



No. 4265.459



# SLAVERY ABOLISHED.

ITS RELATION

TO THE

4265.459

**GOVERNMENT.**

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OBERLIN, OHIO.

V. A. SHANKLAND & CO., PRINTERS, "NEWS" OFFICE.

1862.



# SLAVERY ABOLISHED.

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It is unquestionable that one great difficulty of our times, is that our Fathers did not teach us, their recreant children, better manners than that of applying to them the term slaveholder, and of bringing against them the various criminal charges of continuing the slave trade, giving us a hybrid Constitution, half slave and half free, and of meaning slavery in general, under a pretence of Freedom, for although these charges have ceased to be made prominent, they are not abandoned, while a sense of their indecorum has entered into the popular heart to foment a state of mind which death alone, or a marvelous enlightenment of the intellect, can remove.

Our Fathers left an inheritance of Liberty to their posterity, and scanned for them the whole field of political action; but no where did they leave on record the instruction of a code to guard their followers against offering them the indignity of charges, implicating them in the character of villains, rather than that of patriots, in regard to slavery. A consequence of this is that North and South, the people are divided in their opinions, with a purpose which is stronger than death, in respect to the nature of the general government.

For example, in absence of any defence erected against the proceedings, parties have arisen who have not shunned to bring ignominious charges of slavery against the Fathers, and to hold that they criminally legalized the system of slavery in the fundamental law of the land, committing, in this way, the federal legislation to a pro slavery policy forevermore. Others astounded at the violation of order in criminally implicating the Fathers, have taken occasion to arise and to spurn the guilty intimation and to hold that the Fathers did indeed furnish the country with a pro slavery government, and placing slavery in constitutional reserve against attack were right, while others still spurred to it by this work of their opponents have proceeded to defend the integrity of the Fathers against their accusers, and to exalt the Constitution in the interests of Universal Freedom, the strength of these various opinions in any case issuing primarily from the omission of the Fathers to inculcate the necessary respect for their standing in the bosom of their sons.

~~Thomas~~ 5-57-4-5-5

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Aug. 26. 1850

Thus, had their followers received from them a chapter on controversial etiquette, it had waived perhaps the necessity of a commotion accompanying a heavy charge on their position, and parties, harmonious and inharmonious on the subject of slavery and the government had scarce arisen in the country. And yet the Fathers in their personal bearing were models for dignified and affable deportment whence we might have drawn, had we chosen, a perpetual lesson against illness of manner in our civil and political relations on the subject of slavery.

#### PRESENT STATE OF AFFAIRS.

In removal of the consequences of violations of order coupled with indecorous charges of crime, men generally have never yet arisen to the virtue of making an equable stand under their influence in order to exhibit their error or pour on the charges the contempt they deserve.

They have fled the field before them or retired from it in disgrace without compelling the insurgents to retract or make their charges good. The result of this has been that in fine they have left questions of vital importance unsolved to bring forward the bitter fruits of a want of knowledge or skill in a bootless undertaking.

Such in part is the present dilemma of our national affairs, as involving questions unsettled and leaving us to apply dilligently in search of the truths on which our salvation depends.

New England, e.g., several years since directly alledged that the Founders of the Government were implicated in crime in respect to slavery, and that they became parties to an agreement wherein they involved the nation at large as well as themselves in the repudiation of human rights and fastened slavery upon the country.

And whatever of difficulty it may be supposed that such a charge as going to the vitals of the country and stirring the foundation of society, would be susceptible of working, has been wrought out in absence of any final or conclusive answer which it has evoked to general acceptance from any quarter of the Republic. In response men have held the usual dogma that slavery stands under cover of Constitutional protection and they have continued to maintain this position by waging a war of thought and word to defend it until it may be said that we are divided on questions of manners, wherein we have neither the equanimity to withstand the attack nor the purpose to assail it to a conclusion.

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Now, while the error of making the allegation, unsupported by overwhelming and demonstrative evidence, has not been wanting persons who have directly and indirectly taught and proclaimed it constantly, one would have thought that even the stones would have cried out under the results to repel the charge, instead of remaining witnesses to an extensive and extended acquiescence therein.

Furthermore, it now is and has been, when one can scarcely read and not be reminded of rights to slaves, under the government as alleged by men in authority, who seem to have imbibed the sentiment that the Fathers of the Country were the abject subjects of slaveholding instincts,—that slavery was an endearment of theirs, known and read of all men, and together with all the appurtenances and sympathies thereunto, in anywise whatsoever appertaining or belonging, was sacredly bequeathed by them to every age and all time. That in virtue of this bequest, we are all under bond to sustain it, continue it, honor it, adore it, protect it.

So, strong parties in the South, of whom these constitutional persons in extraordinary of the North, are the unconscious aids and abettors, have affirmed that slavery as entailed by the Fathers, was made a creature of the constitution—that the North have been entirely officious and intermeddling in their exceptions to this—that their arguments in opposition to slavery are irrelevant and inconclusive, and for themselves that they will die before yielding to the overthrow of slavery, or forego an effort to plant it and rear thereupon a New Republic having slavery for its corner stone.

