SPEECHES

BY

CALEB CUSHING.

SPEECH

DELIVERED IN

FANEUIL HALL, - BOSTON,

OCTOBER 27, 1857.

ALSO,

SPEECH

DELIVERED IN

CITY HALL, - NEWBURYPORT,

OCTOBER 31, 1857.

BY CALEB CUSHING.

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1857.

SPEECH IN FANEUIL HALL.

Fellow Citizens of the State of Massachusetts:—

I present myself before you, in this time and place, to discuss the political questions of the day, at the request of the Young Men's Democratic Association, who have been pleased to think that it was a duty, incumbent on me, to contribute my share of effort to the object of securing the full exposition of the issues, presently to be passed upon by the people of the Commonwealth.

Let me not be ashamed to confess, that, many times before as it has happened to me to speak from this very spot, I have not been able to look forward without solicitude to the present hour and its appointed task. I come to it now with unaffected self-distrust. I seem, to myself, to be awed into solemnity by the visible presence, as it were, of the Genius of Faneuil Hall.

Besides, if I speak at all, I cannot deal in commonplace, or in mere generalities, but must address myself to the living questions of the crisis, such as as palpitate in the bosoms of men, and occupy the common thought of the hustings, the workshop, the counting-room, the street, and the fireside. To speak thus, and thus only, is a necessity of my position not less than a point of honor.

On this account, I come to you, avowedly and visibly, with a written address. I know, as well as any man living, I know by the practice and observation of thirty years, how much of advantage there is, at least for momentary impression, in the fact, or the appearance if not the fact, of extemporaneous oratory; the impassioned manner, the moving eye, the kindling soul within us, working, as it were, before the very eyes of the spectator-auditor. But I know its dangers also; and, to avoid them, I, of set purpose, relinquish its advantages. I will not run the risk, in the heat of the mind's action, of saying more or less than I mean; I will not have the opportunity of substituting after thoughts for the spoken words: respectfully soliciting of the press the favor to abstain from any abstract or report of my remarks, and thus to aid me in the accomplishment of what is, in that respect, a well meant design.

I take this course for another reason. It has come to be the opinion, outside of Massachusetts, that passion and prejudice have so possessed themselves of the mind of the State, that its inhabitants cannot and will not listen to adverse opinions; that freedom of speech is here but a name; that, notwithstanding what is continually said of the repressive laws at the South to prevent the discussion of certain questions there, the bigotry of party here just as effectually prevents

it in Massachusetts; that Boston will as a matter of pride have afforded a hearing to Senator Toombs, but which, it is alleged, is an exception proving the rule of general exclusion, as evinced by the anger excited in some quarters by the presence of Senator Mason at Bunker Hill; and that, in general, any person, who ventures to combat the prevalent errors of Massachusetts, will be received, not with respectful attention, not even with indifferent silence, but with violence, vituperation and personal reproach and calumniation, more especially at the hands of a class of persons, who profess to be the especial champions of liberty in the United States.—Is that so? I do not believe it.

I know that there was a time, when Quakers were hanged in Massachusetts, because of their very bad taste in the abuse of personal pronouns, or for some other equally cogent reason: that there was a time, when Mistress Anne Hutchinson was expelled from the State for want of orthodoxy regarding the covenant of works,—which touches me the more closely, seeing that my ancestor, John Cotton, was infected with the same heresy,—*damnable* heresy, I think the phrase then was. And the remembrance of these things has led to the impression, in many parts of the United States, that there is, in the people of Massachusetts, a sort of hereditary taint of intolerance, descended to us from our forefathers of the Puritan Commonwealth.

I have in this relation particular cause of solicitude. It was the fortune of myself, a man of Massachusetts, during the four years which but lately elapsed, to be one of the seven persons, whose duty it is, by the Constitution and the laws, to administer the executive government of the United States, under the direction, general or special, of the President. Among the seven was another son of Massachusetts, (Mr. Marcy,) since deceased, full of years and honors. I solemnly aver, and pledge myself to prove, on proper occasion, that, in every act of that Administration, there was due regard to the interests and the honor of this Commonwealth. I repeat, in *every* act, treaties, tariffs, aye, even the debated questions of the organization of the new territories. I mention, as conspicuous illustrations of this averment, the successful conclusion of the fishery question, of the colony trade question, and of the sound dues question, objects, all, of the utmost importance to Massachusetts, to her interests and her honor alike; and which objects, for thirty years before, to my personal knowledge, we, the people of Massachusetts, had been laboring in vain to accomplish under each and every Administration of the Federal Government, and which had baffled the efforts of John Quincy Adams and of Daniel Webster. I say, these, and many other things of the same character, the Administration of Franklin Pierce did; and did, by no means because it contained in its body three men of New England, but with the cordial co-operation, not only of the honorable, wise and upright Campbell and McLelland,—men of the North,—but with equally cordial co-operation, nay, in signal instances, the initiation, of the good and generous Dobbin,—alas, now no more,—of the strong-headed and large-hearted Guthrie, and of that other intellectual, high-minded, and at the North most misunderstood and calumniated, man of the South, Jefferson Davis. I say, and say it proudly, to my country, to the world, and to posterity, that these things we did, and did with the cordial unanimity of a band of brothers; that there was never an

act of questionable rectitude to cast so much as the shadow of a stain upon the white ermine of that Administration; and that, in the disposition of the great concerns of the country, of immense public interests, domestic and foreign, the Administration of President Pierce deserves well of the whole people of the United States, especially well of the people of the North, and most especially well of you, the people of Massachusetts.

But all this, it is pretended, the people of the North and of Massachusetts have forgotten, or have chosen not to see, and have thrown behind them in blind wrath, because of a difference of opinion in the country upon an abstract question of law,—the merest of all technical abstractions, since of no possible effect practically one way or the other, as I shall presently demonstrate,—and because of the opportunity, which the solution of that abstract question of law afforded to aspiring men, in the necessary interval between the enactment of an act of Congress and the complete execution of that act, the actual exhibition of its nature by events,—to raise once more, and maintain for awhile, the cry of southern domination over the North.

Hence, the Administration of Franklin Pierce which is passed, and that of James Buchanan which follows it, and all concerned in either, have been heaped with opprobrium, and the true character of their acts has been disregarded, and their impartiality of national spirit, nay, their direct attention to the principles and the interests of the North, has been falsely imputed as partiality to the South, and they have been condemned therefor, by persons, who, with similar distorted vision, at former times, viewed in reverse the merits of the acquisition of Louisiana by Jefferson, and of the declaration of war against Great Britain by Madison.

And now, when that latest in order of the successive bubbles of sectional jealousy has burst; now when, in spite of the provision of so many good men in the North, and I may say,—not in spite of their wishes, for that would be unjust,—but in spite of their perverse endeavors to prove that it must and would be otherwise, Kansas is a free State:—now, in the same school of aspiring public men, there is attempt to extract from the currency troubles of the day new matter of sectional prejudice, and thus haply to get one more touch of the lash at the raw on the flanks of the galled jade of sectional jealousy and hatred, and to keep her shambling and stumbling along in spasmodic agony a little longer, and so postpone for a year or two the time of cordial understanding, and zealous co-operation for the public good, between the national statesmen and the people of the North and the South, the East and the West.

Yes, that is the issue now on trial in Massachusetts. One of the three parties, which contests the power of the Commonwealth against the other two, and which arrogantly assumes to possess that power even before the people have so decided by their suffrage,—that party plants itself on the insulated ground of sectional jealousies; it mounts once again that broken-down, spavined, foundered hack of sectional malice, hatred, and all uncharitableness, and thus thinks to ride into power in this Commonwealth, and from thence into the government of the United States. That, I say, is the issue now on trial in Massachusetts, and on which I desire to speak. Will you hear me? Will

you concede to me that liberty of speech, which is practised by others at my expense, and which riots in wholesale denunciation of the Democratic party, of its measures and of its men, whether Pierce or Buchanan occupy the post of the Presidency?

I ask this question the more anxiously, inasmuch as I shall have to speak of men as well as things,—not merely because the adversaries of the Democratic party do this, and do it with no pretension of reserve,—but because there can be no frank discussion otherwise; because, in public affairs, men personify, though they do not always represent, principles; and especially on the present occasion, because, of the three candidates for the government of the State, one only, Mr. Beach, continues to be held up as the candidate of a great political party, with its creed of doctrines, its definite present policy, its unmistakable future position, and a national organization co-extensive with the Republic; while the other two, Mr. Gardner and Mr. Banks, as is every day more and more distinctly seen, are each the head of parties, which, owing to what they comprehend in their respective ranks as well as what they do not comprehend, are coming to be denominated, by common consent, one the Gardner party and the other the Banks party,—accessions to, or desertions from, and transitions to and fro between, these two personal parties, being so numerous, so frequent, so sudden, and performed with so much tranquil assurance of self-satisfied agility of circus-like saltation from one side to the other, with such odd incidents of persons, and even respectable public journals, belonging to both sides, or falling between the two and there sitting helplessly in the disconsolate but most comical *fix* of incurable bewilderment and despair,—that the curious spectator knows not whether to laugh or to weep over the humiliating spectacle of the abyss of disgrace, into which fanatical sectionalism of policy has plunged the dear, good, puzzled old Commonwealth of Massachusetts. I say that the parties opposed to the Democratic party are so personal, that, in speaking of them, one cannot discuss *things* without alluding to *men*. That is particularly impossible in regard to the American-Republican party, as at the start I think it called itself, but from which the Americans have declared off to nominate Mr. Gardner, and the Republicans to nominate Mr. Swan.

But indeed I have no purpose to say a word to the prejudice of either Mr. Gardner or Mr. Banks, except as involved in the temperate and courteous discussion of the great issues of the canvass, and more especially the doctrines of the Republicans in their relation to the peace and well-being of Massachusetts, and of the United States.

It has been my fortune to be associated with Mr. Gardner and Mr. Banks in the legislature of Massachusetts,—with Mr. Banks, also, in our diverse paths of public duty at Washington,—and with each in social and personal intercourse. I respect and esteem them, and shall not be unfaithful to that sentiment. With Mr. Banks especially, of whose present line of policy I shall have much to say, I would, if our political relations permitted, reason not as an adversary but as a friend.

I shall speak, in fine, the solemn convictions of my judgment, not only in presence of you, my fellow citizens, and of my own conscience, but in that of my country and my God.

There is no presumption in saying that the winged words, uttered here this day, will fly beyond the limits of Massachusetts,—not because of him who utters them, but because uttered in Faneuil Hall. It is Faneuil Hall which speaks,—Faneuil Hall, whose voices are as of the Archangel in mid-heaven, and the echoes of which reverberate from its time-honored vault over earth and ocean like the rolling thunder of a summer eve. For whatever of earnest conviction, embodied in earnest speech, is favored enough to occupy this echo-point of the Commonwealth, that is propagated from hence throughout the Union, to be pondered and judged by thoughtful men, as well on the placers of California and the prairies of Texas and Minnesota, as in the cities and farm-houses of Massachusetts.

I begin with saying all, that the occasion calls on me to say, respecting the position of the actual Governor of the Commonwealth.

In the first place, I cannot concur with Mr. Gardner and his friends in apprehension of danger to the public liberties from European emigration to the United States, and, least of all, from the emigration of the men of those superior races, Teutonic and Celtic, the combination of which, and not the exclusion of either, is the secret of the loftiness in the scale of nations of Great Britain and the United States.

In the second place, I cannot conceive how it is possible that gentlemen, who, in the intensity of their patriotic Americanism, object to the Germans and Irish,—nephews of our fathers, blood cousins of ourselves,—being admitted to equality of political right with us, should be solicitous to confer that equality on Africans. Surely the inconveniences, to which any white man of the industrial classes of Massachusetts may be subjected, by the influx of white men from Europe, is but as nothing, compared with what he would suffer by the influx of runaway or of emancipated black men from Virginia or Kentucky. And surely, also, he, who, induced by considerations of personal sentiment or political theory, repels the citizen-equality of white Europeans, men of our own race, color and kindred, will not seriously maintain either the sentiment or the political theory of admissible citizen-equality for the most alien of all the possible forms of alienage, black men of Africa.

In the third place,—and this appears to have been strangely overlooked,—the question of citizenship, or of votership so to speak, in the State of Massachusetts, is wholly independent of the question of citizenship in the United States. Women and children all around us are citizens of the United States; but they are absolutely excluded from political power by the constitution of Massachusetts. On the other hand, aliens by thousands, men who have merely made the preparatory declaration of their purpose hereafter to become citizens of the United States, are, nevertheless, voters, according to express provision of the constitutions of several of the States; such, for example, as Michigan and Wisconsin.

Forgetfulness or disregard of these facts, by the way, is at the bottom of much of the misconception current concerning the case of Dred Scott. Any State of the Union, which chooses, can make him and others of his class its citizens and its voters; for the question, who shall be voters in the several States, even for Members of Congress and for Electors of President, is left, by the Constitution of the United

States, to be determined by each State for itself. But no State can decide who shall be competent to sue in the courts of the United States.

In the fourth place, I object to any discrimination between citizens of the United States on the score of religion. It is the right of every man here to worship God according to his own conscience, whether he be Protestant or Catholic, Jew or Gentile.

Finally, the fundamental thought of *Americanism* is, by its very nature, confined in its political relation to the legislation of individual States, and cannot constitutionally reach that of the United States, except as respects the District of Columbia, or some one of the future new Territories. It is analogous, in this point of view, to the anti-masonic question, and, like all other single ideas in government, incapable of perpetuity of party organization. It will attain its single legislative object, and then, of course, no longer have cause to act; or it will find the attainment of that object impracticable, and then, of necessity, cease to act. Thus, it is of local importance only, in this or that State for instance, and without, in itself, potentiality of influence, in my judgment, either for good or evil, on the general welfare of the Union.

When, therefore, a large body of most respectable persons, of what was once the Whig party, not American by opinion or association, had concluded to vote for Mr. Gardner, and one of the worthiest among them, Mr. Hillard, appeared in this hall to avow and justify their conclusion, it was easy to foresee that any such justification must repose on personal grounds, or grounds of expediency, not of political principle.

First, Mr. Hillard recognizes the wise independence of sundry executive acts of Governor Gardner.—acts, which do indeed entitle him to the commendation of his fellow citizens. But Mr. Hillard also recognizes, with honorable approbation, the wisdom displayed in legislative acts of Mr. Beach. So that, on personal considerations, the conclusion from these premises might as well have been for Mr. Beach as for Mr. Gardner.

