, and in the morning, landed a few miles from Washington.

They immediately marched upon the town, where they met with no opposition; for the two or three hundred marines who were stationed there evacuated it on their approach, and had retired upon Bladensburg, six miles on the road to Baltimore. After having burnt the capitol, or rather the few articles of furniture which they found there (for stone walls are by no means easily burnt), the English army marched upon Bladensburg, where they defeated the marines and the few militia who had joined them. Flushed with this advantage, they continued their march upon Baltimore, where they were defeated by the militia of the town, and had a general killed. This expedition, which had cost England large sums of money, and which was designed to cause a powerful diversion in the center States, entirely failed in its object; and was completely destroyed in less than eight days after landing. The burning of Washington was rather favorable to the American cause, than otherwise, for that act of vandalism, together with the outrages committed by the English army on its march, immediately silenced the party opposed to the war, and resulted in uniting the whole nation in one sentiment and feeling of revenge, thus increasing the government forces an hundred-fold. The English expedition against New Orleans was still more disastrous. We must, however, admit that

\* In 1840, the population of Washington had increased to 23,364.

they met with success in Canada ; a success, however, which could lead to no advantageous result, and which may be entirely attributed to the opposition of the Federalists, then in the way of all the measures of the government, and the refusal of some of the New England States to call out their militia, when demanded to do so by the President. But of what avail is it thus to review these two campaigns ? Does the vanquished always acknowledge his defeat ? Hence, amidst so many contradictory reports, the best means of forming a correct judgment of success in war is in its ultimate result. Still feeble,—with scarcely a population of five millions,—without government resources, army or navy, America induced England to acknowledge her independence, while George the Third, surnamed “the obstinate,” was obliged to receive at his very court that same Adams, whom he had denounced as a rebel and traitor, as the first ambassador from a power henceforth destined to rival England.\* It is but justice to state, however, that the assistance of France contributed much towards the success of the first war. America would have ultimately succeeded alone, but it would have cost her immense sacrifices, and a much longer period of time to

\* It is any thing but agreeable to perceive the illiberal feelings evinced (chiefly, however, by the prejudiced and uneducated class) towards England, when all who have made themselves acquainted with the history of the period must know, that not only the people of England, but all her most eloquent senators and orators were in favor of America, and in whose cause the great Chatham died on the very floor of the House of Lords.

That the Americans were unjustly aggrieved, wronged, and oppressed, is a fact which has been universally acknowledged by the people of England themselves. Hence the censure should apply to the real oppressor, George the Third's evil genius, the despotic Lord North ; whose tyranny at the present day no nation would submit to. Lord North may be compared to Pitt, at a later period of our history, who would listen to no terms whatever with Napoleon, but to use his own words, “*coute qui coute,*” Bonaparte must fall.—TRANS.

obtain her independence. In the second war who had the advantage? did not the United States? Which of the two parties made concessions at the Treaty of Ghent? it certainly was not America. England recognized her limits, and expressly renounced her right to visit her vessels, and press her seamen. And that was the origin of the war.

I imagine, and most heartily do I hope, that America will be many, many years before she is drawn into a European war. The United States are now too powerful to fear any of them; while every nation possessing a maritime commerce, with the exception of England (and she would be wounded in her heart's core), would infallibly see it destroyed should they molest her.

Hence, with this view of the matter do I believe that many years of peace and prosperity will be guaranteed to her.

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## Additional Notes to Chapter Eighth.

### THE NAVY.

“The world has furnished no example of a flourishing commerce without a maritime protection; and a moderate knowledge of man and history will convince any one that no such prodigy ever can arise. A mercantile marine and a military marine must grow up together—one cannot long exist without the other.”—JOHN ADAMS—Message, Nov. 28, 1797.

“It were indeed a vain and dangerous illusion to believe, that in the present or probable condition of human society, a commerce so extensive and so rich as ours could exist and be pursued in safety without the continual support of a military marine; the only arm by which the power of this confederacy can be estimated or felt by foreign nations, and the only standing military force which can never be dangerous to our own liberties at home. A permanent naval peace establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the nation is advancing in its career, is among the subjects which have already occupied the foresight of the last Congress, and which will deserve your serious deliberations....The rules and regulations by which it is governed urgently call for revision, and the want of a naval school of instruction, corresponding with the Military Academy at West Point, for the formation of scientific and accomplished officers, is felt with daily increasing aggravation.”—JOHN QUINCY ADAMS—Message, Dec. 1825.

“Reason shows, and experience proves, that no commercial prosperity can be durable, if it cannot be united, in case of need, to na-

val force. This truth is as well understood in the United States as anywhere.....I cannot refrain from believing that the Anglo-Americans will one day become the first maritime power on the globe."—ALEXIS DE TOCQUEVILLE.

VESSELS OF WAR—Oct. 1848.

*In the Pacific.*—Ohio, 74 guns; Congress, 44; Independence, 54; Warren, 20; Fredonia, 4; St. Mary, 20; Dale, 16; Lexington (store), 6; Southampton, 4. Commodore T. Ap. C. Jones, commanding.

*Mediterranean.*—United States, 44 guns; Marion, 16; Taney, schooner, 3; Princeton, steamer, 9; Alleghany, do.; Erie (store), 4; Supply (store), 4. Commodore W. Bolton, commanding.

*Brazil Coast.*—Brandywine, 44; St. Louis, 20; Perry, 10. Commodore G. W. Storer, commanding.

*African Coast.*—Portsmouth, 20 guns; Jamestown, 20; Decatur, 16; Porpoise, 10; Bainbridge, 10. Commodore Ben. Cooper, commanding.

*Home Squadron.*—Raritan, 44 guns; Saratoga, 20; John Adams, 20; Albany, 20; Germantown, 20; Flirt, 2; Iris and Waterwitch (steamers), each 1; Electra (store), 2. Commodore Wilkinson, commanding.

*Coast Survey.*—Wave, 1; Phoenix, 1; Vixen (steamer), 3. *Lake Service.*—Michigan (steamer), 1. *European Seas.*—St. Lawrence, 44. *East Indies.*—Plymouth, 20; Preble, 16; Dolphin, 10.

*Preparing for Sea.*—(At New-York) Relief, store; (at Boston) Constitution, 44; (at Norfolk) Columbia, 44; Vandalia, 20.

*Receiving Ships in Commission.*—Pennsylvania, 120 guns; Franklin, 74; North Carolina, 74; Ontario, 18; Union (steamer), 4.

*Vessels in Ordinary.*—Columbus, 74; Delaware, 74; Potomac, 44; Savannah, 44; Cyane, 20; Constellation, 36; Macedonian, 36; Vincennes, 20; Falmouth, 20; Fairfield, 20; Levant, 20; Yorktown, 16; Petrel, 1; Mississippi (steamer), 10; Fulton (steamer), 4; Cumberland, 44.

*Tenders.*—Steamers Engineer and General Taylor.

*On the Stocks.*—Alabama, 74 guns; Vermont, 74; Virginia, 74; New York, 74; New Orleans, 74, (at Sacket's Harbor, Lake Ontario); Santee, 44; Sabine, 44; Saranac, 44; Susquehanna, 44; Powhatan, 44; also 4 first-class steamers at Kittery, Me., Brooklyn, Philadelphia, and Gosport.

By comparing the above list of war ships with annexed lists of officers, a pretty correct judgment may be obtained as to the proportion they bear to each other. In 1842, in Congress, Mr. Fillmore "believed that there was no limitation on the appointing power with reference to the number of officers, or the grade to be given them; of course there was but little responsibility."—There are some limits now.

We have been unable to find any official list of the officers, crews, &c., of the several ships. The Bureau of Construction estimates the pay of officers and seamen for 1849 at \$2,600,000, but says nothing as to the number of *men* and boys, nor how many are in each ship.

*Secretary of the Navy*—JOHN Y. MASON, Virginia, \$6,000.

*Chief Clerk*, Robert W. Young, \$2,000; other 11 clerks, at



\$1,000 to \$1,500. Estimate of the expenses of the Secretary's office for 1848-9, \$24,790.

## BUREAU OF NAVY YARDS AND DOCKS.

*Chief*, Commodore Joseph Smith, Ms., \$3,500.—*Civil Engineer*, W. P. S. Sanger, Ms., \$2,000.—Five Clerks, &c., \$700 to \$1,400; Six Civil Engineers, at New York, &c., at \$1,500 to \$2,500 each; Six Agents, for preserving live oak, at \$200 to \$2,000 each. They asked a supply of \$1,837,155 for 1849, including another \$350,000 for the Dry Dock at Brooklyn.

## BUREAU OF ORDNANCE AND HYDROGRAPHY.

*Chief*, Lewis Warrington, Va. (who took the *Epervier*, April 28, 1814), \$3,500; Six Clerks, &c., at \$700 to \$1,200.

## BUREAU OF CONSTRUCTION, EQUIPMENT, ETC.

*Chief*, Charles W. Skinner, Me., \$3,000; Ten Clerks, &c., at \$700 to \$1,400. *Engineer*, C. W. Copeland, Con., (at New-York) \$2,500.

*Chief Naval Constructor*, Francis Grice, N. J., (Washington) \$3,000.

*Naval Constructors*, \$2,300 each—S. M. Pook, Ms., (Boston); Benjamin F. Delano, Ms., (Portsmouth); Samuel Hartt, Ms., (New-York); Samuel T. Hartt, (Norfolk); C. G. Selfridge, Ms., (Pensacola); J. Lenthall, D. C., (Philadelphia). They estimate the expenses of repairs for 1849, and fuel, at \$2,500,000; and for the 4 first-class steamers on the stocks, \$1,200,000. They value the stores on hand at the Navy Yards, July 1, 1847, at \$6,158,858; besides stores, value \$1,940,558 under the care of the Ordnance Bureau.

## ENGINEER CORPS.

*Engineer-in-Chief*, Charles H. Haswell, N. Y., \$3,000. 7 Chief-Engineers, at \$1,200 to \$1,573. 49 Assistants, at \$350 to \$973 each.

*Naval Storekeepers, &c.*, 13 at \$1,400 to \$1,700 each—at various stations.

## NAVY AGENTS AND THEIR STATIONS.

Prosper M. Wetmore, Con., New York; Joseph Hall, Boston; S. D. Patterson, Pa., Philadelphia; Joseph White, Ire., Baltimore; John M. Bell, Tenn., New Orleans; W. Anderson, Va., Pensacola; O. Cohen, S. C., Savannah; George Loyall, Va., Norfolk; S. Cushman, Me., Portsmouth, N. H.; W. B. Scott, Md., Washington; J. S. Watkins, Va., Memphis.

## BUREAU OF PROVISIONS AND CLOTHING.

*Chief*, Gideon Welles, Con., \$3,000. Six Clerks, &c., \$700 to \$1,400 each.

Although Secretary Mason states that there are but 8,000 men in the Navy, this bureau makes estimates of provisions for 10,000, also for 1,018 officers in the sea service, and 1,113 marines,—total, 4,427,815 rations at 20 cents, \$885,563.

## BUREAU OF MEDICINE AND SURGERY.

*Chief*, Thomas Harris, Pa., \$2,500. Surgeon, clerks, and messenger, \$700 to \$1,400.

In the American navy there are five commanders of squadrons, with the rank of Commodore. They are thus distributed: Home Station, Coast of Brazil, Pacific Ocean, Mediterranean and Coast of Africa. Their pay is, in service, \$4,000 per annum; on other duty, \$3,500; off duty, \$2,500.

There are eight commanders of navy yards who are stationed at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, Pensacola and Memphis. Their pay is, \$2,100 per annum.

There is one naval asylum, at Philadelphia, and one naval school, at Annapolis, Maryland.\*

In Sept., 1847, captains, 68; natives of Va. 14, Md. 11, Pa. 10, N. J. 6, N. Y. 6, N. E. 12, S. C. 2, Eng. 2, Ire. 1, La. 1, Ga. 1, Del. 1, Ky. 1.

Of the above, there were, senior captains, 15 in sea service, commanding in navy-yards or other duty, at \$4,500	\$67,500
Nineteen on leave or waiting orders (that is, doing nothing), at \$3,500	66,500
Five captains of squadrons, at \$4,073	20,365
Nine other captains at sea, &c., \$3,500	31,500
Twenty other captains on leave, &c. (that is, unemployed), at \$2,500	50,000
	<hr/>
	\$235,865

Of commanders, ninety-seven, viz.:

Twenty-nine in sea service, at \$2,573	\$74,617
Twenty-three in navy-yards, &c., at \$2,100	48,300
Forty-three waiting orders, or absent on leave (on shore, doing nothing), at \$1,800	77,400
	<hr/>
	\$200,317

#### 327 LIEUTENANTS—Oct. 1847.

Of whom 320 are natives of the U. S., three of the W. I., two of Ireland, one of England, one of Spain.

17 lieutenants commanding, \$1,873	\$31,841
154 do. in sea service, \$1,573	242,242
61 do. in navy-yards, &c., \$1,500	91,500
93 do. waiting orders or on leave of absence (that is, ashore and unemployed), \$1,200	111,600
	<hr/>
	\$477,183

Now that the quarrel with Mexico is settled, the number of idle lieutenants, at \$1,200 a-year, will have greatly increased.

#### SURGEONS—Oct. 1847.

Surgeons 69; Passed Assistant do. 33; Assistant do. 40.

Of whom 134 are natives of the U. S., 4 of Ire., 2 W. I., 1 Scot., 1 Spain.

There are some 20 rates of income, from \$650 a-year up to \$2,700, with \$73 for a ration, if on sea service. *Suppose* the average of the 142 to be \$1,600, and we have \$227,200 a-year of pay.

\* The original charter of Maryland was granted to Lord Baltimore, in 1632. It was first settled by Catholics, in 1634, at St. Mary's. In convention, April 23, 1783, it adopted the Constitution of the United States—yeas 63, nays 12.

Of the surgeons 14, and of the assistant do. 14, were unemployed, 'waiting orders' or absent on leave. This was in war times. Some were sick.

TWENTY-FOUR CHAPLAINS.

18 at \$1,200, on duty; 6 at \$800, ashore, &c.

SIXTY-FOUR PURSERS—Oct. 1847.

Samuel Forrest, D. C., Ohio, 74 guns . . . . .	\$3,500
Edw. T. Dunn, D. C., Columbus, 74 . . . . .	3,500
Wm. Sinclair, Ms., Cumberland, frigate . . . . .	3,000
Joseph H. Terry, N. Y., Brandywine, fr. . . . .	3,000
Dudley Walker, Ms., Columbia, fr. . . . .	3,000
Wm. Speiden, D. C., Congress, fr. . . . .	3,000
Horatio Bridge, Me., United States, fr. . . . .	3,000
Edw. Fitzgerald, Pa., Pennsylvania, 120 gs. . . . .	2,500
B. J. Cahoon, R. I., North Carolina, 74 . . . . .	2,500
T. P. McBlair, Md., Franklin, 74 . . . . .	2,500
Sterrett Ramsay, Pa., navy-yard, Pensacola, . . . . .	2,500
H. W. Greene, N. H., Razeed Independence . . . . .	3,000
<i>Other Pursers</i> —16 at \$2,000—\$32,000. 14 at \$1,500—\$21,000	
On shore, unemployed, 18, at \$1,000 to \$1,800 each.	
Natives of U. S. 63; of Ireland 1. (Erie, 8 guns.)	

216 PASSED MIDSHIPMEN—Oct. 1847.

176 at sea, at \$823 . . . . .	\$144,848
12 various duties, at \$750 . . . . .	9,000
28 unemployed or sick, at \$600 . . . . .	16,800
	<hr/>
	\$170,648

Natives of the U. S. 214; of Eng. 1, (Madison Rush;) of S. A. 1.

223 MIDSHIPMEN—Oct. 1847.

If in sea service \$473 a-year; land do. \$350; on shore unemployed \$300. There were 65 at a naval school; 24 were "waiting preparatory examination." On an average, probably, 223 were receiving \$380 each, including one ration to those at sea, \$84,740.