#### QUESTIONS UNSETTLED.

Now it is apparent that pending this state of affairs, wherein the standing of the Fathers and of slavery is uniformly and alternately affirmed and denied that some vitally important question or questions in respect to them, remain unsettled, entailing disaster and ruin upon the country. For, if in assuming that the Fathers were hopelessly corrupt in the matter of slavery, the N. E. charge had been made on unimpeachable instead of fallacious grounds, the disturbing question of their guilt as well as its collateral ones, had long since been laid at rest, controversy in regard to the condition of the slave would have been dropped,—our pathway would have been marked out in the duty of allaying the excited passions of men and in drawing forth their abilities in the strength and power of the country.

But rested upon fallacious grounds, as that charge was, while threatening to rock the moral and political fabric of the country to its foundations, and promising to effect a solution of the condition of the slave and of the questions of the government and morals of the country, it simply opened the door to the elements of strife in a body, and left the questions of the Fathers and slavery to the country undecided.

Of course a question of governmental bearing, embroiling human character to the extent of a Nation lost or won, on the decision of a single moral question as assumed by the N. E. charge, could not but be followed by results felt in every nerve of the national body, whether considered in the light of its morals or its politics. The practical application of the fundamental doctrines of the government and of morals, having been obscured or lost to view through the existence of slavery, it might have been predicted that the country would be well-nigh overwhelmed by the additional turmoil which N. E. brought in, if salvation at all would ensue before the stultifying cause of these effects could be opened to view.

To approach the questions alluded to therefore, and open them briefly within the limits of the proper order, will not be amiss in what we have to say.

We observe in the proper order, because aside from this there is no advance except as already in the highway of ruin.

#### EQUANIMITY OF THE COUNTRY.

It will be remembered then, that down to the time of the N. E. charge referred to, the Fathers were regarded throughout the country with remarkable unanimity as Patriots. If any class of men were ever universally held in high and sacred esteem prior to that time, because of their supposed virtues, those passing under the designation of the "Fathers of the Country" were so held by the American people.

Of course to challenge the standing of such men with a high hand, or as supported by arguments only powerfully plausible, would tend to rupture that equanimity and in failing to present sufficient ground for its re-establishment, would simply cause to appear that it was a great raid upon the Fathers, effecting scisms and divisions difficult to heal.

Such results, as well calculated to follow such a charge, have occurred, and with what purposes of opinion in respect to the nature of the government, has already been alluded to.

Prior to the accusation, this equanimity in large part divided itself into those in favor of and those opposed to slavery: and one design



of the challenge was to destroy it, in order to force the parties in opposition, on the subject of slavery, into consistent open ranks in relation to the Fathers, holding as it did, not that the Fathers categorically belonged either in the one class or the other, but were categorically pro-slavery, and that all anti-slavery men must therefore consistently renounce them.

The accusation however being unsupported as already intimated by unquestionable evidence, the parties implicated as sympathisers with the Fathers in slavery and a slave government, peremptorily denied either that the Fathers or themselves were pro-slavery; and thus while a much larger portion of the country than before became divided into slavery and anti-slavery, the questions of the relation of the Fathers to slavery, remained as they were.

Division and conflict in this manner proceeded of course direct from the point-blank charge that the Fathers of the country were man-stealers,—that they erected this principle into the Constitution of the United States, and that consequently all who are under the Government they left are partakers in their crime. Since that period the various opinions to which the accusation gave rise, have maintained their ground, the irritating causes of division have remained, and the country has drifted into an enormous war.

#### ROOM FOR ARGUMENT.

It will be seen therefore, there still remains room for argument.

If it were beyond dispute, e. g., that the responsibility of slavery in no wise rests on the Founders of the Government, whatever support any party in the country might be supposed to derive from them in its interest would fall, and it would be no question whether the Fathers are to be exempt from bearing its burdens. Slavery together with all the hopes suspended upon it would perish, and Liberty detached from all those hindrances which have blackened and defamed it in proximity to slavery, would plume her wings for her most lofty heights.

On the contrary, if the Fathers are to be charged with slavery, the reverse of this is true. Any party claiming support from them in its interest must needs be supported. The entire burden of slavery must be thrown upon the Fathers,—liberty with its high hopes and glorious aspirations must perish, and slavery must descend into deeper depths of oppression than ever.

On a correct view of the truth or falsity of their responsibility therefore depends the rise or fall of the country. If they are responsible,

all the commingled interests and consequences of slavery must go with them, and the whole country follow on to doom. But if they are not, those consequences will pass to darkness, while the country shall arise together with them to glory and virtue.