Secondly, Mr. Hillard, conceiving that the election of Mr. Banks, especially, would be prejudicial to the interests of the State and the Union, and assuming that Mr. Gardner has better chances of success than Mr. Beach, therefore concludes for Mr. Gardner. I do not concede the second branch of the gentleman's premises. I would not have anticipated the conclusion. I should have looked to that gentleman, and those with whom he acts, to support, not the seemingly stronger party, but the best party, and then to so act as to make that the strongest; to disregard the question of conjectural availability in the face of doctrine; to say, if need be,

Victrix causa diis placuit, sed vita Catoni;

and, if new party associations were to be formed, if in search of a party as Mr. Hillard professes, to join at once the great Democratic party, that only party, now in the field, which possesses the vitality of a national and constitutional organization:—seeing the truth of the resolution adopted by the Democratic State Convention, to the effect that "Since the practical dissolution of the Whig party in the United

States, and by reason of the dedication of other parties each to some one narrow and impracticable idea, the Democratic party, and that only, retains the character and qualities of a constitutional, national and patriotic association of citizens; and is alone capable of preserving the public peace at home and abroad, administering the great interests of the country, and sustaining the integrity of the Constitution and the Union."

But they have thought otherwise, as it was their right to do. We may regret, we cannot complain at, their decision. And, if they are not prepared for that conclusion, towards which the whole country is apparently now tending,—namely, to stand on the broad and firm platform of the Democratic party,—we may yet rejoice to find that they concur with us in resolute opposition to sectional animosity, jealousy and agitation, and that the Whigs of Massachusetts are manfully and expressly committed to the great cause of the Union.

I come now to the questions connected with the candidature of Mr. Banks.

Fellow citizens, we all know there is a body of persons in this Commonwealth who devote themselves to the idea of raising the black men in the United States to an equality of political rights with the white men. They are *professional* philanthropists, if the phrase be admissible,—that is, men who pursue a philanthropic idea as their main occupation, but wholly outside of political life: laboring to promote their idea by speech and writing, or by itinerant agitation, that is, indirectly, by influence on the minds of those who legislate, or who execute laws, not by direct participation of their own in legislation or administration. Of course, not co-operating with others in the practical business of government, they are very much one-sided, dogmatic, violent in their language, and not sparing of personal crimination and denunciation of all the rest of the world, and especially of any others in society, who, differing from them either much or little, happen to be conspicuous in public affairs, or directly responsible for the legislation of the State or the United States. In a word, they are impracticable zealots of a single idea.

That among them are men of eminently intellectual character, it would be absurd to deny. Such an one as Mr. Theodore Parker. That among them are eloquent persons also, it must be admitted, like Mr. Wendell Phillips, although he injures his cause, and belittles himself, by the petulant personal vituperation, which too frequently disfigures his discourse. They have strong-purposed men, also, such as Mr. Garrison, of the structure of mind, which grasps an idea, and labors on through good and through evil report to make that idea a fact.

These gentlemen have persuaded themselves that the emancipation of the slave laborers in the United States is an object paramount to all other human considerations. They know they have no legal capacity to act directly in the question. They perceive that the Bible is contrary to, or, at least, does not distinctly teach, their doctrines, and therefore they make no account of that. They are aware that the Constitution of the United States stands in their path, and therefore they would dissolve the Union. I believe Mr. Phillips is, or recently was, *conventionizing*, so to speak, on that project. In a word,

they are enthusiasts of opinion, who would be efficacious agents of revolution, if living in a country where revolution is possible, and if their theories were susceptible of practical application to any machinery of government whatever.

I desire not to be understood as speaking of these gentlemen with personal disrespect. On the contrary, they seem to deserve the tribute of sincerity, at least; for, without they be sincere, how could it be that they would outlaw themselves, as it were, by their impartial hostility to all the political parties of the country, and by their avowed, nay, ostentatious, warfare on the Constitution and the Union?

These gentlemen assume as theory, and seek to establish as law, the equality of Africans and Americans. It avails nothing to say to them that the two races are unequal by nature, and that no laws can make them equal in fact. Still, the zealots pursue their idea.

Of course, they aim to bring about the emancipation of the colored laborers of the South. And here it avails nothing to point to St. Domingo, and to Spanish America, and to the British West Indies, and to show that emancipation has proved a curse to the black and to the white race alike, and that anarchy, barbarism and misery have followed it everywhere, even in the most favored regions of the New World. Still they pursue their idea of emancipation in the United States.

To accomplish this, or at least to free themselves from association with slave labor, and as the only political means of attaining this object, they propose the dissolution of the Union, and the organization of a Northern Republic. We may tell them that such a Republic is impossible; that the attempt to organize it would be the signal of civil war, not between the North and South, but in the very heart of the North, with such of us as will contend in arms, on the spot, against any attempt to organize their separate Republic; that if such a Republic existed, it could not advance their purpose without they invaded the South with hostile armies; that the Middle States stand in the way of that; and, after all, that, to kindle the flames of civil and servile war in the United States, appears to be rather questionable philanthropy. Still, we cannot move them from their purpose.

I think it is at the end of this series of considerations, that we are to find the fact of the peculiar tone and style of resentfulness, anger and measureless denunciation of the Southern States, and of bitterness towards men at the North, which marks the speech and writing of the Emancipationists. They attack fiercely, and they are attacked. Their idea is one of revolutionary change in the condition of the country, and it is condemned by others as warmly as it is urged by themselves. They it disturb and prejudice important interests. Their political ardor has, at length, become aggravated by something of theological ardor, which is of proverbial intensity. And thus a state of feeling has been produced in the community, which, commencing with mere condemnation of negro-servitude, and desire of its abolition, has degenerated, in some quarters, into emotions of morbid jealousy and even hatred of the people of the Southern States.

And that is the state of feeling and emotion in the North, and especially in Massachusetts, which aspiring public men seize upon,

and seek to combine and consolidate, as an instrument of political power, by the newly applied name of Republicanism.

I say aspiring men, not in the sense of reproach, but as a fact. Such men as Governor Chase, of Ohio,—Senator Seward of New York,—Senator Fessenden, of Maine,—Senator Hale, of New Hampshire,—Senator Trumbull, of Illinois,—have the right of political aspiration, which belongs to their virtues and their talents. So have Senators Sumner and Wilson, of Massachusetts, although, as between the two, Mr. Sumner is more of a theorist, like the Emancipationists proper, and Mr. Wilson has more of the qualities and capabilities of a practical legislator. And so also has Mr. Banks the right of aspiration, which the possession of talents and acquirements gives to him, as to any and every citizen of the Republic.

Now, it is obvious to see that Mr. Banks, unlike the Emancipationists, looks to the seats of power as the means of acting on the events of the time, acquiring fame, and obtaining his niche in history. Unlike the Emancipationists, he rejects the part of a mere professional agitator on the outskirts of public affairs. Unlike the Emancipationists, he is a practical man, not a visionary theorist: he sees, clearly, the impracticable nature of their ideas; he does not mean to be outlawed, in the estimation of his countrymen, by running a quixotic tilt against the Constitution of the United States: on the contrary, he certainly prefers to have the Federal Government subsist in its integrity, with himself to participate in its administration.

Hence, it is the well considered policy of Mr. Banks, and of those with whom he is at present associated in political action,—perhaps, I might say it is the necessity of their position,—whilst holding aloof from visible co-operation with the Emancipationists,—whilst in fact rejecting and condemning their aims and plans,—yet to *exploit*, as the phrase is in France, the sentiments sown by the Emancipationists in the community, and so to mount up to power.

Thus it has happened that the Republicans, and before them the Free Soilers, have made their issues, not on the slavery question itself, but on some occasional and transitory incident of the slavery question, for which reason they have been, and will continue to be, beaten successively on each one of their issues, so as to produce the appearance, if not the fact, of a positive reaction in favor of slavery, and against liberty, analogous to that which has occurred simultaneously in Europe.

I need only point, in proof of this, to the annexion of Texas, the Mexican war, the compromise acts of 1850, and the provisions of the act organizing the Territories of Nebraska and Kansas,—neither of them deciding any substantive thing on the subject of slavery, but each made to appear to do so, on account of the improvident issues raised upon them by a portion of the statesmen of the North.

Owing to these causes, although none of the statesmen referred to lend direct countenance to the wild schemes of mere Emancipationism, still, it may be doubted whether their line of action is not the cause of even greater perturbation of the public peace. The power of Emancipationism is paralyzed, for evil as well as for good, by its recognized antagonism to the Constitution. But when statesmen unpatriotically play with the passions of Emancipationism, and thus

impart to it force in the public mind, and come at length, insensibly, to be imbued with its sentiments, as well as to speak its language, then the current of legislation and of public affairs is disturbed by them, and positive injury is done to the best interests of the Union.

We have had exemplification of this in the controversy, which is just dying out, as to the organization of the Territory of Kansas.

By a provision of an act of Congress, connected with the admission of the State of Missouri into the Union, and commonly called the Missouri Compromise, it was enacted that there should never be involuntary servitude in certain territory of United States north of a prescribed parallel of latitude (36° 30′). It of course admitted, and did in fact, according to the established rules of statutory construction, impliedly sanction by law, slavery south of that line. It in effect said—there may hereafter be slave labor south of the line, there shall not north of it. That was the compromise. On this ground it was opposed by some statesmen at the North, who desired to propagate free labor south of the line at the expense of the Southern States; and it was approved, and its extension to new territories advocated, by others, as a measure of equal justice to the opinions of both sections of the Union.

In this position things stood, until, in a series of decisions of the Supreme Court of the United States, it was determined that acts of Congress of this nature, restricting in advance the legislative power of a State, as to slavery or any thing else, are null and void, because contrary to the Constitution.

Thus it happened that, when the time arrived for establishing the Territory of Kansas, the Missouri Compromise had become a dead letter on the statute book. It had ceased to have legal vigor. Congress had no constitutional power to revive it by new enactment. To repeal it expressly, was not an act of necessity, but of sincerity, of good faith, of frankness, of manliness; and it was done. Still, the *express* repeal changed nothing in the legal relations of the subject: it did but leave the question of slavery, in the incipient State, just where by the decisions of the Supreme Court it was placed, that is, in the hands of its people. That is the doctrine, not of squatter sovereignty, but of popular sovereignty within the range of the limits of the Constitution.

We assume all the time, in our discussion of the slavery question at the North, that free labor is more productive than slave labor; that it communicates more value to land; that it is more consonant with the nature of man; that it alone is moral and religious; and that the settled judgment of mankind is opposed to slave labor on principle. Assuming all this, it might be inferred that a new political community, with full power to judge for itself on the question, would exclude slave labor from its institutions. Especially might we so infer, if the new community consisted of men of the Northern States. In other words, it was perfectly clear that, however it might be if Kansas were colonized from the Southern States, yet, if colonized from the Northern States, it would certainly be a free labor State. Its condition would depend on the source of its colonization.

Moreover, the line of the Missouri Compromise, as a line of division between free labor and slave labor States, ceasing to exist, it was

perfectly clear that its obliteration would have the effect to open the whole region to the free competition of the two principles, and the result would be to extend slave labor, or to extend free labor, according to the respective capabilities of colonization of the two adverse principles, and of the States which they represent.

Now, in such an open competition and free race of colonization, which was likely to succeed,—the slave labor or the free labor States? I say, the latter, undeniably; as having the greater population in number, population more easily moved, and population backed by emigration from Europe.

For instance, suppose two adjoining closes, Black Acre and White Acre, each of the same number of roods in extent, and separated by a division fence, with two hundred black sheep in Black Acre and three hundred white sheep in White Acre. If, now, we break down the division fence, and make common pasturage of the two closes, and leave the sheep to take care of themselves, which will get the most feed out of the whole, which will occupy most of it, which will encroach on the other,—the three hundred white sheep or the two hundred black sheep? Is not the answer palpable, self-evident, impossible to escape? Is there any answer but one? And that is the question and answer of free labor extension or slave labor extension by the repeal of the Missouri Compromise.

In disregard of these manifest considerations, it was prematurely and hastily assumed, by certain of the statesmen of the North in the Senate, and they inconsiderately propagated the idea, that, to leave the new Territory of Kansas open to the free competition of the two principles, was to extend slavery; in other words they assumed, that, in all new territory, whatever the soil and climate, and under whatever circumstances, if the people were left free to act for themselves, they would of course introduce slave labor; and that, therefore, the only salvation of the country consisted in tying the people's hands, in this respect, by act of Congress. Hence the irritating, but sterile, agitation on the subject of Kansas

The same gentlemen also propagated the idea that to repeal the Missouri Compromise was a breach of faith. But the power and the right, of any Congress, to repeal acts of general legislation, of any previous Congress, are so apparent,—it is so obviously absurd to put an act of Congress above the Constitution itself,—it is so contrary to all the principles of republican government, to deny the moral right of the community to change its laws,—that the imputation of breach of faith, in the repeal, passed speedily into merited oblivion.

Such, in my humble judgment, are the merits of this greatly vexed question. That there have been disorders in Kansas, illegal voting, acts of individual violence,—is true; it was to have been expected from the circumstances: not merely by reason of particular causes of disorder, which it would be invidious, and is not necessary to my purpose, now to mention,—but, for the general cause, that here was a sort of proclaimed steeple-chase, with much irritating demonstration on both sides, between the Northern and the Southern States, for the colonization of Kansas. It was a struggle for power between adventurers in the Territory; it was a struggle for ascendancy between two conflicting theories of social institution; and it was a struggle of

pride between opposite sections of the Union. Of course, there were disorders; no human power could prevent that; President Pierce did every thing, to that end, which could constitutionally be done. But the magnitude of those disorders has been greatly exaggerated for effect. They have been much less in degree, less in political importance and effect, and less in the sacrifice of life, than those, which have, during the same period, taken place under our eyes in the State of Maryland, without exciting special wonder there, or being deemed worthy to be used as the instrument of pulling down, or putting up, administrations of the Federal Government.

Behind all these things in Kansas, and one of the operative causes of the exaggerated importance given to political controversy there, has been a great land-speculation. The inflamed zeal of the whole country on the slavery question,—the discussion of Kansas in Congress, and in the State Legislatures,—the making the election of President to turn upon it,—corporations, committees and subscriptions, North and South, in aid of Kansas,—all these constituted such an advertising, such a puff after the manner of Barnum, of the lands of that Territory, as no previous land or other speculation in the United States had ever enjoyed.