Natives of the U. S. 221; S. A. 1; Fr. 1.

The Act of Aug. 1848, provides for the appointment of 464 midshipmen, who are to be taken as equally as possible from each Congressional District, (many of which are *far inland*!) Whether this is the best mode to encourage and reward capable young seamen, wherever born, is a matter of opinion. More than 180 passed-midshipmen may receive pay, under a suspension of the Act of March 3, 1845.

OTHER NAVAL OFFICERS AND AGENTS.

31 Masters, at \$750 to \$1,173; 147 boatswains, gunners, carpenters, and sailmakers, at \$500 to \$873; 21 professors of mathematics, at \$1,200—of whom 11 were unemployed, Oct. 1847; the Act of last August limits their number to 12, increases their wages to \$1,500, with a ration, value \$73, when on duty, and half pay, or more, when idle.

## MARINE CORPS.

*Col. Commandant*, Archibald Henderson, Va., (Brigadier Gen. by brevet); Major P. G. Howle, Va., Adjt.; G. W. Walker, D. C., Paymaster; A. A. Nicholson, S. C., Quartermaster; S. Miller, Ms., Lieut. Col.—4 Majors, 17 Captains, 24 First Lieutenants, 23 Second Lieutenants. Natives of the United States, 72; Ireland, 1.

The pay of the colonel is \$75 per month, with 19 rations and allowances; and the sums paid under the name of rations vary. Ex. Doc. 1, Dec. 1847, has the estimate for 1848-9; 75 commissioned officers, pay and allowances, \$66,746; 324 sergeants, corporals, drummers and fifers, \$40,296; 2,000 privates, at \$7 per month, 168,000; 81 officers' servants, at \$8.50 per month, food and clothing, \$8,262; extra rations to officers five years in army, \$13,724. The income of the 75 commissioned officers in this corps, for a year, exceeds the income of 1,000 of the privates by \$7,732.

## NAVAL PENSIONS

Amount for 1846-7, \$123,232. In Ex. Doc. 1, Dec. 1847, these allowances are given in full detail. A seaman's widow gets \$6 a month; a commander's widow, \$30; a lieutenant's widow, \$25; a captain's widow, \$50; a marine's widow, \$3.50. Invalid seamen, \$1.50 to \$8.50 per month; a commander, \$30; a lieutenant, \$25. It is just to uphold those who are maimed and broken down in the naval or military service.

## NAVAL EXPENDITURE.

From pages 314 to 321, of Ex. Doc. 7, Dec. 1847, we select the following particulars of payments made in 1846-7:

"Pay and subsistence of the Navy;" both are blended in one item, and all we can learn is, that \$2,847,445 were paid out, through certain pursers and navy agents, and that \$1,523,253 remained in the hands of, we know not who, unexpended. How the public can judge of accounts thus presented, we see not. Pay of superintendents, \$67,131, is next; then \$746,329 for provisions; \$62,599 for clothing; surgeons' necessaries \$49,772; "increase, repair, armament and equipment of the navy," \$1,601,325; fuel for steam vessels, \$12,955. Navy-yards \$727,278, of which \$325,000 were laid out in New York. Contingent expenses of the navy, \$541,000 (no particulars); books and maps, \$34,811; relief bills, \$113,881; Mexican hostilities, expended \$2,450,095; pay, provisions, subsistence, clothing, stores, "for the Marine corps," \$294,052. Fuel, transportation, recruiting, barracks, and contingencies, marine corps, \$44,572. In all \$9,832,883 were paid out, and \$3,409,052 remained on hand, to another year's credit.

In Ex. Doc. 1, Dec. 1847, Secretary Mason adverts to the Act of 1846, increasing the navy to 10,000 men and says its numbers in 1847 did not exceed 8,000. We nowhere find an official statement of the men on board each ship, but a clear account is given of the marines and their pay.

Votes in Congress, August 3, 1848, for year 1848-9. Improvements and repairs at navy-yard, Portsmouth, Va., \$55,551; do. at Boston, \$97,351; do. at New York, \$106,000; Brooklyn Dry Dock, \$350,000; for land to be bought near the Brooklyn Navy-yard and the Wallabout, \$285,000; repairs, &c., Philadelphia, \$14,500; do.

at Norfolk, Va., \$144,136; do. at Pensacola, \$209,625; do. at Memphis, \$174,038; at Sacket's Harbor, \$2,000; \$477,826 to uphold the marine corps, on the peace establishment, which had it been 915, as in 1817, officers included, would make the cost \$522 per man; improvements to naval school, Annapolis, \$17,500; towards erecting floating dry docks at Philadelphia, Pensacola, and Kittery in Maine, \$400,000.

#### NAVAL RANK AND SERVICE.

Secretary Upshur, in his report of December 4, 1844, says:

“Additional ranks in the Navy would be eminently useful as an instrument of discipline. The post-captain of to-day is precisely equal in rank to the oldest post-captain in the service. He *feels* his equality from the first moment that he attains it, and at the same moment the disinclination to be commanded and controlled by his equal rises with him. He will not willingly submit to learn as a scholar, what his own position authorizes him to *teach*. He looks to a separate command for himself; he begins to lay down systems of his own, and turns a deaf ear to the lessons of experience imparted by older heads, because they cannot claim any higher rank.”

The New York *Courier & Enquirer* proposed one Admiral, four Vice-Admirals, and eight Rear-Admirals, in 1842, to begin with, at an average increase of pay, each, of \$2,000 or \$26,000 additional, yearly. Are \$6,500 a-year, in addition to higher rank, essential as means of securing respect, or of supporting the incumbent and his family? Soon after Congress declared our independence of Europe they resolved (Nov. 15, 1776,) that the higher grades of rank of the naval officers be Admiral, Vice-Admiral, Rear-Admiral, and Commodore, equal to those of General, Lieutenant General, Major-General, and Brigadier-General, in the land service; but they never appointed an Admiral.

In 1842, Mr. Sprigg, in the House of Representatives said, that “The case, as he had learned from officers of experience, was this: a midshipman, after receiving his appointment, went to sea for two or three years, and then had to wait on shore five or six years before he was made a lieutenant. The consequence was, that when he went to sea again, he had nearly forgotten what little he had learned. There were upwards of 250 officers ‘waiting orders’ in 1841, and *at that very time*, when there was not enough to do for those already in commission, 140 more were appointed.”

Mr. Elihu Burritt states, that from 1815 to 1823, EIGHT YEARS, there were 28 Captains whose average term of service was less than two years; 30 Commanders, a little over two; 172 Lieutenants less than three and a half. In 1845, three hundred and sixty-nine naval officers were on shore, unemployed, waiting orders.

On December 22, 1835, Judge Vanderpoel, in the House of Representatives, said, that

“Commissions in the Army in the time of peace, were, comparatively, sinecures. Barring the toilsome and honorable expedition against Black Hawk, and an occasional chase after a few retreating and predatory savages, what has your army done, or rather what has it had to do, since the peace of 1815? It had done all that had been required of it, but it could, in the nature of things, have but little or nothing to do. Not so with the Navy—our vast and grow-

ing commerce must be protected, the pirate must be driven from the ocean."

Our commerce would be none the worse protected, were merit made the passport to naval promotion, and the sons and other relatives of persons in office allowed to take their chance as naval apprentices, instead of being nearly the only class allowed to rise in the service.

NAVAL PUNISHMENTS AND REWARDS—COURTS MARTIAL—  
FLOGGING.

The law allows a citizen-sailor to receive 100 lashes for an offense not capital, and any number more lashes for a capital offense, on the verdict of a Court composed of 5 to 13 officers, without a jury; and although the Court happen to be divided into 7 ayes and 6 noes. The act of August, 1848, requires an annual report of the number of sailors flogged in each ship, stating the offense and how many lashes were inflicted. There would be more equity in such sentences were MERIT the only passport to naval promotion; for, in that case, officers who had once been common sailors, suffered their privations, and felt as they feel, would be umpires. But the hardy sailor, to whom all hope of promotion is denied, is tried by a jury, not of his equals, but of his officers, who monopolize power, preferment, large incomes and high honors. This sort of trial occasionally subjects seamen, the citizens of this Republic, to be publicly flogged like a disobedient hound, but no commissioned or warrant officer is ever flogged for any offense.

In the *N. Y. Evening-Star*, of July 16, 1840, we find part of a note, written on board the North Carolina, 74:

"Respecting that man who was flogged here yesterday, he was seized up in the gangway and took 120 lashes with the cats, used by three boatswain's mates, without a flinch, and afterwards vowed revenge upon the authors of it, clenching his fists at the time and laughing as if nothing had taken place, and I think he is a very likely person to fulfil his promise. He has had, altogether, since his six years in the service, 1020 lashes."

A few years since, a commander in the Navy, now a post-captain, and in the receipt of \$3,500 a-year, was tried on charges of oppression and cruelty, for striking the men with his fists, knocking them down and stamping upon them, and inflicting illegal punishments with the cat and other instruments of torture. There were eight specifications, and ample proof, through the evidence of officers of undoubted reputation. His brother captains, of the Naval Court, sentenced him to three years' suspension without rank, *which the Executive reduced to a year*, through the influence of some members of the Court that found him guilty. Is this just and equitable?

When Mr. Calhoun was Secretary of War, Congress caused some inquiry to be made relative to cases of wanton cruelty in the Army, and the publication of their Report produced for a time the best effects. Mr. C. greatly improved the practice in that department. The case of the Somers is still fresh in the public mind, although the principal actors in that tragedy are no longer numbered with the living, and the floggings there proved, as well as in other trials of great interest, ought to have produced a change from a partial system to one that would duly check both officers and men.

From sentences by Courts Martial, or proceedings like these on board the Somers, even if unjust, the U. S. District Court at New York decided, in 1843, that parties aggrieved had no remedy by an appeal to the civil tribunals and refused to "arraign the parties accused on a matter touching their lives;" nor did Congress interfere. Our naval system copies British usages not in accordance with our Republican Institutions. Even in the division of prize money, the whole of the "seamen, ordinary seamen, marines and boys," get but \$35,000 among them, while the officers divide \$65,000, where the prize taken is \$100,000.

The Act of April 21, 1806, reduced the Navy to a mere handful—13 captains, 9 commanders, 72 lieutenants, 150 midshipmen, with enough of surgeons, pursers, &c.; no officer to get more than half pay unless on actual service; also 925 seamen and boys. The Navy now bears a far larger proportion to the whole population, and requires the utmost attention from Congress.

Were rewards more plentiful and punishment less unequal in the Army and Navy, especially the latter, both services would be gainers in efficiency. Von Müller, in vol. 1 of his Universal History, tells us, that in ancient Rome—

"The soldier who had saved the life of a citizen, who had killed his enemy, or maintained his post as long as the contest continued, obtained as his reward the civic crown. It was intended *that each man should exert himself as much for his comrade as for the highest officer*, and therefore the same crown was the only reward for saving the life of a General. This badge was worn during life, and when a plebeian entered the theater with it on his head, the senators arose from their seats, and the parents of the fortunate man obtained an exemption from all taxes. He who had saved the whole Army or the camp, obtained, by the decree of the Senate and the people, the crown of grass. When the younger Decius, the Consul who fell heroically in the war of the Samnites, obtained this honor, he offered to the gods a hundred oxen."

We are too sparing in this way. A brave seaman, who signaled himself on board the Ocean Monarch, has, it is true, obtained special marks of public approbation, but what gold could equal, to a true American, such lasting honors as the civic crown and the crown of grass, or their equivalents?

#### VESSELS OF WAR IN THE UNITED STATES NAVY, AUGUST, 1848.

Ships of the Line, 11, mounting, Pennsylvania 144,	
others 74 each,	884 guns.
Independence, Razez,	54 "
	—
Total,	938
Frigates, 1st class, 12, mounting each 44,	528 guns.
Do 2d do 2, do 36,	72 "
Sloops of War, 22, mounting, sixteen 20, one 18, five 16,	418 "
Brigs, 4 mounting each 10,	40 "
Schooners, 10; Bomb Vessels, 5; Steamers, (of these the Mississippi is armed with 11 Paixhans,) 14; Store Ships and Brigs, 6.	

## MARINE CORPS.

The Marine corps has the organization of a brigade, and now numbers 58 commissioned officers, and 1,295 non-commissioned officers, musicians, and privates, in all 1,353 men.

The pay and allowances of the officers of the Marine corps are the same as those of officers of the same grades in the infantry of the Army, except the Adjutant and Inspector, who have the same pay and allowance as the Paymaster of the Marines. The Marine corps is subject to the laws and regulations of the Navy, except when detached on service with the Army by the order of the President of the United States. The head-quarters of the corps are at Washington.\*

P. S —In closing these chapters on the subject of the Army, Navy, Marine, &c., of the United States, I have derived much valuable information, in a statistical point of view, from "The American Almanac for 1849," also from "The Whig Almanac" for the same year.

\* According to the provisions of the Act of March 2d, 1817, the Marine corps, at the close of the war, was reduced as above. The selection of the officers to be dropped was made by a board of staff-officers of the corps, August 14th, 1848, and approved by the President, August 17th, 1848.



## CHAPTER IX.

### THE INDIANS.

Missionaries—President Monroe's Plan of Locating the Indian Tribes—Cooper's "Prairie"—Sioux Indians—Indian Chief Tecumseh—Victory of General Jackson—The Government of the Indians—Mexico and America—Mr. Austin in Texas—Ultimate Destiny of Mexico—Opinion of Buffon—Anecdote of the Emperor Francis of Austria—Metternich and his Model—*Hungarian* Bushmen—Character of the Indian—His Present Condition—The Indians—In Constant War with the States—Its Consequences—The Indian Question—Nubia—Abyssinia—The Hindoos—Chinese—St. Domingo—Mexico—State of Europe—Indians of North and South America—Georgia—John Ross—His Utopian System.

THE Indians, in their relative position towards the United States, are not undeserving of notice,—inasmuch as the Republic is more or less unfortunately constantly engaged in petty warfare with the various tribes, and repelling them from the frontiers of the States. An attack on their part brings on a war, followed by a treaty and cession of territory; which territory is sold, and becomes rapidly peopled; the white and red man find themselves again in communication with each other; the consequences of which are invariably a dispute, a new war, and again a cession of territory; and this will ever continue until civilization is carried to the shores of the Pacific Ocean, and the Indian race becomes ultimately extinct.

I am no pseudo-philanthropist, and will frankly confess that this is a most desirable result. It is a question, like many others of its nature, of which they have not the slightest notion in Europe, on which much idle nonsense is discussed, treating it with that morbid sentimentality so much in vogue among philosophers at the end of the last

century. When two races of men, differing in every respect from each other, in social and moral feeling, find themselves inhabiting the same soil, they must necessarily amalgamate as it were, or the one be subject to the other, or destroyed. Let us reason on the first of these alternatives, which has been the result of all our conquests. The Jews are the only people who have continued to live in an isolated state. The barbarians who invaded Europe soon became amalgamated with the conquered; the Tartars are an instance of this with the Chinese, and this was at all times the system of the policy of the Romans; although in all cases the equality of race was maintained, they were of a white or yellow complexion, endowed with an equal degree of intelligence; and in the event of any little difference existing between them, it arose solely from accidental causes, produced from the effects of climate, and mode of living; there was no radical difference in the races.