#### QUESTION STATED.

*The proper responsibility of the Fathers therefore for slavery is the question for debate.* The N. E. challenge taking exception to the existence of slavery implied that it was due to the Fathers who planted it in violation of the divine law, and therefore it directly charged them with its responsibility. It asserted that since their responsibility was immediate and implicated all concerned, it was an obvious duty to renounce the Fathers as well as the government of which they were the Founders. While, however, that challenge considered their proper responsibility it did not consider whether in modification of their assumed position the Fathers did not sustain relations to slavery for which they were not responsible that exempted them from challenge entirely. In this it failed. Had it assumed that their responsibility extended to slavery in part, it might have been feasible to show some other recourse had thrown greater luster on their character, but not in any event that they were chargeable with its guilt as will hereafter be seen. It only remained therefore to reinstate the Fathers, in order to show that the charge and its implication were illegitimate and to effect the reverse of all it contemplated in its influence on the country.

#### REINSTATEMENT OF THE FATHERS.

In order to accomplish this it is assumed that since there is nothing higher in man his own, than his intentions, and that more calls forth his endeavors, than they, and nothing more endeavorless than he without his intentions, responsibility holds only between intentions and their ends, that men intend only that for which they are responsible and are responsible only for that which they intend, intention and responsibility being co-ordinate and correlative. Had the Fathers intended slavery, for example, they would have been responsible only for slavery, and their arraignment by N. E., before the country on that ground would have procured their overthrow. The correlation of their responsibility with their intention being independent of themselves would have operated to this effect the instant the arraignment elevated the evidence of their intent to view.

So if the Fathers intended Liberty, they were responsible only for Liberty, and their promotion on the ground of their responsibility will procure their exaltation, its correlation with their intention being just as effectual to this, in this case, as in the other, the opposite, the moment the promoting effort presents to view the evidence of the proper intent.

It follows that the failure of the N. E. charge, demonstrated in the highest sense that the Fathers are innocent of slavery, for in assuming the contrary, their responsibility would have independently detected their intention under the charge, beyond the possibility of escape, had the assumption been true; while in not being true, their responsibility evinced their innocence by the same law of independent operation as would have occurred in evincing their guilt, had the assumption been true.

On the ground of a false assumption, the law of their responsibility evinced their innocence, leaving room to assume it, and this we now do. It will be seen since the N. E. charge assumed the guilt of the Fathers, that had it been true, it would have procured their downfall to the overthrow of the country, as now if the assumption of their innocence is true it will procure their exaltation to the salvation of the country.

This follows if there be nothing in man higher, or further than his intentions for which he is responsible, since upon this hypothesis the subversion of his intentions is the overthrow of all the work founded thereupon and their *confirmation* its preservation.

The work of subversion, undertaken in reference to the intention of the Fathers in order to the overthrow of the country as pro slavery, was the aim of the N. E. charge, and had been successful to the achievement of the end, had the aim been true.

For convenience and as covering the whole ground of debate we more conveniently put the question for discussion in the following form: *Did our Fathers intend to transmit slavery to us and all generations to come?*

Since intention and responsibility are correlative, intention must be regarded in the discussion as in reference to the existence of slavery as well as to the act of its transmission, and to both, as implied in its perpetuity, in order to render the question appropriate. In any other signification of the word the N. E. charge was not applicable, for since the charge assumed that the Fathers were responsible for slavery, unless their intention be considered as having extended to its existence, it would not embrace an end necessarily reprehensible to which their responsibility as charged would apply, nor would it present any ground

to suppose that the Fathers recognized such a title to slavery as the act of its transmission would involve. The word slavery therefore itself is also to be taken as implying the intention of its existence and its transmission, either or both and with this latitude in the meaning of the word the field of debate is open before us.

#### CONSEQUENCES OF THEIR ACTION.

If then, the Fathers intended slavery not an act since theirs, in the subjugation and contempt of the black man is disjoined from them and some right of property in slaves they gave, authorizes their retention; otherwise the contumely and injuries of the African Race, lie without the intent of the Fathers, and no right exists by grant from them for the retention of a slave.

All the consequences of slavery therefore, as relates to the Fathers, depends on the alternative of their intention, and on the decision of that question, Freedom itself may be called on to survive through revolution and blood.

#### TEMPER OF DEBATE.

But in what temper must this debate be pursued. It must not be assumed that those on the one side accuse those on the other with crime. Nor must any be supposed to wage reckless war on the assumptions of those who hold slaves. These precautions are necessary because the hypothesis on which the discussion proceeds, is that of an aim at the truth. Crimination is absurd. A cheerful purpose of investigation is necessary in order to a patient enquiry into the position of the Fathers, and to continue therein until it is closed. On these conditions we can freely proceed in the exercise of those higher qualities which in the end will secure national unity and harmony far beyond the degree in which it was actual or possible before, and the difficulty thrown in the way by charging the founders of the government with infamous crime will finally be removed.

The way in fine is then prepared to observe that if the Fathers *intended to transmit the system of slavery to us and to all coming generations*, they are guilty of all the N. E. charges heaped upon them, and some right of property therein they gave, authorizes the retention of slaves, or they are free.