In confirmation of my own conclusion on the subject, let me quote from a recent published address of a most unimpeachable witness,—I mean Mr. Etheridge of Tennessee, well known and highly commended at the North, for his course on the Kansas Nebraska Bill, and in regard to the slave trade. Mr. Etheridge declares, in so many words, that Kansas, as connected with the slavery question, was a *humbug;* that he never saw half a dozen intelligent Southern men who believed it would or could be a slave State; and that, as to it, speculation in the public land had been, from the beginning, the main object of attraction, North and South.

I have not time, and it would be out of place, to reply here to the many misrepresentations, in the matter of Kansas, which have been applied to the acts of the last and of the present Administrations. There is one point, however, which is interesting, and of immediate importance.

Much has been said of the *bogus* laws of Kansas, as the enactments of its Territorial Assembly are elegantly denominated in the choice phraseology of the day. The Republicans in Congress have uttered volumes of lamentation over these *bogus* laws, alleging that they were not genuine or obligatory, because of imputed irregularities and intruded votes at the election of the members of the Assembly. The refusal of the Republicans of Kansas to do any act under these laws, for more than a year, has been the chief immediate cause of disorder in the Territory. The professors of New Haven, with singular ignorance of public law and common right, have been contending, not only that the existence of these laws was good cause of revolution, but that the President of the United States, the mere administrator of constitution and law, was bound to patronize the revolution. Mr. Buchanan has disposed of that new chemical compound of theology and law.

Meanwhile, our fellow citizen, Senator Wilson, naturally anxious about his agitation-stock in Kansas, lately visited the Territory. He

well knew that the agitation there was a *bogus* agitation, and he had the sense to see clearly that the cry of *bogus* laws was untenable, and, if persisted in, would but defeat his own friends. Accordingly, *bogus* laws to the contrary notwithstanding, he, as himself tells us in a recent speech, advised the Republicans of Kansas to go quietly to the polls and vote, under the *bogus* laws,—with a protest, as one pays unwilling duties at the Custom House. They did so; and Kansas is a free State. It would have saved the country some trouble, if Senator Wilson, or any other man of equal common sense, had thought of this protest some time ago, and had at an earlier period counselled the people of Kansas to cease playing the fool, and to cease to do so under protest, if they chose.

I ventured, on a fit occasion not long since, to suggest that our political troubles, in the United States, are not quite so serious as those of some other countries; and that, in view of the horrors perpetrated in British India, it is almost impious for us to be so very miserable about our little frontier affairs in Kansas or Utah. I thought this was not only true, but a *truism*. Yet the suggestion has drawn from a respectable journal in Boston, and also from Mr. Burlingame, at the hustings, some very affecting remarks concerning my hard-heartedness,—my want of charity for the sufferings of bleeding Kansas.

Now, Senator Wilson, in the speech just quoted, says that he promised, when in Kansas, to raise for them *three or four thousand dollars*, on his return to Massachusetts. But, he says, he has not been able to do this. Nay, he has canvassed Connecticut and New York to the same end; and all New England, with New York besides, would not contribute three or four thousand dollars for bleeding Kansas. Senator Wilson was not, like our friend Mr. Hillard, in search of a party; that he had already, although it was in rather a shaky condition, as the recent popular demonstrations in Pennsylvania, Ohio and elsewhere show; but he was in search of a man with a heart,—to quote the expressive language of Mr. Burlingame. That man could not be found. So it appears that I am not alone in hard-heartedness. All New England, and New York, too, exhibit the same sort of hardness of heart towards bleeding Kansas.

Nay, we have now the speech of Gerrit Smith,—a soft-hearted man in these matters, if there ever was one,—nay, a truly generous-minded, as well as very wrong-headed, gentleman. Mr. Smith tells us that he has been *bled* for Kansas, to *his* heart's content; that he has paid thousands of dollars on that score, without knowing what has become of it, or perceiving that it has done any good; and that he is resolved to cease to bleed for bleeding Kansas.

On the whole, therefore, I feel consoled, and shall adhere to my original belief, that the troubles in Kansas are not half so grave as the troubles in British India. Nay, I shall come to the conclusion, under shelter of the personal experience of Mr Gerrit Smith, and the failure of Senator Wilson to raise four thousand dollars for Kansas in New York, and all New England, that there may be good people in Massachusetts, needing my charity much more than the Borrioboola-gha of Kansas.

My fellow citizens, that "Morgan" is used up, it will not even keep good "until after election."

The same fate has overtaken the dreadful case of Dred Scott. It was deemed so hard to have it decided that he was not a citizen of the United States. Lawyers forgot that so it had been decided, and uniformly understood and practised, long ago, in the administration of the Government. Good men forgot that the case of the Indians was the same, and even harder: for they, at any rate, are native-born Americans by an older and better title than the Africans. But there remained to Dred Scott, and the men of his color, as we have already seen, the warm sympathy and support of the free-labor States. They could compensate, if not correct, the cruelty of the Supreme Court, by their own well administered tenderness: they could declare Africans to be citizens of their own, and invest them with the elective franchise,—a much more important privilege than that of being a suitor in the District or Circuit Court. Have they done this? By no manner of means. On the contrary, since then, the free State of Minnesota has excluded blacks from citizenship: the free State of Iowa has done the same; and, most cruel stab of all,—not from "the envious Casca," but from thee, Brutus,—the Topeka Constitution of Kansas, the embodiment of Republican philosophy and Republican philanthropy, not content with disfranchising the Africans, had actually expelled them from the State.

I supposed, after this, we should hear no more of Dred Scott. It seems, however, that the main point of his case is still misunderstood, namely, the relation of the decision to the free States. As to that, suffice it to say, that the opinion of the Chief Justice, and especially that of Justice Nelson, have for their legal effect, not to impose the laws of Missouri on Massachusetts, but to determine absolutely, in consonance with all theory of public right and of liberty, that Missouri, like Massachusetts, has the sole constitutional power to determine the legal condition of persons within the State.

Fellow citizens, you thus perceive that there has been a complete break-down of these elaborately constructed platforms of discord, upon which, for the last two or three years, the Republicans have agitated the United States. The time had come when a new issue must be sought. And the present financial crisis of the country has been dashed at, as affording such an issue. Mr. Banks presents himself before you, and stakes his election on the endeavor to convert, or pervert, the embarrassments of our credit system into a negro question, and thus to throw a new stumbling block of offense between the Northern and Southern States. It is true Mr. Banks is quite oracular on these points,—with much indefiniteness of language and want of intelligible correlation of ideas, and with dark intimations, quite as fit to be announced, to willing believers, as the equivocal voices of Delphi or Dodona. But we shall be able, with careful attention, to find the key of these apparent mysteries.

Mr. Banks, in his speech here, discusses, professedly, the currency question, and has three topics of what purports to be suggestion of cause for the financial embarrassments of the country, but which is, in fact, elaborate accusation of the late Executive of the United States in the first instance, and then, beyond that, of the South,—in the aim of

stimulating at the North emotions of hatred against the South. These topics are the tariff, the public lands, and the expenses of the Government.

First, as to the tariff, Mr. Banks says:—

"I do not hesitate to say that, if the policy advocated by Mr. Guthrie in 1853 had been adopted in 1855, the present condition of the country would not have been witnessed, nor the present suffering experienced."

Then again, making the statement more specific, he says:—

"At the very last moment of an expiring Congress, such a change was made in the revenue laws, as would have relieved the country from the perils which now exist, had it been made a year, or even six months earlier."

First it is two years, then one year, and finally six months, of delay in acting on certain recommendations of Mr. Guthrie, which is the cause of the evil.

How did this delay of six months, in the enactment of certain changes of the tariff, produce the failure of the Ohio Life and Trust Company, the panic of the banks of New York, so plainly shown by Mr. Appleton, and the insolvency of the Erie Railroad, or the Illinois Central Railroad? That is what one is curious to know.

Looking up and down through more than two columns of the reported speech, where it professes to explain this, the only thing, of any conceivable relation of premises to the conclusion, is the statement that the duties not sooner taken off occasioned an additional charge on the country of eight millions per annum, with its consequent accumulation of specie in the treasury.

Now, as six months are but half a year, and the half of eight millions is four millions, it follows, according to Mr. Banks, that the distribution of this amount in the totality of the business of the country produced all our disasters. Not a single day's transactions of this city,—less than one six-hundredth part of the annual product of labor of the country,—but one five-hundredth part of its agricultural production, and one three hundred and seventy-fifth part of its manufacturing production, assuming for the purpose the very figures of Mr. Banks. And we are solemnly told that, but for these six months' delay of Congress to take the advice of Mr. Guthrie in the matter, there would have been no trouble. Is this suggestion a grave assertion, or a mistimed pleasantry, like the jests of the imperial Tribune at the sorrows of Rome?

Then, says Mr. Banks, this delay, of such fatal consequences, was the act of President Pierce. How? Let us hear Mr. Speaker. He says:—

"The Government in the first instance supported that policy. Mr. Guthrie never faltered. Every year for four years he repeated his views with increasing strength, as an honest man should. But the President was a man from another section of the country. He did what Presidents will sometimes do. He came down at the bidding of a superior power."

Here is an assertion that the Secretary of the Treasury, like an honest man, adhered to the early avowed policy of the Administration, but that General Pierce, its head, did not; and Mr. Banks leaves it to be inferred, but does not venture to say, that the imputed change

of thought on the part of the President caused the delay of six months' action in Congress.

What is the proof of this imputed change of policy on the part of the President? Mr. Banks alleges no argument of proof, except the allegation that, in one of his four annual messages to Congress, he omitted to re-urge on that body, in repetition of previous messages, consideration of Mr. Guthrie's plans; and that, in another, he expressed disapprobation of the views of Mr. Guthrie.

If the President had so omitted, in one of his messages, to renew a previous recommendation, it would have proved nothing. Congress always delays, from year to year, on all subjects of general legislation; and each President has to recommend his measures over and over again; and it is always a matter of delicacy on the part of a President to decide how far he may, without obstruction of his own wishes, assume to importune and press the action of Congress.

But, in the present matter, President Pierce did not yield to such apprehensions. Mr. Banks is totally and lamentably mistaken as to his supposed premises of fact. I might say that of my own knowledge. I prefer to stand on the documents. There is each of the annual messages of President Pierce to testify for itself,—that of 1853, of 1854, of 1855, of 1856,—in each one, successively, he, in the most unequivocal and positive language, iterates and reiterates to Congress recommendation of attention to the views of Mr. Guthrie.

"In his second message, that of 1854, he (President Pierce) makes no specific allusion to the subject of the tariff."

So says Mr. Banks. The statement is a mere mistake of oversight or misinformation. In the message of 1854 President Pierce expressly *renews*, with explanatory statistical comment, and at considerable length, those recommendations of the message of 1853, which Mr. Banks, at the start, admits to have been correct in themselves, as well as conformable to the wise views of Mr. Guthrie.

So, also, Mr. Banks is mistaken, when he says that the expressions, which he quotes from President Pierce's message of 1855, are in contradiction of Mr. Guthrie's views. On the contrary, the same idea is expressed in the reports of Mr. Guthrie.

In the same connection Mr. Banks says, in order to sharpen the point of reproach against the President:—

"I say, fellow citizens, that the clearest and safest course for the Government of the United States is in favor of amicable relations with such neighbors as we have on the North and the South. And it was this very idea, which was shadowed forth in the proposition of Mr. Guthrie at the commencement of the late Administration (1853). But, as I have said, *it was defeated*."

And Mr. Banks then proceeds to explain what he means by *defeated*, in one of the passages above quoted, to be the alleged *coming down* of the President on the subject of the tariff. To that I have already replied. But how the delay of Congress for six months, or for three years, to pass Mr. Guthrie's tariff,—and whether that delay was justly imputable to the President or not,—had any thing to do with the true policy of the Government, which is, according to Mr. Banks, "to favor amicable relations with such neighbors as we have on the

North and the South," he does not satisfactorily explain. The idea suggests some singular queries or doubts.

"Amicable relations with such neighbors as we have on the North and South!" Who are these neighbors? Our own countrymen? Oh, no! We are not to have amicable relations with them! It is the pervading thought of the speech of Mr. Banks, it seems to be the reverie by day, and the dream by night, of himself, and those with whom he acts, to destroy forever all amicable relations between fellow citizen neighbors of the North and South. It is of neighboring *nations* or *colonies*, undoubtedly, that he speaks.

What neighboring nations and colonies? "At the North and South," he says. Well, we have none at the North except the British Provinces. Of course, according to Mr. Banks, the true policy of the country, and the original thought of the Administration, in so far as regards the British Provinces,—"amicable relations,"—was defeated by the President's desertion of Mr. Guthrie in the nick of time.

Fellow citizens, do we indeed live in a country of speech and of the press, when the Speaker of the House of Representatives of the United States, having made at Washington such marvellous discoveries as this, comes with solemn air to announce them in Faneuil Hall to the good people of Boston? "Amicable relations" with the British Provinces to wait for the tariff amendments of the last session of the last Congress! Such "amicable relations," defeated by the changed policy of President Pierce! Why, who, man, woman, or child, in Massachusetts, does not know that these amicable relations were deliberately arranged and thoroughly established by the treaty with Great Britain, negotiated and signed by Mr. Marcy, under the official and personal superintendence of President Pierce? And Mr. Banks forgets this,—assumes erroneously that the measure was a legislative one, and *defeated*, meaning postponed six months,—because, forsooth, President Pierce, "at the bidding of a superior power" failed "to *favor* amicable relations" with such neighbors as we have on the North.

But then, according to Mr. Banks, "at the bidding of a superior power," President Pierce also omitted, at the same time, "to form amicable relations with such neighbors," as we have "on the South," as well as with such as we have on "the North." Who were such neighbors as we have on the South, whom, according to Mr. Banks, President Pierce ought to have favored, persistently favored, but did not? Not our own countrymen at the South, it is clear; for they are slaveholders, and ought to have no "favor" from any person, President though he be of the whole United States. Then, who comes next as our neighbor on the South? Cuba? What! Intolerant as we are, in Massachusetts, of slavery in Virginia or Louisiana, to the degree of absolutely hating, on that account, one-half of the United States, are we nevertheless to take to our affections the sinners of Cuba, and receive from them the wages of sin, which we cannot endure in Alabama and Louisiana?