The various parts of the world were originally inhabited by distinct races of mankind, each of which was more or less perfect; among whom, civilization became in its progress arrested from the moment the intelligence of that race acquired all the development of which it was susceptible: thus we see the negro race (if we may form our opinion from the geological position of the continent which they inhabit—probably the most ancient in the world) remaining in a state of comparative barbarism; especially on the coast of Guinea, in Nubia, and Abyssinia, where they still live in the same manner as in the most remote periods of antiquity, and where the state of slavery and the traffic in slaves continues as heretofore to this day. The present state of civilization among the Indians is precisely the same as that of the days of Alexander; and it would appear, that even then, they had already arrived at a state of equilibrium or equality as regards their wants and faculties. China may be viewed in the same light; the Arab race,

which, although white, is very different from ours, presents the same phenomenon; from the time of Abraham and Assuerus, it had arrived at the same degree of equality. The real treasure of civilization rests with the European, to whom is confided the charge of extending it throughout the world. Our race, however, is by no means pure; it is the fortuitous result of a mixture of races crossed, possessing however very little apparent difference. And it becomes a question to ascertain, whether, if in crossing our race with another of a less perfect character, the cause of civilization would gain or lose? It is useless to reason in support of opinions, in proof of which we cannot advance the testimony of past experience. My own personal opinion, however, founded on the knowledge I have formed of the many men of the mixed American races is, that we gain nothing from this amalgamation, and this experience has proved over and over again, ever since the existence of the world.

In St. Domingo, the white and black race will have totally disappeared in two or three generations; while in course of time, the population will consist entirely of mulattoes of a uniform complexion. The same will be the case in all the Antilles or West India Islands, with this difference, however, that each will vary in color according to the proportion existing in the elementary castes. In Mexico, the red race predominates, there being many more whites than negroes. The Mexican complexion will therefore be in a few generations a proportionate medium between the three castes. This applies to the whole of South America, each State, however, having these three elements in very different proportions. For example, there will exist much greater difference between a Mexican and an inhabitant of Guatemala (where the negroes and red people are in equal numbers, and infinitely superior to that of the whites), than between a Spaniard and an Englishman of the present day. This will ever tend

to separate the different States of South America, although the whole of them emanate from one common origin, and are bound by the ties of language and religion.

While, however, the experience arising from this crossing of different races is on an extensive scale, I look for a contrary result ; that of maintaining our white race in all its purity, and placing it under the most favorable circumstances, with all due regard to the development of all its physical and intellectual faculties.

So long as the inhabitants of the Antilles will fall back into their primitive state of barbarism, and abandon the experience and comforts of life which civilization has taught them,—so long as South America retrogrades in civilization, as has been the case ever since she threw off the Spanish yoke,—so long as ancient Europe, a prey to intestine commotion with its kings, nobility, and clergy shall make vain efforts in order to disengage themselves from the shackles which these monarchical institutions impose upon them, and the civilization of Europe,—so long as they are threatened by an invasion of Basquians and Calmouc Tartars, I would look into the future and see the white man free—without obstacle to his mind or genius, going forth in all the pride of conscious supremacy—exercising that mind on the true principles of civilization—improving the same—living in peace with all, and, as a reward for his industry and toil, living in the enjoyment of abundance, luxury, and the arts. For the accomplishment of this result, however, nature must here undergo a change ; her forests give place to towns and capitals, and the red man disappear or become civilized.

The second alternative is impossible, or at least can exist but a few years. The Spaniards, however, acted upon this principle in all their colonies : they conquered the red race, and subdued them to a complete state of slavery, which, however, was not of long duration, for a mixed race soon succeeded as a natural consequence. It would

be folly to suppose for one moment, that the United States could altogether subdue the Indians. Those of the Mexican islands and Peru, were cowardly and effeminate, and were made for subjection; but the Indians of North America are brave, manly, and warlike to a degree. You may kill them, or put them to torture; but to compel them to work, or draw tears from them,—never! Even those among them who are half civilized and cultivate the land, do not work themselves, but through the hands of their negroes: this repulsive feeling for work exists in those sprung from the Indian and white race. I know none who would engage in manual labor, while those among them who have received a good education either live a life of listless idleness, or become preachers, rather than devote their services to commerce or the bar.

There hence arises the third or last alternative, that of exterminating the race. Upon this point I wish to come to a proper understanding. Believe not for a moment that I would countenance the horrible massacre committed by the Spaniards, in St. Domingo and Cuba; imagine not that I would preach a crusade against the red man, and make the forest resound with the cries of its victims,—never! I apply the term to the *race*, not the individuals, for experience in the United States has proved that the best means of accomplishing this object is to treat the Indians well, and teach them civilization. The result of which is, that they commence a life of peace and prosperity, while the *race* becomes extinct.

The plan which the United States has followed up to the present day, after having conquered an Indian tribe, has been to disseminate it over a fertile country of tenfold extent more than sufficient to the wants of a population supported by agriculture. In this park, which is called a *reserve*, admission to which is forbidden to every white person, they are supplied with cattle, agricultural instruments, a forge, &c., while missionaries are allowed to

establish productive farms, known by the name of stations ; nothing prevents these Indians from becoming rich and happy, which they generally are ; they allow their cattle to wander in the woods and live chiefly upon them. The women not unfrequently cultivate small spots of land, and make shoes of deer-skin ornamented with glass pearls, also, baskets, which they sell to their white neighbors ; the men hunt and sell the skins of the animals killed in the chase : notwithstanding all this, however, at the end of two or three generations these tribes wholly disappear. I have here described the Indian tribes of the North ; in the South, however, they are of a totally different character. The Indians, thus divided, belonged to very considerable tribes, and were already sufficiently accustomed to the habits of the white people, so much so, that they have often alarmed the Spanish governors of Pensacola, St. Augustin, and Mobile. They kept up a considerable commercial trade with the English merchants established in those towns, and possessed a large quantity of cattle, and above all, runaway negroes from the United States, whom they had captured and appropriated to their own use. Many white people taken, or refugees from the laws, were located among them, allured by the security which Indian hospitality offered them, in the privilege of marrying as many women as they pleased, and above all, by the ambition of playing a political part among the tribes. Their marriages gave rise to the birth of a great many *mesticos*, some of whom were well brought up. These latter, together with the chiefs who possessed a great many slaves, as well as the missionaries who instructed them, became rich, while the mass of the tribe diminished in like manner as those of the North, situated under similar circumstances. All would have continued to pass off quietly in this manner : the Indian race would have become extinct through its *reserves* ; chiefs and *mesticos* become rich proprietors of the soil, and citizens would have mixed with the whites,

like rivers with the ocean, which could have had no influence with the race.

So long as the increase exists between white men and women of color, and white women remain in their purity, the white race will not suffer. While on the contrary, all *mesticos* and mulattoes may be looked upon as so many gained over from the enemy.

Unfortunately the great tribes of the South, such as the Creeks and Cherokees, for the most part inhabit the territory of Georgia. Formerly this State extended from the ocean to the Mississippi, but it has now surrendered the whole country of the west, to a certain extent, to the United States, which has since formed the States of Tennessee, Alabama, and Mississippi. This cession was made to the United States contrary to the guaranties of right of property which the State of Georgia possessed, and reserved to itself, over all the vacant lands within its limits. On the other hand, however, when the Indians were located in their *reserves*, the United States solemnly pledged themselves to defend them from all aggression, and maintain them in the possession of their reserves, unless they voluntarily renounced them.

The State of Georgia, which is certainly the worst governed State throughout the Union, has adopted a very extraordinary mode of disposing of public lands; instead of selling them, and thereby adding to the revenue, they establish an annual lottery in favor of all citizens who become of age, so that there exists among the people of this State, who are naturally of a turbulent character, an inordinate thirst for the possession of these lands.

All other lands which originally belonged to the State having been disposed of in this manner, there now only remain those belonging to the Indians, viz., the *reserves*, which amount to some million of acres.

The State of Georgia, relying on its contract of cession to the United States, demands the possession of these *re-*

*serve*s and its right to dispose of them. The Indians, on their part, relying on their treaty with the United States, are opposed to this; hitherto the affair might be arranged without difficulty, for although these Indian tribes established in Georgia form a population of about 15,000 souls, there is, perhaps, not above 100 families among them (almost all of mixed blood) who cultivate, and are established on the soil with their negroes.

They would have become easily disinterested, on giving to each as much land as he desired. The rest of the nation are perfectly indifferent whether they live in Georgia or on the other side of the Missouri; they have no interest whatever in the soil. But what renders the question in a measure complicated, and of a serious character, is, that the *mesticos* having a certain John Ross at their head, a man of much merit, and well brought up, and ambitious withal, wished to raise themselves into an independent nation, under the shadow of a representative government, and to establish laws and tribunals. I say a shadow of a representative government, because it exists only in name, and is only the means which Ross and his companions adopt, in order to mislead the philanthropists and simpletons of the North. The truth is, that under cover of this delusion, he and his associates govern the Indians in a most despotic manner. Besides, it can hardly be possible either, that the United States, or the State of Georgia, would allow of an independent government being established in the very heart of the Union.

The Indian tribes are not looked upon in the light of foreign powers, nor are they recognized as rightful possessors of the soil on which they are established; they are more considered as temporary occupants of the districts in which they locate themselves, under the protection and guardianship of the United States.\* This ques-

\* It must be remembered that these observations apply to the State of Georgia in the year 1832.



tion becomes the more important from the influence exercised by the missionaries. It is they, who, in order to preserve the handsome farms which they have established, foment discord among the white population, and induce all the religious societies of which I have made mention to take the part of the Indians.

To overcome this difficulty and avoid a recurrence in the future, Mr. Monroe, during the period of his presidency, conceived a gigantic plan, which, although it has not been altogether put in practice, has, however, since served as a general basis for the conduct of the United States towards the Indians. It is upon the following principle :

Between the Missouri and the Rocky Mountains, which separate the great valley of the Mississippi from the Pacific Ocean, there exists an immense country where the whites have scarcely yet located themselves. The eastern slope of the Rocky Mountains is thickly wooded, and equal in fertility to the western slope of the Alleghany ; but from the foot of the Rocky Mountains to the Missouri, the country presents one immense plain, slightly undulating, showing the appearance of the sea after a storm, and wholly devoid of forests ; the land is however fertile, a beautiful species of grass there grows in great abundance ; the banks of the streams and rivers which irrigate the plain in all directions are the only locality where wood is found. For a more graphic description, however, I will refer you to the romantic narrative of Cooper, in his "Prairie." This country is inhabited by innumerable troops of horses and buffalo herds, which supply the numerous wild Indian tribes as food and for traveling. Mr. Monroe proposed to induce all the Indian tribes to the East of the Missouri to pass to the other side of that river, where the United States undertook to assure to each of them a *reserve* in perpetuity, and to establish among them one or more governments on the same plan as those of the

territories, until such time as these nations should be sufficiently advanced in civilization to form States and become a part of the general confederation. According to this plan, the immense prairie was to be forbidden ground to the white people, and the new States which would thus be speedily created on the two slopes or sides of the Rocky Mountains, would be isolated from their kindred of the East by a red population. This result ought to be at least partially effected, for since the countries devoid of forests present less facilities for the formation of a new settlement than those thickly wooded, it is probable that the forests of the eastern slope of the Rocky Mountains would be peopled before the prairie separating it from the Missouri.

The United States have already succeeded in transporting many Indians to this prairie, and now in all treaties entered into with them, it is always to this quarter that they direct the steps of the emigrant. The *mesticos* of Georgia having refused to enter into any treaty with the government of the United States for a cession of their lands, the government has begun individual negotiations with the Indians, and notwithstanding the penalty of death pronounced by the laws of Ross against all those who consent to emigrate, it has succeeded in inducing many thousands among them to take this course, and will probably ultimately succeed with all of them. Then, when there will no longer remain but a few dissatisfied or mutinous chiefs in the reserves, and the great mass of the nation will have emigrated, the State of Georgia will take quiet possession of the disputed territory.

This plan of Mr. Monroe's, however plausible it may appear on paper, is surrounded by the greatest dangers. The tribes inhabiting the prairie are very different from those located on the shores of the ocean. They are much more numerous, more warlike, and are yet ignorant of the power of the white man.

The Sioux nation, alone, numbers from 10 to 12,000 mounted warriors, armed with lances and arrows, true Tartars of the western plains. We will suppose such a force opposing the efforts of civilization with an intrepid leader like Ross, for example. They might do incalculable and irreparable injury to the United States long before we could collect a force sufficient to oppose them with success or exterminate them. I even believe, that under a skillful and daring leader they could advance as far as Washington, just as the Gauls arrived at Rome. At present these nations are ignorant of their own strength, are disunited, and are perpetually destroying each other in intestine wars. They attack the extreme frontiers of the United States only in an isolated sense, and without any other object than that of the sudden pillage of some new settlement.\* They could be easily conquered in detail, and if the plan which has been hitherto pursued were continued, each tribe being confined to its own *reserve* and surrounded by white people, they would, at the end of two or three generations, become either extinct or absorbed. If the tide of civilization, however, continue to encroach upon them, the population will soon find itself concentrated or condensed instead of remaining in ignorance of its strength, and will become instructed by the half civilized Indians whom they will transport among them. A government should be organized, people of intellectual merit sent

\* The following passages I extract from the "New York Herald" of the 8th of June:—"A lengthy account from Corpus Christi gives a statement of Indian depredations between the Nueces and the Rio Grande. They had entered the town of San Patricio on the 18th May, and stolen a number of horses and large quantities of goods. Colonel Kinney with another man and a number of Mexicans were killed; the Indians then crossed the river into the town of Camargo, and killed several persons. They also drove off the horses and cattle." On another occasion the Indians attacked a large convoy, carrying off all the women and children, together with a thousand horses, cattle, &c.

among them, endowed with an equal degree of enterprise as Ross, and we should soon behold other clouds of Huns, guided by another Attila, invading the civilization of the West. At the period of the last war all must have heard of the famous chief Tecumseh, who, assisted by his brother Francis, the prophet, under the protection of the English, succeeded in preaching a crusade and forming an alliance among all the tribes against the whites, who, from the Canadian lakes bordering on the British possessions advanced as far as Florida, where they were joined by the Spaniards. It was this formidable league which compelled General Jackson to possess himself of the Floridas; and it was in consequence of his victory, in 1818, that the different tribes found themselves again isolated from each other, and carefully held in check from the western prairies. If, at the present day, the desire to possess their lands and the little inconvenience which these hosts occasion their neighbors, should decide the government on compelling them to emigrate altogether, the league of the red man, a hundred times more numerous and powerful, would soon be reorganized, while the government would find itself engaged in a secular war, which would compel it to keep on foot a very considerable regular army, the cost of the maintenance of which in a comparatively desert country would be enormous, and would have a tendency to check the progress of civilization in the West, lay open its frontiers to pillage, fire, and massacre, and, after all this, could only end in the total extermination of one of the two races by fire and sword.

And who knows, but that this powerful Indian league might not meet the concurrence and support of Mexico? Already the two—Mexican and American—civilizations begin to approach each other. A caravan trade is carried on between St. Louis and Santa Fe in New Mexico. On the sea shores, Mr. Austin, a conqueror in a new sphere, devoted himself to the separation of Texas from the Mex-

ican Union, in order to bring it in affinity with that of the American Confederation. His mode of conquest was of quite a novel character; it consisted in transporting, under the authority of the Mexican government, to a territory subject thereto, a whole population of Americans, which, as soon as it became sufficiently numerous to form a State, it might, if it deemed fit, declare itself independent of one Federal Union, and unite itself with the other. But it may be argued,—What can Mexico do in her present actual state of disorganization, divided as she is by intestine commotion, against a nation so well organized, and so compact as the United States? The state of anarchy existing in Mexico cannot always last. Among the number of generals disputing for the supreme power, and who get up and dispose of elections at the point of the bayonet, some man of exalted genius will arise who will conquer his rivals, put an end to discord, destroy the republic, and establish a military government; this will be the result sooner or later, and to this end the whole of Spanish America is gravitating. As soon as peace shall have been established internally, she must necessarily, in order to avoid self-dissolution, occupy her army in distant expeditions. Not for the sake of attacking the Indians, for nothing is to be gained by a war with them, who are rather their natural allies. More than three-fourths of the Mexican army are of the red race. She must endeavor to reconquer Texas by physical force; in which, were she assisted by an Indian confederacy, she might place the United States in a dangerous position, or, at least, draw them into a long and perhaps disastrous war.\* Let us

\* It must be borne in mind that these notes were penned before the war with Mexico, which throws all these chivalrous notions and *problematicals* into the shade. Since, it has been seen that Mexico is incapable of defending herself, much less of reconquering Texas; and judging from the melancholy result of her late war with America, and the miserable figure her vaunted soldiery cut, with their valiant "beau sabreur," and runaway "bel plume," Santa Anna,

hope, however, that the happy genius which has hitherto watched over the cradle of our Republic will continue to protect it; that she will succeed by wise measures to offer a successful barrier to a barbarian league against civilization; to avoid the massacres which would result therefrom; to extend the peaceable conquest of civilization to the Pacific Ocean, and maintain herself at peace with her Mexican neighbors, whose golden or splendid misery she ought to be far from envying. To arrive at these desirable results, it is absolutely necessary gradually to get rid of the red race, not, however, by individual sacrifice, but on the contrary, by awarding them as much happiness as the state of civilization which they are capable of enjoying will admit of.