The issue thus made is fair as can be. The one side must maintain it was the criminal intent and consequent guilt of the Fathers that slavery should occupy the country forevermore, and that consequently they irrevocably vested the rights of property therein or honorably

give up the contest; the other that such not being the intention of the Fathers, and no rights of property being vested therein by them, they are not guilty, and that all the slaves in the country are free.

Considering now all the attendant circumstances of slavery, its suppression of free speech, its prevention of the development of free institutions, its veto upon the progress of civilization and the inherent sophistry of the proposition that man can have property in man, the simple statement of the question whether the Fathers intended slavery should be transmissible in perpetuity would seem to carry with it its own answer, and to waive the necessity of any further discussion. Experience however demonstrates that where human character is not formed on a broad recognition of first truths, the most persistent effort is often required to overcome the pertinacious obstinacy it always arrays against them rendering such effort absolutely necessary to overcome it. A brief consideration of the questions presented therefore, however it might seem to be unnecessary in the broad light they emit of themselves, will lead to a more satisfactory view of the truth, and cause the especial merits of the questions themselves to appear.

#### INTENTION OF SLAVERY IMPOSSIBLE.

In support of the negative of the question it is maintained *that it is impossible the Fathers should have intended the perpetuity of slavery*, and that if they did, the evidence of their guilt is conclusive.

What the intention of the Fathers was, will be inferred as we proceed. And the propriety of what has already been intimated, that if they intended to transmit slavery to future generations, some right of property therein they gave, authorizes the retention of slaves, makes it evident that the vital question in respect to the relation of the Fathers to slavery is one, in regard to the transmission of its title. If they determined to perpetuate slavery, of course they determined its law of descent; and the South in trusting its validity as their guarantee in its transmission, are not so much to blame as some suppose.

The North moreover, in this case, instead of fighting for the Government as a kind of trustee in the interest of the institution, should themselves assume the initiative of revolution, since it is a foregone conclusion that any such system as slavery, however sanctioned and upheld in suppression of the original guarantees of Freedom, is the mortal enemy of Liberty, which, to the exclusion of slavery is the birthright of all the American people.

Furthermore, in accordance with the supposition that the Fathers intended the perpetuity of slavery, the South having come to maturity with it on their hands, and as if received from those who, having

deferred to it, had solemnly ratified the constitution in its favor, have assumed that that instrument is a standing guarantee of property in men. And they have always acted so inflexibly on this assumption as to have disciplined per force, the largest part of the North, including the present U. S. Government, into the undying belief that slavery is inviolable on constitutional grounds. Now it may be observed, that if slavery is inviolable on constitutional grounds, on those grounds the Fathers could not have contemplated that it would cease, nor did they design it should ever be abolished. On the contrary, referring back to them from the instrument their intent would be found to contemplate its perpetuity. Furthermore, if inviolable on constitutional grounds, the assumption to perpetuate it on constitutional grounds would be true, and a Southern party arising to take it could not be overthrown. We might subjugate such party in arms, but they would subdue us in argument, and all can say for themselves who would then be the superior. Aye, who will say that if they were superior in argument, they would not presently be superior both in argument and arms, for there is a logical connection between the two.

To say that slavery is inviolable on constitutional grounds, is to say absolutely, the constitution develops no principles on which the doctrine of human rights can be maintained against the demands of a principle fundamentally opposed to liberty. A word worse it is not possible to say. It is ineffably absurd, or just as absurd to attempt to a defense of liberty, and we have no Constitution, no Government.— If true away with the Constitution and to arms!

Now, not to enter on the discussion of extraneous questions as whether a constitutional guarantee of slavery in one state is not consistently a Constitutional warantee for it in all the states, or whether the unconstitutionality of slavery in one state is not also its unconstitutionality in all, and so reaching back through the instrument to their intent to surrender or beg the whole question of the Fathers, we prefer to go to the foundations of the Government and raise the subject of their intention as an original question. And upon its decisions, its evolutions and conclusions, we propose to rest our destiny and our hope.

It will be seen since intention and action are mutually inclusive, that if the Fathers originally intended to perpetuate African servitude, at least, all arguments to the contrary, the moral force of their sanction would sustain it. Their intention would suggest measures to adopt in its interest and in carrying them out they would proceed to fortify slavery by all the means in their power. The study of their example

would then propagate it, their success would encourage it and at last if possible it would become general.

In these circumstances a higher question than that of the example and usage of the Fathers, in justification of its perpetuity would in time arise in relation to its title. Is the title to slavery valid? Can man transmit the enslavement of man in perpetuity, under any validity of law? Since if it were found to be incompatible with Liberty, the denial of its claims would immediately lead to a trial of its title which if found invalid, would perish; the intent of the Fathers mattering little before its fall, except to show it was erroneous or as of those called the Fathers proved them falsely so called.

#### WHO ARE THE FATHERS.

A difference in view might then arise in regard to who are the Fathers. But certainly they could not be those, who irrespective of whether they were a minority or a majority, in representation of the American people originally chose slavery right or wrong, and subjected it without legal title to the issues of an unknown future.