But, "amicable relations with such *neighbors* as we have on the South!" Our only neighbor nation on the South is Mexico. How were "amicable relations" with Mexico to be affected by a delay of six months, more or less, in the proposed modification of the tariff?

Mr. Banks does not explain, nor can he. There is no definite idea behind his words. All that could be done "to favor amicable relations" with Mexico was done by President Pierce, and done effectually. Such relations were not interrupted for a moment, during the last Administration. Nay, the most constant efforts were made by the Administration, and its successive ministers, to establish a customs-union between the United States and Mexico. But, alas for Mexico, she is perishing from the evil effects of the inconsiderate emancipation of her Indians and Africans! Nothing can be done with her, except for money;—cash in hand, to the very masters of the silver mines of La Luz and Real del Monte, is the only means by which to treat with Mexico; and the Government hesitated to buy of her, as we might have done, a treaty of commerce, and a possessory mortgage to boot on half her territory. So much for the imputation of defeating amicable relations with such neighbors as we have on the North and the South.

But, again, why urge on the United States "amicable relations" *only* with such neighbors as we have on the North and the South? Would Mr. Banks exclude amicable relations with the East and the West? With England, France, Germany, Italy, in the East? With China, India, Peru, Australia, on our West? It would seem so. Or, if not, we must regard the whole expression as a mere phrase of speech, not possessed of any very clear significancy even in the mind of Mr. Banks.

But whether he had in the statement of his premises a distinct idea of their force or not,—and erroneous as we have seen them to be, in any possible construction of his language,—still, he draws from them inferences of accusation against President Pierce. Unjust we have shown these to be. Let us now scan their inducement and object.

That, indeed, is presented by Mr. Banks in language sufficiently explicit and intelligible. It is the imputation that President Pierce obstructed the views of Mr. Guthrie from complaisance to the South, and that the South required it from him, out of its hatred of the North:—all which is argument to the North to hate and fear the South.

I have shown that the assumed fundamental fact of this argument of sectional hostility is not true, and thus the superstructure falls to the ground. But is it not singular that Mr. Banks should thus endeavor to extract suggestions, of such a nature, out of the alleged six months' delay of Mr. Guthrie's project, when, after all, the project succeeded,—when it was the initiation of a man of the South,—when its success was due to the unwearied exertions of a man of the South? Yes, Mr. Guthrie, wise and good man as Mr. Banks concedes he is,—Mr. Guthrie, a man of the South, suggests and procures the modification of the tariff; and yet, in the face of this, Mr. Banks, on account of six months' delay of its enactment, would have us believe that "*it was defeated*," and that therefore the North has cause of enmity and hatred against the South!

Gentlemen, the Speaker of the House of Representatives of the United States comes here to impute the delay to the President, when, if he will remember what was passing before him, in the House over which he presided, he will see that the real cause of the

delay was in the condition, views, and action of the responsible majority of that very House of Representatives.

Go back six months from the time when the new tariff provisions passed, to the closing hours of the first session of that Congress, and see the spectacle exhibited! Why did not that majority which Mr. Banks represented, pass at once the law, which, if passed, would, we are told, have prevented all financial difficulties? Is not the answer palpable? They were full of Kansas,—they were wild about Kansas,—every body had a speech to make on Kansas and must make it,—nay, the very wheels of the Government were stopped, in that insane agitation over Kansas, by the mouth of Speaker Banks himself, announcing the premature adjournment of the House of Representatives! Because of the zeal of that House to feed the flame of civil fury it was, and therefore only, that the interests of the manufacturers were overlooked, nay all the great interests of the United States.

I take leave here to say, and I do it with pleasure, that, for all the errors of statement which Mr. Banks commits,—and they are multitudinous, in figures, facts, illustrations, not merely in the matters which I have touched upon, but in many others which the public press has signalized,—as to all this, I do not impute to Mr. Banks, as others do, wilful misstatement. I see how it happened. The speech contains internal evidence to show that. Mr. Banks had come forward to make a speech in Faneuil Hall on the financial crisis. It was needful, as he thought, in such a speech, at such a time, addressed to the merchants of Boston, to address them with an apparent mastery of statistical or documentary matter. And that matter was to be collected and arranged on the preconceived and false idea, of endeavoring to make it appear that the inhabitants of the Northern and Southern States of the Union are natural and necessary enemies,—and that the chief end of man, and of woman, at the North, is to hate our fellow citizens of the South. He undertook a moral impossibility, and, in the performance of it, he raised up a monument, not of honor and fame, but of unreason and error. He has compelled us,—not absolutely to impeach his veracity,—nor of necessity to charge wilful misstatement,—but to regard with permanent mistrust, and to suspect as crudities or mistakes, all these rather ostentatious compilations of statistical or documentary matter, which he occasionally publishes under the name and guise of speeches on commerce or finance.

But, to return to Mr. Banks' explanation of our financial embarrassments—he, in the second place, informs us, they are to be attributed to "reckless extravagance of the General Government,"—meaning, by the General Government, that very Mr. Guthrie, whom he had previously admitted to be among the best and most upright of men. This he explains thus:—

"The average expenses of the Administration, for each of the four years preceding 1852, was less than fifty millions of dollars. The average expenditure of the four years last past was seventy-two millions."

Here is imputation of "reckless extravagance," in the difference between fifty millions and seventy-two, imputed to the last Adminis-

tration; and that extravagance the cause of the failure of the Ohio Life and Trust Company, and of the panic of the Banks of New York. Now, the fact happens to be, that this very difference, of twelve millions per annum, consists mainly of payments, in advance, on account of the public debt, advised and executed by Mr. Guthrie for the reason, among others, that, in so doing, he relieved commerce, and strengthened the currency, by sending into circulation the coin locked up in the treasury. All the world commended this at the time. All the world has recently applauded the same policy in Secretary Cobb. And this, a measure of the most beneficent character to the country, it is, in effect, which constitutes the reckless extravagance of the last four years of the General Government.

And, if such extravagance had existed, whose the fault? Mr. Banks will not venture to say, he does not say, that the President, or his Cabinet, determines the expenditures of the General Government. He knows that Congress does this. And so, anticipating this objection, he proceeds to say that it is because, during the last few years, the country has been "rent with discussions on the slave question;" and because, "in the heat of discussion of that irritating subject," every body has been "blind, deaf, and dead" to all other considerations. And therefore, according to Mr. Banks, no member of Congress *could* look into the expenditures of the government.

The conclusion is unsound. Any member of Congress could do it, who chose. Many members did choose; but they struggled in vain, it is true, to gain the ear of a House given up to agitation about Kansas.

Mr. Banks sees the evil. But does he propose a remedy? No! On the contrary, the whole point of his speech, the thread of thought which runs throughout its contexture, its closing summary, the very ground on which he claims the suffrages of the people of Massachusetts, is to continue to make the discussion of the slave question the paramount, if not the exclusive, occupation of the people of the United States.

In the third place Mr. Banks,—by argument from the cession of swamp lands in the West to the States in which they lie, and land grants to States for aid in the construction of railways,—labors to continue the topic of financial distress as a cause of animosity between the North and the South. There is not time for me to comment at length on the facts and inferences of Mr. Banks in this relation; for every one of them requires criticism and contradiction, either in part or in whole, more especially in regard to the question of responsibility, as between the Executive and Congress, and as between the great sections of the Union. The simple fact is, that all these land grants, if sectional in their character, are questions, not of slave labor States against free labor States, but of the old Thirteen States, North and South alike, against the new States of the West. That is a large topic, not capable of just exhibition in this relation. Suffice it for me, here, to deny the premises; to deny the conclusion: and, above all, to lament the unhappy state of mind, which thus dedicates itself to the unholy task of incessantly fanning the embers of discontent, and seeking to infuse the venom of sectional animosity into the

whole business of life in these United States, under the guise of resisting the slave power.

Aye, the slave power,—jealousy of the political *power* assumed as the consequence of the possession of slaves by the South,—pursuit of *power* at the North by artful appeals to that jealousy,—such is the theme of the Republican candidate for the executive chair of the Commonwealth. Not the poor slave,—not the abolition of involuntary servitude as a moral wrong,—not the sufferings of the bondage-bred sons of Africa,—but the *power* of the white men of the Southern States. Mr. Banks does not indulge in visionary schemes of emancipation. Mr. Garrison, Mr. Phillips, or Mr. Sumner may plead for the liberty of the bond-man; but Mr. Banks pleads for power. So far is he from demanding the political equality of all races, that he spontaneously suggests, in his speech at Springfield, the disfranchisement of the Chinese in California, the application to them of the decision in the case of Dred Scott,—the Chinese, but a shade in color darker than ourselves,—the Chinese, a cultured and lettered race, the depositaries of the oldest and most tenacious of all the forms of human civilization. What! Shall not the disciple of Confucius and Mencius say, as well as the black savage of Africa,—Am not I a man, and a brother? Oh, no! he is to be trampled on, as of inferior cast to us, seeing that his condition, for better or worse, does not involve any question of *power* between the North and the South.

Jealousy of the South! Such would not be my theme, if the demon of sectional hate had so possessed itself of me. I should not strive to draw the attention of Massachusetts away from the only real danger, of a sectional nature, which threatens, and to fasten her attention to an imaginary one. Not by the comparatively small section of the Union, lying between Mason and Dixon's line and the Gulf of Mexico, is the sceptre of power in this Union to be held hereafter; but by those vast regions of the West, State after State stretching out, like star beyond star in the blue depths of the firmament, far away to the shores of the Pacific. What is the power of the old Thirteen, North or South, compared with that of the mighty West? There is the seat of empire, and there is the hand of imperial power. Tell me not of the perils of the slave power, and the encroachments of the South. Massachusetts and South Carolina will together be but as clay in the fingers of the potter, when the great West shall reach forth its arm of power, as ere long it will, to command the destinies of the Union.

But far from me be all such unworthy jealousy either of the South or the West. I am content to be one of those, whom Mr. Banks arraigns, because of their resistance to the depraved sectional passions at the North, of which he has taken upon himself the special advocacy and patronage. But I am not content that he should insultingly insinuate, as he does, that every man at the North, aye, the whole North as one man, according to him, is characterized by a craven spirit of unworthy compliance. That you may be satisfied I do not misrepresent him, I quote one of the expressions. It is a passage already quoted for another purpose, and which I requote, inserting now the *applauses* in the revision of his speech by Mr. Banks, as follows:—

"Mr. Guthrie never faltered. Every year for *four* years (Mr. Banks means *three* years, but he is very inexact on all matters of date and figures) he repeated his views, with increased strength, as an honest man should. But the President was a man from another section of the country. (Laughter.) He did what Presidents will sometimes do. He came down at the bidding of a superior power. (Renewed merriment.)"

And that is uttered in the ears of men of New England! Aye, and the men of New England are deliberately represented, by the orator himself, as laughing merrily at the idea of the imputed universal dishonesty of themselves, the men of New England! For that is the idea. Mr. Banks is not satisfied with saying —and we have seen upon what gross errors of fact he says that,—he is not satisfied with groundlessly and wantonly saying, that President Pierce, being the reverse of Mr. Guthrie, in honesty of character, *came down*,—but he imputes this as a general trait of the "section of the country," to which the Ex-President belongs. If the imputed fact had been true, as it is not, it would have afforded good cause of personal reproach in the opposite quarter. Mr. Guthrie, as Mr. Banks admits, is a brave and honorable man. What might be said of him, if he had acquiesced, and remained in the Cabinet, with the President disingenuously counteracting his views? I know him. He would not have remained a day, no, not a minute. We should have seen him take up his hat and cane, without a word, and his tall form stalk off, and *make tracks*, on the instant, for Kentucky. If Mr. Banks had reflected well on his own premises, he would have perceived that his conclusion was impossible. To give a shadow of plausibility to his conclusion, it would be necessary to reverse the well known traits of Mr. Guthrie, and charge unworthy complaisance, not on the President, but on him, and, pursuing the same line of thought, to charge it on his whole section of country. For, I say, Mr. Banks does not merely impute dishonest compliance to President Pierce, but, in making this imputation, he explains, that this was not a fault of the individual character of the President,—by no means,—it was the quality of the section of country of which he is,—in other words, of New England.

Fellow citizens of Massachusetts and New England, I call upon you to mark, and stamp with indignation, this unpardonable assault upon the character of every man of New England, and the circumstances and inducements under which it is made. One of your own citizens is a candidate for your suffrages. He pleads his cause in person before you. That cause consists, from beginning to end, of a *coming down* of his from the elevation of a national statesman, whereon he might and should stand, to pander to the diseased appetite for sectionalism and sectional animosity, which unhappily lingers among us, but only in the breasts of less than one-third of the people of Massachusetts. If there ever was an act of "*coming down at the bidding of a superior power*," it is this, in which the Speaker of the House of Representatives of the United States asks to be made Governor of Massachusetts, on the ground, as elaborately explained by him in person,—on the ground to which he comes down at the bidding of the superior power of passionate sectionalism,—the ground of mere hatred of our fellow citizens of the South. And, to make out a plausible case, even at that, he is obliged, not only to picture

in the most odious colors the character of individual statesmen of the North, but to stigmatize in the mass the whole population of New England! And, under the stigma of this imputation, the men of New England, according to Mr. Banks, laugh, laugh here in Faneuil Hall with *renewed merriment*. I should have supposed, on the contrary, that the very walls of Faneuil Hall would have rung out, in a peal of irrepressible resentment, with "mouths full loud," at this most wrongful imputation on the character of all New England.

Fellow citizens, we have had too much of this! Too long has that most doe-faced of all doe-facedness, a trembling compliance with some party passion of the hour, assumed injuriously to impute its own infirmity of temper to all those, who hold fast, in spite of discouragement, to independence and to truth, and who,—loving their country, and their whole country,—with Winthrop, prefer a united Nation to a united North: or with Choate, reverently follow the flag and keep step to the music of the Union. I say, there has been quite enough of this, as to persons, and it has got to stop. For we now have its consummation in the form, in which Mr. Banks puts it, of indiscriminate insult to the whole of New England.