Methinks I hear a voice exclaim,—What, exterminate a whole race, the only record of which may exist in the museums of naturalists? While considering me as a perfect monster in cruelty, and who in pity pleads to spare a remnant of the red race, if only in some thousand years hence to demonstrate of what “stuff” such mortals were made! I, however, agree with Buffon, that nature knows of no *castes*; but purely individuals. We must seek to give them happiness; for then are we certain of accomplishing the happiness of the race which is but a metaphysical being. Were it possible, should we not be too happy by some legislative measure to prevent the birth of the humpbacked and deformed?\*

As to curiosities, I have little taste for those which are at their head, Mexico might *put her foot* in Texas; but it is a doubtful question whether she would get it out again.

“*Bel plume*” is a “*nom de guerre*” for a dandy, dressy soldier; not, however, implying a military *muff*, for with all his Adonis-like perfection and love of self, he may be as brave as a Murat or an Anglesea, a Scott or a Taylor.—TRANS.

\* By the laws of the Alcoran, all Turkish children so born are destroyed at their birth.—TRANS.

devoid of merit, and must confess, that I possess not the taste of the Emperor Francis, in behalf of *bushmen*. About the year 1820, when the frigate which took the daughter of the Austrian Emperor to the Brazils had returned, she took home a family of wild savages as a present from the Emperor Don Pedro to the Austrian monarch. His majesty received and treated them with much kindness, and felt much affectionate interest in their behalf. He had a handsome little hut built for them in the center of a small wood in the gardens of the palace, where they were perfectly at liberty, "a l'Autrichieme," with the exception of the building being surrounded by an iron railing. The good Emperor passed whole hours in their company, wondering with amazement at their most trifling occupations. It was publicly stated in Vienna, that the *Holy Alliance* had sent for these *bushmen* to form the models of a degree of civilization to which Prince Metternich was desirous of reducing the European. Not being in the confidence of that wily diplomatist, I cannot vouch for the truth of this, but what is certain is, that a family of Hungarian adventurers took it into their heads to play the *bushmen*. They painted their bodies red, cut open their lips and ears, and introduced, by way of ornament, pieces of wood, in imitation of their prototypes. The father, who had preserved his natural color and costume, showed off his sons and daughters for so much a head, *in statu naturæ*, but all painted red. People addressed them in German, but they only replied in *bush-schprach*. They gave them a live cat, which one of the young ladies strangled with most perfect indifference and celerity, after which the family eat poor puss undressed. To see them indulge in this luxury you had to pay double price. I do not remember how many cats they thus dispatched in a day; but after having amassed a 100,000 florins, *Wiener Warung*, they decamped, not failing to tell the good people of Vienna the admirable hoax which had

been played off at their expense. A comedy was got up at the royal *Leopold-Stadt-Theatre* on the subject : and I will now ask whether there was not quite as much curiosity and satisfaction felt in seeing these Hungarians eat a cat, as if they had been real *bushmen* ? And what is so curious and attractive in the Indian of the North, to make him such an object of interest ? You must not form any opinion of them from the descriptions of Cooper, who has always wished to make *gentlemen* of them, and who has even endowed them with delicate sentiments towards the fair sex, which, however, is by no means natural to them. The wife of an Indian is his *marketable animal* ;\* traveling, or in a campaign, she carries the burden of his baggage on her back, is beaten by everybody, even by his children. As to the Indian himself, he is physically brave, morally a coward, patient from necessity, while some among them possess much natural sagacity.

It has been said that the presence of the white man corrupts the Indians ; this, I take upon myself to deny ; they are much happier now than they were before the colonization of America. Instead of hunting with the bow and arrow, they possess now guns ; instead of walking naked in the snow, or but half enveloped in the skins of animals, they are now dressed in warm clothing, and supplied with excellent blankets which serve the purpose of cloaks ; instead of fasting when they miss their game, they have now their cattle, which preserves them from starving. Each is supplied with his tinder-box and flint, his knife, his little hatchet, and even to combs ; although these are looked upon by them as mere ornaments : a true Indian takes very good care not to inconvenience himself by deranging the economy of the little crop of red colonists inhabiting the region of his head. There is a degree of philanthropy in this, for on this same principle we are

\* *Bête de somme* in the original.



prevented from destroying the beauty of our forest scenery.\*

\* The following note on the subject of civilization among the Indians may not be uninteresting as a conclusion to this chapter :  
—TRANS.

CIVILIZATION AMONG THE INDIANS.—The law passed at Albany on the 11th, declares, that every person who shall sell or give to any Indians residing within this State, any spirituous liquor or any intoxicating drink, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail of not more than thirty days, or by both such fine and imprisonment. Another section of the bill declares:

“ All Indians who have heretofore contracted or shall hereafter contract marriage, according to the Indian custom or usage, and shall cohabit as husband and wife, are and shall be deemed and held to be lawfully married, and their children legitimate. Marriages between Indians may be solemnized by peace-makers within their own jurisdiction, with the like force and effect as if by a Justice of the Peace.”

Other sections extend the laws over the Indians as over the rest of our citizens, and the conclusion of the bill is to receive from the Seneca nation, or of any tribe of Indians residing in New York, all sums of money such Indians may wish to put in trust with the State, the same to be paid into the treasury under the direction of the Commissioners of the Land Office, invested in good and safe securities by the Controller, or in stocks of this State bearing interest at the rate of 6 per cent., to be created and issued therefor, and called “ The Indian Loans.”

## CHAPTER X.

### ON AMERICAN FINANCE.

French Opinions on American Finance—Mr. Hume, the English M. P., on “ Cheap Government ”—Monarchical Government—Expense of Labor—Definition of Economy—Post Office Department—Privilege of Franking—Public Lands—Confiscation and Fines—Coast Guard Service—United States Bank—New York Banks and Canals—New Jersey Revenue—Roads and Canals—Customs—Dissolution of the Union a chimerical idea—Comparison between Northern and Southern States—The Protective System—Italian Lethargy—England—Industry and Prosperity—Prohibitive System in America—Mr. Clay and Manufactures—Revenue of New York City and State—Philadelphia and Girard—United States Debt and Loans—Appropriation of Surplus Revenue—Interest on Capital in the States—American Enterprise—Anecdote—The Banking System—Rational Advice on the Purchase of Lands—Panargus—A metaphor on Priests and Cats.

THE French journals were at one time much occupied in a long discussion on the subject, in order to arrive at the conclusion as to whether the government of the United States was really conducted on so economical a scale as had been represented. General La Fayette, assisted by Mons. Cooper and General Bernard, from official statistical documents, decided in the affirmative, viz :—that American taxation was infinitely less in comparison with that of the French. I am also of the same opinion.

Mr. Hume, the English Member of Parliament, is, I believe, the first individual who made use of the term “ Cheap Government.” At first, both the ministry and opposition were completely won by this newly invented theory, but which, however, they soon perceived was merely another term characteristic of a republican government. Hence, it resulted that they who disclaimed a republic and republican institutions altogether opposed all approach to a “ cheap government,” and even retrench-

ment and economy itself. A distinguished writer carried his prejudice to this form of government so far, that in order to defeat the arguments of his opponents, he undertook to demonstrate that a monarchical government was less expensive than that of the United States. I shall not here attempt to refute such futile and absurd reasoning, as that has been already fully accomplished by abler pens than mine, but I will simply observe that any comparison between the expense of the two countries is materially affected by the value of the currency. Thus, for instance, when \$1,25 is given for a days' labor to a carpenter in Florida, independent of food and lodging, this sum is but equivalent to that which is paid to an individual employed in the same capacity in France. It is equally clear, therefore, that if I pay a sum equal to about six francs per day, to a laborer who receives but two francs in France, it follows that the same salary in proportion should be paid to those employed in a civil and military capacity, and that although they receive a nominally greater amount of circulating medium, their expenses being in the same proportion more considerable, they are not better paid than the European, who nominally receives less. The difference of the relative value of money in the two countries is merely a medium which augments the proportionate ciphers, without altering its value. This will apply to all those employed in any inferior capacity in the republic, who live on their pay, and whose salary is considered only as a compensation for the loss of time which they devote to their employer. In Europe, however, besides this class here designated, there is another class which is remunerated not for services rendered, but in consideration of their rank and dignity alone, in the state. In the United States we have no such aristocratic pretensions, unless we look upon the president with his \$25,000 a-year in this light.

What is the real meaning of economy? Does it consist

in the possession of a few useless and idle parasitical employés? or in one valuable and efficient officer, performing with zeal and patriotism, more real duties than all the others put together? I take it that the economy of a government consists in amply remunerating as many public officials as are required for the service of the country, *and no more*—to pay liberally for services absolutely requisite, but in no wise be prodigal in superfluities. Discourage all useless luxury in the government, place it on the solid basis of necessary utility, and you will exercise a system of economy, while the people in general, who contribute their share of taxation, have the satisfaction of knowing that no idle pensioners are fattening on the spoils of the nation.

Another error into which the author above cited has fallen in his attack on the financial system of the United States, is in the belief that the whole revenue of the Union, or of the States, is derived from contribution, while the fact is, that much is acquired from the bona fida property of the nation, and which, consequently, cannot be considered as a burden on the people. In order to come to a right understanding upon this subject, it is necessary to analyze the different sources from whence the various government revenues are derived.\* We will begin with the post-office. This immense administration, which extends its gigantic branches from one extremity of the Union to the other, with inconceivable rapidity and punctuality) even in those extreme regions which are as yet but slightly peopled), is under the superintendence of a Postmaster General, not, however, a member of the cabinet. There are more than 8,000 subordinate postmasters; each of whom has a running account open with the department—which account is audited every three months. The mails are transported by contract, in the same conveyances as those employed for passengers, and

\* Vide notes at the end of the Chapter.

whose construction and convenience varies according to the advance of enterprise and civilization in the various States. The contractors are paid by orders on the different postmasters, and the balance of receipts over and above the amount of expenditure is placed either in the State Bank, or to the credit of the postmaster general. As compensation for their trouble, the postmasters receive permission to forward and receive their own letters free of postage; they are, moreover, allowed a commission varying from 30 to 10 or 12 per cent. of the general receipts, but which commission is never allowed to exceed a certain sum. On no account are they permitted to contract for, or hold any indirect interest in, the transport of the mails. The price of a letter not exceeding one half ounce or less, sent under three hundred miles, is five cents, over three hundred miles, is ten cents; while a newspaper, for the same distance, costs but one and a half cents, and a pamphlet, magazine or periodical, of one ounce or less, two and a half cents; for each additional ounce, one cent. These charges are reduced in proportion as the distance diminishes. The postmaster general, after having paid off all the mail contracts, and discharged all claims for the central administration of his department, annually pays over a considerable sum into the treasury of the State. The views of the government in this department of finance are not so much bent on creating a revenue, as on securing to the community in general a prompt and efficient mode of communication between the different States of the republic. Independent of the postmaster general's right to the freedom of postage, the same privilege is granted to the president,\* the vice-president, the chiefs of the different administrations, and even to the members of Congress. The journalists, also, far from any obstacles being thrown in their way by the government, enjoy the right of receiv-

\* Also ex-presidents. Mrs. Madison, Mrs. Harrison and Mrs. Adams retain this privilege.—TRANS.

ing all journals free of postage ; while so convenient do the senators and representatives find this privilege of free transport, that during the sessions of Congress at Washington, it is calculated that no less than between 30 and 40,000 letters leave that city daily, postage free.

With reference to public lands, their sale forms by no means an inconsiderable part of the public revenue, the administration of which is conducted by a " Commissioner of the Land Office," who resides in Washington. The receipts, however, are collected by parties located in each separate district, and who, after having honored the different claims on government, and received the commission of five per cent. on the sales (which must on no account, exceed the sum of \$2,000), deposits the remainder in the various banks of the Union, to the credit of the treasury.

Confiscations, fines and penalties form but an insignificant source of revenue ; although, by fortuitous circumstances, they sometimes amount to a large sum. Many crimes committed in the United States are punished by fine. Confiscation, generally speaking, no longer exists ; or, in other words, in no case can any individual's property become the property of the State, through a criminal commitment ; but from an obsolete custom, derived from the common law, every inanimate object, which by accident or otherwise causes the death of an individual, becomes, under the title of *deodand*, the property of the State. Also, in all acts of accusation for murder, it is an important point that the value of the weapon made use of by the criminal shall be specified. This value is, however, always nominal in cases of importance ; for the absurdity of the law is too palpable, and it is probably owing, in a great measure, to this very absurdity, and in no slight degree to the manner in which the different tribunals evade its payment, that no measure has been adopted for its abolition. A steam-vessel, for instance, the paddle of which may have caused the death of an individual, was estima-

ted at six dollars. In all cases of contraband, not only are all articles, fraudulently introduced, but the vessel which brought them, confiscated, and become the property of the State. For this object we have an organized coast-guard service, consisting of several schooners, of a most beautiful construction, and remarkable for their rapid rate of sailing. These are the property of the State, although not included under the head of the Marine Department, but come under that of the Minister of Finances. The captains and crews feel, of course, a deep personal interest in the captures they make, the valuation of which, however, is declared by the Admiralty Courts.

The dividends receivable by the United States on the shares of the States' Bank, belonging to them, as also on those subscribed for in the different road and canal companies, form another item of receipts, which, although they may not be (at least at present) considerable, are, as I shall presently show, capable of immense development.

Several of the States have already adopted this system. That of New York, for instance, derives a large revenue from its canals,\* as also the State of New Jersey, from its oyster plantations, formed by the government on its shores.

In this latter State, every year adds to their increase, and the revenue derived therefrom is so considerable that it admits of an important diminution in the taxation of the State, and may, in all probability, be the means of abolishing the burden altogether.†

The Bank of the United States is an anonymous society, established under their general sanction, to receive deposits, discount bills on certain terms, grant loans on mortgage, or on deposits of commercial value, and likewise the precious metals, and lastly, to put in circulation

\* Vide Note at the end of Chapter.

† The Revenue of New Jersey up to January 1st, 1848, was \$184,711 84.

a paper currency, which at any moment may be converted into specie ; never declining below par, but which, on the contrary, from its facility of transport, is always of higher value.

The United States, *per se*, are shareholders in a very large proportion, and as such, influence, in a great measure, the nomination of the Directors and President who govern that institution. It is this Bank which transacts all the pecuniary affairs of the government ; but as a compensation for this privilege, its funds must be ready at a moment's notice for the services of the different branches of the State, and this free of all cost. It is this Bank also which is under the obligation of paying the interest on the public debt, as also that of portions of its capital which become payable. To conclude on the subject of this useful institution, its establishment has rendered the greatest services both to commerce and the industry of the country.