The Fathers are a majority of those who in appointment for the purpose and in representation of the American People, originally separated from Great Britain and founded the government, by giving law to the realm in a public declaration of fundamental principles which are applicable to all alike, and which they proclaimed as self evident before all mankind, in evidence of an intention to abide by them as their future rules of action.

The Fathers thus insulated and specified having the responsibility of promulgating the principles of the Declaration of Independence, equally applicable to all, were called upon to decide in some form whether to command that slavery should cease and must therefore be supposed to have had some intention in relation to the subject. It is plain that in their capacity as private individuals, or as persons appointed simply to found the government they were powerless to put a period to its existence or to issue an order for its abolishment since it was before and above their individual will. They must therefore in their proper character of Founders of the Government be supposed to have disposed of it, so far as they were concerned, in the only practicable way: by arranging for its removal at the instance of the people. How was it possible to do otherwise? They had the oppressions of the British Government before them for an indefinite period, and felt in their own persons as well as in those of the slaves the sufferings of the never ending conflict waged between oppression and the conditions of man's well being. With this view they observed that it

was impossible to secure human welfare until oppression is abolished. They arose therefore and boldly affirmed in dissolution of their shackles not only that they were free, but that *all men* are created equal, having an equal right to life, liberty, and the pursuit of happiness. Having next achieved their freedom by a resort to arms, are they now to be regarded as having turned round and making a line of distinction between themselves and Africans,—partakers by oppression in their own experiences, intended nothing at all of their freedom—in blank contradiction to the doctrine of the natural equality of man, which they had but just declared? Aye, having abolished oppression did they by that act establish it? Did they intend nothing, absolutely nothing, in favor of the doctrine of liberty in distinction from that of oppression, but all in favor of a covenant with death and an agreement with Hell with which they have been charged?

#### ON WHAT PRINCIPLE THE GOVERNMENT IS FOUNDED.

What then did they intend? Considering that Government is but an instrument of the people who may alter or abolish it whenever for sufficient reason they deem it proper they beheld before them in the popular will, a power before which thrones and principalities would give way, and before which slavery also would give way. And as it became them to found a popular government, and leave its destinies to the world, they did it on the principle that the popular will taking cognizance of the shackles of Tyranny, and abolishing them would in pursuance of this act, as thoroughly cause slavery to fall as the Tyranny and oppressions of Britain. In founding the government, therefore, they laid down those fundamental laws on which liberty does and must rest expecting them of course to work out the emancipation of themselves and their slaves. They thus intended not only to destroy African servitude, but that its destruction should make manifest their intent as well that it was impracticable for them to apply the principles of liberty which they had declared to the removal of slavery in any other way.

And having accordingly accomplished their end it was their joy and hope to believe as has often been averred that the current of Liberty now set and welling up into a stream as from a rift they had opened in a rock, would float it from the country before the dawn of the nineteenth century.

#### THE NEW ENGLAND CHARGE.

In addition to the reason already given that slavery was above their individual will, it must be observed that the Fathers as persons had no



power over it to abolish it, since as long as there were those who independently held slaves, they must abolish it, in a higher character than that of persons, through the establishment of a government, in their temporary or comparative neglect. And this helpless relation of the Fathers irresponsible in a private position for the existence of a system long maintained, yet responsible in a public one for the abolishment of its tenure, laid the foundation of the N. E. charge, absurdly assuming that in their intention as the representatives of the country, lay the ratification, instead of throttlement of a usage for the entire removal of which there was not as yet, nor could there be any organized or statutory law.

And thus, while great and important truths of the government were being wrought out and applied in order to its complete establishment even the system of slavery itself would extend in the interim, and the acts of the Fathers themselves, would be involved in eclipse strongly inducing the belief that they had criminally participated therein while awaiting the dawn of a brighter day to dispel the mists and cause their glory to appear.

#### REASSERTION OF EQUALITY IN A TITLE TO RIGHTS.

It is affirmed then that so far from intending to transmit and perpetuate slavery, the Fathers intended to abolish it.

If now this intention is susceptible of still higher proof, it will be impossible to suppose they intended its perpetuity, and the way will be open to show that no higher duty rests on the Government than that of an independent reassertion of man's natural equality in a right to life, liberty, and the pursuit of happiness constitutionally, and that upon this reassertion depends the salvation of the country, as well as the exemption of the Fathers from the charge of having been a company of Man-Stealers.

That the Fathers then so far from intending to transmit and perpetuate slavery, intended its abolishment, follows immediately from their having founded the Government on the principle of the popular will,—that will within the purview of the fundamental law of the government the Fathers were appointed to found, in recognition and abolishment of the shackles of tyranny, having included also the shackles of the slaves.