Yes, men of Massachusetts, I say that line of wretched sectionalism of thought, and the set of narrow ideas which appertain to it, have had their day. It has come to pall on the sense, and revolt all good sentiment. Massachusetts feels, instinctively, that her mind is capable of better uses than to be perpetually secreting poison from the blessings of nature and society,—picking flaws in the institutions of the country,—and regarding the United States in the little, through inverted telescopes. We are not all of us, here in Massachusetts, atrabilarious, hypochondriac, with sour humors in the blood causing us to see black objects dancing before the mind's vision, by day and by night. We do not believe, as from the loud assumptions of a particular school, and their busy activity at conventions and in public assemblies, it might be inferred we do, that all religion, all integrity, all honor, consists in being a cordial hater of the rest of the United States.

No, gentlemen of the Republican party, I defy you to establish permanently, in this Commonwealth, that impossible policy of rancorous and vindictive hatred of all the white men of the South, and of all the white men of the North who refuse to join you in hatred of the South. You may attain power in the State of Massachusetts, from time to time, but never by your own strength. You are not a majority of the citizens of the State: you are not even a plurality. It is only by a series of unstable coalitions with other parties, each succeeding one more deceptive and transitory than the last, that you ever rise even to the appearance of power. And such power, as you may attain here, will prove but apples of Sodom in your mouth: for the hypothesis, on which you proceed, will never allow you to reach that, which all the higher aspirations of your public life look to,—power in the United States. You may be the idol of a sectional or local party, but with a weight on its shoulders, like the rock of Sisyphus, to keep you toiling in vain to reach the bright summits of

"The steep where Fame's proud temple shines afar."

You may be great in a single State, but with a greatness which looms out luridly from the mists and gloom of sectional discord and strife,—and with names never destined to swell the pealing anthem of the glories of the United States.

God grant, that, in these things, a better spirit may hereafter prevail among all the citizens of this State; that instead of giving themselves up to sectional agitation, and to the propagation of ideas, which are sterile of any possible fruit, save civil war,—they would cultivate concord and harmony. May so many clergymen, now the ministers of discord and anger, go back to the pure ministry of the Gospel!

And Mr. Banks himself, so capable of better things, let us entreat, in the earnest language of Francesca to Alp, to pause, ere he devote himself to an "immortality of ill," as the irreclaimable enemy of the unity and peace of the United States. Oh, that he had but chosen the nobler part! How much better and purer the honors he then might win! Of those men of Massachusetts, who in our time have been called by Providence to places of high power in the Federal Government, Adams, Webster, and Marcy have gone to occupy each his bright page in the golden book of the names of the great men of the country, whose memory death hallows: three only, Everett, Bancroft, and one other, have held foreign embassies or served in the Cabinet: four only, Choate, Everett, Winthrop, and Rockwell, have represented their State in the Senate; and of this small number of surviving men of Massachusetts, of similar political position, all but one have stepped over that line which divides the past from the future, and are now far removed from the fresh years of life. How few the obstacles to the advancement of a younger aspirant in the same path! How unwise in a Speaker of the House of Representatives of the United States, to seek to hurry advancement, by the endeavor, vain let us hope, to rekindle, in Massachusetts, the expiring embers of ill-will towards our fellow citizens of the Southern States!

I feel admonished that it would be unreasonable to trespass much longer on your indulgence. I hasten, therefore, to a conclusion.

Gentlemen of the Young Men's Democratic Association, you belong to that great party, which now stands alone in its glory, as the refuge of constitutional opinions, and as the depository of the hopes of the American Union

In the Federal Government, you have, at the head of public affairs, a statesman of approved wisdom, experience, and patriotism,—eminent in all the capabilities demanded by his high station, and who, with the aid of a Cabinet of wise, experienced, and patriotic men, is administering the government in the spirit of the Fathers of the Republic. Him, you are proud to honor,—him, you can, with emulous respect, hold up to the confidence and support of your fellow citizens of the State.

For the administration of the State, you have, in Beach and Currier, candidates, worthy, by the admission of all, of your cordial adhesion, and fitted, in all things, to do honor to Massachusetts. Let no doubts of success,—no timid calculation of other contingencies,—cause you to swerve a hair's breadth from the straight line of duty. Labor untiringly for the day,—near at hand, it is to be hoped, and if not near yet assuredly not remote,—when the Commonwealth shall

rejoice to put her welfare in their hands, and assume her own fit place in the direction of the affairs of the Union.

The Commonwealth needs their services. Its disordered finances,—the intolerable burden of its expenditures,—the misdirection of its counsels,—require the remedy of a Democratic Administration, alike in the Executive Chamber, and the Legislative Halls. Nothing less can restore its lost position, and its lost self-respect.

To conclude, then: Merchants of Massachusetts, with your superb galleons from the shipyards of East Boston and Newburyport, moving over the sea in the pride of their beauty and their strength, freighted with the rich agricultural productions of Carolina and Louisiana, you have been told here, that your interests are in conflict with those of the South!—Manufacturers of Massachusetts, you, with your palatial manufactories to weave into apparel, for the world's wear, the agricultural productions of Georgia and Alabama, have been told here, that you must surrender yourselves to the evil spirit of jealousy of the South.—Citizens of Massachusetts, and especially you of the industrial classes, who wear the cotton, eat the corn and sugar, and drink the coffee of slave labor, and who provide objects of art for the use of slave labor, and of those who own it, you also have been told that slave labor is the irreconcilable antagonist of free labor, and that therefore, leaving all other things, you must betake yourselves to hating the South, with a sworn hatred like that of Annibal for Rome.—Men of Massachusetts, you are exhorted to cultivate amicable relations with Cuba,—slave colony though it be,—to supply it with lumber, food, and other objects of value, and to buy and consume its products, and thus to sustain and perpetuate slave labor there, and love slave owners, while you are called upon to sacrifice the peace and honor of the State, and dedicate yourself, from the reprobation of slave labor, to unceasing hostility against your own countrymen of the Southern States.—

When I hear such counsels darkly intimated, under specious disguises of speech, to the State of Massachusetts, it seems to me that the First Tempter, as depicted by Milton, is before my eyes:—

> "Close at the ear of Eve,
> Assaying by his devilish art to reach
> The organs of her fancy, and with them forge
> Illusions, as he lists, phantasms and dreams;
> Or if, inspiring venom, he might taint
> The animal spirits, that from pure blood arise,
> Like gentle breaths from rivers pure, thence raise,
> At least distempered, discontented thoughts,
> Vain hopes, vain aims, inordinate desires,
> Blown up with high conceits engendering pride."

My friends, to dispel such mischievous inspirations, it needs but the lightest touch of Ithuriel's spear of truth.

I say, down, down to the infernal pit, where they belong, with all these devilish insinuations of malice, hatred and uncharitableness! You, the people of Massachusetts, do not, in the inner chamber of your heart, approve, and will not, on consideration, adopt, this abominable theory of sectional spite and hate. You will, in the end, if not to-day, repel that policy with scorn and horror. Before that time of sober judgment comes, I, who stand up for the Union, in its letter

and spirit,—who will die in the breach rather than "let it slide,"—I may be struck down by the tempest of party passion, but others, better and more fortunate, will rise up to fill the gap in the ranks of the sacred phalanx of the soldiers of the Constitution. Man is feeble, mortal, transient; but our Country is powerful, immortal, eternal. In the long ages of glory which lie before us, rolling onward one after another like the ceaseless rote of the surging waters on the sea shore, wave upon wave rushing on to fill the place of that which sinks into the main, generations of men will come and go, with their joys and sorrows, their aspirations and disappointments, their conflicts and their reconciliations. Then it will be seen, that he who was the highest had been but an atom of the great whole, and he who was humblest had been as much. We are alike in the hands of the Almighty, and but the instruments of His will in the doing of the great work, commenced by our Fathers at Jamestown and Plymouth, continued by them at Saratoga and Yorktown, carried on by us at Monterey and Mexico,—the great work of reducing to cultivation and civilization the savannahs and forests of our Country. Massachusetts, once the banner State of the Union, will not be found backward, at the hour of need, in performing her appointed part of that great work of the Lord God in the New World.

SPEECH IN NEWBURYPORT.

Fellow Citizens and Friends:—

I have consented to address you this evening, with reluctance. Not from unwillingness to oblige, of course, or to contribute, if in my power, to your instruction. Indeed, my relations of gratitude to this city, to say nothing of regard and affection for its individual inhabitants, make it a duty, as well as a pleasure, on my part, to comply with your wishes on this or any similar occasion. But, for the same reason, it is disagreeable to me to discuss, here, *party* politics; to speak in opposition to any body; to trespass on the convictions of any citizen of Newburyport. That sentiment will guide me this evening. It will be my purpose to discuss principles rather than parties; to defend my own views of the public interests, but without attacking those of others, at least in any hostile sense.

In a word, it is my theme to urge attention to the affairs of Massachusetts, in contradistinction to the exclusive consideration of those of the United States. It is true that, in doing this, it will be necessary to speak at some length of sundry Federal questions. I shall do this, however, in the single aim of endeavoring to satisfy you that many of those things, in the affairs of the Federal Government, which have heretofore absorbed your attention, ought to do so no longer; that neither their nature, nor any possible relation of theirs to the public interests, requires that they should; and that you may well pause for a time from agitation concerning the policy of the United States, and turn your attention more particularly to that of the State of Massachusetts.

I observe that a writer in the *Daily Advertiser*, in criticism of the speech lately delivered by me in Boston, says that much of it was devoted to national affairs. The criticism is not just in the sense in which it is made and applied. I spoke then, as I propose now to speak, to the end of discouraging, so far as may be in my power, a substitution of certain national issues in the place of questions of more immediate interest to us; to do which effectually, it was necessary to meet other gentlemen on their own premises, and correct what seemed to me untenable as reason, and unpatriotic of spirit, in the views of national policy, which they sought to impress on the people of Massachusetts, and so to make the guiding thought of the electors in the election of the officers of the State.

I do not intend, either by substantive suggestions, or by the language in which they shall be presented, to wound the just susceptibilities of any person, of any party, who may honor me with his attention; but on the contrary, to reason calmly on certain questions of the day, as among friends, and in the style and spirit of conversa-

tion, rather than of disputatious debate, or even of ordinary popular eloquence.

The current questions of the day are of two great classes, constitutional ones and practical ones; the first, involving considerations of mere law, and the second, of common sense and practical wisdom. I shall have to begin with the first class of questions. What, you may ask, discuss questions of constitutional law to a popular assembly? I say yes, why not? We need to understand such questions, if the public peace turns upon them, and more especially if misapprehensions regarding them are at the bottom of much agitation in the public mind, and if the only way to calm that agitation is to correct those misapprehensions. And why hesitate to discuss constitutional questions before a popular assembly? It is our boast that the people of this country are its legitimate sovereigns. Of course, they do, or should, comprehend their own rights and powers. That they do so in fact is universally assumed, in the system of popular election as the means of selecting the agents of government and communicating direction to its policy and its acts. I do believe that the people of the United States are competent to consider and to judge such questions, and that it can be no more out of place for an American statesman to discuss them at the forum of the American people, than it was for the great masters of thought and speech, in ancient times, to discuss similar questions before the people of Athens or of Rome. Least of all can that be out of place in the presence of an assembly of the educated and enlightened people of Massachusetts.

To show how necessary it has become, in the political affairs of the State, to discuss mere questions of law to the people, it needs only to refer to the recent letter of a respectable gentleman in Springfield, (Mr. Chapman,) which had for its purpose to assign "the principal reason" why he shall now vote for the gubernatorial candidate of a party, to which he says he has "never belonged." Now, what think you is this principal reason? Is it the superior qualifications of the candidate, or any special fitness of his for the office of governor? No, that he does not pretend. Is it the general integrity, sound principles, or capacity for the public good of the *party*, for whose candidate he now for the first time votes? No,—he does not profess to have any better opinion of their party or its candidate now, than heretofore, when he voted against them. Is it because the gentleman thinks ill, either absolutely or relatively, of the candidate, whom he now abandons? By no means. Is he filled with a dread of the slave power? Is he about to dedicate himself to the cause of emancipation? Is it because of some overpowering emergency of the public interest, that he feels impelled to vote for the candidate of a party to which he does not belong, as when certain Federalists in the House of Representatives voted for Jefferson? No, it is nothing of that. What is it, then?—you all inquire. My friends, you would never guess. It is, Mr. Chapman says, because "*there is one question somewhat involved in this election, on which I wish to give a vote.*" Now, the question, which is *only somewhat* involved after all, is a naked legal question, as to which not the Supreme Court of the United States, nor even the Attorney-General, but the President, has expressed an opinion, which Mr. Chapman thinks is not good law.

To show his own opinion the other way, Mr. Chapman votes for the candidate of a party to which he does not belong, without stopping to inquire how many erroneous opinions on the other side he thus emphatically sanctions. That, he thinks of no importance; he sacrifices every thing to the desire of testifying his own opinion of a single abstruse point of law.

I think, therefore, my friends, you will be satisfied that we must talk mere law a little, sometimes, even before a popular assembly.

I perceive some ladies have honored me with their presence here to-night. I half regret it. Good taste forbids me to address them specially, and the questions we have to consider, particularly the legal ones, are as dry as the old parchments on which the laws are enrolled. But the ladies may derive one useful subject of reflection from hearing the questions of the day discussed. It is stated of one of the least reputable of the Roman Emperors, Elagabalus, that he instituted a senate of ladies, with his mother for president, and that the institution broke down upon a desperate controversy between its members on the fashion of their head gear, and the proper style of robes of ceremony. This, believe me, is a despicable calumny of some crusty old bachelor. The mother of Elagabalus, Soæmias, was a better man than he, in so far as force of character constitutes manliness; and she, and her sister, Mamœa, and her mother, Mœsa, were the ruling spirits of their time, who made and unmade emperors, and would have established a dynasty if they could have assumed the purple toga in their own persons. And it needs but to remember such cases as Elizabeth of England and Catherine of Russia, to show us that it is not convenient, even here, to call in question the capacity of the ladies for exercising the powers of government. Far be from me any such rash thought. On the contrary, if the men of Rome laughed at the apparent triviality of the subjects of discussion of the members of the female senate of Elagabalus, it seems to me that the women of America have much greater cause to wonder that their fathers, husbands, sons, brothers, and lovers get so much disturbed and excited over the remnants of two or three old questions of law, which are now the chief *ostensible* subjects of difference to divide the people of the United States.

I desire, if possible, to allay in some degree this disturbance and excitement in the public mind, which arises at the North out of disapprobation of the system of slave labor at the South, and the supposition here of encroachment, as it is called, of the South on the North, in the matter of recent acts of Congress, and decisions of the Supreme Court of the United States.