It is not unusual for the States to become large shareholders in the various companies organized throughout the Union, for the construction of roads and canals. This arises, not because they cannot construct them altogether, as a government undertaking, but from the circumstance of several general reasons opposing it. In the first place, they can only exercise such an authority, agreeably to an article in the Constitution, which in a general sense permits them to exercise that authority for the general good of the republic ;—rather a vague provision, however, and similar in its nature to the 14th article of our Charter, which would serve to gloss over many usurpations, if the Federal government was so inclined, and provided that the States in general countenanced the same. It follows, therefore, that before the government can enter into any public undertaking within the limits of the States, or authorize any anonymous society or company to do so, it must be with the perfect understanding that such work is



for the general good, and that a majority of the States, at least, derive some direct advantages therefrom. Hence all undertakings which tend to the improvement of harbors—rendering them capable of receiving, and being navigable for fleets or vessels of war—all works tending to improve the navigation of rivers for vessels of large tonnage, would encounter no opposition. This is a duty imperative on the government, and tends to extend and regulate the exterior commerce of the country. As likewise, all which tends to improve the military defenses of the country comes under the same practical denomination or head; at the same time it is doubtful whether the same authority would have the power or right of establishing taxes or tolls in connection therewith, or even granting the permission for any anonymous society to do so. All undertakings, therefore, of this nature, would arise from the employment of a dead capital, bringing no interest thereon favorable to the State, or advantageous, beyond that of the general good. The States however are, as it were, lords of the soil, and have, each of them, the power to do as they please within their own territory, and to this power they adhere with the most pertinacious tenacity. For instance, it might so happen that a new road in one would cause the ruin of the capital of a neighboring State; hence it is but natural that the citizens of each State should themselves have the direction of all public works, or whatever alterations, improvements, &c., might be suggested towards general convenience and utility, or jointly in concurrence with the neighboring States. One further consideration is, that the expense of all works of public utility, undertaken to the advantage of one town or State only, shall be borne by all the others. This I look upon as unjust. Under all these circumstances, however, if there exist so many obstacles to the government assuming the power, either by themselves, or authorizing a society to undertake works of public utility, when once the govern-

ment of a State has authorized the formation of such society or company, nothing can hinder them from subscribing for as many shares as they may think proper. In fact, such has already been the case ; and I hope they may adhere to the system.

I now come to the great source whence the revenue of the United States is derived, viz : The customs, which form about nineteen twentieths of the whole of the receipts. The Constitution while it has reserved to the Federal government the power of regulating the external commerce, and of establishing taxes on imports, grants no authority for its exercise of that power over the commerce of the interior, or its imports. The tariff must also be the same, for all ports, and all frontiers of the Union. In each port, and on the frontiers of Canada, collectors have authority for the administration of this branch of the revenue. They are paid by commissions on the revenue which they receive ; but which must however on no occasion exceed a given sum. Besides this, they are charged with the duty of registering all vessels newly constructed ; give certificates of origin to sailors called *protection*, and have a watchful guard over all light-houses and floating lights. From these also, captains of the coast-guard service, lawyers of the States and marshals of the districts receive orders regarding the suppression of every thing of a contraband nature. The funds which they receive must be deposited in the Banks of the State, to the credit of the Treasurer. These posts are of the highest importance, of great emolument, and much sought after. Hence the gentlemen holding them enjoy no little influence in our large commercial towns, although the duties are very considerable. Government offers much indulgence to the merchant in regard to the payment, granting a credit of three, six, nine, and even twelve months, according to the sums ; so that in general, the merchandise is sold before the duties thereon have been paid. Articles imported

with the object of re-exportation pay no duties, and those which are manufactured in the country to be re-exported, under another form, receive on leaving a premium in proportion to the duty paid on entering the raw material. I have already stated that the exportation is free, as also is the transport, from one port to another, either by sea, or the interior ; hence all taxes accumulate from importation. They were already considerable, and in 1825 the manufacturing interest made them still more so ; hence now, in many instances, they are tantamount to a prohibition. Manufacturers profit largely from these circumstances, enabling them to compete with the English market, without depreciating in value, though inferior in quality ; unfortunately, however, all these manufacturers are on one side of the Potomac, while the consumers are on the other ; at least this observation will apply to most articles. The southern States, whose general produce is tobacco, coffee, sugar and Indian corn, and who in return purchase from the profits arising therefrom, take umbrage when they find the price of stuffs augmented, and their quality diminished, at the very moment when the immense increase in the production of cotton reduces the value of their chief resource, while it was naturally their interest to obtain it in the cheapest market ; whether that market were English or American was to them a matter of perfect indifference. It were in vain to attempt to persuade them that the same protection which was granted to the manufactories of the North would inevitably place them in a position to create a market much more advantageous for them than for the European ; experience has however confirmed the just calculations of those who were opposed to the tariff, and the southern States find themselves at this moment reduced to the necessity of consuming products, inferior in quality and at much higher prices, thereby placing the northern manufacturers in a position to realize large profits, at the expense of their southern

brethren. This state of things is however unjust, and cannot long continue without a total destruction of the prosperity of the southern States of the Union. Hence their opposition was exercised in so wild and injudicious a manner, that it ended in doing them much more harm than the tariff itself. They began at first by denying the constitutionality of the law which imposed the new tariff, and assumed that Congress had not the power of establishing imposts, with the view of protecting such and such interest ; admitting however the right of creating for itself a revenue, commensurate with its wants. South Carolina went even further, and forgetful of the wonted prudence of its councils, talked of a separation from the Union, vain threat! which was hastily re-echoed in England as an evident proof that the Union of the States was about to be dissolved, and which could have been productive of no danger but to herself ; for the remedy would have been one hundred times worse than the evil, which they sought to eradicate.

From the passing of the new tariff the southern States adopted a line of conduct totally hostile to those of the North, especially towards the interests of their manufactures. They for instance exerted all their efforts to reduce their consumption—and confined themselves to the use of coarse stuffs manufactured in their own families, and were opposed to every species of amelioration commensurate with the habits of industry and civilization of their brothers of the North. It is evident however, that it more became them to exercise a totally different conduct in the matter ; and since the tariff established an unjust advantage in respect to American manufacturers, they themselves ought to have been the first to profit by the same—in the establishment of factories in the South, which even supposing they might not maintain a successful opposition to the English, without a tariff, might at least, without much difficulty, have set themselves up in oppo-

sition to those of the North—the more especially, as in the South, there is no impediment to the employment of negroes in this occupation, the labor of which in itself, is more adapted to women, than employing them in the field ; while the expense of manual labor would have been considerably less than in the North. True it is, that formerly the negro employed in agriculture brought more profit than in any other occupation—but those days are gone by—and the price of agricultural produce is so much diminished, that it is my firm belief there is a greater advantage attending the withdrawal of hands from agricultural to manual labor in the manufactories. The southern States, however, have pursued a totally different course, they declared open war against every thing in the shape of tariff and manufactural industry—and it only remains for them to continue the same destructive line of policy, to see themselves overrun by the people of the North, in whose hands ere long all capital will be concentrated.

The people of the Northern States, or rather that portion of them in favor of what they call the American system, extend their views of a protective system too far ; and under the influence of high premiums wish to force industry—to bring into the markets produce which nature has reserved for other climates.

Were all nations equal in industry, or possessed a mass of capital in proportion to their population, the wealth of those nations would be found to be in direct proportion to the fertility of the soil and beauty of the climate. But the different degrees of civilization among nations, the educational establishments of the various governments, and the disparity which exists in the quantity of capital raised, has completely destroyed this natural proportion ; the revival of which would tend to the annihilation of all commercial and manufactural monopoly. This result, however, would not be favorable to all nations in an equal proportion ; for those which, by their geographical position, are naturally

poor would be compelled to depend on the more wealthy, and surrender that power which the ignorance of other nations had permitted them to possess. Hence it follows, as a general thesis, that the liberty of commerce would be in favor of those nations naturally wealthy. Notwithstanding, however, in the present state of things, so long as an inequality of capital and industry exist, a protective system is necessary to all such nations favored by providence, in order to induce them to maintain that which nature has assigned them. Italy for example, without exception the richest country in Europe, is at this moment almost devoid of industry, and hence dependent on other nations. Its oils and alkalies are transported to Marseilles, and returned in soaps. Its silks and cottons seek a market in Switzerland, Lyons, and England, and are returned made up into stuffs, to the consumer. The trade of Italy is also carried on in foreign ships. Were she independent, the first care of a good government would be again to elevate her to the first rank among the nations of Europe, in commerce and industry—the only means of accomplishing which would be to organize so strict a code of custom duties as to compel the nation to depend entirely on their own manufactures. This once accomplished, and industry re-established on a firm basis, there would then exist no danger in abolishing the tariff, and in establishing an unrestricted freedom of commerce. Capital would then find its way in through various new channels, thrown open by this course, without fear of competition; while the liberty of commerce would then be favorable to Italian industry. England, on the contrary, is naturally one of the poorest countries in Europe; still, from many causes too numerous to develop here, but which may be attributed to two principles, the natural industry of the people and the excellence of her social institutions, which have enabled her to amass a quantity of capital unexampled in the history of the world.

As soon, however, as other nations shall enjoy the same advantages, her prosperity will naturally decrease, as her superiority in this point arises more from acquired artificial than natural advantages. In her present actual state England professes an unlimited freedom and extension of commerce ; she has, in truth, nothing to lose : even with a reduction of her duties, it would be long before any other nation could enter into a successful competition with her. The more other nations imitate her example, and believe in the doctrine which she now professes, the longer will the progress of their commercial industry be retarded ; while the more she strengthens her system of monopoly her fall is proportionally distant. So long as other nations believe in her professions of liberty of commerce, so long will they be the dupes of her policy.

This system which I have proposed, however, I mean not to apply to all the branches of industry in all countries. Every soil and climate has its natural productions, while the chief object to be acquired should be to export the manufactured produce, in the highest state of perfection of which the national industry is capable. And this is the sole and most important point which a good government should seek to establish by a prohibitive system. If the English government, for example, imposed its custom duties with the sole object of perfecting its national industry, and not with that of creating a revenue, and which, in my opinion, is the best system of all, every duty upon the importation of wines, oils, colonial produce, in fact on all merchandise which she neither produces herself nor can ever produce, ought to be entirely abolished. This abolition would render living much cheaper, and would also contribute to a considerable diminution in the expense of manual labor. On the other hand, heavy taxes should be imposed on the importation of every manufactured article, or even that article in its crude state, which was the product of foreign nations. At the outset, this productive

tax would be the means of creating a capital of sufficient consideration, to be employed in a new project or sphere of action. The success of one manufactory naturally leads to the establishment of others, while the competition thereby raised would soon reduce the prices below those for which the foreign market could afford to supply their products, and the importation would thereby become comparatively nominal. From what I have stated, the United States, being connectedly one of the richest countries in the world, I am arguing in behalf of a strong prohibitive system here, in conformity with the present tariff. This, however, is far from being my opinion. The people of the Union have *other*-avocations of higher importance than that of blocking themselves up, as it were, "*inter muros*," or being altogether immured within the unhealthy precincts of the factory. Our forests are open to us—the roads to the West are already in progress, while the wave of civilization has not yet been repelled or impeded in its progress by that of the Pacific ocean. So long as the whole of those immense lands are uncleared by the hand of civilization, so long will there be a ready opening to industry and labor. And why should this ennobling and invigorating occupation of man be altogether sacrificed for the enervating and sickly occupation of the mechanic? Or why pursue this latter course in preference? Why, also, compel capitalists to take this course? What need have we for manufactories, when we can at all times obtain the produce of the foreign markets in exchange for our own raw material? Of what disadvantage is it to us, we wearing articles of English manufacture—or *vice versa*, to the English eating bread made from American flour? On the contrary, we merely exchange with foreign nations the various products of civilization; thereby preserving for ourselves that which is useful and agreeable, and becoming the dignity of freemen; leaving to other nations those questionable luxuries and occupations which only tend to



enervate and degrade mankind. The American system, as Mr. Clay and his friends are pleased to call it, is in itself good, but too premature by far. It is true, he has been the organ of raising a quantity of splendid manufactories of which we are justly proud. We grant that in some articles our manufactures can compete with those of the English. But it becomes a question whether we have not obtained these advantages at a sacrifice of many comforts, for which the mere difference of price can never compensate us ; and by a commencement of moral and political degradation in those who have thereby become workmen by compulsion, and who without which would have remained free and independent cultivators of the soil. These truths are beginning to be felt, and I consider it possible that this "American system" will not be of long duration. Time, however, will prove. To this state of things it is probable we must return, at a time, however, when all the public lands shall have been sold ; but fortunately, this period is as yet far distant.

The different States have also their own revenue, derived in each of them from a different system of taxation. As I have already observed, they can derive none from exportation, importation, nor the transit of merchandise ; but they may establish direct taxes, poll-taxes, excise duties, on prepared liquors, rights of patents, &c. These have also the power of raising loans, and employing their capital on public banks, which may become productive of benefit. All these measures and means are more or less adopted, in the different States. Each county has its expenses, to meet which the county court imposes certain taxes on the inhabitants ; as also in each town, the expenses of the corporation are defrayed in the same manner. Some of the principal towns have to meet considerable demands ; the revenue and budget of the city of New York, for instance, are much greater than those of the State itself ; while the taxes on the people belonging to

the manor are very considerable. Philadelphia was also in the same situation—but by a fortuitous circumstance, she has been placed in a most extraordinary position—which cannot but render her in time, the most beautiful city in the world. It arose from the following event: A Frenchman named Girard, who quitted France extremely poor—as a cabin boy (if I mistake not), a sailor at most—died in that city; at about the age of ninety, leaving a fortune of about one hundred millions of francs, which he had accumulated, by a long life of indefatigable industry, strict probity, and remarkable privations. He was a man possessing a strong mind, much esteemed—though following a very singular mode of existence. He was most particular and circumspect in all things; at the same time, indulging in the accomplishment of schemes which gratified his taste and spending his immense revenue in public works of utility. At his death, among other legacies, he bequeathed ten millions of francs for the establishment of a college, on condition that no priest, whatever his religion, should be allowed in any wise to interfere with its administration. The greater part of his fortune however, more than sixty millions, he bequeathed to the city of Philadelphia. It is impossible to imagine the immense benefit which may accrue from this munificent bequest, if properly administered. The interest of this immense capital is sufficient to meet all the expenses of the corporation, while it is probable that all taxes will be abolished, thereby favoring a considerable increase to the population of the city; and at the same time, afford immense benefit to its manufactories. Who at this period (1832) can form an idea of the great improvement in roads, canals and public works, which the corporation, by a judicious application of this colossal sum, may not accomplish in the space of twenty years hence?

The chief burden in the way of expense to the United States, has been, the paying off the capital, and interest

on the debt, contracted during the last war (1812).<sup>\*</sup> During the war of the Revolution, the United States, in order to meet its engagements, and at the commencement not being even in a position to obtain a loan, were obliged to issue a paper circulation, similar to the French system of mortgage—bought up “aux prix de la place,” which gave an appearance of bankruptcy, but which was not so “de facto,” for as this paper had been distributed at *par*, and during its circulation gradually but imperceptibly depreciated in value, the last holder lost no more than the former, and their comparative losses were exactly equal to the portion they would have had to pay, towards any tax, which might be raised to buy it in again at *par*. Such a course, would, however, have given an unjust advantage to the actual holders over those, at whose hands, by previous circulation, they had purchased them.

At the beginning of the last war, the credit of the United States was extremely low; they however managed to effect loans, since which period they have all been paid off, with the exception of between thirty to thirty-five millions of dollars—which will be so in the course of two or three years. The States will then find themselves in the possession of an overplus revenue of between twelve and fifteen millions of dollars a year; and they are even now discussing the question of its appropriation.\* This

\* On the 30th June 1846, \$32,568.07 was paid off on the old debt.

On the 30th June 1847, 8,081.69 “ “ “

The public debt of the United States on the 1st of December 1847, amounted to \$45,659,659.

\* The revenue of the United States in 1791, was \$4,399,473.

“ “ “ “ 1847, “ 26,346,790.

Imports in 1791, \$ 52,200,000.

“ “ 1847, 146,545,638.

Exports in 1791, \$ 19,012,041.

“ “ 1847, 158,648,622.

Tonnage in 1791, \$ 502,146.