Did then the Fathers intend or not intend to found the Government on this principle? If yea, since intention and responsibility are correlative, they intended the abolishment of slavery. For the moment they founded the Government, taking rise in the name of its fundamental principle, the shackles of the slaves including those of the

tyranny of Great Britain, fell together to the ground. And this is the higher proof, to-wit:

The abolishment of slavery by the fundamental act of the Government, of which the proposition is susceptible, that the Fathers, so far from having intended to transmit and perpetuate slavery, intended to abolish it. They not only put its abolishment in appointment in contemplating a government of freedom, but in having founded the Government, they abolished it in a higher sense than it ever can be abolished again.

How would it be possible to conceive otherwise, if hereafter it should come to be found that the Fathers themselves, in dissolution of their own bands, promulgated law as valid for the emancipation of the race as for theirs, to say nothing of the slave, and between which and themselves there was as much the relation of an object and an end, as though the law had been written for the purpose, and they had authoritatively issued from it the emancipating decree.

Taking for granted, at present, that they proclaimed law universal on that occasion, it follows that if they did not intend to found the government on the principle of the popular will, they did not intend found it in any guarantee of law, since, in the non-recognition of the principle in their original act, there would be no operation of it in guarantee, on which their intention could proceed to found it therein, which would have been impossible therefore, as a matter of course.

The question then of whether the Fathers intended to found the government on the principle, is whether they intended the existence and defense of Liberty, for as the popular will was in the abolishment of tyranny in order to Liberty, the question of the Fathers in relation to the government was upon the extinction or non-extinction of Liberty accordingly—in order to government for defense, so that if they ratified the principle they presented the ground upon a recognition of which the voice of Liberty may be heard, and upon which its defense may be maintained.

#### HOW DETERMINE THE INTENTION OF THE FATHERS.

How then shall we determine the intention of the Fathers; for since the founding of the government pre-supposes it was their intention to found it, and that they did found it in such guarantees of law as would make it a success, the present state of the country proves, that in relation to the principle upon which the government rests, it has been lost to view, or our national difficulties could not last for an hour.

It can only be determined by a brief reference to the laws and operations of intention itself, taken in connection with the action of the Fathers in the Declaration of Independence, for as they founded the government at that time, their intention of the principle upon which they intended it should rest, then became manifest, which, as in accordance with the laws and operation of intention in general, is to be determined by the law in particular which they then laid down.

Primarily, then, an intention is an operation of the mind to the accomplishment of an end, as in the founding of a government or other undertaking, and its action only takes place on the alternatives of its primitives, i. e. it occurs only when from a presentation of an alternative, its not occurring, puts its position in forfeiture by a change of intention. Thus, in order to intend, there must be before the mind two ways of action, primarily opposite, presenting an alternative upon which the intention of either is in the necessary operation of law, not the intention of the other, which is then in accordance with its law to its end. The question of its settlement, therefore, depends on its primitives and its law, for as its primitives are contradictory, and it is therefore not of both, so of which it is rests upon its law.

#### ACTION OF THE FATHERS.

The application now of these elementary truths to the disposal of whether it was the intention of the Fathers to found the government on the principle of the popular will, resolves itself into a statement of their action on the alternative of the abolishment of tyranny and intention of Liberty, which, if it correspond with the law they laid down, the question of the principle at the foundation of the government within their intention will need no further illustration.

The action of the Fathers therefore, was in ratification of the abolishment or non-intention of tyranny the intention of Liberty.

Did this action correspond with the law they publicly declared?—For if it harmonized with it, since their intention was direct to its end on its alternative, the fundamental principle of the government as intended by the Fathers, is that of the popular will in the abolishment of tyranny without qualification or reserve.

According then to the laws and operations of intention in general, so far as it concerns a correspondence of their intention with the law they announced, as on its alternative it knew no limit, and from impossibility of law could not know any. To suppose then that it did *not* correspond with their declared law, is to suppose, instead of intending Liberty the Fathers abandoned it. For, since intention from

the moment of its alternative to its end is by necessity indivisible, it gives rise for expression thereafter to no other than its universal law, with which it is not supposable it did not correspond, except as in reversion of the law by which it necessarily takes place, it is supposed the intention of the end fell away.

Assuming therefore, that the intention of the Fathers as any other constituted force was according to law, no question remains of its correspondence with the law they announced, for it is self-evident on this ground, that their intention was in correspondence with their announcement, and their announcement with their intention in conclusive proof of a design to found the government on the basis of Liberty, and in ratification of the abolishment of tyranny.

Accordingly, the Fathers declared eighty-six years ago, that they "held it to be self-evident, that all men are created equal, and are endowed by their Creator with certain inalienable rights," from which the law is to be deduced in proof of the principle upon which they intended the government to rest. The process of the deduction however is brief, for if self-evident that all are created equal and with certain inalienable rights, the law, is that of the equality of man in a title to these rights, which, as in proof of the fundamental principle of the government is that of a ratification of the popular will, for since the people in their sovereign will abolished the government of Great Britain, demanding in the imposition of tyranny, the *inequality* of man in a title to his natural rights, their *equality* as demanded by the government of the Fathers, determined the ratification of the will of the people in abolishment, as the principle upon which they intended to found it beyond the possibility of a doubt.