To begin, let me call your attention to one of the fundamental ideas in the organization of the Union, that of the equality of the several States. Without the recognition of this, the Union never would have been formed. That,—the concession by the large States, such as Virginia and Massachusetts, of the independence and sovereignty, and consequently equal rights, of the small States, such as Delaware and Rhode Island, was the primary condition of the Union. This idea was consecrated in the fact of an equal representation in the Senate being accorded alike to the large and to the small States. The Senators are the representatives, the ministers, the ambassadors,

so to speak, of the individual States in the Congress of the United States. In thus according to each State the representative right of sovereignty, the Constitution also accorded to each equality of rights within itself, in the exercise of all the powers of legislation, subject only to the restrictions and limitations prescribed by the Constitution.

The constitutional effects of this idea were not fully appreciated at the outset: that is, it needed the teaching of events, as they happened from time to time, to exhibit the practical working of the idea, whether in the legislation of Congress or in that of the several States. Hence, not only in the ordinances which preceded the adoption of the Constitution, but also in acts of Congress passed afterwards, provisions occur, which impose limitations and restrictions on some of the States without imposing the same on others of them, and thus constitute inequality of legislative authority and of legal condition as between the two classes of States.

This inequality of condition did not become distinctly apparent until a comparatively mature period of time in the history of the government. It happened thus. After the admission of the State of Alabama into the Union, the attention of its people became fixed on the fact, that while, in the adjoining State of Georgia, the riparian lands, between high and low water, the flats so called, were of the domain of that State, yet the same lands in the State of Alabama continued to be regarded as of the domain of the United States. Alabama was one of the new States formed out of territory belonging to the United States, while Georgia was one of the old thirteen States; and in each of the old thirteen States, including Georgia, the riparian rights had been held by it before the Revolution, and so continued afterwards, while, in the new States, the same rights were considered as integral parts of the public lands, and so vendible and patentable by the United States. At length, the people of Alabama made question with the United States on this point, the State undertaking to give patents there, as of its right, in disregard of the patents granted by the Federal Government. In the regular course of legal controversy that question came before the Supreme Court of the United States, in the year 1844–5, and it was then adjudged that, in virtue of the necessary and inherent equality of the States, these rights, belonging to the old States within their limits, must also, within its limits, belong to the State of Alabama. It availed nothing to cite, on the other side, compacts by act of Congress and by ordinance of the Constitutional Convention of Alabama, to the contrary of this; for, ruled the Supreme Court, no act of Congress binding the sovereign power and legislative authority of the State of Alabama in any respect, as to which the legislative power and sovereign authority of the State of Georgia are not also bound, can be valid; it must be null and void, because incompatible with the universal paramount principle of the political equality of all the States.

This, observe, was a controversy in the State of Alabama, suggested by the perception there of the fact of inequality between it and the State of Georgia, on the premises of these riparian lands belonging to the United States. It did not involve any question of slave labor or any other question of possible sectional antagonism between the North and the South; it was a mere question of right in land, as between the new States and the old thirteen States.

The United States, or their grantees, were not content with this decision; they brought the question before the Supreme Court again, in the year 1849–50, and the Supreme Court again decided that, in virtue of the constitutional equality of the old and new States, the State of Alabama, on the moment of its admission into the Union, and in virtue of that fact, and in spite of any legislative acts or ordinances to the contrary, became constitutionally entitled to these riparian lands, and they passed, by reason of the doctrine of the rights and equality of the States, from the hands of the United States into those of Alabama.

Still the United States, or their grantees, were not content; and they proceeded once more, and a third time, to submit this question to the Supreme Court, which persisted in its decision, and for the third time, in 1851–2, dismissed the question as one which no longer admitted of controversy.

Meanwhile, another case came up, and this time from the State of Louisiana, which tested the doctrine of the equality of the States, and the nullity of any provision outside of the Constitution impairing this equality. In this case it was not a modern act of Congress, but a provision of the great ordinance of 1787, which came under consideration. The plaintiff in the case, Permoli, contended that the municipality of New Orleans had violated rights of religious freedom, guarantied by the ordinance of '87, and thus the validity of that ordinance came to be the question to be passed upon by the Supreme Court. They decided that it was a nullity, because it impaired, so far forth, the legislative power of the State of Louisiana, in a particular matter, as to which there was in the Constitution no correspondent limitation of the legislative power of any one of the old States of the Union.

But, if the ordinance of 1787 is null in itself, null as a whole, then all its parts are null, including that provision which appertains to involuntary servitude; for, if the State of Ohio be not allowed the same discretion, to tolerate or not tolerate slave labor within her limits, as the state of Virginia has, then Ohio and Virginia are not co-equal States, but Ohio is in a position of unconstitutional inferiority to Virginia.

That precise question did not long delay to come before the Supreme Court. It happened in this way. Certain colored men of the State of Kentucky were allowed by their masters to cross the river into Ohio, and there to have occupation as musicians at public assemblies, returning after that into the State of Kentucky. Had they been rendered free by their sojourn in the State of Ohio? It was claimed by or for them that they had; and that was the question for the determination of the Supreme Court:—which decided that, in virtue of the equality of the States, the provision of the ordinance of 1787, prescribing free labor in the State of Ohio, that is, limiting in this respect the legislative power of Ohio, was a nullity, because thus restricting that legislative power of Ohio, while no such restriction existed in the case of New York or Pennsylvania. The Supreme Court decided in this case as, from the legal sequence of previous decisions, it was bound to do, that no effect could be given to the

ordinance in the case, and that the legal status of the parties depended on the constitution of the State of their domicile and residence for the time; if in Ohio, on that of Ohio; if in Kentucky, on that of Kentucky. That conclusion was in conformity, as well with the doctrine of the right of each State, as with that of the equality of all the States. This was in 1850–51. And thus, by a series of decisions, embracing various branches of the subject, the doctrine of the equality of the States, in all these relations, was determined and established as law.

Finally, the Supreme Court have recognized the doctrine in another relation, that of the navigation of the rivers of the United States.

Now, in the year 1852, with such adjudications of settled law on this point, all, who reflected on it, saw one more inevitable step at hand. It had not yet been visibly taken; but it had been taken by the feet of the mind, as it were, on the part of all careful observers of the progress of constitutional opinion. That step was to apply to the Missouri Compromise the doctrine of the equality of States. It had been applied to the ordinance of 1787, which, in organizing, before the date of the Constitution, the territory north-west of Ohio, ceded to the United States by Virginia, Massachusetts and others,—controlled in advance, or professed to do so, the legislative power of the States of Ohio, Indiana, Illinois, Michigan, and Missouri, and so placed them in a position of inferiority, shorn of essential elements of sovereignty, relatively to the other States. It had applied that doctrine to acts of Congress, which undertook the same, and to compacts with States which undertook it, not only in the matter of public lands, but in other matters; for it was by act of Congress that the ordinance of 1787 was applied to the State of Louisiana, and it was in a case from this State that the ordinance was dealt with, and pronounced a nullity under the Constitution. All these acts and ordinances had been declared null and void, for the very and sole reason, that they restricted the free action of the new States, in things, as to which the Constitution did not speak, and as to which therefore there was no restriction on the old States. But that was the very thing, which the statute accompanying the admission of Missouri,—the Missouri Compromise,—did. It was nothing else but an act commanding and prescribing in advance the institutions, in a particular matter, to be established by the new States to be formed on the territory ceded by Louisiana to the United States. Therefore, it was unconstitutional and a nullity.

I foresaw that adjudication to this effect must come, and so predicted in official opinion, rendered on a question of conflicting jurisdiction between the United States and the State of Florida. It did come in the case of Dred Scott, which determined no new principle, but merely accepted, and applied to a new case, a principle long since thoroughly and fully settled in all other cases. That the decision embarrassed persons not of the legal profession, is not to be wondered at; the wonder is, that it surprised any person of the legal profession. If the series of decisions under review had been of the time of Coke, nay, of that of Mansfield, or of Ellenborough, learned lawyers and law professors would have comprehended their bearing and effect, and

would not have been troubling themselves,—down to this day, even,—with discussing the law of the Missouri Compromise and Dred Scott's case, utterly oblivious of the cases of Pollard *vs.* Hagan, Pollard *vs.* Kibbe, Hallett *vs.* Beebe, Permoli *vs.* New Orleans, Strader *vs.* Graham, and Veazie *vs.* Moor.

Such then is the law of the land, as pronounced by its constituted judicial authorities, and so fixed by its relation to various interests, more especially the public lands in the new States, that it cannot bt changed without an amendment of the Constitution: or rather lee me say, it cannot be changed without a revolution and a sanguinary civil war—not a war between the slave labor States and the free labor States, but a war between the old thirteen States and the new States of the great West. And if, in the case of Dred Scott, it had been morally possible for the Supreme Court to decide otherwise than it did,—if that Court could have overlooked or overruled its previous decisions in affirmance of the equality of the States,—to have done that would have produced revolution.

And thus the law stood, when the question of organizing the new territories of Kansas and Nebraska came up and had to be settled by Congress. At that moment, Congress and the Executive were constrained to see that the Missouri Compromise had now become a nullity in law, and could by no legal possibility exert any effect in the direction or government of the territory of Kansas. In accepting, as they did, this state of facts, and recognizing it in the act for the organization of the territories of Kansas and Nebraska, the Southern States made no gain in the matter of interest. They obtained by it, and so did the Northern States in like manner obtain, the final authentication of their relative equality of right, and that of the relative equality of each and every one of the States. That was not a sectional gain, either of interests or of principles: it was, in these respects, the gain of the whole Union. The Union, or, to speak with more precision, the people of the United States, made, in this act, another gain; they gained the complete recognition and firm establishment of the political doctrine that the people of each incipient new State shall, at the time of their admission into the Union, have the power of determining for themselves their future institutions,—without being subject, in this respect, to the mere dictation and arbitrary will of Congress. Finally, the whole people of the United States attained by this act the further gain, of disposing of territorial questions, the question of slavery included, upon premises legally right,—right in political theory, that of popular sovereignty,—and affording to all sections of the Union a common and neutral ground of abstract justice and of nationality, on which to meet together for the administration of the Federal Government.

I accept, therefore, my share of present and of future responsibility in regard to the action of the Executive of the United States, in the matter of Kansas. I know that it was the purpose and the anxious endeavor of the President of the United States, as it was of the Secretary of State, to secure to the proper inhabitants of Kansas perfectly fair play in the government of that Territory. I think it was not their fault, if any thing in derogation of this, or any disorder of

whatever sort, occurred there; but that it was the fault of the excited passions of the hour, those passions being influenced, not only by outside agitators, aid companies, border ruffians, and what not, but still more by the mischievous intervention and systematic agitation of parties in Congress, hoping and laboring, by means of this question, to drive from power the Democratic party and instal the Republican party in its place. In a word, it was a *presidential* question, engendered, born, nursed, and left to die of inanition, with the progress and termination of the pending election of a new President.

Whether it was good policy or not, on the part of the late Administration, to do as it did in this respect, is of no consequence now save as matter of history. I do not merely say it was right on the part of that Administration to do as it did, but that it was morally impossible for it to do otherwise; for the Administration had no power to roll back the current of the decisions of the Supreme Court.

And, as regards the merits of that legislation, let me now ask you, the people of Massachusetts, why continue to agitate that question? You cannot change the law: that is absolutely fixed beyond your power. Why, then, worry ourselves concerning it, in Massachusetts? Could any thing be more unreasonable, more idle, more objectless? Is not that now a question of the mere domain of history, and of no more or other present interest than that of the innocence or guilt of Mary Queen of Scots, or of Queen Anne Boleyn? Yes, we might as well quarrel and fight this day over either of those questions, just as the Irish now do about William of Orange, as to persist in disturbing our temper or that of our neighbors on account of the provisions of the act for the organization of the territories of Nebraska and Kansas.

I repeat, that I accept, without one thought of misgiving, my share in the responsibility of the last Administration in that respect. I appeal, as to any present condemnation of it, from the people of the United States angry, to the same people in the calmness of matured reconsideration,—from Philip drunk to Philip sober,—if that allusion may without irreverence be applied to any portion of the people of the United States.

I deny that in this measure President Pierce was guilty of any departure from the provisions or the principles of his inaugural address. I deny that he, or any act of his, this or any other, reopened the slavery agitation. I say that agitation was reopened by those, who conceived that, upon its turbulent waves, an opposition candidate for the presidency might be carried up to the White House. But Providence has been just, and the administration of the Federal Government is continued, not, to be sure, in the same hands, but in the same party, in the same principles of public law, and in the same policy of impartial neutrality, as respects all parts of the Union, North and South, East and West.

I said just now, and said with intention, that it was the earnest purpose and endeavor of the late President of the United States, as well as of the Secretary of State, in whose department rested the administration of the federal relations of Kansas, to secure to its inhabitants, in their entirety and plenitude, all the benefits, in letter

and spirit, of the provisions of the act of Congress for the organization of the Territory. I know not how the idea has got into circulation that the President and his Secretary differed in policy on this subject. I know not how it is that many other errors spring up in the community to the displacement or obstruction of truth, nor how all the tares come to choke the wholesome growth of the wheat field. So it seems to be in the order of things on earth.

Mr. Banks, in his speech here, was pleased to speak in complimentary terms of the members of the late Cabinet. I thank him for his courtesy, in their name as well as my own. If he had stopped there, it would be well. But he proceeded to condemn President Pierce, while praising his Ministers, and especially William L. Marcy. I quote from the Bee, as follows:—

"He (Mr. Banks,) paid a high and merited tribute to the worth and memory of Mr. Marcy, whose counsels, if heeded, would have prevented all the trouble, which Mr. Pierce's administration had entailed upon the nation."

I suppose Mr. Banks alludes here to the controversy about Kansas, its incidents and consequences. I cannot imagine any thing else; and the context shows it was that. He assumes that, in this, Mr. Marcy gave unheeded counsels to the President.

My friends, Mr. Marcy was my daily associate, officially and personally, for the space of four years, and his memory is dear to me. He was a son of Massachusetts, and his name should be cherished by every citizen of the Commonwealth. I cannot, in your presence, allow the suggestion of Mr. Banks to pass without notice.