“ “ 1847, 2,839,046.

question is more difficult in solution than would at first appear, for should it be in contemplation to diminish the taxes, in such manner as merely to leave a revenue to meet the expenses, all the manufacturers would be ruined, who have employed their capital solely dependent on the faith of the nation. I am anxious the tariff should be subject to considerable modifications, but *graduatim*, and not in such manner as to operate as a disastrous check to manufacturing industry; from which all classes, from one cause or other, would be the sufferers. One party has proposed to divide the surplus revenue between the different States, in given proportion—this however would lead to unfortunate consequences. The equilibrium between the power of the government of the States, and that of the Federal government, would be sacrificed to the advantage of the former; leaving out of the question the impossibility of establishing a mode of proportion, which would appear equitable in the eyes of all. Another would have this surplus applied by the Federal government for the erection of works of public utility. This is again more objectionable, from which the independence of the different States would suffer. In my humble opinion a medium course would be preferable. During the first years, I would suggest the employment of this surplus revenue, *at once*, towards the erection and completion of the immense and extensive line of fortifications along our coast, which the United States have undertaken, on so gigantic a scale. This accomplished, the government should devote a given sum, or proportion, to all incorporated societies for public works throughout the States. In this manner, the government would year by year accumulate a capital of from 12 to 15 million of dollars, in road and canal shares, which would yield a considerable interest, and which sum might be again employed in new and beneficial enterprises. By this means, should a war occur or any chance circumstance which would

call for unexpected expenditure in the public revenue, instead of raising loans, the government have only to send their shares to the money market, and sell at prices current a sufficient number to meet the emergency.

Should the Union remain in the same peaceful state in which it is at the present day (1832) for ten years longer, she would, by these means, find herself elevated not only beyond the necessity of having recourse to such expedients, but she might in the course of time, undertake public works which would throw even the vaunted Pyramids of Egypt in the shade !

In the eyes of the European, projects of this description appear gigantic, but they are not so to an American. Our government would only be doing what many individuals and corporations have done before it ; and in fact, the rapidity with which fortunes are made and capitals amassed in the United States almost exceeds belief. The demand for capital is such, and our commercial, manufacturing and agricultural enterprises so numerous, that however large and quick the increase, it is immediately absorbed. Capital can always command from seven to eight per cent. interest, and bring generally much more to those who employ it for such purposes.

That which produces the genius of industry in Europe is the superabundance of its capital ; while in America, the various degrees of industry have no other limit, but their rarity. It therefore becomes necessary, in order to obviate this inconvenience, to adopt a system of universal credit, thereby permitting, as it were, the creation of fictitious capital. Hence we have recourse to such means—long credit being generally granted on all loans. A merchant frequently purchases a cargo at three months credit, which he knows must be sold at a loss, at Cuba for example, but he will immediately find means of borrowing anew the value of the cargo, making it over as security. With these two sums collectively, he will bring back

in return a shipment of sugar and coffee, having already realized large profits, before either of the respective claims upon him, or the custom house duties of importation, become due.

In general, the merchants residing in the capitals sell to those retailing in the smaller towns, or country, at a credit of six months or a year. These latter, also, make similar arrangements with the planters, many of whom have paid for their estates, and even the purchase of their slaves, by the produce of these very estates, or some profitable speculation. All is speculation! few or none live on the interest of their money, or their funded property exclusively; all is activity, enterprise, speculation and chance! By these means, immense profits are often realized—while often, on the other hand, one false calculation leads to immediate ruin. As the general capital of the nation increases annually, to an immense degree, some are led to imagine that every body must be prosperous. Although this idea is somewhat fallacious, it is clear that the winners bear a far greater proportion to the losers, in this general lottery. Take the following case as one specimen of “enterprise.” A carpenter from New England, who, like all *Yankees* of his class, has been well educated, quits his little town, where he has no hope beyond the routine of a carpenter’s existence all his life, and establishes himself in a new western country, on the banks of some great river. At first he starts as a boat contractor, and undertakes to construct either private dwellings, or public edifices on credit, he himself paying his workmen on credit, lives on credit, and has credit with his tailor, &c. In all this he succeeds; he then purchases a piece of land, on which he erects either mills or a factory; he has now started anew, as a miller or manufacturer. He now proceeds himself with his first consignment as far as New Orleans, where he enters into other commercial speculations, perhaps buys a steamboat, establishes himself in some

large town, where, by a false calculation, he loses all. This, so far from daunting him, is but a "spur to his ambition," and he begins again! So far from discouragement, being a man of known enterprise, who has already made money, but lost it through misfortune, he will immediately find some individual or company, who will intrust him with the erection of a house, the direction of a building yard, the management of a plantation, or the command of a steamboat; the consequence is, that he in fact enters into his new career with far more prosperous views than in the one in which he originally embarked.

Supposing him to have undertaken the administration of a plantation, he is at once in the position of an overseer, or manager. Nothing can prevent him during that period from economizing his salary, and engaging in private speculations (often at the expense of his employer). At the expiration of a year or two, he will have succeeded, or if he should have failed, he seeks out some new region, selects his spot of land (on the banks of some river), where he constructs a ferry-boat, and begins the world again as an inn-keeper, mechanic, or "Jack of all trades." If he be a clever, agreeable fellow, he soon becomes popular, and may be even an influential man in the district. He is first elected an officer of the militia, then justice of the peace, then a member of the legislature, and to crown all, member of Congress! Then in that exalted arena, he argues the point with the first men of his country, by which he at least gains some additional experience, in a knowledge of men and things; to all this he gradually accustoms himself—accommodates himself to the manners of society, and becomes a fine talker, if he was not so before, and perhaps after all winds up his "strange eventful history" by taking to the law.

It often happens, however, that these ambitious views and "public affairs" tend to divert his attention from his own particular matters of business—politics change—his

party is overthrown—he gets thrown out of his election, and becomes again the simple matter-of-fact man of business, which I had the honor of introducing to you *impri-mis*, and still nothing daunted he begins *again!*

It not unfrequently happens, however, that he becomes Governor of his own State, a director of the bank, or winds up his honorable and laborious career, as a Judge of one of the Supreme Courts.

There are but few of the most distinguished Americans among us, who have not undergone some or other of these ordeals “which flesh is heir to,” or who have not been engaged in occupations of the most opposite character.

At one moment your friend may be an advocate, some years after you may find that friend at the other end of the Union, as captain of a ship, planter, officer, merchant, or even as an expounder of the scriptures—and who, perhaps, in a succession of years, may have run through all the characters; and although he may not have realized a fortune, either by his own fault, or that of his “evil star,” the community in some way or other derive advantages from his labors, for the tree which he has planted in the desert of his speculations bears with it its fruit, whether it assuage his own thirst or that of the traveler.

In order to facilitate as much as possible this progressive movement, often so rapid, turbulent and irregular, the banking system was established, and for its development, affording the greatest latitude imaginable. There is very little silver circulation in the United States, comparatively speaking; that is kept *pent up* in chests and barrels, duly sealed and labelled, and only quits one banker's vaults, to be carried in cart loads to the banking-house of another. The banking firms generally put in circulation bills to three or four times the amount of their capital; they are sometimes for a very small amount, and in the South even so low as six and a-quarter cents. In some States they cannot pass under a dollar, while the United States Bank



circulates none under five dollars. These banks, amounting to an infinite number, are formed by companies in shares, the shareholders every year electing directors, who also elect a president or governor; also a cashier, and all the subordinate officers. These officers conduct all the affairs of the society and receive the deposits, discount bills, lend out money on interest, and in fact, engage in every affair requiring the advance of capital. The banks are bound to take up their bills in cash payment, whenever they may be presented. They have open accounts with each other—often the States themselves take shares in these banks. In the midst of the enterprise and rivalry among these establishments, sometimes aiding each other, at others being in competition, the great Leviathan, the United States Bank, extends its branches, and discounting offices, and depots, from one end of the Union to the other. It is this which regulates the mechanism of the whole, preventing any sudden convulsion among them. Before its establishment, many banks could suspend payments in specie, their paper circulation became subject to changes, as also the rate of discount between one town and another, and arranged in such a manner, that the government became always a considerable sufferer. At present, however, all these banks are debtors to that of the United States; it takes upon itself the transport of moneys to and from all parts of the Union, at a discount which can in no case exceed two per cent., and which generally with the government and in individual cases is done at par; the other banks are consequently obliged to reduce their discount to the same level, without which they could do nothing. All these banks circulate an immense mass of capital, and with incredible rapidity. They set in motion, animate and stimulate the energy and enterprise of the whole system of American industry. On the other hand, the enormous risks to which so many opposing interests must necessarily give rise, are

in a measure met by innumerable insurance societies ; they are constituted on the same principle as the banks, and afford protection against every species of loss or disaster.

Many manufacturing, mining and other companies form themselves also into similar establishments, and enjoy similar privileges of issuing bills, together with others granted them by the Legislature. The roads, canals, bridges, railroads, and in fact all the public works, are constructed under a similar system. All these societies are corporations, having a civil and political existence, and can sue at law or be sued like private individuals. Each employs its own counsel, architect, engraver, engineer, &c., and becomes a source of immense prosperity and advantage for the towns wherein they have their establishments. It is true they are liable to reverses and failures, but such occurrences are extremely rare. Strangers who have transactions in the United States not unfrequently complain of the bad faith and instability attending commercial speculation here. This I attribute, in a great measure, to their own improvidence in the selection of their correspondents, to whom they carelessly leave the whole responsibility and management. Frequently it happens that fertile lands have been discovered in a certain locality—government disposes of them at a high price to speculators ; hence arises a monopoly, people flock hither in crowds, works of public utility are established, shops are opened in all directions, the prices of land continue on the increase, at last a bank is opened, and all presents a glowing scene of prosperity ; when lo, all at once, a succession of bad harvests arises, or the yellow fever, or the erection of similar establishments in some more favorable locality takes place, from a spirit of change and love of novelty, while ruin or total abandonment are the results. The lands, which had risen in price far above their real value, are sold for comparatively nothing ; the population finding that fortunes cannot be made so quick as they anticipated, become dispirited or

disgusted, and abandon the place with as much eagerness as they evinced when taking possession ; and all assumes the appearance of a desert, which had so lately promised to become, as it were, a paradise of wealth and happiness ; while the new locality, from experience gained from the causes of the failure of the former, becomes appreciated at its real value, which is established on a permanent basis, that is, as far as possible in a country rising so rapidly in the career of civilization and prosperity as the United States of America. That individual, therefore, is fortunate who, studying the characteristics of the people and their institutions, as also the geography of the country, its climate and productions, knows how and when to speculate ; but woe to him, particularly the European, who, devoid of all local knowledge, engages in an enterprise, whatever be its nature, through the advice of friends who are themselves interested therein, or who, acting with perfect good faith, form a wrong estimate of the matter. For, like Panurgus, he is certain, in buying dear and selling cheap, to arrive at the same result, and be ruined, unless he possess the courage, presence of mind and flexibility of character of the American, who bears up against every obstacle ; and who, possessing the faculty of priests and cats, when he falls, invariably manages to come down upon his legs.

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#### FINANCES OF NEW YORK CITY.

Receipts, \$5,392,674 ; Expenses, \$5,557,213 ; Taxable Real Estate, \$187,315,386 ; Taxable personal property, 1848, \$59,837,917 ; Percentage of tax, 1.11.

Revenue of Croton Aqueduct from May 1, 1847, to May 1, 1848, \$226,551.83, being an excess over the preceding year of \$32,000.49.

#### BANKS OF NEW YORK STATE.

Resources (167 banks, 2 branches), \$132,249,276 ; Liabilities (167 banks, 2 branches), \$132,249,276.

Aggregate amount in circulation (Dec. 1st, 1847,) of all the free banking associations and individual bankers in operation, \$10,366,554 ; Securities deposited for the redemption of these bills, at same date, \$11,100,253.

## CHAPTER XI.

### MANNERS, FINE ARTS AND LITERATURE.

The field of Literature—Periodical Press, its virulent party spirit in the Contested Election of Adams and Jackson—Love of Political Controversy—Character of the American—Comparison with the English—Peculiar Classes of Society—Immigrants in New York, Boston and United States—Broadway of New York—Society of Philadelphia—Its Quakers—*Wistarparties*—Charleston—Its superior Society—Richmond—Hospitality of the Virginians—New Orleans—The “Babylon of the West”—Society in Washington—Belles and Heiresses—Conquest of the “Belle”—Choice of a Husband—A Female Congress—Dangerous to the Southern Deputies—The Ladies harmonizing the “ties of Matrimony” and the Republic.

IF the government of the United States is established on a hitherto unknown and new principle—at least in its application, that of the sovereignty of the people in its most absolute sense, society itself also as regards individual intercourse is equally so.

There exists no aristocracy of birth. The acquisition of wealth affords physical advantages by purchase, while talent and merit have no limits to their just ambition. All in our republican system are strictly classed according to their individual capacity, and in this sense, the road to fame and fortune is open to all. This system is based on the most absolute principles of liberty; and perfect independence is the result. Active, energetic, and persevering competition is the secret main-spring to our American system—fortune, power, love and riches, all these treasures, are the rewards of the skillful and enterprising. All are welcome to the banquet—all are equal in point of right, and have an equal chance of success; and if in one case, fortune offers superior advantages—it possesses not, on the other hand, that necessary *animus* which calls forth energy of action, in one less fortunate. Wealth in itself

cannot render a man the bit the wiser, nor make a man intellectual, who is naturally a fool, but on the contrary places his own fortune in jeopardy, from the attacks of the more wily and enterprising of his species. A man once engaged in a career, no matter what, if he possess not activity and energy, will find himself outstripped in the race to fortune by younger and more persevering rivals. The continual competition—this unceasing strife as it were, of all against all, creates an activity in the general intercourse of society, producing the most happy results. Whatever be our career we become entirely dependent on public opinion. This holds a despotic sway, and classes each according to his works and capacity, for it is ever disinterested, and rarely errs in its judgment. To form this however, the greatest publicity is required; and such is the system of our *regime* in the United States, that for the accomplishment of this the greatest facilities are afforded. The press is completely unfettered—the publication of journals and their circulation, far from meeting with obstacles in the shape of caution money, *fees of security* or stamp duties, meets with the most liberal encouragement. Hence they are innumerable. Every town abounds with them, and every village possesses at least one—while every shade of opinion, however trifling it be, has its interpreter. All is known and commented upon; hence, in the States, the only means of escaping scrutiny is to have no secret. Thus with such a system of intelligence, public opinion seldom errs in its judgment or verdict. I will not here undertake a defense of the American periodical press in general, for among the generality of them there are few really good ones in proportion to their quantity, while others again exercise little delicacy in their means of sustaining the good opinion of the public. Their violent party virulence, however, carries with it its own counter-poison; moreover a personality has always its reply, and hence it follows, that the coarse, evil tone of

expression which they indulge in, has a direct tendency to familiarize the ears of its readers to the reproaches of the opposite party.

During the contested election between Adams and Jackson, the journals of both parties took so virulent a tone and published so many gross calumnies, that it became really disgusting to peruse them. Whoever believed in them, would have sincerely lamented the fate of the nation, being compelled to choose between two such rascals, as the candidates were represented to be, by the journals of the opposing parties. To be just however, I must observe the great difficulty which exists in the elections in the United States, of making a selection among many of equal claims and merit. The republic is advancing tranquilly, but rapidly in the road to prosperity, without presenting any of those violent and sudden events, which call forth talents of a superior order in an emergency. We can boast of people possessing the highest order of merit, and that in abundance, but it is almost impossible in the state of tranquillity we enjoy, to elevate themselves to a position above the order of merit immediately below them. Hence it follows, that the less difference there exists in the merits of two candidates, the more will those merits be eulogized and exaggerated by the journals of their respective parties: the difference being so trifling as not to be perceptible, were it not multiplied through a thousand channels on the road to public opinion.