The Fathers therefore, regarding the ratification of the popular will as the extinction of tyranny, designed the principle for the basis of a government of universal Liberty, and in formal dissolution of their bands promulgated it as compassing the whole ground of our governmental establishment.

#### AUTHORITY TO ANNOUNCE SLAVERY ABOLISHED.

Assuming it then as fundamental to the government, the authority for announcing that the Fathers abolished slavery, since the same, is as high as the authority for affirming they abolished Tyranny: for since founding the government, was simply putting the principle in ratification by formally announcing its law they appointed its authority for the abolishment of Tyranny without limitation, and authorised its announcement for any or all forms of Tyranny alike. Since slavery therefore, was the imposition of claims upon men contrary to their

natural rights and was consequently, as the claims of Great Britain at war with the principle, in abolishing the one the Fathers abolished them both. [In accordance with this view judicial decisions of the time are upon record.]

#### NO SLAVERY BY LAW.

It is now affirmed in the way of proclaiming the relation of the Fathers to slavery, that since the law they promulgated in evidence of the principle upon which they founded the government, is universal, and as valid therefore now as ever, a slave never was held under the government by their authority and that consequently, of course, in due operation of law taking rise in this fundamental law all the slaves under its dominions are free.

And from this it follows, on the principles of intention already propounded, that any construction of the conduct of those who founded the government as implicated in slavery are puerile.

It is then briefly observed next that if there were authority for the retention of slaves under the Fathers the evidence of their guilt would be conclusive, for whatever may be said, theologically, of the origin of guilt or innocence all theories would agree that a Nation's lie heralded in its Declaration of Independence, as the embodiment of the fundamental principles of the Government and under the solemn sanction of an appeal to the Almighty would blast its promulgators on its discovery with the hisses of the whole world.

What fact in this respect supports our history of Liberty? this—that when the Fathers ratified the non-intention of Tyranny, in the intention of Liberty and covered all possible ground of responsible action by announcing its law, they made appeal to the “Supreme Judge of the World” for the rectitude of their intentions, wherein had they not been upright and had issued a charter in legalization of Tyranny instead of Liberty they would have been *Blasphemers*, and *Destroyers* instead of the *Defenders* of the liberties of Mankind.

#### HIGHEST DUTY OF THE GOVERNMENT.

Without therefore criminally assuming that their action as the representatives of the American people was not a ratification of the abolishment of Tyranny in the intention of Liberty it is impossible to suppose the Fathers ever contemplated slavery for a moment.

I therefore assume that they did not, and proceed to show that no higher duty rests on the government than that of an independent re-assertion of its vital doctrine that all men are equal in a title to their natural rights in liquidation of all assumed rights to slaves, and that on

this re-assertion depends the salvation of the country, as well as the exemption of the Fathers from the charge of having been a company of man stealers.

Assuming the assumption is true, in respect to the Fathers, no further question remains of their relation to slavery, which since their promulgation of the doctrine of Liberty has always lain dead upon their hands; for in considering their end before promulgation, they saw that making no distinctions in men it would be the end of Tyranny, and the emancipation of Liberty. They, therefore, asserted it and sealed their devotion with their lives, their fortunes, and their sacred honor. And from this time, to recede a step in history, they assumed that exalted position in the eyes of the people they occupied when assailed by N. E. with the charge of being highwaymen and robbers.

Assuming in fine that they imposed the same responsibilities and duties upon their descendants as those they solemnly assumed for themselves the duty of the government to reassert its vital doctrine in liquidation of claims to slaves is no less than that of the reduction of a Tyranny with which in the comparison that of Great Britain needs no mention. Having its origin subsequent to the founding of the government, with those who set its doctrines at naught, no better service have they done in working for its overthrow than the extent to which they have succeeded to cast it into darkness. Coming generations will stand aghast at a spectacle herein displayed without a parallel in the annals of time. It will be seen as crime, equalled only by the union and consummation of all crime, and will receive naught from mankind but the direst execration. It will be viewed as having merited and suffered the judgment of the Divine Wrath in a degree compared with which, no besom of destruction which ever yet swept the Earth, would seem to have done the Divine Vengeance any justice.

Shall I then under the government of the Fathers and in presence of the consummation of tyranny, argue to show the grade and character of the duty to re-assert their fundamental doctrine in liquidation of claims to slaves? claims which they denied on principle with all the sovereign powers they possessed? Not for a moment, except to bring doctrines of the government to light, long hidden from view, in revelation of the duties whose discharge those claims demand for the welfare of a people who support a government under which they have chosen to live; for it is considered that in a race whose parentage was the embodiment of doctrinal purity, there yet remains the seeds of their salvation to spring up and grow by properly touching their germs with its influences, and adding to them the requisite conditions of climate and soil.

In order to arrive at these doctrines it is requisite to observe that it is impossible to suppose the Fathers contemplated slavery since it assumes that they *did not promulgate* that all men are equal in a title to their natural rights, or which is its equivalent, that they did not

contemplate universal Liberty, since in support of the contrary they did announce the equality of man in a title to Freedom.