Yet my relation to the subject is a delicate one. The advice which a member of the Cabinet gives to the President, either separately, or in the presence of his colleagues, is confidential. It is a privileged communication, by law; that is, the Supreme Court have decided, in the case of Marbury *vs.* Madison, that a member of the Cabinet cannot be required to disclose such things in a court of justice. Nay, it has come, and justly, to be a point of honor, that no member of the Cabinet is to disclose what occurs in consultation with, or advice to, the President. Matters of this nature become public only when they reach the stage of an official act of the Government.

Thus, it is not proper for me to state, of my own knowledge, what advice Mr. Marcy gave President Pierce. I can say nothing except that which is of public notoriety, or which exists in such form as to be capable of public notoriety. And the facts in this case are so far notorious, that the marvel is, how Mr. Banks, or any body else possessed of the same means of knowledge, should fall into the errors of fact, and the errors of inference from supposed facts, which he has committed, regarding the respective relation of Mr. Marcy and of President Pierce to the question of Kansas.

By the Constitution, the executive power of the United States is vested in the President. But he cannot of himself do all the supreme executive business of the Government. Hence, the Constitution supposes that he has Cabinet Ministers, Heads of Departments, to advise him, to act for him, to administer, under him, the affairs of the Government.

At the foundation of the Government, these Cabinet Ministers

were four, the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Attorney-General. They constituted the Cabinet of Washington. A fifth, the Secretary of the Navy, was added in the time of John Adams. The Postmaster-General was taken into the Cabinet by Jackson. And a seventh Department, that of the Interior, with its Secretary, was created by a law, which went into effect in the accession of Taylor. And so things now stand.

Of these departments of the Executive Government, the duties are partly defined by law, and partly by orders, general or special, of the President. For he is the Executive; and they are his Ministers or Secretaries.

At first, what is now the Department of State was called the Department of Foreign Affairs. After it came to be called the Department of State, it was made the depository of much of the miscellaneous business of the Government. Thus, at the accession of President Pierce, the Secretary of State conducted the correspondence in foreign affairs; superintended the appointment of foreign ministers and consuls; kept the statute rolls; kept the great seal, and affixed it to official papers; superintended the administration of the Territories; superintended the investigation of applications for pardon; superintended the appointments of a legal nature, as judges, attorneys and marshals; and in addition to all that, he, like the other Ministers, conducted any miscellaneous correspondence, or other business, which might be specially required of him by the President.

These duties, even the ordinary ones enumerated, are, as you perceive, of a very miscellaneous and a very onerous nature. Foreign affairs are quite enough duty for one Secretary. Mr. Marcy saw this when he entered on the duties of his office, and proceeded to consult the Attorney-General, the legal adviser of the Government, on the subject. They agreed to counsel the President to transfer, from the office of the Secretary of State to that of the Attorney-General, three great branches of the public business,—pardons, legal appointments, and such legal correspondence of any of the Departments as its head might see fit. Thus, if the President, or the Secretary of State, or the Postmaster-General, chose to refer any matter of legal correspondence, arising in their Departments, to the Attorney-General, it was part of his duty to take charge of it. And thus it happened, that in questions of foreign relation, such as the enlistment question, the neutrality question, and others, the legal correspondence came out of the office of the Attorney-General, that occurring, not as many persons supposed, and as, on more than one occasion, public journals erroneously inferred and injuriously imputed, by the voluntary act of the Attorney-General, but by the special request, in each case, generally in writing, of the Secretary of State. In all these ways, and especially in the matter of pardons and legal appointments, the duties of the Attorney-General were doubled, and those of the Secretary of State so far forth diminished,—leaving to the latter, in substance, foreign affairs, the custody of the great seal and the laws, and the administration of the Territories.

And so, during the administration of President Pierce, Mr. Marcy administered the Territory of Kansas. He issued the instructions to

the successive governors; he received their official letters; he addressed official letters to them; and it was a part of his particular duty to keep in his mind the current of affairs in that Territory, and, when asked, or without being asked, to give advice thereon to the President. In a word, Mr. Marcy conducted, officially, and by instructions and acts issued from his office, and bearing his signature, the relations of the United States with Kansas, just as fully, and in the same way, as he did the relations of the United States with Great Britain.

The hypothesis of Mr. Banks assumes, in the first place, that Mr. Marcy is to have the credit of the negotiations with Great Britain to the complete exclusion of the President, and that the President is to have the blame of the conduct of the affairs of Kansas to the complete exclusion of Mr. Marcy. That hypothesis is altogether gratuitous, not warranted by any facts, and contrary to reason. Either the President directs, and is responsible for praise or blame in both branches of business, or he does not direct, and praise or blame attaches to Mr. Marcy. There is no escape from that dilemma, as a general presumption.

Mr. Banks contradicts this general presumption. What authority has he for the contradiction? I know of none. But his hypothesis then proceeds to assume, in the second place, that the affairs of Kansas were misconducted, to the degree of producing all the troubles, which Mr. Pierce's administration had entailed upon the nation? What? Did Mr. Marcy remain at the head of his department three years, while its business continued to be thus misconducted? Did he stay in the Cabinet, while his advice was permanently disregarded? Did he from day to day sign and send off instructions and letters for the government of Kansas, which were in his judgment prejudicial to the public interests, entailing troubles on the country, and dishonor on the Administration? I say, no, gentlemen, that is impossible, morally impossible, monstrously impossible. It is totally incompatible with the premises of the high worth of Mr. Marcy. To aver it, is to affix an indelible stigma on his memory. As a man of honor, as an upright and conscientious man, he could not have remained in the Department and the Cabinet, a mere mechanical instrument, like a copying clerk, signing and issuing orders, executing measures, carrying out a policy, which his conscience disapproved, and which was imposed on him by the mere will of the President. I say this is impossible, and cannot be. Mr. Banks falls into the same fallacious misconception here, in regard to Mr. Marcy, as he did in Faneuil Hall, when speaking of Mr. Guthrie, and the falsely alleged difference of opinion between him and President Pierce as to the tariff. In each case, while professing to censure the President, and to applaud the Secretary, he in fact imputes the most criminal violation of duty and honor on the part of the Secretary. That is to say, he errs alike in his premises and conclusions.

It is very singular that Mr. Banks, or any other gentleman of his intelligence and experience, should have taken up such ideas, with obvious reasons to show their fallacy, and with public documents before him on the files of Congress to show their falsity, both as

respects Mr. Guthrie and Mr. Marcy. It is but another example of the extreme, and, let me say, senseless, prejudices, which had somehow got hold of many minds, as to the matter of Kansas, and as to the late Administration as connected with it.

I come now to the case of Dred Scott, which, owing to certain peculiar circumstances not convenient for me to speak of on this occasion, has been greatly misunderstood or misrepresented in some of the Northern States.

The case was this: Dred Scott, in 1834, was a negro slave in the State of Missouri, belonging to Dr. Emerson, a surgeon in the army. He went with Dr. Emerson, that year, to the military post of Rock Island in the State of Illinois. Thence, in 1836, he accompanied Dr. Emerson to Fort Snelling, in the territory north-west of the River Mississippi. After marrying there a female slave, Harriet, belonging also to Dr. Emerson, he, with his wife and children by her, in 1838, accompanied Dr. Emerson back to the State of Missouri. Meanwhile, on the decease of Dr. Emerson, Dred, as a part of his estate, passed into the legal custody and control of Mr. J. F. A. Sanford, as executor of Dr. Emerson's will, the residuary interest under the will being in his widow, now the wife of Dr. Chaffee, Member of Congress from Massachusetts, and in her minor daughter, the child of Dr. Emerson.

In this condition of things, after some litigation in the courts of the State of Missouri, Dred got into the Circuit Court of the United States for the District of Missouri, in the form of a suit for trespass against Mr. Sanford, under whose immediate direction he seems to have been, at least for the purpose of the suit.

I have never understood why, in these circumstances, it needed two years' litigation to try the question whether Dred was a freed man or not. It would seem that, if it were so clear that Dred Scott was of right free, as to make it cause of reproach to any court to decide otherwise, his master ought so to have said, voluntarily, and without putting the courts and lawyers, to say nothing of Dred himself, to so much trouble on the subject. If a good man has in his possession any thing, whatever it is, land or freedom, which belongs to another good man, there is no occasion for a lawsuit. In this point of view there is some mystery behind the case. It looks like a fancy case, carried on, if not got up, for the public edification and amusement. I do not complain, if this be so, nor impute blame in any quarter; on the contrary, I think we have cause to be exceedingly grateful to all concerned, courts, lawyers, parties, including Dred himself, for the opportunity, which thus came up, to have so many important questions finally adjudged, as they were, by the Supreme Court of the United States.

In Dred's behalf, it was alleged that he and his family were free, first, on the ground of residence on Rock Island, within the limits of the ordinance of 1787, and secondly, of residence at Fort Snelling, within the limits of the Missouri Compromise. On the other hand, it was argued that Dred, being an African, was not a citizen of the United States competent to sue as such in the Circuit Court; that his residence out of Missouri did not make him free, or, at any rate,

did not make him free in the State of Missouri. The Circuit Court so decided; and thus a case was made for the Supreme Court.

After being twice deliberately argued in that court, it was decided, by seven judges against two, and the decision pronounced by the venerable and learned Chief Justice.

I say the case was *decided*. I know it has been contended in the newspapers, and in some journals of a more elaborate character, and by respectable members of the bar, that the decision is not a decision, that the arguments of the Chief Justice are unsatisfactory, and that the Supreme Court of the United States was mistaken.

With pardon of gentlemen who have come to such conclusions, let me say, first, that the record shows that there was a decision, and that the mandate of the Supreme Court has issued to the Circuit Court accordingly, and that this mandate has been executed of course by the Circuit Court. I speak to lawyers now, and I think they will, on reflection, be inclined to admit that all that constitutes a decision.

In the second place, as to the arguments of the Chief Justice, a magistrate in that office for now twenty years, before that Attorney-General, and long ago at the head of one of the ablest bars of the United States,—that of Maryland,—a man now more than eighty years of age, infirm of body, but with a mind which seems to beam out the clearer from its frail earthly shrine, as if it had already half shaken off the dust of mortality and begun to stand as it were transfigured into the celestial glory and beauty of immortality,—I say as to his arguments, I think he might well speak to any one of his critics in the language addressed by Chief Justice Marshall one day to a lawyer who was reading to him out of Blackstone,—"Young gentleman, it may be assumed, for the purpose of this argument, that the Chief Justice of the United States has some knowledge of the common rudiments of law."

And as to the third point, of the Supreme Court being mistaken in the law, I respectfully suggest to my brethren of the bar, what is rather a technical consideration, it is true, but is not the less important, that, in a matter of law fully before it, the Supreme Court *cannot err;* that is impossible; lawyers may err, inferior courts may err, but there is no writ of error to the Supreme Court: that is impossible by the Constitution. What is decided by it is decided, beyond all human power, except a change of opinion on its part. What it pronounces law is law, as much as if written in an act of Congress; nay, more, it has constitutional power to annul any statute by pronouncing it unconstitutional. It is the constitutional expositor of the Constitution, and its exposition becomes the sole admissible reading of the Constitution, remediable, if wrong, only by amendment of the Constitution. That is elementary. If it were otherwise, there would be no law of the land, but only anarchy of opinion among disputing lawyers, with the press to hallo them on, and cry *stubboy*, until all rights, whether of person or property, were scattered like chaff to the wind, and no security left for any body but in the strong hand, the sharp-edged sword, and the very convincing eloquence of the cannon.

I understand the argument to be this: because the court decided that they had no jurisdiction of the points of the case, that therefore

the opinion of the Chief Justice, who speaks expressly in the name of the court, is *obiter dictum* only, that is, incidental remark, not legal decision. Under favor, that is not so. If the conclusions of the court be of the essence of the decision, then they are law. Here, the question was, jurisdiction or not? Defendant's counsel said, the court has no jurisdiction because the plaintiff is not, as the law requires in order that he should bring an action of trespass in the Circuit court, a citizen of the United States. So the court had to decide the point of citizenship. But then, said plaintiff's counsel, the court has jurisdiction, because, by living at Rock Island, within a part of the country from which the ordinance of 1787 excluded slavery, Dred Scott became a freeman. And so the court had to decide this. And then again, said the plaintiff's counsel, if not freed in Illinois, by the ordinance of 1787, he was freed by living at Fort Snelling, within the scope of the Missouri Compromise. And so the court had to decide that.

Now, as to the ordinance of 1787, the court, as we have seen, had already disposed of that, by a series of decisions, one of them, that of Strader *vs.* Graham, upon the very point, of the condition of a slave, on his return to a slave labor State, from which he had passed for a time into a free labor State north-west of the Ohio. And the principle of that decision decided the new point of the Missouri Compromise, which was the application of the ordinance of 1787 to new territory, and which, like that, was void, because it restricted the legislative power of the new State, and was in conflict with the constitutional rule as to the perfect equality of all the States of the Union.

As to the main point, whether Dred Scott was a free man in Missouri or not, that, in so far as decided by the court, stood on the ground that each State is the judge of the legal condition of its own inhabitants, and thus neither has power to determine it in or for another State. That is the doctrine of the jurists everywhere. Lord Stowell so decided in the case of a slave; and we find, in the published writings of Mr. Justice Story, his letter accepting the decision of Lord Stowell, and so, in effect, approving in advance the determination of the court as to Dred Scott.

Nothing remains, except the question whether the court decided correctly, in deciding that Dred Scott was not a citizen of the United States. A little calm consideration of the question will relieve us of all doubts on that point.

At the time, when the Constitution of the United States was formed, the future Union consisted of the thirteen British Colonies, which had fought the battle of our national independence, and of the vast unorganized territory, which, by compacts between the Colonies, and by the treaty of peace, had become their common property. Each of the thirteen Colonies or States was independent of the others, except in so far as they were associated by sundry common rights and interests, or by the imperfect political bonds of the Confederation. So emphatically true is this, that, in the early legislation under the Constitution, North Carolina and Rhode Island, which at first refused to accept the Constitution, were treated as alien govern-

ments. Rhode Island, especially,—conscious of the fact, which the Federal Government as well as the early colonizers of the country have strangely overlooked, that Narragansett Bay is not merely the best maritime harbor on the coast of North America, but the only faultless one,—conceived the idea of remaining out of the Union, and thus enjoying to the full the unequalled commercial capabilities of her marine position: the fallacy of which idea was speedily demonstrated to her, by the enactment of acts of Congress depriving her of participation in the commercial benefits of the Union.