One of the most remarkable results of this publicity is the interest which each individual takes, in the politics of the day; hence the general topic is always the same, in whatever society you may appear: the coachman may be heard at the corner of the street disputing the merits of the candidates with the porter, while the lawyer, the planter and the clergyman, dining at the rich merchant's table, all tender their various comments and opinions. The forthcoming election, a measure proposed either in

Congress, the Legislature of the State, or the last important law process—form the subject of conversation, and opinions are differently expressed, according to the different circles. The subject is ever the same, and equally understood by all, since these various journals are read by all classes of the community.

It is easy to imagine where such a unanimity of opinion exists in a nation, such similitude in tastes and intellectual occupations, the differences between the classes of which society is composed, is altogether chimerical. I do not from this mean to imply, that there exists not in the States several circles of society, for it cannot be otherwise in every civilized country ; I mean to say, however, that the limits which divide them are so slender, that though there be many circles, there exists no distinction of rank or caste.

The American is mild and polite, but bears the impress of all the conscious pride which a free and independent man should possess ; he pretends to no superiority, but on no account will he submit to be treated as an inferior. Each considers that he is working for a livelihood, and far from indulging in sloth or idleness, he holds them in contempt, and deems all honest callings are equal in dignity, though requiring different degrees of talent, yet claiming the distinctive right of unequal retributions. The servant of a lawyer, or a doctor, for instance, sees no material difference between himself and his *employer*, the word *master* being confined to the colored classes. The one brushes clothes, the other pleads causes—feels pulses—another preaches—judges a case—makes laws or assumes the government—and all to gain money ; with this difference, that each follows his peculiar calling to enrich himself as best he can. To this effect, the servant will be submissive and attentive, but as soon as he thinks he can better his position, he quits his master, and on no account will he submit to be insulted or ill treated. If he fall ill

or has a lawsuit, he appeals to his employer ; pays him and considers *quoad*, a change of position between them.

This spirit of independence is the distinctive characteristic between the English and American habits, though they closely resemble each other both externally and physically. If you enter what is called the first society in New York, you will find little perceptible difference between their manners and those of a similar class in England. At New York, this society is chiefly composed of merchants, raised to fortune's pinnacle with newly acquired wealth, which the chances are, they do not retain ; and avail themselves of their prosperity to indulge in every luxury. Many have made the voyage to Europe, and, in many cases imitate the follies and exclusive manners of which they had been the victims on the other side of the Atlantic—affect to value everything foreign,\* and to look back upon America as an uncivilized country, where nothing *recherché* or elegant has been invented,—not even a polka, or “gigot de mouton” sleeves. Men of this class of society feign indifference to politics, or at least do not make it the subject of conversation, as being too vulgar, and of “mauvais ton” in London.

Next to this society, is that formed by a class of merchants, ship-owners, lawyers, doctors, and the magistracy. This class is truly American—has a perfect contempt for the follies of European extravagancies ; while their conversation is sound, intelligent, and instructive, and chiefly runs upon the politics of the day, and their own peculiar affairs. The society of New York is more tainted with European manners than any other city of the Union ; this

\* I myself remember a gentleman whose fortune enabling him to visit Italy, had an inveterate monomaniacal feeling of talking of Rome and the Romans ; and to such an extent did he carry his conversation, that he has been known to compare a molehill in the vicinity of his residence to the splendid fortress of the castle of St. Angelo at Rome, reminding one very much of the antiquarian of Sir Walter Scott and his “modern antiquities.”—TRANS.



may not appear extraordinary, considering the immense number of foreigners continually arriving and resident therein.\* It has more theaters than any other; and boasts its Italian opera and corps de ballet. There also exists more dissipation and extravagance. The great street,

\* From 1790 to 1840 the number of immigrants who had arrived in the United States, amounted to 2,058,655. This number may appear incredibly large; but the census of Boston, taken in 1845, shows that foreigners made up one-fourth of the population of the city, and if their children be counted with them, they constitute one-third of the whole number of citizens. Nearly two-fifths of the citizens of New York, according to the enumeration of 1845, are of foreign birth, and if their children be added, they form a majority in the city; more than one-eighth of the population of the State of New York are foreigners. If we add the immense German population in Pennsylvania, Ohio and other States, the conclusion at which we had just arrived, that more than two millions of immigrants came hither in the half century preceding 1840, will not seem extraordinary. And their number is increasing with marvelous rapidity; it is quite certain that as many as 250,000 arrived in the single year 1847. The day on which I myself arrived here from the West India colonies, more than 2000 European immigrants landed at New York.—TRANS.

FOREIGN IMMIGRATION.—A meeting was held last evening at No. 132 Court street, in this city, to consider the subject of making some provision for the numerous immigrants who are now flocking to our shores. A plan was submitted to the meeting by Mr. Mooney, which contemplates the organization of an Immigrant Land Company, who are to furnish immigrants with a farm, house and stock on easy credit, at a remunerative cost and charges. It is proposed to commence with a capital of \$100,000; this capital to be divided into shares at fifty dollars each. With this fund farms are to be purchased in the western country, plowed and stocked, and comfortable houses erected thereon. It is estimated that the tenth part of the annual produce of his farm will enable the immigrant to pay for it in seven years.

The State of Wisconsin has been selected as the most suitable locality for making purchases of land. An agent is shortly to be appointed who will proceed to that State to select suitable tracts, and a permanent agent is afterward to be appointed to superintend the operations of the company in that region. Agents are also to be appointed in the various seaports, who will cooperate with the company.

A committee, with Mr. J. W. James at its head, was appointed to make all requisite preliminary inquiries, and to digest a plan for raising the necessary funds. They are to report at an adjourned meeting.—*Boston Traveler*, April 28.

called Broadway, affords an excellent idea of America, to the European on his arrival. After Regent street, in London, it is the finest street in the world. Its capacious footpaths, ornamented with elegant shops, are at certain hours of the day crowded with *fashionables*. It is here all the beauty of New York promenade,\* the admired of the cavaliers of the other sex.

The society of Philadelphia is of a more quiet character. The Quakers form a happy and peaceful population, giving an air of stillness to the place. Here the streets are less crowded and noisy than in New York. The carriages are less numerous; the streets being more cleanly and better laid out,† there is little necessity for them. Chestnut Street is the best constructed, and the one which is the favorite promenade of the fashionables, and which may be seen by the stranger to advantage about noon, from the establishment of Messrs. Carey and Lea. The society of Philadelphia is considered more intellectual than that of New York; the professors of the University there lead the *ton*, which gives it a slight degree of pedantry. There are assemblies of savans and men of letters, called *Wistar-parties*, to which civilians possessing superior merit are admitted; while strangers of note are always invited to attend. There are fixed days appointed at the residences of different persons by rotation, where science, literature, the arts and politics form the ordinary topics of conversation, and are conducted with much urbanity, and general intelligence; these terminate with a supper, the whole affording the European guest a high opinion of the intellectual resources of the city.

\* *One side* being selected “par excellence” by the “elite.”—  
TRANS.

† We may challenge the whole metropolises of the world, from St. Petersburg to Tahiti, or “Ballinasloe” in Ireland, to present such a disgraceful and abominable filthy appearance as did the streets of New York during the past winter, up to almost the present day; though, much to their credit, denounced by the whole city press.

Charleston, however, is the city "par excellence" of American society and luxury. There, the company in general is composed of planters, lawyers, doctors, &c., forming the most agreeable society I was ever in. The manners of the South are elegant to perfection, and the mind highly cultivated, while their conversation runs through a variety of topics with the greatest ease, fluency and grace. There is no frivolous affectation of foreign manners here—no religious hypocrisy or pedantry—all is intellectual, virtuous, and rational. Charleston forms the ordinary residence of many of the most distinguished members of the Senate and State throughout the Union; who are ever willing to impart information and instruction to their fellow-citizens.

The society of Richmond resembles much that of Charleston, and is also very agreeable. In Virginia, good society is found in every part of the State; more so than elsewhere, from the circumstance of there being no attractive capital to give to it an air of exclusiveness. The hospitality of the Virginians has deservedly become proverbial.

New Orleans forms in itself a striking contrast to all the other large cities,—little intellectual conversation is met with here,—very little instruction,—and it contains (1832) only three libraries, to a town of 60,000 inhabitants,\* while the book-stores contain works of the worst description of French literature. If there is little conversation, however, ample means are afforded for eating, playing, dancing, and making love. In one particular institution in this town, periodical balls are held, where the free women of color alone are admitted to have the honor of dancing with their white masters; while men of color are strictly excluded. The tout ensemble forms a unique spectacle,—to behold some hundreds of lovely, and well-made, and well-dressed women of all castes, from cream-color to

\* In 1840 the population amounted to 102,193.—TRANS.

the most delicate white, united in those splendid saloons of luxury and dissipation. Gentlemen of the highest class frequent these balls, which are public, but conducted with great propriety. Gambling-houses are very common in New Orleans, wherein many a young Kentuckian has been ruined, who came to pass the carnival in this Babylon of the West.

The city, however, in which American society is seen to the greatest advantage is Washington, during the winter. In summer, it is almost deserted, and chiefly inhabited by those employed in the departments of government. The first Monday in December is the day fixed upon for the annual meeting of Congress. As this period approaches, the senators and representatives arrive in crowds, accompanied by their families, and followed by an army of place-hunters, or people having official engagements with Congress. The city is soon filled; the different ministers and diplomatic corps give entertainments; the members of Congress return the compliment in dinners, and if the day has been passed amid the turmoil of affairs, night follows with its train of pleasures, in balls, routs, &c. The President holds a levee once a week; that is to say, once a week he gives an evening reception to all who are disposed to pay their respects to him. It is conducted with the most unassuming simplicity; while the affluence of the visitors, is all that distinguishes these reunions from those of any private individual.

The conditions being those of equality in America, parents seldom oppose their daughters in the choice of a husband. Hence, throughout the Union it is so understood, that this choice concerns the lady alone; while it rests also with their own degree of prudence, to avoid contracting a marriage with one unworthy of their affections. Moreover, the interference of parents is looked upon as an act of indiscretion in these matters. Nothing can be more happy than the lot of a young American lady, from

the age of fifteen to five-and-twenty, particularly if she possess the attraction of beauty (which they generally do), and to some, the more attractive possession of fortune. She becomes the idol and admiration of all, and her life is passed amid festivities and pleasure; she knows no contradiction to mar her inclinations; much less, refusals. She has only to select from a hundred worshipers the one whom she considers will contribute to her future happiness in life,—for here all marry, and with, of course, some exceptions, all are happy. This “position of a belle,” as it is called, has too much attraction in it to be so soon surrendered, and it is only after having refused several offers, that she yields the field to another “belle of the season,” and her heart to her envied and fortunate suitor. It is to Washington, of all the States, where beauty goes to display her attractive graces, forming a sort of female Congress,\* at which beauties from all parts of the Union attend. Here, some hot-headed deputy from the South becomes enamored of the unassuming charms of a beauty of the East; or a daughter of Carolina rejects the advances of a northern senator. These are only exceptions, however, for at the end of each session many marriages are given out; this serves to bind more closely the harmony and good feelings of the States, and multiply the links which connect in an indissoluble tie the elements which form this great Republic.

\* In Paris, the ladies made an effort to get returned as deputies to the National Assembly; the French cavaliers, however, contrary to their usual spirit of gallantry, opposed this movement on the part of the political Amazons. When in Paris, I remember seeing ladies on the “Bourse.” This was also opposed by the authorities, probably from the circumstance of their having already quite enough authority over the purses of the gentlemen.—TRANS.

## CHAPTER XII.

### MANNERS, &c., CONCLUDED.

Marriage a change in the "Spirit of the Belle's Dream"—Two Classes of *Inamoratos*—Ball Room, the Winter *Champ de Bataille* of "Belles" and "Cavaliers" at Washington—Saratoga, the Summer do.—Hotels and "Bird Cages" at Saratoga—The "Head Quarters of Lovers who have exchanged Hearts"—"Court" Acquaintance—Of the Bar—American and English Manners—Anecdote of Martinique, Freedom and *Egalite*—Cost of Living among the Americans—Upper Classes of America—Ministers to Foreign Courts—Literature and the Fine Arts—"Neglect of Genius"—Magazines, &c.—The State of New York Celebrated for its Educational Establishments—The Universities—Jesuit Colleges—Religious Convents—Religious Sects Opposed—Architecture—Private Residences—Instruction in Music—Waltzing—Enlightened Change from Puritanical Habits and Customs—Corps de Ballet—Musard's Carnival—Statuary and Paintings—False Delicacy—Opinions of Murat on the Present State of the Fine Arts in America—Conclusion.

ONCE married, the habits of the ladies become totally changed. Adieu to gayety and frivolity—not that she is the less happy, but that happiness takes a more serious air; she becomes a mother, and occupies herself with her menage, her affections are entirely domesticated; while to the charm of admiration is added that of esteem by all who surround her. Everywhere in the United States, society is divided into two characteristically distinct classes; that of the unmarried of the two sexes, whose principal occupation consists in playing the amiable "en inamorata," or in the selection of a partner for life—the other, they who have already settled down in that capacity. Of these latter, you will observe the gentlemen in the corner of a saloon, or forming groups, talking politics, or on other matters of a more domestic nature, scarcely now noticing the beauties whom they formerly perhaps so much admired, unless probably to pass good humored

jokes on their conquests in some little coquettish affair. In another part, the matronly ladies will be discoursing on family matters, or receiving marked attention with becoming grace, and expressions of admiration from the young cavaliers for their daughters. The ball room, for these latter belles and their admirers, is their regular *champ de bataille*. The young ladies confide to each other the amount of declarations and refusals, tendered during the evening; while a thousand little *mignon coquetteries* are resorted to in order to induce the lover to declare himself, and to have, oh cruel belles! the agreeable pleasure and satisfaction of tormenting him afterwards by a refusal. All the little nothings and arch skirmishings of this mimic war are perfectly innocent in their way, for their manners and habits are of that purity which sets at naught the tongue of scandal or reproach.

If Washington be the theater of the winter campaign, Saratoga opens that of the summer. The source whence spring the mineral waters of the State of New York is here, and to which all the fashionable world of the Union proceed on a tour, during the months of June, July and August in each year. The heat of the climate of the South, together with the intermittent fever, which desolate the plantations during that season, oblige the planters to travel northward. They proceed with their families to New York, whence they ascend the North River as far as Albany, and from thence proceed to Saratoga, and after a sojourn of some days there, they go on to the great lakes; then visit Niagara—the grand Canal, the Catskill Mountains, and perhaps push on as far as Canada.

During the summer season the State of New York is full of an immense number of travelers and strangers, who travel both for the sake of health and pleasure. At Saratoga the greater part of the visitors reside in immense establishments, many of whom however are wretchedly accommodated, or *caged* in rooms six feet square. The

public saloons however are magnificent, while the exteriors of these buildings have quite a monumental appearance. The visitors rise early and proceed to drink or assume the intention of drinking the waters, then return to a general breakfast. While the papas and mammas have an air of ennui, the young ladies amuse themselves with music, or listen to the more melodious notes of the young gentlemen, or amuse themselves by making various excursions in the neighborhood of the Springs. The evenings are devoted to dancing. This sort of local amusement soon becomes tediously monotonous, and the charm of novelty dies away after a few days. Saratoga is generally the summer head-quarters for the lovers, who parted company at the close of the winter season at Washington, while they again rendezvous at this latter place on their return from Saratoga. These points of reünion and above all, the public sans façon manner of life adopted, as it were, at the springs, offers every facility for enlarging the circle of one's acquaintance. In fact an American or they whom he recommends can find friends throughout the Union, wherever they may be, and are certain of meeting with a ready welcome in the true spirit of hospitality.