These suppositions therefore present the alternative of admitting the promulgation in fulfillment of the highest obligation the government can impose; for since man's equality in a title to his natural rights entitles him to all the immunities his nature seeks, the obligation of the announcement in recognition of the title, is, on admission, precisely that of the fundamental principle of the government, or of the intention of Liberty in ratification of the abolishment of tyranny.

It follows then with irresistible force, that any claim to interfere with the equality of man in his title to these rights, demands of the government an instant and independent negative, as a discharge of duty under the eye of its very first law. For, as the Fathers in the intention of Liberty were under a necessity absolute of affirming the equality of man in respect to his title accordingly, in justification of their assumption of Independence, that equality was the law under whose inspection they put Independence itself on guard to repel any infringement upon the rights of man as necessary to protect its supreme rights and interests. Whoever, therefore, proposes to trample that title down, not only calls the government to a high performance of duty under its first law, but proposes to itself in turn, on its failure therein, to take the eyes themselves of the government from their sockets, and ride it on an Ass in derision of its professions of Liberty.

The doctrine then I lay down in assertion of the demand, proceeding from the violation of the rights of man, and in the light of which the duties of the government are made known, is, *that loyalty to a principle is an intention to abide by its duties, and is as necessary in their presence as the lightning that rifts the Oak.* And that it follows if government is loyal to Liberty, its loyalty, in presence of an infraction of its vital law, then demonstrates itself, or it demonstrates on the contrary that the government is lost.

One deduction from this and one only I make, and leave with the thoughtful mind, which is, that to say no higher duty rests upon the government than that of an independent reassertion of its vital doctrine, in liquidation of claims to slaves, is to say that the infraction of the law of liberty by these claims calls for the re-assertion not only in fulfillment of the obligation of Liberty, but in preservation of the guarantees of the Constitution; since the keeping of that law intact is the original guarantee of that instrument whence all others are derived, and without which it is of no authority and is overthrown.

#### SALVATION ON RE-AFFIRMATION OF DOCTRINE.

I proceed next to state that the salvation of the country depends upon the re-assertion, and I affirm the conclusion from the loss of the Declaration of Independence from the eyes of the people, as containing a doctrine to be affirmed again and again in support of all we have nationally, antagonistic to the claims of tyranny.

As accepted by the American people, that instrument is an oath wherein they call the "Supreme Judge of the World" to witness that they intend in recognition of the equality of mankind in a title to

their rights to maintain the law it develops intact, and to act accordingly.

In this view it was designed by them to be a beacon—a very blaze of Glory to shine down as from the Throne of the Almighty on the doctrine, to point it out as marking the highway of the Nation.

Our national existence therefore, from the very structure of the Government which derives its powers from the people, and as founded on a principle of theirs, knowing no recognition of tyranny, is poised on giving the doctrine place and voice, whenever as now, the notes of tyranny sound an alarm in blotting out the law on which Liberty governmentally depends.

I need not say then that the salvation of the country depends on the re-assertion of its vital doctrine in liquidation of claims to slaves, for those claims as a violation of law which the announcement of the Fathers stands under a perpetual oath to correct, must be dissolved, or the Government in forfeiture of the Divine sanction must in abandonment of Liberty go to wreck, and the country left us as a fair heritage from the Fathers, must be lost.

#### HONOR UPON THE FATHERS.

So in fine, the exemption of the Fathers from the imputation of scheming in human rights, depends on the re-assertion. The charge against them as already stated, was thrust to the vitals of the Country, and no act since the founding of the government has accomplished more by its direct and indirect influence to paralyze the national life, as none will more accomplish its restoration than the one that shall dispose of its influence and stand in its exemplary defeat.

This assertion rests on the axiom that since intention and responsibility are correlative, a person on any of its original alternatives is all the one or all the other in relation to its end, rendering him susceptible of the highest possible injury, even though he be the highest possible saint, by charging directly to him the responsibility of a long line of connected abuses, standing in juxtaposition with his name, but with which they have no responsible connection.

Thus, while the Fathers, appealing to the Supreme Being put forth the fundamental doctrine that all men are equal in a title to their natural rights, N. E. stepped as within the sacred enclosure of their thoughts, and denying the correspondence of their intention with the words, made them criminals instead of Patriots, pointing to compromise with slavery and what not, in our early history, in evidence of her stand. Ever since, the country has heard of their implication and guilt.

On the re-assertion of their words I assert, in accomplishment of the very end which they achieved, to-wit: that of Liberty, depends their release from the imputation. And as soon as authority pronounces the consecrated words, the country as not before, will pour forth its honor upon them, as those to whom honor is due.

Shall the Nation wait to hear a voice pealing out from the Capital as with seven thunders, "It is written in the archives of the Government that all men are created equal," and hereunto is this hand forever affixed in dissolution of Tyranny in its bands upon slaves.