At that time, the question of *citizenship* was one internal to each of the States, which respectively determined for themselves who were citizens and who not. They did this, sometimes by general laws, and sometimes by special ones; for legislative acts, naturalizing aliens, either by individuals or by classes, are quite frequent in the primitive history of the several States. Indeed, as we shall see in the sequel, they may, even now, determine the question of citizenship for themselves and within themselves; but neither of them has the power to determine it for other States or for the Union.

The inhabitants of the United States, at that time, consisted of three distinct races,—one, native, the Indians,—and two, foreign, the Africans and the Europeans. Of these three races, only one, the Europeans, were the people of the United States. They, (the Europeans), were the "people," who issued the Declaration of Independence: and they were the "people," who ordained and established the Constitution of the United States. Neither the Indians, the original occupants of the soil of the United States,—nor the Africans, who like ourselves came hither from across the Atlantic,—were *people*, citizens, or, in any sense or phrase of designation, parties, either to the Declaration of Independence, or the Constitution of the United States. The men of European race,—the white men as distinguished from the red men and the black men,—constituted the political society, of which they alone were coequal members,—while the Indians and Africans were not citizens, but subjects.

That such was the relation of the three races, each to the other, is indicated, not only by the nature of things, as above stated, but also by pertinent acts of Congress: of which it suffices to cite one, the most emphatic and conclusive, namely, the act "to establish a uniform rule of naturalization," that is, to determine in what way aliens may be converted into citizens of the United States. The purview of this act is confined, in express terms, to free *white* persons. And it is well settled, as law, that this power of naturalization, under the Constitution, is vested exclusively in Congress.

It is perfectly clear, therefore, that a negro alien cannot by naturalization become a citizen of the United States. But it is argued that negroes born in the United States are not aliens, and that they are therefore citizens,—*natural born* citizens, to use the language of the Constitution. That argument is founded in manifest error,—the false assumption that every person born in the country is a citizen of it. This false assumption pervades all the reasoning of the Republican presses and orators, who criticise the decision of the Supreme Court

in the case of Dred Scott. The legislature of New Hampshire has pushed this error to its extremest point, by resolving, very solemnly but very inconsiderately, that all *persons* born in the State are therefore citizens of the State. How false that is, can be seen at once by considering the case of the Indians.

Certainly, the Indians in this country are *natives* enough, for they are indeed the only "Native Americans," in the true sense of the party language of the day But they are not born citizens of the State in which they may happen to be born, nor are they born citizens of the United States. That has been adjudicated again and again by the courts of the several States, as well as by those of the United States. They may be made citizens of the United States, not however, under the general naturalization laws, but either by treaty or by special law. Thus, in the treaty of Dancing Rabbit Creek, there is a stipulation, according to which the Choctaw Indians may, if they please, be converted into citizens of the United States. So, by an act of Congress, it is provided that, on a certain contingency, the "Stockbridge tribe of Indians, and each and every one of them, shall be deemed to be, and from that time declared to be, citizens of the United States." These two examples prove that the Indians are not, in constitutional right of birth, citizens of the United States.

The case of the Indians serves to dispose of another fallacy in the criticisms of the decisions in the case of Dred Scott,—which is, the erroneous idea, that, when a man is, by the constitution or law of any State, a citizen of that State, he is *ipso facto* a citizen of the United States. That is not true. Thus, by the constitution of the State of Wisconsin, certain Indians are made citizens, with express declaration that they shall continue to be such, even although not citizens of the United States.

The constitution of Wisconsin, as also that of Michigan, serves to expose another kindred fallacy, namely, the idea that when, by the law of any one of the States of the Union, a person is made a citizen of that State, he thereupon becomes a citizen of each of the other States. For the constitution of each of these States confers the political rights of citizenship, (after a brief residence,) on all white persons of foreign birth, who shall have declared their intention to become citizens of the United States. It would be quite ridiculous to pretend that aliens of this class are entitled to the rights of citizenship in Massachusetts.

Now, why should Africans, born in the United States, be entitled to larger rights than Indians? They are not. Nothing but the perverse negrophilism of the day could have imagined that they are. And, but for the morbid state of the public mind on that subject, there could not have been either surprise or anger to find the Supreme Court, when the case came before them, deciding this point in obedience to well established constitutional doctrines, and in strict accordance with the uniform theory and unbroken practice of the administrative departments of the Government of the United States.

For the rest, there has been the most pertinacious misrepresentation and perversion of the effect of the decision of the Supreme Court, in so far as regards personal rights of the Africans. It is utterly

false to say that it deprives them of the power to defend their rights of person or property by suit at law. They may not sue in certain courts of the United States by virtue of citizenship. There are multitudes of citizens of the United States who cannot do it. Such of them as live in the Territories cannot, at least in the form here under consideration. For the exercise of the right in question is limited to such persons as are at the same time citizens of the United States and also of some State. And, as to Africans, the courts of the State or Territory, in which they reside, are open to them, just as they are to the citizens of the United States.

Such, at the present time, is, beyond all controversy, the law.

And now comes the practical question: Is it worth while to neglect the affairs of our State, in order to be unhappy about this point of law? To what end? We cannot change it without amending the Constitution. Can we expect that? Clearly not. To do that, we must have either a vote of two-thirds of each House of Congress, or a national convention called by the legislatures of two-thirds of the States, and its amendments adopted by three-fourths of the States. Can you? Plainly, not; for you not only have all the Southern States against you, but a majority of the Northern States.

During this very year, and in voluntary approbation, as it were, of the decision of the Supreme Court in Dred Scott's case, the Republican State of Iowa and the new State of Minnesota have deliberately disfranchised Africans. Before that, the Topeka Convention, representing the exclusive Republican party of Kansas,—and the party itself, by separate vote on the very question,—had disfranchised Africans and banished them from the proposed State.

So that here also is a perfectly useless, idle, impracticable agitation as to a point of law, touching which we have no more power than we have to change the laws of England. And we might as well make a party issue here of the enfranchisement of persons of this class in ancient Rome, as to do it in regard to the citizenship of Dred Scott.

I have said all, which it was my purpose to say, on this subject. Before passing to another subject, let me say, that, among the most painful exhibitions of perverted judgment and deplorable party passion, which it has ever been my lot to witness in our country, has been the frantic vituperation, applied, in some quarters, to the Supreme Court of the United States, and to its venerable, great and good Chief Justice. The Supreme Court itself is entitled to our profound respect, as well for the exalted character of its members, as for its own high place in the institutions of the United States. The Chief Justice is the very incarnation of judicial purity, integrity, science and wisdom. Happy the land which has such magistrates in its high seats of justice, and sustained, not by an array of armed men to execute their decrees, but by the veneration of their country for them, and the respect of their countrymen for the Constitution!

I had intended to speak of another question of law, which, as it now appears, is "somewhat involved" in the questions of the day, namely, that which rather unseasonably, and quite superfluously, it seems to me, troubles the good judgment of Mr. Chapman. With much respect for him, personally and professionally, it is my right to

say, and my duty, that, in my opinion, he errs, both in his premises and in the general conclusion, as well as many of the special conclusions, which he deduces from these premises. I have trespassed on your indulgence too long to venture to go into that technical argument now; but am prepared to do it on proper occasion, in the belief of being able to do it to the entire satisfaction of the people of Massachusetts.

I pray you, my friends, to rest perfectly assured, that neither in that question of law, nor in either of the others, which have so much moved the public mind, is there any concealed mystery, any gunpowder-plot, any infernal machine, any thing, indeed, which need impair your equanimity. All apprehensions on that score are but idle phantasms of the imagination. Least of all is there any thing in them, which tends to the extension of slavery, or the prejudice, any other ways, of either the interests or the convictions of the Northern, as distinguished from the Southern, States.

My friends, let us pause a moment at this point. We have at length reached that sensitive subject, as to which there is so much difference of sentiment among us, so much heated controversy, so much passionate emotion. We all, it may be, have definite and fixed opinions regarding it, which we do not expect to relinquish. I have, as you well know. I am not that changeful person, which some ill-wishers would have me be considered. Surrounding circumstances have changed with time more than I. Things have changed, men have changed, the points of view, from which we regard one another's acts, have changed. I said, in 1833, when a private citizen of the State, in an address to a public assembly in the city of Boston, as to the anti-slavery agitators of Massachusetts, that, in my judgment, "their influence is extremely and entirely pernicious in the slaveholding States," and that "their influence in the free States is only less prejudicial than at the South." The lapse of time has but served to confirm this conviction. I have expressed it in Congress. I repeated the same belief, not many years agone, here, in front of this Hall, on its dedication to the public uses of the city of Newburyport. I think so now, when, at the expiration of twenty-four years, almost the historic period of a generation of mankind, with new faces before me mingled among the old and familiar ones, the same questions return for consideration. Without purpose or thought of saying a word on the subject, calculated to alarm the sensibilities of any one, let me suggest two or three ideas, which are pertinent to the line of remark pursued this evening, and which appear to me to give it practical application to the condition of mind of the people of Massachusetts.

You, the men of this State, reprobate involuntary servitude, and are desirous that it shall cease to exist anywhere in the world, and especially in the United States. Be it so. Let us take up that sentiment, accept it as a fact, nay respect it as one, and reason it along to a conclusion.

You desire the abolition of servitude, especially in the Southern States. But can you reach it there? Have you any legal access to it for the end of its abolition by law? No, it is beyond your power;

you cannot legislate, in this respect, for Carolina or Mississippi any more than you can for Russia or Turkey. Will you, on account of it, dissolve the Union? No, you have not a thought of that. You are not members of what has been appropriately called the *Fool's Convention*, now sitting somewhere in Ohio for the purpose of arranging the dissolution of the Union. Will you break out hysterically into revolution, and undertake to invade the South in arms, and thus to set free its slave inhabitants? No, you have no such impracticable and absurd thought. Will you abandon yourselves to mere bad temper, ungovernable wrath, revilings and vituperation against all your fellow citizens at the South, and a majority of your immediate fellow citizens at the North? No, that would, you know, be a course fruitful of no good, but of much evil, and one not consonant with your sense of right and wrong, or your self-respect.

But we would at least, you say, separate ourselves from the unclean thing? Aye, but can you, or if you can, will you? You can act upon it in one way, not to any great result perhaps, but to some result, in the way our Fathers precluded the War of Independence. Are you disinterested enough to make thorough trial of that experiment? It is, to cease to buy from slave labor or to sell to it;—to cease to sustain it by nourishing it, and by nourishing yourselves with it;—to cease to build and sail ships for the transportation of its products; to cease to live by the manufacture of its products; to cease to wear its cotton, to eat its corn, its fruits, and its sugar, to smoke its tobacco, to drink its coffee or cacao. When you have self-denial enough to do that, then, and not until then, it seems to me, you will be entitled to claim superiority of conscientiousness over them, who do no more to keep slave labor in use than you do, and who, associated in life with it inseparably, uphold it of necessity, and not, like you, in the voluntary gratification of taste, caprice, convenience, or appetite.

And, if you were able to attain that high eminence of disinterestedness and self-denial, what signal effect would it produce? You have the progress of events in France and England to bear witness. It was in France that the negro-philist agitation had its beginning: its first result there was the devastation of the rich Colony of St. Domingo, and the reduction of that to its present state of tyrannic barbarism and comparative desolation. Then, England took up the policy of emancipation, to the first result, there, of the decay and decline of her Colonies in the West Indies, and the augmented prosperity, in the same degree, of the Spanish Colonies and of Brazil. Thereafter, slave labor did not cease to flourish, and to do so even with the aid of France and England, by reason of their commercial relations with the slaveholding countries of America.

The next series of acts, in the view of working out this great problem, was an elaborate attempt, on the part of England especially, to substitute, in commerce and use, the products of free labor in the place of those of slave labor. In the earnest effort to effect this result, the government of England seemed, for a while, transferred from the common sense statesmen of St. Stephen's to the visionary schemers of Exeter Hall. And, now, that well-meant undertaking

has failed,—so utterly, that what ... for more cotton, more sugar, more co... or in America can produce, France and England have betaken themselves to coolie labor, as it is called, the transportation of Asiatics to America, to labor in a more cruel servitude than ever was imposed on Africans. Nay, such is the revolution on this subject, that men seriously discuss, in Great Britain, the expediency of going backward a thousand years in the work of civilization, and converting the rebels and prisoners of war of the East Indies into slaves to labor in the West Indies.

Meanwhile, great cargoes of Asiatics are conveyed from the East to the West, to be employed in colonial labor, under circumstances of misery, for which the horrors of the old middle passage from Africa afford no parallel; and this by the two great commercial nations of modern times, according to whose law slave-trade is piracy, —Great Britain and the United States. Have we not all read of one of these great ships, with her ship-load of unhappy coolies, destroyed by themselves in mid-ocean, so they might thus escape by death from the sufferings of the voyage and the terrors of their future condition? Horrid! Horrid! Meseems, that the loud death-shriek of that mass of our fellow-men—as, in the agony of their despair, self-immolated, with fixed eyes and uplifted hands, they sink from our sight into the boiling waters of the deep sea—rings sharply in the ear still, like the long wail of an autumn wind through the trees of the forest, like the multitudinous cry of a beleagured city in the hour of assault and sack, like that of the sinful men of old as the rising surges of the deluge swept over them on their last mountain-top of refuge from the divine wrath. And, if the echo of that death-cry rises to heaven for vengeance on the cupidity of our age, does it not also give utterance to a low voice, at least, of remonstrance against the misdirected philanthropy of the age? Of all the zealous efforts of so many good men to proscribe slavery and the slave-trade, is it the consummation, that, as Las Casas undertook to relieve the aboriginal Americans by the transportation of Africans to America, so now the Africans in America shall be relieved by shifting the accumulated burden of slave labor from them to the Asiatics?

My friends, it is no easy task, you perceive, to reform the world, to abolish ignorance, poverty, vice and crime. Let him, who is confident of his virtue, look up some erring brother within reach, and try the individual experiment. He will find it an arduous one. How much more arduous, then, the task of changing the social condition and the habits of nations and of whole races of mankind!

What, then, you may say,—shall we sit down in hopeless apathy, without striving to do good? No, let us continue to strive to do good,—but with humble distrust of our own wisdom,—temperately, —charitably,—in the spirit of good-will towards all men, and ill-will to none,—with no presumptuous confidence in our own strength,— waiting hopefully but patiently on the good Providence of God.