In every city the principal citizens or they who hold that position from their influence, fortune or talents, make it a duty to do the honors of the place to any stranger who may lay claim to such attentions; and as soon as they are made aware of this by private intimation or through the public journals, they receive a visit and invitation, while the guest seldom quits the table without receiving a similar compliment from one of the company, by which means he becomes generally known throughout the society of the place. If there are balls, or public dinners, he forms one of the company; and if he be one possessing political influence or in any manner distinguished as a popular character, he is not unfrequently entertained at a public dinner by subscription. These attentions are re-



turned by the traveler as far as circumstances will permit, on being duly installed in his hotel or private residence. Hence by the establishment of these good offices, acquaintances and friendship are improved and cemented the more throughout the different cities of the Union, one with another. Independent of this, there exists a perfect "esprit de corps" throughout the various professions, more particularly in that of the law. Thus fraternizing together, their practice is rendered the more agreeable; for however they may dispute the point with each other in the courts, the matter ends the moment of their departure thence; hence you will generally find that the whole of the members of the same court or circuit live on terms of the greatest intimacy. The assizes are always a time of festivity among them, for not only those resident in the same city, but also the principal citizens of the place, make a point of inviting the members of the bar, the court and its officers to dinner by turns. When I speak of good society, I would be understood to allude to all classes, with this observation however, that in proportion as we descend the scale, it is natural to conclude, the parties are less elegant and refined, as the manners are less perfect, and the people less educated. In one particular their manners are the same, and all the world give balls and tea parties, even to the negroes.

The great difference existing between American and English manners, and which so strongly characterizes the two societies, is the total absence of that spirit of social servility, which in England forms so marked a contrast to the free institutions of which the English have so just a reason to be proud. There is not a man or woman in England, who is not continually striving to appear more than they are; or anxious to appear in some grade of society above their own station in life.\* This state of

\* A man of the world as Murat unquestionably was, must have known that this characteristic of human frailty is peculiar to all

society has no existence in America. Here the spirit of equality is carried so far, that a simple workman, should he think fit or find it convenient, may at a political dinner sit himself down beside the wealthiest citizen,\* as well can a woman of good character appear at a public subscription ball without consideration of fortune. There exists also that spirit of independence which forbids the favor of an obligation which they cannot return. It is the existence of such habits and feelings which creates that part of social equality among all classes.

In order to live in an independent manner in America, one must spend on an average from four to five thousand a year; they who spend less feel no desire to connect themselves with others, where from want of fortune, they might find themselves humiliated. Very few spend more than ten thousand a year, however wealthy they may be, as it would in a measure tend to isolate them from society.†

nations, not excepting America; one remarkable instance of which came within my own particular knowledge; he was I must candidly confess only an American by adoption, which character he however disgraced by dishonor and treachery.—TRANS.

\* I was at Martinique during the insurrection of last year, when emancipation was proclaimed; at St Pierre, the capital, a grand dinner was given in honor of the event at the Theater, the admission to which was so much for a ticket. At this festival of freedom a wealthy gentleman, and one holding a high official appointment, on taking his seat, to his astonishment saw his "maitre d' hotel" or house steward seated opposite to him at the same table, and by whom he was saluted with all the politeness of sable etiquette and which the gentleman returned, with a smile of the greatest good humor and "fraternity."—TRANS.

† The upper class or aristocracy in America are facetiously called the "upper crust," "upper ten," and by the *canaille* the "codfish aristocracy," and who like the Red Republicans of France and the Jack Cade Chartists in England, possess an inveterate hatred of every thing approaching aristocratic pretensions, as was woefully and fatally exhibited in the late "Astor Place Riots" where, in this free republic, the military were called out, and fired indiscriminately on the assembled multitude, who by the bye (though I was

This is one reason why the salaries of the inferior government officers here are higher than that which is given to those holding corresponding appointments in France, while that of a minister is much less.\*

In a country where all are more or less engaged in business, where few are disposed, if capable, to live on their rents or the interest of their capital, it cannot be supposed the fine arts and literature would acquire their full development. This in no way arises from want of talent, or natural taste in the American; but more particularly from want of pecuniary encouragement; and so long as the genius of the poet and painter receive less remuneration for their works than the lawyer and preacher, there will be much talking, but very little *original* writing.†

American literature, at the present period, is mostly all of an oral character, eloquence being the branch most developing it. From the American reviews‡ we may

one of them as “a spectator”) had no business there, and was within an inch of having a ball through my head from my “curiosity.”—TRANS.

\* The pay of an American Minister Plenipotentiary is \$9000 per annum as salary, besides \$9000 outfit.

The pay of Charges d’Affairs is \$4500 per annum. Secretaries of Legation \$2000, of Ministers Resident \$6000.—

The United States are represented by Ministers Plenipotentiary at the courts of Great Britain, France, Russia, Prussia, Spain, Mexico, and Brazils; and by Charges d’Affairs, at the courts of most of the other foreign countries with which this country is much connected by commercial intercourse.—TRANS.

† Literary talent and genius, as is generally well known, meet but with little pecuniary encouragement or emolument from the American publishers in comparison with those of Europe. This arises from all the literature of Europe of any originality of talent being immediately reproduced here. As an instance of the “neglect of genius,” Percival, the American poet, was kept from starving in New York, by selling his splendid poem of the “Plague” for five dollars.—TRANS.

‡ There are several reviews and literary periodicals of a high order of merit, and evincing much discriminative and superior

easily perceive, in the talent which they evince, that it is not the want of capacity, but time, with the contributors. A person engaged in an active avocation may manage to devote a few hours to literature and science, but could not without serious loss in that avocation devote himself to a work of importance. I am aware that we possess some authors in that department of literature, of the lighter kind of composition, requiring lightness of style, delicacy of touch, vividness of description, and freshness of thought; but they form exceptions to a general rule, and may be looked upon as the forerunners of a generation of men of letters yet to come.

talent. Among these the first in solid, sound reasoning and utility, stands Hunt's Commercial and Banking Magazine, having an extensive and well-merited circulation. The American Review, edited by the talented Mr. Whelpley, as also the Democratic, edited by the no less practically sound moral delineator of men and events, Mr. Kettel; together with the Massachusetts Review, and our old esteemed friend Knickerbocker, with the facetious vein of humor emanating from his editorial table, and a perfect antidote for cholera and the blue-devils, are all excellent models of the original style of the contributors to American periodical literature. Godey's and Graham's and Sartain's Magazines are, for the beauty of their engravings, and the light imaginative poetry pervading them throughout, equal in style to the celebrated London "Belle Assemblée," edited by the highly-gifted and beautiful poetess, the Hon. Mrs. Norton. The Literary World, edited by the polite and talented brothers Duykinck, is another entertaining and useful periodical, comprising much valuable information connected with the arts, sciences, and literature in general; and in the style of its composition takes rank with the London Athenæum and Literary Gazette. The Home Journal, edited by N. P. Willis and General Morris, is from the sparkling originality of its poetic and romantic contributions, the fashionable court journal of New York literature. There are many other valuable and equally talented periodicals; as also papers of the weekly and daily press, published throughout the States, deserving of encomium; but I only mention those of which I can speak from personal knowledge and experience, and well meriting the public patronage by which they are supported.—TRANS.

Every one in America is more or less of a literary turn, for all have received a good education. Instruction is given on the most liberal principle. West Point is the only college where education is afforded at the expense of the United States. In some of the States there exists a very extensive system of primary education. The State of New York, for instance, possesses these establishments on a scale of which no parallel exists in the whole world. The universities which alone possess the right of conferring degrees, are incorporated by the governments of the States; but are, nevertheless, entirely independent of them; they support their own professors, and follow the doctrine of their choice. Whoever can find scholars is at perfect liberty to found a college, a seminary, or any school, in fact. The Jesuits have two colleges, and they are among the best in the Union. There exist two or three religious convents for the education of young ladies. Each religious sect founds seminaries for the education of the ministers of their religion.

Some time since two religious sects have sprung up in disputation on matters of religion: the one is desirous of continuing the old system, and make the dead languages and their literature the general basis of their whole educational system, while the other, on the contrary, is desirous of entirely suppressing the study, and occupy the minds of the pupils exclusively in science and knowledge strictly in accordance with that which is positively useful. Each of these sects has its journals, professors and scholars; the result of which we leave to the judgment of the public pro and con. In my opinion, in a country where there exists so strong a tendency to the positive, and perhaps more seriousness of mind, we should sometimes sacrifice the graces, as a melange of the literature of the ancients, too often leads to an urbanity of manners, which deprives them of much of their primitive austerity and simplicity.

This observation applies more especially to the fine

arts. That which comes under the denomination of *dead matter* or architecture has arrived at a high degree of perfection. Our banks, churches, capitols, town-halls, exchanges, courts of justice, &c., are all magnificent, of solid material, and, above all, especially adapted to the purposes of their construction. The private houses are in general small and built of a lighter character; hence you seldom find more than one family residing together; they are, however, very convenient, and especially in the southern States, where many may be found of a most elegant construction. Richmond and Savannah, in this particular, contain many such, which might be termed palaces.\* Architecture has flourished because it has been encouraged; so would the sister arts, did they meet with the same stimulus. I imagine we should find some difficulty in this country, where the staid and austere Presbyterian system exists, particularly in the northern part, to abandon the nasal phlegmatic chant for the light and passionate singing in our modern theaters. It is true, all our young ladies play more or less on the piano, sigh over and read romances; hence teaching music-masters gain a livelihood by confining themselves to such instruction; and formerly, when the pupils had learnt to dance and disguise two or three pieces of Tancredi into a church music style, it was deemed they had arrived at that perfection which consists in singing correctly and playing to measure. It is only a few years since, that waltzing was proscribed in society, and only Scotch reels and quadrilles were danced. From the moment of its introduction the waltz was looked upon as most indelicate, and, in fact, an out-

\* Since the above was written, New York especially can now boast of many splendid mansions, which in their costliness of artistic decoration may vie with many of the most princely edifices in Europe. Though much smaller in character, Mr. Grinnell's residence, which Mr. Washington Irving did me the honor of showing, is an elegant illustration of a palace in miniature, and wherein all is arrayed with perfect taste and harmony of style.—TRANS.

rage on female delicacy. Even preachers denounced in public the circumstance of a man who was neither lover nor husband, encircling the waist, and whirling a lady about in his arms, as an heinous sin and an abomination. Nobody can forget the excitement created by the arrival of the ballet corps in New York from Paris! I happened to be at the first representation. The very appearance of dancers in short petticoats created an indescribable astonishment; but at the first "pirouette," when these appendages, charged with lead at the extremities, whirled round, taking a horizontal position, such a noise was created in the theater, that I question whether even the uproar at one of Musard's carnival "bal infernal" at Paris, could equal it. The ladies screamed out for very shame, and left the theater, and the gentlemen, for the most part, remained crying and laughing at the very *fun* of the thing! while *they* only remarked its ridiculousness. They had yet to learn and admire and appreciate the gracefulness and voluptuous ease of a Taglioni, Cerito and a Fanny Elssler.

A painter or a statuary can never arrive at perfection in his art, who does not make nature his study. He must possess a profound sense of the beautiful, the heart and mind must feel all the illusions and sensations of the deepest love, ere their *material* hands can immortalize the subject, be they sculptor or artist. It was thus with Phidias and Apelles, Titian and Raphael, Michael Angelo and Praxitiles; and in our day, Canova and a host of modern sculptors and painters.

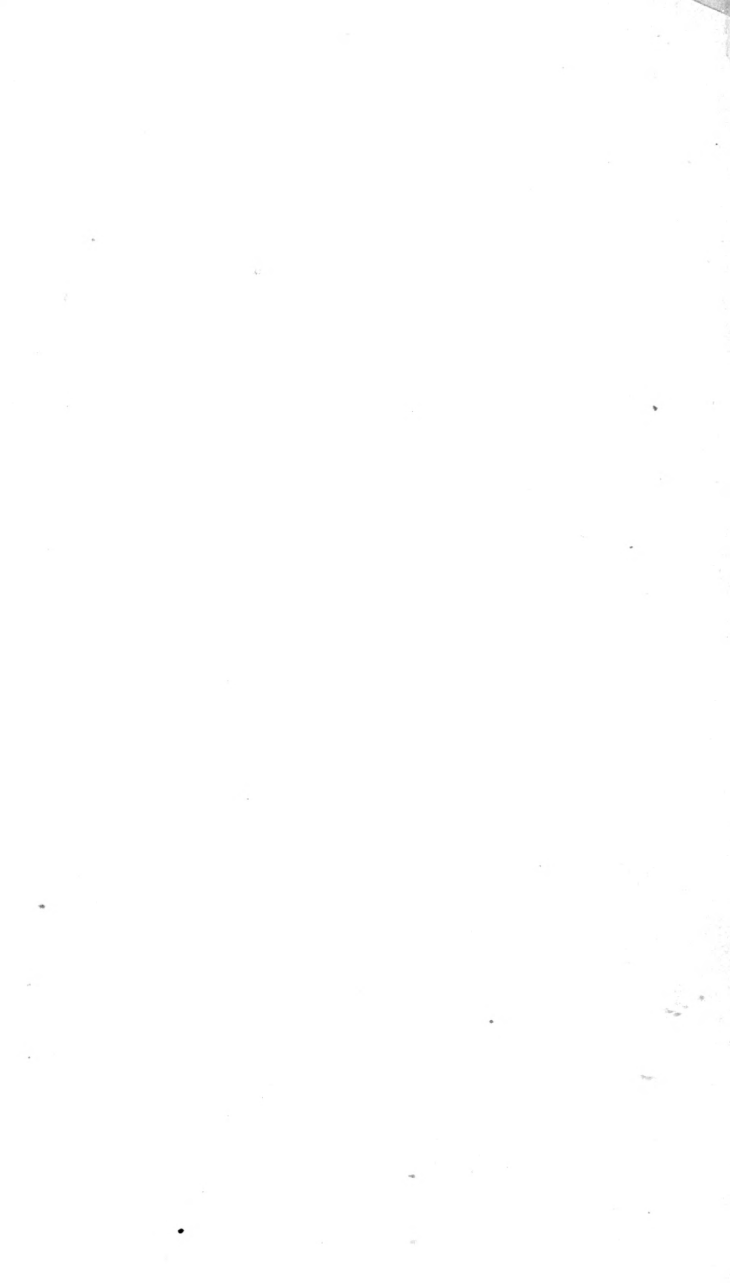
I allude to these fastidious points of decorum and etiquette, because enlightened minds, endowed with refined taste for all that is grand and beautiful in the arts and sciences, have created an opinion more favorable to, and in accordance with the spirit of the age in which we live. Do away with all illiberal impediments and prudish "false delicacy," and you remove the reproach that America

is deficient in the fine arts.\* We have no lack of good painters: it is the opportunity for encouragement and improvement. Our engravers are equal to those in Europe; but to compose an historical picture,—that genius is wanting which was nipped in the bud.

Efforts are now making in all parts of the States for the protection of the arts. Each town, large or small, has a museum, chiefly of busts in plaster, and mere daubs, decorated with the names of the old masters. All these are useless. The sentiment properly belonging to the fine arts, without which genius is nothing, exists not, and can never exist, in the United States, so long as such prejudice of opinion and manners remain the same. While making these reflections, far be it from me to wish that public virtue, virgin chastity, or purity of soul and mind, should be sacrificed at the shrine of the arts—that these should be sacrificed to the corruption of manners, for the mere purchase of a few statues and pictures, which, after all, however enthusiastically I may admire and appreciate them, can never afford that pleasure and happiness and calm contentment afforded in the United States in the affectionate society of a virtuous wife, surrounded by the family circle. In conclusion, let me fully explain my meaning, which is to this effect:—There is a palpable contradiction between the efforts now making for the encouragement of the fine arts in America, and the austerity of public morals in our present (1832) social state; we have no artists, generally speaking, nor can we have. We are not the people of poetry but of reason—our soil is more adapted to the cultivation of the sciences than the arts; and we look forward to happiness rather than pleasure. Which is preferable of the two? To obtain perfection in both, our social system requires to be inoculated with a little of the *juste milieu*. We then approach perfection without the sacrifice of virtuous sentiment.

\* At the present day America can boast of her Canova and Thorwaldsen, in the original genius of Powers and Crawford.







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